

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
December 4, 2000**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on December 4, 2000, beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Wm. L. McDowell, Chairman, William F. Thorn, Member and Mike Shelton, Member, present. By unanimous motion, the Board approved and signed the minutes from the November 20 and 27, 2000 regular sessions, and November 30 special session.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.) # 87962 – 88208. \$ 365,731.43.**

HIRING REQUESTS & PERSONNEL ACTIONS

The Board approved, by unanimous motion, PAA #125/00, Probation Counselor, temp, (Position #1402.04) changing funding source and extending position to 1/15/01.

ISLAND COUNTY PLANNING COMMISSION REAPPOINTMENT

Lyn Moses was reappointed by unanimous motion of the Board to the Island County Planning Commission for a four year term to January 2, 2005.

RESOLUTION #C-125-00: PROCLAMATION- RECOGNIZING DECEMBER 2000 AS NATIONAL DRUNK & DRUGGED DRIVING PREVENTION MONTH

The Board adopted, by unanimous motion, Resolution #C-125-00, a proclamation recognizing December, 2000, as National Drunk & Drugged Driving Prevention Month. This was brought to the Board's attention by JoAnn Hellmann, who formerly headed the Island County MADD chapter until it closed this summer, now with Impaired Driving Impact. In the audience in support of adoption of the proclamation was Mylinda A. Pritzkau.

**BEFORE THE BOARD OF
ISLAND COUNTY COMMISSIONERS**
Proclamation

**IN THE MATTER OF PROCLAIMING }
DECEMBER 2000 AS NATIONAL }
DRUNK & DRUGGED DRIVING } RESOLUTION #C-125-00
PREVENTION MONTH }**

WHEREAS, statistics show that each year impaired driving leads to one death every 33 minutes and one injury every 2 minutes, and accounts for 1.5 million arrests; and

WHEREAS, designating a sober driver or finding a safe ride home reduces impaired driving accidents both by removing impaired drivers from the road as well as deterring others from attempting to drive, thereby lessening hazards to innocent people; and

WHEREAS, the recently formed non-profit group, Impaired Driving Impact Panel of Island County [IDIPIC], has determined its highest priority is to protect citizens from hazards by removing impaired drivers from the road;

NOW THEREFORE BE IT RESOLVED, the Board of Island County Commissioners supports the goal of the Impaired Driving Impact Panel of Island County [IDIPIC] in urging that everyone designate drivers and safe rides

activities in the battle against impaired driving;

BE IT FURTHER RESOLVED that the Board of Island County Commissioners join the Impaired Driving Impact Panel of Island County [IDIPIC] in proclaiming the month of December, 2000 as **National Drunk & Drugged Driving Prevention Month** throughout Island County, and urge all citizens, government agencies, police departments, public and private institutions, businesses, hospitals, emergency medical teams and schools to help in the battle against impaired driving.

APPROVED AND SIGNED this 4th day of December, 2000.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
Wm. L. McDowell, Chairman
William F. Thorn, Member
Mike Shelton, Member

ATTEST: Margaret Rosenkranz, Clerk of the Board
BICC 00-700

COMMISSIONER COMMITTEE DESIGNATIONS FOR YEAR 2001

The Board, having re-organized for the year 2001 with William F. Thorn elected as Chairman effective January 1st, the Board by unanimous motion, now approved the County Commissioners Committee designations/assignments for the year 2001.

BOARD APPOINTED

Board/Committee	Commissioner
Ebey's Landing Trust Board (County liaison)	Shelton
Economic Development Council	McDowell
Courthouse Security	Thorn
ICOM 911	McDowell (Alt. Thorn & Toft)
Law & Justice Council	Shelton
LEOFF I Disability Board	Shelton
North Sound Regional Support Network	Shelton (Thorn Alternate)
Northwest Air Pollution Authority	McDowell (Tim McD. Alternate)
Northwest Regional Council	McDowell & Thorn
Oak Harbor Senior Center Advisory Board	McDowell
Public Transportation Benefit Authority (PTBA)	McDowell & Thorn
Puget Sound Regional Council	Shelton (McDowell Alternate)
Regional Transportation Policy Organization (RTPO)	Shelton/McDowell/Thorn
Senior Services Advisory Board (County liaison)	Shelton (Thorn Alternate)
Solid Waste Advisory Board	McDowell
Technology Committee	Thorn
Wash. Counties Insurance Fund Board of Trustees	McDowell
Washington Counties Risk Pool	Shelton (Betty Kemp, Alternate)

