

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING FEBRUARY 23, 2004

The Board of Island County Commissioners convened in regular session at 11:00 a.m. on February 23, 2004, for a roundtable discussion with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room (Room #102B), Island County Courthouse Annex, 1 NE 6th Street, Coupeville, Wa. Other topics for the regular session followed at 1:30 p.m. as outlined on the agenda, *including* Diking Improvement District #4. William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, were present.

ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS AND APPOINTED DEPARTMENT HEADS

Elected Officials: Tom Baenen; Greg Banks; Sharon Franzen; Mike Hawley; Linda Riffe; Suzanne Sinclair; Maggie Paczkowski for Peter Strow

Appointed Department Heads: Phil Bakke; Cathy Caryl; Betty Kemp; Elaine Marlow; Tim McDonald; Michael Merringer; Bill Oakes; Dan Sherk; Dick Toft

Public/Press: Rufus Rose; Reece Rose, Diane Kendy

Chairman Byrd opened the meeting as scheduled at 11:00 a.m., the first roundtable rolling three fairly similar separate meetings into one session with the Board (Elected Officials Roundtable that had been held at 11:30 a.m. on the 4th Monday; an Appointed Department Heads Roundtable held at 1:30 p.m. the 2nd Monday; and a Department Head Meeting at 1:30 p.m. on the 4th Wednesday of each month the Chairman of the Board attended).

TREASURER

Unclaimed Property Procedures

Hand-out: Washington State Department of Revenue
Local Governments UCP Guide, October, 2003

UCP Guide provides help in handling unclaimed property, understand obligations for reporting and remitting UCP [i.e. retained unclaimed funds]. Options are:

- 1) County retain UCP and thereby be responsible to maintain fund and records; or
- 2) Remit unclaimed property on the proper form to the DOR, Olympia, relieving the County from responsibility to retain funds, records or make refunds.

Aside from UCP procedures, Ms. Paczkowski questioned if the County had a policy on things left behind in courtrooms, such as keys, wallets, watches, etc. The answer given was that there is a process whereby items are held and after certain length of time goes to County for auction or to be disbursed if of no value. This is a matter that needs some further research. It would be nice to have one "point" person for lost & found items.

Another situation, and one that would not apply under the UCP, was brought up by Commissioner Shelton whereby through a contractual arrangement a public works project had long since been completed but the contractor never filed the proper form to verify payment of prevailing wages, etc. and the money held [in excess of \$30,000] now two or three years later.

Ms. Riffe agreed to visit with Bill Oakes later on the particulars for this unique situation and pursue in order to get some answers.

Large Departmental Expenditures

For purposes of cash flow, departments are asked to let the Treasurer know as soon as possible of any anticipated large pay-outs for 2004 of \$250,000 and over [large expense items for planning, road construction, etc.].

ASSESSOR

Tax rolls will be turned over to the Treasurer tomorrow or the next day, and thereafter, tax statements will go out. Received finals from Snohomish County last Thursday. As of this morning there are nine exemption bills pending before the Legislature [tax shifts] and an initiative by Tim Eymen which would reduce revenues.

PROSECUTOR

New Deputy Prosecuting Attorney started on Tuesday, Kyle Moore. Prosecutor and District Court working out details with the City of Langley as far as the City's request to move Langley Municipal Court into Oak Harbor District Court and have the Prosecutor's Office take on misdemeanor prosecution. Public defense is not part of the package; Langley currently contracts for public defense services with a Freeland attorney.

CENTRAL SERVICES

With concurrence of the Board at a recent staff session, on retirement of the Switchboard Operator the end of March, Central Services plans to do a trial month with a fully-automated switchboard and not replace the position. A hand-out was provided to all attendees "Call Guide" with the request to take back to the individual offices and departments for review and input, signature and return to Central Services by the end of the week.

Call guide shows the typical automated system and how it would work for each department. Second page shows the day time-flow chart broken down by about seven buttons, and then moving on from there. Next is the holiday and night flow chart. The order decided: (1) law enforcement; (2) Environmental Health and Public Works; (3) Auditor, Treasurer, Assessor. All direct dial numbers are in place so anyone having a direct number can dial the individual desired in any office. There is an escape from the tree which is "0" and the call will go to Central Services. The Department is not tracking in-coming calls at this point as far as the number of calls to each department, but there is capability in the switch to do that [have to have it installed]. Reference is made at the end of the first message to refer to the county government page in the phone directory for departments and direct numbers.

