

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - JANUARY 28, 2002**

The Board of Island County Commissioners met in Regular Session on January 28, 2002, 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 Mike Shelton, Chairman, Wm. L. McDowell, Member, and William F. Thorn, Member, present.

ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS

Attendance:

Elected Officials: Robert Bishop; Mike Hawley; Suzanne Sinclair
Others: Elaine Marlow; Dick Toft
Press: Rick Levine, Whidbey News Times

Change in Budget Workshop Process. The initial budget workshop with all Elected Officials and Appointed Department Heads scheduled for Monday, February 11th at 1:30 p.m. will be held as planned, to discuss ground rules and goals for future budget meetings. However, instead of the 2nd and 4th Wednesdays for subsequent budget workshops with individual departments, those workshops will be held on the first three Mondays of each month, at 1:30 p.m. A schedule for those workshops with the individual departments will be distributed soon.

Proposed Legislation. Commissioners and Elected Officials discussed proposed State legislation, including: Rural Counties Bill; 1% utility tax that could be enacted by local legislative authority; and a bill prohibiting weapons in meeting places.

Meeting adjourned 11:50 a.m.; next Roundtable scheduled for February 25 at 11:30 a.m.

MINUTES APPROVED

By unanimous motion, the Board approved and signed minutes from Regular Sessions held on January 7 and 14, 2002.

VOUCHERS AND PAYMENT OF BILLS

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

2002	Voucher (War.) #116012-116242	\$734,894.31
2001	Vouchers (War.) # Warrants 116244-116487	\$552,468.31.

Veterans Assistance Fund: *[emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]*. Veterans Assistance Claim V2-1 in the amount of \$2163.93 was approved by unanimous motion of the Board, as recommended by the Veterans Assistance Review Committee.

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description	Position #	Action	Eff. Date
Public Works	003/02	Solid Waste Tech I	#2256.03	Replacement	1-28-02
Sheriff	004/02	Deputized Officer	#4012.03	Replacement	1-28-02
Sheriff	005/02	Correct. Officer	#4015.02	Replacement	1-28-02
Health	006/02	Env. Health Spec.	#2403.08	New Position/grant	1-28-02
Assessor	007/02	Dept. Sup. Admin.	#110.00	Replacement	2-5-02

APPOINTMENT TO ISLAND COUNTY PLANNING COMMISSION

WHEREAS, RCW 36.29.020 specifically allows the County to accrue to its Current Expense fund interest generated by other funds deposited with the Island County Treasurer where said interest has not been specifically earmarked otherwise by the governing body controlling said fund; and **NOW THEREFORE**

BE IT RESOLVED, effective January 1, 2002, fifty percent (50%) of the interest earnings generated by the Solid Waste Working Capital Reserve shall be allocated to and deposited in the Current Expense fund, and that such interest earnings shall be computed and accumulated monthly at the rate of interest received from the Washington State Investment Pool.

ADOPTED this 28 day of January, 2002.

Board of County Commissioners
Island County Washington
 Mike Shelton, Chairman
 Wm. L. McDowell, Member
 William F. Thorn, Member

Attest: Elaine Marlow, Clerk of the Board

CONTRACTS APPROVED FOR TOURISM FUNDS

The Board on November 19, 2001 approved Island County Public Facilities Fund 2% Hotel-Motel Lodging Tax-Tourism Promotion Project and Activities funded by the 2% tax revenues. Three of the eleven agencies receiving the funds have now signed contracts with the County, and the Board by unanimous motion, approved contracts with the following:

Central Whidbey Chamber of Commerce	\$ 1,150	RM-BOC-02-0007
Island County Historical Society Museum	2,400	RM-BOC-02-0003
Island District EDC	29,000	RM-BOC-02-0005

[remaining contracts to follow when signed by the receiving agencies.]

PUBLIC INPUT OR COMMENTS

Jennifer Biddle, 4-H program coordinator in Island County, handed a copy of an article to the Board from the January 26, 2002 South Whidbey Record about 4-H Rally Night and the fact that the Board of Commissioners supported the 4-H program during the budget process. Lois Fisher, president, 4-H Leaders Council, and Gary Fisher, Member, 4-H Leaders Council, were also present, and Mrs. Fisher voiced her appreciation for continued support from the Commissioners, and from 4-H Rally Night, presented a huge thank you card to the Commissioners signed by leaders of the of 4-Hers, adults and parents.

