

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING**  
**JANUARY 9, 2006**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on January 9, 2006 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 previous meetings as follows:

12/12/05 Special Session – Ordinance #C-136-05  
 12/15/05 Special Session - Public Hearing - Petitions for Vacation (Camano Is.)  
 12/15/05 Special Session - Ordinance #C-136-05 (Camano Is.)  
 12/19/05 Special Session Executive Session  
 12/19/05 Regular Session  
 12/20/05 Special Session Ordinance #C-128-05  
 12/20/05 Special Session AG BMPs

**PAYROLL, VOUCHERS AND PAYMENT OF BILLS**

The Payroll dated December 30, 2005, and the following vouchers/warrants were approved for payment by unanimous motion of the Board:

2005 Voucher (War.) # Warrants = 229223-229706 .....\$563,681.85  
 2006 Voucher (War.) # Warrants = 229156-229222 ..... \$238,641.89.

By unanimous motion, the Board canceled Warrant #228955.

Veterans Assistance Fund. By unanimous motion, the Board denied Claim #V5-6 4-5 as recommended by the Veterans Assistance Review Committee. [*emergency financial assistance to eligible veterans; names and specific circumstances are confidential*].

**HIRING REQUESTS & PERSONNEL ACTIONS**

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

<u>Dept.</u>	<u>PAA #</u>	<u>Description/Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Health	126/05	PHN III 2404.04	Replacement	1/25/06
Health	001/06	Dir Adm Services 2418.00	Personnel	1/9/06
Health	004/06	PHN II .8 fte 2406.18	Replacement	1/25/06
Health	127/05	Public Health Coord. #2408.09	New Position	1/9/06
GSA	003/06	Event Coord. .5 fte #1510.00 [regular]	Personnel	1/9/06
GSA	005/06	Office Mgr/Safety Off #1509.00	Personnel	1/9/06
Public Works	130/05	SW Tech I, I #2256.04	Replacement	1/25/06
Public Works	129/05	Acting Constr. Engr #2207.03	Personnel	1/9/06
Public Works	128/05	Civil Engr/Const. Eng #2207.01	Replacement	1/9/06
Planning	119/05	Plans Ex/Bld Insp Trainee #418.07	New Position	1/9/06
Juvenile	131/05	CASA Adm. Asst. #1908.01	New Position	1/9/06
Sheriff	123/05	Deputized Officer #4014.36	New Position	1/9/06
Sheriff	124/05	Deputized Officer #4014.38	New Position	1/9/06
Sheriff	125/05	Deputized Officer #4014.37	New Position	1/9/06



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By unanimous motion, the Board approved the following Health Department Contracts as submitted:

Contract #NSMHA-ISLAND-JAIL SERVICES-06 - (RM-HLTH-05-0147) Interagency Agreement with North Sound Mental Health Administration - provides funding to deliver mental health services for mentally ill offenders while confined in the county jail and facilitate safe transition into community services when released from confinement, in the amount of \$45,000

Contract #HS-15-05 (RM-HLTH-99-0057) - Service Alternatives for Washington, Inc. Contract continues the Person to Person developmental disabilities program for the 2005-07 biennium, in the amount of \$82,730

Contract #HD-10-05 (RM-HLTH-02-0047) - Interagency Agreement with Skagit/Islands Head Start, continues nurse consultation to the Skagit/Islands Head Start staff on health issues, in the amount of \$1,500.

**LIQUOR LICENSE APPLICATIONS**

The Board, by unanimous motion, approved the following liquor license applications based upon favorable review and recommendation from the appropriate County Departments:

Assumption of Liquor License #354674-3F by Hana Enterprises, Inc., Choon Ja Yung and Sung Taek Yung, for Bailey's Corner Store located at 7695 S. Cultus Bay Rd., Clinton, WA

Special Occasion Liquor License Application #092151 by Camano Senior Center on January 29, 2006 from 3:00 p.m. to 7:00 p.m. at the Camano Senior Center located at 606 Arrowhead Road, Camano Is.

