

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
REGULAR SESSION - DECEMBER 1, 2003**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on December 1, 2003 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6<sup>th</sup> Street, Coupeville, Wa. Wm. L. McDowell, Chairman, William J. Byrd, Member, and Mike Shelton, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the November 24, 2003 meeting.

**VOUCHERS AND PAYMENT OF BILLS**

The Board by unanimous motion approved the November 26, 2003 payroll, as well as the following vouchers/warrants:  
Voucher (War.) # 178357-178505 = \$147,280.96.

**APPOINTMENT TO ISLAND COUNTY FAIR BOARD**

The Board by unanimous motion, appointed Dan Ollis to the Island County Fair Board representing the area encompassed by the South Whidbey School District, filling Ray Gabelein's unexpired term to October 8, 2005. Mr. Gabelein recently stepped down from serving on the Fair Board after years' of service, in light of health concerns.

**RESOLUTION #C-119-03 AMENDING WAGES FOR PRECINCT ELECTION OFFICERS**

As submitted by the Island County Auditor, the Board by unanimous motion approved Resolution #C-119-03 Amending Wages for Precinct Election Officers.

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

**IN THE MATTER OF AMENDING WAGES  
FOR PRECINCT ELECTION OFFICERS**

**RESOLUTION C-119-03**

WHEREAS, on election day each polling place in Island County requires the assignment of judges and inspectors to perform the important duties assigned them in connection with the receipt, deposit and count of ballots cast at each election; and

WHEREAS, RCW 29.45.120 provides: (1) the wages of judges of elections shall be set by the Board of County Commissioners at an hourly rate not less than the minimum wages as established by RCW 49.46.020; (2) the salary of the inspector of elections shall be the same as judges plus two additional hours of compensation; and (3) additional compensation for pickup and delivery of election materials will be paid as provided by the Board of County Commissioners; NOW, THEREFORE,

BE IT HEREBY RESOLVED, that the wages (1) of judges and clerks be set at the minimum wage times the number of hours worked; (2) the inspectors be paid the number of hours worked plus an additional two hours times the minimum wage; and (3) \$15 be paid to the election precinct officer for picking up and returning election materials. If the federal minimum wage is higher than the state minimum wage it shall be used instead.

ADOPTED this 1 day of December, 2003.

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

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

**RESOLUTION #C-120-03 DECLARING ISLAND COUNTY PROPERTY SURPLUS**

As prepared and presented by Lee McFarland, Assistant Director GSA, the Board by unanimous motion approved Resolution #C-120-03 Declaring County Property Surplus [temporary easement-Taylor property.

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

**IN THE MATTER OF DECLARING)  
COUNTY PROPERTY SURPLUS )**

**RESOLUTION NO. C-120 -03**

WHEREAS, Island County Code Chapter 2.31, Sale Or Lease Of Surplus County Property, was adopted on April 11, 1994; and

WHEREAS, Island County owns property as identified on Exhibit "A"; and

WHEREAS, Island County Code Chapter 2.31.030.A.5 allows an exception to real property easements being sold at public auction; and

WHEREAS, Island County Code 2.31.030.B allows real property or easements to be sold by private negotiation when not being sold at public auction; and

WHEREAS, the Board of Commissioners of Island County Washington feel it is in the best interest of the Citizens of Island County that a temporary construction easement be granted on surplus property as shown on Exhibit "A"; and

WHEREAS, Island County Code 2.31.010 requires the Board of County Commissioners to declare this property surplus prior to granting an easement; NOW THEREFORE,

BE IT HEREBY RESOLVED by the Board of County Commissioners of Island County, Washington that property as shown on Exhibit "A" is surplus to County needs and may be conveyed in return for the amount shown on Exhibit "B".

Adopted this 1 day of December, 2003

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON  
WM. L. MCDOWELL, CHAIRMAN  
WILLIAM J. BYRD, MEMBER  
MIKE SHELTON, MEMBER**

**ATTEST:  
ELAINE MARLOW  
CLERK OF THE BOARD**

*[Exhibits placed on file with the Clerk of the Board]*

**TEMPORARY CONSTRUCTION EASEMENT ON TAYLOR PROPERTY**

Temporary Construction Easement on the Taylor Property between Island County and the Washington State Department of Transportation in the amount of \$500 (RM-GSA-03-0075) was approved by unanimous motion of the Board.

