

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING JANUARY 3, 2005**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on January 3, 2005 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6<sup>th</sup> Street, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd, Member, were present.

The meeting began with the Pledge of Allegiance. Re-elected County Commissioners Mike Shelton and Wm. L. McDowell were sworn in by Island County Auditor, Suzanne Sinclair.

By unanimous motion, the Board approved the minutes from the December 20, 2004 regular meeting and December 22, 2004 special session.

**VOUCHERS AND PAYMENT OF BILLS**

By unanimous motion, the Board approved the payroll dated December 31, 2004, and the following vouchers/warrants for 2004 and 2005, with the exception of Voucher #1401191 to be reviewed with the Health Services Director:

2004	Voucher (War.) #203909-204241 .....	\$320,910.01
2005	Voucher (War.) #203887-203908 .....	\$162,589.18.

**APPOINTMENTS**

By unanimous motion, the Board appointed two new members to the following boards:

**Northwest Senior Services Board**

Gert Wyse, Camano Island  
Term expires June 30, 2007

**Substance Abuse Advisory Board**

James M. Gervis, Freeland  
Term runs until April 1, 2008

**PERSONAL SERVICES CONTRACT - DAN PEDERSEN**  
**SERVICES FOR MARINE RESOURCES COMMITTEE (MRC)**

Don Meehan, WSU Extension agent, requested approval to take Dan Pedersen from a county employee position into a subcontractor status. The proposed contract is well spelled out and very specific. Proposed effective date of contract is 1/1/05, and 12/31/04 the last day of Mr. Pedersen's employment as a county employee. Prior to contract approval, Mr. Meehan requested that the Board approve a waiver of the bidding process under Island County Code. The contractor is listed on the Island County Small Works Roster and has complied with all of the requirements to be on that roster, and is the only contractor listed providing these kinds of services and is therefore a sole source contractor.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING JANUARY 3, 2005**

By unanimous motion, the Board approved waiver from competitive solicitation as allowed on a case by case basis under ICC 2.29.030 (B) (12). The Board followed by unanimous motion approving Contract #RM-EXT-04-0128 in the amount of \$16,900 with Dan Pedersen to perform services for Island County MRC as Communications Manager, and accepting the resignation of Dan Pedersen as an employee of Island County effective 12/31/04, verified through Human Resources, and elimination of the position from Island County's roster of county employees.

**DISPUTE RESOLUTION CENTER CONTRACT**

Dispute Resolution Center of Island County Contract for Services RM-BOCC-04-0132 between Island County and Volunteers of America Western Washington, Inc. was approved by unanimous motion of the Board for the period January 1, 2005 - December 31, 2006, as forwarded with a recommendation of approval from Betty Kemp, Director, GSA.

**HEALTH CONTRACTS APPROVED**

The Board by unanimous motion approved the following Health Department contracts:

Department of Health – Consolidated Contract #C13034 RM-HLTH-02-0094 in the amount of \$453,771 [2005–06 biennium contract]

Snohomish Health District Region 3 AIDS Contract #HD-03-04, Amendment #1 RM-HLTH-99-0014 in the amount of \$69,905 – amendment for the purpose of redistribution of funding to account/program areas

DSHS – Medicaid Administrative Match Contract #0063-42385 Amendment #5 RM-HLTH-98-0021, Amendment Amount \$250,000.00 to increase contract maximum for Medicaid match for total contract in the amount of \$414,508.57

DSHS – Medicaid Administrative Match Contract #0063-42385, Amendment #6 RM-HLTH-98-0021 Amendment Amount \$180,000.00 to increase contract maximum for Medicaid match. for total contract in the amount of \$594,508.57.

**PUBLIC INPUT OR COMMENTS**

Lori [McMaster] Hilleary, Langley, brought up several subjects.

**Water front property just south of Lagoon Point.** Client, Doug McKenna, purchased the property in 2000 and continues to have problems building a garage because the County Planning Department requires 25' from the property line. The Prosecuting Attorney told her client that it is a civil matter and would need to contact his own attorney, which he has done. The situation seems at a standstill and she's concerned about what can be done.

Chairman Shelton commented that this was an apparent legal conflict now being worked out by attorneys and for the Commissioners to interject themselves into that would be inappropriate.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING JANUARY 3, 2005**

**McMaster Road.** Understanding that Ms. McMaster wrote a letter disputing that the County owned the road and believed no one yet had proven it is a county road and Ms. Hilleary advised that an attorney in Seattle would decide that.

The Chair recalled that the determination had already made by a previous Board of County Commissioners some years ago that McMaster Road was a county road.