**NEW APPLICATION FOR LIQUOR LICENSE #088898-6E BY HOLMES HARBOR CELLARS, LLC.**

By unanimous motion, the Board agreed to request an additional 20-day time extension from the Washington State Liquor Control Board within which to respond in order to allow an opportunity for the applicant to resolve/clarify the issues addressed in memorandum dated January 4, 2006 from the Planning Department, and consider the application at the February 6, 2006 meeting.

**HEARING HELD: ORDINANCE #C-145-05/R-54-05 – CLOSURE OF A PORTION OF MARK STREET LOCATED IN SECTION 20, TOWNSHIP 32 NORTH, RANGE 1 E., W.M.**

A Public Hearing was held at 10:15 a.m. for the purpose of considering Ordinance C-145-05/R-54-05 In the Matter of Closure of a Portion of Mark Street located in Section 20, Township 32 North, Range 1 E., W.M.

As explained by Bill Oakes, Public Works Director, in conjunction with the Washington State Department of Transportation (WSDOT) project, the proposal would close a frontage road, Mark Street, running along Highway 20 and put a cul de sac at the end of the existing Mark Street. Public Works recommends approval of the Ordinance. Staff met with both homeowner associations in the area.

Gil C. Gurule, Design Engineer, WSDOT, Marysville, brought a display to show folks in the audience and the Commissioners what WSDOT plans to do: eliminate the frontage section of Mark Street adjacent to SR 20; install a cul de sac with a 35' radius for total width 70'; SR20 and Mark Street are

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only 20' apart right now. When WSDOT does the widening for the project with a left turn pocket the existing edge pavement will be within 7' of that section of the roadway and the ditch will actually cut about half-way in to Mark Street itself. He showed the section that essentially would become local access and serve about 5 or 6 houses. He confirmed this to be the design presented at an open house at the High School several years' ago. Responding to a question from Amy Witt, resident, Mr. Gurule further discussed the project and relayed to her what would occur to Mark Street during and after the project (tearing up the asphalt, removing the roadway and re-vegetation).

No others in the audience indicating a desire to speak either for or against the proposed ordinance, the Chair closed the public input portion of the hearing.

By unanimous motion, the Board approved Ordinance #C-145-05/R-54-05 In the Matter of Closure of a Portion of Mark Street located in Section 20, Township 32 North, Range 1 E., W.M.  
*[Ordinance #C-145-05 on file with the Clerk of the Board]*

**RESOLUTION #C-01-06/R-01-06 – PLANS & SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR UTSALADY ROAD RETAINING WALL REPLACEMENT**

Resolution #C-01-06/R-01-06 in the matter of approving Plans, Specifications and Authorizing Call for Bids for Utsalady Road Retaining Wall Replacement, CRP 05-05, Work Order #162, bid opening to be held on January 31, 2006 at 1:00 p.m. in Room #116, County Administration building, was approved by unanimous motion of the Board as recommended by Mr. Oakes. *[Resolution #C-01-06 on file with the Clerk of the Board]*

**RESOLUTION #C-02-06/R-02-06 – CONDEMNATION PROCEEDINGS - MONROE LANDING ROAD PROJECT**

As presented and recommended by Mr. Oakes, the Board by unanimous motion approved Resolution #C-02-06/R-02-06 In the Matter of Authorizing the Prosecuting Attorney to Commence Condemnation Proceedings, Monroe Landing Road Project, CRP 02-03, Work Order 356. *[Resolution #C-02-06 on file with the Clerk of the Board]*

**RESOLUTION #C-03-06/R-03-06 AMENDING CRP 98-17, WORK ORDER 229 - BAYVIEW ROAD IMPROVEMENT PROJECT**

Resolution #C-03-06/R-03-06 In the Matter of Amending CRP 98-17, Work Order 229, Bayview Road Improvement Project, reflecting a total appropriation of \$4,050,000.00 was approved by unanimous motion of the Board, as presented and recommended by Mr. Oakes. *[Resolution #C-03-06 on file with the Clerk of the Board]*

**QUIT CLAIM DEED – WASHINGTON STATE DEPARTMENT OF TRANSPORTATION - SR 20-TROXELL ROAD VICINITY TO DECEPTION PASS STATE PARK**

Quit Claim Deed between Island County and Washington State Department of Transportation related to SR 20 - Troxell Road vicinity to Deception Pass State Park, under TB 1-1083, was approved by unanimous motion of the Board as presented and recommended by Mr. Oakes.