Chairman Shelton mentioned that the Board believe that the 4-H program is one of the most effective prevention programs invented by man and he thought that the Board would do whatever it could to ensure the continued support of the 4-H program. He thanked the Fishers for their volunteer efforts working with 4-H.

Commissioner Thorn seconded those comments, recalling that the discussion did come up during budget workshop sessions and the Board at that time commented about the value of the program as a prevention program.

Commissioner McDowell noted that although the 4-H program may not be a "mandated" program, from the standpoint of families and kids that participate, it is his personal opinion it is as mandated as any other program.
[card is being displayed on the wall in the Hearing Room.]

RESOLUTION #C-06-02/R-03-02 – AUTHORIZING COUNTY EMPLOYEES AND COUNTY OFFICIALS WHO FIND LOST PROPERTY TO CLAIM PROPERTY NOT CLAIMED BY THE OWNER

Bill Oakes Public Works Director, presented with a recommendation of approval, Resolution #C-06-02 [R-03-02] in

the matter of authorizing county employees and county officials who find lost property to claim property not claimed by the owner. The resolution has been reviewed and signed approved as to form by the Deputy Prosecuting Attorney and Island County Code Reviser, and if approved will add a new chapter to the Island County Code, 2.46.010.

For the record a fax was received from Loretta Martin, Freeland, who did not question the honesty of county employees and officials, but did feel that the County could open itself up to a perceived conflict of interest by allowing employees and officials to claim lost property they have found.

Commissioner Thorn found it difficult to see how there would be a perception of a conflict of interest especially since every effort will be made to notify people and to try to get property back to the owner.

Commissioner McDowell agreed, and noted to the contrary in the other direction, if county employees knew they could not at least apply for lost material there could be a perception lost property may not be turned as opposed to being on the same standing as any other citizen or resident if not claimed after appropriate notification, advertising and time has passed, they can claim the property.

By unanimous motion, the Board adopted Resolution #C-06-02 [R-03-02] in the matter of authorizing county employees and county officials who find lost property to claim property not claimed by the owner.

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

**IN THE MATTER OF AUTHORIZING COUNTY
EMPLOYEES & OFFICIALS WHO FIND LOST)
PROPERTY TO CLAIM THE PROPERTY NOT) **RESOLUTION NO. C-06-02**
CLAIMED BY THE OWNER)**

WHEREAS, chapter 63.21 RCW governs the process that is to be followed when a person finds lost property;
and

WHEREAS, generally, a finder of property is required to turn in property found in the unincorporated area of the County to the Sheriff who then advertises that the property has been found so that the owner of the property can claim it; and

WHEREAS, if the owner of the property does not claim the lost property within sixty days of finding the property the person who found the property generally can qualify to receive the lost property; and

WHEREAS, RCW 63.21.070 disqualifies government employees and officials who find property while acting within the course of their employment from claiming the property unless the governing body of the government entity adopts a resolution authorizing employees and/or officials to qualify to claim the property for themselves personally; and

WHEREAS, if found property is unclaimed by the owner and the finder does not qualify to receive the property the property would go into the County's Current Expense Fund; and

WHEREAS, a County employee or official who finds lost property while acting within the course of his or her employment, appropriately turns it in to the Sheriff, and the owner does not claim it, should be rewarded by allowing him or her to claim the property; NOW, THEREFORE,

BE IT RESOLVED that Island County employees and officials may claim lost property as set forth in Exhibit "A" attached hereto.

DATED this 28 day of January, 2002.

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

Mike Shelton, Chairman
Wm. L. McDowell, Member
Wm. F. Thorn, Member

ATTEST:

Elaine Marlow
Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.
Deputy Prosecuting Attorney and
Island County Code Reviser

**EXHIBIT "A"
NEW CHAPTER
Chapter 2.46**

County Employees And Officials Claiming Lost Property

Section:

2.46.010 County Employees and Officials Authorized to Claim Lost Property

2.46.010 County Employees and Officials Authorized to Claim Lost Property

Pursuant to the terms of chapter 63.21 RCW, when an Island County employee or official finds lost property while acting within the course of his or her employment, turns the property in to the Sheriff or other chief law enforcement officer of the jurisdiction where it is found, and the property is not claimed by the owner, the employee or official is authorized to claim the property for himself or herself personally.

