

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
REGULAR SESSION - NOVEMBER 5, 2001**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on November 5, 2001 beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with William F. Thorn, Chairman; Mike Shelton, Member; and Wm. L. McDowell, Member, present. By unanimous motion, the Board approved and signed the following minutes: October 15, October 22, and October 23, 2001.

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) # 110065 - 110468 .....\$466,349.38.

**HIRING REQUESTS & PERSONNEL ACTIONS**

As presented by Dick Toft, Human Resource Director, the Board by unanimous motion, approved the following personnel action authorization:

<b>Dept.</b>	<b>PAA #</b>	<b>Description</b>	<b>Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Public Works	113/01	S.W. Att 1 .4fte	#2249.06	Replacement	11/5/01

**RE-APPOINTMENT TO WORKFORCE DEVELOPMENT COUNCIL**

The Board on unanimous motion reappointed Cynthia Shelton, Langley, to the Workforce Development Council for a term running until July 27, 2003, representing "education". It was confirmed for the record that Ms. Shelton is not a relative of Commissioner Mike Shelton.

**RESOLUTION #C-134-01 - AUTHORIZING AND INCREASING CERTAIN PETTY CASH, CHANGE, AND REVOLVING FUNDS WITHIN ISLAND COUNTY**

Resolution #C-134-01 in the matter of authorizing and increasing certain petty cash, change, and revolving funds within Island County was adopted by unanimous motion of the Board, as sub-mitted by the Island County Auditor.

IN THE MATTER OF AUTHORIZING AND  
INCREASING CERTAIN PETTY CASH, CHANGE,  
AND REVOLVING FUNDS WITHIN ISLAND COUNTY

RESOLUTION C-134-01

WHEREAS, the Island County Board of County Commissioners has, by resolutions duly adopted, established petty cash funds, change funds, and revolving funds for Funds and Departments under its jurisdiction over a period of many years, and

WHEREAS, the adoption of C- 114 - 01 by the Board of Commissioners on Aug 27, 2001 established Policies and Procedures with respect to Petty Cash Funds, and

WHEREAS, the Island County Auditor's Office has reviewed the Change Fund as shown on Exhibit A and recommends each fund be authorized as shown, NOW THEREFORE

BE IT HEREBY RESOLVED, that the fund shown on Exhibit A be authorized as shown.

ADOPTED this 5 day of November, 2001.

**Board of County Commissioners  
Island County Washington**

William F. Thorn, Chairman

Mike Shelton, Member  
Wm. L. McDowell, Member

**ATTEST:**

Elaine Marlow  
Clerk of the Board

BICC 01-723

*[Exhibit A on file with the Clerk of the Board]*

**HEARING SCHEDULED: ORDINANCE #C-135-01 - AMENDMENT OF ORDINANCE #C-117-01,  
BURNING PERMIT AND ENFORCEMENT PROGRAM**

After the meeting of October 22<sup>nd</sup>, the Board was advised by the Chief Deputy Prosecuting Attorney that Ordinance #C-117-01 adopted that date changing section 14.03D.050(C) by adding the words "up to" in front of "a two-hundred-fifty dollar (\$250) penalty" when describing the penalty for a Class 1 civil infraction, was inconsistent with state law. RCW 7.80.120(1)(a) sets the maximum amount and default amount of a class 1 infraction at \$250. The way the Ordinance #C-117-01 was modified and adopted would leave it up to the citing officer to choose a number between \$0 and \$250 to put on the Notice of Infraction for a Class 1 infraction, which amount could be different for various people committing the same infraction, and giving that discretionary authority to a citing officer is not lawful.

At this time, the Board considered a proposed ordinance drafted to correct the civil penalty amount of section 14.03D.050( C ) to be \$250 rather than "up to \$250" to cure the problem of the County Ordinance being inconsistent with provisions of State law.

Commissioner McDowell read the referenced RCW about the maximum \$250 and a default amount. He remained uncomfortable with a default \$250 penalty amount, and was not interested in giving out mandatory \$250 fines but was interested to come up with something to clearly specify what the fire warden can do.

Chairman Thorn believed that the \$250 should remain as a hammer, with the warden's option to deal with it case by case, and he did support that. The issue for him was the potential for fraud, i.e. where a warden could be persuaded to make an inappropriate judgment on a particular case. He was willing to take up as a separate issue at a subsequent staff session the consideration of some sort of grace period or to give the warden some option for a first offense.

Betty Kemp, Director, GSA, supported and believed in education first, and pointed out that where there is a violation, the warden does not automatically issue a \$250 fine. Once a violator fails to come into compliance the warden would have the ability to issue a citation which has to be \$250, analogous to the animal control officer. The individual can then contest the ticket before the Judge at District court.

Commissioner Shelton acknowledged that the Board was advised that the ordinance enacted is incorrect and needs to be corrected; also that the fire marshal/warden does not have the ability to set different fines. He agreed with the comments of Ms. Kemp and made the analogy to a traffic ticket – when stopped, the individual may only receive a warning, or could be issued a ticket, and the individual then has the option of going to District Court and plead his/her case before the Judge.