APPOINTED BY RESOLUTION/MANDATE OR OTHER

Compensation Board, DES	Chairman
Election Canvassing Board	Chairman
Finance Committee	Chairman
Justice Court Districting Committee	Chairman
Law Library Board of Trustees	Chairman
Lodging Tax Advisory Committee	Chairman
Marine Resources Advisory Council	Chairman
Shoreline Hearings Board	Shelton
WSAC Board of Directors	Shelton
WSAC Legislative Steering Committee	Shelton/Thorn
Wastewater Advisory Committee (DoH)	Shelton
Workforce Development Council	Thorn

**HEARING SCHEDULED: RESOLUTION #123-00 - EMERGENCY
APPROPRIATION TO THE 2000 BUDGET**

By unanimous motion, the Board scheduled a public hearing on December 18 at 9:50 a.m. on Resolution #C-123-00 in the Matter of an Emergency Appropriation to the in the following 2000 Fund Budgets: Current Expense Fund, Election Reserve Fund, Drug Seizure Fund, Public Works Fund, Public Health Pooling Fund, Courthouse Expansion Fund, Construction & Acquisition Fund, Capital Improvement (REET 1), Fund, Capital Facilities (REET 2) Fund, Motor Pool Fund.

**HEARING SCHEDULED: RESOLUTION #124-00 - SUPPLEMENTAL APPROPRIATION TO THE 2000
BUDGET**

By unanimous motion, the Board scheduled a public hearing on December 18 at 9:50 a.m. on Resolution #C-124-00 in the Matter of a Supplemental Appropriation to the in the following 2000 Fund Budgets: Current Expense Fund, Alcohol & Substance Abuse Fund, Public Health Pooling Fund.

**CONTRACT #HD-22-00, INTERAGENCY AGREEMENT, ISLAND COUNTY & STANWOOD CAMANO
COMMUNITY RESOURCE /CENTER, HIV/STD PREVENTION ACTIVITIES**

With approval on November 20, 2000 by the Island County Board of Health, the Board of County Commissioners by unanimous motion, approved Contract #HD-22-00, Interagency Agreement, Island County & Stanwood Camano Community Resource Center, HIV/STD prevention activities, in the amount of \$2,000.00.

HEARINGS HELD:

Resolution #C-109-00 – Fixing and Adopting the final budgets for Island County Current Expense Fund, Special Revenue Funds and Diking District #4 Fund for Fiscal Year 2001

Ordinance #C-110-00 – Increasing the taxing district’s prior year’s levy amount for collection in Fiscal Year 2001 for the County Current Expense Levy

Ordinance #C-111-00 - Increasing the taxing district’s prior year’s levy amount for collection in fiscal year 2001 for the County Road Levy

The Public Hearing, as scheduled and advertised, was opened by the Chairman at 9:50 a.m. on the budget Resolution and Ordinances. Budget Director, Margaret Rosenkranz, confirmed that the Resolution and Ordinances comply with I-722.

Resolution #C-109-00

Ms. Rosenkranz circulated two pie charts showing the difference between the revenues and expenditures for Current Expense. The largest portion on revenues are financial services; the largest portion on expenditures are judicial. Both pie charts are part of the County's budget document. Ms. Rosenkranz confirmed that the budget document included for Superior Court the Court Facilitator [lines 155, 156, 157] in the amount of \$8,550.00. She then pointed out a correction that needed to be made, and reviewed with the Board determinations yet to be decided.

By unanimous motion, the Board approved the following with regard to Resolution #C-109-00:

- Administrative Overhead for Public Health Pooling: \$14,826.00
- Additional Road Fund positions:
 - Ecologist position [instead of Tech III] (pay grade yet to be set) Civil Engineer I
- ER&R request for Seasonal 3-month Accounting Tech Position
- New position, Page Grade C-4, .5 fte 4-months for GSA, parks seasonal help \$10,080.00

No members of the public, staff or Elected Officials commented for or against Resolution #C-109-00.

By unanimous motion, the Board adopted Resolution #C-109-00 with the changes just approved, along with correction of the cover page, fourth paragraph, Resolution C-109-00, the correct date should be December 4, 2000 not 1999.

IN THE MATTER OF FIXING AND ADOPTING)
THE FINAL BUDGETS FOR ISLAND COUNTY) RESOLUTION C-109-00
CURRENT EXPENSE FUND, SPECIAL)
REVENUE)
FUNDS, AND DIKING DISTRICT #4 FUND FOR)
FISCAL YEAR 2001)

WHEREAS, Chapter 36.40 RCW provides for the development, presentation, consideration and fixing of the final budgets for each County fund by the Board of County Commissioners, and

WHEREAS, several public meeting Island County budget workshops have been held with each county department and regarding each county fund, special revenue fund, and Diking District #4 to consider estimated 2001 revenues and expenditures, all open to citizen input and comment, and

