

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING**  
**REGULAR SESSION – DECEMBER 22, 2003**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on December 22, 2003, beginning at 1:30 p.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6<sup>th</sup> Street, Coupeville, Wa. The Roundtable scheduled with Island County Elected Officials at 11:30 a.m. was canceled since no agenda items were forthcoming and due to the fact that several elected officials were unable to attend.

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 the December 15, 2003 meeting.

**VOUCHERS AND PAYMENT OF BILLS**

The Board, on unanimous motion, approved the payroll for retro pay Local 1845, and the following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #179902-180189 = \$269,387.02.

**HIRING REQUESTS & PERSONNEL ACTIONS**

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorization (s):

<b>Dept.</b>	<b>PAA #</b>	<b>Description/Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Planning		102/03 Director 1700.00	Personnel Action	1/1/04
Prosecutor	103/03	Deputy Pros. Atty 1804.00	New Position	2/1/04
Prosecutor	104/03	Deputy Pros. Atty 1805.00	Personnel Action	2/1/04
Pub. Works	111/03	Eng Tech III, I/RW 2224.02	New Position	1/1/04
Pub. Works	113/03	Truck Dr I 2242.12	Replacement	2/2/04
Pub. Works	114/03	Acct Tech SW 2217.00	Increase Hrs. to .8 fte	1/1/04
Pub. Works	116/03	Truck Dr. I 2242.07	Replacement	12/22/03
Clerk	115/03	Dep. Clerk/Collections 503.05	New Position	1/1/04

**TODDLER LEARNING CENTER ASSOCIATION DEVELOPMENTAL  
DISABILITIES-CHILD DEVELOPMENT SERVICES**

Having been reviewed at the November 19<sup>th</sup> staff session, the Board by unanimous motion approved Contract #HS-05-03 Amendment #1 (RM-HLTH-99-0056) with Toddler Learning Center Association for child developmental services, the amendment amount \$130,121, for new total contract in the amount of \$156,498.

**RESOLUTION #C-126-03 ESTABLISHING THE SARATOGA PASSAGE  
AND ADMIRALTY INLET MARINE STEWARDSHIP AREAS**

Gary Wood, Northwest Straits Commission, on behalf of Island County Marine Resource Committee (MRC), along with a number of members of the Island County MRC, was present to support the Board's adoption of a resolution establishing the Saratoga Passage and Admiralty Inlet Marine Stewardship Areas. Mr. Wood thanked members of the Island County MRC for taking the initiative in the preparation of the resolution, noting this action tied in with the shore steward program and would enable recognition of some of the best assets of the County without regulating them.

By unanimous motion, the Board adopted Resolution #C-126-03 in the matter of establishing the Saratoga Passage and Admiralty Inlet Marine Stewardship Areas.

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

**IN THE MATTER OF ESTABLISHING )**  
**THE SARATOGA PASSAGE AND )**  
**ADMIRALTY INLET MARINE ) RESOLUTION NO. C-126- 03**  
**STEWARDSHIP AREAS )**

**WHEREAS**, the waters of Island County provide one of the richest marine habitats and most scenic vistas in the US, and need to be identified, recognized and preserved,

**WHEREAS**, a majority of Island County's inside waters lie between its two main populated islands, Whidbey and Camano, and serve as a pathway for marine traffic, both commercial and pleasure craft, as well as many species of migrating fish and mammals,

**WHEREAS**, the outside waters west of Whidbey Island are a major corridor of commercial marine traffic and an important salmon fishery,

**WHEREAS**, it is incumbent upon those citizens of Island County and other persons who use and enjoy this great natural resource to recognize and respect these unique bodies of water,

**WHEREAS**, the Murray-Metcalf Commission of 1997 set forth specific benchmarks by which to measure progress in protecting the marine resource, and called upon the Northwest Straits Commission and Marine Resources Committees to achieve science-based zones of marine protection, **NOW THEREFORE**,

**BE IT HEREBY RESOLVED** by the Board of Island County Commissioners, to meet the goals of the Murray-Metcalf Commission to protect the waters, from Deception Pass on the north to Possession Point on the south that lie east of Whidbey Island will be known as the "Saratoga Passage Marine Stewardship Area," while those waters to the immediate west of Whidbey Island will be known as the "Admiralty Inlet Marine Stewardship Area". These marine areas will enjoy all of the protections that are already in place to safeguard the waters, marine life, plant life and surrounding shores and beaches and should be the focus of additional educational efforts to encourage greater care and understanding by citizens and visitors.

