

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING**  
**REGULAR SESSION - JANUARY 22, 2001**

The Regular Meeting of the Board of Island County Commissioners was held on January 22, 2001, beginning at 11:30 a.m. for a Roundtable with Elected Officials, followed by other meeting items as listed on the Agenda scheduled for 1:30 p.m., including Diking Improvement District #4. The meeting was held in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with William F. Thorn, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, present. Minutes from previous meetings were approved and signed:

Dec. 18, 2000 Regular Session                      Dec. 19, 2000 Special Session  
Jan. 02, 2001 Special Session                      Jan. 08, 2001 Regular Session

**ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS**

**Attendance**

Elected Officials: Tom Baenen; Marilee Black; Mike Hawley; Maxine Sauter  
Others: Margaret Rosenkranz; Dick Toft

Certification of Levy. Mr. Baenen mentioned waiting to certify the levies until Snohomish County is able to get back with the information on the Library and Stanwood School District figures, hopefully will be this week which will enable certification of the tax roll. At this point there have been some 270 Board of Equalization petitions filed, compared to 1500 last year. Of the 270, it is estimated that 150 may go to hearing. His office has received the State ratio from the Department of Revenue, which is 97.7 [compares what the County values the property with what the market value shows]. Island County's ratio is 97.6. Personal property ratio is 97.2, also subject to audit by the State. The County's parcel count is down, from 55,000 - 56,000 shown for the past number of years, to between 50,000 and 51,000 this year, now combining the manufactured houses with the site [previously counted the manufactured home as a parcel and the site as a parcel].

Purchasing. Commissioner Shelton was made aware of the Washington State Association of Counties (WSAC) contract with the National Association of Counties (NACO) to purchase office equipment and supplies through a contract with Office Depot. Not only are prices extremely competitive, through this contract the Association receives a certain percentage back, which in turns helps to offset dues from counties. Chairman Thorn will provide the information and the contract number to Elected Officials and Department Heads at the Department Head meeting scheduled for January 24<sup>th</sup>.

Salary Survey for exempt employees. Memorandum being prepared by Mr. Toft at this time, to be reviewed and approved by the Commissioners prior to distribution.

Health Insurance. Emphasis of Washington Counties Insurance Fund meeting last week was on current attempts to save some dollars through self insured program. Premiums this year increased; Group Health by 15%; Regents by 28%. The WCIF self-insured program will affect those employees who are now on Regents plan with a target date of April 1. There will be four plans from which to select and a "benefits fair" is planned here for late February, with information forthcoming from Mr. Toft's Office.

Legislation. The Commissioners were able to meet with legislators last week in Olympia. The Rural Counties bill, SB 5982, is coming up Wednesday and Commissioner Shelton will testify on behalf of the County. The League of Women Voters is hosting a breakfast meeting Saturday, January 27<sup>th</sup> at 9:30 a.m., Henderson's Restaurant, Oak Harbor, with legislators attending, and Ms. Sauter thought that might be a good opportunity to learn more and get feedback on the issue as well as other issues important to the county.

Roundtable adjourned 11:55 a.m. The next Roundtable is scheduled for 2/26/01 @ 11:30 a.m.

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

**Voucher (War.)** 2000 Warrants # 91659 – 91929..... \$ 975,215.20  
2001 Warrants # 91931 - 92079 .....\$ 64,291.15

**Veterans Assistance Fund:** [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. By unanimous motion, the Board approved Claim #V1-1 in its entirety as recommended by the VARC in the amount of \$840.00. With regard to Claim #V1-3, the Board approved the Claim in the amount of \$1880.00 as recommended, subject to payment of vouchers for rent and power utility once services have been provided.

**STAFF SESSION SCHEDULE – FEBRUARY, 2001**

The Board approved for distribution the Staff Session schedule for the month of February, 2001, outlining sessions to be held on February 7<sup>th</sup> beginning at 9:00 a.m., and February 21<sup>st</sup>, beginning at 12:30 p.m. Staff Sessions are held in the Courthouse Annex Hearing Room Basement, Coupeville, Wa.

**WATER RESOURCES ADVISORY COMMITTEE**

By unanimous motion, as reviewed and discussed during Staff Session on January 17<sup>th</sup>, the Board named the following new appointments and one reappointment to the Water Resources Advisory Committee:

**New Appointments**

Steve Hilborn, North Whidbey  
Charles Krumbeyer, North Whidbey  
Jim Shelver, South Whidbey  
John A. Lewis, Camano Island  
Karl Ostrom, Camano Island

**Re-appointment**

Jim Trask, North Whidbey

Chairman Thorn acknowledged a letter of appreciation being sent from the Board of Commissioners to George Wyse, Camano Island, who has recently resigned from the Island county Parks Board. What makes this so significant is the fact that Mr. Wyse as a volunteer served as a member since appointment to the position August of 1979.

**RESOLUTION #C-04 -01-PROCLAMNG RANDOM ACTS OF KINDNESS WEEK**

The Board, as has been the custom over the last few years, adopted by unanimous motion Resolution #C-04-01 proclaiming Random Acts of Kindness Week February 12 – 18, 2001 in Island County.

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

**PROCLAMATION**

**In the Matter of Proclaiming the }  
Week of February 12-18, 2001 }  
RANDOM ACTS OF KINDNESS } RESOLUTION #C-04-01  
WEEK in Island County }**

**WHEREAS:** The purpose of Random Acts of Kindness is to promote goodwill in our schools and community; and

**WHEREAS:** Acts of kindness benefit both the giver and receiver; and

**WHEREAS:** All who live and/or work in Island County are encouraged to practice **RANDOM ACTS OF KINDNESS** whenever possible; **NOW, THERE-FORE,**

**BE IT HEREBY PROCLAIMED** by the Board of Island County Commissioners that the week of **FEBRUARY 12-18, 2001**, be declared as:

***RANDOM ACTS OF KINDNESS WEEK***

in **Island County**, and urge citizens to officially renew their commitment to practice Random Acts of Kindness.

*SIGNED* this 22<sup>nd</sup> day of January, 2001.

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

Wm. L. McDowell, Member

**ATTEST:**

Margaret Rosenkranz  
Clerk of the Board  
BICC 01-038

**HOLD HARMLESS AGREEMENT - ISLAND TRANSIT**

As proposed, outlined in a memorandum dated 1/16/01 from Lee McFarland, Assistant Director, GSA/Property Management Division, the Board by unanimous motion approved a Hold Harmless Agreement between Island County and Island Transit to place bus shelter and bus stop sign to be located in front of the Clinton Library, located on County property at Dan Porter Park, Clinton. The Agreement has been reviewed and approved by the County's Risk Manager, and signed by the Executive Director, Island Transit.

**RESOLUTION #C-05 -01 IN THE MATTER OF APPROVING ISLAND TRANSIT PARK & RIDE LOTS NEEDS ASSESSMENT**

Having received a letter dated January 15, 2001 from Martha M. Rose, Executive Director, Island Transit, outlining the need and her request that the Board adopt Island Transit's Park and Ride Lots Needs Assessment, the Board by unanimous motion adopted Resolution #C-05-01 in the matter of approving Island Transit Park & Ride Lots Needs Assessment.

