

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
Regular Session - December 11, 2000**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on December 11, 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

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.) #**
88385 - 88704\$ 419,376.42.

Veterans Assistance Fund: [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. As recommended by the Veterans Assistance Review Committee, the Board by unanimous motion denied in total Claim #V2K-19.

APPOINTMENTS AND REAPPOINTMENTS TO VARIOUS COMMITTEES, COMMISSIONS AND BOARDS

The Board by unanimous motion, made the following appointments and reappointments:

Island County Planning Commission

George Crampton – reappoint to a four year term to 1/2/05, Commissioner District #2

Board of Trustees, Camano Mosquito Abatement District

Candace Lowder, refilling position vacated by Deborah Love, term to January 1, 2002

Valerie Marsh, reappoint for another two year term to expire January 1, 2004

Grant Lawrence, reappoint for another two year term to expire January 1, 2004

William “Bill” Enger, reappoint to another two year term to expire January 1, 2004

Island County Water Resource Advisory Committee (WRAC)

William Attwater, Coupeville – filling vacancy Commissioner District #1

EMPLOYEE SERVICE AWARDS

<u>Department</u>	<u>Employee</u>	<u>No. Years</u>
Health	Lea Kouba	5
Health	Barbara Ream	10
Public Works	Melinda Buchholz	5
Sheriff	Phillip Farr	10
Sheriff	John Sawyers	5
Sheriff	Cecil Wallace, Jr.	5

EMPLOYEE OF THE MONTH – NOVEMBER, 2000

Congratulations to **Kelly Whitney** from Community Development on her selection as the **Employee of the Month for November**. Kelly has worked for the County since September 1986 and is now the Building Permit Processing Manager. Kelly is regularly mentioned and complimented by citizens of the County who have benefited from her help and who appreciated her prompt and courteous assistance.

HIRING REQUESTS & PERSONNEL ACTIONS

By unanimous motion, the Board approved PAA #124/00, Public Works Department, Working Foreman, I BV, Position #2235.01, Replacement, effective 1/1/01.

HEARING HELD: ORDINANCE # C-119-00 RE-ESTABLISHING FEES FOR JUVENILE DIVERSION SERVICES

A Public Hearing was held as scheduled and advertised for the purpose of considering proposed Ordinance #C-119-00 Re-establishing Fees for Juvenile Diversion Services. Michael Merringer, Juvenile Services Director, was present in support of the Board's action to approve Ordinance #C-119-00.

No members of the public were present to speak either for or against said Ordinance.

By unanimous motion, the Board adopted Ordinance #C-119-00 re-establishing fees for Juvenile Diversion Services.

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

**ORDINANCE RE-ESTABLISHING)
FEES FOR JUVENILE) Ordinance No. C-119-00
DIVERSION SERVICES)**

WHEREAS, Island County is required by law to provide diversion services for juveniles accused of certain offenses; and

WHEREAS, the Island County Juvenile Court Services diversionary unit incurs expenses in administering the juvenile diversion program; and

WHEREAS, the Board of County Commissioners is authorized by Chapter 171, Session Laws of 1993, to establish fees to cover the costs of administration and operation of diversion services provided under RCW 13.40.085, which chapter also requires the parent or legal guardian of a juvenile who receives diversion services to pay for the services based on the parent's or guardian's ability to pay; and

WHEREAS, this Board adopted Ordinance No. C-161-99 on December 27, 1999 establishing fees for juvenile diversion services; and

WHEREAS, Initiative 722 was approved by the voters of this state on November 7, 2000 and that initiative repealed all non-voter approved new increased taxes and fees adopted between July 2, 1999 and December 31, 1999; and

WHEREAS, it is necessary to re-adopt an ordinance establishing juvenile diversion fees following the Initiative 722 automatic repeal of C-161-99; **NOW, THEREFORE**,

BE IT ORDAINED by the Board of Commissioners of Island County that the Juvenile Court shall re-establish fees to cover the costs of the administration and operation of diversion services provided under RCW 13.40.085, as set forth on the attached Exhibit "A", which is incorporated into the Island County Code.

Reviewed the 27th day of November, 2000, and set for public hearing on the 11th day of December 2000, at 9:55 a. m. in the Commissioner's Hearing Room.

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

ATTEST: Margaret Rosenkranz
Clerk of the Board

Ordinance C-119-00 is adopted this 11th day of December, 2000 following public hearing.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
Wm. L. McDowell, Chairman

Mike Shelton, Member
William F. Thorn, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.
Deputy Prosecuting Attorney and
Island County Code Reviser

EXHIBIT "A"

Chapter 3.44

SERVICE FEES FOR JUVENILE DIVERSION SERVICES

Sections:

- 3.44.010 Purpose.
- 3.44.020 Fee schedule.
- 3.44.030 Current Expense Fund.
- 3.44.040 Severability.

3.44.010 Purpose. The purpose of this chapter is to authorize the juvenile court to assess service fees to cover the costs of the administration and operation of juvenile diversion services authorized by Chapter 171, Laws of Washington 1993, and RCW 13.40. Such service fees shall be the responsibility of the party or parties requesting the service. No juvenile who is eligible for diversion, as provided in RCW 13.40, may be denied diversion services based on an inability to pay for the services.

3.44.020 Fee schedule. The juvenile court shall prepare and adopt a fee schedule charging no more than fifty dollars (\$50.00) per case to cover the costs of the administration and operation of juvenile diversion services provided under chapter 13.40 RCW. The parent or legal guardian of a juvenile who receives diversion services must pay for the services based on the parent's or guardian's ability to pay. The juvenile court is authorized to implement procedures, for cause, to waive all or part of the fees based on an applicant's showing of bona fide hardship. Collection of the service fee shall be the responsibility of the juvenile court.

3.44.030 Current Expense Fund. The juvenile court shall cause any such fee so collected to be placed into the current expense fund of the county no less than twelve times per year, based on the requirements of State law and the application of generally accepted principles of accounting.

3.44.040 Severability. If any court shall find any provision of this chapter or its application to any person or circumstance to be unconstitutional or otherwise invalid such findings shall not affect the validity of all remaining portions of this title or the application of this title to other person or circumstances.

**HEARING HELD: ORDINANCE #C-120-00 RE-ENACTING ADDITIONAL TWO PERCENT SPECIAL
EXCISE TAX ON LODGING FOR TOURISM PROMOTION**

A Public Hearing was held as scheduled and advertised, for the purpose of considering proposed Ordinance #C-120-00 Re-enacting Additional Two Percent Special Excise Tax on Lodging for Tourism Promotion. Enactment of the ordinance necessary as a result of I-722.

Although noticed and advertised, there as no members of the public were present to speak either for or against said Ordinance.

By unanimous motion, the Board adopted Ordinance #C-120-00 re-enacting additional two percent special excise tax on lodging for tourism promotion.

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

ORDINANCE RE-ENACTING ADDITIONAL)
 TWO PERCENT SPECIAL EXCISE TAX ON) **Ordinance No. C-120-00**
 LODGING FOR TOURISM PROMOTION)
 _____)

WHEREAS, by Ordinance C-154-99, December 20, 1999, this Board adopted an additional two percent special excise tax on lodging to fund a joint tourism promotion program with the Town of Coupeville, City of Langley and City of Oak Harbor; and

WHEREAS, section 1(1) of Initiative 722 passed by the voters of this state at the November 7, 2000 general election rendered non-voter approved new or increased taxes adopted between July 2, 1999 and December 31, 1999 "null and void and of no effect"; and

WHEREAS, it is in the best interest of the citizens of the County that the new tourism promotion program should be continued and that the additional lodging tax should be re-enacted, ratified, approved and confirmed in all respects; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that the additional two percent special excise tax levied on the sale or charge for lodging in Island County adopted by Ordinance C-154-99, as set forth on Exhibit "A" attached hereto, is re-enacted, ratified, approved and confirmed in all respects.

Reviewed this 27th day of November, 2000, and set for public hearing on the 11th day of December, 2000 at 9:55 a.m., in the Commissioners' Hearing Room.

**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

Ordinance C-120-00 is adopted this 11th 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 and
 Island County Code Reviser

EXHIBIT "A"
Chapter 3.06A
Additional Lodging Excise Tax for Tourism Promotion

3.06A.010 Tax Levy
 Pursuant to RCW 67.28.181, there is hereby levied a special excise tax of two

percent (2%) on the sale of or charge made for the furnishing of lodging that is subject to tax under Chapter 82.08 RCW. The tax imposed under Chapter 82.08 RCW applies to the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

3.06A.020 Definitions

The definitions of "selling price," "seller," "buyer," "consumer," and all other definitions as are now contained in RCW 82.08.010, and subsequent amendments thereto, are adopted as the definitions for the tax levied in this chapter.

3.06A.030 Relationship to Other Taxes.

The tax levied in this chapter shall be in addition to any license fee or any other tax imposed or levied under any law or any other ordinance of the county; provided that the rate of tax under ICC 3.06A.010 shall not exceed the lesser of two percent (2%) or a rate that, when combined with all other taxes imposed upon sales of lodging under chapter 67.28 RCW and chapters 36.100, 67.40, 82.08, and 82.14, equals twelve percent (12%).

3.06A.040 Special Fund Created

There is created a special fund with the Island County Treasurer entitled "Special Island County/Cities Joint Tourism Promotion Fund" and all taxes collected under this chapter shall be placed in this special fund to be used solely for the purpose of paying all or any part of the cost of tourist promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities or to pay for any other uses as authorized in Chapter 67.28 RCW, as now or hereafter amended.

3.06A.050 Credit for City Tax

There shall be a credit against this county excise tax for the full amount of any city tax imposed pursuant to the authorization of RCW 67.28.181 upon the same taxable event.

3.06A.060 Administration

For the purposes of the tax levied in this chapter:

- A.** The Department of Revenue is designated as the agent of the county for the purposes of collection and administration of the tax.
- B.** The administrative provisions contained in RCW 82.08.050 through 82.08.060 and in Chapter 82.32 RCW shall apply to administration and collection of the tax by the Department of Revenue.
- C.** All rules and regulations adopted by the Department of Revenue for the administration of Chapter 82.08 RCW are adopted by reference.
- D.** The Department of Revenue is authorized to prescribe and utilize such forms and reporting procedures as the Department may deem necessary and appropriate.

3.06A.070 Penalty for Violations

It is unlawful for any person, firm, or corporation to violate or fail to comply with any of the provisions of this chapter. Every person convicted of a violation of any provision of this chapter shall be punished by a fine in a sum not to exceed \$1,000.00 or by imprisonment for a term not to exceed ninety days or by both such fine and imprisonment. Each day of violation shall be considered a separate offense.

3.06A.080 Severability

If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

3.06A.090 Effective Date

This ordinance is effective December 31, 1999.

CLINTON COMMUTER PARKING LOT AGREEMENT

On submittal and recommendation of approval from Lee McFarland, Assistant Director, GAS, the Board by unanimous motion approved Clinton Commuter Parking Lot Agreement No. GCA 2427 between Island County and the State of Washington and Washington State Ferries, an agreement to allow the use of the County's Dan Porter Park for overflow ferry parking.