**ADOPTED** this 22<sup>nd</sup> day of December, 2003.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON  
WM. L. MCDOWELL, CHAIRMAN  
WILLIAM J. BYRD, MEMBER  
MIKE SHELTON, MEMBER**

**ATTEST:  
ELAINE MARLOW  
CLERK OF THE BOARD**

**HEARING HELD: ORDINANCE # C-117-03 AMENDING THE PROVISIONS OF CHAPTER 10.06 ICC REGARDING  
IMPOUNDMENT OF VEHICLES**

At 1:45 p.m. as advertised and scheduled, the Chairman opened a Public Hearing for the purpose of considering Ordinance #C-117-03 in the matter of amending provisions of Island County Code, Chapter 10.06 regarding impoundment of vehicles.

David L. Jamieson, Jr., Deputy Prosecuting Attorney, worked with Sheriff Hawley in preparing some amendments to Chapter 10.06 ICC dealing with impound of vehicles driven by suspended or revoked drivers, a result legislation adopted this year, State Substitute House Bill 1074. The Ordinance clarifies the law that provides for impoundment when police stop someone driving while suspended, and provides for the following:

1. If a commercial vehicle is driven by someone suspended and who is not the owner of the vehicle, the police are required to first use all diligent good faith efforts to contact the owner of the vehicle to see if someone else can pick up the vehicle before impoundment.
2. When a vehicle is driven by someone with suspended or revoked license, and is not a commercial vehicle but owned by another person, the police can allow that vehicle be released early from the impound if the owner has not received a prior release under that subsection.

The law was adopted in 1998 and the State Legislature made findings that about a quarter million drivers in the state have suspended or revoked licenses yet 195,000 actually continue to drive. The percent of accidents among suspended or revoked drivers is much higher than the rest of the driving populous, and many of those cited do not appear in court even when charged and it is a public safety issue. In terms of Island County History, District Court records show that for those driving with suspended or revoked licenses, actual citations issued by the Sheriff's Office decreased markedly since the ordinance was first passed; overall 42-43% decrease in the number of driving while suspended or revoked between 1998 and 2002.

At the time Chairman McDowell called for public comment on Ordinance #C-117-03, no one indicated a desire to speak either for or against the matter.

Moved by Commissioner Shelton, seconded by Commissioner Byrd, Ordinance #C-117-03 in the matter of amending provisions of Island County Code, Chapter 10.06 regarding impoundment of vehicles was adopted by unanimous motion.

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

IN THE MATTER OF AMENDING THE  
PROVISIONS OF CHAPTER 10.06 ICC  
REGARDING IMPOUNDMENT OF VEHICLES

ORDINANCE NO. C- 117 -03

**WHEREAS**, the 2003 State Legislature, by Substitute House Bill 1074, chapter 177 of the 2003 Laws, made changes to chapter 46.55 RCW regarding the circumstances under which vehicles driven by suspended or revoked drivers can be impounded and released from impound;

**WHEREAS**, amendments to chapter 10.06 of the Island County Code, Traffic Regulations (Model Traffic Ordinance), are necessary to conform county regulations to the changes made by state law; and

**WHEREAS**, this ordinance is necessary to protect the health, safety and welfare of the citizens of Island County; **NOW, THEREFORE**,

**IT IS HEREBY ORDAINED** that Island County Code sections 10.06.060, 10.06.070 and 10.06.080 are amended as set forth on Exhibit "A" attached hereto. Material lined through is deleted and material underlined is added.

Reviewed this 24 day of November, 2003, and set for public hearing on the 22 day of December, 2003 at 1:45 p.m. in the Commissioner's Hearing Room.