WHEREAS, all input, suggestions, requests, and other considerations have been weighed by the Board of County Commissioners resulting in the following 2001 Preliminary Exhibits. Exhibit A, budget summaries; Exhibit B, Overhead Allocation schedule; Exhibit C, Position Listing, and Exhibit D, detailed revenue and expenditure budgets are hereby placed on file in the office of the Island County Budget Director where they are available for public inspection at the office during normal office hours; NOW THEREFORE

BE IT RESOLVED, that the Board of County Commissioners has reviewed these preliminary budgets in public meetings, and sets a public hearing for fixing and adopting the 2001 Island County Current Expense Fund, Special Revenue Funds and Diking District #4 Fund Budgets on December 4, 2000 at 9:50 a.m.

Adopted this 13th day of November, 2000.

Board of County Commissioners
Island County Washington
 [absent Wm. L. McDowell, Chairman]
 William F. Thorn, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board
BICC 00-660

Mike Shelton, Member

IN THE MATTER OF adopting and fixing the 2001 Budgets for all Island County Funds, all as shown on attached exhibits including Revenue and Expenditure summaries of the Current Expense Fund, Special Revenue Funds, and the Diking District #4 Fund, the 2001 Overhead Allocation schedule, the 2001 Position Listing schedule and detailed budgets for all departments and funds.

ADOPTED this 4th day of December, 2000 with amendments.

**Board of County Commissioners
Island County Washington**

Wm. L. McDowell, Chairman
William F. Thorn, Member

Mike Shelton, Member

Attest:

Margaret Rosenkranz, Clerk of the Board
(note: Exhibits placed on file with the Clerk of the Board)

Ordinance #C-110-00

Ms. Rosenkranz discussed Ordinance #C-110-00, setting the Current Expense levy for taxes. She pointed out a correction that needs to be made on the cover page of the ordinance, 5th paragraph, the correct figure should be \$101,994.00 instead of \$33,555.00.

No comments were made by members of the public either for or against Ordinance #C-110-00.

Commissioner Shelton observed that both Ordinances #C-110-00 and #C-111-00 complied with I-722 and reflect a 2% increase in the amount of property taxes. Commissioner Thorn understood that the Judge ruled for the Appellants but not all counties were Appellants. Commissioner Shelton was aware there were a number of junior taxing districts who came forward with normal levy and wondered if there was is some requirement on the part of those junior taxing districts to join the lawsuit so that provisions of the stay be applicable.

David L. Jamieson, Jr., Chief Civil Prosecuting Attorney, explained that if junior taxing districts want to raise their levy more than the I-722 limit they would need to get under the umbrella of those Thurston County cases filed. It is unusual to apply to become part of another lawsuit, but it is not necessary for Island County to do that since Island County is not trying to increase the levy more than I-722 limit.

By unanimous motion, the Board adopted Ordinance #C-110-00, with the correction on the cover page in the 5th paragraph, the figure \$33,555.00 corrected to \$101,994.00.

**IN THE MATTER OF INCREASING THE TAXING)
DISTRICT'S PRIOR YEAR'S LEVY AMOUNT) ORDINANCE NO. C-110-00
FOR COLLECTION IN FISCAL YEAR 2001)
FOR THE COUNTY CURRENT EXPENSE LEVY)**

WHEREAS, the Board of Island County Commissioners has properly given notice of the public hearing to be held on December 4, 2000 to consider the Island County budgets for the 2001 calendar year, pursuant to RCW 36.40.071 and RCW 84.55.120; and

WHEREAS, the Board of County Commissioners, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that the County Current Expense Taxing District requires an increase in property tax revenue, in addition to the increase resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, in order to discharge the expected expenses and obligations of the County

Current Expense Taxing District and in Island County citizen's best interest; and

WHEREAS, the voters of the State of Washington having passed Initiative 722 at the November 7, 2000 general election that repealed non-voter approved tax increases adopted between July and December 31, 1999, and that initiative limits the increase in regular levies to 2% upon a finding of substantial need; and

WHEREAS, the Board of County Commissioners finds that there is a substantial need to increase the County Current Expense Taxing District regular property tax limit factor above the 1999 levy by 2%; NOW, THEREFORE,

BE IT ORDAINED, by the Board of County Commissioners that, in addition to any amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property of the County Current Expense Taxing District, an increase in the regular property tax levy is hereby authorized for the 2000 levy, which increased amount over the 1999 levy is \$101,994 a percentage increase of 2% from the 1998 levy for taxes collected in the 1999 year.

REVIEWED this 13th day of November, 2000, and set for public hearing on the 4th day of December, 2000 at 9:50 a.m.

