for the maintenance, repair and operation of the "property" or disposed of in the manner provided by the Foundation's Articles of Incorporation.

b. The county shall determine the disposition of any remaining funds.

The Foundation shall maintain a separate account for use in depositing funds that it generates from donations and fund raising events and activities.

2. Sec. III - add following sentence to the end of the paragraph:

This option to renew for an additional one year period shall be included in each subsequent renewal contract.

3. The address for Restoration acres Foundation should be changed to: P. O. Box 2376, Oak Harbor, Washington 98277. [Par. 13, page 1]

4. Sec. 1, paragraph 5 should read:

Foundation agrees that any and all improvements made to the real property under this agreement shall become the property of the County, unless the parties agree that the improvement(s) can be removed without damage and should remain the property of the Foundation. If the parties cannot so agree, the improvements shall remain and shall be owned by the County exclusively.

Mr. Skinner explained that the changes were designed to take into account the fact that funds would be coming from at least three different sources:

-Allocated funds from the Park Department budget or special allocations approved by the Board for the particular piece of property. The County should have those funds back in the event the agreement is terminated, or the corporation dissolved.

-Foundation will fund some of the improvements through contributions and fund raisers. Foundation wants to disperse those monies in accordance with Articles of Incorporation should the project be shut down.

-Some organizations approached for donations operate under rules preventing them from making contributions to governmental entities.

Chairman Shelton expressed his desire for the Foundation to consider adding a provision to allow an ex-officio member from the Island County Parks Board to sit on the Board of Directors of the Foundation. Commissioner Colby agreed, and suggested there be a paragraph included in the agreement to address that.

Mr. Skinner believed it would be fairly simple to do, i.e call a meeting of the Board of Directors of the Foundation and by resolution, include an additional ex-officio member to be appointed by the County. He agreed to arrange for that.

Action: By unanimous motion, the Board approved the Agreement as presented, with the changes proposed by Mr. Skinner and the two minor changes in that language recommended by the County Parks Department, and with a paragraph included mutually agreeing to provide for a County member to sit as ex-officio member of the Board of Directors of Restoration Acres Foundation, and the blank filled in talking about when parties would get together.

Mr. McFarland agreed to get the changes made and back to the parties for signature.

MEETING HELD: SITE PLAN REVIEW #015/94 BY ISLAND COUNTY PARKS DEPARTMENT FOR PRELIMINARY APPROVAL OF PASSIVE USE PARK AND ACCESS FT. TO BEACH & STATE OWNED TIDELANDS AT DOUBLE BLUFF
AND
HEARING HELD ON APPEAL #014/94 OF SDP 007/94 BY MICHAEL/BONNIE DAWSON & THOMAS/WANDA WELLS OF HEARING EXAMINER'S DECISION ON DOUBLE BLUFF IMPROVEMENTS

At 1:30 p.m., a Public Meeting on SPR 015/94 (continued from July 25 and August 22, 1994) by Island County Parks Department and a Public Hearing on Appeal #014/94 of SDP 007/94, by Michael & Bonnie Dawson and Thomas & Wanda Wells, appealing the Hearing Examiner's Decision, were conducted. The Board had before it the complete Hearing Examiner Record and Exhibit Log for Appeal of SDP 007/94, with updated exhibit log received 9/9/94 [Exhibit 1], and the complete record on SRP 015/94 [Exhibit 2]. The Board this date was provided with a copy of Staff Response to Appeal, and copies were made available to Appellants, press and public [Exhibit 3].

Mike Shelton, Chairman of the Board, and Dwain Colby, Member, were present. Island County Staff in attendance included: Larry Kwarsick, Public Works Director; Al Perez, Senior Planner; Betty Kemp, Director, General Services Administration; and Lee McFarland, Parks Supt. Bonnie Dawson, Appellant, was present on behalf the Appellants. An additional 16 people were in the audience at the time the matter was heard.

Proposal: Shoreline Development Permit and Conditional Use Permit and Site Plan Approval to use three shoreline parcels as a passive use park and access to the beach and state-owned tidelands.

Location: End of Double Bluff Road, South Whidbey Island located in the SW 1/4 of Sec. 23, Twp. 29N, Rge. 2E, WM; Assessor's Parcels R22923-105-3520; R22923-078-3270; and R22923-056-2990.

Appeal Filed: Notice of Appeal filed on July 8, 1994, by Bonnie Dawson on behalf Appellants, appealing the Hearing Examiner's Decision. By letter dated July 26, 1994, from Vincent J. Moore, Planning Director, the appeal was accepted contingent on receipt of a check for $55.00. Receipt of Appellant's check in the amount of $55.00 for Appeal of Shoreline Substantial Development Permit 007/94, was acknowledged by letter of August 8, 1994, from Edie Elerick, Office Manager, Planning and Community Development Department, which also confirmed this date and time for the Public Meeting and Public Hearing.

Hearing Procedure before the Board: Staff to present concise statement describing nature of appeal, hearing history to date and the relevant facts and statutory constraints. Appellant provided an opportunity to state the basis of appeal, new information not already presented at previous appeal hearings, and the action requested of the Board of Commissioners. Other members of the public will be provided a reasonable opportunity to state any new information not already presented at previous appeal hearing and the action requested of the Board. Staff will be given an opportunity to comment on new information provided by the appellant and public. Appellant may comment on new information provided by the public or staff.

In this case, the Board's decision will be announced at public meeting on September 19, 1994 at 10:45 a.m, based on testimony during the hearing, transcripts of previous hearings and applicable laws. The Board's decision will include the vote of individual commissioners and a brief statement as to the basis for the decision. After the Board's decision, the Planning Director will prepare Findings of Fact and Conclusions of Law for signature by the Board. A copy of that decision will be provided to the appellant by the Planning Department.

STAFF STATEMENT