1.8 The Planning Staff advised the Board, at the appeal hearing held on January 21, 1985, that the Washington State Highway Division, had issued a permit for this sign. Additionally, the Board was advised by the Staff that the County Engineers had no objection to this proposed sign.

II

LEGAL FINDINGS

2.1 Setback requirements are set forth in Section 17.01.014 of the Interim Zoning Ordinance. Subsection (a) states in part that "No residential building or structure or auxiliary use structure shall be built closer than 30 feet to the front property line, or 60 feet from the center line of the public right-of-way, whichever is greater".

Subsection (b) states in part that "No Commercial building or structure shall be located closer than 40 feet to the property line abutting a public right-of-way or 70 feet from the center line of the public right-of-way, whichever is greater."

2.2 The standards necessary to approve a variance are set forth in Section 17.01.024(a) of the Interim Zoning Ordinance.

2.3 Section 16.13.100(2) of the Hearing Examiner Code, specifies that a Hearing Examiner decision on an application for zoning variance may be appealed to the Board of County Commissioners.

III

CONCLUSIONS OF LAW

3.1 Section 17.01.014(a) of the Interim Zoning Ordinance provides setback standards for residential buildings, residential structures, and auxiliary uses in conjunction with a residential building. This section of the Ordinance does not apply to the subject sign.

3.2 Section 17.01.014(b) of the Interim Zoning Ordinance applies to commercial buildings and other commercial structures. The subject sign does not represent a commercial building nor does it represent commercial structure because the sign advertises the City of Langley and community events, and not commercial business establishments. There are no explicit setback requirements for the subject sign because the sign is not a commercial sign but rather is similar to City name signs commonly permitted within the highway rights-of-way.

IV

ORDER

On the basis of the foregoing Findings of Fact, Legal Findings, and Conclusions of Law, it is ordered that:

4.1 The subject sign does not represent a commercial sign and the Interim Zoning Ordinance does not contain setback standards which are explicitly applicable to this sign. Therefore the request for a variance, and the reasonableness of the Hearing Examiner's decision which denied the request for a variance, both become moot issues since a variance is not needed to setback standards which do not exist. The subject sign is not in violation of Island County Ordinances and may therefore remain on the property subject to the condition that the applicant apply for and receive a building permit for this sign within 30 calender days of the date of this order.

APPROVED AND ADOPTED THIS 25th DAY OF FEBRUARY, 1985.

WM. F. Dunlop, Chairman
E. Duane Kemp, Member
Gary D. Bostrom, Member

ATTEST: Harry H. Ferrier
Clerk

DECISION FINALIZATION - VARIANCE APPEAL V2084 BY H. SIEGEL

Mr. Madsen presented for the Board's approval, decision in written form regarding the matter of Variance Appeal of Harold Siegel, V2084, wherein following public hearing, the Board upheld the Hearing Examiner's denial, based upon findings adopted thereto and testimony presented during the Board's hearing on 14 January 1985. Commissioner Kemp moved that the Board reaffirm its previous decision by signature at this time, such decision made on the 14th day of January, 1985, to uphold the Hearing Examiner's denial of the Variance Appeal by Harold Siegel. Motion, seconded by Commissioner Bostrom, carried unanimously.

BEFORE THE BOARD OF ISLAND COUNTY COMMISSIONERS

In the matter of Variance Appeal - Harold Siegel - V2084) County of Island STATE OF WASHINGTON

DECISION

Following public hearing on the above referenced application for a Zoning Variance under ICC 17.01, the Board of Island County Commissioners upheld the Hearing Examiners denial based upon findings adopted thereto and testimony presented during the Board's Hearing as noted in the attached minutes, Exhibit A. Reaffirmation of the Hearing Examiner's decision was reached in accordance with the Open Meetings Act, RCW 4230, and the Planning Enabling Act, RCW 36.70 on the 14th day of January, 1985.

Wm. F. Dunlop, Chairman
Gary D. Bostrom, Member
E. Duane Kemp, Member

Harry H. Ferrier, Clerk

RECOMMENDATIONS FOR AWARDING OF BIDS BY CO. PARKS DIRECTOR

Connie Henwood appeared before the Board subsequent to her review of the bids received earlier this date, reporting her recommendations as follows:

Bid award for the removal of sand and debris from boat ramps at Maxwelton and Mutiny Bay - award to the low bidder, Gabelein Brothers in the amount of $108 per single ramp cleaning (not weekly).

Bid award for new 1985 tractor to the only bidder, Northwest Mowers, Inc., of Seattle, for the total of $6,462.61.

Bid award for one new or demo 1984 or 1985 tractor to the only bidder, Northwest Mowers, Inc., of Seattle, for their alternate bid quote in the total amount of $14,660.80.

Commissioner Bostrom moved awarding the bid in the matter of removing sand and debris from the two boat ramps to Gabelein Brothers at $108 per single ramp cleaning as recommended by the Parks Director. Motion, seconded by Commissioner Kemp, carried unanimously. Commissioner Kemp moved that the Board award bid for a 1985 Tractor to Northwest Mowers, Inc., for the total of $6,462.61. Motion seconded by Commissioner Bostrom, carried unanimously. Commissioner Bostrom moved awarding of the bid to Northwest Mowers, Inc. for one 1984 Demo Tractor with front deck the alternate bid, in the total amount of $14,660.80. Motion, seconded by Commissioner Kemp, carried unanimously.

There being no further business to come before the Board at this time, the meeting adjourned at 2:25 pm., to meet again in Regular Session on 4 March 1985 at 9:30 a.m.