**ABUTTER'S AGREEMENT #PW0120-107 - CRESCENT HARBOR ROAD
OAK HARBOR SCHOOL DISTRICT**

Mr. Oakes submitted for approval, Abutter's Agreement to improve right-of-way on Crescent Harbor Road located in Sec. 31, Twp 33N., Rge 3E., Agreement PW0120-107 between Island County and Oak Harbor School District, a flashing sign installed by the County, with the School paying for the utilities and controlling when the sign is on and off. This is an update of a prior agreement when the light was installed about three years' ago.

The Board, by unanimous motion, approved Abutter's Agreement between Island County and the Oak Harbor School District to improve right-of-way on Crescent Harbor Road, Agreement #PW0120-107.

CERTIFICATION OF 2002 ROAD LEVY – ANNUAL REPORT TO CRAB

The Board, by unanimous motion, approved and signed Certification of 2002 Road Levy and Estimated Revenue (WAC 136-150-021) to the County Road Administration Board (CRAB), as submitted by Mr. Oakes. The County Auditor, had a question earlier this morning, but since that time had been resolved based on staff research.

**ISLAND COUNTY & PACIFIC NORTHWEST TRAIL ASSOCIATION AGREEMENT PW012-124 – PNTA
TOOL ACQUISITION 2002 FOR TRAILS**

As presented with a recommendation of approval by Mr. Oakes, the Board by unanimous motion approved and authorized the Chairman's signature on the Island County and Pacific Northwest Trail Association (PNTA) Agreement PW012-124, an owners agreement required for the PNTA to submit a grant for tools to maintain the Kettles Trail. The Board's action acknowledged ownership of the property by the County and indicates County approval of PNTA Grant Application 01-1159N through National Recreation Trails Program and project, and verifies that Island County will allow access to the trail without discrimination.

**HEARING HELD: FRANCHISE #86R, WILLIAM & BRENDA CHEAQUI; RENEWAL, EXISTING
WATER DISTRIBUTION SYSTEM, SCENIC HEIGHTS ROAD**

A Public Hearing was held as advertised at 2:20 p.m. to consider the renewal of Franchise #86R by William & Brenda Cheaqui for existing water distribution system, Scenic Heights Road, Sec. 22, Twp. 32N., R 1E. Mr. Oakes reported that staff recommended approval of the franchise as submitted, as outlined in Memorandum dated December 19, 2001 from Dick Snyder, County

Engineer.

When the Chairman called for public comments, no one in the audience expressed a desire to speak either for or against said renewal of the franchise.

By unanimous motion, the Board approved renewal of Franchise #86R by William & Brenda Cheaqui for existing water distribution system, Scenic Heights Road, Sec. 22, Twp. 32N., R 1E.

**INTERLOCAL AGREEMENT BETWEEN ISLAND COUNTY AND TOWN OF COUPEVILLE #C-02-01
[PW0220-06] FACILITIES SECURITY SERVICES**

An Interlocal Agreement between Island County and Town of Coupeville #C-02-01/#PW0220-06 for Facilities Security Services for services provided to the County campus within the Town of Coupeville, with the County paying in the amount of \$9,562 per annum for five years beginning 4/6/01. Mr. Oaks recommendation the Board's approval.

- The Board, by unanimous motion, approved Interlocal Agreement between Island County and Town of Coupeville, #C-02-01/#PW0220-06, for Facilities Security Services.

FINANCIAL REPORTS FROM AUDITOR AND TREASURER – DECEMBER 31, 2001

- Financial reports provided in writing from the Island County Auditor dated 1/22/02 and the Treasurer, dated 1/10/02, for the period ending December 31, 2001, were reviewed and discussed. Revenue came in under budget almost \$400,000 and expenditures came in as well a little under \$400,000. Worthy of note some departments exceeded budget.

HEARING HELD: OPEN SPACE APPLICATION OPS 390/01, KEVIN DEMARAY

- As advertised, a Public Hearing was held to consider Open Space Application #OPS 390/01 by Kevin Demaray, on Assessor's Parcel R32916-486-2840, R32916-421-2840, R32916-416-3490 and R32916-482-3440, South Whidbey. Request is that 38 acres be changed from Designated Forest to Timber Land current use classification.

The Staff Report dated December 11, 2001, was provided by Phil Bakke, Planning Director, and Jeff Tate, Planning Manager. The Proposal, Findings, Analysis, Conclusions and Recommendation is for approval, based on consistency with RCW 84.34.041(a)-(c) and the Island County Comprehensive Plan, subject to conditions outlined:

All future forest practices activity on the subject property shall be consistent with the submitted Forest Land Management Plan and all Resource Management Recommendations contained in the report shall be followed as a condition of this approval.