**HEALTH CONTRACTS APPROVED**

By unanimous motion, the Board approved and signed the following Health Department contracts:

- Contract #0363-28148, Amendment No. 1 with DSHS, Health and Rehabilitative Services Administration, amendment amount \$99,935 for total contract \$1,150,631 (RM-HLTH-99-0021)
- Contract #G9900038 Amendment #5 with Department of Ecology/Watershed Planning; amendment amount \$78,361 for total contract amount \$497,706; (RM-HLTH-02-0018)
- Collection Contract with Whidbey Island Bank for On-Site Repair Financial Assistance Program Loans between Island County Water Quality and Julia Glover & Robert Kenny
- Collection Contract with Whidbey Island Bank for On-Site Repair Financial Assistance Program Loans between Island County Water Quality and George & Mary Grady

**HIRING REQUESTS & PERSONNEL ACTIONS**

As presented by Terry Chevront, Human Resources Department, the Board by unanimous motion, approved the following personnel action authorization (s):

<u>Dept.</u>	<u>PAA #</u>	<u>Description/Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Auditor	098/03	Indexing Dep/Rcd .5te, # 208.02	Replacement	12/29/03
Planning	099/03	Asst. Planner, Long Range, # 1708.05	Replacement	12/01/03

Planning

100/03 Support Clerk, Temp, #413.01

Extend to 1/2/04 12/01/03

## Other Personnel Action:

- Auditor authorized to proceed with PAA paperwork to combine two part time indexing deputies into one position
- Planning Director authorized to sign Temporary PAA to hire hourly part time temporary building inspector at grade 10 12/1/03.

**PUBLIC HEARINGS HELD: ISLAND COUNTY BUDGET**

A Public Hearing, as scheduled and advertised, was held for the purpose of considering adoption of the Island County Budget, the public hearing specifically addressing the following Resolution and Ordinances:

- a) Resolution #C-105-03 In the Matter of Fixing and Adopting the Final Budgets for Island County Current Expense Fund, Special Revenue Funds and Diking District #4 Fiscal Year 2004
- b) Ordinance #C-106 -03 In the Matter of Increasing the Taxing District's Prior Year's Levy Amount for Collection In fiscal year 2004 for the County Roads Levy
- c) Ordinance #C- 107 -03 In the Matter of Increasing the Taxing District's Prior year's Levy Amount for Collection in Fiscal Year 2004 for the County Current Expense Levy
- d) Ordinance #C-108 -03 In the Matter of Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2004 for the County Conservation Futures Levy

Elaine Marlow, Island County Budget Director and Clerk of the Board, explained that the first resolution would adopt the final budget for all Island County funds and Diking Improvement District #4 for 2004. Since the last budget summary was provided on November 10, 2003, changes occurred mainly due to

staffing and personnel changes. Those revisions were detailed in today's hand-out labeled "Revisions to 11-10-03 Summary of Current Expense" [copy placed on file]. The net affect is a \$36,000 reduction in the amount of reserves necessary to balance the Current Expense budget for 2004. In individual funds, there is a change in the Auditor's O&M to reflect a records grant award received in November; a change in the Joint Tourism Promotion Fund to reflect changes approved by the Joint Tourism Committee; a change in the Motor Pool Fund to reflect the number and type of vehicles for the Assessor's Office; Rural County Sales Tax Fund expenditure increased by \$31,400 to reflect the Board's approval at the 11/19/03 Staff Session for EDC special project – outreach; and the Overhead Allocation Schedule reflects personnel changes in Current Expense. For 2004 for all funds, the budget represents approximately a five percent increase over the 2003 budget. New positions added include: three new positions in Current Expense, two of which are funded from reserves and one in the Clerk's Office to be funded out of the collections program; seven new positions in the Road Fund; and .25 FTE in Health.