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

**IN THE MATTER OF APPROVING )  
ISLAND TRANSIT PARK & RIDE LOTS )  
NEEDS ASSESSMENT ) RESOLUTION C-05-01**

**WHEREAS**, the Island County Growth Management Plan Transportation Element encourages multi-modal transportation, transportation service connections, and planning and implementation of multi-jurisdictional transportation projects to address shared transportation needs; and

**WHEREAS**, Island Transit has developed a site and construction cost-specific list of Park and Ride lot needs in Island County, updated and revised as Island Transit's service area developed over the past thirteen years; and

**WHEREAS**, the Board of Directors of Island Transit on January 12, 2001 adopted the Island Transit Park & Ride Lots Needs Assessment on Whidbey Island to address congestion relief and encourage multi-modal use;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Island County Commissioners adopts the Island Transit Park & Ride Lots Needs Assessment, attached hereto as Exhibit "A".

**BE IT FURTHER RESOLVED** that the Island Transit Park & Ride Lots Needs Assessment be presented to the Regional Transportation Planning Organization (RTPO) Policy Board on January 24, 2001 for adoption and forwarding to the Chairman of the Senate Transportation Committee in an effort to obtain funds to construct some or all of the Park & Ride lots during this Legislative session.

**REVIEWED AND APPROVED** this 22<sup>nd</sup> day of January, 2001.

**BOARD OF COUNTY COMMISSIOENRS  
ISLAND COUNTY, WASHINGTON**

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

**ATTEST:**

Margaret Rosenkranz, Clerk of the Board  
Clerk of the Board

BICC -1-039

**INTERLOCAL AGREEMENT #RM-SHER-00-0096 BETWEEN WHATCOM COUNTY & ISLAND COUNTY- INMATE TRANSPORTATION SERVICES**

The Board approved, by unanimous motion, Interlocal Agreement #RM-SHER-00-0096 between Whatcom County and Island County to provide inmate transportation services via the Northwest Mini-Chain for the year 2001, in the amount of \$9,488.63.

**HIRING REQUESTS & PERSONNEL ACTIONS**

As presented and explained briefly by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel actions:

<b><u>Dept/PAA #</u></b>	<b><u>Description</u></b>	<b><u>Action</u></b>	<b><u>Eff. Date</u></b>
<b>Public Works</b>			
PAA #007/01	Operator I, Bayview	#2239.03 Replacement	1/22/01
PAA #015/01	Accounting Asst.	#2205.02 Personnel Action	1/22/01
PAA #016/01	Civil Eng. II	#2220.02 Personnel Action	1/22/01
<b>Planning/Community Development</b>			
PAA #008/01	Plans Ex./Bldg. Insp Trainee#	418.02 Temporary	1/22/01
<b>Sheriff/Jail</b>			
PAA #009/01	Jail Supt.	#4003.00 Replacement	1/31/01
<b>Assessor</b>			
PAA #010/01	Appraiser Level 2	# 107.02 New Position	3/15/01
<b>Juvenile Services</b>			
PAA 011/01	Probation Officer	#1402.08 New Position –grant	1/22/01
<b>Health</b>			
PAA 012/01	Pub. Health Nurse .75 fte	#2406.14 Personnel Action	1/22/01
PAA 013/01	Pub. Health Coord. .5 fte	#2408.08 New Position	1/22/01
<b>Auditor</b>			
PAA 014/01	Dep. Auditor-Auditing	# 211.00 Replacement	2/22/01

**MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER**

**Auditor**

The Auditor was in Olympia, and due to unforeseen emergency/circumstances, staff was unable to attend the meeting or provide the financial report on behalf of the Auditor. *[Written copy received 1/23/01 and copy placed on file]*

**Treasurer**

Maxine Sauter was present her year end budget comparison for the period ending 12/31/00 [cash receipt budget – Current Expense – year to date as of December 31, 2000] and answer questions. Her written report was provided under cover memorandum dated January 12, 2001 *[copy on file]*. Pointed out by the Treasurer was the fact that the cash balance increased over the prior year by \$1,312,504, basically due to interest income, building permits, jail revenue, property tax interest, sales/use tax, and clerk revenue.

**PUBLIC INPUT**

Jack Negus, 6638 Anderson Road, Clinton, delivered on behalf of the Clinton Community Forum, submitted a letter dated January 10, 2001, entitled “Where’s Clinton’s Beach?- Petition” signed by Lynae Slinden, Clinton Community Forum Steering Committee, with attachments including:

- letters dated 10/12/98 and 2/8/99 from George E. Jackson, Central Whidbey Trails Council to Senator Mary Margaret Haugen

- letter dated 4/12/99 from Mary Margaret Haugen to George E. Jackson
- news article from The South Whidbey Record January 3, 2001, Editorial – “More property needed in 2001”.; and a map of the area.
- Petition with 750 signatures of individuals urging the purchase of the property on the north side of the ferry terminal adjacent to the Port District’s pier as a waterfront park for the purposes: regain access to public tidelands; provide waterfront for port and recreation uses; and promote tourism via ferry traffic and State’s marine trail.

Nan El-Sayed, 2251 Whidbey Shores, Langley, provided a letter of concern with regard to the recent Whidbey Fox Spit clear cut, the topic of today’s concern for her as well as Marie R. Powell, urging: caution before the issue of a permit for continuance of the clear-cut until a careful review of the compliance of the first permit is made; and early adequate public notice of intention to clear cut. She believed the clear cut proposal was mistakenly designated Class 3 rather than Class 4. The clear cut was allowed within 200’ of the shoreline and logging completed before a plan or implementation of drainage measures. No mention was made during the permit process about the proximity to the steep unstable bluff; no early adequate public notice was provided to the community about the clear cut. If such considerations had been made, SEPA review would have been triggered as well as a watershed analysis. Information she obtained from Greenbelt Consulting December 20, 2000, was provided with regard to evaluation of impacts of the recent 40 acre clear-cut. E-mail addresses were provided by both Ms. El-Sayed and Ms. Powell.

Marie R. Powell, 3211 Fox Spit road, was concerned about the same logging taking place, and sought non-issuance of a permit to clear cut an additional 30 to 35 acres in the same area. She referenced WAC 222-30-110 concerning special requirements for clear cutting on islands, i.e. stipulating that no more than 40 contiguous acres of land are in a clear-cut condition, and that 10 years should pass by in order for a canopy to grow. Although the President of the Board, of Whidbey Shores Association was called at the last minute to attend a meeting about the cutting, that was not communicated to other members of the community. People in the area surrounding the clear cut area across Saratoga Road are also concerned about the cutting, and those people were not notified.

Commissioner Shelton had an e-mail from Karen Vanderbuilt, and he forwarded information to her received from the Public Works Director, and agreed to send Ms. El-Sayed and Ms. Powell the same information.