RESOLUTION #C-128-00 IN THE MATTER OF GRANTING A RESTRICTIVE COVENANT ON PARCEL #S7395-01-0000C-0

As recommended for approval by Mr. McFarland, the Board by unanimous motion Resolution #C-128-00 authorizing the granting of a restrictive covenant on Parcel #S7395-01-0000C-0, tract C, First Addition, Plat of Long Beach, as recorded Volume 5, page 2, Book of Plats, and with that action, then approved and signed the Restrictive Covenant, the grantee June Iverson-Orth.

The property had been dedicated for use by the public at the time of plat. It is a near vertical bluff and in order to allow adjacent property owners 100' radius to well this declaration of surplus property and granting of restrictive covenant was brought forward.

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

IN THE MATTER OF GRANTING)
A RESTRICTIVE COVENANT ON) RESOLUTION NO. C-128-00
PARCEL # S7395-01-0000C-0)

WHEREAS, Island County owns property, Lot C, Division 1, Plat of Long Beach, 1st Addition, due to it being dedicated for use by the public when originally platted; and

WHEREAS, an adjoining property owner desires to drill a well on their property; and

WHEREAS, the Island Health Department requires a 100 foot radius pollution free area around any well; and

WHEREAS, this 100 foot radius includes the County property, the adjoining property owner requests that the County grant a Restrictive Covenant on subject property; and

WHEREAS, subject property, labeled Hillside Park on the plat map, is a nearly vertical bluff and is unusable for park or other public purposes and is therefore surplus to County needs; and

WHEREAS, Chapter 2.31.030.(A)(5) allows the Board of Island County Commissioners to enter into private negotiations for sale of an easement, which is akin to a restrictive covenant, for at least the minimum price set by the Board; NOW THEREFORE,

BE IT HEREBY RESOLVED, that the County property as shown on Exhibit "A" attached hereto is surplus to County needs; and

BE IT FURTHER RESOLVED, that the requested Restrictive Covenant on property as shown on Exhibit "A" attached hereto be granted (sold) for the minimum price as set by the Board and shown on Exhibit "B" also attached hereto.

ADOPTED this 11th 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 00-711

[Exhibit A and Exhibit B on file with the Clerk of the Board]

**RESOLUTION #C-129-00 ESTABLISHING SALARIES FOR NON-BARGAINING UNIT EMPLOYEES
(EXCLUDING ELECTED OFFICIALS) FOR 2001**

By unanimous motion, the Board approved Resolution #C-129-00 Establishing Salaries for Non-Bargaining Unit Employees (Excluding Elected Officials) for 2001.

**IN THE MATTER OF ESTABLISHING)
SALARIES FOR NON-BARGAINING UNIT) RESOLUTION C-129-00
EMPLOYEES (EXCLUDING ELECTED)
OFFICIALS) FOR 2001)**

WHEREAS, the Board of Island County Commissioners finds that it is in the public interest to make provisions for the 2001 salaries for department heads and all non-bargaining unit employees (excluding Elected Officials) within the following Island County Funds, to wit:

Current Expense, Public Works, Road, Public Health Pooling, Insurance Reserve, Solid Waste and Law & Justice.

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

BE IT RESOLVED, that the above listed shall be granted a cost of living adjustment equal to 3.0% of base salaries effective January 1, 2001; and

BE IT FURTHER RESOLVED, that department heads and all other non-bargaining unit employees (excluding Elected Officials) may be granted additional compensation adjustments during calendar year 2001, if approved by the Board of County Commissioners.

ADOPTED this 11th 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 00-712

**RESOLUTION #C-130-00 AMENDING PERSONNEL POLICIES AND PROCEDURES MANUAL SECTION
2.01.073(H) PROVIDING LUMP SUM TRAVEL ALLOWANCE IN
LIEU OF ACTUAL EXPENSES TO COUNTY COMMISSIONERS**

By unanimous motion, the Board adopted Resolution #C-130-00 amending the Personnel Policies & Procedures Manual, Section 2.01.073(H) to provide for lump sum travel allowance in lieu of actual expenses to County Commissioners from \$443.00 per month to \$600 per month effective 1/1/01.

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

**IN THE MATTER OF AMENDING PERSONNEL)
POLICIES AND PROCEDURES MANUAL)**

SECTION 2.01.073(H) PROVIDING LUMP SUM) Resolution NO. C-130-00
TRAVEL ALLOWANCE IN LIEU OF ACTUAL)
EXPENSES TO COUNTY COMMISSIONERS)

WHEREAS, RCW 42.24.090 provides, in pertinent part, that counties may prescribe by resolution the amounts to be paid officers or employees thereof, as reimbursement to such officers or employees, in lieu of actual expenses incurred for travel expenses; and

WHEREAS, Island County Personnel Policies and Procedures Manual section 2.01.073(H), adopted by Resolution C-44-94, carried forward the amount of reimbursement for travel allowance in lieu of actual expenses paid to County Commissioners for their use of their privately owned vehicles for County business at the rate of \$443.00 per month as first established by Resolution C-19-87F in 1987; and

WHEREAS, the Board of County Commissioners has determined that the existing rate of reimbursement is inadequate to cover the actual costs for private vehicle travel considering inflation of expenses since the existing amount was established in 1987 and that an appropriate rate of reimbursement should be \$600.00 per month; and

WHEREAS, reimbursement of County Commissioners for use of their private vehicles for County business in the amount of \$600.00 per month would be less costly to the County than providing County Commissioners with county owned automobiles for official travel; **NOW, THEREFORE**,

BE IT HEREBY RESOLVED that, effective January 1, 2001, Island County Personnel Policies and Procedures Manual section 2.01.073(H), adopted as part of Resolution C-44-94, June 6, 1994, be amended to read as follows:

H. Travel Allowance - Any member of the Board of County Commissioners of Island County, Washington, may elect to receive in lieu of actual expenses incurred for use of his/her private vehicle for County business conducted within the County, and in lieu of the use of a County car, a lump sum payment in the amount of ~~four hundred forty three dollars (\$443.00)~~ six hundred dollars (\$600.00) monthly. Additionally, reimbursement for County business conducted outside the County may be applied for in the prescribed manner, provided such claim shall be duly certified by the County Commissioner submitting such claim on forms and in the manner prescribed by the Division of Municipal Corporations in the office of the State Auditor, in accordance with Section 2.01.075.

Material lined through is being deleted and material underlined is being added.

ADOPTED this 11th day of December, 2000.

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

ATTEST:
Margaret Rosenkranz
Clerk of the Board

HEALTH CONTRACTS APPROVED

The Board, by unanimous motion, approved the following Health Department contracts:

- Consolidated Contract Amendment, Department of Health, C08611(5), \$7,897
- Contract, HD-14-00, Whidbey General Hospital, Medicaid Outreach, \$7,834

AWARD OF PROJECTS AND ACTIVITIES FUNDED BY ISLAND COUNTY PUBLIC FACILITIES FUND
2% HOTEL-MOTEL LODGING TAX – TOURISM PROMOTION 2001 PROGRAM YEAR

Based upon the recommendation of the Hotel/Motel 2% Committee, the Board by unanimous motion, awarded Projects and Activities Funded by Island County Public Facilities Fund 2% Hotel-Motel Lodging Tax – Tourism Promotion 2001 Program Year, in the total amount of \$58,000.

**ISLAND COUNTY PUBLIC FACILITIES FUND
2% HOTEL-MOTEL LODGING TAX – TOURISM PROMOTION
2001 PROGRAM YEAR**

PROJECTS & ACTIVITIES FUNDED BY 2% TAX REVENUES

<u>ORGANIZATION</u>	<u>AMOUNT</u>
CAMANO ISLAND CHAMBER OF COMMERCE	\$ 5,600
Visitor Information Center – staffing	
CASCADE LOOP ASSOCIATION	600
“The Cascade Loop Travel Guide” – Marketing Program	
CENTRAL WHIDBEY CHAMBER OF COMMERCE	5,000
Tourism Promotion, Production and Distribution of Printed Materials	
CENTRAL WHIDBEY CHAMBER OF COMMERCE	5,000
Tourism Marketing & Fulfillment Program – Visitor Information Center	
COUPEVILLE ARTS CENTER	2,500
Coupeville Arts Center Fall Comprehensive Catalog of Workshops	
FREELAND CHAMBER OF COMMERCE	1,000
Freeland Information Brochure – promotion	
FREELAND CHAMBER OF COMMERCE	4,600
Freeland Visitor Information Center – annual operations	
GREATER OAK HARBOR CHAMBER OF COMMERCE	11,500
Tourism Marketing Program of Island County	
ISLAND DISTRICT ECONOMIC DEVELOPMENT COUNCIL	10,000
Off-Season Tourism Marketing Program – distribution activity	
LANGLEY SOUTH WHIDBEY CHAMBER OF COMMERCE	11,000
Tourism Marketing and Fulfillment Program – Visitor Information Center	
WHIDBEY ARTS FOUNDATION	1,200
Oak Harbor Dixieland Jazz Festival	
T O T A L	<u>\$58,000</u>

APPROVED By
DATE: December 11, 2000

BOARD OF ISLAND COUNTY COMMISSIONERS

Wm. L. “Mac” McDowell, Chairman
William F. Thorn, Member
Mike Shelton, Member

ATTEST:
MARGARET ROSENKRANZ
CLERK OF THE BOARD
BICC 00-716

ANNOUNCEMENT FROM EXECUTIVE SESSION NOVEMBER 30, 2000

The Chairman formally made an announcement as a result of the Board’s Executive Session held on November 30, 2000: the Board has agreed to go to Superior Court on those issues remanded by the Western Washington Hearings Board recently.

Commissioner Shelton recalled there were three remand issues, the primary one in the Board’s opinion the extension of the AG BMPs to the rural zone. He believed very strongly that was a critically important part of the County’s overall Comprehensive Plan. There was no other singular issue that had more public input than AG BMPs. It was his opinion that public opinion was overwhelmingly in support of extension of those BMPs to the rural zone. The record clearly shows that AG BMPs along with setbacks for Type 5 streams and Category B wetlands public support.

Commissioner Thorn echoed Commissioner Shelton's comments on AG BMPs. He believed what the Hearings Board failed to consider was all of the recommendations and changes that were made as a package as opposed to looking at them individually. When taken as a package he felt the County had a consensus on the part of the community with very limited exception to that, reasonable compromise that met everyone's needs. The County had strong support from both property rights members and from the environmental community in addition to Board members' own thinking about it.

Chairman McDowell's comments involved the ability for existing farmers to continue somewhat in their way of past practices. Not allow the extension to all existing farmers in the County is tantamount to saying the only business in Island County not grandfathered is farming. He too believed there was overwhelming testimony from Island County farmers attesting to the fact that if they are forced to come under the new regulations that clearly many of them would no longer be able to farm. Farming is part of Island County's rural character and to see those farms turn into housing in one manner or the other or into weed patches is problematic and not what the people of Island County would like. Therefore all Commissioners agreed to take this issue to Superior Court.

PURCHASE ORDER FOR LEASE TO OWN, PARAGON II POSTAGE MACHINE

The Board approved, on unanimous motion, Purchase Order #CS120700 for Lease to Own, Paragon II Postage Machine, in the amount of \$28,620 as recommended by Island County Central Services Department.

