

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING – MARCH 7, 2005

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on March 7, 2005 at 9:30 a.m. in the Island County Annex Building Hearing Room located at 1 N. E. 6th 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. By unanimous motion, the Board approved the minutes from the February 28, 2005 regular session.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

Voucher (War.) # 207927-208197\$310,076.21.

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description	Position #	Action	Eff. Date
Planning	018/05	Assistant Planner	1707.03	New Position [replaces #1708.06]	4/18/05
Health	019/05	Pub. Health Nurse III, Temp	2404.05	New Position-Temp [60 days]	3/15/05
Health	020/05	Env. Health Spec. II	2407.05	Replacement	4/18/05

RESOLUTION #C-16-05 AMENDING THE VOLUNTEER PROGRAM IN ISLAND COUNTY

As presented and recommended for approval by Mr. Toft, previously discussed at staff session, the Board by unanimous motion approved Resolution #C-16-05 in the matter of amending the volunteer program in Island County superseding Resolution #C-59-94 8/14/94. *[Resolution #C-16-05 placed on file with the Clerk of the Board]*

RESOLUTION #C17-05 - SALE OR DISPOSAL OF SURPLUS COUNTY PROPERTY

Based on recommendation of Betty Kemp, Director, GSA, the Board by unanimous motion approved Resolution #C-17-05 in the matter of sale or disposal of Island County [real] property, two parcels as described in attachments to the Resolution, more commonly known as Henni Road Property and Pfeifer Property obtained by the County through enforcement actions. *[Resolution #C-17-05 placed on file with the Clerk of the Board]*

RESOLUTION #C-18-05 - ADOPTING NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE PRIMARY INCIDENT MANAGEMENT SYSTEM IN ISLAND COUNTY

Resolution #C-18-05 In the Matter of Adopting the National Incident Management System (NIMS) as the Primary Incident Management System in Island County was approved by unanimous motion of the Board as presented and recommended by David L. Hollett, Deputy Director Island County Department of Emergency Services and Betty Kemp. *[Resolution C-18-05 placed on file with the Clerk of the Board]*

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING – MARCH 7, 2005**BUDGET HEARING HELD**

As scheduled and advertised, having been continued from February 28, 2005, Chairman Shelton opened a public hearing at 9:50 a.m. for the purpose of considering Resolution #C-07-05 Amending the 2004 Island County Budget and Resolution #C-08-05 Amending the 2005 Island County Budget.

Elaine Marlow, Budget Director, summarized the resolutions: Resolution #C-07-05, a house-keeping sort or resolution, amends the 2004 budget to acknowledge expenditures not known at the time the 2004 budget was adopted, all expenditures were previously approved by the Board. Resolution #C-08-05 for the 2005 budget reflects lines 6 through 31 for expenditures that have not been made yet but need to occur during 2005; the remainder are items for correction such as duplicate entries and some transfers that need to be carried forward in two places within the budget.

At the time of hearing when comments were requested on both Resolutions, no one in the audience spoke either for or against Resolution #C-07-05 or #C-08-05. By unanimous motion, the Board approved Resolution #C-07-05 Amending the 2004 Island County Budget and Resolution #C-08-05 Amending the 2005 Island County Budget. *[Resolution #C-07-05 and Resolution #C-08-05 placed on file with the Clerk of the Board]*

**RESOLUTION #C- 19-05 CERTIFICATION OF THE ISLAND COUNTY
PERSONAL PROPERTY INVENTORY FOR 2004**

Resolution #C-19-05 in the matter of the Certification of the Island County Personal Property Inventory for 2004 was adopted by unanimous motion of the Board. *[Resolution #C-19-05 and copy of County Inventory placed on file with the Clerk of the Board; original County Inventory on file with the Island County Auditor]*

LIQUOR LICENSE APPLICATION #087271-3D - ISLANDER'S ESPRESSO & EATERY

On receipt of recommendations of approval by the appropriate County offices, the Board by unanimous motion approved application for Liquor License Application # 087271-3D for added privilege, by Brett T. & Christina L. Olson, and Port Susan Investments & Management, LLC, for Islander's Espresso & Eatery, located at 848 N. Sunrise Boulevard, Building D, Camano Island.