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

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

**ATTEST:** Elaine Marlow  
Clerk of the Board

Ordinance C-117 -03 is adopted this 22 day of December, 2003 following public hearing.

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

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, 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" on file with the Clerk of the Board]

**COMMITTEE APPOINTMENTS**

The Board, by unanimous motion made the following appointments:

**Island County Park Board**

**Island County Planning Commission**

New Appointment: Lori Matteson  
Term Expires: 06/30/09

Re-appointment: Henry Powers  
Term Expires: 01/02/08

**STAFF SESSION SCHEDULE – JANUARY, 2004**

The January, 2004, Staff Session Schedule was approved by the Board for distribution, showing the two regular staff sessions, January 7 and January 21, both beginning at 9:00 a.m.

**RESOLUTION #C-127-03 IN THE MATTER OF ESTABLISHING SALARIES FOR NON-BARGAINING UNIT EMPLOYEES (EXCLUDING ELECTED OFFICIALS) FOR 2004**

The Board adopted by unanimous motion Resolution #C-127-03 in the matter of establishing salaries for non-bargaining unit employees (excluding Elected Officials) for 2004.

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

**IN THE MATTER OF ESTABLISHING )  
SALARIES FOR NON-BARGAINING UNIT )  
EMPLOYEES (EXCLUDING ELECTED ) RESOLUTION #C- 127 -03  
OFFICIALS) FOR 2004 )**

**WHEREAS**, the Board of Island County Commissioners finds that it is in the public interest to make provisions for the 2004 salaries for department heads and all non-bargaining unit employees (excluding Elected Officials); and

**WHEREAS**, it is in the public interest to maintain morale and compensation equity among county employees both represented and non-represented; **NOW THEREFORE**,

**BE IT RESOLVED**, that the above identified personnel shall be granted a cost of living adjustment equal to 2.0% of base salaries and will be paid according to the attached pay grid tables in Exhibit A effective January 1, 2004. Additionally, longevity steps 6 through 9 have been modified as shown on Exhibit A; and

**BE IT FURTHER RESOLVED**, that department heads and all other non-bargaining unit employees (excluding Elected Officials) may be granted additional compensation adjustments during calendar year 2004, if approved by the Board of County Commissioners.

**ADOPTED** this 22 day of December, 2003.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

**ATTEST:**

Elaine Marlow, Clerk of the Board

*[Exhibit A on file with the Clerk of the Board]*

**HEARING SCHEDULED: RESOLUTION #C-128-03 AMENDING  
THE 2003 ISLAND COUNTY BUDGET**

By unanimous motion, the Board scheduled a Public Hearing to consider Resolution #C-128 -03 Amending the 2003 Island County Budget, hearing set for January 26, 2004 at 1:50 p.m.

**RESOLUTION #C-129-03 ADOPTING THE ISLAND COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT  
PLAN (UNINCORPORATED ISLAND COUNTY)**

Dave Halloran, DES, Deputy Director, presented for approval the Island County Comprehensive Emergency Management Plan (Unincorporated Island County), a topic of review with the Board at the December 17<sup>th</sup> Staff Session. Approvals received from departments and agencies, and approval with comments from some of the departments and agencies participating, and comments incorporated in this document.

By unanimous motion, the Board approved Resolution #C-129-03 adopting the Island County Comprehensive Emergency Management Plan (Unincorporated Island County).

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

**IN THE MATTER OF ADOPTING THE )  
ISLAND COUNTY COMPREHENSIVE ) RESOLUTION NO. C-129-03  
EMERGENCY MANAGEMENT PLAN )  
UNINCORPORATED ISLAND COUNTY )**

WHEREAS, this plan is a revision of the county's emergency plans made in response to the heightened awareness, realities, and consequences of natural and technological hazards faced by the State of Washington and Island County.

WHEREAS, the plan provides definition and coordination of departmental responsibilities to prepare for, respond to, and recover from emergencies and disasters. The plan is written to comply with applicable federal and state regulations and Island County Code Title 9.24A, and

WHEREAS, this document is an all-hazards plan, intended for use in any emergency beyond the control or capability of ordinary departmental response. One of the primary objectives of the CEMP is to ensure the most effective use of all county resources during emergency operations, and

NOW THEREFORE, BE IT RESOLVED, that this plan replaces all previous versions of the Island County Comprehensive Emergency Plan with use effected immediately. All plans produced prior to this date will be discarded.