PUBLIC HEARING – ORDINANCE #C-112-00/R-47-00 – RENAMING VARIOUS COUNTY ROADS ON WHIDBEY ISLAND

A Public Hearing was held at 10:15 a.m. as scheduled and advertised for the purpose of considering proposed Ordinance #C-112-00/R-47-00 In the Matter of Renaming Various County Roads on Whidbey Island. At the time of hearing approximately 10 people were in audience to provide comments on specific proposals contained in the Ordinance. As outlined in Attachment "A" to the Ordinance, there are 14 proposed changes.

Joe Araucto, Traffic Engineer, provided copies of the proposed ordinance as well as an expanded version of the map showing the Alder Avenue area, the description and legal description to clarify the intent to rename the southern portion of the road and not the entire length of the road.

Public Comments:

#8. Ocean Side Drive, Greenbank, from Salmon Street southerly to the end of County Road in the plat of South Lagoon Point, Sec 19, Twp 30N, Rge 2E, W.M., Roadlog No. 31710 from MP 0.00 to MP 0.08, be changed to Florence Lane.

Larry W. Hardie, disagreed with the suggested renaming to Florence Lane, and explained that most of the houses are waterfront homes, hundreds of thousands of tax dollars coming from those homes, and residents feel the address ought to reflect that. His suggestions were: Ocean Way; Ocean Drive; Ocean Shore.

Rich Murphy, consultant for the County on road renaming issues, stated that the County's Addressing Board met several months ago regarding an appeal of an address change by an individual at the corner of Salmon and Ocean Side. The issue was brought up at that time about renaming the southern portion of Ocean Side. There had been a 911 call that had inadvertently gone down the southern portion looking for the address when they should have gone up the northern portion. Fire Chief Biller and Lt. Uncapher both reaffirmed it an issue better served by placing a different name. The name Florence had been selected to get the process started, and other names could be used. He noted that there are two non-contiguous sections of Ocean Side separated by a small portion of Salmon Street.

Commissioner Thorn noted this was a very short stretch of road and thought some signing would clear that up for emergency services personnel without a name change – a sign that would indicate a continuation of Ocean Side one block further on. without disrupting mailing addresses.

Larry Kwarsick, Public Works Director, thought that to clarify the sign would have to almost have to say Ocean Side Drive and have some sort of address starting point on it; have to be augmenting the normal name with some sort of queue.

Mr. Hardie agreed that would be an adequate fix rather than renaming.

In this particular case, Commissioner Shelton agreed that the problem could be taken care of through signage rather than renaming the road: change it to the single word Oceanside Drive and provide signage on the south side of Salmon Street. That was Commissioner Thorn's [reference as well – either denote it as north and south, or numbers.

It was noted that proposed renaming change #9 is to rename the north side of Ocean Side Drive to Oceanside Drive to clarify the address people are currently using with County records. On the south side of Ocean Side Drive there are 13 houses according to Mr. Araucto.

Libby Hayward, residing on the private section of Ocean Side Drive, objected to the proposed name. She disagreed with Hardie's choices and suggested: Heron; Smuggler's End. Her first choice was to have one continuous street with appropriate signage.

Carol Turner indicated that when assigned an address she was given the name South Ocean Side Drive, but there had never been a sign at the end of the road listed that way. She thought it would be very logical to retain the north section as Ocean Side and put a sign designating South Ocean Side.

James McEacheran, owner of the property just south of the legal road on the private sector, provided some history on the area. The road has always been known as spoken of as South Ocean Side Drive. If South Ocean Side Drive cannot prevail, he suggested: Coho Lane; Kelp Lane; Seagrass Lane.

#11 Keller Road, Langley, from Goldsmith Road westerly to end of County Road, Sec. 5, Twp 29N, Rge 3E W.M., Roadlog No. 16081 from MP 0.00 to MP 0.10, be changed to Lalka Lane.

Ann Lake, spoke in support of the road name change Keller Road to Lalka Lane. Ms. Lake provided history and reason she proposed Lalka Lane: Lalka in Polish means "doll" and is her maiden name.

#3 Heritage Way, Oak Harbor, from Liberty Lane to Silverberry Street/Oak Harbor City Limits in the plat of Crosswoods Div. #4, Sec. 4 Twp 32N, Rge 1E, W.M., Roadlog No. 52040, MP 0.14 to MP 0.18, be changed to SW Silverberry Drive.

Patricia Henderson asked that the street name not be changed to Silverberry Way, explaining this is a residential neighborhood in the County, 16 houses. Heritage Way is a continuous street of approximately 1/10th of a mile in its entirety. Liberty Lane, also a County street adjoins Heritage Way just past three houses that are proposed for the new addresses. There are no abrupt turns or angles on Heritage Way which has existed as Heritage Way for about 25 years. Where Silverberry comes in to Heritage Way it is obvious one is leaving a city neighborhood and coming in to a county neighborhood. The city limit sign is posted; the two neighborhoods separated by high fences and city sidewalks abruptly stop at Heritage Way. At such time that the neighborhood becomes part of the city the entire 1/10th of a mile be changed at that time.

Mrs. Henderson reported that Duane and Tammie Sisto who live in one of the other three houses were unable to attend but provided a prepared statement, expressing concerns such as: the reason for a road name change in such a small area; more logical and cost effective to wait until the entire road is included; the impact on those affected is great and seems unnecessary; being part of the county, probably covered by different emergency responders which could be confusing in event of an emergency.

Josie Cobble reported that her 83-year old mother-in-law's house is one of the three, and concern is for emergency response vehicles. If this were changed to Silverberry it would be a city address even though she is in the county.

Mr. Araucto explained that the concern was that there is no change in the physical characteristic of the road. There are several roads in the County that are named according to what the City of Oak Harbor standards are i.e. Crosby Road, Heller Road, Swantown Road. This area is within the Oak Harbor UGA.

Mr. Murphy added that when or if the City annexes that area it would require both house numbers and the road names to

be changed. Though it would have a city name and address number I-COM goes to great lengths to make sure that the correct responding units take place.

With only three houses affected and all three wanting to remain as is, Commissioner McDowell suggested no change be made until the area is annexed into the city, then come under city code.

Commissioner Shelton understood people not wanting to change the name of the road. Ultimately it will come in to the city limits of Oak Harbor.

Additionally, Commissioner Thorn recalled that emergency services has a certain number of blocked out special cases, and this could be one for clarification in the interim until the city decides to annex the area. Until then it seems unnecessary expense for change in business licenses, etc.

Remaining Proposals for Renaming County Roads

No comments from members of the public.

Board Action:

By unanimous motion, the Board adopted Ordinance #C-112-00 (R-47-00) in a matter of renaming various county roads on Whidbey Island as proposed, with the following changes to Attachment A:

1. Heritage Way not be changed to SW Silverberry Drive
2. Ocean Side Drive be changed to Oceanside Drive instead of Florence Lane and will continue to extend past Salmon Street in both a northerly and southerly direction, and that appropriate signage be placed.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN A MATTER OF RENAMING VARIOUS
COUNTY ROADS ON WHIDBEY ISLAND

Ordinance No. C-112-00
R-47-00

WHEREAS, the Board of County Commissioners adopted Ordinance No. C-87-00/R-43-00 revised the Interim 9-1-1 Addressing Policy and adopted a permanent policy which allows the County to address the renaming of roads to avoid confusion; and

WHEREAS, the renaming of said roads as shown would not be duplicating existing road names in Island County; NOW, THEREFORE,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Island County, Washington:

1. That the County roads listed on Attachment "A" shall be renamed effective 45 days from the date of passage of this ordinance.
2. Island County Public Works shall fabricate and install a road sign to be posted on the effective date.
3. Island County Public Works shall notify by mail, owners of property abutting on the road of the public hearing date, and the name change, address number change, if any, and the effective date of this ordinance.
4. Island County Public Works shall notify appropriate agencies of the road/street name change, the effective date, and shall notify appropriate County departments so that County maps will show the changes.

Reviewed this 13th day of November, 2000, and set for public hearing on the 11th day of December, 2000, at 10:15 a.m.

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

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 00-666

PASSED with amendments into law this 11th 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

ATTACHMENT "A"

- 1 Auvil Road – Oak Harbor – from Torpedo Road southerly to Oak Harbor City Limits, Sec 25, Twp 33N, Rge 1E W.M., Roadlog No. 60410 from MP 0.00 to MP 0.42, be changed to NE Regatta Drive.
- 2 El Toro Street – Oak Harbor – from El Pozo Street to El Mar Street in the plat of Sierra Div. #2, Sec 25, Twp 32N, Rge 1E W.M., Roadlog No. 50053 from MP 0.21 to MP 0.26, be changed to El Mar Street.
- ~~3 Heritage Way – Oak Harbor – from Liberty Lane to Silverberry Street/Oak Harbor City Limits in the plat of Crosswoods Div. #4, Sec 4, Twp 32N, Rge 1E W.M., Roadlog No. 53040, MP 0.14 to MP 0.18, be changed to SW Silverberry Drive.~~
- 4 A Place – Freeland – in the plat of Holmes Harbor Golf & Yacht Club Div. # 6, Sec 3, Twp 29N, Rge 2E W.M., Roadlog No. 30561 from MP 0.00 to MP 0.012, be un-named.
- 5 B Place – Freeland – in the plat of Holmes Harbor Golf & Yacht Club Div. # 6, Sec 3, Twp 29N, Rge 2E W.M., Roadlog No. 30562 from MP 0.00 to MP 0.012, be un-named.
- 6 C Place – Freeland – in the plat of Holmes Harbor Golf & Yacht Club Div. # 6, Sec 3, Twp 29N, Rge 2E W.M., Roadlog No. 30560 from MP 0.00 to MP 0.013, be un-named.
- 7 Adler Avenue – Freeland – from Beach Drive southerly to the end of County Road in the plat of Beverly Beach Div. # 2, Sec 33, Twp 30N, Rge 2E W.M., Roadlog No. 16850 from MP 0.00 to MP 0.30, be changed to Basswood Road.
- 8 Ocean Side Drive – Greenbank – from Salmon Street southerly to the end of County Road in the plat of South Lagoon Point, Sec 19, Twp 30N, Rge 2E W.M., Roadlog No. 31710 from MP 0.00 to MP 0.08, be changed to Florence Lane Oceanside Drive.
- 9 Ocean Side Drive – Greenbank – from Salmon Street northerly to the end of County Road in the plat of Lagoon Point Div. #2, Sec 19, Twp 30N, Rge 2E W.M., Roadlog No. 31710 from MP 0.00 to MP 0.08, be changed to Oceanside Drive.
- 10 Ulskey Farmer Road – Freeland – from Scurlock Road easterly to the end of County Road in the plat of Bush Point, Sec 7, Twp 29N, Rge 2E W.M., Roadlog No. 28420 from MP 0.00 to MP 0.07, be un-named.
- 11 Keller Road – Langley – from Goldsmith Road (PVT) westerly to end of County Road, Sec 5, Twp 29N, Rge 3E W.M., Roadlog No. 16081 from MP 0.00 to MP 0.10, be changed to Lalka Lane.
- 12 Lake View Road – Langley – in the plat of Lakeview Terrace Div. #1, from Mercer Drive westerly to end of County Road, Sec 8, Twp 29N, Rge 3E W.M., Roadlog No. 10269 from MP 0.18 to MP 0.37, be changed to Lakeview Way.
- 13 Useless Bay Road – Langley – from Millman Road northerly to SR 525, Sec 19, Twp 29N, Rge 2E W.M., Roadlog No. 92060 from MP 4.71 to MP 5.11, be changed to Useless Bay Avenue.
- 14 Unnamed County Road – Clinton – from SR 525 to the end of County Road, Sec 27, Twp 29N, Rge 3E W.M., Roadlog No. 11720 from MP 0.00 to MP 0.18, be changed to Forgotten Lane.