RESOLUTION #C-20-05 – SALE OR DISPOSAL OF SURPLUS COUNTY PROPERTY

As presented by Ms. Kemp, the Board by unanimous motion, approved Resolution #C-20-05 in the matter of the sale or disposal of surplus county property described on Exhibit "A" to be sold or disposed of in accordance with ICC Chapter 2.31. *[Resolution #C-20-05 placed on file with the Clerk of the Board]*

ISLAND COUNTY READINESS TO LEARN CONTRACT

Island County Readiness to Learn Contract #HS-02-05 (RM-HLTH-05-0002) in the amount of \$3,500 for Substance Abuse Prevention to provide Strengthening Families Program on Camano Island was approved by unanimous motion of the Board.

PUGET SOUND BUSINESS SYSTEMS, INC. - COPIER MAINTENANCE AGREEMENTS

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By unanimous motion the Board approved copier maintenance agreements with Puget Sound Business Systems, Inc. for the County Commissioners Office RM-BOCC-05-0027 and Human Resources/Budget Director RM-BOCC-05-0026 based on \$.012/copy.

**RESOLUTION #C-21-05 RETAINING FOSTER PEPPER & SHEFELMAN
PLLC AS BOND COUNSEL FOR ISLAND COUNTY**

Resolution #C-21-05 Retaining Foster Pepper & Shefelman PLLC as Bond Counsel for Island County was approved by unanimous motion of the Board as presented and recommended for approval by the Budget Director. Foster Pepper & Shefelman PLLC signed accepting employment as bond counsel in accordance with the provision of the resolution and Island County Superior Court Judges approved the contract March 3, 2005. *[Copy on file with the Clerk of the Board]*

PUBLIC INPUT OR COMMENTS

Clinton Hollingsworth, LG, Consulting Geologist, Camano Island, licensed in Washington State as a Geologist, addressed the Board with regard to aspects of the 2003 International Residential Code. One of his projects last year was rejected because it was not prepared by a qualified engineer, a result apparently due to new regulations imposed by the International Residential Code adopted in late July 2004, specifically **R403.1.7 Footings on or adjacent to slopes**. The problem is that the IRC parameters do not take into consideration the overall nature and basic stability or lack thereof of the lithologies lying under the lot be it a coastal bluff or a lot with a slope exceeding a one to three slope gradient. Subsection R403.1.7.4 Alternate Setback and Clearances, provides for a departure from the formulae for setback if evaluated by a qualified engineer. Under Section R403.1.7.4 the geologist has been denied the ability to make professional judgments in slope stability analyses. His request to the Board of Island County Commissioners was to consider inserting the words “Licensed Geologist” or the equivalent, into subsection R403.1.7.4 of the International Residential Code as enacted in Island County. *[Clinton Hollingsworth written submittal placed on file with the Clerk of the Board]*

Pat Lamont, Lamont Drive, Oak Harbor, attending with her husband, submitted written comments for the record *[placed on file with the Clerk of the Board]* related to late tax bills and extra tax bills, relaying their struggles since their hearing before the Board of Equalization January 23, 2004. A value adjusted notice was received on September 9 lowering the value of the land by a substantial amount but they have been unable to find out from the Assessor or Treasurer how much that lowered their taxes. In October of 2004 they were told to pay the full second half taxes and assured when they did get receive a refund that it would include interest. They have been told by the Treasurer’s Office that it probably will yet be another two months. Her point: the system is broken and needs to be fixed.

HEARING HELD: FRANCHISE #323 - SUNSET VIEW TERRACE ASSOCIATION

A Public Hearing was held on Franchise #323 (PW –0420-176) between Island County and Sunset View Terrace Association covering an existing water distribution system in County right of way known as Rhodie Lane in the Plat of Sunset View Tracts; Sec. 32, Twp 30N, R 2E. Dick Snyder, Island County Engineer, reported in favor of Franchise approval as outlined in memorandum dated January 26, 2005.

At the time the hearing was opened for public comments, no one in the audience spoke either for or against said Franchise application.

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The Board by unanimous motion approved Franchise #323 (PW –0420-176) between Island County and Sunset View Terrace Association covering an existing water distribution system in County right of way known as Rhodie Lane in the Plat of Sunset View Tracts; Sec. 32, Twp 30N, R 2E.

**LOCAL AGENCY PARTICIPATING AGREEMENT GCA 4297 – WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION– PRELIMINARY ENGINEERING, SIDNEY ST.
VICINITY TO SCENIC HEIGHTS ROAD VICINITY/MONROE LANDING ROAD**

Local Agency Participating Agreement #PW-0520-04 between Island County and Washington State Department of Transportation #GCA 4297 for Preliminary Engineering, from Sidney Street vicinity to Scenic Heights Road vicinity/Monroe Landing Road, in the amount of \$12,500.00, was approved by unanimous motion of the Board, as recommended by Mr. Snyder.

