

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
REGULAR SESSION - MARCH 26, 2001**

The Regular Meeting of the Board of Island County Commissioners was held on March 26, 2001, beginning at 11:30 a.m. for a Roundtable with Elected Officials, followed by other topics at 1:30 p.m. as outlined on the agenda, *including* Diking Improvement District #4. The meeting was held in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with William F. Thorn, Chairman, and Mike Shelton, Member, present. Wm. L. McDowell, Member, was absent. Minutes from previous meetings were, by unanimous motion of the Board, were approved for the March 12 and March 19, 2001 meetings.

**ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS**

In addition to Commissioners Thorn and Shelton, others attending included: Tom Baenen; Greg Banks; Robert Bishop; Mike Hawley; Maxine Sauter; Suzanne Sinclair; Margaret Rosenkranz; Dick Toft.

**COUPEVILLE SCHOOL MENTORING PROGRAM.** Chairman Thorn was approached last week by Margie Parker, Coupeville School District, concerning an on-going mentoring with students program. In the past there had been some participation within the County supporting the program, and there still is from one or two folks, but there have been some turn downs because supervisors were not willing to let the employees go. This is a very worthwhile program and the Chairman encouraged Elected Officials and Department Heads to get involved and on board if employees are interested in participating in the program. There are provisions in this County for flex time, and recognizing it should be at the supervisor's discretion and cannot disrupt County operations, but where it can be reasonably accommodated, the County should be supportive in this type community interaction. Copies of two brochures relating to the program were passed out for everyone's information.

**CAMANO ANNEX MAIL.** The Chairman mentioned the need for additional support for mail deliveries back and forth from Camano Annex. He asked that employees be reminded when they go to Camano to check for mail to deliver, and when leaving the Camano Annex, check with Joyce Kasperson to see if there is any mail that needs to be delivered to Coupeville.

**TECHNOLOGY COMMITTEE RESOLUTION.** Coming before the Board for adoption this afternoon is a Resolution to create for Island county a standing committee to be known as Island County Technology Committee.

**COUNTY REVENUES.** In looking over the Treasurer's Report last Monday with regard to revenue figures at the end of February, the picture looks grim as far as meeting revenue projections. Sales tax is running behind forecasts significantly and interest on investments is down dramatically. The Chairman is very concerned about the County's ability to handle any added financial requests outside what has been currently budgeted. Should the trend continue, by May or June a mid-course budget correction may be necessary.

Mr. Baenen thought it would be advantageous if Elected Officials and Department Heads receive a copy of the Treasurer's monthly financial report. Chairman Thorn asked that the Treasurer make that available to Elected Officials and Department Heads. Commissioner Shelton noted that the Treasurer's Report is a cash report and does not reflect accruals; the Auditor's Financial Report would also be important to receive - look at both reports.

**WATER SUPPLY COOPERATION.** The Chairman participated in a meeting with Skagit County PUD Commissioners, interested in coming into the County to own and operate water systems, one in particular on North Whidbey has been approached initially. Due to new legislation, the PUD expressed interest in becoming involved in the telecommunications industry [wiring the county].

**ELECTED OFFICIALS SALARY ADJUSTMENT.** Submittal received on behalf of Marilee Black, County Clerk; Tom Baenen, Assessor, Robert Bishop, Coroner, Suzanne Sinclair, Auditor, and Maxine Sauter, Treasurer, requesting an increase in their salary to equal 95% of the County Commissioners salary. The cost would be a little under \$25,000 a year\*. A memo in support of the request was attached from Greg Banks, Prosecuting Attorney. A memo from Sheriff Hawley also supported the salary rate adjustment, but preferred that the Board establish an independent salary review commission to convene on a regular basis to consider the salaries and benefits of not only all Elected Officials but all managers and administrators who serve in non-represented, appointed positions as well [*\*subsequently clarified to actually be \$30,000*].

While the Commissioners were reluctant to give up that budget control to a salary commission, they agreed, comparatively speaking, the salary adjustment request was a reasonable one and were willing to consider it.

Roundtable adjourned 12:12 p.m. Next meeting scheduled for April 23, 2001 at 11:30 a.m.

