

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - DECEMBER 18, 2000**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on December 18, 2000, beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Wm. L. McDowell, Chairman, William F. Thorn, Member and Mike Shelton, Member, present.

VOUCHERS AND PAYMENT OF BILLS

By unanimous motion the Board approved the pre-audited vouchers dated 12/18/00, and approved the \$1,597.35 voucher dated 12/11/00 from the Prosecuting Attorney held last week for further review: Voucher (War.) #88869 - 89119 \$1,147,212.69.

HIRING REQUESTS & PERSONNEL ACTIONS

After having been briefed by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorizations:

<u>Department</u>	<u>Position</u>	<u>PAA#</u>	<u>Action</u>	<u>Eff. Date</u>
Public Def.	P. D. Administrator	#1900.00	130/00	Personnel Action 1/01/01
Planning	Planning Director	#1700.00	131/00	Personnel Action 1/01/01
Human Res.	H. R. Director	#2301.00	132/00	Personnel Action 1/01/01
Central Serv.	C. S. Director	# 700.00	133/00	Personnel Action 1/01/01
Maintenance	Mgr/Supervisor	# 900.00	134/00	Personnel Action 1/01/01
GSA	GSA Director	#1500.00	135/00	Personnel Action 1/01/01
Budget	Director	# 300.00	136/00	Personnel Action 1/01/01
Health	Director	# 2400.00	137/00	Personnel Action 1/01/01
Public Works	Ecologist	#2267.00	126/00	New Position 1/01/01
Public Works	Civil Engr. I	#2221.01	127/00	New Position 1/01/01
Prosecutor	Dep Pros Atty	#1816.00	128/00	New Position 1/01/01
Prosecutor	Dep Pros Atty	#1814.00	129/00	Personnel Action 1/01/01
Juv. Court	Prob. Counselor	#1402.02	138/00	Replacement 2/16/01

COMMITTEE REAPPOINTMENTS ANNOUNCED

The Board, by unanimous motion, made the following reappointments to the Veteran's Assistance Review committee and Developmental Disabilities Advisory Board:

Veteran's Assistance Review Committee

Reappointed for two year terms, to 1/14/03
Robert W. Westphal; Larry Moses; and Ed VanPatten.

Developmental Disabilities Advisory Board

Reappointed Delia Pierce to a three year term to 12/22/03.

STAFF SESSION SCHEDULE FOR JANUARY, 2001

By unanimous motion, the Board approved the January, 2001, Staff Session schedule for distribution, outlining Staff Sessions beginning at 9:00 a.m. on January 3rd and January 17th.

PUBLIC HEARING HELD: FINANCIAL RESOLUTIONS

**Resolution #C-123-00 Declaring an Emergency in various 2000 Fund budgets
Resolution #C-124-00 Declaring a Supplemental Appropriation to various 2000 Fund budgets**

A Public Hearing was held at 9:50 a.m. for the purpose of considering two financial resolutions, one Resolution #C-123-00, an emergency appropriation [as defined by the RCW] recognizing various sources of revenues to the various 2000 fund budgets, and the other, Resolution #C-124-00, a supplemental appropriation to various 2000 fund budgets recognizing supplements from federal or state sources.

Margaret Rosenkranz, Budget Director, reviewed each resolution and the specific amounts therein appropriated to the various

departments, and responded to questions from the Board.

At the time of hearing, no one in the audience spoke for or against either Resolution #C-123-00 or C-124-00 as proposed.

By unanimous motion, the Board adopted Resolution # C-123-00 Declaring an Emergency in various 2000 Fund budgets in the total amount \$836,596 Current Expense Fund Budgets; \$72,500 Election Reserve Fund Budget; \$4,000 Drug Seizure Fund Budget; \$2,528 Public Works Fund Budget; \$36,339 Public Health Pooling Fund Budget; \$9,500 Courthouse Expansion Fund Budget; \$15,000 Construction & Acquisition Fund Budget; \$1,591,242 Capital Improvement Fund Budget; \$162,850 Capital Facilities Fund Budget; and \$5,317 Motor Pool Fund Budget.

The Board, by unanimous motion, also adopted Resolution #C-124-00 Declaring a Supplemental Appropriation to various 2000 Fund budgets recognizing \$697,196 appropriated to Current Expense Fund, Alcohol & Substance Abuse Fund and Public Health Pooling Fund, as outlined in said resolution.

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IN THE MATTER OF DECLARING AN EMERGENCY)	
IN THE FOLLOWING 2000 FUND BUDGETS: CURRENT)	
EXPENSE FUND, ELECTION RESERVE FUND, DRUG)	
SEIZURE FUND, PUBLIC WORKS FUND, PUBLIC HEALTH)	RESOLUTION C-123-00
POOLING FUND, COURTHOUSE EXPANSION FUND,)	
CONSTRUCTION & ACQUISITION FUND, CAPITAL)	
IMPROVEMENT (REET 1) FUND, CAPITAL FACILITIES)	
(REET 2) FUND, MOTOR POOL FUND)	

WHEREAS, it appears that an emergency (legislative definition) exists in the following 2000 Island County Fund budgets that could not be foreseen when those budgets were adopted; Current Expense Fund, Election Reserve Fund, Drug Seizure Fund, Public Works Fund, Public Health Pooling Fund, Courthouse Expansion fund, Construction & Acquisition Fund, Capital Improvement (REET 1) Fund, Capital Facilities (REET 2) Fund, Motor Pool Fund, and

WHEREAS, additional funding sources have been identified for various projects and expenditures for these Funds per the Attached Exhibit A, and

WHEREAS, funds need to be recognized in these budgets in the following amounts, Current Expense Fund budgets \$836,596, Election Reserve Fund budget \$72,500, Drug Seizure Fund budget \$4,000, Public Works Fund budget \$2,528, Public Health Pooling Fund budget \$36,339, Courthouse Expansion Fund budget \$9,500, Construction & Acquisition Fund budget \$15,000, Capital Improvement (REET 1) Fund budget \$1,591,242, Capital Facilities (REET 2) Fund budget \$162,850, and Motor Pool Fund budget \$5,317 to cover these expenditures, and

WHEREAS, RCW36.40.140 requires that a public hearing be held at which any person may appear and be heard for or against this proposed emergency appropriation, **NOW THEREFORE**

BE IT RESOLVED, that a public hearing be held at the hour of 9:50 a.m. on the 18th day of December 2000, at the usual meeting place of the Board in Coupeville to consider this proposed emergency appropriation to the 2000 Island County Current Expense Fund budgets, Election Reserve Fund budget, Drug Seizure Fund budget, Public Works Fund budget, Public Health Pooling Fund budget, Courthouse Expansion Fund budget, Construction & Acquisition Fund budget, Capital Improvement (REET 1) Fund budget, Capital Facilities (REET 2) Fund budget, and Motor Pool Fund budget, per the attached Exhibit A.

ADOPTED this 4th day of December, 2000.

Board of County Commissioners

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

Margaret Rosenkranz, Clerk of the Board
BICC 00-697

IT IS HEREBY APPROVED AND ORDERED that the amount of \$836,596 for Current Expense Fund budgets, \$72,500 for Election Reserve Fund budget, \$4,000 for Drug Seizure Fund budget, \$2,528 for Public Works Fund budget, \$36,339 for Public Health Pooling Fund budget, \$9,500 for Courthouse Expansion Fund budget, \$15,000 for Construction & Acquisition Fund budget, \$1,591,242 for Capital Improvement (REET 1) Fund budget, \$162,850 for Capital Facilities (REET 2) Fund budget, and \$5,317 for Motor Pool Fund budget be appropriated and distributed as shown within the 2000 Island County Fund budgets per attached Exhibit A.

ADOPTED this 18th day of December, 2000.