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**TEMPORARY CONSTRUCTION EASEMENTS APPROVED: CAMANO HILL ROAD**  
**IMPROVEMENTS AND MONROE LANDING ROAD**

As presented and recommended for approval by Mr. Oakes, the Board approved the following Temporary Construction Easements:

Temporary Construction Easement PW-0520-85 between Island County and James P. & Florence M. Evans, Camano Hill Road Improvements, CRP 02-04, Work Order 176; Parcel 492-1150; Sec. 14, Twp 31N, R 2E.

Temporary Construction Easement PW-0520-136 between Island County and Ronald & Hazel Wells Living Trust, Camano Hill Road Improvements, CRP 02-04, Work Order 176; Parcel 310-0850; Sec. 6, Twp 31N, R 3E.

Temporary Construction Easement PW-0520-282 between Island County and Charles A. & Susan C. Frosolone, Monroe Landing Road, CRP 02-03, Work Order 356; Lot 92, Division No. 2, Plat of Penn Cove Park; Sec. 22, Twp 32N, R 1E.

**CONSULTANT AGREEMENT - CLEVELAND STEWARD DBA STEWARD &**  
**ASSOCIATES - WATER QUALITY PROJECT FACILITATION**

As presented and recommended by Mr. Oakes, the Board approved Consultant Agreement #PW-0520-321 between Island County and Cleveland Steward dba Steward & Associates for project entitled Water Quality Project Facilitation, to assist in the development and adoption of a non-point pollution prevention action plan for Camano Island, with maximum amount payable in the amount of \$115,000.00 and completion date of March 31, 2007. [GMA #8579]

**STORMWATER MITIGATION AND COVENANTS APPROVED**

Stormwater Mitigation Agreement and Covenants were approved by unanimous motion of the Board as presented and recommended for approval by Mr. Oakes, as follows:

Agreement PW-0520-306 - Jason L. & Susan M. Shamp; Lot 5, Block 2, Division No. 1; Plat of Holmes Harbor Golf & Yacht Club, Sec. 3, Twp 29N, R 2E.

Agreement PW-0520-312 - Charles A. Cook; Lot D-1, Division No. 8; Plat of Holmes Harbor Golf & Yacht Club, Se. 3, Twp 29N, R 2E.

**RESOLUTION #C-04-06/SW 01-06 REVISING ADOPTED SOLID WASTE AND SEPTAGE**  
**SOLID WASTE TIPPING FEES FOR THE YEAR 2006**

Resolution #C-04-06/SW 01-06 In the Matter of Revising the Adopted Solid Waste & Septage Solid Waste Tipping Fees for the Year 2006 as presented and recommended for approval by Mr. Oakes, was approved by unanimous motion of the Board. [Resolution #C-04-06 on file with the Clerk of the Board]

Mr. Oakes verified that this does not change any fees for municipal collectors of roadside pickup and compact the waste in the truck.

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**DEPARTMENT OF ECOLOGY GRANT G0600155-COORDINATED PREVENTION GRANT**  
**REGULAR CYCLE AGREEMENT - IMPLEMENTATION OF COMPREHENSIVE SOLID**  
**WASTE MANAGEMENT PLAN AND HAZARDOUS WASTE MANAGEMENT PLAN**

Grant Agreement G0600155 (SW-05-0154) between Island County and the Washington State Department of Ecology, the Coordinated Prevention Grant Regular Cycle Agreement for Implementation of Comprehensive Solid Waste Management Plan & the Hazardous Waste Management Plan, in the amount of \$253,961.00 (State/\$190,471.00, County/\$63,490.00) was approved by unanimous motion of the Board.