Some feed-back provided to Cathy Caryl today included:

- check the phone tree for The Opportunity Council in Bellingham – nice system and gives an opt out if you know the person or number
- take into consideration when deciding on an automated system there can be some frustration and confusion on the part of senior citizens
- phone tree way too long a pause.
- can something could be done county-wide as far as the same rate; can the voters vote to make it county wide toll free phone service? Would it be possible to get better information into the phone director on the county government page?

DISTRICT COURT.

Busy working on getting Langley Municipal Court as a department of Island County District Court.

COMMISSIONERS.

Last Thursday Commissioner Byrd had a Camano Town Hall meeting and thanked the Assessor for coming and making a presentation on the duties and requirements of the County Assessor. He offered the same opportunity to all Elected Officials and Department Heads – the Town Hall meeting is held once a month generally on the Thursday following the regular third Wednesday staff session. April has been scheduled already. The Treasurer will make a presentation at the March Town Hall.

Commissioner Shelton reported on two legislative issues.

Sales Tax Sourcing SSB 6544, would allow voters sales tax dollar retention in the community and level the playing field for main street businesses. Example, furniture purchased at store located in Seattle and delivered to a person living in Sedro Woolley, that sales tax revenue would be retained by Sedro Woolley rather than the jurisdiction where the store is located. . Though he did not believe this bill would make it through the legislature this year, he thought it would happen eventually.

Work at the Federal level to try to figure out how to set up a system related to interstate and Internet sales, a possible revenue source that could have a positive affect on revenues in Island County [related to purchases from businesses not located in this state].

HUMAN RESOURCES

Ten-page packet updating the PPPM went to each employee. HR needs the signed sheet back from each employee; thus far, about 65 to 75 % returned. The training session held Thursday was very successful: 41 signed up with 61 actually attending. Emphasis on two things:

- 1) requirement state-wide to have a 15-minute break in the morning, one-half hour lunch and 15 minute break in the afternoon. Any questions call HR
- 2) Writing annual evaluation of employee. Talked about how this provides defense in the case where someone that may be terminated. If there is a performance issue it is the one thing that can document that and make sure of an audit trail.

SHERIFF

Department is working on a rash of commercial burglaries that occurred in the North Whidbey area over the last 1-1/2 weeks; generally businesses in the Goldie Road area and Knights of Columbus.

AUDITOR

Election coming up for Coupeville Schools. The Supreme Court refused to hear blanket primaries. The State Legislature seems to be trying hard not to make a decision.

Next Roundtable: March 22, 2004 @ 11:00 a.m.

The meeting at 1:30 p.m. began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the February 9, 2004 meeting.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board, along with the payrolls dated February 13, 2004:

Voucher (War.) #183929 to 184333\$569,201.55.

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description/Position #	Action	Eff. Date
Public Works	110/03	Seasonal-Engineering 2254.05	New Position	2/23/04
Public Works	008/04	Laborer I – Camano 2245.14	Replacement	2/23/04
Maintenance	007/04	Custodian, Temp. 901.09	New position	2/23/04

APPOINTMENTS AND/OR RE-APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES

The Board, on unanimous motion, made the following appointments and re-appointments:

New appointment to the Marine Resource Committee, Ian Jefferds, representing “Commercial” to fill an existing term to December 31, 2004

New appointment to the Island County Affordable Housing Advisory Board, Jodie Kittleson, representing Whidbey Island Bank, for an existing term to June 30, 2005

New appointment to the Water Conservancy Board, Greg Cane, replacing Ryan Kingma, for an existing term to July 2, 2005

Reappointments to the Law & Justice Council for terms to February 28, 2006: Kathy Harada, District 1; Dick Toft, District 2, and James Valdez, District 3.