**VOUCHERS AND PAYMENT OF BILLS**

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

Voucher (War.) #95664 - 95889 . . . . . \$ 328,402.36.

Veterans Assistance Fund: *[emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]*. Associated with Claim V1-12, the Board considered new information, and the fact that verification provided that new information did not change the recommendation of denial of the claim by the Veterans Review Assistance Committee [VARC]. By unanimous motion, the Board denied Claim V1-12 as recommended by the VARC.

**EXECUTIVE DIRECTOR – ISLAND COUNTY EMERGENCY SERVICES COMMUNICATIONS CENTER (I-COM)**

Commissioners Thorn and Shelton, on behalf of the Board of County Commissioners and County employees, extended thoughts, concerns and sympathy to the family of Kathy McClymont, and I-COM employees, on her untimely death over the weekend.

**STAFF SESSION SCHEDULE APPROVED FOR APRIL, 2001**

The Board by unanimous approved for distribution the Staff Session schedule for April, 2001, outlining those sessions for April 4 and 18, 2001, beginning at 9:00 a.m., Island County Courthouse Annex Hearing Room, Coupeville, Wa.

**NOTICE OF APPLICATION FOR LIQUOR LICENSE - ROSI'S GARDEN RESTAURANT**

Island County received Notice of Application for Liquor License by Rosi's Garden Restaurant, 602 N. Main, Coupeville, inasmuch as it is located within 500' of County facilities. The Board, by unanimous motion, concurred there was no objection to the liquor license on the part of the County.

**HEALTH CONTRACTS APPROVED**

By unanimous motion, the Board approved three health contracts which had been approved by the Board of Health on March 21, 2001:

HD-07C-97 (3), with Shellie Moore to continue to provide Childbirth Education to Medicaid eligible pregnant women, amendment in the amount of \$2,000;

HD-04C-94(5), with Pacific Association for Labor Support (PALS) in the amount of \$3,000 to continue to provide Childbirth Labor Support to Medicaid eligible pregnant women;

HD-15-00(1), with Northwest ESD #189, increasing school nurse services in the amount of \$2,907.

**APPOINTMENT TO NORTHWEST SENIOR SERVICES BOARD**

By unanimous motion, the Board appointed Jacqueline Wallace to a term on the Northwest Senior Services Board to fill the position previously held by George Wyse, with a term to June 30<sup>th</sup> and continuing on for a full three year term to June 30, 2004.

**RESOLUTION #C-42-01 REVISED PERSONNEL POLICY AND PROCEDURES  
MANUAL - BUSINESS OFFICE HOURS**

The Board reviewed a proposal to revise the Personnel Policy and Procedures Manual regarding, as presented and discussed at Staff Session of March 21<sup>st</sup>. The proposal adds language to provide for occasions when County departments may need to accommodate special circumstances, upon authorization by from the Board, the modification of office hours.

By unanimous motion, the Board adopted Resolution #C-42-01 In the Matter of Adopting the Revised Personnel Policy and Procedures Manual regarding as presented.

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

RESOLUTION ADOPTING THE REVISED }  
ISLAND COUNTY PERSONNEL POLICIES} RESOLUTION C-42-01  
AND PROCEDURES MANUAL }

**WHEREAS**, the Island County employee’s manual requires periodic updating or modification to reflect changes in procedures or policy; and

**WHEREAS**, in the interest of providing customer service to Island County residents during normal business hours; and

**WHEREAS**, there may be occasions wherein departments may need to modify their business hours to accommodate special circumstances after providing the public with advance notice; **NOW THEREFORE**,

**BE IT HEREBY RESOLVED**, that the Board of Island County Commissioners hereby adopts the proposed amendment to the Personnel Policy and Procedures Manual Section 2.01.066-Business Office Hours. Material stricken through is deleted and material underlined is added. Upon adoption of this change, the provisions of the current Personnel, Policies and Procedures Manual adopted June 6, 1994 and revised 04/01/98 & 06/28/99 will be amended to reflect the change to Section 2.01.066-Business Office Hours.