**Board of County Commissioners
Island County, Washington**
[absent – Wm. L. McDowell, Chairman]
William F. Thorn, Member
Mike Shelton, Member

Attest: Margaret Rosenkranz,
Clerk of the Board BICC 00-661

Ordinance C-110-00 is adopted this 4th day of December, 2000 following public hearing.

**Board of County Commissioners
Island County, Washington**
Wm. L. McDowell, Chairman
William F. Thorn, Member
Mike Shelton, Member

Attest: Margaret Rosenkranz, Clerk of the Board

Ordinance #C-111-00

Ms. Rosenkranz discussed Ordinance #C-111-00 setting the County road levy for taxes. With this Ordinance, she noted a correction that needed to be made to the cover page of the Ordinance 5th paragraph, the correct figure should be \$105,974.00 instead of \$236,537.00.

No comments were made by members of the public either for or against Ordinance #C-111-00.

By unanimous motion, the Board approved Ordinance #C-111-00, with correction to the cover page of the Ordinance 5th paragraph, the correct figure should be \$105,974.00 instead of \$236,537.00.

**IN THE MATTER OF INCREASING THE TAXING)
DISTRICT'S PRIOR YEAR'S LEVY AMOUNT) **ORDINANCE NO. C-111-00**
FOR COLLECTION IN FISCAL YEAR 2001 FOR)
THE COUNTY ROAD LEVY)**

WHEREAS, the Board of Island County Commissioners has properly given notice of the public hearing to be held on December 4, 2000 to consider the Island County budgets for the 2001 calendar year, pursuant to RCW 36.40.071 and RCW 84.55.120; and

WHEREAS, the Board of County Commissioners, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that the County Roads Taxing District requires an increase in property tax revenue, in addition to the increase resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, in order to discharge the expected expenses and obligations of the County Roads Taxing District and in Island County citizen's best interest; and

WHEREAS, the voters of the State of Washington having passed Initiative 722 at the November 7, 2000 general election that repealed non-voter approved tax increases adopted between July and December 31, 1999, and that initiative limits the increase in regular levies to 2% upon a finding of substantial need; and

WHEREAS, the Board of County Commissioners finds that there is a substantial need to increase the County Road Taxing District regular property tax limit factor above the 1999 levy by 2%; NOW, THEREFORE,

BE IT ORDAINED, by the Board of County Commissioners that, in addition to any amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property of the County Roads Taxing District, an increase in the regular property tax levy is hereby authorized for the 2000 levy, which increased amount over the 1999 levy is \$105,974, a percentage increase of 2% from the 1998 levy for taxes collected in the 1999 year.

REVIEWED this 13th day of November, 2000, and set for public hearing on the 4th day of December, 2000 at 9:50 a.m.

Board of County Commissioners
Island County, Washington
[Absent – Wm. L. McDowell, Chairman]
William F. Thorn, Member
Mike Shelton, Member

Attest: Margaret Rosenkranz, Clerk of the Board
BICC 00-662

Ordinance C-111-00 is adopted this 4th day of December, 2000 following public hearing.

Board of County Commissioners
Island County, Washington
Wm. L. McDowell, Chairman
William F. Thorn, Member
Mike Shelton, Member

Attest: Margaret Rosenkranz, Clerk of the Board

PUBLIC COMMENTS/INPUT

Michael Kermbach, 631 N. Sunrise Boulevard, Camano Island, was present along with his wife Lisa, and a neighbor, with regard to an issue with Darryl Jones development of 53 acres, currently being logged to install retention ponds for drainage in that particular area. The issue is that the water will go downhill and in the last several years, it has been very wet through other development situations from the up side of East Camano Drive area. There is an echo system that will be harshly affected. Mr. Jones came in with a dozer without permits and has already damaged a chunk of a 2-1/2 acre piece owned by Mr. Kermbach. Concern is that if Mr. Jones continues in a reckless manner, the County should look into it before it is too late; once trees are cut the trees are gone. The natural echo system with wetlands, very large cedars and maples create a canopy for wildlife habit. Another issue is wind damage and buffers.

Mr. Kermbach asked that the Board: take another look at the situation, particularly the upper area between East Camano and south retention pond; readdress the drainage engineering question; look at the narrow part of the 53 acres that goes approximately from the cemetery down East Camano Drive to where it tapers off to a point; and should the development go through, the speed limit lowered to 25 mph from Terry's Corner to the top flats of the south drainage pond area Darryl Jones is putting in.

COUNTY ROAD PROJECT INITIATED: CRP 00-08 - BURLEY ROAD DRAINAGE

The Board, by unanimous motion, approved Resolution #C-126-00/R-53-00 initiating CRP 00-08, Burley Road Drainage, Work Order #278, Sec. 4, Twp 28N, R 3E. for a total appropriation of \$19,090, the project made a part of the officially adopted Annual Road Program Item No. D-12.