CONTRACT/BOND – CALLEN CONSTRUCTION; CRP 00-01, WORK ORDER NO. 295; DOESKIN COURT LANDSLIDE RESTORATION

The Board, by unanimous motion, approved contract to Callen Construction Company, Inc. in accordance with bid awarded to that firm on December 4, 2000, under CRP 00-01 (work order 295), for Doeskin Court Landslide Restoration, in the amount of \$165,226.00, and authorized the Chairman sign both the Contract and bond once the bond is received.

RESOLUTION #C-131-00/R-55-00 – ACKNOWLEDGING AWARD OF COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE ISLAND COUNTY COMMUNITY MENTAL HEALTH FACILITY AND SIGNATURE AUTHORIZATION FOR CDBG

The Board approved, by unanimous motion, Resolution #C-131-00 (/R-55-00) in the matter of Acknowledging Award of

Community Development Block Grant for the Island County Community Mental Health Facility and Signature Authorization for CDBG.

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

IN THE MATTER OF ACKNOWLEDGING)
AWARD OF COMMUNITY DEVELOPMENT)
BLOCK GRANT FOR THE ISLAND COUNTY)
COMMUNITY MENTAL HEALTH FACILITY)

RESOLUTION C-131-00
R-55-00

WHEREAS, Island County was awarded by Department of Community, Trade and Economic Development, Office of Community Development \$747,710.00 for funding assistance for an Island County Community Mental Health Facility; and

WHEREAS, Larry Kwarsick, Public Works Director, is designated as the Chief Administrative Officer and is authorized to sign the Community Development Block Grant – General Purpose Grant contract and contract amendments on behalf of Island County; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Island County Commissioners acknowledges receipt of the, contract for \$747,710.00 CDBG General Purpose Grant award for the Island County Community Mental Health Facility;

The Board of Island County Commissioners designates Larry Kwarsick, Public Works Director, as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with this contract and Island County’s participation in the Washington State CDBG Program.

APPROVED AND ADOPTED this 11th day of December , 2000.

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

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

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 00-718

**RESOLUTION #C-132-00/R-56-00 – ACKNOWLEDGING AWARD OF COMMUNITY DEVELOPMENT
PLANNING ONLY BLOCK GRANT FOR AN INTER-GENERA-
TIONAL NEIGHBORHOOD CENTER & SIGNATURE AUTHORIZATION.**

The Board, by unanimous motion, approved Resolution #C-132-00 (R-56-00) Acknowledging Award of Community Development Planning Only Block Grant for an Inter-generational Neighborhood Center and Signature Authorization, to expedite the grant application process and administration of the grant, designing Mr. Kwarsick as the Chief Administrative Official and authorized representative to act in all official matters in connection with this contract and Island County’s participation in the CDBG program..

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

IN THE MATTER OF ACKNOWLEDGING)
AWARD OF COMMUNITY DEVELOPMENT)
PLANNING ONLY BLOCK GRANT FOR)
AN INTER-GENERATIONAL NEIGHBORHOOD)
CENTER)

RESOLUTION C- 132 -00
R- 56-00

WHEREAS, Island County and the City of Langley were awarded by Department of Community, Trade and Economic

Development, Office of Community Development \$29,410.00 for funding assistance for a proposed South Whidbey Intergenerational Neighborhood Facility; and

WHEREAS, Larry Kwarsick , Public Works Director, is designated as the Chief Administrative Officer and is authorized to sign the Community Development Block Grant - Planning Only Grant contract and contract amendments on behalf of Island County; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Island County Commissioners acknowledges receipt of the, contract for \$29,410.00 CDBG Planning Only Grant award for the South Whidbey Intergenerational Neighborhood Facility;

The Board of Island County Commissioners designates Larry Kwarsick, Public Works Director, as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with this contract and Island County's participation in the Washington State CDBG Program.

APPROVED AND ADOPTED this 11th day of December, 2000.

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

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 00-719

BOUNDARY LINE ADJUSTMENT, QUIT CLAIM DEEDS, LOT COMBINATION – ISLAND COUNTY AND M.B. MCDONALD & S.M. MCDONALD AND GARY ROGER HOYT; PLAT OF COUPEVILLE, BLOCK 32

Based on report and recommendation from Mr. Kwarsick, the Board by unanimous motion accepted and approved Boundary Line Adjustment, Quit Claim Deeds, Lot Combination between Island County and M.B. McDonald & S.M. McDonald and Gary Roger Hoyt, Plat of Coupeville, Block 32, Lots 2(McDonald) and 6 (Hoyt); \$3,630.91 (McDonald); \$2,566.69, for a total of \$6,197.60.

HEARING HELD: ORDINANCE C-117-00 (PLG-033-00) AMENDING THE ISLAND COUNTY ZONING ATLAS, AND ICC 17.03, APPENDIX A TO COMPLY WITH THE ORDER OF THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD RELATING TO THE HOLMES HARBOR RAID

A Public Hearing was held at 10:45 a.m. as scheduled and advertised for the purpose of considering proposed Ordinance #C-117-00 (PLG-033-00) [introduced on 11/20/00 GMA doc. #6049) Amending the Island County Zoning Atlas, and ICC 17.03, Appendix A to comply with the Order of the Western Washington Growth Management Hearings Board dated 10/12/00 relating to the Holmes Harbor RAID.

Attendance:

Staff: Phil Bakke; Jeff Tate
Public: Jack Sikma and one other party not identified
Press: Mary K. Doody

Mr. Bakke noted that the County had created a new RAID, Holmes Harbor RAID, brought to the Growth Board on appeal as to validity and the Growth Board ordered the County to remove the waterfront parcels and in the proposed ordinance are identified through parcel number as well as zoning atlas map.

Mr. Tate explained further, regarding areas identified in Holmes Harbor as A and area B: that (A) was the 10 acre parcel to the north; (B) are the shoreline lots immediately east of Holmes Harbor plat, the Hearings Board found no reason to find non-compliance for designating the Holmes Harbor plat but in order to include areas A and B the County must include development regulations to preclude any further subdivision of the shoreline lots. Essentially there was no impact to area A; it is not a shoreline lot and is fully compliant.

Jack Sikma, Sikma Enterprises, Inc., Kirkland, Wa., owner of parcels 459-4580 and 366-4480, submitted into the record a letter under today's date with regard to the Holmes Harbor RAID in summary, reminded that shoreline lots are part of the Holmes Harbor Sewer District. In fairness to existing property owners within the Holmes Harbor Sewer District he asked that the County establish the Holmes Harbor Sewer District as a NMUGA as soon as possible so that properties can be developed at density levels appropriate to the infrastructure available today.
[letter entered as GMA doc. #6057]

The bigger question for Commissioner Shelton is that the sub-area planning process was initially initiated in Freeland to include both Holmes Harbor and Freeland, but the primary process has evolved around Freeland proper; Mr. Sikma's letter asks why efforts are being concentrated towards the expansion of urban services into Freeland when today urban services are available in Holmes Harbor to designate it as a NMUGA. Mr. Sikma's question is very legitimate: this seems to be unnecessarily holding up Holmes Harbor when the urban services already exist there waiting for the Freeland planning process.

The Hearing Board's ruling made no sense to Commissioner Thorn. The single RAID was defined originally based on the sewer district, which speaks to urban behavior. He did not see it would necessarily inhibit sewer connection and service into the Freeland area as was originally conceived with the one RAID. Even though two separate RAIDS it seems that could still go on and take advantage of the infrastructure that is building there. Commissioner Shelton made the point that the only urban service in question in Holmes Harbor is storm water. He thought it ludicrous to deny what is on the ground and on the books. As far as any "study" he was not thinking of anything of the scope being done in Freeland because most of what is needed is already developed, rather would be looking at something more in the way of documentation of what is there to justify designation as a NMUGA.

The Chairman agreed with the comments of Commissioners Thorn and Shelton. He did inquire what the process would be used to designate Holmes Harbor RAID as a NMUGA. The advantage of a NMUGA is that storm water can be addressed on an area wide basis.

Mr. Bakke stated that not all services are there yet, but the process would be the same sort of process as with Freeland and simultaneously with Freeland in that the Freeland process is under way. A comprehensive plan for Holmes Harbor NMUGA can be undertaken.

From Mr. Sikma's perspective, Holmes Harbor is a separate RAID still part of the Freeland sub-area planning process. The process is really concentrated with the people in downtown Freeland, looking at it from their perspective and issues and he thought it would be tough to find common ground among enough people to pay for it. When that happens the key issue is dealing with the sewer district on what it will cost. In reality this is being called rural when it is urban and it does not make sense. He believed it would be less expensive for the County and the people of Freeland to start with something existing and expand it.

Mr. Bakke expected at the beginning of the year that the interlocal agreement between the sewer district, water district and the county would be executed for the sewer study. He anticipated what would come from the Freeland Planning Committee was several options: (1) that Holmes Harbor become a NMUGA; (2) if Holmes Harbor becomes a NMUGA Phase II would be downtown core of Freeland; (3) phase III may be the surrounding residential area not only in Holmes Harbor but also the Freeland area.

Commissioner Thorn asked that Mr. Bakke come back to the Board in the fairly near future with a broad outline as far as what has to be done to initiate this activity around Holmes Harbor.

Board Action:

Commissioner Shelton moved approval of Ordinance #C-117-00 (PLG-033-00) in the matter of amending Island County Zoning Atlas and ICC 17.03 Appendix A to comply with the order of the Western Washington Growth Management Hearings Board relating to the Holmes Harbor RAID. Motion, seconded by Commissioner Thorn, carried unanimously.
[Ordinance #C-117-00 as adopted, entered as **GMA doc. #**].