**HEARING HELD: RESOLUTION #C-133-05/R-51-05 – FINAL ORDER OF VACATION –**  
**VACATION OF PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS IVERSON**  
**ROAD - CAMANO ISLAND**

At 10:30 a.m. a Public Hearing was held, continued from December 15, 2005 at special session held on Camano Island, on Resolution #C-133-05/R-51-05, Final Order of Vacation – vacation of a portion of County Road right-of-way known as Iverson Road located in Section 5, Township 31N, Range 3E., Camano Island, petitioners Eugene Black and Susan Hatchel et al. Video conference with Camano Annex afforded an opportunity for Camano Island residents to participate.

Eugene Black, Petitioner, recalled the concern from a prior hearing in opposition had to do with beach access. In that regard, he noted that prior to this being considered, the section across the road extending to the north was all made part of a conservation area which included additional parking and access to the public to the beach, better than exists anywhere else on the beach. This vacation does not minimize public access to the beach at all. It is 25' at the beach and extending into the tidelands which are private on either side. There are three other beach accesses in the area, all are 20' at the beach and 20' at the road. This one will retain 25' at the beach and 40' at the road, more than adequate. There had been some discussion about people being harassed that had on rare occasion used this access, which appears to be a little erroneous – couple of occasions where people have come there and not realized they were intruding on neighbors property on either side and were advised of that. and a situation that occurred where there had been some underage drinking occurring on the access. Some of the opposition was from a group that are part of a beach association and signed their area as private to the beach. The area is adjacent to the public access and there has never been any signs by any of the neighbors indicating that the beach is private. People are allowed up and down the beach. He felt that the spirit of the vacation such that all the concerns are adequately met.

Martin Sarver, Iverson Road, Camano Island, one of the petitioners, spoke in favor. He had reviewed some of the comments from the prior meeting with regard to high water, access to the beach, etc. and did not think petitioners would be impinging upon those at all. He agreed with Mr. Black and his comments.

No others indicated a desire to speak either for or against said vacation, and the Chairman closed public input portion of the hearing.

Chairman McDowell recalled that at the previous hearing Mr. Black indicated that he was going to do some property line adjustment to try and get the first four lots more perpendicular to the road. Mr. Black indicated that still is the plan.

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Commissioner McDowell saw as a public benefit getting the lines more perpendicular to the road as is the rest of the plat.

By unanimous motion, the Board approved Resolution #C-133-05/R-51-05, Final Order of Vacation – vacation of a portion of County Road right-of-way known as Iverson Road located in Section 5, Township 31N, Range 3E., Camano Island, petitioners Eugene Black and Susan Hatchel et al.

*[Resolution #C-133-05 on file with the Clerk of the Board].*

**CONTRACT/CONTRACT BOND - EBENAL GENERAL, INC. - MODULAR UNIT FOR**  
**RECORD STORAGE**

As presented and recommended by Mr. Oakes, the Board by unanimous motion approved the Contract and Contract Bond #PW-0620-03 between Island County and Ebenal General, Inc., for the construction of modular unit for record storage in the total contract amount of \$179,778.00.

**HEARING HELD: ORDINANCE #C-143-05/PLG-026-05 AMENDMENTS TO SECTIONS**  
**3.40.020 AND 3.40.230 OF THE ISLAND COUNTY CODE - PUBLIC BENEFIT RATING**  
**SYSTEM ORDINANCE [PBRs]**

A Public Hearing scheduled for 10:30 a.m. on Ordinance #C-143-05/PLG-026-05 Amendments to Sections 3.40.020 and 3.40.230 of the Island County Code [Public Benefit Rating System Ordinance] PBRs was held immediately following completion of the Public Works agenda. Video conference was provided between the Hearing Room in Coupeville and the Camano Annex.