**ADOPTED** this 26<sup>th</sup> day of March, 2001.

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

William. F. Thorn, Chairman  
Mike Shelton, Member  
[absent-Wm. L. McDowell, Member]

**ATTEST:**

Margaret Rosenkranz,  
Clerk of the Board BICC 01-207

**RESOLUTION #C-43-01 DECLARING ISLAND COUNTY PROPERTY SURPLUS DEED  
AND WSDOT VOUCHER FOR SURPLUS PROPERTY**

As presented to the Board and reviewed by Lee McFarland, GSA/Property Management, the Board by unanimous motion approved Resolution #C-43-01 Declaring Island County Property Surplus to County needs, the right of way needed in conjunction with the Washington State Department of Transportation highway improvement project, in the vicinity of Greenbank Farm, and signed the Deed as well as voucher to WSDOT for the property.

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

**IN THE MATTER OF THE SALE OF )  
COUNTY SURPLUS PROPERTY ) RESOLUTION NO. C-43-01**

**WHEREAS**, the property on Attachment “A” hereto is now, and has been, the property of the County of

Island, State of Washington; and

WHEREAS, Island County Code 2.31.010 requires the Board to declare property surplus prior to sale; and

WHEREAS, Island County Code 2.31.030.a.3, authorizes sale of surplus property without a call for bids when the Board determines that it is not practical to build on the property due to the physical characteristics of the property or legal restrictions on construction activities on the property; and

WHEREAS, this property is necessary for the Washington State Department of Transportation highway improvement project ; and

WHEREAS, an offer for the purchase of this property has been received as shown on Attachment "B"; NOW THEREFORE,

BE IT HEREBY RESOLVED by the Board of County Commissioners of Island County, Washington, that property shown on Attachment "A" is surplus to County needs and it is in the best interest of the County and the people thereof that subject property be sold; and

IT IS FURTHER RESOLVED that the Island County Property Manager be directed to proceed with the sale of subject property in the amount shown on Attachment "B"

Adopted and approved this 26<sup>th</sup> day of March , 2001.

**BOARD OF COMMISSIONERS  
ISLAND COUNTY, WASHINGTON  
WILLIAM F. THORN, CHAIRMAN  
MIKE SHELTON, MEMBER**

**ATTEST: MARGARET ROSENKRANZ** [absent-Wm. L. McDowell, Member]  
**CLERK OF THE BOARD BICC 01-208**

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

**RESOLUTION #C-44-01 CREATING FOR ISLAND COUNTY A STANDING COMMITTEE TO BE KNOWN AS:  
ISLAND COUNTY TECHNOLOGY COMMITTEE**

By unanimous motion, the Board adopted Resolution #C-44-01 Creating for Island County a Standing Committee to be known as: Island County Technology Committee. Appointments to the new committee will be made at a subsequent meeting.

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

IN THE MATTER OF CREATING FOR ISLAND }  
COUNTY A STANDING COMMITTEE TO BE }  
KNOWN AS: ISLAND COUNTY TECHNOLOGY } **RESOLUTION NO. C-44-01**  
COMMITTEE }  
}

WHEREAS, the Board of County Commissioners has recognized the responsibility to envision and subsequently implement the role of technology in local government to provide the best possible citizen-customer service at the lowest cost within the constraints of available budgets, and,

WHEREAS, the Board recognizes the need for advice and guidance regarding technology policy, requirements, planning and implementation within the County.

NOW THEREFORE,

BE IT HEREBY RESOLVED that the Board of County Commissioners of Island County, Washington, establishes a Standing Committee to be known as the Island County Technology Committee.

SAID committee shall have a membership of: One member of the Board of County Commissioners and one designated representative of the following offices and departments: The Assessor, The Auditor, The Treasurer, The Prosecuting Attorney (as the representative of all law and justice agencies), Central Services, Public Works, Planning, and Health.

THE Committee shall have a Chairperson and a Vice Chairperson.

THE Committee shall meet no less than once a month.

THE Committee shall provide review and oversight of ongoing technology planning and implementation activities including interdepartmental coordination and prioritization of work.

THE Committee shall report from time to time to the Board of Island County Commissioners on its work and shall make recommendations to the Board on policy concerning acquisition and implementation of technology within the County.

THE Committee may establish sub-committees as needed and otherwise take such actions and modify the structure of the committee as necessary to accomplish its goals.