**Hillside above Saratoga Beach.** Apparently taking it out of open timber and planning to develop and expressed concern about impacts that would have on down hill property owners that already have unstable banks and inadequate ditches.

Chairman advised that it would be appropriate for Ms. Hilleary to provide her comments at the public hearing scheduled for today at 10:30 a.m. on OPS 349/0-4 by C&G Timber, Inc.

**RESOLUTION #C-01-05/R-01-05 - PETITION TO VACATE A PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS HOWARD ROAD AND BAYVIEW ROAD**

As recommended by Bill Oakes, Public Works Director, the Board by unanimous motion scheduled a public hearing on February 7, 2005 at 10:15 a.m. to consider Resolution #C-01-05/R-01-05, Petition to vacate a portion of County Road right-of-way known as Howard Road and Bayview Road located in Sec. 17, Twp 29N., R 3E, by Petitioner Kelly, Harvey & Carbone, LLP on behalf of Ed & Marge Gemkow, et.al.

**RESOLUTION #C-02-05/R-02-05 – PETITION TO VACATE A PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS CROSBY ROAD**

On recommendation of Mr. Oakes, the Board by unanimous motion scheduled a Public Hearing for February 14, 2005 at 10:15 a.m. to consider Resolution #C-02-05/R-02-05, Petition to vacate a portion of County Road right-of-way known as Crosby Road located in Sec. 28, Twp 33N., R 1E, by Petitioners James & Clarice Taylor.

**STORMWATER MITIGATION AGREEMENTS AND COVENANTS APPROVED**

As presented and recommended for approval by Mr. Oakes, the Board by unanimous motion approved the following Stormwater Mitigation Agreements & Covenants:

**Stormwater Mitigation Agreement & Covenants** –#RM-PW-0420-129 between Island County and James Edgar Burningham, Lot 14, Division #1, Bradshaw's Addition; Sec. 3, Twp. 29N, R 2E.

**Stormwater Mitigation Agreement & Covenants** #RM-PW-0420-136 between Island County and Phil N. & Julie R. Neri, Lot 2, Blk 1, Division #1, Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp. 29N, R 2E.

**Stormwater Mitigation Agreement & Covenants** #RM-PW-0420-110 between Island County & Harold L. & Nancy L. Allmer, Lot 1, Blk 2, Division #9, Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING JANUARY 3, 2005**

**Stormwater Mitigation Agreement & Covenants** #RM-PW-0420-161 between Island County and High Grade Homes, LLC, Lot 24, Blk 2, Division #6, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E.

**Stormwater Mitigation Agreement & Covenants** –#RM-PW-0320-158 between Island County and Julie Julison, Lot 6, Blk 4, Division #6; Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E.

**HEARING HELD: OPEN TIMBER APPLICATIONS**

A Public Hearing was held at 10:30 a.m. as advertised, for the purpose of considering Open Timber Applications OPS 349/04, C&G Timber, Inc.; OPS 348/04, C&G Timber, Inc; and OPS 336/04, Glenn & Rebecca Drumheller. Island County Planning and Community Development Department through Phil Bakke, Director, and Jeff Tate, Assistant Director, presented the applications and brief overview of each application along with staff recommendation.

**Open Timber Applications OPS 349/04, C&G Timber, Inc.**

Proposal is to shift 152.41 acres from the Designated Forest Tax Program to the Timber Land Current Use Classification on Parcels R23013-199-1960, R23013-343-1880, R23013-444-2100, R23013-438-1000 and R23013-492-0410 located on South Whidbey. The applicant submitted and the County staff reviewed and approved a forest management plan in conjunction with the proposal and determined it to be adequate to meet requirements of RCW.

Questions were posed by Lori [McMaster] Hilleary, Langley, about potential short-platting, minimum lot size requirements and flexibility that would allow the property owner to sell parcels for development, and concerns about potential development and anything that would guarantee folks below would not be flooded out.