SUPPLEMENTAL AGREEMENTS APPROVED

The Board by unanimous motion approved the following supplemental agreements:

Supplemental Agreement 2 – PW-0020-53(B) - GeoEngineers, Inc., for On-Call Geotechnical Consultant Agreement, revising payment schedule

Supplemental Agreement 3 – PW-0020-29(C) - Skillings-Connolly, Inc., Consultant Agreement for Camano Hill Road Widening project, revising Maximum Amount Payable.

**RESOLUTION #C-22-05/R-06-05 – APPROVING SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR ASPHALT CONCRETE MATERIAL**

Resolution #C-22-05/R-06-05 In the Matter of Approving Specifications and Authorizing Call for Bids for Asphalt Concrete Material for the period of May 1, 2005 to May 1, 2006 was approved by unanimous motion of the Board, with bid opening date March 29, 2005 at 10:15 a.m. in Administration Building Meeting Room 101, 1 N.E. 7th Street, Coupeville, Wa. [*Resolution filed with the Clerk of the Board*]

**RESOLUTION #C-23-05/R-07-05 – APPROVING SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR LIQUID ASPHALT MATERIALS**

Resolution #C-23-05/R-07-05 In the Matter of Approving Specifications and Authorizing Call for Bids for Liquid Asphalt Materials for the period of May 1, 2005, to May 1, 2006, with bid opening date set for March 29, 2005 at 10:30 a.m. in Administration Building Meeting room 101, 1 N.E. 7th Street, Coupeville, was approved by unanimous motion of the Board. [*Resolution filed with the Clerk of the Board*]

**RESOLUTION #C-24-05/R-08-05 – APPROVING SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR 2005 CULVERT SUPPLIES**

Resolution #C-24 -05/R-08-05 In the Matter of Approving Specifications and Authorizing Call for Bids for 2005 Culvert Supplies, with bid opening date March 29, 2005 at 10:00 a.m., Administration Building, Room 101, located at 1 N.E. 7th Street, Coupeville, was approved by unanimous motion of the Board. [*Resolution filed with the Clerk of the Board*].

**QUIT CLAIM DEEDS, CONSTRUCTION EASEMENT AND REAL PROPERTY VOUCHER –
BAYVIEW ROAD PROJECT CRP 98-17**

As presented and described by Mr. Snyder, the Board by unanimous motion approved the following quit claim deeds, construction easement and voucher associated with Bayview Road project CRP 98-17:

Quit Claim Deed – between Island County and Langley Masonic Temple Association, compensation in the amount of \$6,522.00 (\$2,062.00/land, \$500.00/trees, \$1,000.00/move sign, \$2,962.00/administrative settlement), Parcel 049-0370; Sec. 8, Twp 29N., R 3E.

Quit Claim Deed between Island County and Robert D. & Amanda J. Leisle with compensation in the amount of \$11,718.50 (\$4,054.00/land, \$1,500.00/trees, \$6,164.50/administrative settlement), Parcel 085-0550; Sec. 8, Twp 29N, R 3E, W.M.

Construction Easement between Island County and Robert D. & Amanda J. Leisle, Parcel 085-0550; Sec. 8, Twp 29N, R 3E.

Real Property Voucher - for Property Acquisition per Real Property Acquisition & Right-of-Way Procedures (C-46-03/R-16-03), in the amount of \$12,118.50 to Robert D. and Amanda J. Leisle.

**QUIT CLAIM DEED, CONSTRUCTION EASEMENT, DRAINAGE EASEMENT AND REAL
PROPERTY VOUCHER - SWANTOWN ROAD CURVE REALIGNMENT CRP 04-05**

As presented and described by Mr. Snyder, the Board by unanimous motion approved the following quit claim deed, construction easement, drainage easement and voucher associated with Swantown Road Curve Realignment CRP 04-05:

Quit Claim Deed between Island County and Roger & Melinda White, with compensation in the amount of \$25,000.00, Parcel 150-2990; Sec. 32, Twp 33N, R 1E.