INTERLOCAL AGREEMENT WITH I-COM FOR STATE ENHANCED 911 FUNDS – 2004 WIRELESS OPERATIONS CONTRACT #E03-366

Interlocal Agreement between Island County and I-COM for State Enhanced 911 Funds– 2004 Wireless Operations Contract in the amount of \$1,603 was approved by unanimous motion of the Board [RM-BOICC-04-0025] based upon Contract #E03-366 with the State Military Department approved January 5, 2004.

STAFF SESSION AGENDA FOR MARCH, 2004

By unanimous motion, the Board approved the Staff Session schedule for March, 2004, showing the sessions scheduled for March 3 and 18 beginning at 9:00 a.m., Island County Courthouse Annex, Hearing Room #102B, 1 N.E. 6th Street, Coupeville.

HEALTH DEPARTMENT CONTRACTS APPROVED

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

Contract #C08679 Amendment 7 [RM-HLTH- 02-0094] Consolidated Contract-Department of Health, Amendment amount \$112,521, for total new contract amount of \$957,798

Contract # HS-09-03 [RM-HLTH-99-0105] MH, DD, CD/Crisis Programs-Sharon Robinson Holmes in the amount of \$10,000

Contract #HS-02-04 [RM-HLTH-04-0021] Substance Abuse Prevention-South Whidbey School District, in the amount of \$5,000

Responding to comments and questions about Contract #HS-02-04 from Rufus Rose, South Whidbey resident, Commissioner Shelton advised that the contract period was 1/1/04 to 6/30/05, and the money spent to provide Strengthening Families classes designed to improve family management skills, increase protective factors in youths' life, and strengthen youth bonds with family members and other positive adult role models. Approximately 45 families are served. The contract [under terms of Exhibit D, Statement of Work] requires submittal of reports and an outcome evaluation on prevention strategies.

MONTHLY FINANCIAL REPORTS FOR PERIOD ENDING JANUARY, 2004

Auditor

Suzanne Sinclair provided copies of the Auditor's January, 2004 financial report. Revenue for Current Expense is running slightly ahead of past years, but expenditures are as well. Same is true in other funds on both counts. As far as Superior Court, Liquor Excise Tax and Cable Franchise revenues running higher than average, she agreed to review and get back with an answer.

[information provided later in the day indicated that Superior Court received a reimbursement for the San Juan County portion of expenditures; the County received the fourth quarter payment of liquor excise taxes, and recently was paid for 2003 by the cable companies.]

Treasurer

Linda Riffe likewise provided copies of the Treasurer's financial report for the same period. Percent of budget at the end of January should be 8.33%. As compared to last year at the same time the figures are not untypical. Cash revenue shows at 6.52%, slightly down but not a significant amount, largely due to low interest rates, although is \$87,000 more than last year at the same time.

[copies of both reports are on file with the Clerk of the Board]

**ORDINANCE APPROVED AND HEARING SCHEDULED REGARDING INTERIM
OFFICIAL CONTROL THAT DESIGNATES DIVISION 2 OF THE PLAT OF THUNDER RIDGE AS A
CRITICAL DRAINAGE AREA**

Chairman Byrd entered for purposes of this record action of the Board at Staff Session February 18, 2004, having approved by unanimous motion Ordinance #C-16-04/PLG-007-04 In the Matter of Adopting an Interim Official Control that Designates Division 2 of the Plat of Thunder Ridge as a Critical Drainage Area, and scheduled a public hearing for April 13, 2004 at 3:00 p.m., to be held at the Camano Country Club (Clubhouse), 1243 S. Beach Dr., Camano Island, WA.

[Ordinance #C-16-04 is on file with the Clerk of the Board]

PUBLIC COMMENTS

Charles Brabant, Oak Harbor, referenced an eight-year old Agreement having to do with Regional ADA Paratransit Eligibility for Persons with Disabilities and urged PTBA members to reaffirm policy as it relates to interpretation of that agreement. The paratransit ADA Title 11 certified rider expects the transit system to act like a quasi-travel agency off and on island accessibility, allowing old and sick individuals travel throughout the jurisdictions.

Mr. Brabant was referred to the Chairman of PTBA, as the correct venue for the PTBA, to ask that the issue be brought up for discussion at a future PTBA meeting.