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

<p>IN THE MATTER OF AMENDING THE ISLAND) COUNTY ZONING ATLAS, ICC 17.03, APPENDIX) A, AND THE COMPREHENSIVE PLAN FUTURE) LAND USE PLAN MAP TO COMPLY WITH THE) ORDER OF THE WESTERN WASHINGTON) GROWTH MANAGEMENT HEARINGS BOARD) RELATING TO THE HOLMES HARBOR RAID) _____)</p>	<p>ORDINANCE C-117-00 PLG-033-00</p>
--	--

WHEREAS, various parties filed petitions with the Western Washington Growth Management Hearings Board (“Board”) to review Island County’s adopted GMA Comprehensive Plan (“Comp Plan”) and Development Regulations; and

WHEREAS, the Board entered its Final Decision and Order on June 2, 1999 and its Decision on Reconsideration on July 8, 1999; and

WHEREAS, the Board found that the Freeland and Clinton RAIDs did not comply with the requirements of the GMA and remanded these matters to the County for further action; and

WHEREAS, the Board directed the County to take interim action, pending its urban growth area (UGA) decision for these two areas, to preclude the development of a pattern of low density sprawl and the permitting of urban growth without provision of urban services; and

WHEREAS, on November 8, 1999, the County adopted Ordinance C-119-99 that further restricted development in the Freeland and Clinton RAIDs; and

WHEREAS, on June 5, 2000 the County adopted Ordinance C-50-00 which split Freeland and Holmes Harbor into two separate RAIDs; and

WHEREAS, in their Final Order dated October 12, 2000 the Board directed that in order to make Holmes Harbor compliant with RCW 36.70A.080(5)(d) the County must include Development Regulations to preclude any further subdivision of the shoreline lots shown as Areas A and B; and

WHEREAS, in 1998, the County completed environmental review under Chapter 43.21C RCW, SEPA, on its Comp Plan and Development Regulations; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to the Zoning Atlas (Exhibit A), 17.03.075 ICC (Exhibit B), Appendix A (Exhibit C), and the Island County Comprehensive Plan Future Land Use Map relating to the Holmes Harbor RAID are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comp Plan and Development Regulations; and

WHEREAS, new Zoning Atlas (Exhibit A) and Future Land Use Plan maps regarding the Holmes Harbor RAID densities for Areas A and B have been prepared for those parcels designated by the Board; **NOW, THEREFORE,**

IT IS HEREBY ORDAINED in order to comply with the October 12, 2000 Order of the Western Washington Growth Management Hearings Board, the Board of Island County Commissioners hereby adopts the amendments to the Zoning Atlas (Exhibit A), 17.03.075 ICC (Exhibit B), Appendix A (Exhibit C), and the Future Land Use Plan Map in the Comprehensive Plan regarding the Holmes Harbor RAID densities for Areas A and B designated by the Board.

Reviewed this 20th day of November, 2000, and set for public hearing at 10:45 A.M. on the 11th day of December, 2000.

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

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 00-682

APPROVED AND ADOPTED this 11th day of December, 2000 following public hearing.

**BOARD OF COUNTY COMMISSIONERS OF
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]

**CORRECTED ORDINANCE #C-95-00 (PLG-019-00) AMENDING CHAPTERS 16.26.090 REGARDING THE
FIVE YEAR REVIEW PROCEDURES**

Mr. Bakke presented, in accordance with guidance from the Chief Deputy Prosecuting Attorney, a Corrected Ordinance #C-95-00 (PLG-019-00) Amending Chapters 16.26.090 of the Island County Code regarding the Five Year [GMA doc. 6043 dated 11/27/00], to correct an error that did not include a citation for ICC 16.26.060, Annual Review Procedures; also the amendment included 11/27/00 to 16.26.060 was a procedural amendment to implement the language adopted in 16.26.090.

The Board, by unanimous motion, approved Corrected Ordinance #C-95-00 (PLG-019-00) Amending Chapters 16.26.090 of the Island County Code regarding the Five Year Review Procedures with the correction of the title of the Ordinance to be amended to include Chapter 16.26.060, so the title would correctly read: In the Matter of Amending Chapter 16.26.060 and 16.26.090 of the Island County Code. [Corrected C-95-00 entered as GMA doc. #6056]

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

**IN THE MATTER OF AMENDING)
CHAPTER 16.26.060 AND CHAPTER) ORDINANCE C- 95-00
16.26.090 ICC REGARDING THE FIVE) PLG-019-00
YEAR REVIEW PROCEDURES) (Corrected)**

WHEREAS, on September 28 and 29, 1998, the Board adopted the County's GMA Comprehensive Plan and Development Regulations; and

WHEREAS, the Island County Planning Department submitted application ZAA 718/00 Five Year GMA Review in accordance with Chapter 16.26 ICC; and

WHEREAS, the 2000 Annual Review Docket, including ZAA 718/00, was presented to the Island County Planning Commission on May 9, 2000 pursuant to Chapter 16.26 ICC; and

WHEREAS, the Planning Commission held Public Hearings on June 7, 2000 on Camano Island and June 20, 2000 at Coupeville to discuss the application concerning the Five Year Review Procedures; and

WHEREAS, the Planning Commission reviewed the Findings and Recommendations in a Public Meeting on July 11, 2000 and recommended approval of the revised language to Chapter 16.26.090 ICC, Five Year Review Procedures, as shown in Exhibit A; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA Official has determined that the proposed changes to Chapter 16.26 ICC relating to the Five Year Review Procedures are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; and

WHEREAS, the Board of Island County Commissioners considered the Planning Commission recommendations in a Public Hearing; **NOW, THEREFORE,**

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts Ordinance C-95-00 (PLG-019-00) amending Section 16.26.090 ICC, Five Year Review Procedures, and Section 16.26.060 ICC, Annual Review Procedures

attached hereto as Exhibit A. Material stricken through is deleted and material underlined is added.

APPROVED AND ADOPTED November 27, 2000 and corrected December 11, 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 00-720

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney

& Island County Code Reviser

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

PBRS AGREEMENT BETWEEN ISLAND COUNTY AND AU SABLE

Jeff Tate reported that the Board in September of this year adopted Resolution #C-96-00 approving the Public Benefit Rating System (PBRS) application by Au Sable Institute. In order to activate the tax reduction starting January 1st, a PBRS Agreement is required between Island County and Au Sable Institute, which he presented to the Board for approval at this time, and the form was reviewed and approved by the Prosecuting Attorney's office.

By unanimous motion, the Board approved the PBRS Agreement between Island County and Au Sable Institute as presented under Chapter 3.40 ICC.

**HEARING HELD: PLANT SPECIES NOMINATIONS TO CONSIDER WHETHER 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. as scheduled and advertised for the purpose of considering whether the plant species nominated by WEAN should be designated as species of local importance pursuant to ICC 17.02.110.C, to receive and consider the submission of written testimony and documented scientific information relating to the nominated species [legal notice: GMA doc. #6135]. This is the first of two hearings to consider 33 plant species WEAN proposes to be considered for nomination as species of local importance.

Attendance:

Public: 35+ in attendance [Attendance Sheet GMA doc. #6060]

Staff/Consultants: Phil Bakke; Jeff Tate; Michael Schechter; Keith Dearborn
Catherine Conolly, Adolfson Associates, Inc.
Lizzie Zemke, Adolfson Associates, Inc.
Sarah Gage, University of Washington

Record Items:

Notebook provided to each Commissioner by staff on Species of Local Importance, including copies of: WAC 365-195-900; WAC 365-190-020; ICC 17.02.110.C; Compliance Hearing Order 10/12/00; Final Decision Order 6/2/99; Correspondence; photos; genetic diversity, rarity, species proposed by WEAN; points to consider when finalizing list.
Copy of Notebook for Record: GMA doc. #6139

Species Proposed as Species of Local Importance by WEAN GMA doc. # 6063

List of Correspondence received but not yet included in the Notebook at the time of the hearing on 12/11/00: GMA doc. #6141

Island County's GMA Record list for WEAN nominations 7/23/98 through 2/7/00 GMA doc #6069

Original Maps proposed by WEAN with black dots for the locations of the plants that WEAN has identified
GMA doc. #6128

State of Washington Map Used in the Presentation GMA doc. #6136

Three maps: One each for North Whidbey, Central Whidbey and South Whidbey GMA doc. #6129

Mr. Dearborn explained the process used to consider WEAN's request, and reviewed what the consequences would be if species are designated. Out of the 33 plants proposed for protection, WEAN has asked that 25 receive designation.

Code requirements are to determine whether existing Federal, State and local regulations are sufficient and if not, identify regulations that are practical to provide further protection, and that step is scheduled for public hearing on January 22, 2001 at 6:00 p.m. Specific recommendations on the species for further review will be available for the public on January 10th. The Growth Board gave until January 31st to finish the review. He then reviewed what the nomination process is and what a species of local importance is and noted the plants and birds and geographic areas identified of local importance now.

Island County Code sets out criteria for nomination and designations (Findings and Legislative Intent for the nomination and designation criteria, GMA doc. #6137 found in Exhibit A to Ordinance #C-131-99 dated 11/23/99). All of the plants, birds and animals have been identified and are being protected that federal and state government have designated for protection. The County is following a new state regulation on Best Available Science, the standard the County uses to judge people's testimony; the Board of Commissioners will make a judgment based upon a scientific evaluation [copy of new state regulation made available for the Board and public]; this establishes standards for determining how to judge the science and testimony presented to decide what weight should be given.

The County retained the consulting firm of Adolfson & Associates to review the nominations, and did so in a general and abbreviated way in 1999, and now completed a more thorough and complete documentation of each plant. Adolfson & Associates to assist them retained Sara Gage from the University of Washington, and representatives are here to give a presentation on the plants, and an idea of why those are important. There are no maps for Camano Island because none of the plants WEAN nominated have been indicated as potentially being on Camano; however, Adolfson and Associates determined the potential of one plant on Camano, from one siting from one point in time, which will be noted in the presentation.

According to WEAN there are about 300 acres of land on Whidbey Island that would be affected by their request, the majority publicly owned in either Central Whidbey, Smith Prairie or Deception Pass. There are a few private properties that are potentially affected but would only occur if someone comes to the County and requests an approval of some kind of activity. Apparently it is not the traditional kind of activity that the county normally regulations that poses the greatest threat to these plants, such as lawn mowing, haying, clearing ditches in road rights-of-way and a range of activities that to date have not been viewed as actions that require county review.

Michael Schechter explained how the North, Central and South Whidbey maps were created and what they show. Each of the sites were located directly from the WEAN locations, indicated as dots and not areas because each site is represented by a different amount of area depending on nomination, from the smallest less than 10 square feet up to in excess of two acres and five acres. Different colors on the maps depict protections in Island County already afforded to certain areas, such as: State Parks, Natural Heritage Lands Program, existing habitats of local importance [referred to as Audubon lands], Ebey's Prairie National Historical Reserve, Nature Conservancy and Seattle Pacific University, Fish & Wildlife habitat conservation areas, NAS Seaplane Base and Whidbey NAS Ault Field and NAS OLF.

Lizzie Zemke, Adolfson Associates, Inc., Senior Ecologist, submitted for the record her Curriculum Vitae [GMA doc. 6061], and then gave an overhead presentation, showing slides - a photo of each of the plants, with a small version of the "dot" map for each plant and where each plan occurs according to WEAN [GMA doc.# 6064, also included in the Notebook]. She next covered genetic diversity and rarity, using overheads from the Notebook and included definitions and a discussion about importance of maintaining genetic diversity, rarity, kinds of rarity and endangerment [See tab #8 in the Notebook, GMA doc. #6139].

One of the points she made was that those species that occur on islands are often genetically different from those on the mainland and maintaining both populations in the center of the range and at the edge of the range on the islands is important for maintaining genetic diversity. Rarity is a combination of three factors but one does not necessarily need to have all three in order to be rare, but all three together generally makes for a rare species: size of geographic range; habitat specificity; size of local population.