Duane Fulgham, 4453 Campbell Road, Clinton, reviewed with the Board his frustration in trying to go through and understand what goes into the complex budget process. He is committed to learning more about public finance in county government. He asked the Board to consider revising the budget process to provide an analysis and rationale [something of a narrative] explaining how the Board reached the conclusion to increase levies necessary to fund the budget, and the factors that changed actual line items in the budget, interested in an analysis of trends in budget line items. He had reviewed the one page budget summary breaking down each department's budget, and agreed with the Chairman's suggestion that it would be helpful to include another column to show the prior year's amount so afford a comparison 2003 to 2004.

Commissioners commented and explained that statutorily the Board was required to do a number of different things the degree to which they are funded is somewhat historical in perspective and somewhat based on availability of funds to maintain the level of work force necessary to maintain a level of services. Very few things in the budget are on the basis of choice; the State provides very few things at the option of the County. Mr. Fulgham's points were well taken and the Chairman confirmed that the Board would try to make the budget a better-understandable process with the one page summary to provide column to show the prior year's figures, and develop a budget narrative.

No others in the audience indicated a desire to speak for or against Resolution #C-105-03, Ordinance #C-106 -03, Ordinance #C-107-03, or Ordinance #C-108-03.

By unanimous motion, the Board adopted Resolution #C-105-03 In the Matter of Fixing and Adopting the Final Budgets for Island County Current Expense Fund, Special Revenue Funds and Diking District #4 Fiscal Year 2004 Ordinance #C-106 -03 In the Matter of Increasing the Taxing District's Prior Year's Levy Amount for Collection In fiscal year 2004 for the County Roads Levy; Ordinance #C- 107 -03 In the Matter of Increasing the Taxing District's Prior year's Levy Amount for Collection in Fiscal Year 2004 for the County Current Expense Levy; and Ordinance #C-108 -03 In the Matter of Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2004 for the County Conservation Futures Levy.

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

**IN THE MATTER OF FIXING AND ADOPTING** )  
**THE ISLAND COUNTY BUDGET** ) **RESOLUTION C-105-03**  
**AND DIKING DISTRICT #4 BUDGET** )  
**FOR FISCAL YEAR 2004** )

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 meetings (Island County budget workshops) have been held with each county department and regarding each county fund, and Diking District #4 to consider estimated 2004 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 2004 Preliminary Budget 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 Island County 2004 Budget and Diking District #4 2004 Budget on December 1, 2003 at 9:50 a.m.

ADOPTED this 10th day of November 2003.

**BOARD OF COUNTY COMMISSIONERS**  
**Island County Washington**

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

IN THE MATTER OF fixing and adopting the 2004 Budget for all Island County Funds and the 2004 Budget for Diking District #4, as shown on attached Exhibits.

Resolution C-105-03 is adopted this 1<sup>st</sup> day of December 2003 following public hearing.

**BOARD OF COUNTY COMMISSIONERS**  
**Island County Washington**

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

**Attest:** Elaine Marlow, Clerk of the Board  
(E Exhibits A through D placed on file with the Clerk of the Board)

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

**IN THE MATTER OF INCREASING THE TAXING)**  
**DISTRICT'S PRIOR YEAR'S LEVY AMOUNT** ) **ORDINANCE NO. C-106-03**  
**FOR COLLECTION IN FISCAL YEAR 2004** )  
**FOR THE COUNTY ROADS LEVY** )

WHEREAS, the Board of Island County Commissioners has properly given notice of the public hearing to be held on December 1, 2003 to consider the Island County budgets for the 2004 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 a substantial need exists requiring an increase in the County Roads Taxing District 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; NOW THEREFORE,

BE IT RESOLVED, by the Board of County Commissioners that, in addition to any amounts 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 2003 levy for taxes collected in 2004, in the amount of \$58,784 which is a percentage increase of 1% from the previous year's levy.

REVIEWED on November 10, 2003, and set for public hearing on December 1, 2003 at 9:50 a.m.