#### **STANDARD CONSULTANT AGREEMENTS APPROVED**

After presentation by Larry Kwarsick, Public Works Director, along with discussion with Staff, Dick Snyder, the Board by unanimous motion, approved the following Standard Consultant Agreements:

**Standard Consultant Agreement PW-012003** with Fakkema & Kingma, Inc., for completion of comprehensive stormwater plan for the Freeland Growth Area, Work Order #373, in the amount of \$118,700.00 [includes Bercot Road area] [GMA Record #6183]

**Standard Consultant Agreement PW-012004** with Fakkema & Kingma, Inc., for Whidbey Shores - “Miller Draw Outfall Design”, in the amount of \$11,568.00

**Standard Consultant Agreement PW-002021** with Golder & Associates Inc., for Geotechnical Evaluation, design & services, for Seaward Way Road Repairs, CRP 00-06, Work Order #129, in the amount of \$79,655.00

Mr. Kwarsick explained that the Agreement for the Whidbey Shores Miller Draw Outfall Design covers services required for completion of an outfall design plan for the Whidbey Shores Miller Draw Outfall, and includes ground topographic survey, calculation of existing and future stormwater run-off rates, analysis of existing storm drainage systems, preparation of design plans, and preparation of cost estimates. A Drainage agreement has not yet been fully developed between the parties but Lew Legat, County Engineer, is working on that agreement. Over the years involved in the issue has been primitive road designation, drainage issues before the Gordon Iverson logging took place. Mr. Iverson, even though not obligated to, has agreed to participate with Whidbey Shores and Island County in installation of a new drain and Whidbey Shores has also tentatively agreed to allow placement on their property and to maintain the system once constructed. This is a good partnership and consistent with policies to attempt to resolve existing drainage problems. As Commissioner Shelton observed, the primitive road coming down the little valley is the collector of all the water; granted more water comes down since the clear-cut but historically there has been a problem, attempted to resolve a number of times by those who live in Whidbey Shores. This is an on-gong drainage issue being resolved in a cooperative way. With regard to the issue clear-cut issue addressed by Ms. El-Sayed and Ms. Powell earlier, and WAC 222-30-110 referenced, Mr. Kwarsick clarified that contiguous does not include adjoining land areas that are separated by 200’ buffers. There are no notification requirements for Class 3 permits; Class 3 permits are handled by DNR and not the County.

**CERTIFICATION OF 2001 ROAD LEVY – ANNUAL REPORT TO CRAB**

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The Certification of 2001 Road Levy, an Annual Report to CRAB under WAC 136-150-021, was approved by the Board by unanimous motion. The figures used to determine the total County valuation, the road district valuation and the levy amount are prepared by the Assessor’s Office. The amounts shown as budgeted for other purposes are from the approved Road Budget.

**HIGHWAYS & LOCAL PROGRAMS STATE FUNDING AGREEMENT – ISLAND COUNTY AND WASHINGTON STATE DEPARTMENT OF TRANSPORTATION**

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The Highways & Local Programs State Funding Agreement – Island County and Washington State Department of Transportation, was approved by unanimous motion of the Board, for 2000 Traffic Safety Near Schools Program: East Camano Dr./Cross Island Road Signal, for \$150,000 in State funds.

**SIGN PURCHASE ORDER – PAINT STRIPER**

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The Board, on unanimous motion, approved and authorized the Chairman’s signature on Purchase Order 04165 to purchase from TMT Pathway, Salem, Oregon, the rebuilding/replacing of paint striper-carriage, and control station per quote 1/3/01 from that firm, in the amount of \$47,148.41.

**RESOLUTION #C-06-01/R-03-01 – REDUCTION IN BOND-WATER SYSTEM PLAN SWAN RUN PRD 140/99 BY TERRY SWANSON**

Applicant requests reduction of existing bond for PRD 140/99 guaranteeing completion of Swan Run water system, private roadways and final drainage/erosion/sedimentation control measures. By memorandum dated 1/17/01, the County Engineer reported that staff confirmed by site visit that a portion of the requirements within the bond were completed. Based on that inspection, Mr. Legat recommended that the original bond amount of \$66,983.45 be reduced to \$23,000 and that completion date be extended to January 1, 2002.

By unanimous motion, the Board adopted Resolution #C-06-01 (R-03-01) in the matter of reduction of bond guaranteeing completion of the water system in PRD 140/99, Possession Point Estates II, Island County, Washington.

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

**IN THE MATTER OF REDUCTION OF )  
BOND GUARANTEEING COMPLETION ) RESOLUTION C-06-01  
OF THE WATER SYSTEM IN PRD 140/99- ) R-03-01  
POSSESSION POINT ESTATES II, ISLAND )  
COUNTY, WASHINGTON )**

**WHEREAS**, the Swanrun Public Water System in PRD 140/99, Possession Point Estates II, was not completed to County standards at the time this plat was recorded; and

**WHEREAS**, the Island County Land Development Standards and RCW 58.17.130 require completion of said improvements prior to approval of any plat, or bonding to assure completion; and

**WHEREAS**, to insure the completion of the improvements, the developer furnished Island County with a Plat Bond/Declaration of Trust in the amount of sixty-six thousand, nine hundred eighty-three and forty-five/100 Dollars (\$66,983.45) guaranteeing completion of said improvements; and

**WHEREAS**, the following improvements have been inspected and are now found to comply with Island County standards:

See attached Exhibit "A" and Exhibit "A"-Attachment 1

**BE IT HEREBY RESOLVED** that the bond guaranteeing completion of the Swanrun Public Water System improvements in the Plat of Possession Point Estates II be reduced this date to the amount of Twenty Three Thousand and no/100 Dollars (\$23,000.00) to guarantee completion of the remaining items of work. Completion due date of remaining items is January 1, 2002.

DATED this 22nd day of January, 2001.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**  
WILLIAM F. THORN, Chairman  
MIKE SHELTON, Member  
WM. L. MCDOWELL, Member

**ATTEST:** MARGARET ROSENKRANZ Clerk of the Board BICC 01-057

**RESOLUTION #C-07-01/R-04-01 – SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS- TRAILER MOUNTED MESSAGE SIGNS**

As presented and reviewed, the Board by unanimous motion, approved Resolution #C-07-01 (R-04-01) approving specifications and authorizing call for bids for Trailer Mounted message signs, with bid opening scheduled for 2/16/01 at 11:00 a.m., Conference Room #2, Courthouse Annex, Coupeville, Wa.

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

**IN THE MATTER OF APPROVING }  
SPECIFICATIONS & AUTHORIZING } RESOLUTION C-07-01  
CALL FOR BIDS FOR: } RESOLUTION R-04-01  
TWO TRAILER MOUNTED MESSAGE }  
SIGNS WITH RADAR PACKAGE }**

**WHEREAS**, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:  
**TWO (2) TRAILER MOUNTED MESSAGE SIGNS WITH RADAR PACKAGE**

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said equipment;**BID OPENING** to be the 16th day of February, 2001 at 11:00 a.m., in Conference Room No. 2, Courthouse Annex, 1 N.E. 6<sup>th</sup> Street, Coupeville, Washington.