Commissioner McDowell remained convinced that the amount needed to be changed; he could not imagine someone being issued a \$250 ticket for burning leaves in their back yard, even a second or third time.

Chairman Thorn did not agree.

Commissioner McDowell questioned the history of this County in seemingly automatically choosing the maximum amount.

The Chair pointed out that the County is not setting out to fine people to make money, rather intended to be a self-supporting operation and he did not expect that very many of those tickets would be issued, and in most cases, thought the warden would be working with people to get them educated and in to compliance, but for repeat offenders, would have that hammer.

Commissioner McDowell suggested that a \$75 fine would be enough to get someone's attention. Chairman Thorn's opinion was that a \$250 fine would get people's attention a whole lot quicker and stop it from happening again. He was willing, however, to consider dropping the amount from \$250 to \$200.

Commissioner McDowell moved that the Board schedule Ordinance #C-135-01 amending Ordinance #C-117-01, Burning Permit and Enforcement Program, for November 26, 2001 at 3:00 p.m., with the \$250 amount to be changed to \$125.

Motion died for lack of a second.

Commissioner Shelton proposed \$150 in place of \$250 as a compromise amount, and Commissioner McDowell agreed as far as the number to take to public hearing. In the meantime Commissioner McDowell wanted to check with the Chief Deputy Prosecutor to confirm the Board has the ability to set a dollar figure other than \$250.

Commissioner McDowell moved that the Board schedule Ordinance #C-135-01 amending Ordinance #C-117-01, Burning Permit and Enforcement Program, for public hearing on November 26, 2001 at 3:00 p.m. Motion, seconded by Commissioner Shelton, carried by majority vote; Commissioner Thorn voting in opposition, based on his earlier comments related to the \$250 fine.

**RESOLUTION #C-136-01 DECLARING LEGAL HOLIDAYS FOR THE YEAR 2002**

As has been the custom for the past number of years at the first meeting in November, the Board by unanimous motion, approved Resolution #C-136-01 In the matter of Declaring Legal Holidays for the Year 2002 (RCW Chapter 1.16).

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

**IN THE MATTER OF DECLARING LEGAL )  
HOLIDAYS FOR THE YEAR 2002 )  
\_\_\_\_\_ )**

**RESOLUTION NO. C- 136 -01**

**WHEREAS**, Washington State holidays are outlined in the Revised Code of Washington, Chapter 1.16; and

**WHEREAS**, it is the policy of Island County to observe state holidays, **NOW, THEREFORE,**

**BE IT HEREBY RESOLVED** that the following be observed as legal holidays for the year 2002:

January 1, 2002	Tuesday	New Year's Day
January 21	Monday	Martin Luther King Jr. Day
February 18	Monday	President's Day
May 27	Monday	Memorial Day
July 4	Thursday	Independence Day
September 2	Monday	Labor Day
November 11	Monday	Veteran's Day
November 28	Thursday	Thanksgiving Day
November 29	Friday	Day After Thanksgiving
December 25	Wednesday	Christmas Day

**ADOPTED** this 5<sup>th</sup> day of November, 2001.

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

Mac McDowell, Member

**ATTEST:**

Elaine Marlow, Clerk of the Board

**HEARING SCHEDULED: RESOLUTION #C-137-01 REDISTRICTING OF ISLAND COUNTY COMMISSIONER DISTRICTS IN ACCORDANCE WITH RCW 29.70.100**

Resolution #C-137-01 was presented for review, and for scheduling a public hearing on a redistricting plan of the three Island County Board of County Commissioner election districts.

Pursuant to RCW 29.70.100, U.S. decennial census data from the year 2000 census was furnished to Island County. In order to make each commissioner district of nearly equal population so that each person's vote may be given equal weight in the election of county commissioners, the redistricting plan would do the following: move the Polnell precinct from Commissioner District No. 3 to Commissioner District No. 2, move the Penn Cove precinct from Commissioner District No. 2 to Commissioner District No. 1 and divide the current Westview and Hastie Lake precincts creating two new precincts, Fort Nugent and West Beach with the areas covered by the new Fort Nugent and West Beach precincts being retained in Commissioner District No. 2 and the areas covered by the amended Westview and Hastie Lake precincts being moved from Commissioner District No. 2 to Commissioner District No. 1. Under the proposed plan, the population of the commissioner districts would be: Commissioner District No. 1 – 23,829, Commissioner District No. 2 – 23,757 and Commission District No. 3 – 23, 972.

Suzanne Sinclair, Island County Auditor, confirmed her understanding that once the public hearing has been held on Resolution #C-137-01 December 3<sup>rd</sup>, the actual Redistricting Plan will be a matter of consideration on the following week's agenda for approval, along with a resolution [pre-assigned resolution #C-138-01] dividing and creating new election precincts.

By unanimous motion, the Board scheduled Resolution #C-137-01 for public hearing on December 3, 2001 at 11:00 a.m.