Board of County Commissioners

Island County Washington

Wm. L. McDowell, Chairman

William F. Thorn, Member

Margaret Rosenkranz, Clerk of the Board

Mike Shelton, Member

Exhibit A

FUND/DEPARTMENT	SOURCE OF FUNDS	APPLICATION OF FUNDS		AMOUNT
<i>Current Expense Fund</i>				
Commissioner Contingency	Use of Unreserved Fund Balance	Commissioner Contingency	\$	675,000
	001-000-30800	001-000-51992-141		
	Sale of Property	Commissioner Contingency	\$	7,984
	001-000-39510	001-000-51992-141		
	Becca Reimbursement	Commissioner Contingency	\$	122,912
	001-000-36942	001-000-51992-141		
Juvenile Court Services	Diversion Fees from Treas. Trust	Maintenance & Operation	\$	2,300
	001-035-34271	001-035-52740-131		
Sheriff	Civil Fees	Fuel	\$	2,300
	001-040-34210-731	001-040-52122-132		
	Miscellaneous Revenues	Fuel	\$	4,100
	001-040-34290-435	001-040-52122-132		
<u>Prior yr Boating Safety \$</u>	Use of Unreserved Fund Balance	Equipment	\$	22,000
	001-000-30800	001-040-52122-164		
Other Funds				
<i>Public Health Pooling</i>	BRFSS Project	Professional Services	\$	11,200
	104-000-34670-702	104-000-56207-141		
	BRFSS Project	Equipment	\$	9,800
	104-000-34670-702	104-000-56207-164		
	Personal Care	Salaries & Benefits	\$	8,409
	104-000-33869-917	104-000-56206-110		
	Personal Care	Supplies	\$	1,580
	104-000-33869-917	104-000-56206-131		
	Current Expense	Salaries & Benefits	\$	3,870
	104-000-39704-199	104-000-56206-110		
	Current Expense	Equipment	\$	1,500
	104-000-39704-199	104-000-56206-164		
<i>Drug Seizure Fund</i>	Unreserved Fund Balance	Equipment	\$	4,000
	133-000-30800	133-000-52121-164		
FUND/DEPARTMENT	SOURCE OF FUNDS	APPLICATION OF FUNDS		AMOUNT
<i>Election Reserve Fund</i>				
	Unreserved Fund Balance	Salaries & Wages	\$	5,000
	111-000-30800	111-000-51485-110		
	Election Services	Salaries & Wages	\$	22,500
	111-000-34145	111-000-51485-110		
	Election Services	Supplies	\$	45,000
	111-000-34145	111-000-51485-131		
<i>Public Works Fund</i>	Unreserved Fund Balance	Professional Services	\$	2,410

	139-000-30800	139-000-53910-141		
	Sale of Fixed Assets	Professional Services	\$	118
	139-000-39510	139-000-53910-141		
Courthouse Expansion Fund	Sale of Copies	Professional Services	\$	9,500
	309-000-34160	309-000-59411-141		
Construction & Acquisition Fund	Use of Fund Balance	Land Purchase (CMHF)	\$	15,000
	308-000-30800	308-000-59469-161		
Courthouse Improvement (REET 1) Fund	Use of Fund Balance	Prof Svcs (Cthse Project)	\$	50,000
	134-000-30800	134-000-59411-141		
	Use of Fund Balance	Buildings (Cthse Project)	\$	1,500,000
	134-000-30800	134-000-59411-162		
	Use of Fund Balance	Repairs (Camano Annex)	\$	3,170
	134-000-30800	134-000-59419-148		
	Use of Fund Balance	Buildings (Camano Annex)	\$	8,072
	134-000-30800	134-000-59419-162		
	Use of Fund Balance	Other Improvements (Paul)	\$	30,000
	134-000-30800	134-000-59426-163		
Capital Facilities (REET 2) Fund	Use of Fund Balance	Infrastructure (Freeland)	\$	25,000
	135-000-30800	135-000-59631-163		
	Use of Fund Balance	Infrastructure (Clinton)	\$	1,000
	135-000-30800	135-000-59632-163		
	Use of Fund Balance	Infrastructure (Cthse Expan.)	\$	136,850
	135-000-30800	135-000-59411-163		
Motor Pool Fund	Health Contribution	Health Vehicles	\$	3,589
	506-000-36529	506-000-54876-164		
	Mental Health Contribution	Mental Health Vehicles	\$	1,728
	506-000-36531	506-000-54878-164		

**IN THE MATTER OF DECLARING A SUPPLEMENTAL)
 APPROPRIATION TO THE FOLLOWING 2000 ISLAND COUNTY)
 FUND BUDGETS: CURRENT EXPENSE FUND, ALCOHOL &)
 SUBSTANCE ABUSE FUND, PUBLIC HEALTH POOLING FUND)
 RESOLUTION C-124-00**

WHEREAS, the voters of the State Washington passed Initiative 695 which eliminated funding for criminal justice and sales tax equalization, health and transit, and the Washington State legislature adopted a budget for the 2000-2001 budget years that includes amounts for I-695 replacement funding and the amount received in the fiscal year 2000 is \$697,196 of which \$425,000 is to be recognized to replace reserves used in the 2000 budget, and

WHEREAS, the State of Washington has awarded various Grant funding to Island County for the 2000 Current Expense Fund, Extension Services Grant budget in the amount of \$29,000, and to the Juvenile Court Services Grants budget in the amount of \$18,000, and

WHEREAS, the State of Washington has awarded funding for Boating Safety to Island County for the 2000 Current Expense Fund, Sheriff budget in the amount of \$13,000, and

WHEREAS, the State of Washington has awarded funding to Island County for the 2000 Superior Court budget for the reimbursement of the sexual predator program in the amount of \$5,000, and

WHEREAS, the State of Washington DOH and DSHS has awarded various Grant funding to Island County for the 2000 Public Health Pooling Fund budget in the amount of \$35,269, and to the Alcohol/Substance Abuse Fund budget in the amount of \$36,897, and

WHEREAS, there is a need to recognize these monies to allow expenditures in excess of the 2000 budgets heretofore authorized by the Board of Island County Commissioners as shown on Exhibit A; and

WHEREAS, RCW36.40.100 requires that a public hearing be held prior to adoption of supplemental appropriations; **NOW THEREFORE**

BE IT RESOLVED, that a public hearing be held at the hour of 9:50 a.m. on the 18th day of December 2000, at the usual meeting place of the Board in Coupeville to consider these proposed supplemental appropriations.

Adopted this 4th day of December, 2000.

Board of County Commissioners

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

Margaret Rosenkranz, Clerk of the Board
 BICC 00-698

IT IS HEREBY APPROVED AND ORDERED that the amounts shown on Exhibit A be appropriated and distributed as shown within the 2000 Island County Current Expense Fund, Extension Services Grant budget, Sheriff budget, Juvenile Court Services Grants budget, and Superior Court budget, Public Health Pooling Fund budget and Alcohol & Substance Abuse Fund budget.

ADOPTED this 18th day of December, 2000.

Board of County Commissioners

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

Margaret Rosenkranz, Clerk of the Board

EXHIBIT A

FUND/DEPARTMENT	SOURCE OF FUNDS	APPLICATION OF FUNDS		AMOUNT
Current Expense Fund				
General Revenues	I-695 Replacement Funds	Reserve	\$	425,000
	001-000-33604-021	001-000-50800		
Extension Services Grants	Beach Watchers CZM Grant	Equipment	\$	5,000
	001-058-33403-863	001-058-57129-164		
	Eelgrass Survey	Professional Services	\$	24,000
	001-058-33403-140	001-058-57134-141		
Juvenile Court Services Grants	JAIB Grant	Salaries & Benefits	\$	18,000
	001-060-33402-383	001-060-53161-141		
Sheriff	Boating Safety Grant	Equipment	\$	13,000
	001-040-33600-384	001-040-52122-164		
Superior Court	Sexual Predator Grant Reimb.	Supplies	\$	1,600
	001-041-33404-605	001-041-51220-131		
	Sexual Predator Grant Reimb	Equipment	\$	3,400
	001-041-33404-605	001-041-51220-164		
Other Funds				
Alcohol/Substance Abuse	Tobacco Litigation	Salaries & Benefits	\$	7,897
	123-000-33404-970	123-000-56600-110		
	SIG Grant	Professional Services	\$	29,000
	123-000-33393-959	123-000-56600-141		
Public Health Pooling	WIC	Salaries & Benefits	\$	2,850
	104-000-33310-887	104-000-56207-110		
	WIC	Communications	\$	3,711
	104-000-33310-887	104-000-56207-142		
	Infant/Toddler Initiative	Communications	\$	3,790
	104-000-33395-637	104-000-56207-142		

	Local Capacity Funds	Advertising	\$	1,611
	104-000-33404-494	104-000-56207-144		
	CPS	Supplies	\$	4,407
	104-000-33869-917	104-000-56207-131		
	Source Water Assessment	Salaries & Benefits	\$	8,200
	104-000-33364-680	104-000-56207-110		
	Medicaid Admin Match	Professional Services	\$	10,700
	104-000-33397-984	104-000-56207-141		

**AMENDMENT #3, ARBITRAGE COMPLIANCE CONTRACT RM-TREAS-00-0104 BETWEEN ISLAND COUNTY
ARBITRAGE COMPLIANCE SPECIALISTS**

By unanimous motion, the Board approved and signed Amendment #3, Arbitrage Compliance Contract RM-TREAS-00-0104 between Island county and Arbitrage Compliance Specialists, in the amount of \$2,450, an amendment to the contract for required additional services engagement letter for yield reduction payment report.