**CLOSING AGREEMENT & ESCROW INSTRUCTIONS AND NOTICE OF COMPLIANCE WITH A.P.R. 12
- ISLAND COUNTY AND BROWN &
COLE; TERRY'S CORNER FOR FUTURE PARK AND RIDE**

Closing Agreement & Escrow Instructions and Notice of Compliance with A.P.R. 12, between Island County and Brown & Cole for Terry's Corner for future park and ride, located in Section 20, Township 32N, Range 3E, was approved by unanimous motion of the Board, as presented and explained by Public Works Director Larry Kwarsick. This involves the County's role acting for the State of Washington in the acquisition of the park and ride parcel at Terry's Corner.

**CLOSING AGREEMENT & ESCROW INSTRUCTIONS AND NOTICE OF COMPLIANCE WITH A.P.R. 12
- ISLAND COUNTY AND CECIL
STUURMANS; COUPEVILLE MENTAL HEALTH CENTER**

By unanimous motion, the Board approved Closing Agreement & Escrow Instructions and Notice of Compliance with A.P.R. 12 dealing with the acquisition of approximately a one acre parcel in Coupeville from Cecil Stuurmans for the Coupeville Mental Health Center as explained and presented for approval by Mr. Kwarsick.

**RESOLUTION #C-127-00/R-54-00 - AMENDING ISLAND COUNTY RESOLUTION #C-73-95 ADOPTING
CAMANO ANNEX FACILITIES EXPANSION MASTER PLAN TO INCLUDE PROGRAM REVISIONS,
ARCHITECTURAL ELEVATIONS AND
COLOR SCHEME**

Proposed Resolution was presented by Mr. Kwarsick, previously discussed with the Board during a recent staff session, an amendment to the previously-approved resolution adopting the Camano Annex Facilities Expansion Master Plan. By unanimous motion, the Board adopted Resolution #C-127-00/R-54-00 - In the Matter of Amending Island County Resolution C-73-95 Adopting the Camano Annex Facilities Expansion Master Plan to include Program Revisions, Architectural Elevations and Color Scheme.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF AMENDING ISLAND)
COUNTY RESOLUTION C-73-95 ADOPTING)
THE CAMANO ANNEX FACILITIES EXPANSION) **RESOLUTION C-127-00**
MASTER PLAN TO INCLUDE PROGRAM) R-54-00
REVISIONS, ARCHITECTURAL ELEVATIONS)
AND COLOR SCHEME)

WHEREAS, the Camano Annex Facilities Expansion Master Plan prepared by Designs Northwest, Architects, dated August 23, 1995, was approved by the Board of Island County Commissioners, on October 16, 1995, subject to amendment to wording in scope of the project; and

WHEREAS, the Board of Commissioners intends that the Camano Annex Facility Expansion Master Plan be the planning document used in guiding future expansion and improvement to the complex; and

WHEREAS, changes have been made in the program originally set forth. This Revised Camano Annex Facility Expansion Master Plan describes the changes that are anticipated at this time; and

WHEREAS, the adopted Plan did not include architectural renderings and elevations for proposed buildings and a recommended color scheme necessary to provide a unified and coordinated look to the County Facilities constructed during the implementation of Camano Annex Facility Expansion Master Plan; and

WHEREAS, a narrative description, revised site plan and conceptual architectural renderings and elevations for proposed buildings and a recommended color scheme for said buildings have been developed;

NOW THEREFORE,

IT IS HEREBY RESOLVED by the Board of Island County Commissioners that the Camano Annex Facilities Expansion Master Plan prepared by Designs Northwest, Architects, dated August 23, 1995, is revised to reflect current program needs and to include conceptual architectural elevations and a recommended color scheme as indicated on "Exhibit A", subject to modifications as fits facility needs and budget.

APPROVED this 4th day of December, 2000.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
Wm. L. McDowell, Chairman
Mike Shelton, Member
William F. Thorn, Member

ATTEST: Margaret Rosenkranz, Clerk of the Board
BICC 00-704

**BID AWARD FOR LIGHTING INSTALLATION MODIFICATION
FOR FAMILY RESOURCE CENTERS**

With unanimous motion, the Board awarded bid for lighting installation modification for the South Whidbey Family Resource Center, Camano Healthcare Center, Freeland Park and Boat launch, to Seven Sisters, Inc., the low bidder, in the amount of \$37,977.56.