**ASSUMPTION-LIQUOR LICENSE #354674-3E DBA BAILEY'S CORNER STORE**

Having received favorable recommendations from the Island County Sheriff and Health Department, the Board by unanimous motion approved Assumption of Liquor License #354674-3E by Darrell Thomas and Sherry Lynn Eggleston d/b/a Bailey's Corner Store, 7695 S. Cultus Bay Road, Clinton, Wa.

**HEALTH CONTRACTS APPROVED**

On recommendation of Tim McDonald, Health Services Director, transmitted under cover Memorandum 10/31/01, the following health contracts were approved by unanimous motion of the Board:

Amendment #3-DSHS Contract # 9863-15194(3) Extend Family Planning PHN services for six months and overall 12 month allocation increased by \$858.00, for total contract amount of \$44,070, for contract period 7/1/01 to 12/31/01 [RM-HLTH-97-0016] approved by the Board of Health 10/22/01.

Contract #7526-1 Alcohol & Substance Abuse Treatment & Prevention- DSHS-DASA[RM-HLTH-99-0021] amendment in the amount of \$188,800.00 for total new contract amount of \$1,138,777.00.

#HS-13-01 State Incentive Grant (SIG) Student Assistance Program-Oak Harbor School District Contract [RM-HLTH-99-0090] in the amount of \$139,483

Contract #HD-09-01 ABCD (Access to Baby & Child Dentistry) with Washington Dental Service Foundation for \$24,750 [RM-HLTH-01-0089] approved by Board of Health BOH 9/17/2001.

**HEARING HELD: – RESOLUTION #C-128-01 - APPLYING FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR AN INTERGENERATIONAL CENTER**

As scheduled and advertised, a Public Hearing was conducted at 10:15 a.m. for the purpose of considering Resolution

#C-128-01 In the matter of Applying for a Community Development Block Grant [CDBG] for an Intergenerational Center. At the time of hearing, in addition to County staff approximately seven interested citizens were in the audience. Bill Oakes, Public Works Director, opened with an introduction to the topic at hand, noting recommendation is that the Board approve and sign the resolution for submittal of the grant.

Larry Kwarsick, Sound Planning Services, was present to help facilitate the hearing process, and present in support as a member of a group of South Whidbey citizens involved in the preparation of the Community Development Planning Only Grant the County sponsored. He explained that the primary purpose of the hearing was to notify the public of the availability of these CDBG funds and the fact that \$750,000 is available for local housing and public community facilities and economic development projects which principally benefit low to moderate income persons. Mr. Kwarsick handed out for the record, Board members and members of the audience, a one page sheet explaining the purpose of the Community Development Block Grant (CDBG) Program. The grant application submittal deadline is November 15<sup>th</sup>, with award announcements in February, 2002. The citizens group has been working on a specific project, South Whidbey Intergenerational Commons and Mr. Kwarsick at this time asked for the Board's support and prioritization of that project. Some very strong partnerships have been developed both between Senior Service of Island County, South Whidbey School District, South Whidbey Park & Recreation District, South Whidbey Youth Center, South Whidbey Children's Center, and Head Start.

He noted letters of support the Board received prior to the hearing are of record, which had been received from:

City of Langley  
Neighbor to Neighbor  
Child Abuse Prevention Foundation, Inc.  
Kelly Barlean, State Representative, Tenth District  
Goosefoot Community Fund  
Island Athletic Club  
Saint Hubert Church  
Island County Juvenile and Family Court Services  
Skagit Valley College [Skagit/Islands Head Start Director]  
Freeland Chamber of Commerce  
Island County Health Department, Human Services  
Bayview Community Hall  
Toddler Learning Center  
Sno-Isle Regional Library System  
South Whidbey Park & Recreation District

Mr. Kwarsick answered various questions posed by the Commissioners, providing the following information :

- From a facility operating cost standpoint, under state statute community facilities including senior center facilities are designed as park and recreational facilities program costs are costs that are incurred by the individual programs themselves and all those costs will have to continue to find support directly.
- Looking into potential of forming a limited liability company in order to bring in other entities to provide other funding support for the project.
- Senior program is considering selling current facilities on South Whidbey and using the proceeds as a means of supporting construction of this building.
- The \$750,000 grant represents about a quarter of the total building cost; it could easily be a 3 million dollar facility.
- There is no plan to embark on any phase of the project until sufficient funds are available to building the project – approximately 3 million needed potentially.
- There is much direct support such as contained in the letter from Goosewood and some outstanding collaborative things that come if the building ends up being sited in Bayview i.e. sanitary sewer, storm drainage, parking, discounted long term property lease, which all will help to reduce that cost. There are benefits from design efforts Goosewood has already undertaken.
- Intention is that the Senior Association be the sub-recipient and manage the project for the benefits of other

participating non-profit entities.

Mike McIntyre, Executive Director, Senior Services of Island County, spoke on behalf of himself and the 13 volunteer board of director members enthusiastically about this project, having worked on it for over two years. He was very optimistic working with the other groups and confident about coming up with the financial resources and expertise needed. Overseeing and managing this project through Senior Seniors is thought to be the best method, and a way to make it easy to understand where the money is going and how it is being spent.