ADOPTED this 26<sup>th</sup> day of March, 2001

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

**ATTEST:** Margaret Rosenkranz,  
Clerk of the Board BICC 01-212

**RESOLUTION #C-45-01 IN THE MATTER OF PROCLAIMING APRIL 1 THROUGH APRIL 8 2001 FRIENDS OF LIBRARY WEEK IN ISLAND COUNTY, WASHINGTON**

The Board, on unanimous motion, adopted Resolution #C-45-01 Proclaiming April 1 through April 8, 2001 Friends of Library Week in Island County, Washington, in recognition that there are five groups around Island County who give of their time and talents to enhance libraries.

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

In the Matter of Proclaiming }  
April 1 THROUGH APRIL 8, 2001 }  
FRIENDS OF LIBRARY WEEK IN ISLAND } **RESOLUTION #C-45-01**  
COUNTY, WASHINGTON }  
}

**WHEREAS**, Friends of the Library groups are community-based groups of citizens who promote, encourage and enhance the work of their local library; and

**WHEREAS**, in Island County there are five Friends of the Library groups, and are vital to the enhancement of libraries in Island County; and

**WHEREAS**, these groups give untold amounts of time and their talents to enhance services of local libraries, and raise money that goes towards the support of special library programs for all ages, purchase of technology for public use, purchase of craft supplies for early readers, and artwork secured for all to enjoy; and

***NOW THEREFORE***, in recognition of these special volunteers, the Board of Island County Commissioners do hereby proclaim April 1 through April 8, 2001 ***FRIENDS OF THE LIBRARY WEEK*** in Island County, Washington, and urge all citizens to recognize and applaud the invaluable service of the Library Friends groups.

**SIGNED** this 26<sup>th</sup> day of March, 2001.

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

William F. Thorn, Chairman  
Mike Shelton, Member  
[absent-Wm. L. McDowell, Member]

**ATTEST:** Margaret Rosenkranz,  
Clerk of the Board BICC 01-213

**PUBLIC INPUT OR COMMENTS**

Marie Burnett, 4759 S. Lucy Lane, Langley, attended this segment of the meeting in order to educate herself with regard to some land use questions relating to non-residential design in the Landscaping and Screening guidelines, along with enforcement language that uses terms such as "should be avoided" and suggested ideas. She was interested in learning what was happening with the A-Okay development area; the Orchard Parks Group, and issues to avoid glare, and blending in with the surrounding structures, etc. Thinking of the Les Schwab and guidelines that colors blend in, and requirements for screening and berming, did not see that was met. Concerned about rural character.

The Commissioners explained that standards in the landscaping and screening section of the guidelines were not rigorous standards, but give the planner some latitude, along with individual developers. Intent is to have landscaping and screening present, and subject to a detailed site plan. The Signs and Lighting Ordinance is much more prescriptive than landscaping and screening; direct lighting may not proceed off perimeter of the property and has to be shielded to that extent. The Comprehensive Plan was not adopted until late 1998 and other ordinances have been adopted since then. The Planning Director is gradually developing a notebook of interpretations in order to provide some uniformity among the various planners. It is a work in progress and will not be complete for some time. She was referred to Phil Bakke, Director of Planning and Community Development, for more specific information.

**ANNUAL CERTIFICATION FOR 2000 TO WASHINGTON STATE  
COUNTY ROAD ADMINISTRATION BOARD**

As prepared by Lew Legat, County Engineer, and presented for approval by Larry Kwarsick, Public Works Director, the Board by unanimous motion, approved and signed the Annual Certification for 2000 to Washington State County Road Administration Board. Attached copies of County Road Projects [CRP's] were CRP's executed after adoption of the 1999 Annual Road Program.

**ADDENDUM NO. 1 -PURCHASE & SALE AGREEMENT/TERRY'S CORNER PARK AND RIDE**

As recommended by Mr. Kwarsick, the Board approved and signed Addendum No. 1 to Purchase & Sale Agreement/Terry's Corner Title Report Ref. No. S-68685, for Camano Island Park & Ride Project, under Work Order #289, located in Section 20, Township 32N, Rge. 3E, Camano Island.