**HEARING HELD: ORDINANCE #C-05-04 –ESTABLISHING PARKING RESTRICTIONS ON ISLAND
COUNTY PROPERTY, NEW CHAPTER 10.10 ICC.**

The Chairman opened a public hearing at 2:15 p.m. as scheduled and advertised for the purpose of considering Ordinance #C-05-04 establishing parking restrictions on Island County property, new chapter 10.10 ICC. The Ordinance was introduced 1/26/04 and set for hearing this date and time.

Bill Oakes, Public Works Director, explained the issue as relating to enforcement of parking regulations on Island County property within the boundaries of the Town of Coupeville, the various two-hour parking stalls. The Town of Coupeville under existing ordinance and regulations can only enforce by towing vehicles, and on request of the Board, Public Works worked with the Prosecutor to develop an ordinance to revise County Code that would allow the Town to write a \$20 ticket after issuing a warning rather than having the vehicle towed which would be far more expensive to the individual.

Exhibit A, New Chapter 10.10, identifies the parking lots designated:

- A. Parking areas to the south and east of the County Administration Building, located on Lots 1 through 8, Block 21, Plat of Coupeville, according to the plat thereof recorded in Volume 1 of Plats, page 2, records of Island County, Washington.
- B. Parking areas to the north, south, east and west of the County Annex Building and to the north, south and west of the County Law and Justice Center building, located on Lots 1 through 8, Block 29, Lots 1 through 8, Block 30, Lots 1, 2, north half of 3, and 8, Block 31, and Lots 1, 7 and 8, Block 32, Plat of Coupeville, according to the plat thereof recorded in Volume 1 of Plats, page 2, records of Island County, and also on vacated NE Fifth Street between Main and Haller Streets and on vacated Center Street between NE Sixth Street and the vacated NE Fifth Street in Coupeville.

Provisions include issuance and display of parking permits (10.10.050):

- A. The Island County Public Works Director is authorized to designate spaces reserved for physically disabled persons in any county parking lot without regard to the use of such lot or space as established in this chapter. The privileges, prohibitions,

penalties and all other provisions of RCW 46.16.381, as amended, apply to such spaces.

- B. The Board of County Commissioners, or its designee, may issue parking permits to extend the 2-hour limit in Visitor Parking spaces for attending Superior Court or a public meeting. A parking permit issued pursuant to this section must be visibly displayed on the dashboard of the vehicle.

In Section 10.10.060, Violations-Penalty-Enforcement Officer, items 2, 3 and 4, Mr. Oakes recommended a change to add language to indicate enforcement would be during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays,

Commissioner McDowell moved approval of Ordinance #C-05-04, ordinance establishing parking restrictions on Island County Property, New Chapter 10.10 ICC, with the correction in 10.10.060, items 2, 3 and 4, to include "during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays". Motion was seconded by Commissioner Shelton.

Under discussion, Rufus Rose brought forward some pertinent questions and concerns on the part of citizens coming to the Courthouse for business or to attend various meetings and hearings: are there any parking lots where citizens can park for a longer period of time without being subject to a ticket, or obtaining a parking permit; need good signing especially for those who come here the first time and do not know about the parking situation; as a service to the taxpayer parking should be free somewhere within the vicinity.

Mr. Oakes noted that the ordinance allows the Board, or designee, to issue a parking permit for longer than 2 hours. And Mr. Oakes offered to designate the Public Works intake counter to handle that for visitors coming to the Courthouse Annex building. There will be a broad interpretation of public meeting, and he noted that the Town Marshal agreed to first issue a

warning and not a \$20 ticket. The lot located in-between the library and Post Office is available for parking. There is no fee for the parking permit.

Motion carried unanimously. Commissioner McDowell asked Mr. Oakes in six months to ask the Town Marshal how many tickets had been issued that resulted in \$20.00 fine opposed to issuing a warning.

[adopted Ordinance #C-05-04 on file with the Clerk of the Board]

CERTIFICATION OF 2004 ROAD LEVY – REVISION – ANNUAL REPORT TO COUNTY ROAD ADMINISTRATION BOARD (CRAB)

The Board by unanimous motion approved a revision of the Certification of 2004 Road Levy – Annual Report to County Road Administration Board (CRAB) as presented by Mr. Oakes, based on corrections from the Assessor's Office.