Martin Laster, Ph.D., Superintendent of Schools, South Whidbey School District, thought it wonderful to be able to support needs of youth along with the needs of elders and seniors, extraordinary when both can be done at the same time. This project is both innovative and fiscally conservative and he spoke in support of submittal of the grant application.

Dave Swensen, member of the Board of Directors for the South Whidbey Youth Center, was excited about the prospect of an intergenerational community facility on South Whidbey. He pointed out that South Whidbey Youth Center programs are expanding and with increased participation, are running out of space and bursting at the seams. They are pleased with the potential for location of the facility in Bayview, which is very central to the South Whidbey community and available to transportation. The Center provides a supportive and safe facility youth for the period between the time school gets out until parents come home from work. It is important that these youth have the feeling of community and family support the program helps to provide and Mr. Swensen believed the proposed intergenerational facility would enhance the feeling of support for these youth.

Kathy McLaughlin, Executive Director, Island County Stanwood-Camano Public Health and Safety Network, expressed appreciation for the Commissioners' support of this process since the Youth and Family Summit. She complimented North Whidbey for realizing for their youth center the importance of having outside retail in the building with the roller barn. The roller barn has been very essential to keeping the funding going for Partnership With Youth and she believed that concept would be very seriously looked at for the South Whidbey facility. At this time, she submitted additional letters of support of the project and the Board's approval of submittal of the grant:

Senior Services of Island County  
South Whidbey Schools  
Citizens Against Domestic and Sexual Abuse  
Housing Authority of Island County  
Big Brothers Big Sisters of Island County  
South Whidbey Children's Center Board of Directors  
Seeds of Change  
South Whidbey Youth Center  
Island County Health Department  
The South Whidbey Kiwanis Club  
Langley Methodist Church

Commissioner Shelton recalled that the planning only grant received in relation to this project he thought provided comfort in moving forward as far as support with this grant and bringing the project to fruition. He recognized that \$750,000 represented a significant step forward, one that would enable moving forward rather quickly with the remaining dollars. In terms of community building this is a giant step forward and offers not only a chance for success here, but to serve as a model that can be utilized in other areas of the County and he was very excited about it.

Chairman Thorn advised that he had been privileged to sit in on some of the earlier sessions and large community effort that got the ball rolling, and he was quite struck with the interaction, compatibility and willingness of the groups involved, especially the seniors and youth, in an effort to get together on this very worthy project. Two years' ago on Camano the seniors in the process of generating a new building held an initiating facilitated meeting of various groups and one of the very strong comments coming out of that was a very strong feeling that the intergenerational aspect was something they wanted to try to honor. They are co-located with an elementary school on Camano which is a good beginning, but the programs have yet to evolve, however. He is very supporting of the South Whidbey effort and

hoped Camano programs would evolve more in that same direction. He saw what had been accomplished on South Whidbey to date was short of remarkable and hoped community participation would be sustained.

Commissioner McDowell thought the concept great; he recognized there would be some challenges to be faced yet but the concept of having the youth and seniors in the same building gives both groups some real pluses they would not have otherwise, and he looked forward to this being a model for possibly the rest of the State, and certainly for the rest of the County.

Commissioner McDowell moved approval of Resolution #C-128-01/R-56-01 in the matter of applying for a community development block grant for an intergenerational center. Motion, seconded by Commissioner Shelton, carried unanimously.

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

**IN THE MATTER OF APPLYING FOR A )  
COMMUNITY DEVELOPMENT BLOCK )  
GRANT FOR AN INTERGENERATIONAL) RESOLUTION C- 128-01  
CENTER ) R-56-01**

**WHEREAS**, Island County is applying to the state Department of Community, Trade and Economic Development, Office of Community Development for funding assistance;

**WHEREAS**, it is necessary that certain conditions be met as part of the application requirements;

**WHEREAS**, a Public Hearing was held on November 5, 2001 before the Board of Island County Commissioners to review information about the range of activities that could receive CDBG funding, including community facilities, economic development projects, housing, and public facilities all of which must principally benefit low-to-moderate income citizens and how to propose projects; to respond to proposals for, and questions about, community development and housing needs in the county; and to inform citizens about identified projects that are county priorities and applications being considered; and

**WHEREAS**, Island County has established policies in its adopted Growth Management Comprehensive Plan which include the County's coordination and planning for the provision of public services, and their related facilities, in the most cost effective manner incorporating both the public and private sector; the identification of possible gaps and duplications in the delivery of all social and health service programs services; and the participation in the planning and decision-making processes of regional health planning agencies to assure efficient delivery of health care services; and

**WHEREAS**, based upon the final CDBG Planning-only report entitled *A Planning Study for South Whidbey Intergenerational Center*, prepared by SLR, Inc. and presented to the Board on November 5, 2001 together with the public testimony presented at the hearing, the Board of Island County Commissioners has determined this project to be a community priority;

**NOW, THEREFORE**, be it resolved that the Island County authorizes submission of an application to the state Department of Community, Trade and Economic Development, Office of Community Development, to request \$750,000 to construct an Intergenerational Center and certifies that, if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws; and