**HEARING HELD: ORDINANCE C-27-01 (PLG-004-01) - TECHNICAL AMENDMENTS TO COMPREHENSIVE  
PLAN FUTURE LAND USE PLAN MAP AND THE ISLAND COUNTY ZONING ATLAS, MAPS #972, 973 & 974**

A Public Hearing was opened at 2:45 p.m., as scheduled and advertised, for the purpose of considering Ordinance #C-27-01 (PLG-004-01) Concerning Technical Amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas. Maps #972, 973 & 974 [as introduced on 2/26/01, GMA #6353].

**Attendance:**

Public: Approximately 10 attended [Attendance Sheet, GMA #6464]  
Press: Mary K. Doody, Coupeville Examiner  
Staff: Phil Bakke, Planning & Community Development Director

Jeff Tate, Planning Manager; Michael Schechter, Assistant Planner

Phil Bakke made opening comments on Ordinance #C-27-01 PLG-004-01, pointing out the adopted Zoning Code and Comprehensive Plan designated a fair number of acres as Commercial AG, and when that code was adopted the Board wanted to ensure fair and equitable zoning for Commercial AG because of the requirements built into the code to used to determine properties to be zoned Commercial AG versus Rural AG. For Commercial AG the County required parcels have 25% in prime soils. Since the County did not do a soils inventory on every parcel under consideration at that time, the Board was concerned about potential to inadvertently zone some properties Commercial AG that did not meet the designation criteria established in the code, since the soil inventory the County had was done back in the Fifties or earlier. ICC 17.03.100.H was adopted outlining the Commercial AG process for verification, providing that within 180 days of adoption of that zoning amendment, property owners who were zoned Commercial AG could file with the County for a technical amendment removing their property from the Commercial AG classification. The County would process the amendment at no charge to the owner, and the County would complete the necessary studies to verify the presence of prime soils, at County expense. Property owners Emrich and Cole filed a request for technical amendment and the County just completed that review. In this case, the County contracted with a professional consulting firm [soil scientist] Rozewood Environmental Services, to perform the study on that property. The study was completed and a copy provided to the Board and included with Ordinance #C-27-01 as Exhibit B. The Planning Department staff believe Ordinance #C-27-01 is consistent with the Code and that the property be removed from the Commercial AG classification in that it contains less than 25% prime soils.

Mike Schechter located the parcels on the maps posted during the hearing, noting several parcels involved on North Camano Island, mainly owned by Linn Emrich, his ex-wife Marian Emrich, and Donna and Charles Coles. These are the primary properties studied by the soil scientist who found that while there are prime soils, those soils are not at a depth that meet the United States Department of Agriculture criteria for prime soils, that the soils are so shallow it made no difference in agricultural terms. The remaining properties in the technical amendment were mistakenly identified as Commercial AG either because the properties were too small or were not in contiguous ownership. There was one other parcel previously owned jointly by Marian and Linn Emrich, but since the divorce, a number of segregations and boundary line adjustments have been made and asked the County to review that property for determinate prime soils. The study in that case indicated that the 15.15 acre parcel is no longer in contiguous ownership and should be taken out of Commercial AG because of that.

For the record, Mr. Schechter noted letter dated March 23, 2001 from Mary O'Farrell, Camano Island, commenting in opposition to the rezoning of Camano Island land from Commercial Agriculture to Rural and Rural Ag [GMA #6465]. As to Ms. O'Farrell's first point that allowing the rezone would set a precedent and open the door for other agricultural land owners to follow suit, he confirmed that rezoning the land was in accordance with the County Code and he did not believe the Growth Management Hearings Board has any further issues with this section of the Code. The 180 days' time frame has passed since adoption of this section of the code so any other land owners who desire to pursue this type rezone would have to pay for their own studies, and he has not seen any kind of a rush to the door to have Commercial Ag land rezoned RA. The second issue about how the soil type in the immediate vicinity could be so different, Mr. Schechter referred to the map on the right hand side of the wall showing the location of the cliff line or bluff line: the land below is diked; the land above is not. Land above and below a bluff can often be different soil types. He verified that in fact, the soil scientist was hired by the county, worked for the county and paid for by the county. The soil scientist met with the land owners to get information, and to make sure they were aware he was on their property. The Commercial AG criteria for land designated CA provides that diked properties or diking district property not be included [ICC 17.03.100.d].