All future forest practices activity on the subject property shall be consistent with Washington Forest Practices Regulations, RCW 76.09 and WAC 222, and all other applicable County, State and Federal regulations.

This approval is limited to transfer of the subject parcel from Designated Forest to Open Timber current use. Additional permits and/or approvals will be required for other land use activities including, but not limited to, clearing and grading related to removal of timber.

Kevin Demaray was present at the time of hearing in support of the application. No comments by members of the public were made either for or against the application.

By unanimous motion, the Board approved Open Space Application # OPS 390/01 by Kevin Demaray, on Assessor's Parcel R32916-486-2840, R32916-421-2840, R32916-416-3490 and R32916-482-3440, South Whidbey, subject to the

conditions stated.

**HEARING HELD: OPEN SPACE APPLICATION OPS 408/01,
HALL FAMILY PARTNERSHIP**

A Public Hearing was held as advertised, for the purpose of considering OPS 408/01 by Hall Family Partnership on Assessor's Parcel R23225-333-4630, Camano Island, requesting 40 acres placed in the Timber Land current use classification.

The Staff Report dated December 11, 2001, with Proposal, Findings, Analysis, Conclusions and Recommendation was for approval of the application, based on consistency with criteria in RCW 84.34.041(a)-(c) and the Island County Comprehensive Plan, subject to conditions outlined:

All future forest practices activity on the subject property shall be consistent with the submitted Forest Land Management Plan and all Resource Management Recommendations contained in the report shall be followed as a condition of this approval.

All future forest practices activity on the subject property shall be consistent with Washington Forest Practices Regulations, RCW 76.09 and WAC 222, and all other applicable County, State and Federal regulations.

This approval is limited to transfer of the subject parcel as Open Timber current use. Additional permits and/or approvals will be required for other land use activities including, but not limited to, clearing and grading related to removal of timber

No comments by members of the public were made at the hearing, either for or against the application.

By unanimous motion the Board approved OPS 408/01, Hall Family Partnership – Assessor's Parcel R23225-333-4630, requesting that 40 acres be placed in the Timber Land current use classification subject to the conditions of approval recommended by Staff.

HEARING HELD: ORDINANCE #C-02-02 (PLG-029-01) AMENDING THE ISLAND COUNTY COMPREHENSIVE PLAN AND CHAPTER 17.03 ICC TO IMPLEMENT THE ISLAND COUNTY / TOWN OF COUPEVILLE INTERLOCAL AGREEMENT AND ADOPTION OF COUPEVILLE INTERLOCAL AGREEMENT

A Public Hearing was held as scheduled and advertised, to for the purpose of considering Ordinance #C-02-02 (PLG-029-01) Amending the Island County Comprehensive Plan and Chapter 17.03 ICC to implement the Island County/Town of Coupeville Interlocal Agreement and also to adopt the Coupeville Interlocal Agreement. The Ordinance, introduced on January 7, 2002, was entered into the GMA record at that time as #7159.

Mr. Bakke advised that the ordinance had been before the Island County Planning Commission and came to the Board with a unanimous recommendation of approval. The ordinance includes adding Exhibit A to the Comprehensive Plan showing the town area, and Exhibit B adding language for Coupeville in 17.03.180, a reserved section for Coupeville Scenic Corridors. He confirmed that the language was similar to the scenic corridor provisions adopted as a part of the Langley Interlocal Agreement two years' ago.

Larry Cort, Coupeville Planner, spoke in favor of adoption of the Ordinance and Interlocal Agreement between Island County and the Town of Coupeville for the joint planning agreement.

He relayed his belief that the Town Council and Mayor of Coupeville felt this was a good example of fine work, and he personally thanked Mr. Bakke and Mr. Tate for their work on this; both were very amenable to concerns of the Town.

By unanimous motion, the Board approved Ordinance #C-02-02 (PLG-029-01) Amending the Island County Comprehensive Plan and Chapter 17.03 ICC to implement the Island County/Town of Coupeville Interlocal Agreement. [GMA #7172]

With regard to the Coupeville Interlocal Agreement, Mr. Bakke pointed out that the Town Council and Town Planning Commission held public hearings and received positive feedback from anyone who commented. He shared Mr. Cort's feelings of a great working relationship with the Town.