**INTERLOCAL AGREEMENT CREATING THE WASHINGTON
COUNTIES INSURANCE POOL**

The Board, on unanimous motion, approved Interlocal Agreement Creating the Washington Counties Insurance Pool, #RM-BOICC-00-0108, for the purpose of authorizing and creating the Washington Counties Insurance Pool, which shall be organized under Chapters 48.62 and 39.34 RCW to provide to member employers health and welfare benefit programs.

HEALTH CONTRACTS APPROVED

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

#RM-HLTH-99-0066 Between Island County and DSHS Agreement [replaces Basic Interagency Agreement signed by each county and DSHS in 1995]

Amendment #3 to #RM-HLTH-99-0021, Work Order #6882-3, Division of Alcohol & Substance Abuse

Amendment #1, Contract #HD-03-00(1) [RM-HLTH-99-0014] Amendment to Agreement between Snohomish Health District for Region 3 AIDS Service Network and Island County Health Department

**SUPPLEMENT #5 TO CNJA ARCHITECTS CONTRACT PW-992045
FOR CAMANO ROAD SHOP FACILITY**

Having been discussed at a recent staff session, as presented by Larry Kwarsick, Public Works Director, and recommended for approval, the Board by unanimous motion, approved CNJA Architects Contract PW-992045, Supplement #5 for the Camano Road Shop Facility project, Work Order #10, revised to reflect a new total cost of \$216,211.45.

LIGHTING MODIFICATION & INSTALLATION CONTRACT

Per bid awarded by previous action at a recent meeting of the Board, the Board by unanimous motion approved and signed the Lighting Modification and Installation Contract with Seven Sisters, Inc., Sedro Woolley, in the amount of \$37,977.56 for the South Whidbey Community Health Services Center, Camano Healthcare Center, and the Freeland Park and Boat Launch.

CAMANO HAUL CONTRACT – WASTE MANAGEMENT OF SKAGIT COUNTY

As presented and recommended for approval by Dave Bonvouloir, Solid Waste Manager, the Board by unanimous motion, approved bid recommendation to Waste Management of Skagit County, at bid price of \$49.35 per ton for Camano Haul Contract, and approved the Contract between Island County and Waste Management of Skagit County reflecting bid award.

CAMANO RECYCLE CONTRACT - WASTE MANAGEMENT OF SKAGIT COUNTY

The Board by unanimous motion, approved Camano Recycle Contract with Waste Management of Skagit County, to provide solid waste pickup, hauling, box/compactor/trailer exchange and/or dumping and back-hauling services from the Camano Island transfer station to the Argo Intermodal Facility, Seattle; Coupeville Transfer Station, Coupeville, or other approved site,

at a cost to the County of \$137.09 for hauls to Coupeville; \$322.71 for hauls to Argo Intermodal Facility plus annual CPI adjustments.

CHANGE ORDER NO. 2 – GEOTEST SERVICES, INC.- LAW & JUSTICE FACILITY

The Board by unanimous motion, approved Change Order #2 to the Contract with Geotest Services, Inc., for the Law & Justice Facility involving three special inspection services, structural steel, structural concrete and earthwork, in the amount of \$6,550, increasing the total amount of the contract from \$14,450 to \$21,000.

HEARING HELD: ORDINANCE #C-115-00/R-50-00 – IN THE MATTER OF AMENDING THE CAPITAL FACILITIES AND TRANSPORTATION ELEMENTS OF THE ISLAND COUNTY COMPREHENSIVE PLAN AND CHAPTER 11.04 ICC CONCURRENCY ORDINANCE

A Public Hearing was held at 10:45 a.m. as scheduled and advertised for the purpose of considering Ordinance #C-115-00/R-50-00 In the Matter of Amending the Capital Facilities and Transportation Elements of the Island County Comprehensive Plan and Chapter 11.04 ICC Concurrency Ordinance, required by SHB 1487 [level of service bill].

Staff: Larry Kwarsick; Lew Legat; Mike Morton
Consultant: Bob Munchinski, with H. W. Loffner
Public: None

As explained by Mr. Kwarsick, this is an additional public hearing above and beyond what would normally be required under Planning Enabling Act, as recommended by the Prosecuting Attorney's Office, to better achieve the goals and objectives of the Growth Management Act for public input and involvement. Mike Morton received a letter 12/18/00 from Patrick Babineau, State Office of Community Development [GMA record #_____], basically a supportive letter, with only one recommendation, that Island County consider developing an alternative arterial and collector street system that compliments the State Highway system [parallel system]. The State highway system is the spine highway system, and as Mr. Kwarsick pointed out, has risen to the status of a highway of State-wide significance because of its geographic significance to Island County and the State. He recognized it could be beneficial and at some point in time perhaps in some isolated areas the suggestion may have some merit, but at this time could not support that as a proposed amendment to the plan.

A letter was received by the Public Works Department from the City of Oak Harbor [GMA record #_____] dated 12/4/00 regarding the draft Island County Transportation Plan 2000-2005, containing several different comments: one related to making sure the CWPP's included in the Transportation Plan are the most recent version, and Mr. Kwarsick agreed there should be an additional amendment making sure the most recent CWPP's are included. There was also discussion of the fact there seems to be some struggling to relate the Highway Capacity Manual LOS with the ACR values. The City also had some comments on the draft plan with regard to LOS for Ault Field and Goldie Roads. LOS reflected in the Plan has not changed since adoption of the first Transportation Plan, and the County's consultant has been asked to work with the City's consultant to work through those; at this point, Mr. Kwarsick did not believe there was anything necessary to do.

The e-mail from the two Camano Planning Commission members that did not vote in support of the amendments to the Transportation Plan and Concurrency Ordinance was entered for the record on 12/4/00 as GMA record #6054. The Department also received from John Graham, Coalition, e-mails dated 11/21/00 and 11/21/00, with Larry Kwarsick's replies 11/22/00 and 11/21/00, regarding Adequacy of Concurrency as related to unregulated divisions of land and prior segregation's of land and how to account for those [GMA record #_____].

Regarding the comments from the two Camano Island Planning Commission members, David Osterberg and John Edison, Mike Morton thought as far as responsibility much of that really belongs to other agencies, including RTPO, and he thought there may have been a slight misunderstanding there as far as the roles of the RTPO and WDOT.

Commissioner Thorn acknowledged the principal concern of the two Camano Planning Commission members is that through County efforts and in working in concert with other agencies the County do everything possible to implement alternative modes of transportation.

Preliminary results Mr. Kwarsick was provided from the least cost planning open house and Island Wide survey showed that transit and TDM strategies were the number one areas the public would like to see government focus on.

Commissioner Shelton recalled one of the things discussed only on the surface is one portion of Island County where there is no parallel route at all, and becomes more apparent with wind storms and emergencies. He noted too that this seemed to be far greater than the proponents of SHB 1487 originally envisioned in that based upon public statements made by

Representative Anderson that this was only to apply to large developments, yet the statutory definition of development includes short plats and the Commissioner will ask clarification from the legislative contingent.

Mr. Kwarsick added to note that Mr. Morton had drafted a letter of understanding for the Board between Island County and the State Department of Transportation, and Washington State Ferries, with regard to the roles and working together.