**ADOPTED** this 22<sup>nd</sup> day of January , 2001.

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

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

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board BOCC 01-058

**ADOPT-A-ROAD LITTER CONTROL PROGRAM AGREEMENT  
VETERANS OF FOREIGN WARS POST 7392**

- Adopt-A-Road Litter Control Program Agreement between Island County and Veterans of Foreign Wars Post 7392 for Ault Field Road from Highway 20 to Goldie Road, was approved by unanimous motion of the Board.

**RESOLUTION #C-08-01/SW-01-01 – APPROVING SPECIFICATIONS & AUTHORIZING CALL FOR BIDS FOR ONE NEW OR USED FRONT END LOADER**

- The Board, by unanimous motion, as explained and reviewed by Dave Bonvouloir, Solid Waste Manager, approved Resolution #C-08-01 (SW-01-01) in the matter of Approving Specifications and Authorizing Call for Bids for One New or Used Front End Loader, setting bid opening for March 1, 2001 at 1:00 p.m., Conference Room #3, 1 NE 6<sup>th</sup> St. Coupeville, Wa.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

<b>IN THE MATTER OF APPROVING</b>	}	
<b>SPECIFICATIONS &amp; AUTHORIZING</b>	}	<b>RESOLUTION #C-08-01</b>
<b>CALL FOR BIDS FOR:ONE NEW OR</b>	}	<b>RESOLUTION #SW-01-01</b>
<b>USED FRONT END LOADER</b>	}	

**WHEREAS**, sufficient funds are available in the Solid Waste Fund for the purchase of:  
**ONE NEW OR USED FRONT END LOADER**

**With Mandatory Trade-In:**  
**Equipment No. 724: 1992 John Deere 444 Loader**

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that Attachment A, General Provisions, Specifications, and Bid Proposal is approved as written, and the Director of Public Works is authorized and directed to call for bids for furnishing Island County with said equipment; **BID OPENING** to be the 1<sup>st</sup> day March, 2001 at 1:00 p.m., in Conference Room #3, 1 N.E. 6<sup>th</sup> Street, Coupeville, Washington.

**ADOPTED** this 22<sup>nd</sup> day of January, 2001.

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

William F. Thorn, Chairman  
Member  
Mike Shelton, Member

Wm. L. McDowell,

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board BICC 01-060

**MEMORANDUM OF UNDERSTANDING BETWEEN ISLAND COUNTY & COMMUNITY MENTAL HEALTH SERVICES-PW002047**

Mr. Kwarsick presented for approval Memorandum of Understanding #PW-00-2947 between Island County and Community Mental Health Services, dealing with the on-going provision of Community Mental Health Services, specifically the relationship between Community Mental Health and the Community Development Block Grant Program and the construction of a new mental health facility in Coupeville. The MOU includes two attachments: Attachment I - legal description; Attachment II - federal regulations. This Agreement has not yet completed the Contract Review Process with the Risk Manager and Deputy Prosecuting Attorney, but because of timing issues, asked that the Board authorize the Chairman to sign the MOU once those approvals have been obtained.

By unanimous motion, the Board authorized the Chairman's signature on the MOU at the time the Risk Manager and Deputy Prosecuting Attorney have both signed off approving under Contract Review Process, including Attachment I and Attachment II.

**ADDENDUM/AMENDMENT NO. 1 TO PURCHASE & SALE AGREEMENT NO. 39867 – COUPEVILLE MENTAL HEALTH CENTER**

Presented at this time was a Draft proposed Addendum/Amendment No. 1 to Purchase & Sale Agreement #39867 – Coupeville Mental Health Center; Sec. 33, Twp 33N, R 1E, Parcel 173-3310; Extension of Northwest First Street, Work Order. Gary Hess, Public Works Engineer, explained that when the Purchase and Sales Agreement was originated the closing date was set for January 31, 2001, contingent on grant contract completion. The grant contract is not yet complete and release of funds cannot be managed before that closing date. This Amendment is recommended for approval, which would extend the closing date to no later than March 15, 2001, and includes \$7500 earnest money to be applied to the purchase at the time of closing, non-refundable. The Amendment, once negotiation is completed between the County and Seller, will clarify the payment of the County's share of the street extension of NW 1<sup>st</sup> Street, proposed to be 50% of the actual cost and not to exceed \$45,000.

By unanimous motion, the Board approved the Addendum/Amendment No. 1 to the Purchase & Sale Agreement #39867, authorizing the Chairman's signature after final negotiation with the Seller and the Agreement in final form.

**RESOLUTION #C-09-01 EXECUTING CONTRACT BETWEEN ISLAND COUNTY AND SLR, INC. FOR THE**

**SOUTH WHIDBEY CDBG PLANNING-ONLY**

- As discussed with the Board at last Wednesday's staff session by Mr. Kwarsick, the Board by unanimous motion, approved presented for approval, Resolution #C-09-01 (R-01-01) in the matter of Executing Contract between Island County and SLR, Inc. for the South Whidbey CDBG Planning-Only, memorializing and approving signature authority of the Chief Administrative Officer to sign contract.

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

**IN THE MATTER OF EXECUTING CONTRACT ) RESOLUTION C-09-01  
BETWEEN ISLAND COUNTY AND SLR, INC. ) R-01-01  
FOR THE SOUTH WHIDBEY CDBG PLANNING- )  
ONLY GRANT )**

**WHEREAS**, the Board of Island County Commissioners, has been awarded \$29,410 of Community Development Block Grant –Planning Only funds to study the feasibility of an Intergenerational Facility in the South Whidbey, area of Island County; and

**WHEREAS**, the consultant selection process was completed by soliciting firms listed on the County's Small Works/Services and the State's Minority and Women's Business Enterprises (MWBE) rosters in compliance with the requirements of the CDBG Management Handbook. As required by the CDBG program and ICC 2.29 a competitive solicitation process involving eight firms, seven MWBE firms and one firm from the Small Works Roster/Services, was conducted; and

**WHEREAS**, each consultant was provided scope of work and was ask to submit a Request for Statement of Qualifications (RFQ) and letter of interest; and

**WHEREAS**, of the eight solicitations, two consultants responded and were screened using a Consultant Selection Criteria checklists which established the selection criteria for this project as follows: relevant experience/ past experience in CDBG funded projects, qualification and participation of key personnel, availability and capacity of the firm to accomplish the work within the required time frame, previous performance, professional regulation and references, geographical proximity to the project location, and whether the firm was a Washington State Certified Minority or Women Owned Business Enterprise; and

**WHEREAS**, SLR, Inc. dba Strategic Learning Resources, SLR, Inc. was determined to be the best available professional based on the checklist criteria, in part since they are located in Langley, Washington and worked with Island County to prepare the Youth Programming Study for the Partnership with Youth CDBG Planning-Only Grant; and