Where Ms. O'Farrell commented about glider operations, although Mr. Schechter was not aware of any, Chairman Thorn observed that it occurred practically every weekend through the summer, however not a relevant point.

Mr. Schechter verified that soil samples were taken throughout the property based on random sampling, as outlined in the North Camano Island Prime Farmland Soils Verification and Mapping Study. The soil scientist stated in that study that he found no soils wildly out of place for the region, and all of the soils were consistent with what should be on the parcels.

As far as Ms. O'Farrell's comment that the proposed rezone would work at cross purposes with the Department of Fish and Wildlife land located to the southeast, Mr. Schechter did not see any relevance to the issue at hand.

The Chairman provided his knowledge of the property in question which is located on the other side of the highway. The geese congregate in there but he had never seen them on the north side of the highway. There is an occasional Canadian

goose there and several Raptors who work the area routinely including an Eagle pair; however, the geese for whatever reason do not congregate on the north side. He read relevant points from the soils report:

“...essentially none of the soils observed on the parcels would meet the criteria for qualifying as prime farmland soils.”.

“Due to the shallower top soil layer, these soils do not meet the state criteria of > 20 inches of tillable soil to qualify as prime farmland soils.”.

A number of people were present in the audience, as well as Tom Fisher, Citizens Growth Management Coalition. No one indicated a desire to speak either for or against Ordinance #C-27-01, and the Chairman closed the public input portion of the hearing.

By motion of Commissioner Shelton, seconded by the Chair, and carried unanimously, the Board adopted Ordinance #C-27-01 [PLG-004-01] in the matter of an Ordinance concerning technical amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas. [GMA #6466]

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

IN THE MATTER OF AN ORDINANCE CONCERNING	)	
TECHNICAL AMENDMENTS TO THE ISLAND	)	<b>ORDINANCE C-27-01</b>
COUNTY COMPREHENSIVE PLAN FUTURE LAND	)	<b>PLG-004-01</b>
USE PLAN MAP AND THE ISLAND COUNTY	)	
ZONING ATLAS.	)	
	)	

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

**WHEREAS**, by Ordinance C-123-98, the Board also adopted Chapter 17.03 ICC as Island County’s official Zoning Code to implement its GMA Comprehensive Plan with the Zoning Atlas as the Official Zoning Map of Island County; and

**WHEREAS**, on September 27, 1999 the Board adopted Ordinance C-105-99 that established the Commercial Agriculture (CA) verification process, and

**WHEREAS**, Section 17.03.100.D(1) requires that a CA lot, tract, or parcel be at least 20 acres in size, and

**WHEREAS**, Section 17.03.100.D(2) requires that at least twenty-five percent of the lot, tract or parcel be comprised of prime soils, and

**WHEREAS**, Section 17.03.100.D (4) requires that a CA lot, tract, or parcel not be located within a Drainage or Diking District or otherwise protected by dikes, UGA, RAID, State Park or owned by the Navy, and

**WHEREAS**, Section 17.03.100.H states that within 180 days after the effective date of Ordinance C-105-99 property owners may request that the CA classification be removed and the property be converted to RA as a technical amendment provided that it can be demonstrated, at the County’s expense, that the parcel(s) does not meet the designation criteria set forth in Subsection D of this Section or that the parcel(s) contains less than 25% prime soils, and

**WHEREAS**, requests to remove land from CA classification pursuant to ICC 17.03.100.H were received by the County from Linn Emrich on January 27, 2000, Marian Emrich on February 25, 2000, and Charles and Donna Cole on January 26, 2000, and

**WHEREAS**, Assessor’s Parcels R33222-361-0430, R32222-290-0440, R33222-283-1230, R33222-197-1980, R33222-391-1570, R33222-232-2570, R33222-083-4020, R33222-405-0150, R33222-140-2600, R33222-228-0430, R33222-228-1090, R33222-018-5070, and R33222-146-2350 are currently zoned CA in the Island County Zoning Atlas, a copy of the applicable are attached hereto as Exhibit A, and

**WHEREAS**, Assessor’s Parcel R33222-361-0430 does not meet the designation criteria for CA zoning as it is 15.15 acres and the Owner, Linn Emrich, does not own any contiguous parcels that would create a 20 acre parcel that meets all of the designation criteria, and