Construction Easement between Island County and Roger & Melinda White, Parcel 150-2990; Sec. 32, Twp 33N, R 1E. [temporary construction easement compensation \$100]

Drainage Easement – between Island County and Roger & Melinda White, Parcel 150-2990; Sec. 31, Twp 33N, R 1E. [compensation \$600.00]

Real Property Voucher - for Property Acquisition per Real Property Acquisition & Right-of-Way Procedures (C-46-03/R-16-03), for the total of \$33,000.00, which includes \$7,300 for all improvements, landscape, partial fence and gravel, to Roger and Melinda White.

**STORMWATER MITIGATION AGREEMENTS APPROVED – PLAT OF HOLMES
HARBOR GOLF & YACHT CLUB**

As presented and recommended for approval by Gwenn Maxfield, Assistant Public Works Director, the Board by unanimous motion, approved the following Stormwater Mitigation Agreements related to the Plat of Holmes Harbor Golf & Yacht Club:

Stormwater Mitigation Agreement – PW-0420-117 - Mark Winslow & Colleen Nichols, Lot 13, Block 2, Division No. 9, Plat of Holmes Harbor Golf & yacht Club, Sec. 3, Twp 29N, R 2E.

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Stormwater Mitigation Agreement – PW-0420-140 - Mergens Construction, Lot 5, Block 2, Division No. 8, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E.

Stormwater Mitigation Agreement – PW-0520-13 - Michael & Mary Dettrich, Lot 4, Block 2, Division No. 1, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E.

Stormwater Mitigation Agreement - Kathy Stockman, Lot 31, Block 1, Division No. 5, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E.

Stormwater Mitigation Agreement – PW-0520-34 - Teresa Troutman, Lot 34, Block 1, Division No. 5, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R2E.

Stormwater Mitigation Agreement – PW-0520-35 - Charles A. Cook, Lot 7, Block 2, Division No. 8, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E.

Stormwater Mitigation Agreement – PW-0520-36 - Charles A. Cook, Lot 22, Block 5, Division No. 8, Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R2E.

STORMWATER MITIGATION AGREEMENTS – PLAT OF KATYDID COURT COTTAGES

As presented and recommended for approval by Ms. Maxfield the Board by unanimous motion approved the following Stormwater Mitigation Agreements associated with the Plat of Katydid Court Cottages:

Stormwater Mitigation Agreement – PW-0520-44 - Holmes Harbor Community Partners, LLC, Lot 1, Division No. 1, Plat of Katydid Court Cottages (a subdivision of a portion of Division No. 8-HHGYC), Sec. 3, Twp 29N, R 2E.

Stormwater Mitigation Agreement – PW-0520-45 - Holmes Harbor Community Partners, LLC, Lot 2, Division No. 1, Plat of Katydid Court Cottages (a subdivision of a portion of Division No. 8-HHGYC), Sec. 3, Twp 29N, R 2E.

Stormwater Mitigation Agreement – PW-0520-46 - Holmes Harbor Community Partners, LLC, Lot 3, Division No. 1, Plat of Katydid Court Cottages (a subdivision of a portion of Division No. 8-HHGYC), Sec. 3, Twp 29N, R2E

Stormwater Mitigation Agreement –PW-0520-47 - Holmes Harbor Community Partners, LLC, Lot 4, Division No. 1, Plat of Katydid Court Cottages (a subdivision of a portion of Division No. 8-HHGYC), Sec. 3, Twp 29N, R 2E

Stormwater Mitigation Agreement – PW-0520-48 - Holmes Harbor Community Partners, LLC, Lot 5, Division No. 1, Plat of Katydid Court Cottages (a subdivision of a portion of Division No. 8-HHGYC), Sec. 3, Twp 29N, R 2E.

Stormwater Mitigation Agreement – PW-0520-49 - Holmes Harbor Community Partners, LLC, Lot 6, Division No. 1, Plat of Katydid Court Cottages (a subdivision of a portion of Division No. 8-HHGYC), Sec. 3, Twp 29N, R 2E.

Stormwater Mitigation Agreement – PW-0520-50 - Holmes Harbor Community Partners, LLC, Lot 7, Division No. 1, Plat of Katydid Court Cottages (a subdivision of a portion of Division No. 8-HHGYC), Sec. 3, Twp 29N, R 2E.

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Stormwater Mitigation Agreement – PW-0520-51 - Holmes Harbor Community Partners, LCC, Lot 8, Division No. 1, Plat of Katydid Court Cottages (a subdivision of a portion of Division No. 8-HHGYC), Sec. E, Twp 29N, R 2E.