As far as any sense of why some of these accumulate along roadsides, and her opinion as to why roadside populations persist in the face of things such as mowing, although she could not say with confidence for all the species, but did note that a number of species that WEAN reports are common along roadsides are in the Central Whidbey area where prairie soils are still remaining along the roads. Prairies typically require something to maintain them as prairies to prevent trees and shrubs from invading, such as fire or active removal of forest and shrub species, mowing, and to a less degree, grazing and livestock. These also are easy to see and get to.

As far as commenting on the ability to persist if had 100% protection, the more individuals the better chance of something persisting and surviving. Even though you do not see the plant there could be either vegetative parts of the plant such as roots, bulbs, or seeds in the soil that given the right conditions would express themselves. Evidently the prairies both on Whidbey and the South Sound prairies had to be maintained by something, because Douglas Fir and native shrubs as well as non-native shrubs and trees will invade these open areas. Some believe it was periodic low intensity natural wild fires and there is a lot of evidence showing that native people intentionally burned the prairies to maintain the camas crop. She believed that the camas on the list was the same that the Salish harvested for food.

Catherine Conolly, Adolfsen Associates, Inc., Director of Wildlife Program, submitted for the record her Skills, Qualifications, Education [GMA doc. 6058], indicated another reason for remnant prairie species occurring along a road is that if the roads have been established since the time of the prairies the road edges may be the only areas around that have not been farmed so that they have enough of the old prairie structure.

Sarah Gage, Botanist, Staff Member, University of Washington, manages the half million specimen herbarium, presented for the record her Curriculum Vitae [GMA doc. 6059]

The next overhead Ms. Zemke used [also from the Notebook, Tab #9 GMA doc. #6139] was a review of the points to consider when finalizing the list from the WEAN proposal.

1. Which plants are globally rare or rare in the state?

None. However, populations of Blue flag Iris and Rocky Mountain juniper on Whidbey Island are considered disjunct.

2. Which are rare in Island County?

All plants except:

- | | |
|-------------------------|--------------------------|
| Garry oak | Bare-stem desert parsley |
| Nodding onion | Spring gold |
| Salish camas | Bi-color lupine |
| Coastal red fescue | Sitka spruce |
| *Rocky mountain juniper | |

3. Which need more information before further consideration?

- | | |
|------------------------------|-----------------------|
| Clustered brodiaea | Cut-leaved microseris |
| Few-flowered shooting star | Blue-eyed grass |
| White fawn lily | pike-like goldenrod |
| Narrow-leaved desert parsley | Scarlet paintbrush |
| Sickle-keeled lupine | Rank prairie lupine |

*Delete from #2; Rocky Mountain juniper should not be listed under the exceptions as it is considered rare because of disjunct population status. WEAN's submittal did not provide enough information to show it a disjunct population but other sources, Hitchcock and Cronquist, herbarium collections and discussion with Chris Chappel from DNR, confirmed they considered it a disjunct population and worth protecting.

She took a moment to explained that for the whole presentation she consulted numerous references, books and scientific articles [see Reference List, GMA doc. #6062] concerning genetic diversity, population biology, conservation biology, rare plants, protection of rare plants. The information used to come up with the list was the information provided by WEAN when they proposed the plants. Those listed in item #2 above are those WEAN provided basically no information on about how many locations they can be found on Whidbey Island, therefore not enough evidence to suggest or prove them rare.

The plants listed under #3 above represent those for which more information is needed, either taxonomy or identification and to know they truly are the species WEAN is calling them, and information about whether there really is a threat. For each plant she has a list of what information is used. For the plants under #3 she referred back to a report that Adolfson and Associates prepared for Island County over a year ago looking in general at this list and made some general recommendations. Part of preparation of that report involved visiting UW herbarium looking through the collection for all of these species and seeing which had historic occurrences on Whidbey or Camano Island. She found no historic record at the herbarium they had occurred on Whidbey for some of the plants on this list; the only information was from WEAN. The others are listed because of some doubt about the threat:

Clustered brodiaea: no record at the UW herbarium for it; need taxonomic confirmation that this plant is what WEAN says it is.

Few-flowered shooting star: more information on taxonomy needed; no record for it from Island County at the UW herbarium.

White fawn lily: WEAN lists it from at least five locations in the roadsides and seems it may be more common than known. No information on it at the UW herbarium at the time since the collection was out on loan; therefore, in general more information is needed.

Narrow-leaved desert parsley: no record at the herbarium from Island County; confirmation needed that this is *Lomatium triternatum*.

Sickle-keeled lupine: record at the herbarium but because it is a fairly difficult genus to identify more information is needed that it is *Lupinus albicaulis*. The main threat according to WEAN is that it is hybridizing with introduced lupine and other than WEAN indicating that, there is no information about that.

Cut-leaved microseris: no record at the herbarium about it; not on other plant lists she consulted for Whidbey Island – need more taxonomic confirmation.

Spike-like goldenrod: no record at herbarium and need taxonomic information.

Scarlet paintbrush: there were many records from Island County including one on Camano Island. Need more information because there were so many locations [5 different locations on WEAN's dot map] and this many be more common than originally thought.

Rank prairie lupine and: no record at the herbarium for this on Whidbey or in Island County; need more information about the issue of hybridizing with the non-native lupine.

Blue-eyed grass: no record for it from Whidbey Island at the herbarium ; need taxonomic confirmation for it.

The last overhead Ms. Zemke used was essentially the same list of all of WEAN's recommended proposed species, but showing her recommendations made from the information Adolfson and Associates collected. The plants with a dot in front of the name are plants at this point appear to be rare in Island County and worthy of remaining on the list at this point; those plants with no dot in front of the name are those for which more information is needed; and the plants shown with the line drawn through the name are those for which there is not enough evidence to prove they are rare on the Island to warrant being included on the list, referred to by WEAN as "monitor or watch" species. [in Notebook GMA doc. #6139, shown under tab #9 second page]

She clarified in response to a question from Chairman McDowell about species shown on the dot map and locations that none of them personally visited any of the sites to confirm that the plants exist. She visited each site to confirm that some recent development or a new building had not gone up. As WEAN pointed out in its submittal, the location of those dots on the map have been placed in a vague location for the protection of the plant. WEAN needs to clarify for everyone: are the dots locations of the plants being proposed or is the plant species itself being proposed? At least for about 20 of the plants that are prairie species there are only certain conditions that they can in fact grow in, i.e. remnant prairies.

Mr. Dearborn, staff and consultants have been treating the dot maps as the precise location of the species. From a regulation standpoint designation of any species is not recommended without knowing with some reliability that it does occur or is likely to occur and where it is occurring. Adolfson's final list contains only 8 or 9 species they recommend be deleted because they do not believe there is danger of extirpation. Those species with the dots WEAN has said exist, and Adolfson verified through the UW herbarium, paper sources and observations of other experts that they have been noted to exist on Whidbey in the areas that were identified, but did not actually visit the site in the blooming period to determine whether in fact they are there or not, and concluded there is enough information for 15 species on the list to be confident at this point, short of a site investigation, they do in fact exist in that area.

Ms. Conolly noted that extirpation and rarity are closely connected because a rare species is at more risk of extirpation at any one time, and reminded about the three factors Ms. Zemke referred to that contribute to rarity of a species. All the prairie species are in danger of extirpation as the prairie habitat shrinks. Rarity is also related to population size. Ms. Zemke added to note – but are important in terms of maintaining genetic diversity with other species but that does not make them rare; however, it makes them important.

Prairie species include: Tapertip onion; Howell's brodiaea; Menzies' larkspur; Orange tiger-lily; Fool's onion; Showy Fleabane; Idaho fescue; Chocolate lily [also widespread in other places as well]; Death camas; Golden aster [growing on steep slope on Ebey's bluff and open grass land area]; Tomcat clover.

Mr. Dearborn responded to some questions from the Commissioners. The County's code provides that nominations that come from the public have to meet three criteria set out in the code: (1) in danger of extirpation based upon trends since 1/1/85; (2) species is sensitive to habitat manipulation; and (3) habitat or species has commercial game or other special values such as locally rare species.

PUBLIC INPUT

Steve Erickson, speaking for himself and WEAN, provided two submittals for the record:

Report intended to revise and update previous series of reports issued in 1998 and updated Spring of 1999 on locally rare vascular plant species on Whidbey Island and summary of conservation status, Dec. 2000 [GMA doc. #6066]

Marianne Edain and Steve Erickson, Frosty Hollow Ecological Restoration, Skills, Education, Qualifications, partial list of clients, information concerning creation of annotated database of native vascular plants of Whidbey Island,; memberships; selected projects [GMA doc. #6142]

As far as whether WEAN was asking for designation of species wherever they occur or in the locations currently known, Mr. Erickson verified WEAN was asking for the protection wherever they occur. Information sources used by WEAN are grouped into three basic categories: herbarium specimens, historical reports [as listed in his report], and recent reports by field workers. Database being developed of every report of flora on Whidbey Island WEAN has been able to gain access to and at the time he revised his report there were 3,122 species occurrence records in that database. They have had to rely on much of their own observations. Outside of the Ebey's bluff area some of the locations where endangered golden paintbrush occurs and Deception Pass area there has been relative little recent botanizing on Whidbey Island.

As far as status categories of the different species, WEAN adapted the same categories that the Washington Natural Heritage program uses, made applicable to Whidbey Island instead of on a state wide basis:

Endangered means that the plant taxon is in danger of becoming extirpated from Whidbey Island in the near future if factors contributing to its decline continue. Endangered

species are at critically low levels or habitats significantly degraded.

Threatened means that taxon is likely to become endangered on Whidbey Island in the near future if factors contributing to its decline or habitat degradation continue.

Sensitive means plant taxon is vulnerable or declining and could become endangered on Whidbey Island and unless there is a change, will continue to decline.

Possibly extirpated means that based on recent field searches WEAN doubts it still exists.

Watch category are plants for monitoring. Everything on the list from Lizzie Zemke List "Points to Consider when finalizing list" under #2, with the exception of Garry Oak, were in fact on WEAN's "watch" list and are not proposing those for designation at this time.

He then reviewed from his report the different categories [different from WEAN's earlier versions]. WEAN considered the plan status when possible in the echo region, defined as being the entire Puget Sound lowlands and sub-echo region being the northern portion of that echo region mainly from around the Snohomish – King County line on north. He reiterated that the dot maps WEAN provided were somewhat generalized. For some species such as *Lilium columbianum* the only report is an occurrence is on NAS Whidbey land, from Chris Chappel and the exact location is not known.

Mr. Erickson went over his list of species possibly recently extirpated from Whidbey Island [some were new listings by WEAN and Mr. Dearborn clarified for the record that it was not possible to consider new proposals at this point]:

Clustered brodiaea: no herbarium specimens but recalled that Hitchcock actually lists it in his description in the range as occurring from Whidbey Island, and could be the one reported from Grasser's Hill

Prairie Smoke – new in this submittal. Reported only from Central Whidbey and Kah Tai prairie remnant in Port Townsend.

Musk Monkey Flower – wetland species. Zemke referred to 1990 Washington Plant Society list [a plant list she confirmed at this time was from a web site and noted there may be an occurrence at Deception Pass].