RESOLUTION #C-17-04/R-04-04 -APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS- PUBLIC WORKS ADM. VEHICLES.

The Board by unanimous motion approved Resolution #C-17-04/R-04-04 in the matter of Approving Specifications and Authorizing Call for Bids for Public Works Administration Vehicles, one or more new 2004 full-size sedan; two or more new 2004 Small/midsize, extended cab (4x4) pickup trucks; and one or more new 2004 Heavy Duty ¾ extended cab (4x4) pickup truck, with bid opening on March 10, 2004 at 10:00 a.m., Courthouse Annex Hearing Room #102B, 1 N.E. 6th Street, Coupeville, Wa.

[Resolution #C-17-04 on file with the Clerk of the Board]

RESOLUTION #C-18 -04/R-05-04 – TRANSFERRING A PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS SANDY POINT ROAD FROM ISLAND COUNTY ROADS TO THE CITY OF LANGLEY

As presented by Mr. Oakes, the Board by unanimous motion approved Resolution #C-18-04/R-05-04 in the matter of transferring a portion of County Road right-of-way known as Sandy Point Road from Island County Roads to the City of Langley in accordance with City of Langley Ordinance #839 accepting the road.

[Resolution #C-18-04 on file with the Clerk of the Board]

RESOLUTION #C-19-04/R-06-04 - APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 2004 CULVERT SUPPLIES

The Board by unanimous motion approved Resolution #C-18-04/R-06-04 in the matter of Approving Specifications and Authorizing Call for Bids for 2004 Culvert Supplies, for bid opening date on March 10, 2004 at 11:00 a.m. in the Courthouse annex Basement Hearing Room #102B.

[Resolution #C-19-04/R-06-04 on file with the Clerk of the Board]

PETITION TO VACATE PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS STILLAGUAMISH AVENUE AND EKLE STREET LOCATED IN SECTION 19, TOWNSHIP 32 N, RANGE 3E, PLAT OF UTSALADY, CAMANO ISLAND

A Petition to Vacate a portion of County Road Right-of-Way known as Stillaguamish Avenue & Ekle Street located in Section 19, Township 32 N, Range 3E, Plat of Utsalady, Camano Island, by Petitioner Mike Hayes was by unanimous motion of the Board, referred to the County Engineer for processing.

CONTRACT/CONTRACT BOND #PW-0420-06 – G. G. EXCAVATION, INC. - WEST BEACH ROAD PHASE 2 & 3, WHIDBEY ISLAND

The Board approved by unanimous motion, the Contract and Contract Bond #PW-0420-06 with G.G. Excavation, Inc., Anacortes, for West Beach Road Project Phase 2 & 3, Whidbey Island, under CRP 96-03 and CRP 96-04, in the amount of \$1,179,025.50.

COORDINATED PREVENTION GRANT #G0400177- DEPARTMENT OF ECOLOGY FOR PROJECT – MODERATE RISK WASTE (MRW) REDUCTION

Coordinated Prevention Grant #G0400177 [SW-04-0024] between Island County and the Department of Ecology for Project – Moderate Risk Waste (MRW) reduction, was approved by unanimous motion of the Board for a total maximum cost of \$291,951 (State - \$218,963, County \$72,988).

RESOLUTION #C-20-04/SW-05-04 AUTHORIZING SOLID WASTE DEPARTMENT TO SURPLUS UP TO 10 CORDS OF WOOD PER YEAR FOR PROCESSING BY IDENTIFIED COMMUNITY SERVICE GROUPS & PROVIDE FREE OF CHARGE TO INDIVIDUALS OR FAMILIES IN NEED

The Board approved, by unanimous motion, Resolution #C-20-04/SW-05-04 In the Matter of Authorizing the Solid Waste Department to Surplus up to 10 Cords of Wood per Year for Processing by Identified Community Service Groups & Provide Free of Charge to Individuals or Families in Need.