Attendance:

[Attendance Sheet on file with the Clerk of the Board] [GMA #8582]

**County Elected Officials; Appointed Department Heads and Staff:**

Tom Baenen, Assessor  
 Phil Bakke, Planning & Community Development Director  
 Josh Choate, Deputy Prosecuting Attorney  
 Matt Kukuk, Planner  
 Chris Luerkens, Planner

**Press:** Jim Larsen, Whidbey News Times  
 Mike Power, Coupeville Examiner

**Public:** Steve Erickson, WEAN

Mr. Bakke presented the proposed amendments to Sections 3.40.020 and 3.40.230 of the Island County Code, Public Benefit Rating System (PBRs), indicating essentially that the proposal clarifies that all those properties that were reviewed and approved prior to the PBRs to be in open tax classification will remain in that tax classification provided continued compliance with the conditions originally assigned in order to be in that program. From the point of adoption of PBRs, “Open Open” space classification is no longer available to future applicants, and has not been since the PBRs.

Steve Erickson, WEAN, understood from proposed language that unless a property owner wishes to have the land removed from Open Open classification or transferred to another classification, there

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would never be any reassessment or review of whether or not the property continued to meet classifications under the current criteria.

Commissioner Shelton explained that that understanding was not correct, that the property would continue in the Open Open space classification only so long as the conditions continued to be met that were placed at the time the application was approved.

Mr. Erickson, looking at the wording of the proposal, thought that unless the land owner made a request there would never be a reassessment or reexamination. He stated that WEAN had no problem with the tax deduction to preserve genuine public resources, and in fact thought the County should do more through criteria, such as historic AG land. In researching the Assessor's data base he found Camaloch Golf Course and Useless Bay Golf and Country Club labeled as PBRs. Looking through the criteria it was unclear which criteria those properties met, thinking the only one might be scenic criteria, not enough to qualify for a deduction on current assessment.

Mr. Bakke confirmed that both of those golf courses were under the Open Open classification and not PBRs.

Even if those properties were in Open Open classification rather than PBRs Mr. Erickson still wondered what criteria those properties would meet under Open Open since they are not providing additional resource protection, other than scenic, which would not generally qualify for a large deduction. If the tax burden is to be shifted, the focus should be more on those resources that actually provide public benefit. He verified that in the version of the Assessor's database he searched, both of those properties were listed as PBRs.

With the Assessor in attendance today, Commissioner McDowell thought he would be looking into the issue mentioned about the database in what appears to be a data error.

Mr. Bakke recalled that there actually were fewer than a dozen properties in PBRs, and PBRs applications go through a process before the Board of Commissioners.

With no other comments, the public comment portion of the public hearing was closed.

The Board by unanimous motion approved Ordinance #C-143-05/PLG-026-05 Amendments to Sections 3.40.020 and 3.40.230 of the Island County Code, Public Benefit Rating System Ordinance. [Ordinance #C-143-05 on file with the Clerk of the Board] (GMA # 8580)

**RESOLUTION #C-05-06/PLG-001-06 AMENDING THE SERVICE AREA FOR THE**  
**NORTHGATE TERRACE COMMUNITY CLUB WATER SYSTEM**

Resolution #C-05-06/PLG-001-06 Amending the Service Area for the Northgate Terrace Community Club Water System was presented by Mr. Bakke, recommending approval of this technical correction. Exhibit A to the Resolution depicted the proposed amendment to the service area. A series of unplatted lots located to the north of the Plat of Northgate Terrace are served by the Northgate Terrace Community Club Water System but are not shown within the service area. Northgate Terrace Community Club Water System is capable of providing timely and reasonable water service to the parcels.

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By unanimous motion, the Board approved Resolution #C-05-06/PLG-001-06 Amending the Service Area for the Northgate Terrace Community Club Water System. [*Resolution #C-05-06 on file with the Clerk of the Board*].