**WHEREAS**, the Board of Island County Commissioners deems it in the best interest to proceed with the consultant selection for the CDBG – Planning Only Grant Intergenerational Center feasibility study; and

**WHEREAS**, on January 17, 2001, the Board, in public workshop session, authorized the Chief Administrative Officer to sign the Professional Services Contract with SLR, Inc.; **NOW, THEREFORE,**

**BE IT HEREBY RESOLVED**, that the Board of Island County Commissioners memorialize and approve its prior authorization to have the Chief Administrative Officer sign the contract for professional services with **SLR, Inc.**

**APPROVED AND ADOPTED** this 22<sup>nd</sup> day of January, 2001 following public hearing.

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

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board BICC 01-061

**RESOLUTION #C-10-01 (R-02-01) INITIATING A PUBLIC WORKS PROJECT  
PWP 01-01, CEDARS TRAIL DESIGN & CONSTRUCTION PROJECT**

- Mr. Kwarsick presented the proposed initiation of a Public Works project dealing with the Cedars Trail design and construction, for total current grant and local match budget appropriation of \$214,305.00. The project has been in the queue for a number of years The County awarded in two different applications for federal enhancement money funds for this project and Mr. Hess has been negotiating for start up of the project with a consultant.

By unanimous motion, the Board approved Resolution #C-10-01 (R-02-01) in the matter of Initiating a Public Works Project PWP 01-01, Work Order #223, Cedars Trail Design & Construction Project.

**COURTHOUSE PROJECT FUNDING – YEAR 2001 BONDING – REQUEST AUTHORIZATION TO PROCEED  
WITH PROJECT BONDING.**

Mr. Kwarsick brought forward a continuation of discussion from the January 17 Staff Session with the Board, regarding year

2001 bond specifically tailored to meet the County's financial needs for completion of the Coupeville Courthouse campus [hand-out: Memorandum dated 1/18/01 regarding Courthouse Project Funding-Year 2001 Bonding, with two spreadsheets]. At the staff session, Mr. Kwarsick, along with Elaine Marlow, Auditor's Office, presented six scenarios [two groups of three]:

- 1) \$4.3 million bond issue which would not include financing necessary to keep the juvenile detention facility project on track with previous schedule;
- 2) Included necessary financing for the juvenile detention facility and differed as to whether or not the juvenile sales tax was being used to help pay the debt service.

All bond scenarios differed from the standpoint of looking at different REET I [Real Estate Excuse Tax] revenue growth estimates. Also included some inter-fund loans to minimize long term debt and debt service.

The biggest issue is whether or not the juvenile detention facility will continue to move on track or not and whether or not the juvenile sales tax money could be used at all to pay any part of the debt service. History shows that REET revenues have grown more than 1% looking at trends, therefore he included two different scenarios, both at the \$5 million amount, but does not include any debt service payment from the juvenile sales tax revenue, therefore all the money from juvenile sales tax revenue can be devoted to maintenance and operation of the juvenile detention facility.

The two scenarios only differed based upon whether or not looking at a 2% or 3% REET revenue growth, and Mr. Kwarsick reviewed both scenarios with the Board. This is a best effort to levelize the debt service over the period of the debt, and column "W" reflects continuing obligation to try and hold debt service payments within the combined REET funds to 50%. In those years where REET revenues exceed 2% or 3% it was his recommendation that money be banked and held in reserve any excess funds to set off any concerns when revenues perhaps do not come, and that a fund be set up specifically for that purpose. Because the bond issuance will be less than \$5, there will be no arbitrage. Each of the projects contain a contingency, and within the bond issuance there is also another contingency. Based on today's scope, between the interfund loan and the bonding, all necessary funding is covered. He verified this was not predicated on any new taxes.

Chairman Thorn supported Mr. Kwarsick's recommendation with regard to the \$5 million bond in light of the changes made, although he did not like obligating the County for this long a period of time.

Commissioner McDowell thought it important to note that debt service payments within the combined REET funds would over the 6-year term be held to 50%. He noted too that seismic controls and retrofits were added in for the remodel of the old Courthouse.

Commissioner Shelton supported the \$5 million bond issue, noting it important to recognize that the investment is a long term investment and the buildings will serve the citizens of Island County for years to come as evidenced by the Annex and more so by the old Courthouse, prudent financially to finance long term investments and a long term debt repayment program. This shows forward-vision and finance something the County will need for years to come.

The Board, by unanimous motion, authorized proceeding with the Courthouse Project Funding Year 2001 Bonding in the amount of \$5 million.

### **EXECUTIVE SESSION**

The Board met in Executive Session at 4:00 p.m., as is allowed under R.C.W. 42.30.110 (i) to discuss with legal counsel litigation or potential litigation. [Commissioners Office, 502 N. Main Street]. The Chairman announced his expectation that the session would last about one hour and did not believe an announcement would be made following Executive Session.

### **HEARING HELD: CONSIDER MANAGEMENT STRATEGIES NEEDED TO PROTECT PLANT SPECIES IDENTIFIED BY THE BOARD OF COMMISSIONERS ON DECEMBER 11 & 18, 2000**

A Public Hearing was held by the Board of County Commissioners, beginning at 6:00 p.m., as scheduled and advertised [Legal ad GMA #6135] to consider management strategies that are needed to protect those plant species identified by the Board of Commissioners at public hearing held on December 11 and December 18, 2000 .

#### **Attendance:**

Staff Phil Bakke, Planning Director; Jeff Tate, Planning Manager;  
Keith Dearborn, Consultant

Public: Approximately 33 (Attendance Sheet GMA #6160)  
Press: Mary K. Doody, Coupeville Examiner

**Documents on record:**

Draft Proposed Ordinance for Consideration distributed e-mail 1/11/01, GMA #6151  
Mailing List for Draft Proposed Ordinance, GMA #6152

**Hand-outs:**

Proposed Ordinance #C-11-01 (PLG-002-01) introduced 1/22/01 – in the matter of amending chapters 3.40 and 17.02 ICC to comply with the order of the WWGMHB relating to certain provisions of County's Critical Area Regulations, GMA #6161

Letter 1/22/01 from Jeff Tate, Planning Manager, to BOCC re review process related to WEAN nomination of species of local importance, GMA #6162

Letter 1/22/01 from Jeff Tate to the BOCC re Nomination of Species of Local Importance-Examples of what other jurisdictions have adopted, GMA #6163

Letter 1/22/01 to BOCC from Peter W. Dunwiddie, Ph.D., Stewardship Ecologist, The Nature Conservancy, GMA #6164

Letter 1/9/01 from Ted Smith, Assistant Regional Manager, Resource Stewardship, Washington State Parks, NW Region, GMA #6165

1/22/01 letter from Rob Harbour, Reserve Manager, Trust Board of Ebey's Landing, GMA #6166

**Correspondence on File since last hearing 12/18/00:**

Letter dated 12/14/00 received 12/19/00 from Steve Erickson – additional comments on locally rare plants, GMA #6153