Chairman Shelton was most proud through the GMA planning process that the Town, the two Cities and Island County had all been able to work together cooperatively, something that is not necessarily true in other counties.

The Board further, on unanimous motion, approved and signed the Coupeville Interlocal Agreement #RM-PLAN-01-0103. [GMA#7173 (note: to be signed by Town of Coupeville)]

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

IN THE MATTER OF AMENDING THE)
ISLAND COUNTY COMPREHENSIVE)
PLAN AND CHAPTER 17.03 ICC TO)
IMPLEMENT THE ISLAND COUNTY /)
TOWN OF COUPEVILLE INTERLOCAL)
AGREEMENT)

ORDINANCE C-02-02
PLG-029-01

WHEREAS, on November 13, 2001 the Town of Coupeville held a Public Hearing and after receiving public input the Town Council authorized the Mayor of Coupeville to sign an Interlocal Agreement between Island County and the Town of Coupeville to govern land use decisions within the Coupeville Joint Planning Area (JPA); and

WHEREAS, in order for Island County to adopt and execute the Interlocal Agreement the County must update certain maps and land use regulations to be consistent with the proposed Interlocal Agreement; and

WHEREAS, the Island County Planning Commission held a Public Hearing on December 11, 2001, and recommended approval of the amendments after receiving public input; and

WHEREAS, "Exhibit A" adds an Island County/Coupeville Joint Planning Area Map to the Island County Comprehensive Plan showing the Joint Planning Area, scenic corridors and Town water resources; and

WHEREAS, "Exhibit B" amends ICC 17.03 to add scenic corridor protection to portions of State Route 20, Parker Road and Madrona Way within the JPA; and

WHEREAS, Island County completed Environmental Review under Chapter 43.21C RCW and determined there will be no adverse environmental impact as a result of the proposed amendments to the Comprehensive Plan and ICC 17.03; and

WHEREAS, amendments to Chapter 17.03 ICC and the Island County Comprehensive Plan are needed to implement the Interlocal Agreement; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the amendments to Chapter 17.03 ICC and the Island County Comprehensive Plan attached hereto as Exhibits "A" and "B" to implement the Island County/Town of Coupeville Interlocal Agreement. Material stricken through is deleted and material underlined is added.

Reviewed this 7 day of January, 2002 and set for public hearing at 2:45 p.m. on the 28 day of January, 2002.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
William F. Thorn, Member
Mike Shelton, Chairman
Wm. L. McDowell, Member

ATTEST: Elaine Marlow

Clerk of the Board

APPROVED AND ADOPTED this 28 day of January, 2002.

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

William F. Thorn, Member
Mike Shelton, Chairman
Wm. L. McDowell, Member

ATTEST:

Elaine Marlow
Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.
Deputy Prosecuting Attorney
& Island County Code Reviser

[Exhibit A - Island County/Coupeville Joint Planning Areas Map B-1, dated October 2, 2001; and Exhibit B 17.03.180 Land Use Standards placed on file with the Clerk of the Board]

**LETTER TO COMMISSIONER DOUG SUTHERLAND,
DEPARTMENT OF NATURAL RESOURCES**

Phil Bakke and Jeff Tate presented a proposed letter to Commissioner Doug Sutherland, Department of Natural Resources, recommending the Board's approval and signature. A copy was provided of the Island County Commercial Forest Land Study, January 28, 1998 prepared by Crescent Springs Management. The proposed letter to Commissioner Sutherland is about water typing criteria. There has been some concern expressed about the proposed letter via fax from Steve Erickson, WEAN, January 27, 2002 [GMA #7176], and e-mail from David and Melinda Gladstone this date [GMA #7175], and Mr. Tate provided some background information:

The Board in 1998 adopted a Clearing and Grading Ordinance requiring a clearing and grading permit for all Class 4 general forest practice permits, and for the past three years there has been a duplicative process - Island County and DNR review.

A proposed ordinance to transfer jurisdiction of Class 4 general forest practice permits from DNR to Island County presented to the Island County Planning Commission June 2001, in anticipation of required completion date December 31, 2001.

Some concern was expressed at the Planning Commission hearing about not including more environmental protection. State law requires that county forest practice rules meet or exceed state forest practice rules. The Planning Commission asked staff to take the draft ordinance back to DNR for review and consultation and Staff transmitted same to DNR in July, 2001, and met with DNR in August.