**WHEREAS**, with respect to the remaining four parcels, the January 2001 North Camano Island Prime Farmland

Soils Verification and Mapping Study, the executive summary of which is attached hereto as Exhibit B, states that Assessor's Parcels R3222-290-0440, R33222-283-1230, R33222-197-1980, and R33222-146-2350, do not contain prime soils as defined by the United States Department of Agriculture, and

**WHEREAS**, in the process of researching this technical amendment it was found that parcels R33222-391-1570, R33222-232-2570, R33222-018-5070, and R33222-083-4020 are located in diking districts or are otherwise diked and thus do not meet the designation criteria for CA zoning and should be zoned RA, and

**WHEREAS**, in the process of researching this technical amendment it was found that parcels R33222-405-0150, R33222-140-2600, R33222-228-0430, and R33222-228-1090 do not meet the designation criteria for CA zoning and should be zoned R, and

**WHEREAS**, the effect of this amendment will be to change the zoning of 201 acres of CA zoned land to 187.5 acres of RA zoned land and 13.25 acres of R zoned land;

**NOW, THEREFORE, IT IS HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts certain technical amendments to the Island County Zoning Atlas, attached hereto as Exhibit C, and the Island County Future Land Use Plan Map, granting the request of the property owners to convert Assessor's Parcels R33222-361-0430, R32222-290-0440, R33222-283-1230, R33222-197-1980, and R33222-146-2350 from CA to RA, correcting parcels R33222-405-0150, R33222-140-2600, R33222-228-0430, R33222-228-1090 from CA to R, and correcting parcels R33222-391-1570, R33222-232-2570, R33222-018-5070, and R33222-083-4020 from CA to RA.

Reviewed this 26<sup>th</sup> day of February, 2001 and set for public hearing at 2:45 p.m. on the 26<sup>th</sup> day of March, 2001.

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

William F. Thorn, Chairman  
Mike Shelton, Member  
[absent - Wm. L. McDowell, Member]

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board BICC 01-217

**APPROVED AND ADOPTED** this 26<sup>th</sup> day of March, 2001.

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

William F. Thorn, Chairman  
Mike Shelton, Member  
[absent-Wm. L. McDowell, Member]

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board

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

**HEARING HELD: OPEN SPACE APPLICATION OPS 009/01 - TRANSFER 58.22 ACRES FROM THE DESIGNATED FOREST TAX PROGRAM TO THE CURRENT USE TIMBER CLASSIFICATION BY FOREST LAND SERVICES/WB FORESTERS AND NW EXCHANGE & TRUST, INC.**

A Public Hearing was held, as noticed and scheduled, for the purpose of considering Open Space Application OPS 009/01 to transfer 58.22 acres from the Designated Forest Tax Program to Current Use Timber Classification, property located on Central Whidbey. The proposal was to change the tax classification applied to the property by the Island County Assessor, not a proposal to change zoning on these properties; the properties are all zoned Rural Forest. The Rural Forest zone is a ten acre zone. The Designated Forest Tax Program requires parcels in 20 acres or larger. The Current Use Timber Classification permits properties to be as small as 5 acres. This property still is bound by lot requirements of the Rural Forest zoning classification which allows for 10 acre rural forest lots. A number of people interested in the application were present *[refer to the same attendance sheet entered for the hearing held on Ordinance C-27-01]*.

Jeff Tate provided information on the application, as outlined in his Staff Report. Heading south on Highway 525, the property is located on the right hand side, across the intersection of SR 525 and Houston Road. Three properties included in the application: #R23119-051-4480, #R23119-099-3420 and #R23119-032-3410, consisting of two 20 acre parcels and one 18 acre parcel, making up the 58 acres. The 58 acres on the date of the application was owned by WB Foresters/Forest Land Services Company. Since that time, one of the pieces of property was sold and there are now two parties involved, the second being NW Exchange & Trust, Inc. He provided new copies of the agreement showing both of the parties, along with revised staff report that includes a finding to explain what occurred.