12/26/00 letter to WEAN from Jeff Tate – request add'l info related to nomination of species of local importance, GMA #6154

1/3/01 letter from Steve Erickson, WEAN, to Jeff Tate responding to Jeff Tate's letter, GMA #6155

Letter received 1/12/01 from Mary Bickwell, Seattle, urging prepare a plan to give maximum protection to native Whidbey Island species, GMA #6156

1/15/01 letter from Michael P. Gerrity in response to WEAN letter received 12/19/00 by the Board of Co. Comrs., GMA #6157

E-mail from Sego Jackson 1/21/01 regarding species of local importance, GMA #6158

E-mail from Eliza Habegger, The Nature Conservancy of Wa. 1/22/01 –comments-species of local importance, GMA #6159

**STAFF COMMENTS/PRESENTATION**

This is the second step in the process for action on WEAN's [Whidbey Environmental Action Network] nominations of species of local importance. Because there were a number of people in attendance not present at the December 11 or 18, 2000 public hearing, Mr. Dearborn took the time to briefly review the subject at hand and how it came about:

County received in 1998 a proposal by WEAN to designate 34 species of plants as Species of Local Importance under Island County Code [GMA record #6063]. The Planning Commission considered that request and chose not to act on it because in part did not feel there was enough information to be able to make an informed decision.

The Western Washington Growth Management Hearings Board when the County's failure to act on the nominations was appealed to them by WEAN, ordered the County take action on the nominations. On review in 2000, the County determined there was not enough information to take action and requested more information from WEAN. WEAN went to the Growth Board a second time and asked that the Growth Board order the County to adopt their requested nominations. The Growth Board directed the County complete a process on WEAN's nominations and take action based upon best available science by the end of January, 2001; if not, would ask the Governor to impose sanctions on the County for failing to take action.

The County's procedures contain two steps for any request to nominate a species.

(1) Determination that the request meet standards for nomination [3 criteria]. That process was completed the end of

last year and the Board determined out of the list of 34

nominations only the Blue Flag Iris found on Grasser's Hill met nomination criteria.

(2) Determination whether any additional regulations are needed to protect the Blue Flag Iris

from dangers of extirpation. That research has been completed and is the subject of

tonight's hearing: how do we protect the Blue Flag Iris; do we need to take any further

action to protect it

and if so, what specific types of actions does the County need to take.

Mr. Tate advised that staff met in a roundtable discussion with representatives from some of the public agencies and land managers in the County who deal with quasi public land: Seattle Pacific University, The Nature Conservancy, Ebey's Landing National Historical Reserve, and Washington State Parks. Many of the areas nominated by WEAN are located on the lands in their ownership and the discussion focused on what could be done to figure out a solution and what efforts were already taking place. Written responses were provided by three of the land managers, refer to tonight's hand-outs from: The Nature Conservancy, Washington State Parks, Ebey's Landing National Historic Reserve. Staff also had a discussion with the Au Sable Institute who owns property known as the Whidbey Island Game Farm concerning their efforts to preserve conserve and reestablish some of the plants on WEAN's list in addition to a number of other plants.

The Au Sable Institute last year went through the Public Benefit Rating System [PBRs], a program to provide a tax reduction benefit to property owners who are willing to provide public access and preserve certain natural features on their property. The Au Sable PBRs [approved under Resolution #C-96-00 GMA #5975] recognizes their efforts to conserve, preserve and reintroduce specific plant species to the prairie. Au Sable is managing and reintroducing upwards 20 plant species, of which approximately 8 were listed in WEAN's nominations, such as . Showy fleabane; Idaho fescue. Chocolate lily; Death camas; Giant fawn lily (prairie fawn lily in WEAN's nominations); Howell's brodiaea. As part of the PBRs, Au Sable provided management strategy for those plants.

The letter from Washington State Parks identifies the plan for protection of lands starting with Deception Pass, where about 80% of the land is in conservation and will not be touched. State Parks also identified some of their missions with respect to certain subject areas, such as natural areas noted in Land Classification Management Guideline, with emphasis on conservation of native flora and fauna. As the letter notes: "*Plans will be developed to cover plant community preservation and restoration, noxious and invasive weeds, and wildfire suppression.*"; and further that "*We will consider the list provided by WEAN as we develop this plan and will take into account protecting these species wherever possible*". As noted in the second paragraph of their letter, the plan is to move down the Island for the classification and management planning exercise, and are more than willing to add these types of plants to that list to look for during inventory and consideration of management strategies.

The Nature Conservancy in the meeting with staff explained what their efforts were related to the property owned in Central Whidbey by Ebey's Bluff, committed to their goal of conserving plants and making sure management strategies are in place to protect those plants and their plan is to do an inventory and develop a management plan, and expressed the fact that they have and are willing in the future to contract with WEAN on that kind of effort.

Seattle Pacific University has an on-going effort in place to preserve and protect Golden Indian Paintbrush and areas have been identified and roped off, and each year monitor those sites. SPU is in the process of preparing a special review district zoning change, and as a part of the master plan, are more than willing to include management strategies which protect and identify the list of plants that have been provided.

Where the Washington State Parks, The Nature Conservancy and Seattle Pacific University own their property, Ebey's Landing Historic Reserve is a land manager with private properties within that boundary and do not have the ability to decide what is going to happen on all of the property. ELHR sees benefit in having some sort of regulatory requirement or management strategy to enable them to work with property owners to try to protect the Blue Flag Iris within the Reserve.

Mr. Tate pointed to three maps posted on the wall showing the Historic Reserve and the Grasser's Hill area where the Blue Flag Iris is found:

1) Aerial photograph on the left, showing Grasser's Hill GMA #6285

2) Color-coded map shows four current regulatory protections in place and the Blue Flag Iris site, GMA #6284

Pink = identifies the Reserve

Dark Green = identifies Audubon habitats established

Lighter Green = scenic easement in place ELHR administers

Polygon hatched area = Natural Heritage Program lands identified by DNR

3) Map on the right showing Blue Flag Iris site and current zoning and parcelization  
GMA #6283

The dark green and polygon-hatched area property owners, depending upon certain types of land activities, are required to do biological site assessments and if something significant found on site, required to do a habitat management plan addressing that. The purpose of the scenic easement being shown is because as Rob Harbour, representing ELHR stated, the scenic easement provides some protection in terms of house location but does not provide any protection on what can happen with the future of a plant.

Inasmuch as a number of the species nominated by WEAN were located in road rights-of-ways Mr. Tate met with representatives of the Island County Public Works Department, and agreed the Department could add to a document already in place, the Best Management Practices (BMPs) and use the list of species included in WEAN's nominations, i.e. use the plants in the seed mix, develop mowing strategies for not mowing during certain times of the year, or transplanting. The Department has a biologist position which the Public Works Director has committed to use primarily to come up with roadway maintenance BMPs as one of the first duties.