Mr. Tate explained that zoning prescribes how the parcel can be divided and what the minimum lot size is. There are different minimum lot size requirements in order to be in the tax program, but it is zoning that controls how small the parcels can be. There is no link between the tax program and the zoning. In this case the property is zoned Rural Forest and has a ten acre minimum lot size. Zoning will remain Rural Forest ten acre and this OPS application is not a precursor to a request for different zoning category. There is a totally separate set of criteria for a zone change which would require a separate public hearing. In his experience, he has yet to see this type application approved where someone came in and asked for a zone change afterwards. The tax program consists of a different set of criteria with a specific forest management program on management of the land. Anyone in a tax program can remove one acre of land from the program and develop a home site through a separate request and would be required to pay back taxes on that one acre. If someone were to buy a ten acre piece or the current owner wanted to develop a 10 acre piece or as many ten acre pieces as possible each one of those would require a Class Four forest practice permit as well as a clearing and grading permit from the County. One of the clearing and grading permit standards requires that host development rate of runoff not exceed the pre-development rate of runoff. The clearing and grading process triggers a public notice and public process, a separate decision that can be appealed.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING JANUARY 3, 2005**

Jim Adsley, 3280 Saratoga Road, noted that the property had been clearcut about two years' ago and a 1500' improved road, to him a signal of future development. He was curious that there had been no public notice on this proposal and assumed it was some kind of precursor to another step, and inquired about the change in tax status on taxes.

Right now the property is in Deferred Forest, a deferred tax program, and Mr. Tate explained that because the property is retained in forestry the owner receives a reduced tax. Should the property go into Open Timber the tax actually would not fluctuate much, and continue at least until the owner wants to develop the property. It is someone who may buy the property and want to remove at least an acre of land who would then have to pay full taxes on that one acre. The tax program and the shifting between tax programs is noticed under law in a different way than a short plat or clearing and grading permit. Mr. Tate confirmed staff review and approved a forest management plan for this site as required by State of Washington Department of Revenue laws, and staff recommendation is approval of the application.

By unanimous motion the Board approved Open Timber Application OPS 349/04, C&G Timber, Inc. to shift 152.41 acres from the Designated Forest Tax Program to the Timber Land current use classification, on Parcels R23013-199-1960, R23013-343-1880, R23013-444-2100, R23013-438-1000 and R23013-492-0410 located on South Whidbey.

**OPS 348/04, C&G Timber, Inc.**

OPS 348/04 by C&G Timber, Inc. is a proposal to shift 145.77 acres from Designated Forest Tax Program to Timber Land current use classification on Parcels R23119-197-4810, R23119-234-3820, R23119-395-3410, R23119-352-4950 and R23119-432-4440 located in Central Whidbey. Mr. Tate confirmed staff had reviewed and approved a Forest Management Plan for the property and staff recommends approval of the application.

At the time the Chairman called for public comments, no one in the audience commented either for or against OPS 348/04.

By unanimous motion the Board approved OPS 348/04 by C&G Timber, Inc. to shift 145.77 acres from Designated Forest Tax Program to Timber Land current use classification on Parcels R23119-197-4810, R23119-234-3820, R23119-395-3410, R23119-352-4950 and R23119-432-4440 located in Central Whidbey.

**OPS 336/04, Glenn & Rebecca Drumheller.**

OPS 336/04, Glenn & Rebecca Drumheller is a proposal to shift 19.9 acres from Designated Forest Tax Program to Timber Land current use classification on Parcel No. R23129-335-1000 located in Central Whidbey. Mr. Tate confirmed staff had reviewed and approved a Forest Management Plan for the property and staff recommends approval of the application.

Again when the Chairman called for public comments, no one in the audience spoke either for or against OPS 336/04.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING JANUARY 3, 2005**

By unanimous motion the Board approved OPS 336/04 by Glenn & Rebecca Drumheller to shift 19.9 acres from Designated Forest Tax Program to Timber Land current use classification on Parcel No. R23129-335-1000 located on Central Whidbey.

**FINAL LONG PLAT PLP 118/04, HOLMES HARBOR COMMUNITY PARTNERS, LLC.**  
**FINAL APPROVAL OF KATYDID COURT COTTAGES**

As submitted with a recommendation of approval by Mr. Bakke and Mr. Tate, the Board by unanimous motion gave approval for Final Long Plat PLP 118/04 by Holmes Harbor Community Partners, LLC, final approval of Katydid Court Cottages, a long plat consisting of 9 lots on 7.67 acres in the Rural Residential zone, located a mile north of the intersection of SR 525 and Honeymoon Bay Road on the west side of Honeymoon Bay Road, between Spinnaker Drive and Good Piper Lane on South Whidbey Island, in the NW quarter of section 3, Township 29 North, Range 2 East, W.M., Island County, Washington. (Assessor's Parcels S7165-08-0000B-1, S7165-08-0000B-2, and S7165-08-0000B-5).

There being no further business to come before the Board at this time, the meeting adjourned at 10:56 a.m. The next regular meeting of the Board will be on January 10, 2005 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

\_\_\_\_\_  
Mike Shelton, Chairman

\_\_\_\_\_  
Wm. L. McDowell, Member

\_\_\_\_\_  
William J. Byrd, Member

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