**RESOLUTION #C-06-06/PLG-002-06 AMENDING THE SERVICE AREA FOR THE**  
**CAMANO CITY COMMUNITY CLUB WATER SYSTEM BY REDUCING ITS SERVICE**  
**AREA AND THE EXPANSION OF THE KODIAK WATER SYSTEM INTO THE**  
**COORDINATED WATER SYSTEM PLAN**

Mr. Bakke presented for the Board's approval, Resolution #C-06-06/PLG-002-06 Amending the Service Area for the Camano City Community Club Water System by reducing its service area and the expansion of the Kodiak Water System into the Coordinated Water System Plan. Camano City Community Club Water System is unable to provide water to the property owner of parcel #R23114-223-3480 currently located within the service area of the Camano City Community Club, Inc. Water system. The owner of the parcel desires to expand the Kodiak Water System service area boundary to provide the parcel with potable water.

By unanimous motion the Board approved Resolution #C-06-06/PLG-002-06 Amending the Service Area for the Camano City Community Club Water System by reducing its service area and the expansion of the Kodiak Water System into the Coordinated Water System Plan. [*Resolution #C-06-06 on file with the Clerk of the Board*]

**AMENDMENT 2 TO AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN**  
**DEARBORN & MOSS PLLC AND PAUL R. ADAMUS**

As presented and recommended for approval by Mr. Bakke, the Board by unanimous motion approved Amendment 2 to Agreement for Professional Services between Dearborn & Moss PLLC and Paul R. Adamus, a modification of time and budget summary for Task 6 and sub-consultant, in the amount of \$22,327 for additional work relating to the water quality program. [GMA #8581]

**LOCATION ANNOUNCED - PUBLIC HEARING - ORDINANCE #C-150-05 PLG-021-05 -**  
**UPDATING ISLAND COUNTY'S GMA CRITICAL AREA REGULATIONS RELATING TO**  
**EXISTING AND ONGOING AGRICULTURE**

Location Announced: Public Hearing on Ordinance #C-150-05 PLG-021-05 In the Matter of Updating Island County's GMA Critical Area Regulations Relating to Existing and Ongoing Agriculture, including Exhibits A, B, C and D, scheduled on **January 23, 2006 at 3:00 p.m. at North Whidbey Middle School, 67 N.E. Izette, Oak Harbor, Wa.**

**RESOLUTION #C- 07-06 - RELEASE OF A PORTION OF THE JUDGMENT DEBT OWED**  
**BY LONNY D. HOAG**

By unanimous motion, as presented with a recommendation of approval from Mr. Bakke, the Board approved Resolution #C-07-06 In the Matter of Release of a Portion of the Judgment Debt Owed by Lonny D. Hoag. [*Resolution #C-07-06 on file with the Clerk of the Board*]

**EXECUTIVE SESSION**

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Chairman McDowell announced that the Board would meet today at 11:45 a.m. in Conference Room #218, County Administration Building, as allowed under RCW 42.30.110 (1) (b) to consider acquisition of real estate by lease or purchase. He indicated that the Executive Session would last 15 minutes and no public announcement would be made afterwards in open public session.

Upon conclusion of the Executive Session, the Board recessed until 2:00 p.m. [an item originally scheduled on the chairman's agenda for 2:00 p.m. having been canceled] to meet again in Executive Session.

**EXECUTIVE SESSION**

At 2:00 p.m. Chairman McDowell announced that the Board would be meeting in Executive Session in the Office of the Planning Director, as allowed under RCW 42.30.110 (1) (i) to discuss with legal counsel pending litigation. The Executive Session is anticipated to last approximately two hours, 2:00 to 3:00 p.m. and 4:00 to 5:00 p.m. with no announcement expected in open public session afterwards.

There being no further business to come before the Board, the Chairman adjourned the meeting at 5:00 p.m. upon conclusion of the Executive Session. Island County offices will be closed on Monday, January 16, 2006 in observance of Martin Luther King holiday, and will reopen on Tuesday, January 17<sup>th</sup>. The next regular meeting of the Board of County Commissioners will be held on Monday, January 23, 2006, beginning at 11:00 a.m. for a Roundtable with Elected Officials/Appointed Department Heads and followed at 1:30 p.m. by regular agenda items.

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