By unanimous motion, the Board adopted Ordinance #C-115-00/R-50-00 In the Matter of Amending the Capital Facilities and Transportation Elements of the Island County Comprehensive Plan and Chapter 11.04 ICC Concurrency Ordinance. [GMA record # _____]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING THE CAPITAL) ORDINANCE C-115-00
FACILITIES AND TRANSPORTATION ELEMENTS) R-50-00
OF THE ISLAND COUNTY COMPREHENSIVE PLAN)
AND CHAPTER 11.04 ICC THE CONCURRENCY)
ORDINANCE)

WHEREAS, Island County adopted a GMA Comprehensive Plan and implementing development regulations on September 28, 1998 and September 29, 1998; and

WHEREAS, during the 1998 session the Washington State Legislature passed Substitute House Bill (SHB) 1487, also known as the "Level of Service Bill", to enhance the identification and coordination of planning for major transportation facilities identified as "transportation facilities and services of statewide significance" (RCW 47.06.140); and

WHEREAS, the State subsequently identified SR-20, SR-525, the Clinton/Mukilteo Ferry Service and the Keystone/Port Townsend Ferry Services as Highways of Statewide Significance in Island County; and

WHEREAS, the State has adopted level of service standards for Highways of Statewide Significance in Island County; and

WHEREAS, SHB 1487 requires Island County to update its previously adopted 1998 Transportation and Capital Facilities Elements and its concurrency ordinance on or before December 31, 2000 to include the level of service standards adopted by the State; and

WHEREAS, RCW 36.70A.070(6)(e) requires the County to adopt and implement ordinances that prohibit development approval if the development causes decline in transportation service levels adopted in the Transportation Element of the Comprehensive Plan; and

WHEREAS, the Island County Planning Commission reviewed the proposed amendments in public hearing on November 14, 2000 at 9:15 A.M. and forwarded its recommendation for approval together with its findings of fact to the Board of Island County Commissioners; and

WHEREAS, in 1998, the County completed environmental review under Chapter 41.21C RCW, SEPA, on its Comprehensive Plan and Development Regulations; and

WHEREAS, pursuant to WAC 197-11-340, the County SEPA official has determined that the proposed changes to the Transportation and Capital Facilities Elements of the GMA Comprehensive Plan and Chapter 11.04, ICC, all as mandated by SHB 1487, are not likely to have probable significant adverse environmental impacts and issued a Determination of Nonsignificance on November 18, 2000; NOW, THEREFORE,

BE IT HEREBY ORDAINED, that the Board of Island County Commissioners hereby adopts the proposed amendments to the County's Comprehensive Plan Capital Facilities and Transportation Elements, attached hereto as Exhibit A and Exhibit B respectively, and adopts amendments to Chapter 11.04 ICC, the Concurrency Ordinance attached hereto as Exhibit C, together with the Findings of Fact of the Island County Planning Commission attached hereto as Exhibit D. Material underlined is added and material stricken through is deleted. Material both underlined and stricken through was presented to the Planning Commission and the Planning Commission did not recommend its approval. These amendments shall be effective December 31, 2000.

Reviewed this 20th day of November 2000 and set for public hearing at 10:15 a.m. on the 18th day of December 2000.

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

ATTEST:
Margaret Rosenkranz
Clerk of the Board
BICC 00-680

APPROVED AND ADOPTED this 18th day of December, 2000 following public hearing.

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

ATTEST:
Margaret Rosenkranz
Clerk of the Board

APPROVED AS TO FORM:
DAVID L. JAMIESON, JR.
Deputy Prosecuting Attorney
& Island County Code Reviser

[Exhibits on file with the Clerk of the Board and the Public Works Department]

HEARING HELD: RESOLUTION #C-116-00/R-49-00 – IN THE MATTER OF AMENDING THE ADOPTED PUBLIC FACILITY CONCURRENCY AND ADEQUACY MANAGEMENT PROGRAM, PROCEDURES & REQUIREMENTS IN ISLAND COUNTY

A second Public Hearing at 10:45 a.m. was on Resolution C-116-00/R-49-00 In the Matter of Amending the Adopted Public Facility Concurrency and Adequacy Management Program, Procedures & Requirements in Island County. This hearing was for the purpose of amending the County’s Concurrency and Adequacy Management Program, Procedures and Requirements.

When the County adopted the Concurrency Ordinance in 1998, there were certain aspects of the program that needed to be spelled out in a management program document and the Board adopted that document by Resolution. The purpose of the amendments are to bring the program into concert and consistency with the amendments that are occurring in the Concurrency Ordinance as it relates to highways of State-wide significance.

When the Chairman called for public comments, no members of the public commented either for or against Resolution #C-116-00.

- By unanimous motion, the Board adopted Resolution #C-116-00/R-49-00 In the Matter of Amending the Adopted Public Facility Concurrency and Adequacy Management Program, Procedures & Requirements in Island County. [*GMA record #_____*]
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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF AMENDING THE)
ADOPTED PUBLIC FACILITY) **RESOLUTION C-116-00**
CONCURRENCY AND ADEQUACY) **R-49-00**
MANAGEMENT PROGRAM, PROCEDURES)
& REQUIREMENTS IN ISLAND COUNTY)

)

WHEREAS, Goal 12 of RCW 36.70A.020 requires that Island County ensure that public facilities and services found by the County to be necessary to support development be adequate to serve such development without reducing current service levels; and

WHEREAS, the Western Washington Growth Management Hearings Board in *TAXPAYERS FOR RESPONSIBLE GOVERNMENT, PETITIONER v. CITY OF OAK HARBOR, RESPONDENT*, No. 96-2-0002, found that because the legislature chose to use the word "those" in GMA Goal # 12 instead of "all" there is discretion to determine which public facilities are necessary to support development and how adequacy is determined; and

WHEREAS, the Western Washington Growth Management Hearings Board also found GMA Goal #12 means more than a very generalized policy statement and therefore the county must have a specific, articulated methodology to reasonably assure compliance with goal #12; and

WHEREAS, the GMA requires a finding that certain public facilities be found "adequate" (see RCW 19.27.097, 36.70A.030, and 58.17.060 and 110) prior to development approval. Proof of public facility adequacy is required for development activities regulated by the State Subdivision Law (RCW 58.17) and building permits; and

WHEREAS, the adopted Capital Facilities Element establishes Level of Service (LOS) Standards for and categorizes public facilities for concurrency, adequacy and/or planning purposes; and

WHEREAS RCW 36.70A.070(6)(e) requires the County to adopt and implement ordinances that prohibit development approval if the development causes decline in transportation service levels adopted in the Transportation Element of the Comprehensive Plan which now must include Highways of Statewide Significance; and

WHEREAS, both the test for concurrency and the check for adequacy require the establishment of an administrative process; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official determined that the amendments to these administrative procedures were not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the amendments to the Transportation Element, Capital Facilities Element, and Chapter 11.04 ICC issued on November 18, 2000. **NOW, THEREFORE**,

BE IT HEREBY RESOLVED, that the Board of Island County Commissioners hereby amends the proposed Public Facility Concurrency and Adequacy Management Program attached hereto as Exhibit A to govern the procedures of concurrency and adequacy procedures and requirements in Island County. Material stricken through is being deleted and material underlined in light print is being added.

APPROVED AND ADOPTED this 18th day of December, 2000.

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

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 00-745

[Exhibit A on file with the Clerk of the Board and the Public Works Department]

HEARING HELD: ORDINANCE #C-121-99 [PLG-043-99] ADOPTING THE OAK HARBOR INTERLOCAL AGREEMENT GOVERNING LAND USE DECISIONS WITHIN THE NON-MUNICIPAL PORTION OF OAK HARBOR'S UGA

A Public Hearing was opened at 10:45 a.m., scheduled to consider Ordinance #C-121-99 [PLG-043-99] Adopting the Oak Harbor Interlocal Agreement governing land use decisions within the non-municipal portion of Oak Harbor's UGA (continued from 10/25/99, 11/23/99, 2/7/00, 3/13/00, 4/17/00, 8/7/00 & 10/02/00).