Stormwater Mitigation Agreement – PW-0502-52 - Holmes Harbor Community Partners, LLC, Lot 9, Division No. 1, Plat of Katydid Court Cottages (a subdivision of a portion of Division No. 8-HHGYC), Sec. 3, Twp 29N, R 2E.

IMPROVEMENT BOND – STEVE ARNOLD COMPANY, INC. - COMPLETION OF DRAINAGE FACILITIES, PLAT OF WHISPERING FIRS

By unanimous motion the Board approved Improvement Bond in the amount of \$40,000.00 between Island County and Steve Arnold Company, Inc., bonding for completion of drainage facilities in the Plat of Whispering Firs, located in Sec. 11, Twp 29N, R 2E.

DECLARATION OF TRUST/BOND – SWDC, INC. - BONDING FOR COMPLETION OF UTILITY & ROADWAY IMPROVEMENTS - PLAT OF TEE-SIDE

Declaration of Trust/Bond with SWDC, Inc. (Mark Schuster) in the amount of \$114,657.86 related to bonding for the completion of utility and roadway improvements in the Plat of Tee-Side (PLP 328-04) was approved by unanimous motion of the Board.

HEARING HELD: ORDINANCE #C- 05 -05 (PLG-022-04) - CONCERNING TECHNICAL AMENDMENTS TO THE ISLAND COUNTY COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP AND THE ISLAND COUNTY ZONING ATLAS (MAPS 701 & 703)

Chairman Shelton opened a Public Hearing, as advertised, scheduled at the meeting of January 24, 2005 for hearing on February 28, 2005, continued to this date and time, to consider Ordinance #C- 05 -05 (PLG-022-04) concerning technical amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas (Maps 701 & 703). [*Ordinance C-05-05 as introduced entered as GMA #7728*].

Phil Bakke, Planning and Community Development Director, along with Jeff Tate, Assistant Planning and Community Development Director, made the staff presentation to the Board and public on the proposed Ordinance. Mr. Tate provided further details as outlined in Exhibit B of the Ordinance, a Memorandum to the Board explaining the circumstances for the technical corrections. The property owner submitted a farm management plan for compliance with agricultural Best Management Practices, which includes building a waste manure storage facility. A lot line adjustment would allow building the required structure on land currently wooded, and not lose any agricultural space. The Rural Ag parcel would increase from 22.43 acres to 26.97 acres and the Rural parcel will decrease from 15.87 acres to 11.33 acres. Staff recommends that the Board approve the zoning district boundary as presented, followed immediately by staff's administrative approval of Boundary Line Adjustment.

No one in the audience spoke either for or against adoption of Ordinance #C-05-05.

By unanimous motion, the Board approved Ordinance #C- 05 -05 (PLG-022-04) concerning technical amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas (Maps 701 & 703). [*Ordinance #C- 05 -05 (PLG-022-04) placed on file with the Clerk of the Board*] (GMA #7758 as approved 3/7/05)

**HEARINGS HELD: OPS 317/04 TINYBLUE FOUNDATION; OPS 415/04
CATHERINE SWAIN AND PETE KROGSENG; OPS 399/04 JUDY DIXON**

As advertised for 10:30 a.m. on today's agenda, the Board held a public hearing to consider three OPS applications, continued from February 28, 2005.

OPS 317/04 Tinyblue Foundation, David Trowbridge - 7.2 acres of 20-acre parcel - Timber Land Current Use Program - Parcel R22922-065-4620, located on South Whidbey

Staff Report dated December 17, 2004 [*copy on file with the Clerk of the Board*] summarized by Phil Bakke, concluded that classification of the 7.2 acres of forested land as timber land current use classification is consistent with the criteria set forth in RCW 84.34.041(a)-(c) and that the Island County Comprehensive Plan supports the preservation of rural character and open spaces and wooded tracts. Staff recommends approval, subject to conditions listed of page 5 of 5 of Staff Report.

At the time of hearing, no one commented either for or against OPS 317/04.

By unanimous motion, the Board approved OPS 317/04, Tinyblue Foundation, David Trowbridge requesting that 7.2 acres of his 20-acre parcel be enrolled into the Timber Land current use program, Parcel R22922-065-4620 located on South Whidbey Island, subject to the conditions recommended by Staff.