Has provided opportunities for citizen participation comparable to the state's requirements (those described in Section 104(a)(2)(3) of the Housing and Community Development Act of 1974, as amended); has complied with all public hearing requirements and provided citizens, especially low- and moderate-income persons, with reasonable advance notice of, and the opportunity to present their views during the assessment of community development and housing needs, during the review of available funding and eligible activities, and on the proposed activities; and

Has provided technical assistance to citizens and groups representative of low and moderate-income persons that request assistance in developing proposals; and

Will provide opportunities for citizens to review and comment on proposed changes in the funded project and program performance; and

Will not use assessments against properties owned and occupied by low- and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low- and moderate-income owner-occupants; and

Will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and will affirmatively further fair housing, (Title VIII of the Civil Rights Act of 1968); and

Has adopted and enforces a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act or 1974, as amended; and

Will provide, upon request, and prior to any obligation of funds being made, a complete and accurate CDBG Federal Funds Disclosure Report detailing the required applicant / grantee information, and as appropriate other government assistance provided or applied for, interested parties and expected sources, and uses of funds; and

Island County designates William Oakes as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with this application and Island County's participation in the Washington State CDBG Program.

**REVIEWED** this 8<sup>th</sup> day of October, 2001, and set for Public Hearing on the 5<sup>th</sup> day of November, 2001, at 10:15 a.m.

**Board of County Commissioners  
Island County, Washington**

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

**ATTEST:** Elaine Marlow, Clerk of the Board

**REVIEWED and APPROVED** this 5 day of November, 2001.

**Board of County Commissioners  
Island County, Washington**

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

**ATTEST:** Elaine Marlow  
Clerk of the Board

BICC 01-656

**HEARING HELD: FRANCHISE #121(1)R, NORTHGATE TERRACE DIVISION NO.1 COMMUNITY**

**CLUB, RENEWAL OF EXISTING WATER DISTRIBUTION SYSTEM, PLAT OF NORTHGATE TERRACE, DIV. NO.1**

At 10:20 a.m. as advertised, the Chairman opened a public hearing to consider Franchise #121(1) R, Northgate Terrace Division No.1 Community Club, for the renewal of the existing water distribution system located in the Plat of Northgate Terrace, Div. 1; Sec. 11, Twp 33N, R 1E.

The Board received a recommendation of approval from the Public Works Director, based on details contained in a Memo dated 10/5/01 from Richard K. Snyder, P.E., County Engineer, that there are no plans for expansion of this current system; departments requesting to comment responded with no objection to the proposal; the Prosecuting Attorney's office reviewed and approved the documents as to form; and document has been reviewed and approved by the Risk Manager.

No one in the audience at the time of hearing spoke either for or against the approval of the renewal of Franchise #121 (1) ( R ).

By unanimous motion, the Board approved Franchise #121(1)R, Northgate Terrace Division No.1 Community Club, renewal of existing water distribution system, Plat of Northgate Terrace, Div. No.1; Sec. 11, Twp 33N, R 1E.

**HEARING HELD: FRANCHISE #29R, LONG BEACH WATER DISTRICT RENEW EXISTING WATER DISTRIBUTION SYSTEM, PLAT OF LONG BEACH**

At 10:25 a.m. as advertised a public hearing was held for the purpose of considering Franchise 29 R, Long Beach Water District, for renewal of existing water distribution system, in the Plat of Long Beach in Sec. 5, Twp 31N, R 3E.

The Public Works Director presented a recommendation of approval, based on the Memo from Dick Snyder dated 10/5/01 indicating there are no plans for expansion of the current system; departments requesting to comment responded with no objection to the proposal; the Prosecuting Attorney's office reviewed and approved the documents as to form; and document has been reviewed and approved by the Risk Manager.

No one in the audience at the time of hearing spoke either for or against the approval of the renewal of Franchise #29 ( R ).

By unanimous motion, the Board approved Franchise #29 [R] Long Beach Water District, renewal of existing water distribution system, Plat of Long Beach; Sec. 5, Twp 31N, R 3E.

**RESOLUTION #C-139-01/R-61-01-TEMPORARY ROAD CLOSURE-PORITION OF SEAWARD WAY ON WHIDBEY ISLAND**

Mr. Oakes presented with a recommendation of approval, Resolution #C-139-01/R-61-01, a temporary road closure for Seaward Way located in Sec. 7, Twp 31N, R 3E, W.M., closing the road from 7:30 a.m. until Noon and from 12:30 p.m. until 5:00 p.m. in effect from November 12, 2001 through February 1, 2001. This closure will allow the contractor to work on what is essentially a single lane road. Intention is to work as much as possible with the community in an effort to through, even during those closure times, although the road will have to be closed for some portion of that time with no access. There have been several public meetings to announce the closure, and staff already provided a press release to indicate times of closure. The road will be open on weekends and during any inclement weather when the contractor cannot work.

Randy Brackett, Construction Engineer, commented to note that signs will be posted at each end of the project area indicating the contractor's schedule, and any change from this road closure schedule.