DNR had some issues and concerns to needed to be addressed. At that time DNR did not have the benefit of having all the other Island County Critical Areas Ordinance, Shoreline Master Program, Clearing and Grading standards, BMPs, etc. as a whole package, and those were then provided. DNR had a concern with regard to logging methods, water typing criteria and listing of some protected species the County did not list but are in the Forest Practice Rules; however, as staff pointed out, those species are not located in Island County but DNR still wanted those listed [i.e. western pond turtle; sand hill crane]. County staff continues to work with DNR on these issues. Staff met with DNR again and DNR saw that Island County's regulatory standards and protections, especially for critical areas, met or in most cases, exceed DNR standards.

Island County adopted stream water typing criteria in 1998 directly from State law from DNR Rules. In the meantime

a set of interim stream typing criteria was passed and has been in effect for at least six months, with permanent criteria on the way. The County and DNR differ in channel width, amount of water that flows per cubic foot per second. Staff is concerned about a number of issues in this regard: how long until permanent rules go into effect; are the interim rules or permanent rules ESA compliant; and there are some definitions in the interim and permanent rules that need to be clarified.

As Mr. Tate explained Commissioner Sutherland is being asked to effectuate the transfer of jurisdiction using the County's 1998 adopted criteria which met State law at that time, until such time there is something permanent adopted by DNR. With regard to the fax and e-mail received, he thought there was some confusion between protection of streams and water typing criteria, two very separate issues. The current water typing criteria listed in the Island County Code [Critical Areas Ordinance], under the interim rules [and he thought also the permanent rules] for water typing criteria, provides more protection to streams and wetlands than DNR rules. County Code for buffers is much more restrictive and provides more protection to streams and wetlands than DNR standards as they exist. Class 2 and Class 3 permits issued by DNR allow for timber harvesting in wetlands, wetland buffers, stream buffers and allow for stream crossings for forest practices; unlike Island County's critical area regulations which does not allow for that. While there may be a 55' buffer under DNR standards and Island County's at 50', important to note that DNR allows harvesting in that buffer while Island County buffers are "no touch buffers". Island County for the past three years has required a clearing and grading permit for these types of timber harvests; whereas there could very well have been forest practice operations lawfully permitted by DNR that would not have been protected the same way they have been because of an Island County permit being required. Mr. Tate observed that should Commissioner Sutherland grant the request stated in the letter, a statement that there would be less protection to streams would be an impossible statement at this point. It is conceivable that in Island County's situation current water typing criteria might mean there are more type 3 and 4 streams in the County than under the new typing criteria.

Commissioner Thorn expressed his view that for property owners, predictability, if anything, is one of the ground rules of good planning and he thought unless and until we know we are on really solid ground as far as the rules to abide by once defined firmly by DNR, the County is better off standing pat with what it has, and he supported sending this letter.

Mr. Tate referred to Page 3 of the proposed letter to Commissioner Sutherland under Item #1, beginning "Island County has very few streams that support resident fish populations", where it states there are only three type 3 streams, there are thirteen type 3 streams of which just 3 support anadromous fish population. In talking about the largest stream in Island County being Maxwellton Creek that extends 3.5 miles, that should be corrected to reflect 4.25 miles [not including tributary streams, just the Type 3 portion]. He presented a letter for the Board's signature today that reflected the corrected language, Item #1 on page 3 now reading as follows:

1. Island County has very few streams that support resident fish populations. In fact, we only have thirteen Type 3 waters in Island County three of which support an anadromous fish population of any kind. None of these streams support a population that is listed as endangered, threatened or sensitive. By far the largest stream in Island County is Maxwellton Creek which, at its widest point is 10 feet and extends approximately 4.25 miles inland.

Mr. Bakke verified that the Board's letter to Commissioner Sutherland would in no way supersede the Planning Commission; this is still properly before the Planning Commission and the results of this letter will go back to the Planning Commission for their public hearing process and subsequent recommendation to the Board. Staff will be going to the Planning Commission recommending modifications to satisfy specific points that DNR staff has addressed.

Commissioner Thorn moved that the Board sign the letter to Commissioner Doug Sutherland as modified by Mr. Tate today. Motion, seconded by Commissioner McDowell, carried unanimously. [Letter with attached report entered as GMA record #7174].

There being no further business to come before the Board at this time, the meeting adjourned at 3:25 p.m.

The Board will meet next in Regular Session on February 4, 2002, beginning at 9:30 a.m.

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

Mike Shelton, Chairman _____

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST:

Elaine Marlow, Clerk of the Board