**BID AWARD - CALLEN CONSTRUCTION CO., INC; DOESKIN COURT
LANDSLIDE RESTORATION; CRP 00-01**

On unanimous motion, the Board awarded bid to Callen Construction Co., Inc., low bidder, for Doeskin Court Landslide Restoration project, under CRP 00-01, Work Order No. 295, in the amount of \$165,226.00. The alternative Small Works Roster was used to solicit bids and received 6 responses (one late). The Engineer's estimate on the project was \$190,511.00.

**PUBLIC MEETING: REVIEW PLANNING COMMISSION'S RECOMMENDATIONS TO ADOPT
AMENDMENTS TO THE CAPITAL PLAN, TRANSPORTATION PLAN AND CONCURRENCY
ORDINANCE TO INCLUDE HIGHWAYS OF STATEWIDE SIGNIFICANCE.**

A Public Meeting was held for the purpose of reviewing and considering the recommendations of the Island County Planning Commission and staff regarding amendments to the Island County Transportation Element and Island County Capital Facilities Element of the Island County Comprehensive Plan, and companion regulatory amendments in Island County Code 11.04, the Island County Concurrency Ordinance to include Highways of Statewide Significance. In addition to the Public Works Director, staff Mike Morton, Lew Legat, County Engineer, were present to answer any questions, as well as the County's consultant, Bob Munchinski, with H. W. Loffner. Mr. Kwarsick provided the following opening remarks and summary:

Although not a requirement of the Planning Enabling Act process for regulatory and planning amendments, a Public Hearing has been scheduled on this matter on December 18, 2000 at 10:15 a.m. in order to achieve public opportunities outlined in the Growth Management Act. Three regional open house workshops with the public have been held; a public hearing before the Planning Commission; and Mr. Kwarsick made presentations to EDC and

Freeland Chamber of Commerce.

SHB 1487 requires Island County and other jurisdictions to amend transportation plans to incorporate state facilities. Island County in the original Transportation Plan and the Plan amended in December of 1998 had previously included state facilities. The follow on effort was to amend the Transportation Plan and concurrency ordinance to include the requirement for concurrency for highways of state wide significance.

Planning actions undertaken by Island County would have been easier if the State would have maintained its use of the Highway Capacity Manual approach in terms of LOS standards; however, the State adopted the new Travel Delay Methodology. The Board of County Commissioners and Skagit Island County RTPO made recommendations to the State DOT and Transportation Commission relative to the appropriate standard to set. The Transportation Commission adopted on November 15, 2000 Resolution No. 611 adopting Travel Delay Methodology LOS standards of ACR 10 for those state highways in rural areas and ACR 12 for those state highways in urban areas of Island County, including the SR 20 corridor between Ault Field Road and the Deception Pass Bridge, and a two boat wait LOS standard for the Mukilteo/Clinton Ferry run.

Both SR 20 and 525 in Island County are highways of state wide significance; on Whidbey Island those have been divided into four highway corridor segments: three in unincorporated Island County and the other within the City of Oak Harbor. Staff through County's consultant analyzed forecasts how state highways and ferry systems fulfill these standards through the next 6 years and through the year 2020 [maps posted on the wall for information].

No one in the audience indicated a desire to comment during the public meeting on the subject at hand.

In response to a question from Chairman McDowell, Mr. Kwarsick acknowledged two difficult issues with regard to the work effort: travel delay methodology and trying to work with the state to pick a LOS standard that more closely mimicked past experience with highway capacity manual; the other was the regulatory nexus between a development activity and the LOS standard for the ferry. He could see some opportunity for some very large development to have positive impacts on the ferry system operation yet by failure of the ferry system, when and if that occurs, those types of development activities could not have an opportunity to proceed. He referred to page 3 of the amendment proposal [part of Amendment No. 5] discusses denial of development and the fact that this section gives an applicant an opportunity through a traffic study to substantiate their proposal would not add an additional demand that further impacts a failed level of service.

Commissioner Thorn mentioned for the record the e-mail received this morning from David Osterberg and John Edison, Camano Island residents and Members of the Island County Planning Commission regarding the 2000-2020 Transportation Plan [GMA doc. #_____] specifically Ordinance #C-115-00 [R-50-00]. He made the following points from that e-mail:

traffic over Davis Slough Bridge on SR 532 on Camano Island is substantially heavier than traffic on Deception Pass Bridge, and growing at a faster rate.

Seems somewhat unfair to designate the only arterial in the County for an LOS of F, the section of East Camano Road that connects to SR 532

Camano residents want to see is a demand management strategy implemented on as wide a basis as possible.