Attendance:

Staff: Phil Bakke; Jeff Tate
Public: None

Chairman McDowell explained that the City of Oak Harbor was moving in the direction of allowing sewers to be extended out to Goldie Road, and the City is in the process of meetings and hearings on the issue. The County's hearing therefore needs to be continued.

By unanimous motion, Board continued the public hearing to consider Ordinance #C-121-99 [PLG-043-99] Adopting the Oak Harbor Interlocal Agreement governing land use decisions within the non-municipal portion of Oak Harbor's UGA until March 5, 2001 at 10:45 a.m.

[Notice of Continuance - GMA record # _____]

HEARING HELD: OPEN SPACE APPLICATIONS ERICKSON RANCH LTD PARTNERSHIP; MICHAEL WILLIAMS; AND FRIE TIMBER CO

A Public Hearing was held beginning at 10:45 a.m. as scheduled and advertised, for the purpose of considering three Open Space Applications:

- OPS 791/00 – Erickson Ranch LTD Partnership, 24.01 acres on Parcels R32809-083-2090 and R32809-086-2410, change from Designated Forest to Timber Land.
- OPS 792/00 – Michael Williams, 29.55 acres on Parcel R13208-298-1980 and R13208-347-1980 to be approved for Timber Land.
- OPS 793/00 – Frie Timber Co., 24.06 acres on Parcel S8085-00-00015-0 located in Section 19, Township 30N, Range 3 E. to be approved for Timber Land.

OPS 791/00 – Erickson Ranch LTD Partnership, 24.01 acres on Parcels R32809-083-2090 and R32809-086-2410, change from Designated Forest to Timber Land

Mr. and Mrs. Gordon Erickson on behalf of the Applicants were present in support of approval of OPS 791/00.

Jeff Tate presented OPS 791/00 by Erickson Ranch LTD Partnership, for a change from Designated Forest to Timber Land, for 24.01 acres located on South Whidbey. The Island County Planning Department Staff Report, Proposal, Findings, Analysis, Conclusions and Recommendation was provided in writing dated November 27, 2000, recommending approval subject to three conditions:

- 1) The entire 12.26 and 11.75 acre parcels, identified as Assessor Parcels R32809-083-2090 & R32809-086-2410, should be reclassified from Designated Forest to Open Timber.
- 2) All future forest practices activity on the subject property shall be consistent with the submitted Forest Management Plan and all Resource Management Recommendations contained in the report shall be followed as a condition of this approval.
- 3) 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.

Gordon Erickson was satisfied with the recommendation as Mr. Tate explained. No other comments were made.

By unanimous motion, the Board approved OPS 791/00 by Erickson Ranch LTD Partnership, for a change from Designated Forest to Timber Land, parcels R32809-083-2090 & R32809-086-2410.

OPS 792/00 – Michael Williams, Parcels R13208-298-1980 and R13208-347-1980 - Timber Land.

Mr. Tate presented OPS 792/00 by Michael Williams, 29.55 acres on Parcel R13208-298-1980 and R13208-347-1980 requesting Timber Land classification for property located on North Whidbey at 2155 Zylstra Road.

The Staff Report, Proposal, Findings, Analysis, Conclusions and Recommendation was provided in writing under the date of November 27, 2000, and recommended approval of **28.55 acres**, subject to four conditions:

- 1) One acre of the 9.85 parcel, referred to as Assessor Parcel's R13208-347-1980 should not be approved for classification as Open Timber current use because there is a single-family residence on the parcel.
- 2) The entire 19.70 acre should be approved for classification as Open Timber current use.
- 3) All future forest practices activity on the subject property shall be consistent with the submitted Forest Management Plan and all Resource Management Recommendations contained in the report shall be followed as a condition of this approval.

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

No comments were made by members of the public, either for or against the application. Applicant was not present, although notified of the hearing.

By unanimous motion, the Board approved OPS 792/00 by Michael Williams, as recommended by staff, on Parcels R13208-298-1980 and R13208-347-1980 placing 28/55 acres into Timber Land classification.

OPS 793/00 – Frie Timber Co., 24.06 acres on Parcel S8085-00-00015-0 located in Section 19, Township 30N, Range 3 E. to be approved for Timber Land.

Fred Frie, Sr., was present in support of Application OPS 793/00.

Mr. Tate presented Application OPS 793/00 by Frie Timber Co., to place 24.06 acres on Parcel S8085-00-00015-0, zoned Rural, located on South Whidbey in the Plat of Saratoga, in Section 19, Township 30N, Range 3 E. into Timber Land classification. The Staff Report, Proposal, Findings, Analysis, Conclusions and Recommendation was provided in writing under the date of November 27, 2000, recommending approval, subject to the following conditions:

- 1) The entire 24.06 acres should be approved for classification as Open timber current use.
- 2) All future forest practices activity on the subject property shall be consistent with the submitted Forest Management Plan and all Resource Management Recommendations contained in the report shall be followed as a condition of this approval.
- 3) All future forest practices activity on the subject property shall be consistent with the Washington Forest Practices Regulations, RCW 76.09 and WAC 222, and all other applicable County, State and Federal Regulations.

No members of the public spoke either in favor of or against approving OPS 793/00 as presented.

By unanimous motion, the Board approved Application OPS 793/00 by Frie Timber Co., to place 24.06 acres on Parcel S8085-00-00015-0 located on South Whidbey in the Plat of Saratoga, in Section 19, Township 30N, Range 3E to be placed into Timber Land classification.

MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

Auditor's Report

Suzanne Sinclair, Island County Auditor, provided the Auditor's Financial Report for the period ending November 2000 in writing dated 12/15/00 (copy on file). Follow-up on a question last month related to Juvenile Court Grants discovered reimbursement sought but not shown on this report because the check had not yet been deposited. This issue has been discussed and should not occur again. Otherwise, no major cautions show up in the November report.

Treasurer's Report

Maxine Sauter, Treasurer, also provided a written report under memorandum dated 12/11/00 (copy on file), and reported revenues with budget comparisons were ahead by \$201,426 and over the prior year by \$1,696,354. Property taxes collected she thought was at the highest it ever probably has been – 98% collected as of the end of November. Interest income is doing well, and the rates have remained fairly steady.

HEARING HELD: TO CONSIDER WHETHER THE PLANT SPECIES NOMINATED BY WEAN SHOULD BE DESIGNATED AS SPECIES OF LOCAL IMPORTANCE PURSUANT TO ICC 17.02.110.C.

A Public Hearing was held at 1:30 p.m., having been continued from December 11 for Board deliberation only (written comment deadline was 12/14/00) to consider whether the plant species nominated by WEAN should be designated as species of local importance pursuant to ICC 17.02.110.C. based upon submission of written testimony and documented scientific information relating to the nominated species. Public testimony was completed at the hearing held last week, and the hearing today was for the purpose of the Board's deliberation on which of the WEAN nominations should be further reviewed for management strategies.

Attendance:

Staff	Phil Bakke; Jeff Tate; Michael
Consultants	Keith Dearborn; Lizzie Zemke
Public:	Steve Erickson; Carol Holman; Michael Gerrity (Attendance Sheet GMA

Doc. 6133)

Correspondence Entered for the Record

Letter dated 12/14/00 from Michael P. Gerrity, Oak Harbor, with affidavit regarding single sited Lupines in his field the result of his commercial activities and supplemental comments and ideas GMA doc. #6071

Steve Erickson letter dated 12/14/00 regarding additional comments on locally rare plants, comments in response to issues that arose at 12/11/00 hearing GMA doc. # 6070

List of Correspondence received after the Public Hearing 12/11/00 through 12/14/00 at 4:30 p.m.: GMA doc. #6138, including:

- 12/14/00 Nadine Wilcox e-mail opposed to further protection of plant species
- 12/14/00 Greg Wilcox e-mail objecting to further regulation regarding increased protection for certain plant species on Whidbey Island
- 12/11/00 letter from Jean and Jack Wilcox – recommend none of proposed species warrant additional regulatory protection
- 12/12/00 e-mail Robert Kenny and Julia Glover, Clinton, support WEANS position
- 12/12/00 letter from Elaine P. Steinhoff, Freeland re habitat protection for certain plants
- 12/12/00 letter from Wm. H. Arbuckle, Coupeville, re WEAN presentation 12/11/00
- 12/13/00 phone message from Lyman Legters, Camano, support saving all native plants on Whidbey and Camano
- 12/13/00 letter form Mary K. Butler and Charles Bower, not fully understand why having these plants on Whidbey Island is critical
- 12/13/00 e-mail from Marlene Renwyck, Republic, Wa., followed by mail copy – urge provide protection to the plant species of concern presented by FHER
- 12/14/00 Steve Erickson FAX of an e-mail 11/29/98 from John Maron, Botany Department, UW, Seattle; and Andrea Pickart
- 12/14/00 letter from John Edison, Camano, re plant species of local importance
- 12/14/00 Telephone Message from Gordon H. Koetje, and Bud Wallgren, opposed to any determination without knowing what the impact will mean

Mr. Dearborn briefly reviewed the Growth Board Order, using an overhead from the Growth Board’s last order on the issue of WEAN’s nominations – [included in the Notebook entered in the Record on 12/11/00] asking that the County complete an analysis on the record including best available science and other local factors and make a decision on thenominations substantively by January 31. Having gone back through the legislative history for nomination criteria, he quickly summarized changes that were made, issues raised and the Commissioners’ discussion:

Since 1984 Island County critical area regulations contained identification of certain species and habitats protected its regulations.

When the Comp Plan was adopted in 1998 species of local importance were identified as one of the subject areas for which the County would develop criteria and consider further in the land use regulations.

As required by the Comp Plan, a designation and nomination process was established. In 1999 as a part of the remand the County began steps to modify the ordinance and establish the designation criteria, beginning with the designation criteria that Skagit County used. Adolfson Associates, Inc. (Andy Castelle) was told by DCTED and Fish & Wildlife that the Skagit approach was state of the art. Therefore, Island County in the first ordinance proposals.

On November 22, 1999 the proposal was substantially changed before adoption [see two-page excerpt from the Critical Areas regulation in the Notebook]. With regard to final action taken on November 22 of 1999, all parties agreed to the criteria including WEAN. The County requested a compliance determination before the Growth Board After adopting these criteria in November of 1999, the County sent the WEAN nominations back to WEAN, identifying areas where more information was needed in order to complete the processing, offered to waive the annual review fee and provided extra time for WEAN to do that. WEAN chose to continue with the Growth Board appeal, and the Growth Board ordered the County to make a decision.

Because WEAN’s nomination contained insufficient information, the County retained Adolfson and Associates to help develop additional information in order to act on the proposal. In order to review a species under this section the species has to be native. Adolfson made a verification of species and information with regard to whether or not a species is native.

To determine whether or not a species is native, there are three tests:

1. Whether the local population is in danger of extirpation based upon existing trends since January 1, 1985. This date was chosen because that was the day the first zoning code went into effect protecting species; no one disagreed with that as the date. There is some question of interpretation, but there has to be some evidence of a fairly long time period of extirpation.
2. The species is sensitive to habitat manipulation. If the species is not capable of persisting because of habitat changes it would seem to qualify under this criterion. Adolphson suggests further refinement of the criteria to follow best available science.
3. The species or habitat has commercial gain or other special value such as locally rare species. CTED produced procedural criteria in 1993 which provide for habitats of local importance. Nothing in the WAC provides guidance on how to make a determination regarding species. Last week Adolphson provided guidance on how to define rare.

Local importance is not defined in County code. Mr. Dearborn thought when working on this in 1998 and 1999 local importance was a judgment call the Commissioners had to make and thinking then that it was species and habitat unique to Island County. That is not the case with WEAN's nominations; all of the species WEAN had nominated are found all up and down Western Washington, some more prolific in Eastern Washington than Western Washington; many found on the San Juan islands, Vancouver Island, British Columbia, all the way down into Northern California.

Lizze Zemke, Adolphson & Associates, acknowledged some argument among botanists and ecologists about determining native for some plants, but generally native means the plant is native if it developed in the area naturally. If it was introduced by humans it is not considered native. For many plants it is possible to find information in pollen records or historical information.

Amendment made November 1999 - reasonable time frame determined to be January 1, 1985.

as the date to have documented evidence that since 1985 danger of extirpation. Commissioner Thorn agreed that would be the reference point, noting the only way you can establish a trend is to have a base line reference point. That date was set and seemed agreeable to everybody as far as being a long enough period. He made some personal observations about plants in his yard - noting species come and go in cycles. Clearly trends could be observed; the question is the interpretation of it. A basic question is what the extent of that population was on January 1, 1985 or as close thereto as possible.

Commissioner McDowell agreed there had to be established some point in time to determine a significant decline and he agreed with the 1985 date. The 1985 is not an arbitrary date; it is an important one in Island County history.

Ms. Zemke thought that trends could be observed in that period of time. There are quite a few species on the list that probably had their notable decline before 1985, but a natural biological cycle could be within that period of time. And she thought one would be able to see an increase and a decrease in a particular species in that period. From a biological perspective though January 1, 1985 seemed an arbitrary date. If talking about things like hybridization with things that are invading from California it is a fairly reasonable time frame; but if talking about a decline of a plant because of habitat loss, it is not very useful.

But as Mr. Dearborn pointed out, if concerned about habitat loss occurring under the County's regulatory system, that could be prevented. This is not talking about habitat loss that occurred in the 1880's when farming was introduced in Central Whidbey.

Ms. Zemke noted there was no baseline information for most of these plants and therefore not easy to understand was that most of the plants are prairie species and she did not think there could be documented a lot of prairie removal or loss since 1985 because there has not been a giant loss of prairie since 1985. Ideally, there would be census information for these plants that someone began after January 1, 1985. Absent that, she would look through every record from every botanist she could find, the Herbarium, and publications regarding the locations and the extent of those plants. Multiple years is desirable but from a sheer population decline if trying to determine if that is occurring or not, with baseline information or as much information as could be found then she would want to go back and visit those exact same sites for comparison. The methodology as far as census and how to show loss is generally done by looking at the locations concerned about or where the plant is known to occur: lay down quadrant frames often a square frame that is divided into grid work, and within that frame count how many species, how many of the individuals you find and record adults, record seedlings, all the information about the populations. With that information she would be able to fairly reliably determine whether a plant species is on the decline in the locations looked at.

Commissioner Thorn suggested the need for at least five samples over that time period to establish the nature of the cycle and

the real trend; also what characterizes danger of extirpation. In terms of land use planning the January 1985 date is not arbitrary; there was little or no land use planning of any meaningful nature before 1984, and the date seems reasonable given it is within many if not most biological cycles.

Commissioner McDowell agreed – a good date even in relation to plants because prior to that 1985 there were huge numbers of subdivisions before the 1984 Plan went into effect.

Mr. Dearborn also agreed the date was not arbitrary from that standpoint; it is the date for which there is data on land division that can be tracked in small geographic areas in order to answer the question on what actions of the County, if any, are effecting this trend.

Commissioner Thorn brought up the idea of advisedly considering establishment of some sort of a garden or herbarium, especially for some of the plants thought to be more threatened, i.e. perhaps in concert with DNR or Au Sable. He asked about what constitutes a critical mass in a particular area; is it species dependent or generic in order to say there has to be a certain number of plants or density of a certain type of plant before reasonably expecting its persistence.

The answer from Mr. Dearborn was that it would depend on the species - different from species to species; there is no general rule. In summary: looking for a trend since 1985, but even where there is no data, not wait until the plant is extirpated in order to designate it but want enough reliable information. Once the Board has determined the species of local importance in Island County, the Public Works Director has said for any protected plant in the road right of way he would describe the expansion of the Department's existing mowing program and what it would take to ensure not mowing it during the season the plant is seeding. It was Adolfson's suggestion to look at the extent to which the species has a specific habitat requirement and be concerned about those plants, i.e. retain for protection those plants that have a unique habitat in order to persist, and Adolfson feels the habitat specificity is the best way to do that and is defensible from a science standpoint.

Commissioner Thorn agreed it would make more sense to talk about the habitat specificity as opposed to manipulation. Cultivation is a good example of positive manipulation. The extent to which the plant is susceptible to readily being transplanted is an important characteristic of the species.