Next, from his submittal, Mr. Erickson reviewed his list of species endangered on Whidbey Island:

Hooker's onion [Tapertip onion]: Five known occurrences: Grasser's Hill, Partridge Point, Fort Ebey State Park, Ebey's Bluff, and Goose Rock at Deception Pass.

Howell's brodiaea: attended workshop given by the Nature Conservancy last Spring on developing echo regional conservation targets for vascular plants and there was universal agreement on this plant that should be an echo regional conservation target.

Jerry Fillman, Coupeville, questioned if none of the species existed on Whidbey Island how would folks be impacted – would it hurt. For example, he has never been impacted by the loss of the passenger pigeon. Mr. Fillman had some concern about a remedy suggested "500 yards" which could impact anyone present. At this point, Mr. Dearborn clarified that the figure was 500 cubic yards. Mr. Fillman stated that he talked to his neighbors on both sides of his parcel who did not receive a notice. He suggested what was becoming a rarity was property rights and the solution for him would be to plow his land and return it to agricultural production.

Bill Arbuckle, Coupeville, career in the Air Force with a degree in physics and minor in math, living on the Island for 22 years. Disposition of the Pheasant Farm, 181 acres, impacted him strikingly. The Au Sable property is an L-shaped piece of property, one leg running north another east. Mr. Fillman owns 5 acres in the corner there. The Fillman agricultural property is bounded on the west by 330' and on the south by 660' so anything that happens on the Au Sable property as far as saving plants and animals will eventually impact him too. One of the questions he posed was: if the County determines that the camas plant has to be protected does that mean he has to give up haying his fields, can no longer keep cattle on that property; how will enforcement be made? Mr. Arbuckle had further comments but wanted an opportunity to put those comments in writing for the record.

Michael P. Gerrity, Oak Harbor, heard a lot of words such as “diversity of genetics between rare plants” but all surrounded by “could, might, should, possibly” which are not scientific facts as he assumed would be. The results are based on WEAN list not verified by Adolfson and Associates. With regard to the discussion on “rare” he pointed out that because a plant is not on the island does not mean it does not exist. If a plant exists all over the western United States the fact that it may go away on Whidbey Island will not end the world. As far as why some plants grow on the roadside, Mr. Gerrity advised that the road does not stop at the road line under construction so the last place he would look for remnant prairie would be right on the side of the road. The probability is that any seed that is lost in the air will set on a large area and the rain will flush it to the side of the road. His concern is for private property that now is in jeopardy. His property the WEAN threat to his plants that exist is hybridization with introduced species; if that gets covered how will be prevent the bees from hybridizing his version of the plant with others. Most species to be protected is on public property and he asked the County to lead by example, look seriously at taking control where they have the control.

Rufus Rose, South Whidbey, One of the things that is of concern to him is that there is in some areas the intention to preserve what is called the natural state that has also been called a state created by the native Indians [burning off prairie land to prevent being taken over by natural trees and plants] on one hand, while on the other hand in other areas not to do that – how is that “mix” justified? Disclosure is now required in the sale of real estate; if these plants and habitats are adopted, will that disclosure apply to this as well? He was not sure the County had the ability to inform property owners that may have the “dots” on or near their property exactly what it is they have to disclose. When we come up with laws that restrict the use of private property creative people figure out a way to avoid being under that type gun; education would be a much preferable way. He saw a process of justifying a “freeze-frame or snap shot” geological and evolutionary time. Things change and the fact that some people want them not to change and want to use the force of law to prevent change, seems inconsistent with human and natural experience. Several visuals used today included definitions and explanations, etc. for which the public had not previously seen and believed the public deserved availability of that kind of information. He did not know how the County Commissioners or scientists determine that proposed plants occur naturally here and were not transported by previous farmers or Indians; calling them “natural” makes a distinction that may not be valid. Apparently the maps reflect sensitivity on the part of some government agencies, demonstrated by U. S. Navy in the area around Lake Hancock, but he wondered if any effort had been made to encourage additional cooperation by the State and Federal governments but should be prior to putting this kind of stress on individual private property owners. He asked that Island County not adopt additional sites or species as habitats of local importance. Mr. Rose provided a written submittal for the record at this time, from Reece and Rufus [GMA doc. #6065].

Jean Wilcox, Langley, on the Island since 1968, wondered what would be the great harm if a particular species did not reoccur on the Island when prolific on the mainland. She wondered if a lot of the plants might not have arrived on the Island through wind, bird droppings, etc. She was concerned about the matter and felt this could be a pretext overreaching some great authority.

Phyllis M. Turner, Langley, stated that Jean Wilcox and Rufus Rose addressed her concerns and observations, having lived on the Island permanently since 1972, owned property here since 1962, and having farmed at least part of the acreage. Over those years new plants all of a sudden appeared in her garden; stayed for a year or two and then would be gone and something else would come and take its place. It is for that reason she cannot understand why these particular spots are so precious. She wondered about the reliability of picking out a certain plant in a certain spot saying it is native, unique and must be preserved.

Elaine Steinhoff, Freeland, did not understand how mowing a perennial can do it harm, giving the example of cutting off a field daisy she may not have the flowers but she doesn't harm the plant; it continues to prosper probably because she cuts it from time to time. She suggested the Prickly-pear cactus did not occur on this Island except by introduction of either an individual or wave action carrying a seed pod.

Bob Strong, Oak Harbor, agreed with comments from those who protesting the designations on the WEAN list.

Marianne Edain, spoke on her own behalf and for WEAN. She and Steve Erickson, principals of Frosty Hollow Ecological Restoration, have been doing field work on the Island since the early 1980's. She acknowledged they had not presented Sara Gage with voucher specimens of a lot of their work over the years. If these species are not protected,

the species could disappear and the Island the poorer for it, and a particular ego system would wink out and not exist anymore. She believed all species had the right to live because they do exist. The various books and studies demonstrate that the most critical part of a species range is at the edge of its range. Those disjunct populations out on the edge are the ones where speciation occurs, where the genetics are the most volatile and change most. If these are lost, pretty soon it is not Island County on the edge of the range, soon the range is down to one very small population by allowing each of those other populations to wink out bit by bit, thus ending with total extinction.

As far as presumed protections shown on the maps for the three areas of Whidbey, Ms. Edain emphasized strongly those are not genuine protections. As one example, she said she talked many times with Rob Harbour who said that unfortunately the scenic easement on Ebey's Prairie does nothing to protect native species. That is the very last population of Blue flag iris west of the Cascade Mountains. She relayed a success story as a result of an article published by Chris Douthitt about species being lost and a picture of the Tiger lily they thought was gone, but started getting calls about Tiger lily, and heard from one person on the shoreline south of Oak Harbor with 6 plants growing on the bluff. She agreed education is preferable, but they do not want to see things lost while educating.

Ms. Edain corrected one of the species Ms. Zemke listed. While she agreed Camas was wide-spread, she stated that the Camas here is the variety that is not widespread and is limited to the northern Puget Sound area. As far as she was aware, WEAN is not proposing Camas. As for Musk Monkey flower, she was concerned about not seeing it again in that location because it is buried under 8' of dirt and widened highway at Greenbank. As far as Scarlet Paintbrush, WEAN listed a lot of populations and a lot of populations have been destroyed: one at Resort Road, one at Admiral's Cove. For this species, she believed WEAN would ask Mark Eger to come out or give him a specimen. For those species noted as not verified or where further information is needed, she invited Island County to come to those sites and be shown the exact locations of each of the species [would take several field trips because they bloom everywhere from early Spring to very late in the season]. The caveat she added here was that species actually do move around; not all are perennials and it is possible to see it one year and not the next; and two or three years later see it again.

She believed the majority of species on the list have traditional native food uses and could therefore be justified on more than simply rarity: there is speculation that the Garry oak was brought to Oak Harbor by the native people many hundreds of years ago as famine food; and the Nodding onion; Camas; Bear stem parsley; Spring gold; the Brodiaeas and Fawn lily were used as native food. Camas is one species that does not have a problem with activities such as haying and mowing as long as it is done after the seed matures in June. The bottom line for WEAN was: no extirpation.

Toni Clawson, Clinton, was concerned about property rights. She lives in the area of the Beach pea, and resented the fact that people come on private property to identify this plant. The Beach pea arrived only two years' ago after winter storms. If there are 13' tides accompanied by wind she promised Beach pea would no longer be there, and her question therefore: how is she supposed to protect that?

Mary K. Butler believed many people had expressed her sentiments very well about issues of the private property owner. She did wonder if a species migrated to properties already developed, what is the responsibility of the private property owner. If a home has not yet been built on property at this time, will those people be the only ones to have to pay the penalty here for anyone else and not be able to develop that property?

Gary Fisher, Oak Harbor, on and off the Island since 1957, conservationist, the prototype farm for the Whidbey Island Conservation Small Farm Technical Assistance Program, the prototype farm for the WSU Cooperative Extension Best Management Practices, also a designated sanctuary. He inquired what his property had that was so rare to be protected; he has 7 neighbors and none of them received the letter he received; how did the County decide who received notice? He requested that the County not develop tactics don't ask don't tell society.

In that regard, Mr. Dearborn indicated that staff would stay after the hearing to review the maps with Mr. Fisher. Using a boundary line of 300' around every dot, notice was given to each of those property owners that they may be affected by a regulation that would protect certain plants and provided the date, time and place of this hearing.

Don DuBois, Oak Harbor, expressed concern about the personal property owner and the farmer. There are many small farms on Whidbey Island; how much will this proposal infringe. He agreed with Gary Fisher and others regarding this matter, and thought this proposal a great hindrance coming on top of other regulations.

Steve Layman, Clinton, degree in Zoology, minor in Botany, passionate interest in birds of prey, and promotes the Department

of Wildlife's backyard sanctuary packet and native plants and animals represented there. His small business extends all over Whidbey Island and the Seattle area and deals with private property owners over issues of native plants and animals. Although it is a passion of his, he does not like the idea of his passionate interest legislating what other people will do essentially at the point of a gun with law. He would rather have the opportunity to talk with folks as a passionate friend or neighbor and convince them that having these plants and animals on their property will enhance their lives. He recommended that Island County at least produce educational materials to landowners so they can willingly and passionately contribute to the welfare of these sensitive plants and animals.

Carl Robinson, he and his wife own about 27 acres on South Whidbey a good portion prairie or mowed field, and a good portion is mixed forest. He believed in the need for diversity in plants and animals, but did have some concern about designating certain plants that have not been identified as being an endangered species or those species that are of negative value. He is concerned about private property rights, but not limited to that. He reminded that even in forest lands there is burning to control vegetation; if allow prairies to grow unhindered in certain areas presents potential fire hazard. Entering private property presents risk; barring legal rights to enter his property, he did not want that to take place. Though it was mentioned that BSA's would be done by the County, he reminded "we are the County". He realized there are certain species of plants or animals that should be protected, but urged there be standard criteria used for identification of those, and not take a broad brush and call it diversity.

Gayle Cerullo, Oak Harbor, stated that her husband's family ranch has been on the north end of the Island for many years, using the property in the same manner since the 1940's. Apparently there are two species of plants located near or on the property, and if that is the only two places the species grow, she thought the species must like it there with the cows, horses, and related activities. Being forced to change something would not be in anyone's interest. As private property owners they take care of the land and do their part and do not want their rights overlooked.