As explained by the Assistant Public Works Director, Gwenn Maxfield, up to 10 cords of designated wood per year located on County property declared surplus, through cooperation with identified community service groups, can be processed by those groups and provided free of charge to individuals or families in need, on receipt of executed hold-harmless agreement.

[Resolution #C-20-04 on file with the Clerk of the Board]

CONSTRUCTION EASEMENT AND AGREEMENT #PW-0420-10 - JAMES CARTER POCK AND JANIS ELAINE POCK - SMUGGLERS COVE-LAGOON VIEW OUTFALL

Construction Easement and Agreement #PW-0420-10 between Island County and James Carter Pock and Janis Elaine

Pock, related to the Smugglers Cove-Lagoon View Outfall project under Work Order #237, located in the Plat of Lagoon Point View Tracts, Lot 13, Sec. 19, Twp. 30N. R 2E, was approved by unanimous motion of the Board.

INTERLOCAL COOPERATIVE AGREEMENT #PW-0420-14 - FREELAND WATER DISTRICT

Interlocal Cooperative Agreement #PW-0420-14 between Island County and Freeland Water District, under Work Order #130, relating to the Stewart Road water main replacement and County storm drainage improvement was approved by unanimous motion of the Board.

HEARING HELD: ORDINANCE #C-06-04/PLG-015-03 - AMENDMENTS TO CHAPTER 13.03A OF THE ISLAND COUNTY CODE RELATED TO FIRE FLOW STANDARDS AS THEY PERTAIN TO AGRICULTURAL BUILDINGS

At 2:30 p.m. the Board considered Ordinance #C-06-04/PLG-015-03 Concerning Amendments to Chapter 13.03A of the Island County Code Related to Fire Flow Standards.

Phil Bakke, Island County Planning and Community Development Director, reported that the ordinance had been reviewed by the Island County Planning Commission on February 25, 2003. Leading up to that meeting, staff met with members of the agriculture community and representatives of fire districts to hammer out agreed language to help aid farmers with buildings used for livestock and hay storage. The ordinance provides criteria for reducing the requirements of fire flow on those particular structures and Exhibit A spells out the particulars of when fire flow is reduced or not required for certain agricultural buildings for commercial and rural AG zones. The Island County Planning Commission recommended approval and forwarded the ordinance to the Board. This ordinance was sent to Washington State Agencies for review and the 60-day comment period ended September 15, 2003, with no comments received. The ordinance is exempt from SEPA.

No comments were made for or against the ordinance by members of the public when the opportunity for comment was offered by the Chairman.

By unanimous motion, the Board approved Ordinance #C-06-04/PLG-015-03 Concerning Amendments to Chapter 13.03A of the Island County Code Related to Fire Flow Standards as they pertain to Agricultural Buildings. [GMA # _____]

[Ordinance #C-06-04/PLG-015-03 on file with the Clerk of the Board]

HEARING HELD: ORDINANCE C#-08-04/PLG-003-04 REPEALING ORDINANCE #C-92-02/PLG-015-02 DESIGNATING THE CAMP CASEY CONFERENCE CENTER AS A SPECIAL REVIEW DISTRICT

A Public Hearing was held for the purpose of considering Ordinance #C-08-04/PLG-003-04 Repealing Ordinance #C-92-02/PLG-015-02 designating the Camp Casey Conference Center as a Special Review District.

As described by Jeff Tate, Assistant Planning Director, the Ordinance came about as a result of an August 25, 2003 order of the Western Washington Growth Management Hearings Board. The County was given 180 days from the date of the Order to take action to come into compliance. A compliance hearing was also a requirement of the Growth Board's order, and he thought likely what would happen if the Board adopts the ordinance, is to request the Growth Board conduct the hearing between the parties by telephone conference and obtain a ruling that the county now is in compliance with GMA. SPU when consulted expressed preference to revert back to the zoning before the SRD was established, which is what the ordinance proposes.

No comments were made for or against the ordinance by anyone in the audience when the opportunity for comment was offered by the Chairman.