**BOARD OF COUNTY COMMISSIONERS  
Island County, Washington**

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

Ordinance C-106-03 is adopted on December 1, 2003 following public hearing.

**BOARD OF COUNTY COMMISSIONERS  
Island County, Washington**

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

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

**IN THE MATTER OF INCREASING THE TAXING )  
DISTRICT'S PRIOR YEAR'S LEVY AMOUNT ) ORDINANCE NO. C- 107-03  
FOR COLLECTION IN FISCAL YEAR 2004 )  
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 1, 2003 to consider the Island County budgets for the 2004 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 a substantial need exists requiring an increase in the County Current Expense Taxing District 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; NOW, THEREFORE,

BE IT RESOLVED, 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 2003 levy for taxes collected in 2004 in the amount of \$58,516 which is a 1.0% increase (which is lower than the inflationary rate of 1.84% as represented by the Implicit Price Deflator) of the highest allowable levy in the previous year as authorized by RCW 84.55.010.

REVIEWED on November 10, 2003, and set for public hearing on December 1, 2003 at 9:50 a.m.

**BOARD OF COUNTY COMMISSIONERS  
Island County, Washington**

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

Ordinance C-107-03 is adopted this 1<sup>st</sup> day of December, 2003 following public hearing.

**BOARD OF COUNTY COMMISSIONERS  
Island County, Washington**

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

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

**IN THE MATTER OF INCREASING THE TAXING )**

**DISTRICT'S PRIOR YEAR'S LEVY AMOUNT** ) **ORDINANCE NO. C-108-03**  
**FOR COLLECTION IN FISCAL YEAR 2004** )  
**FOR THE COUNTY CONSERVATION FUTURES LEVY** )

WHEREAS, the Board of Island County Commissioners has properly given notice of the public hearing to be held on December 1, 2003 to consider the Island County budgets for the 2004 calendar year, pursuant to RCW 36.40.071; and

WHEREAS, the Board of County Commissioners desires to continue to preserve open space lands in order to enhance and conserve the natural resources and scenic beauty of Island County; NOW, THEREFORE,

BE IT RESOLVED by the Board of County Commissioners that the County Conservation Futures property tax levy is hereby authorized, for the 2003 levy for taxes collected in 2004, in the amount of 6.25 cents per thousand dollars of assessed valuation as authorized in ICC 3.22.020 and RCW 84.34.230.

REVIEWED on November 10, 2003, and set for public hearing on December 1, 2003 at 9:50 a.m.

**BOARD OF COUNTY COMMISSIONERS**

**Island County, Washington**  
Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

Ordinance C-108-03 is adopted this 1<sup>st</sup> day of December, 2003 following public hearing.

**BOARD OF COUNTY COMMISSIONERS**

**Island County, Washington**  
Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

**RESOLUTION #C-121-03/R-40-03 - EMERGENCY LOAD LIMITATIONS ON COUNTY ROADS, THE ISSUANCE OF SPECIAL MOTOR VEHICLE PERMITS TO USE ON WEIGHT RESTRICTED COUNTY ROADS, AND FIXING PENALTIES FOR VIOLATIONS THEREOF**

As presented and recommended for approval by Bill Oakes, Public Works Director, the Board by unanimous motion approved Resolution #C-121-03/R-40-03, a Resolution Governing Emergency Load Limitations on County Roads, the Issuance of Special Motor Vehicle Permits to use on Weight Restricted County Roads, and Fixing Penalties for Violations Thereof.

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

**A RESOLUTION GOVERNING EMERGENCY** )  
**LOAD LIMITATIONS ON COUNTY ROADS,** )  
**THE ISSUANCE OF SPECIAL MOTOR** ) **C- 121 -03**  
**VEHICLE PERMITS TO USE ON WEIGHT** ) **R- 40 -03**  
**RESTRICTED COUNTY ROADS, AND FIXING** )  
**PENALTIES FOR VIOLATIONS THEREOF** )

WHEREAS, pursuant to RCW 46.44.080, Island County may prohibit or restrict vehicle operations or vehicle weight whenever any county road, by reason of rain, snow, climatic, or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon is prohibited or restricted or their permissible weights reduced (such periods hereafter referred to as "load sensitive periods");