DATED this 22 Day of December , 2003.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
Wm. L. McDowell  
Mike Shelton, Member  
William J. Byrd, Member

ATTEST: Elaine Marlow  
Clerk of the Board

[Island County Comprehensive Emergency Management plan on file with the Clerk of the Board]

**AGREEMENT TO ASSIGNMENT OF CONTRACT TO  
PHD NO. 1 SKAGIT VALLEY HOSPITAL**

Agreement to Assignment of Contract to PHD No. 1 Skagit Valley Hospital (RM-GSA-03-0076) was approved by unanimous motion of the Board, to provide for the continuation of services performed at the Camano Family Resource Center, the assignment comes as a result from the break-up of two hospital districts.

**PUBLIC INPUT OR COMMENTS**

Rufus Rose, Clinton resident, mentioned he spoke with Mike Shelton concerning no further action dump sites, a topic he brought up at the last Board meeting. He spoke today with Doug Kelly and Mike Barenburg, and asked for a meeting the second week in January with members of the Health Department and at least one commissioner. His suspicion was that this issue may be prolonged and therefore prudent to bring in the State Department of Ecology. He suspects there is a lot of thinking that has to be done, and possibly considering either making changes or recommending changes at the State level, pursuing changes and seeing to it that the operation goes smoothly.

Malcom Ferrier, Langley, explained that from material he received the vehicle ordinance made a lot of other points mostly about land use standards Junk and auto wrecking and definition of vehicles on people's lands that a deemed to be unsightly.

Marianne Edain, WEAN, Langley, indicated it was their doing and misunderstanding that caused people to attend this meeting and send e-mails. WEAN inquired through a third party as to what was intended with the impoundment ordinance and they reported back that it was in fact the proposed amendments concerning junk vehicles. However, she thought it needed stressing again that the junk vehicle ordinance as proposed attempts to legislate aesthetics which is not an appropriate activity for county commissioners and as written is very distinctly arbitrary and capricious and therefore very open to lawsuits and a great deal unhappiness on part of all parties and asked that the Commissioners examine it very carefully.

Chairman McDowell explained that Ordinance #C-117-03, the subject of the Public Hearing today was an ordinance requested by the Sheriff to meet State law having to do with impoundment of cars because of driving with suspended or revoked licenses. The "junk car" ordinance developed by the Planning & Community Development Department, a proposed Comprehensive Plan Amendment CPA 190-03/PLG-030-03, adoption of standards that regulate outdoor storage of junk and junk vehicles, has not yet been scheduled for public hearing before the Board. Comments and e-mails will be placed on file and made a part of the record when that ordinance does come before the Board.

**RESOLUTION #C-130-03/R-44-03 – PURCHASING HILFIKER COMPANY STEEPENED SLOPE STABILIZATION  
CONSTRUCTION MATERIALS AS SOLE SOURCE ITEMS**

As presented and recommended for approval by Dick Snyder, County Engineer, the Board by unanimous motion adopted Resolution #C-130-03/R-44-03 in the matter of purchasing Hilfiker Company Steepened Slope Stabilization Construction Materials as Sole Source Items.

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

**IN THE MATTER OF PURCHASING            )**  
**HILFIKER COMPANY STEEPENED        )**           **RESOLUTION NO. C- 130-03**  
**SLOPE STABILIZATION                 )**                       **R- 44 -03**  
**CONSTRUCTION MATERIALS AS        )**  
**SOLE SOURCE ITEMS                    )**

**WHEREAS**, Island County has signed a Standard Consulting Agreement with Aziz Engineering company, specializing in geo-technical engineering; and

**WHEREAS**, the above referenced consultant has specified soil nailing for steepened slope stabilization and mechanically structured earth welded wire walls for shoulder reinforcement requiring specific construction materials; and

**WHEREAS**, the County has existing Hilfiker walls in several locations and wishes to maintain a common maintenance and parts pool for the Hilfiker structure; and