OPS 415/04 Catherine Swain and Pete Krogseng - 38.18 acres of 40.10-acre parcel - Timber Land Current Use Program - Parcel R13111-447-1080, R13111-517-0410, R13111-450-0410 and R13111-514-1080, Central Whidbey

Staff Report dated December 29, 2004 [*copy on file with the Clerk of the Board*] was provided and summarized by Mr. Bakke for OPS 415/04 by Catherine Swain and Pete Krogseng requesting that 38.18 acres of their 40.10-acre parcel be enrolled into the Timber Land current use program. Parcel R13111-447-1080, R13111-517-0410, R13111-450-0410 and R13111-514-1080 located on Central Whidbey Island. Classification of the 38.18 acres of forested land as Timber Land Current Use classification is consistent with the criteria set forth in RCW 84.34.041(a)-(c),m and the Comprehensive Plan supports the preservation of rural character of Island County and the preservation of open space and wooded tracts. Staff recommends approval subject to conditions listed on page 5 of 5 of the Staff Report.

At the time of hearing, no one commented either for or against OPS 415//04.

By unanimous motion, the Board approved OPS 415/04 by Catherine Swain and Pete Krogseng requesting that 38.18 acres of their 40.10-acre parcel be enrolled into the Timber Land current use program, Parcel R13111-447-1080, R13111-517-0410, R13111-450-0410 and R13111-514-1080 located on Central Whidbey Island, subject to conditions recommended by staff.

OPS 399/04 Judy Dixon - 39 acres of a 40-acre parcel be shifted from the Designated Forest Tax Program to Timber Land current use classification, Parcel R32804-067-4650, located near Scatchet Head, South Whidbey

Staff Report dated January 10, 2005 [*copy on file with the Clerk of the Board*] was submitted and summarized by Phil Bakke, concluding that conversion from Designated Forest to Timber Land Current use classification is consistent with the criteria set forth in RCW 84.34.041(a)-(c) and that the Island County

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Comprehensive Plan supports the preservation of rural character and the preservation of open spaces and wooded tracts. Staff recommends approval, subject to conditions listed of page 5 of 5 of Staff Report.

At the time of hearing, no one commented either for or against OPS 399/04.

By unanimous motion, the Board approved OPS 399/04 by Judy Dixon requesting that 39 acres of a 40-acre parcel be shifted from the Designated Forest Tax Program to Timber Land current use classification, Parcel R32804-067-4650, located near Scatchet Head, South Whidbey Island, subject to staff recommended conditions as provided in the Staff Report.

FINAL APPROVAL - SPR 171/04 - AMENDMENT TO SITE PLAN REVIEW 46/89

Mitzi Hall, Island County Planning Department, presented for the Board's final approval, SPR 171/04 – an amendment to Site Plan Review 46/89 to allow for the expansion of a lease area and the revision of a condition of approval regarding the buffer for the installation of emergency radio equipment on an existing 165' lattice communication tower, having received approval by the Hearing Examiner: October 18, 2004. The owner is Richard Ainsworth and the applicant is Snohomish County Emergency Radio System, Parcel Number: R23225-021-0850, located at 615 Windsun Way, Camano Island, SW 1/4 of Section 25, Township 32 North, Range 2 E.

By unanimous motion, the Board approved and signed SPR 171/04, Amendment to Site Plan Review 46/89 as presented.

RESOLUTION #C-25-05 - FILING OF A PETITION FOR REVIEW OF THE SHORELINES HEARINGS DECISION ON MOTION TO DISMISS FOR LACK OF STANDING

Josh Choate, Deputy Prosecuting Attorney, presented a proposed resolution with regard to the matter of filing of a petition for review of the Shorelines Hearings Decision on Motion to dismiss for Lack of Standing in the matter of Hale, et al. V. Island County, et al, Shorelines Hearings Board Case Nos. 04-022 and 04-023, Puget Sound Metal Trades Council and affiliated unions. This is something the Prosecutor's Office already filed due to a tight time frame, now seeking approval of the Board for taking this action in Superior Court.

The Board, on unanimous motion, approved Resolution #C-25-05 Regarding the Matter of the Filing of a petition for Review of the Shorelines Hearings Decision on Motion to dismiss for Lack of Standing.

[Resolution #C-25-05 on file with the Clerk of the Board]

There being no further business to come before the Board at this time, the meeting adjourned at 11:00 a.m. The next regular meeting of the Board will be on March 14, 2005 beginning 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