WHEREAS, Island County roads are constructed over relatively thin sub-bases, and sometimes directly over natural soil and roads constructed under aforesaid conditions are very vulnerable to rapid breakup during freezing and thawing periods; and

WHEREAS, reduced weights and speed help prevent the early breakup of roads from conditions as cited above; and

WHEREAS, the Board of County Commissioners of Island County, Washington, upon recommendation of the County Engineer, has deemed it advisable to place certain restrictions on various county roads during load sensitive periods to protect such roadways from extensive damage;

NOW, THEREFORE, pursuant to RCW 46.44.080, **BE IT HEREBY ORDERED** by the Board of County Commissioners of Island County, Washington, THAT the following notice be published once in a newspaper of general circulation in the County; THAT the wording and

intent of same is a part of this Resolution; and THAT the Island County Engineer is hereby duly instructed and ordered to execute the action implied therein.

**NOTICE IS HEREBY DULY GIVEN**, that, under the authority of Chapter 36.75.270 and 46.44.080, Revised Code of Washington, all Island County roads subject to damage during periods when inclement natural forces are at work, will be closed to all vehicles exceeding the gross weight indicated for each tire size shown in the following tables (when said roads are posted in accordance with Item 5 below), WITH THE EXCLUSION of passenger vehicles including sedans, station wagons and pickup vehicles not licensed for tonnage, school buses, emergency vehicles, garbage trucks, and trucks transporting perishable commodities, home heating oil, propane, other fuel and buses other than school buses necessary to the health and welfare of local residents. (However, under the provision of this notice, in no case shall the gross load exceed the gross loads as set forth in R.C.W.46.44

**WINTER LOAD RESTRICTIONS**

(Same as Washington State Department of Transportation Emergency Load Restrictions, WAC 468-38-080)

<u>Conventional Tires</u>		<u>Tubeless or Special Tires with .5 Marking</u>	
<u>Tire Size</u>	<u>Gross Load Each Tire</u>	<u>Tire Size</u>	<u>Gross Load Each Tire</u>
-			
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.
12.00 or over	4500 lbs.	12-24.5 or over	4500 lbs.

**EMERGENCY LOAD RESTRICTIONS**

(Same as Washington State Department of Transportation Emergency Load Restrictions, WAC 468-38-080)

When a rapid surface thawing over a fully frozen road base occurs (i.e., warm rain over frozen ground, or rapidly melting snow), the Emergency Load Restrictions as cited below shall be immediately imposed as directed by the Island County Engineer.

<u>Conventional Tires</u>		<u>Tubeless or Special Tires with .5 Marking</u>	
<u>Tire Size</u>	<u>Gross Load Each Tire</u>	<u>Tire Size</u>	<u>Gross Load Each Tire</u>
-			
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00 or over	3000 lbs.	12-22.5 or over	3000 lbs.

- 1) High pressure pneumatic tires shall have the same rating as set forth in the above tables.
- 2) No allowance shall be made for any second rear axle that is suspended from the frame of a vehicle independent of the regular driving axle, and commonly known as a "Rigid Trail Axle".
- 3) The load distribution on any vehicle shall be such that it will not load the tires on said axle in excess of the prescribed load set forth in this order; provided that a truck, truck tractor, passenger bus or school bus having conventional 10.00 x 20 tires, or larger, may carry a maximum load of 10,000 lbs. on the front axle over any county highway placed under Regular Winter Load Restrictions.
- 4) Should there be evidence that any truck supplying motive power for any type of trailer is inadequate to handle with safety the specific maximum load for such trailer, the load on the trailer shall be reduced sufficiently to allow said truck and trailer to operate with safety. Any loading in excess of the specified maximum load will be considered a violation of this order.
- 5) Island County roads shall be subject to closure during the effective dates stated below; said closure to be identified by continuous or intermittent posting at such locations upon each road as may be necessary by the Island County Engineer, as conditions require, to protect and maintain the same during each period.
- 6) Speed limit is 30 miles per hour for all trucks or buses except emergency vehicles, school buses, and passenger carrying vehicles as described above.