Chairman Thorn commented on recent experience from a road closure on Camano Island with significant community impact. In that case, a follow-up meeting was held where the things learned from that experience were discussed,

and he asked that Mr. Oakes be brought up to date on that as far as what was learned in the attempt to minimize the impact on the community yet still provide the new facility.

By unanimous motion, the Board approved Resolution #C-139-01/R-61-01 in the matter of Temporary Road Closure of a portion of Seaward Way on Whidbey Island located in Section Sec. 7, Twp 31N, R 3E W.M.

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

<b>IN THE MATTER OF TEMPORARY ) ROAD CLOSURE OF A PORTION OF ) SEAWARD WAY ON WHIDBEY ) ISLAND LOCATED IN SEC. 7, ) TWP. 31N., RGE. 3E., W.M )</b>	) ) ) ) )	<b>RESOLUTION NO. C-139-01 R- <u>61</u> -01</b>
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**WHEREAS**, RCW 47.48.010 authorizes local governments to restrict vehicular traffic whenever the condition of such road is dangerous to the traveling public; and

**WHEREAS**, CRP 01-04 has been approved and a contract has been let to construct right-of-way improvements including segments of road reconstruction along Seaward Way and Driftwood Way; and

**WHEREAS**, RCW 47.48.020 authorizes local governments to close or restrict vehicular traffic on such roads through publication and notice thereof, including the effective date, in one issue of a newspaper of general circulation; and

**WHEREAS**, a like notice of such closure shall be posted on or prior to the date of publication of such notice in a conspicuous place at each end of the portion of Seaward Way to be temporarily closed; and

**WHEREAS**, the road reconstruction requires the closure and restrictions of the affected roads during working hours and the contractor shall allow, and make available to, local traffic to pass safely between the hours of 12:00 PM - 12:30 PM and 5:00 PM - 7:30 AM during weekdays and throughout the weekend; and

**WHEREAS**, at all times during the working hours, the contractor shall be prepared to provide emergency access through the construction area; and

**WHEREAS**, the closure of County roads for safety reasons is a function of police power properly exercisable by the Board of County Commissioners; NOW, THEREFORE,

**BE IT HEREBY RESOLVED** by the Board of Island County Commissioners that the following roads are to be closed to through traffic during the period of road reconstruction activities:

<u>ROAD/ROAD LOG NO.</u>	<u>FROM M.P.</u>	<u>TO M.P.</u>
- Seaward Way/38410	0.05	0.25
Driftwood Way/38130	0.00	0.11
Driftwood Way/38410	0.25	0.40

The anticipated road closure will be in effect from November 12, 2001, through February 1, 2002, or until the County Engineer determines that the safety of the roadway for public use is restored.

ADOPTED this 5<sup>th</sup> day November, 2001.

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

Wm. L. McDowell, Member

**ATTEST:** Elaine Marlow  
Clerk of the Board

**FINAL ORDER OF VACATION – PETITION OF BRUCE ZELK - VACATION OF COUNTY ROAD  
RIGHT-OF-WAY KNOWN AS HULTMAN ROAD  
RESOLUTION NO. R-40-01**

Mr. Oakes presented the Final Order of Vacation under Road Department Resolution #R-40-01 in the matter of the petition of Bruce Zelk for Vacation of County road right-of-way known as Hultman Road located Sec. 18, Twp 32N, R 3E. The Board on July 5, 2001 [Resolution #C-81-01/R-3-01], ordered the vacation upon payment of all costs and expenses incurred in the proceedings in amount of \$8,901.12. All conditions have been met and the Final Order of Vacation now ready to be approved and signed by the Board.

By unanimous motion, the Board approved Resolution #R-40-01 Final Order of Vacation in the Matter of the petition of Bruce Zelk for Vacation of County road right-of-way known as Hultman Road located Sec. 18, Twp 32N, R 3E. [Resolution #R-40-01 recorded with the Office of the Island County Auditor]

**RESOLUTION #C-140-01/R-62-01 - REDUCTION OF BOND GUARANTEEING COMPLETION OF  
INSTALLATION OF SEWER TREATMENT PLANT FOR MAIN STREET PARTNERSHIP, SHORT PLAT  
133/00**

Resolution #C-140-0/R-62-01 in the matter of reduction of the bond guaranteeing completion of the installation of sewer treatment plant for Main Street Partnership Short Plat 133/00, Freeland Housing Project was presented by Mr. Oakes, recommending approval based on the County Engineer’s review of work completed to date.

By unanimous motion, the Board approved Resolution #C-140-01/R-62-01 reducing the bond guaranteeing completion of the installation of sewer treatment plant for Main Street Partnership under Short Plat 133/00, Freeland Senior Housing project.