Mr. Tate also noted that staff discussed the possibility and benefit of an educational outreach program. The PBRs is in place as an incentive and these plants can be added to the PBRs as a valuable tool. There are several educational programs place within the County, such as: Beach Watchers Program and Master Gardener's Program, and introduced Don Meehan, Island County Extension Agent, WSU Cooperative Extension.

Don Meehan addressed what he saw as the potential benefit of having such a strategy in place. The Beach Watchers program is to educate people about all kinds of human activities on the land and in the water that affect water quality. The attitude is that to protect natural resources of the uplands as well as the marine waters, people must understand and value the resources and in order to value them they must know what they are. He could see how that kind of effort would be valuable here. The Master Gardner program has done a lot of work with native plants, part of which has been to reduce the use of chemicals by encouraging people to plant the standard native plants. And he could see where some type of educational program, such as the Master Gardner and Beach Watchers programs putting on community wide events, brochures and educational campaigns that help people understand about the different protected species so they could not only recognize them but recognize the value to the community. Mr. Meehan referenced the current weed control program in the County, tansy ragwort and Canadian thistle for example, he thought whatever is done needs to blend with the program dealing with the education of the community and the regulatory side of protection, along with the weed control program to make sure in working with the community to control noxious weeds so as not to damage rare species. He thought education a very important step, and was a firm believer in education versus regulation but also recognized both go hand in hand.

Mr. Tate reiterated that it is only the Blue Flag Iris that met nomination criteria. What has been found is that there has been historic evidence that the Historic Reserve has had some difficulty encouraging property owners within those locations where the Blue Flag Iris is known to manage property subject to certain management strategies. Proposed Ordinance C-11-01 is a draft idea to include Blue Flag Iris to the Species of Local Importance and identify it on the County's critical areas map, resulting in requirement of BSA and if Blue Flag Iris is located, a habit management plan required.

Mr. Tate added that one of the County's Road Supervisors contacted the U. S. Department of Transportation because of the seed mixture they recommend for any roadway maintenance. A hand-out provided tonight was: The U. S. Department of Transportation Federal Highway Administration manual on Roadside Use of Native Plants [GMA record #6167]. A number of plants nominated by WEAN are plants the U. S. DOT encourages agencies to spread along the roadside as a part of planting program. Included in their seed mixture is the Blue Flag Iris.

Jeff Tate reported from a cursory search of availability of Blue Flag Iris from numerous nurseries, and found that the plant is available in a number of locations, and available in Western Washington in some nurseries. The species found was not a species from Whidbey Island but a species from Oregon. Since the nurseries he researched were mostly wholesalers, he contacted retail nurseries in the area to see if they would be willing to stock the plant, and found that depending on suppliers' availability of the plant, they were happy supplying that kind of plant. In talking to one of the nurseries about the habitat Blue Flag Iris thrives best in he was told that it was a very adaptable plant, tough, could handle a range of conditions from moist to dry, sunny to filtered sun; would not survive well in shaded or wet areas. With regard to sensitivity to habitat manipulation, he was told that the plant could be mowed every year and would keep coming back, and that was one of the reasons it is stocked, because it is a good plant to have in gardens. While he was not able to find a Whidbey Island specific species, the Blue Flag Iris in general is fairly easily available and did not seem expensive at \$3.00 per plant.

Chairman Thorn also mentioned the Brochure received on January 5, 2001 from the Skagit & Whidbey Island Conservation Districts' 2001 Native Tree and Plant Sale [GMA record #6144] where certain plants on WEAN's list are listed for sale. Mr. Tate was aware too that a lot of the these species were made available through events such as plant sales and Arbor Day

activities.

Mr. Dearborn explained what believed impacts of the proposed ordinance would be on property owners. This would be an amendment to the County's critical area regulations, if adopted, the Blue Flag Iris would be a protected species in Island County. All records indicate that the only area in Island County where the Blue Flag Iris is located is in the conservation easement on Grasser's Hill, affecting about 12 property owners. National Parks Service has done inventory work and advised that it is only in the area shown on the color-coded map as light green. The record reflects that the Blue Flag Iris is a native plant, which means a human did not introduce it to Island County, that it has occurred here naturally. No one has been able to explain why that is the case and why it is found only here, but the County has been told that the Blue Flag Iris is nowhere else in Western Washington. It is in Eastern Washington and Oregon but only in Western Washington on Whidbey Island in this one area. National Parks Service provided inventory maps showing the Blue Flag iris only in two or three small clumps within the area, all within the area where homes cannot be built, but needs to be dealt with as a mowing practice. None of it is in protected agriculture under the critical areas regulation, it is in the rural zone. National Parks Service has said that some of the land owners periodically using riding lawn mowers mow that area and some on occasions mow over the Blue Flag Iris. The National Park Service advises that the areas where Blue Flag Iris are found have been reducing over time because of having been mowed at critical time periods, if avoided the plant species would continue to populate; it is simply a question of avoiding the clumps of iris during certain times of year when mowing occurs.

As Mr. Tate mentioned, the Blue Flag Iris is available commercially, Mr. Dearborn clarified that anyone who plants a Blue Flag Iris would not then become subject to protections of the ordinance because it would not be a native species. The ordinance, if adopted and in effect, would mean property owners in this area would have to avoid the Blue Flag Iris when mowing fields. Because it is such a localized situation with such a specific threat, staff recommends that the County contact and meet with each of the affected property owners and describe the practices that need to be adopted, i.e. the times of year to avoid the Blue Flag Iris when mowing. If not, it would be a violation of the ordinance just as someone who fills a wetland without a permit. Staff believes voluntary compliance can be achieved quite readily. According to Rob Harbour when the conservation easement was established one of the reasons was to protect the Blue Flag Iris but there is no regulation or restriction in the scenic easement that does that except the prohibition on building homes.

## **PUBLIC INPUT**

**Steve Erickson** speaking for Whidbey Environmental Action Network and himself, submitted a letter dated 1/22/01 [GMA record #6169] regarding locally rare vascular plant species. He pointed out a formatting error in table two on the first page: Table Two, Population Status and Trends and Commissioners Actions, starting at Geum triflorum variety campanulatum the species ending with Delphinium menzesii where the items going in the columns were shifted to the left should all be shifted over once space to the right; and that applies elsewhere in the table as well. He made the point that if there is only one population left the odds of ultimate failure and extirpation increase many times more than if there are more locations where the species is found.

As far as the dot map, he confirmed that the dots on that map were generalized. He had trouble with that map because there are no real world reference points, topography, roads, the Blue Flag Iris site and current regulatory protections map. It may be well that the County will talk to all the property owners on Grasser's Hill, but he was still concerned about new property owners as ownership changes, and was interested in what kind of mechanism would be put in place to track and notify those people. He referred to the aerial photograph submitted to the Planning Commission in 1999 specifically showing areas where the Blue Flag Iris had been extirpated from Grasser's Hill, along with areas where it still occurs. In terms of mapping he has been doing for Frosty Hollow Ecological Restoration for the National Parks Service and its availability to the County, it is a proprietary work product, therefore, to gain access to it the County will need to make arrangements with National Parks Service.