**SPECIAL PERMITS**

Special permits may be issued by the County Engineer, or his representative, for loads in excess of allowable loads stated above, by the following method:

- 1) Any application shall apply in person to the County Engineer's office or Road Shop Supervisor's office for the applicable district during normal business hours. The applicant must be the vehicle operator, owner, or other responsible party.
- 2) A permit will be issued only when the applicant has provided all necessary Information.
- 3) The following will be considered in evaluating the permit application:
  - a. number and frequency of trips requested,
  - b. other permits granted for the same route,
  - c. availability of alternate routes,
  - d. climatic conditions,
  - e. degree of overload over restricted load limits, and
  - f. current road surface condition.
- 4) If a permit is issued, it must be carried in the vehicle while traveling a County road on which weight restrictions have been imposed.

#### **PENALTY**

Any person violating any emergency load limitation on a County road during a load sensitive period shall be in violation of this Resolution. A violation of this Resolution shall constitute a traffic infraction under the provisions of RCW 46.44.105, and RCW 46.44.080, subjecting the violator to the monetary penalties provided in RCW 46.44 and RCW 46.61.

#### **ACTION FOR DAMAGES**

Any person operating a motor vehicle upon, across, over any County road in violation of any provision of this Resolution shall be liable under RCW 46.44.110 and RCW 46.44.120 for any damage caused to such County road as the result of such violation.

#### **SEVERABILITY**

If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution or the application of the provision to other persons or circumstances shall not be affected.

THIS ORDER SHALL BECOME effective and be in full force on or after the date of adoption through the 30<sup>th</sup> day of April 2004, and the foregoing regulations will be rigidly enforced.

ADOPTED this 1 day of December, 2003.

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

WM. L. McDOWELL, Chairman  
WILLIAM J. BYRD, Member  
MIKE SHELTON, Member

#### **ATTEST:**

ELAINE MARLOW,  
Clerk of the Board

#### **CONSTRUCTION EASEMENTS APPROVED: WEST BEACH ROAD, PHASE 3**

By unanimous motion, the Board approved construction easements associated with West Beach Road, Phase 3, under Work Order 207, as follows:

- Construction Easement #PW-0320-133 with D. Stephen & Toni Ellsworth Parcel 228-4660; Sec. 24, Twp 32N, Rge 1W
- Construction Easement #PW-0320-134 with Shannon T. & Denise A. Buys, Parcel 297-3640; Sec. 24, Twp 32N, Rge 1W.

#### **HEARING SCHEDULED: PBR 390/03 DAVE ANDERSON FOR WHIDBEY INSTITUTE**

By unanimous motion the Board scheduled a Public Hearing for December 22, 2003 at 2:30 p.m. on PBR 390/03 by Dave Anderson for Whidbey Institute, an application for classification as Open Space under the Public Benefit Rating System on Assessor's Parcel Nos. R32922-106-2800, R32922-064-3430, S7303-00-0000J-0, R32927-492-1650, R32927-450-1670,

R32927-409-2010 located on South Whidbey Island. Planning and Community Development staff recommendation is for Conditional Approval with annual review.

**HEARING SCHEDULED: ORDINANCE #C-122-03/PLG-029-03 - ORDINANCE CONCERNING TECHNICAL AMENDMENTS TO THE ISLAND COUNTY COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP AND ISLAND COUNTY ZONING ATLAS (MAP #796, 311 & 880)**

By unanimous motion, the Board scheduled a public hearing on Ordinance #C-122-03/PLG-029-03, An Ordinance concerning Technical Amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas (Map #796, 311 & 880), for December 22, 2003 at 2:30 p.m.

There being no further business to come before the Board, the meeting adjourned at 10:32 a.m. with the next regular meeting to be held on December 8, 2003, beginning at 9:30 a.m.

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

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Wm. L. McDowell, Chairman

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William J. Byrd, Member

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Mike Shelton, Member

ATTEST:

\_\_\_\_\_  
Elaine Marlow, Clerk of the Board