Commissioner McDowell tended to agree with Commissioner Thorn on the habitat specificity, and susceptibility to readily being transplanted. If a plant is plentiful somewhere else in the United States but only found on Whidbey, it would meet his criteria; if plentiful west of the Cascades, it would not meet his criteria.

There is no strict definition as to what locally rare or local significance, but Mr. Dearborn gathered consensus was that it is something more than a small geographic area in Island County. Most of the species under consideration, with the exception of one, are not reported as ever having occurred on Camano Island.

Commissioner Thorn believed it was an island issue – there could be something rare on Whidbey that is not on Camano and vice versa. If a plant is rare to the Island and can be quantified in terms of acreage, square feet or numbers of population, there is a difference between what is found widely elsewhere outside of Island County. Then it is a difference between whether the plant is located on public or private land. If it is on private land he was not willing to take draconian measures, but agreed there be education and enlist cooperation. On public land he thought there should be action taken.

Mr. Dearborn suggested a reasonable approach could be that the County designate the plant for public and private lands but have different management strategies. Last week Adolfson suggested that if it is a disjunct population - found in Eastern Washington but this is the only place it is found in Western Washington, it would rise to the rarity category. Small is not a defined term but would be something that can be judged by species. Habitat specificity is a scientific determination.

Aside from those unique kind of characteristics Commissioner Thorn thought more information was needed on the extent of some of the nominations, if not for almost all, to gain a sense of what is rare. From what has been submitted, he does not have that feeling; when there are 10,000 in a particular population, that seems a lot. It is the sum of sites as well as the individual sites and densities that is basic in trying to determine what is rare. Both the range and the population size are quantifiable terms. He brought up the frequency of that habitat on Camano and Whidbey, i.e. all around his yard are micro-climated; a plant will thrive in one place and not another in his yard yet it is the same plant. He thought this same situation would extend across both Islands.

Commissioner Shelton recalled last week having gone through the different plant species and discussing the frequency of those plants in other areas, and he would like to limit the geographical area to Western Washington or Eastern Washington at least to the State of Washington: are they species generally recognized throughout the State of Washington as being in danger of extirpation, or in danger of extirpation in Western Washington? Has what happened in Island County prior to

1985 made these species less populous in Island County?

Mr. Dearborn responded that no other county had designated species of local importance. No other county has gone to the extent Island County has to protect either habitat or species at the local level.

Mr. Dearborn reminded the Commissioners how the designation criteria had been changed. The first draft contained the words "economically practical"; both WEAN and the Coalition urged that term be deleted. In effect the Board made the term "practical" a broader term, which would include economics. Economics would just be one measure of practicality. Language was included with regard to a specific plan for restoration must be provided prior to nomination; clearly that means the owner has to be involved if restoration is being required. The net effect was that the County could impose regulatory actions on private property if appropriate to protect a species. If the property owner was expected to restore the property, the person making the nomination would have to have a specific plan to show how that would happen. There must be a demonstration that existing Federal, State and local regulations are not sufficient to protect the species and that something more is needed. While there is a lot of discretion, the general expectation was that if an objective review were followed, the request would not be rejected.

WEAN has been asked for management strategies numerous times and Mr. Dearborn thought WEAN had given their best response, and stated that grading, mowing, trampling, and development are the threats. When the list has been decided, staff will develop management strategies that can be implemented, which will be reviewed with Aldofson to determine which they believe are effective and those then will be presented to the Board.

As far as a protected County species being located in a state park within Island County, the County can ask State Parks to develop a management strategy. There are plant species on the list found at Goose Rock and Cranberry Lake, both Deception Pass Park areas. What has been the intent if it is determined that species are found in Deception Pass State Park or Fort Ebey State Park, is that between now and the end of January staff will meet with the agency, as is the case with the representative from Ebey's Reserve, Seattle Pacific University and Au Sable and ask their advice on management strategies for those species of local importance. The public versus private impact of whatever action is taken will be determinations for next month. Grasser's Hill is an area where a number of WEAN species have been identified. One of the first things that would be done if there are species that end up on the list is to look at the subdivision for Grasser's Hill, the scenic regulation for Grasser's Hill, look where homes have been built, how many lots are left to develop, whether the plants are likely to be within those lots, and then determine if there is any action the County can take to deal with that.

Commissioner Shelton recalled when Rob Harbour gave a report on the Historical Reserve and talked about the property the Nature Conservancy purchased, it was very much the desire to keep that in active farm land and not let it go back to something that would be natural. The Nature Conservancy may have a different view on that but the Historic Reserve's concept is that this is a working Reserve and is part of what draws people here.

Mr. Dearborn mentioned that as a part of other local factors the County could balance the need to preserve the limited commercial AG base with protection of species of local importance. Under the GMA protection of commercial AG lands goes higher than species of local importance.

The Chairman recalled from last week's hearing that Steve Erickson made it clear his map was intentionally not accurate for purposes of safety of the plants; however, somewhere along the line that will have to be considered. Related to that Commissioner Thorn observed from the maps there were 12 out of 34 plants located outside of public lands and he thought it important to know the exact site.

Mr. Dearborn agreed that Mr. Erickson told staff numerous times the locations on the maps were generalized locations but he understood were verifiable locations; that the plants were actually in that area [maybe not the specific dot shown on the map, but within that area]. If there is no locational information about a species the County cannot make the criteria determinations for nomination.

Mr. Dearborn referenced the new submittal received on Thursday from WEAN that included two or three new species that had not previously been nominated that the County had not considered. The Board confirmed anything newly proposed has to go through the established process [GMA #6070].

Placed on the overhead was a three-page chart used during the hearing in applying the three tests for species nomination criteria to each of WEAN's nominations in order to come up with the agreed-upon species to be protected in Island County. Listed on the table were all of the plants from the list and marks in the first three columns were indicated to show known information. Those species with no locational information tend to correspond WEAN "watch species". WEAN's

nothing since 1980 on Ebey's Bluff. It is fairly wide spread. It would not seem to stand up under criteria #2 in that it says: coastal bluffs, prairies to lower lower mountains and mountain meadows. It has a fairly big elevational range and is not very habitat specific.

It is found in Western Washington and the coast of California. The Hitchcock reference is dated 1973, but is the only written recognized authority other than herbarium records that provide a comprehensive review of. For Menzies' larkspur general consensus was that there was not enough information in order to make a decision for the short run.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
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Narrow leaved desert parsley

A prairie species, and takes a dry open habitat (page 8 of WEAN's new submittal). This is a species for which there is only one location and a sighting in 1981. There is no herbarium specimen but is probably a verifiable sighting. It is a species in Eastern Washington pretty easy to find. Interpreting prairie and open to be somewhat synonymous; the issue with prairie species is that they do not react well to invading trees and shrubs. Hitchcock says dry to fairly moist soil, lowland to mid-montane so would not meet the habitat specificity criteria. Prairies on Whidbey are more moist than the ones in the South Sound. It has one specific habitat requirement which is open conditions; it is not as specific with regard to moisture -- it can be dry to fairly moist. One sighting in 1981 at Goose Rock; no other information. Plant lists from Deception Pass State Park do not list it. Although these plants were listed by Native Plant Society or State Park personnel, Ms. Zemke pointed out the need to be going on a plant walk at the right time of year to find these things flowering, if not a person could step right over it.

Hitchcock describes it as southern Alberta and British Columbia to Colorado. Ms. Zemke personally knows it only from Eastern Washington. She would not call it disjunct. Steve Erickson was familiar with it from South Sound prairies.

Commissioner Thorn noted that if this has not been seen since 1981 that pre-dates the window of time being looked at for trends. If someone wants to come forward at a future date with some substantiating information that would be fine.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
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Sickle-keeled lupine [Page 8 of WEAN's most recent submittal]

Found in only one location; apparently seen repeatedly at that one location. The Monkey Hill Road location now has more information about the hybridization issue. The general location information states the lowland Puget Trough south, western Cascades to California; therefore, not unique to Whidbey Island.

Page eight under *Lupinus albicaulis* says variation and density in abundance between years from a few to 10,000 plus individuals; Steve Erickson confirmed that was what he meant to list – that that was the seed population abundance before Spring.