**WHEREAS**, the Washington State Department of Transportation recognizes the Hilfiker system as the only pre-approved wire wall system in the State of Washington; and

**WHEREAS**, Island County Public Works has evaluated Hilfiker Retaining Wall products and determined that the purpose is clearly and legitimately limited to a single source of supply as they are uniquely suited to solving geo-technical slope stability problems at a cost to Island County significantly less than any other comparable products available; and

**WHEREAS**, ICC 2.30A.010(A)(9) and RCW 39.04.280 permit a waiver from competitive bidding for materials that can only be obtained from a single source of supply. **NOW THEREFORE**,

**BE IT HEREBY RESOLVED** that the purchase of steepened slope stabilization and shoulder reinforcement construction materials from the Hilfiker Retaining Walls is approved.

**ADOPTED** this 22 day of December, 2003.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY WASHINGTON**  
WM. L. MCDOWELL, Chairman  
WILLIAM J. BYRD, Member  
MIKE SHELTON, Member

**ATTEST:** ELAINE MARLOW  
Clerk of the Board

**SUPPLEMENTAL AGREEMENT #1 TO PW-0220-81(A)- KCM, INC., DBA TETRA TECH/KCM, INC. - FREELAND PLANNING AREA COMPREHENSIVE SEWAGE PLAN**

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The Board by unanimous motion approved Supplemental Agreement No. 1 to PW-0220-81(A) between Island County and KCM, Inc., d/b/a Tetra Tech/KCM, Inc. for the Freeland Planning Area–Comprehensive Sewage Plan under work order 120 extending completion date to December 31, 2004.

**SUPPLEMENTAL AGREEMENT #1 TO PW-0120-09(A) - ATELIER PS FOR CEDARS TRAIL DESIGN SERVICES**

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By unanimous motion the Board approved Supplemental Agreement #1 to PW-0120-09(A) between Island County and Atelier PS for the Cedars Trail Design Services under work order 223 changing project title to Maxwelton Trail Design Services and completion date extended to December 31, 2004.

**CONTRACT AMENDMENT #1 AND CONTRACT EXTENSION #SW-03-0073 - MARIBETH CRANDELL CROWE DBA CRANDELL CROWE EDUCATION SERVICES**

-  
By unanimous motion the Board approved Contract Amendment No. 1 and Contract Extension for Contract #SW-03-0073 between Island County and Maribeth Crandell Crowe d/b/a Crandell Crowe Education Services, extending completion date to December 31, 2005.

**SUPPLEMENTAL AGREEMENT #2 - PW-012055(B) - UNIVERSITY OF WASHINGTON-CRESCENT HARBOR SALT MARSH & SALMON HABITAT RESTORATION**

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Supplemental Agreement #2 to #PW-012055(B) between Island County and the University of Washington for Crescent Harbor Salt Marsh & Salmon Habitat Restoration, Work Order #175, extending completion date to December 31, 2004 was approved by unanimous motion of the Board as presented by Gwen Maxfield, Assistant Public Works Director.

**AMENDMENT #1 – PW-0320-101 - DEPARTMENT OF ECOLOGY**

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*Pulled from today's agenda.*

**RESOLUTION IN THE MATTER OF ESTABLISHMENT OF CAMANO WATERSHED MANAGEMENT COMMITTEE**

-  
*Pulled from today's agenda.*

**HEARING HELD: PBRs 390/03, DAVE ANDERSON FOR WHIDBEY INSTITUTE - APPLICATION FOR CLASSIFICATION AS OPEN SPACE UNDER THE PUBLIC BENEFIT RATING SYSTEM**

PBRs 390/03 by Dave Anderson for Whidbey Institute, an application for classification as Open Space under the Public Benefit Rating System on Assessor's Parcel Nos. R32922-106-2800, R32922-064-3430, S7303-00-0000J-0, R32927-492-1650, R32927-450-1670 and R32927-409-2010, located at 6449 and 6390 Old Pietilla Road off Campbell Road, South Whidbey. Dave Anderson was in

attendance at the time of hearing in support of approval of PBRs 390/03.