Steve Erickson, WEAN, continued with his comments. When WEAN originally gave the County the dot maps he noted those locations are generalized. Since 1992 he has offered to take the Island County Critical Areas Planner into the field to show him the locations, teach him to identify the different species, but has always turn him down. When the European settlement began there were probably about ¼ million acres of native prairie in the South Puget Sound area, and based on soil maps estimated about 7,800 to 8,000 acres of glacial outwash prairie on Whidbey Island. Overall the extent of these native prairies and oak woodlands and rocky balds is now estimated at having been reduced by well over 90% throughout its range in the long term. He presumed as with Critical Areas regulations that reasonable use criteria would apply on private property. The locations of these species he is aware of on private property there are only one or two situations where a reasonable use situation may occur. He continued his report:

Endangered on Whidbey Island

Howell's brodiaea: rare in the general Puget Sound lowland echo region; one location known on Whidbey Island.

Menzie's Larkspur: one extent location in data base, Goose Rock reported from 1992 from Chris Chappel; sightings from 1979 and 1980 on Ebey's Bluff but Mr. Erickson has not seen it but will continue to look; observed on Grasser's Hill from about 1985 to 1994 but destroyed within the scenic easement by residential landscaping encroaching into the scenic easement.

Prairie shooting star: the correct listing is *Dodecatheon hendelsoni*; 5 occurrences on Whidbey Island all within an area of about 1 mile on Smith Prairie.

Fawn Lily: it is possible it may be more common but WEAN knows of 5 current occurrences on Whidbey; 1 occurrence reported from Ebey's Landing where WEAN has not found it. The roadside sites where this occurs is a matter of fine-tuning management to maintain it there.

Tiger lily: one occurrence listed currently from NAS Whidbey reported by Natural Heritage; exact location not recorded. The map showing the location as being outside of NAS Whidbey is in error. Additional sites reported as a result of newspaper article.

Nine-leaf Lomatium [Narrow Leaved desert parsley]: common on southern Puget prairies but generally known from the rocky bald type prairie. Reported by Reid Schuller from Goose Rock in 1981, but not observed since then.

Sickle-keeled lupine: One siting in field, Monkey Hill Road. Hybridization with *Lupinus arboreus* is a threat;

hybridization problems have occurred primarily on South Whidbey [around shopping center Bayview]; degree of hybridization fluctuates depending on whether the plants are persisting or regenerating from the seed bank after a cold season.

Lace-leaf *Microseris* [cut-leaved *microseris*]: Observed the first year out at Smith Prairie on the former game farm property; also reported twice by Natural Heritage Program from Goose Rock.

Blue-Eyed Grass: Two occurrences, Grasser's Hill occupying an area of about 150 sq. ft. or less, observed since 1992; observed on Ebey's Bluff as recently as 1980 though Mr. Erickson has not seen it.

Prairie Goldenrod [Spike-like Goldenrod]: only occurrences in the northern Puget lowlands are two locations on Smith Prairie [Au Sable property and the other to the south of there, threatened by a proposed access road for a gravel mine; and Kah Tai prairie remnant in Port Townsend.

Fool's onion: 3 occurrences known.

Threatened on Whidbey Island

Foothills Sage: This may be a rare species in Washington, now undergoing a status review in British Columbia. On Whidbey it has been seen on Smith Prairie and the area above Zylstra Road where the DOT did highway widening project.

Scarlet Paintbrush: Three paintbrush species known that occur on Whidbey Island, one of which is the golden paintbrush which is not at issue; two others *Castilleja hispida* which occurs on North Whidbey and Fidalgo Island; the third, *C. miniata*. There is a population of *Castilleja* on NAS Whidbey on the west side of the Island that appears to have some characteristics of both those species. Many occurrences are fairly small and seem to wink on and off; some have been destroyed. The largest single aggregation is on Grasser's Hill.

Showy Fleabane: There are 4 known occurrences on Whidbey, none terribly numerous in terms of numbers of individuals.

Idaho Fescue: 6 occurrences known, but the only Central Whidbey location where the species is dominant is Smith Prairie.

Chocolate Lily: 7 extent occurrences known, most are not very dense even though it covers a large area, with the exception of Grasser's Hill where there is a thick most abundant dense occurrence he has seen anywhere. On Grasser's Hill outside the scenic easement has been mowed at various times. The reason mowing may eventually impact the species is because nothing lives forever and they have to produce seed to regenerate eventually.

Blue Flag iris: Regionally rare; the population in Oak Harbor destroyed when K-Mart and McDonalds were built. There is a report of an occurrence from North Whidbey with exact location unknown from 1979. The location on Grasser's Hill is the only remaining location west of the Cascades, Mr. Erickson estimated that about 60% of the area that the species occupied [about 1987] has now been completely eliminated by residential development.

Rank Prairie Lupine: Common roadside lupine on Whidbey Island. On South Whidbey many of the patches have become hybridized with *Lupinus arboreus*. Last year an area where it is very commonly seen by many people north of Coupeville along the highway DOT sprayed the Lupine very selectively for several miles and if continued long enough, will eliminate it. The DOT regional manager at this point has been very clear DOT will take no actions to protect any of these native species if not otherwise listed by the County or the State.

Dune Bluegrass: pointed out by Chris Chappel in 1998 and has been seen since then at Deception Pass on the West Beach dunes. This may be a rare species in Puget Sound and its primary threat is European Beach Grass introduced to that area.

Death camas: 5 locations known now, generally most occurrences are fairly small, the largest on Au Sable land next to Ebey's Bluff and in the State Park. He has no census data at all for Goose Rock.

Sensitive on Whidbey Island

Hairy Golden *Chrysopsis* [Golden aster]: only location is Ebey's Bluff and he does not know where else it occurs in Western Washington. Based on a survey he is doing it is more abundant than he initially believed.

Beach Pea: There are two types of beach peas on Whidbey Island; one fairly common but the other *Lathyrus littoralis* where there are only 2 occurrences reported, Maxwellton Beach and the other on the dunes at Deception Pass threatened by introduced European beach grass and recreational trampling.

Prickly pear cactus: only aware of it on Ebey's Bluff, more widely distributed than initially thought.

Garry Oak: The trees in Oak Harbor are not in the County's purview but WEAN's concern is the remnant trees in Penn Cove. Other than those two areas he was not aware of any other areas on the Island where it still occurs.

Tomcat Clover: 3 known occurrences [typo in his handout page 16 under number of known occurrences]. A small annual species.

The remainder of his report is the "Monitor List", plants WEAN believe should be monitored and be kept track of to see how they are fairing, though do not necessarily warrant listing at this time. One of note would be *Carex pansa*, which he has not seen elsewhere in Puget Sound though it may be listed from the San Juans. Mr. Erickson pointed out that besides the science, people of many cultures and traditions and spiritual traditions all have their reasons why they should not negatively impact or destroy creation. In terms of economic impacts, reasonable use would apply, and it is relatively small areas that are impacted. As far as criteria needed for protection, the first thing is "and activities that are damaging" which includes mowing at the wrong time, and herbicide spraying by DOT is relevant. On roadsides the mowing that has occurred has reopened them in some cases so that those species have appeared now. In at least one instance he knew the species there did not move in from an interior area.

With no further members of the public indicating a desire to speak at the hearing, the public comment portion of the hearing was closed.

Commissioner Thorn observed that Mr. Erickson made a lot of assertions in his submittal, and indicated there are threatened species, but also that in some cases as many as 1,000 or 10,000. For a number of species, Mr. Erickson indicated no census data or sketchy census data yet assert them threatened.

Mr. Erickson said this was criteria he used for determining what he regarded as threatened. The issue of rarity and the issue of endangerment or threat need to be separated out. If all of a species is in a very small area and something happens there it is very easy to wipe it out. In the instance of the iris there is one location and a documented trend of it being impacted and other issues that go beyond that.

As far as whether this is a credible way to look at it, Lizzie Zemke it was not from a strictly scientific approach. In order to determine with a lot of security it is not occurring anywhere else one would need to do fairly systematic sweeps of the area where it is likely to occur. It may be that Mr. Erickson has done that, but for most of the species they do not have data saying these were all systematically search with this methodology.

Commissioner Thorn was concerned about the input in that regard and did not feel very secure making decisions because it is not very scientific, not very extensive and there are a lot of holes in it. He was not prepared to make any decision that could have this kind of impact on people on guess work.

Ms. Zemke did point out it is fairly well known there are relatively few prairie remnants remaining and probably there aren't very many occurrences of these plants just because there aren't many habitats left where they can live.

Mr. Erickson acknowledged that in the material submitted he did not include places he had gone and not found any of the species or indicators they might be present. As to how systematic WEAN has been, it was not as systematic as he would have liked but he did not necessarily have access to every place. WEAN neither has the authority nor the people power. Over the last 15+ years WEAN has been haphazardly going out and looking, relying on intuition, going out randomly, historical reports, looking at aerial photos and from people have told them.

Answering another question, this one from the Chairman, Ms. Zemke stated that the hierarchy WEAN used for endangered, threatened, sensitive, etc. based on the system that DNR uses has not been peer reviewed or adopted by anybody else, so in the work Adolphson has done did not really put a whole lot of stock in the hierarchy WEAN attached to their list. The Chair had a problem with calling something Whidbey Island endangered. That was something one of the citizens pointed out, and Ms. Zemke cautioned the Commissioners caution about using those sorts of terms. She

considered the prairie species to have a fairly high degree of habitat specificity.

The Chair, from listening to today's presentation and taking notes, gathered that about 90% out of the 33 species seem to be widespread, so he wondered if a plant is widespread how can it be considered rare.

Ms. Conolly agreed it a difficult concept to grasp that something can be rare in one place and yet widespread in a general sense. When looking at the value of a peripheral population that is also locally rare, has small numbers of individuals, then it has this genetic diversity that is valuable to the greater species. In the short term human life span it may or may not ever interact. Over geologic time there is the potential it could over a longer time span or it can be intentionally crossed. There is a different value given to a natural change versus a man-induced change.

Commissioner Thorn recalled that in one instance regarding lupine a statement was made that there is cross breeding between varieties and he was interested to hear how that is known absent a genetic test of some kind.

Mr. Erickson stated he had seen both species in a pure phase and through some variation throughout their range. He has seen several populations in that area where they seem to have characteristics of both of those species. On Whidbey around Bayview in a cold year the plants die and surviving plants tend to be native because they are more adapted to that. A population of the paintbrush on North Whidbey south of Deception Pass on the west side of the Island on Naval Air Station he saw characteristics that seemed to him to be those of both *Castilleja miniata* and *Castilleja hispida*.

Ms. Connolly noted although a big budget item, there are ways to definitively understand whether a certain specimen is a hybrid.

BOARD ACTION:

By unanimous motion, the Board continued the Public Hearing to December 18, 2000 at 1:30 p.m., for Board deliberation only, with the written record remaining open through close of business on December 14, 2000. [Notice of Continuance of Hearing, GMA doc. #6144]

There being no further business to come before the Board at this time, the meeting adjourned at 5:10 p.m. The next regular session to be held on December 18, 2000, beginning at 9:30 a.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