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

IN THE MATTER OF REDUCTION OF )  
BOND GUARANTEEING COMPLETION ) RESOLUTION C- 140 -01  
OF THE INSTALLATION OF SEWER ) R- 62- 01  
TREATMENT PLANT FOR MAIN STREET )  
PARTNERSHIP SHORT PLAT 133/00 )

**WHEREAS**, the installation of the sewer treatment plan for the Main Street Partnership Short Plat 133/00 was not completed to County standards at the time the short plat was recorded; and

**WHEREAS**, the Island County Land Development Standards and RCW 58.17.130 require completion of said improvements prior to approval of any plat, or bonding to assure completion; and

**WHEREAS**, to insure the completion of the improvements, the developer furnished Island County with a Plat Bond/Declaration of Trust in the amount of One Hundred Seventy-eight Thousand, One Hundred Sixty-seven and no/00 Dollars (\$178,167.00) guaranteeing completion of said improvements; and

**WHEREAS**, the following improvements have been inspected and are now found to comply with Island County standards:

See attached Exhibit “A” and Exhibit “B”

**BE IT HEREBY RESOLVED** that the bond guaranteeing completion of the installation of the sewer

treatment plant for Main Street Partnership Short Plat 133/00 be reduced this date to the amount of Seventy-eight Thousand and no/100 Dollars (\$78,000.00) to guarantee completion of the remaining items of work. Completion due date of remaining items is September, 2002.

DATED this 5 day of November, 2001.

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

William F. Thorn, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

**ATTEST:** Elaine Marlow

Clerk of the Board

BICC 01-719

*[Exhibit A and B on file with the Clerk of the Board]*

**ESCROW AGREEMENT – POTTLE & SONS CONSTRUCTION, INC., ISLAND COUNTY ROAD  
MAINTENANCE FACILITY**

Escrow Agreement, as presented and recommended for approval by Mr. Oakes, for Pottle & Sons Construction, Inc., the successful bidder awarded the contract for the Island County Road Maintenance Facility under PWP 01-03, Work Order #10, was approved by unanimous motion of the Board [Escrow Account #53877320]. The agreement was signed by the Contractor October 22, 2001 with Bank of America.

**ADOPT-A-ROAD LITTER CONTROL PROGRAM AGREEMENT – STANWOOD CAMANO ROTARY  
CLUB - EAST CAMANO DRIVE FROM SHORT ROAD  
TO LEHMAN ROAD**

By unanimous motion, the Board approved an Adopt-A-Road Litter Control Program Agreement with Stanwood Camano Rotary Club, for East Camano Drive from Short Road to Lehman Road, Camano Island.

**SCHEDULE PUBLIC HEARING: ORDINANCE #C-141-01/R-64-01 - REGULATING SPEED LIMIT ON  
COUNTY ROAD KNOWN AS CAMPBELL ROAD**

The Board, on unanimous motion, scheduled a Public Hearing on Ordinance #C-141-01/R-64-01 which would regulate the speed limit on Campbell Road, located in Section 22, Township 29N, Range 3E., South Whidbey. The Public Hearing was scheduled for November 26, 2001 at 2:15 p.m. An engineering and traffic study indicates that the existing speed limit is greater than is reasonable and safe during days when Whidbey Island Waldorf School is in session and the proposal is for reduction from 35 mph to 20 mph "When Children are Present".

**ABUTTER'S AGREEMENT & COVENANTS - WILLIAM C. AND  
RAE W. TOUCHETTE - LEDGEWOOD BEACH**

Abutter's Agreement & Covenants related to Driftwood Way [RM-PW-0120-67] between Island County and William C. and Rae W. Touchette, Ledgewood Beach, Division 1, BLock 1, Lot 15, Sec. 30, Twp 31N, Rge 2E, was submitted by Mr. Oakes for the Board's approval. The agreement is needed in order to allow the County to and accept drainage from that wall and allow drainage from that system to be discharged in the Touchette's French drain system. The owner will be responsible for the maintenance of the system lying within their property.

By unanimous motion, the Board approved Abutter's Agreement and Covenants [RM-PW-0120-67] between Island County and William C. and Rae W. Touchette, Ledgewood Beach, Division 1, BLock 1, Lot 15, Sec. 30, Twp 31N, Rge 2E.

**FINAL SIGNATURE: PRD 343/96 – PHASE 3 FINAL REQUEST BY R. LEE AND JUDITH HARMAN FOR  
THE APPROVAL OF THEIR APPLICATION FOR  
THE FINAL PLAT OF PHASE 3 OF THE BRENTWOOD PRD**

Phil Bakke, Director, Planning and Community Development, presented for Final approval and signature of the Board, PRD 343/96, Phase 3, Brentwood PRD, by R. Lee and Judith Harman, including 26 residential lots together with tracts for open space and roads. The PRD is located on the North-west side of Camano Island, in the NE ¼ of Section 23 and NW ¼ of Section 24, Rge 2E, Twp. 32 N W.M. (Assessor’s Parcel #R23223-438-4670).

Bob Cray and Tom Cleverdon, Fakkema and Kingma, applicant’s agent, were present at the time of consideration.

Summary details were provided by way of a Memorandum to the Board from Scott K. Johns, Associate Planner, dated October 31, 2001, and Mr. Johns was present to comment or respond to questions.