Jeff Tate, Assistant Planning Director, presented the Staff Report for PBRs Application for open space land classification OPS #390/03 by Whidbey Institute, submitting Findings, Conclusions and Recommendation [copy on file] recommending conditional approval with annual review. Whidbey Institute has a series of parcels that total 63.37 acres and request approval of 55.31 acres of that site to be included in PBRs. The portion excluded is the developed portion (Waldorf School and Whidbey Institute Center). The remaining acreage is open where there are trails and some of the high priority open space resource categories established in PBRs for which they qualify. After having reviewed the application, points were awarded under PBRs categories, and awarded the Super Bonus category for having property with at least one high priority resource and which allows unlimited public access or limited public access (due to resource sensitivity) and which conveys a qualifying conservation, historic or trail easement in perpetuity would be automatically eligible for the maximum tax reduction (35 points or a 90% reduction). Recommendation is that Open Space Application OPS #390/03 submitted by the Whidbey Institute, receive the maximum 90% tax reduction for 55.31 acres of a 63.37 acre site, and be approved subject to conditions cited in the Staff Report.

Addressing questions and concerns from the Commissioners about public access and the easement, Keeva Kroll, Planner, Planning & Community Development Department, indicated there is a conservation easement with Whidbey Camano Land Trust setting the trail and the open space features in perpetuity; the easement is on the entire parcel for the open space and features being preserved, more than just specifying trails, but the trails are part of the easement as well. Mr. Tate stated that the high priority resource was related to a significant fish and wildlife habitat, a category A wetland on site. Whether the stream connects with Maxwellton Creek Ms. Kroll did not know, but she confirmed existence of a stream system with the associated wetland; this is related to wildlife and not fish, not quite certain about fish being sighted at that area. As Mr. Tate explained, the basic premise was if they allow unlimited access to the property, and have at least one significant high priority resource and are willing to convey part of the property into a conservation easement they qualify for the super bonus category. As far as how the general public will know about the trail system, Whidbey Institute is a well-known organization with advertised seminars, and signs at the trailhead. Although the trailhead does not intersect a County road Pietilla Road comes off Campbell Road and there is a sign to Whidbey Institute, but nothing about the actual trail posted at the county road.

In response to questions from the Commissioners about whether or not there is some way for the public to legally get to the trailhead, Dave Anderson confirmed that there is a parking lot; the road going in to Whidbey Institute is available for the public to come in and park and use the trailhead; Whidbey Institute encourages that.

Rufus Rose, Clinton, who lives next door to the property, posed some questions about administration of

the PBRs program and how the program was working. Mr. Tate explained that when staff reviewed an application an on-site is performed to look at the resources shown by the applicant and also review the conservation easement. On a monitoring basis the code requires that an annual affidavit be submitted by the applicant demonstrating they are still using the property under the PBRs conditions. Staff does not go out on site every year, Ms. Kroll clarified that it is the same organization, Chinook, who changed name to Whidbey Institute. As far as administration she noted there were few applications, only 4 or 5 since 1998.

As far as questions about the easement, Mr. Rose did not know what was intended. The trails are very easy to see once found. Public notice on Campbell Road that there is a public trail is a significant point and he encouraged that the Board require that as a condition of approval. There is no parking on Campbell Road and people have to go into the property where there is an abundance parking inside but not sure it is a part of the 55.31 acres in the application.

Chairman McDowell commented that the easement did not necessarily need to be a surveyed easement but he did think of easements which state "in perpetuity" as being very clear it is for such and such a piece of property and not that some organization *intends* to do something in the future.

Given the discussion Mr. Tate thought it appropriate to require some form of notification by posting a sign indicating that the trails are open to public use.

Hearing no further comments from the public, the Chairman closed the public comment portion.

The Chairman recessed the hearing for five minutes to review the easement. Reconvening, Chairman McDowell read from paragraph 7 of the easement under access:

*"No right of access by the general public to any portion of the property is conveyed by this easement. It is the intention of Chinook however to grant permission for access to its neighbors and friends for their use and enjoyment if such use is not inconsistent with the purpose of this easement and if it does not interfere with the mission and quiet enjoyment of Chinook."*

This implied to him this is not an easement for the public, and he asked that the Board consider a continuation until Planning staff have an opportunity to research the easement.