Need to introduce a travel demand reduction program in some way

Look at marine transportation and some connections on and off Camano

Mr. Kwarsick clarified that the recommendation from the Planning Commission was not unanimous and the two members from Camano Island supported the work effort but were not completely satisfied with the work effort and their concerns are reflected in the Findings of Fact signed by the Chairman of the Planning Commission. The focus of the work activity was to bring into being planning for highways of state wide significance, and SR 532 is not a

highway of state wide significance. The work effort with the DOT relative to Terry's corner Park & Ride lot are significant. The Board of Commissioners authorized participation in a corridor study to look at improvements throughout the corridor between Camano Island and I-5.

Mr. Legat referred to the map posted for 2020 LOS, showing that in the year 2020 that 532 and northerly portion of East Camano Drive will drop to LOS F. For the year 2006 as noted on the other map, East Camano Drive and Terry's Corner, down to Shumway is LOS-E, which is the current standard.

One of the demand reduction strategies Commissioner Thorn saw needed is having additional business on Camano Island in the designated areas for business that precludes some of the trips daily in to Stanwood and other local areas. Something he wants to address EDC and other channels is attracting business that will provide some living wage jobs on Camano.

Responding to a question from Commissioner Thorn about the consequence for Camano Island when SR 532 fails, Mr. Kwarsick indicated that on a regulatory basis there is the potential that adequacy provisions in both state law for plats and subdivisions would get triggered and with that there is potential that one could not render a positive finding that adequate facilities existed and the County could not approve those regulated divisions of land.

Mr. Kwarsick clarified that "failure" is used relative to the new travel delay methodology.

Mr. Munchinski stated that the analysis looked at the capacity of the roadway sections, and took into account some of the intersection improvements to determine the capacity of the overall roadway segment. There may be an area that meets capacity of the roadway but still has an intersection problem and those intersections have been identified. Within the six year period included are things that are planned for right now on the Washington State TIP. In 2020 there are a number of things identified in the plan as potential cures but since are beyond the planning horizon were not included and therefore see failure. For North Whidbey aggressive travel delay management can be done, but eventually will fail and something will need to be done like four lanes. And there are two ways to look at that: fix the whole corridor or fix the corridor enough to get the ACR value down below 12. Looking at Camano Island, the corridor segment goes from East Camano Drive the whole way out to the west side of Stanwood and includes the bridge.

With regard to the Clinton/Mukilteo ferry, Mr. Kwarsick noted that LOS of 2, probably at the maximum that is good until 2005 or sooner.

Commissioner Thorn acknowledged Camano Island fortunate in that has two main arterials, East Camano Drive and West Camano Drive; while West Camano Drive is a little longer trip off the Island, it may prove shorter in the long run time wise.

Mike Morton agreed with most of what the two Camano Planning Commissioners say in their e-mail. A lot of the things recommended other agencies are already working on, such as the Island Transit, RTPO, etc. The No. #1 priority of the RTPO is increasing van pools during 2001 STP regional.

HEARING HELD: ORDINANCE #C-94-00 (PLG-018-00) AMENDING CHAPTERS 17.03.260 AND 17.02 ICC REGARDING PENALTIES AND ENFORCEMENT

A Public Hearing was held on Ordinance #C-94-00 (PLG-018-00) Amending Chapters 17.03.260 and 17.02 ICC regarding Penalties and Enforcement, having been continued from the meeting of November 27, 2000. No members of the public were present at the time of hearing, which began at 10:45 a.m.

On November 27, the Board Amended Exhibit A, Page A.4, #2, second sentence, after the words "posting or service" adding the words: "and the Planning Director determines satisfactory progress is being made toward compliance".

The hearing was continued in order to provide Commissioner Shelton an opportunity to discuss certain points of the proposed ordinance with the County's Chief Deputy Prosecutor, and the Commissioner was able to do so, and also

worked with the Planning Director during the interim. He reviewed three specific issues:

1. Language “imminent and irreparable hazard”: The Deputy Prosecutor indicated that needed to be removed from the Code because it has no meaning in law.
2. In working with the Planning Department come up with some new verbiage for section 17.03.260.D.1, and proposed:

If a violation can be remedied or abated through a permit process and the landowner agrees to submit all necessary applications, a period of up to forty-five (45) days shall be allowed for the landowner to make application for all necessary permits before an Enforcement Order may be issued.

3. Liens on other pieces of property. The situation as it regularly occurs is that if there is a violation and the County believes as a result of that violation a lien needs to be filed against the property, the lien is filed and becomes nothing more than a piece of paper until such time of foreclosure on the lien. If the County forecloses on the lien on the piece of property that has the violation and believe that lien does not cover the cost of the remedy for the violation, the County has the ability through Superior Court to get a judgment that would allow attaching other parcels of property that individual would have. From his discussion with the Deputy Prosecutor, the lien on other pieces of property depends upon the County going to Superior Court based upon current lien and not only foreclosing on that lien but also having the court award a judgment. The legal remedy is already within the law.