Commissioner Shelton questioned about this species because he observes something that looks a lot like this up and down the highway.

Ms. Zemke did not think there was any other documentation as far as plant identification of this individual plant except from WEAN. It could be true that it is *albicaulis* in the horse pasture on Monkey Hill Road, but what is seen along the side of the road is not the same thing and she did not think it had anything to do with hybridization, though there could be two different species in Island County or more, but she was not familiar with the blue one that blooms alongside the road here.

Mr. Erickson verified this to be the only place he found it on Whidbey Island; first saw it there in 1987 he believed.

The record contains a letter submitted from Michael P. Gerrity, 4038 Monkey Hill Road, under the subject of s designation of selected plant species and sites for regulatory protection as species and sites of local importance in Island County, as testimony that indicates it is not native, but introduced by the particular individual who lives, from seed packets when he was starting a wildflower industry [GMA #6071].

Sarah Gage sent information about different lupines and according to her the *lupinus albicaulis* is native to Washington and *lupinus arboreus* is native to California. There is a little bit of *rivularis* that has gone down to California and there are reports of *arboreus* coming up here. Ms. Zemke commented that in light of the fact that it is only known from one location on the island did seem suspicious. And as noted by Commissioner Thorn this individual is cultivating it, therefore would not be in danger of extirpation.

is some preference to site.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
 0 x 0

Showy Fleabane

Trends since 1990 according to WEAN reports a large proportion of plants at Highway 20 and Zylstra Road destroyed by highway widening in 1999. It is one of the plants that occurs on the Au Sable property and Au Sable is committed to restore the habitat for it. Mr. Erickson indicated there are only four occurrences. The definition by Hitchcock says widespread species of open woods and clearings in foothills and at middle elevation in the mountains. WEAN's input indicates there is still an acre or more remaining around Zylstra Road area plus three other sites.

This is also one that Commissioner Thorn bought at a nursery and planted last year in his yard; he discovered it was extremely sensitive to coastal environment, with a little salt water it died. And as noted by Mr. Dearborn, it would seem difficult to explain to the public that a plant is being protected when it can be bought at a nursery; readily available to purchase.

Steve Erickson clarified about retention efforts made by WEAN; it has been seeded – but he termed it highly experimental. A deal was worked out with the State Highway Department to replace the top soil in one area; unfortunately in that area they also hydro-seeded exotic grasses, and over the remainder of the area compressed the road bank to the consistency of cement which creates rather harsh growing conditions to work with in terms of restoration.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
 0 0 0

Idaho fescue. [WEAN submittal, page 12, Roemer's fescue].

Multiple locations listed for it, many that have only been identified by Steve Erickson, but a number identified by others. These identifications range from historic at the Deception Pass in 1936, to more recent as well in this decade at various locations. This is also one of the Au Sable plants that they have committed to protect. Other than for the work around Zylstra Road indicating some destruction there's again no trend data. There is no census data except that there are at least six known sites. In Western Washington this is a prairie plant and site specific.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
 I x 0

Blue flag iris.

Blue flag iris is one of those plants considered disjunct. It is a prairie species. In Eastern Washington it is sagebrush overgrazed places, but is really only known in Western Washington from Whidbey, and Ms. Zemke thought it would make the grade for number being locally rare. In Western Washington it is fairly habitat specific. It is reported on Whidbey Island at Deception Pass and Grasser's Hill; approximately 60% of it has been eliminated by residential development and associated mowing on Grasser's Hill. In WEAN's most recent submittal reports a population of it destroyed in Oak Harbor. There is trend data even though just from one source that indicates it is disappearing.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
 x x x

Death camas

This is not habitat specific based upon Hitchcock's description: various bluffs, grassy hillsides, both sides of the Cascades. WEAN is the only reporter but there is a little bit of trend data. Steve Erickson, when asked whether or not all the plants in the Fort Ebey State Park were destroyed by construction answered that some were not; plants were destroyed there; the hillside undergoes pretty severe trampling. It is not extirpated from there yet, but has certainly diminished. On Grasser's Hill he had not actually seen it since that area was converted to about 5 to 10 acres of regularly mowed lawn where the *Zygadenus* was on the hillside.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
 I 0 0

Golden aster [WEAN's latest submittal page 15 under sensitive]

It is not really wide spread in Western Washington according to Hitchcock. This is one where there is a 1897 (Gardner) report and then reported by Erickson 1987 to 2000. There is no information; the geographic area is about 40 acres - Ebey's. This is the plant Ms. Zemke did not know much about; she had never seen it. Sarah Gage saw it on a bluff on Whidbey. It is widespread in Eastern Washington, chiefly east of the Cascades. The habitat sounds like possibly bluffs.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
 I I x

Prickly Pear cactus

A relatively rare plant; not a disjunct population. There is no trend information, but mainly is found on beaches, and on Whidbey Island located on Ebey's bluff. It occurs sporadically in Western Washington, but pretty easy to find in Eastern Washington. It does occur on the San Juans; and Ms. Zemke has seen it at Golden Gardens Park in Seattle at the beach, and has been found in Sequim also. There is an indication there is 40 acres of it on Whidbey.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
 I x x

Tomcat clover [WEAN's submittal page 16]

The plant grows from the west side of the Cascades from southern BC to California. Steve Erickson stated that it is variable in part because it is an annual and varies from year to year. Hitchcock describes the habitat grassy hillsides and meadows, west of the Cascades.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
 I 0 I

Garry Oak [middle of Page 16]

The interlocal agreement between the County and the City of Oak Harbor, when executed, the County would agree to provide the same protection level the city does in the unincorporated UGA. This is a plant that can be bought at the nursery; genetically it may not be the same but it is an oak. This one is found mostly in Oak Harbor and is surrounded by asphalt, lawns, and houses.

The seeds are not being transported to places where it is growing; what is being seen are mature oak and not very many small oak growing. It is an unusual species but not thought of as a rare species. Oak Harbor is a different climate than the rest of the island; the northern part of the island is dryer than the south end. It is found in Tacoma on exposed hillsides facing Commencement Bay. The description says it is found all over: prairies and foothills, Vancouver Island to California, mostly in Western Cascades. Oak is a funny plant because it doesn't occur naturally from Tacoma north until getting towards Whidbey Island and then starts occurring again north of Vancouver Island. There is no trend information.; there is a note that it is not expanding and it is not necessarily receding.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
 I 0 0

Beach pea

This beach pea is found only in natural sites [does not mean sites that have been designated natural under the Shoreline Master Program]; these are sites mostly with dune. It has been reported as seen south of Maxwellton and in Deception Pass at West Beach in the coastal area there. Chris Chappell would say if it is being found here it is a relatively rare occurrence because there are very few dunes. This probably meets the rarity test and it is also quite site specific in terms of its characteristics. The threat information in terms of trend is a trampling problem in Deception Pass.

Board Determination – Species Nomination Criteria

(1) danger of extirpation (2) habitat specificity (3) locally rare
 I x x

[Three page chart used by the Board of County Commissioners 12/18/00 in applying the three tests for species nomination criteria to each of WEAN's nominations to come up with the agreed-upon species to be protected in Island County, entered as GMA doc. #6134.]

As Keith Dearborn commented the next step will be to develop management strategies for the Blue flag iris. Staff will meet with both National Park people and State Park people, and go over all the plants including those for which there is reported

information as being located For the two plants where more trend information is needed, the Prickly Pear and Beach Pea in both cases these were reported as having occurred on either the Reserve or Deception Pass, and those will have further review with the National Park Service or State Park people to see if they have more information, and discuss with them the need for a management plan for those plants or at least some independent verification that the plants are there and independent verification as to whether they're threatened with extirpation. The only plant in terms of management strategies will be for the Blue flag iris.

County Offices closed December 25 and January 1st. Because of the holidays, the next regular meeting of the Board would not be until January 8, 2001; therefore, a Special Session of the Board will be held on January 2, 2001 beginning at 9:30 a.m.

There being no further business to come before the Board at this time, meeting adjourned at 5:00 p.m.

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

Wm. L. McDowell, Chairman _____

William F. Thorn, Member _____

Mike Shelton, Member _____

ATTEST:

Margaret Rosenkranz, Clerk of the Board