Commissioner Shelton moved to continue the public hearing until January 12, 2004 at 10:30 a.m. Motion, seconded by Commissioner Byrd, carried unanimously

**HEARING HELD: ORDINANCE #C-122-03 (PLG-029-03) AN ORDINANCE CONCERNING TECHNICAL AMENDMENTS TO THE ISLAND COUNTY COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP AND THE ISLAND COUNTY ZONING ATLAS**

A Public Hearing was held at 2:30 p.m. as scheduled and advertised for the purpose of considering Ordinance #C-122-03 (PLG-029-03) An Ordinance concerning Technical Amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas, directly following the prior hearing.

Mr. Tate characterized the amendments as regular technical corrections to the zoning atlas. Three exhibits were included with the ordinance:

- A. *What the current zoning maps look like.*
- B. *Memorandum from Mr. Tate to the Board explaining each of the technical corrections.*
- C. *What the maps would look like if the three amendments are adopted.*

Map 311 is a technical correction to change a parcel from current Rural Residential to Rural Center for a 4,000 sq. ft. lot which is contiguous to part of Nichols Brothers Boat facility and has been since at least 1990. When the zoning maps were done the parcel was so small it was missed. This is a technical correction and the parcel met criteria for Rural Center zoning when it was created in 1998 and continues to meet the criteria.

Map 796. Being done in conjunction with BLA submitted to the county and will require staff's administrative approval of BLA 407/03. It is a BLA and zoning boundary change that would make the zone boundary between Commercial AG and Rural run along a creek. This is seen as a way of avoiding having to deal with proposals to cross creeks in order to get reasonable use of the property and actually results in the Commercial AG portion increasing from 29.22 to 30.33 acres.

Map #880. Being done in conjunction with BLA submitted to the county and will require staff's administrative approval of BLA 413/03. Currently the two parcels are zoned Rural and Rural Residential. The property zoned Rural Residential would be expanded in size in order to provide a buildable area on that lot, seen as a good thing because now it is a small platted lot heavily constrained with critical areas.

No one in the audience spoke either for or against the proposed Ordinance and public comment period closed.

By unanimous motion, the Board adopted Ordinance #C-122-03 (PLG-029-03) An Ordinance concerning Technical Amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas. [GMA #7431]

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

IN THE MATTER OF AN ORDINANCE CONCERNING	)	
TECHNICAL AMENDMENTS TO THE ISLAND COUNTY	)	ORDINANCE C- 122-03
COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP	)	PLG-029-03
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 the specific pages of which are attached hereto as Exhibit A; and

**WHEREAS**, certain technical amendments to the Future Land Use Plan Map and the Zoning Atlas have been identified to ensure that the zoning designations are consistent with the County Wide Planning Policies which are described in a memo attached hereto as Exhibit B.

**NOW, THEREFORE, IT IS HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts certain technical amendments attached hereto as Exhibit C to the Island County Zoning Atlas (Exhibit C to Ordinance C-123-98).

Reviewed this 1<sup>st</sup> day of December, 2003 and set for public hearing at 2:30 p.m. on the 22 day of December, 2003.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

**ATTEST:** Elaine Marlow  
Clerk of the Board

APPROVED AND ADOPTED this 22 day of December, 2003.

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

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

**ATTEST:** Elaine Marlow  
Clerk of the Board

*[Exhibits A, B and C placed on file with the Clerk of the Board]*

**HOLIDAY SCHEDULE AND MEETINGS**

Island County offices will be closed on December 25<sup>th</sup> in observance of Christmas Day, and will reopen on Friday, December 26, 2003. Island County offices will also be closed on January 1, 2004, in observance of New Year's and will reopen on January 2, 2004. The next Regular meeting of the Board of Island County Commissioners will be on Monday, January 5, 2004, beginning at 9:30 a.m.

Meeting adjourned at 3:15 p.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

\_\_\_\_\_  
Wm. L. McDowell, Chairman

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

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

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