In response to a question from the Chairman with respect to clarification of the recommendation in Mr. Johns’ memo stating “...recommends that the Board grant conditional final PRD approval...”, Mr. Johns explained that the Health Department required that there be a LOSS bond approved, related to an agreement with the State for operating license until the end of the year, and prior to operation for the following year must gain that approval again from the State.

Mr. Cleverdon clarified that two bonds had been required; the first a standard performance bond for all clean up items that remained from Divisions 1 & 2, and Phase 3. As a result of the Health Department’s review of siting the large on site system, they required additional treatment should the aquifer become contaminated or the higher cost of additional treatment, or the bonding for an intertie between the combined water system. The LOSS bond that the proponents have proposed is still pending between Public Works and Health Department for approval. County and State Health Departments agreed that the issuance of an operating permit for the new large on site system should not be contingent upon this bond being in place since the additional treatment would never be triggered for years and years and there was no issue from the Health Department’s standpoint as to whether or not they could secure the bond, rather the actual mechanics of getting it approved. The State issued an operating permit a week or two ago which will be linked in the same time frame as the first large on site system operating permit and both expire on December 31<sup>st</sup>. The issue with the LOSS bond is that the Health Department required the bond be in place for the life of the system, and the bonding company is having a difficult time in that it is a very unusual bond to write. Proposed is that the bond be issued for one or two year increments with a review and renew period, and Island County would review the amount of the bond, and then the bond renewed. The State Health Department was asked to link the annual operating permit renewal to the bond renewal so there would always be a check and balance to ensure that the homeowners association would renew the bond.

Inasmuch as that condition was not specified on the approval sheet, Mr. Bakke suggested that where the form under Island County Staff Recommendation references a subdivision performance bond, that the words “and a LOSS bond” be added to cover that condition.

By unanimous motion, the Board approved and signed the Final PRD 343/96, Phase 3, Brentwood PRD, by R. Lee and Judith Harman, located on the North-west side of Camano Island, in the NE ¼ of Section 23 and NW ¼ of Section 24, Rge 2E, Twp. 32 N W.M. (Assessor’s Parcel #R23223-438-4670), with the added words to be included on the approval sheet under Island County Staff Recommendation “and a LOSS bond” .

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

**Application:** Planned Residential Development, PRD 343/96-Phase 3

**Name and Address of Agent, Applicant, and Owner:**

Agent: Fakkema & Kingma  840 SE 8 <sup>th</sup> Ave, Ste 102 Oak Harbor, WA 98277	Owner: CRE C 401 (K) Profit Sharing Plan and Trust R. Lee & Judith A. Harman 635 North Sunset Drive Camano Island, WA 98282	Applicant R. Lee & Judith Harman  P. O. Box 2712 Stanwood, WA 98292
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**Requesting The Following:** Approval of the application for the final plat of Phase 3 of the Brentwood PRD including 26 residential lots together with tracts for open space and roads.

**Upon The Following Property:** Located on the northwest side of Camano Island, southeast of the intersection of Maple Grove Road with North Camano Drive. The site is more particularly the NE ¼ of Section 23 and the NW ¼ of Section 24, Range 2 East, Township 32 North, W.M. (Assessor Parcel R23223-438-4670)

**Island County Staff Recommendation:** Recommend approval of the PRD for recording and acceptance of the accompanying subdivision performance bond and a LOSS bond.

**Director's Approval**

Phillip Bakke, Director

Planning and Community Development Department

**Board of Island County Commissioner Decision:** The final PRD application for Phase 3 of the Brentwood PRD is approved.

**APPROVED** this 5<sup>th</sup> day of November, 2001.

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

William F. Thorn, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

**ATTEST:** Elaine Marlow,  
Clerk of the Board

**INTERLOCAL AGREEMENT BETWEEN COUNTY/TOWN OF COUPEVILLE**

With regard to a proposed Interlocal Agreement Between island County and Town of Coupeville on today's agenda for purposes of scheduling for hearing, the item was pulled from the agenda by Mr. Bakke, who indicated that an implementing ordinance needs to be prepared first.

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**BUDGET WORKSHOP**

The Board met at 1:30 p.m. in Budget Workshop for general review and update status to date Revenue Projections and Expenditures. Notes from the Budget Workshop will be transcribed and placed on file in the Office of the Board of County Commissioners and the Budget Director. The next budget workshop will be held during the regular Staff Session scheduled for November 7<sup>th</sup> at 3:30 p.m. A special session has been set to conduct a budget workshop with Elected Officials and Appointed Department Heads on November 9, 2001 at 11:00 a.m.

There being no further business to come before the Board at this time, the meeting adjourned at 11:05 a.m. County Offices will be closed Monday, November 12, 2001 in observance of Veterans Day. A Special Session will be held on November 13, 2001, beginning at 11:00 a.m. with the main purpose to schedule a public hearing on fixing and adopting the 2002 budget. The next regular meeting will be Monday, November 19, 2001, beginning at 9:30 a.m.

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

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William F. Thorn, Chairman

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Mike Shelton, Member

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Wm. L. McDowell, Member

**ATTEST:**

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Elaine Marlow, Clerk of the Board