By unanimous motion, the Board approved Ordinance #C-08-04/PLG-003-04 Repealing Ordinance #C-92-02/PLG-

015-02 designating the Camp Casey Conference Center as a Special Review District. [GMA # _____]
[Ordinance #C-08-04/PLG-003/04 on file with the Clerk of the Board]

HEARING HELD: PBR 390/03, WHIDBEY INSTITUTE; APPLICATION FOR CLASSIFICATION AS OPEN SPACE UNDER PUBLIC BENEFIT RATING SYSTEM

At 2:30 p.m. a public hearing was held, continued from 12/22/03, 1/26/04 & 2/2/04, on PBR 390/03, Whidbey Institute; 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 on South Whidbey Island, Wa.

Mr. Tate submitted a revised PBR agreement, revised as a result of Prosecuting Attorney review, adding items #6 and #7 under conditions on page two:

6. That the easement holder, Whidbey Camano Land Trust, indicate in writing its approval of Whidbey Institute's decision to open the trail system to the general public
7. In addition to the sign mentioned in Condition #5, the Whidbey Institute give advertised public notice of the classification decision and resulting public trail access.

During prior hearings an issue of concern arose about the easement from the property owner to Whidbey-Camano Land Trust containing a provision "no right of access by the general public to any portion of the property is conveyed by this easement". Concern was whether the easement was in conflict with the requirement to open up trail system to the general public and therefore not satisfy public access requirements of ICC 3.40.290. Thus far no letter has been

received from Whidbey-Camano Land Trust indicating its approval. Approval, with conditions, is recommended.

Commissioner McDowell was disappointed that the County did not have in hand the letter from Whidbey Camano Land Trust. It was his belief the easement should be in place as well as proper signage before the Board considers approval of the PBRs. Current easement plainly states "no right of access by the general public to any portion of the property is conveyed by this easement" and that is the one recorded document at this time.

As mentioned by Commissioner Shelton, there may need to be staff clarification of what kind of sign is expected, but pursuant to conversations and staff recommendation, the Board could grant approval with conditions.

Mr. Bakke added to note that the decision document if signed by the Board and applicant would be recorded on the property. Language read was from an easement recorded sometime previously and for other purposes than trails open for the public. It is now some number of years later that the PBRs is before the County. The decision document presented today contains conditions which if met are sufficient to meet requirements of the Code and get the 90% tax reduction benefit. As far as sign issue, it would be a matter up to the Board and staff to set forth exactly what it is the County intends be provided. Conditions have to be met or the tax reduction not approved.

Doug Kelly, attorney, who is the current Chair on the Whidbey Institute Board, and involved with drafting the original easement some ten years' ago, clarified the statement within the easement had been included because right of access to trails did not necessarily convey right of access to every part of the property. That language was drafted for a different purpose. The clarification in the conditions as read by Mr. Tate seem to satisfy that requirement. Whidbey Institute is an educational institution, 70 acres, private non-profit educational foundation; limited uses, primary focus is education. The County has on file a 2001 open space agreement regulating use of that property. Subsequently the Institute applied for PBRs in order to take advantage of the ordinance in place for pieces set aside for preservation, conservation and education.

Mr. Kelly provided a copy of a brochure "Learning from the Land, An Interpretive Trail at Chinook, Whidbey Institute"; one of the maps contained in the open space application "Whidbey Institute Exhibit B Open Space

Preservation Map”; and photograph of the signs on the property to supplement those in the application. The Institute applied with the expectation there would be conditions, and the Institute will do whatever is reasonable as far as signing to meet County requirements. The sign is not “polished” since it is in the woods and does get wet.

This facility has been in place for ten years and used by well over 5,000 visitors over the last year. If the Institute needs to heighten awareness about the ability of the public to use the trail system Mr. Kelly agreed that would be fine.

Another hand-out provided by Mr. Kelly was a copy of the flyer for the Fifth Annual Whidbey Institute Lyceum series “Vital Waters: Lifeline to Whidbey’s Future” that shows at the bottom of the flyer other organizations they currently work with that are educational:

University of Washington and WSU Beachwatchers, Marine Resource Committee, Maxwelton Salmon Adventure, Water Resource Advisory Board.