The property is currently taxed Designated Forest which requires that either the parcel or contiguous ownership equal 20 acres or larger to be eligible for the tax program, in aggregate. Open Timber Tax Program, a similar tax program, only requires 5 acres total to qualify. In this case the request is to transfer to the Open Timber Tax Program [current use]. The property is zoned Rural Forest today and whether the application is approved or not, the property would still be zoned Rural Forest, a 10 acre minimum lot size. The property owner has the option to keep the property in the Designated Forest Tax Program [20 acre minimum lot size]; pull out of the tax program altogether, or request the Open Timber Tax Program which allows more flexibility from a tax standpoint. He confirmed that one of the parcels contained a quarter acre wetland, and compliance with Critical Area Regulations would be required if any development were to take place.

Applicants submitted a Timber Management Plan, a continuation of their plan since 1983. The Timber Management Plan for these parcels shows:

- 1997 harvested and replanted with 300 trees per acre of Douglas Fir
- 2001 brush control
- 2007 pre commercial thinning
- 2027 commercial thin to a 150 trees per acre
- 2042 commercial thin to a 100 trees per acre
- 2067 final harvest.

Chuck Bates, 1614 S. Seacrest Lane, pointed out that the majority of folks in the audience were all from the Seacrest area, concerned that when the property was logged three or four years' ago the property owners all sustained a lot of damage below. He asked clarification in Mr. Tate's Staff Report, Item #1, Findings, stating that Parcel #R23119-051-4480 is 81.22 acres. Mr. Tate confirmed that was an error, and corrected that to be 18.22 acres. He inquired about the statements in Paragraph 4: "On January 18, 2001 NW Exchange ... purchased property ...this 20 acre parcel is proposed to remain subject to the plan submitted by the applicant for the entire 58 acres . . . and therefore is still being reviewed". His two main concerns were: (1) at the bottom of where this property might be located is the well to serve the neighborhood; and (2) drainage because his property is down slope.

Mr. Tate stated that even though there has been a request for change of tax classification, the ownership is under review to make sure that the three parcels in aggregate are being reviewed under the same application. There is no application for a change in zoning and applicants have not indicated any intent to apply for change in zoning.

Responding to Mr. Bates with regard to a specific location of the three pieces of property, Mr. Tate stated clarified that the County's legal ad provided the correct description of the property, but apparently the news article Mr. Bates referred to reported the location incorrectly as being bounded by Houston Road, north of Donahey and Ledgewood Beach. The Board took a 5-minute recess to allow an opportunity for Mr. Tate to make a copy of a map for Mr. Bates that showed the specific location of the three parcels included in the application [copy placed on file]. With that map, Mr. Bates confirmed that the parcels in question were not located behind Seacrest, rather behind Sea Ranch, therefore concerns moot.

Tom Fisher, South Whidbey, representing Citizens Growth Management Coalition, expressed concern this seemed to be an incremental procedure towards conversion, noting that as part of growth management the desire is to keep these large tracts of forest and if another tax classification enables the larger tracts to be divided into smaller and smaller tracts, and if it is a step towards rezone, he asked what would be the instrument to stop that rezone.

Chairman Thorn reminded not to confuse taxation rules and regulations and zoning rules and regulations, which are two different things. There is a timber management plan that indicates what will be done with the property. Any rezone application submitted would have to go through the process outlined in County Code as a Type 4 decision, the most stringent and involves a full public process.

Mr. Tate advised too that the property owners today could come in without the tax change and submit a rezone application and the tax classification change has no real bearing on that.

By unanimous motion, the Board approved OPS 009/01, a proposal to transfer 58.22 acres from Designated Forest Tax Program to Current Use Timber Classification, the application by two property owners, (1) Forest Land Services/WB Foresters and (2) NW Exchange & Trust, Inc., for parcels #R23119-051-4480, #R23119-099-3420 and #R23119-032-3410 located on Central Whidbey.

There being no further business to come before the Board at this time, the meeting adjourned at 3:35 p.m. The Board will meet next in Special Session March 28, 2001, Noon – 1:30 p.m. The next Regular Session is April 2, 2001, beginning at 9:30 a.m.

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

William F. Thorn, Chairman \_\_\_\_\_

\_\_\_\_\_  
Mike Shelton, Member

[Wm. L. McDowell, Member – absent]

**ATTEST:**

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Margaret Rosenkranz, Clerk of the Board