In talking with the Deputy Prosecutor, Commissioner Shelton found that there are lots of checks and balances already existing in criminal law that would curtail someone from being overzealous.

Chairman McDowell suggested that at some other time staff needed to look at all chapters referenced and come back and see if all those sections should be classes as criminal violations.

Commissioner Thorn, on section C page A2 moved that following the words “constitute notice” to add for clarification “and will be considered proof of knowledge and/or willfulness”. Motion died for lack of a second.

Commissioner Shelton moved that the Board amend proposed Exhibit A to Ordinance C-94-00, Page A.2, item 17.03.260.D.1, replacing the second sentence with the following language:

If a violation can be remedied or abated through a permit process and the landowner agrees to submit all necessary applications, a period of up to forty-five (45) days shall be allowed for the landowner to make application for all necessary permits before an Enforcement Order may be issued.

Motion, seconded by Commissioner Thorn, carried unanimously.

Commissioner Shelton moved adoption of Ordinance #C-94-00 PLG-018-00, with the changes made on November 27 and today:

Exhibit A Page A.2, item 17.03.260.D.1, replacing the second sentence with the following language:

If a violation can be remedied or abated through a permit process and the landowner agrees to submit all necessary applications, a period of up to forty-five (45) days shall be allowed for the landowner to make application for all necessary permits before an Enforcement Order may be issued.

Exhibit A, Page A.4, #2, second sentence, after the words “posting or service” adding the words: “and the Planning Director determines satisfactory progress is being made toward compliance”.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING CHAPTERS)	
17.03.260 AND 17.02 ICC REGARDING)	ORDINANCE C- 94-00
PENALTIES AND ENFORCEMENT)	PLG-018-00
)	

WHEREAS, on September 28 and 29, 1998, the Board adopted the County's GMA Comprehensive Plan and Development Regulations; and

WHEREAS, the Citizens for Sensible Development submitted application DRA 707/00 on January 21, 2000 proposing to amend the penalties and enforcement provisions contained in Chapter 17.03 ICC; and

WHEREAS, the 2000 Annual Review Docket, including DRA 707/00, was presented to the Island County Planning Commission on May 9, 2000; and

WHEREAS, the Planning Commission held Public Hearings on June 7, 2000 on Camano Island and on June 20, 2000 at Coupeville to discuss the application concerning penalties and enforcement; and

WHEREAS, the Planning Commission reviewed the Findings and Recommendations in a Public Meeting on July 11, 2000 and recommended approval of the revised language to Chapter 17.03 Penalties and Enforcement and ICC 17.02.110 as shown in Exhibit A; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA Official has determined that the proposed changes to Chapter 17.03 ICC and ICC 17.02.110 relating to Penalties and Enforcement are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; and

WHEREAS, the Board of Island County Commissioners considered the Planning Commission recommendations in a Public Meeting; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts Ordinance C-94-00 (PLG-018-00) Penalties and Enforcement amending Chapter 17.03 ICC and ICC 17.02.110 attached hereto as Exhibit A. Material stricken through is deleted and material underlined is added.

Reviewed this 25th day of September, 2000 and set for public hearing at 2:45 p.m. on the 27th day of November, 2000.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
Wm. L. McDowell, Chairman
William F. Thorn, Member
Mike Shelton, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 00-575

APPROVED AND ADOPTED this 4th day of December, 2000.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
Wm. L. McDowell, Chairman
William F. Thorn, Member
Mike Shelton, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board

APPROVED AS TO FORM:
Linda B. Kipling for
David L. Jamieson, Jr.
Deputy Prosecuting Attorney
& Island County Code Reviser

Ordinance C-94-00 GMA Doc. # _____

[exhibits are on file with the Clerk of the Board]

PUBLIC HEARINGS SCHEDULED ON OPEN SPACE APPLICATIONS

By unanimous motion, the Board scheduled a public hearing for December 18, 2000 at 10:45 a.m., to hear the following open space applications:

OPS 791/00 – Erickson Ranch LTD Partner ship, 24.01 acres on Parcels R32809-083-2090 and R32809-086-2410, change from Designated Forest to Timber Land.

OPS 792/00 – Michael Williams, 29.55 acres on Parcel R13208-298-1980 and R13208-347-1980 to be approved for Timber Land.

OPS 793/00 – Frye Timber Co., 24.06 acres on Parcel S8085-00-00015-0 located in Section 19, Township 30N, Range 3 E. to be approved for Timber Land.

There being no further business to come before the Board at this time, the meeting adjourned at 12:10 p.m. The next Regular Meeting will be held on December 11, 2000 beginning at 9:30 a.m.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**

Wm. L. McDowell, Chairman

William F. Thorn, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board