With respect to the letter of endorsement of the application and no objections to it from Whidbey-Camano Land Trust, after speaking with Pat Powell from the Trust, Mr. Kelly thought the letter had been mailed to the Prosecutor’s Office, and could not answer why the Commissioners or Planning had not received a copy.

With respect to Condition #4 in the approval document “The trail system throughout the parcels in this public benefit rating system application shall be open to the general public” Mr. Kelly said the Institute would agree to reasonable restrictions imposed by the County like the sign and would work with the County to get a mutually-accepted sign. The Institute asks for the same policy enforcement as other proposals previously granted PBRs have received. They would be happy to construct a sign on Campbell road that indicates where the trails are. Condition #5 requires that a sign be established on a public road, such as Campbell Road, stating that there is a trail system open to the public on the property which is part of this public benefit rating system application, and they are happy to do so.

Mr. Tate thought it important to point out the one year review requirement, so that if the Institute does not follow through the County has a way to come back and remove the Institute from the tax program.

Rufus Rose recalled that there used to be a sign, and was aware that events held had been well-attended. He was interested in learning about the transition from Chinook Learning Center to Whidbey Institute, and noted that if large events are still planned would they preclude public use of the trail during those events.

Mr. Kelly responded that Whidbey Institute is a successor to Chinook, and transferred assets to Whidbey Institute. The Institute does sponsor public events but would not preclude use during events on a routine basis at all. Probably those who come to event would use the trails too, but the public would not be excluded. There is, however, limited parking but that would be the case most of the time anyway.

On conclusion of discussion, Commissioner McDowell made the motion to approve PBR 390/03, Whidbey Institute, 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 on South Whidbey Island, Wa., using the decision document presented this date, with amendment to Condition #7 to require advertised public notice be done once a year and be published in the South Whidbey Newspaper and the legal official County newspaper. Motion, seconded by Commissioner Shelton, carried unanimously.

The Commissioners asked that Planning work with applicants when they turn in the annual affidavit to make sure a copy of the public notices are attached to the affidavit.

[PBR 390/03 document will be recorded after signature of applicant and copy placed on file with the Clerk of the Board]

**RESOLUTION #C-21-04/PLG-008-04) INCORPORATING AMENDED SERVICE AREA FOR THE
CAMANO HILLS WATER COMPANY INTO THE ISLAND COUNTY COORDINATED WATER SYSTEM
PLAN**

Proposed resolution was submitted to the Board by Mr. Tate. In 1998 after receiving approval from state agencies, Camano Hills Water Company sent a letter to Planning & Community Development transmitting a new water system-engineered plan, requesting the service area be amended to reflect that geographical area. For whatever reason, the Department did not react to that letter and the request not presented to the Board. However, the 1998 letter is on file.

By unanimous motion, the Board approved Resolution #C-21-04/PLG-008-04 Incorporating the amended Service Area for the Camano Hills Water Company into the Island County Coordinated Water System Plan.

[Resolution #C-21-04 on file with the Clerk of the Board]

RESOLUTION #C-22-04/PLG-009-04 INCORPORATING AMENDED SERVICE AREA FOR THE SHIRONA WATER SYSTEM INTO THE ISLAND COUNTY COORDINATED WATER SYSTEM PLAN

The proposal on behalf of Shirona Water System was presented by Mr. Tate, who indicated that Exhibit A, map, shows the proposed service area boundary as well as the existing service area boundary. The Water System proposes reduction in service area from approximately 430 acres to 237 acres. When established originally, the system was under the pre-1985 zoning ordinance. In 1985 and 1998 some substantial changes of zoning within that area were made that changed the density. The approximate 200 acres to be removed from the service area experienced down-zoning, making it economically not viable to serve the low density rural zoned parcels.

The Board by unanimous motion approved Resolution #C-22-04/PLG-009-04 Incorporating the amended Service Area for the Shirona Water System into the Island County Coordinated Water System Plan.

[Resolution #C-22-04 on file with the Clerk of the Board]

There being no further business to come before the Board, the meeting adjourned at 3:55 p.m. The next regular meeting of the Board will be on March 1, 2004 beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

William J. Byrd, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

ATTEST: _____
Elaine Marlow
Clerk of the Board