He was unclear in reading the proposed ordinance about protection of the plant from impacts by activities which do not require a permit from the county because historically the plant's loss has not been due to activities requiring a permit, rather from mowing and conversion to more intensive agriculture and he pointed out the area on the map he was referring to – Sky Crest – an area where as far as he could tell had been eliminated by mowing earlier in the 1990's. On the map, he referred to the hedgerow, Sky Crest, and an area where an orchard was put in a few years ago with irrigation lines and ditching, resulting in the area being disturbed in that way. It was his observation that the iris occurred over a considerable area, though not necessarily continuously through the entire area.

Since the area Mr. Erickson was pointing to on the map was in the ownership of Mr. and Mrs. Larry Labuda, 748 North Sky Meadow Drive at the top of Sky Crest Drive and Sky Meadow Drive, Mr. Labuda came to the map to show the location of his house, where the land slopes down past the trees noting that orchards and irrigation were placed in 1995. He pointed to the hedgerow of the iris which he stated were just two little patches, a matter of just a couple of blotches on a lot map.

Steve Erickson continued with his presentation, noting that in addition to the aerial photograph provided to the County in 1999, he had also provided information on some other species. Because he had seen the plant on the ground he was able to draw it in on the aerial photograph to show its location. Regarding commercial availability of the plant, although nurseries in Western Washington may carry it or order it from another nursery, he was sure none of them had *Iris missouriensis* from any genetic source in Western Washington or Western Oregon. There is no historic or current record of *Iris missouriensis* ever having occurred in Western Oregon and west of the Cascade Mountains. Historically in Western Washington it was confined to relatively few sites: Grasser's Hill, outside of Sequim, possibly a few others which have been eliminated as far as he has been able to tell.

Concerning genetic fitness of plants and genetic adaptation, Island populations and peripheral populations tend to have genetic complements, different from populations not so isolated. Replacing native populations with introduced non-native genetic plants is not a substitute for conserving the native populations. Growing plants in cultivation is not a substitute for conserving the wild populations; for restoration it may be appropriate. The information Mr. Tate relayed from his conversation with a nursery person is not what Mr. Erickson observed on that section of Grasser's Hill, which several years of mowing seemed to have pretty much eliminated the plant from that area.

As far as the U. S. DOT seed mixtures, Mr. Erickson stated they were not regionally specific and DOT did not differentiate between Western and Eastern Washington. Because DOT lists a species does not necessarily mean it would be appropriate anywhere in Washington and he believed using more regionally appropriate native plant seed mixes in the County's roadside program would be a good idea, although not a substitute for conserving populations in the wild.

**Duane Spangler**, Freeland, was not sure he agreed with the proposal and saw it as another way of dwindling away at personal property rights. He looked in the Audubon field guide for information on the Blue Flag Iris and read the following: *Blue Flag Iris: range, British Columbia to Southern California, east of the Cascade Mountains, Sierra Nevada's and Islands in Puget Sound; east to New Mexico, Colorado, North and South Dakota.* Further, some of the words used to explain the location of the plants includes words such as: *very common, in all Pacific states, the entire area, most common in many places, frequent, throughout, most popular, wide range of habitats, across North America.*

Since this plant seems to be so widely distributed he could not even understand why tax money was being wasted for the research. He was concerned about a proposal and the problems involved should the County start trying to manage plants. He did agree that people should be educated, let the plants be and let them grow. In some cases, well meaning people dig the plants up and plant them in their yards. Specifically about Blue Flat Iris, the Audubon Society book *Wild Plants of the Pacific Northwest* says it is the only native species east of the Cascades and Sierra Nevada's; often forms dense large patches in low areas and pastures where the tough leaves are avoided by cattle. Mr. Spangler noted this plant was suspected of being poisonous so more research needs to be done. He believed the whole idea of relating plants on Whidbey Island was a waste of time and County money and recommended against nominating Blue Flag Iris as a protected species.

**Larry Labuda**, 748 North Sky Meadow Drive, owns two pieces of property, 15 acres in Sky Meadow. Questions and concerns brought up included:

- WEAN, a citizens group putting forth nominations for protected species, say these plants are endangered yet can be bought from nurseries
- genetic structure of the plant may not be exactly what was here 10,000 years' ago
- during a landscaping effort of the flat upper level of his property the landscaper commented that "old man Shoalts" who is 85 years' old, said the lady down the road planted them on the hillside, okay.
- owners of the property purchased the property with NPS statement it can be used for agricultural purposes, which to him means, growing trees, raising sheep, etc. People have raised horses there.

The wild iris is on his property; he was given a very sketchy map to show where the iris is located and once in awhile Rob Harbour from Ebey's Landing Trust Board would come by to verify the wild iris was there. The last visit Mr. Labuda suggested Mr. Harbour tell him what value the iris was. He showed Mr. Harbour other properties, neighbors adjacent to him and further on down to show the wild iris, not blooming, just sitting there yet the field had never been touched. His observation was that the wild iris is choking itself out in the weeds, or being choked out by the weeds. He is all for saving the Blue Flag Iris; has enough land so that the plant can be taken up and moved some place where it will never be touched. May and early June is when the plant is supposed to bloom. A person can cut around it, preserve it, let it grow, and nothing happen, and the owner then faced with two feet of grass that cannot be controlled. He is concerned about his orchard; it cost thousands of dollars. He did go around the wild irises to avoid them, but when it came time to controlling the weeds he ended up with 6 feet of weeds including thistle, tansy ragwort and nettles, and he had to clean the whole thing up and with his riding lawnmower did so; and for five years' had been doing that. Periodically he left a circle for the iris;

nothing ever bloomed. If the owners cannot use the land there has to be some just compensation; they cannot just pay taxes on the land and wonder what they can use it for. He asked about the map showing a red dot and the vagueness of that red dot. He had a serious objection to WEAN determining what is endangered and what is not, and made a point about where this plant is available, only on Grasser's Hill or up and down the whole coast. What recourse do owners have, again stressing that he is willing to move it and put it in an area where he would never ever cut the grass or plant a tree.

The Chairman thought that could be an effective protection strategy.

Mr. Labuda confirmed his testimony was that if he had to avoid mowing around the plants he can then get noxious weeds that he has to manage. After mowing, he found that the iris plants stayed about in the same area, although spread out a bit because when it is mowed it flattens out and lays low. Mowing has not damaged the plant and it grows every year but never blooms – regardless, if he cuts the grass the plant does not bloom, if he does not mow the plant does not bloom. Whether the plants have been expanding or contracting on his property is a touchy question because the sketch map he was provided shows only two little blobs where the wild iris are, but he believes it has spread out and increased, definitely not decreased.

**Lana Labuda**, 748 North Sky Meadow Drive, co-owner with Larry Labuda, pointed out that with regard to mowing, it was her opinion if the hill is not mowed it will be overgrown with Oregon grape, and questioned the survivability then of the iris when having to contend with Oregon grape. Her husband spent several hundred dollars and several days reclaiming some of that property from the Oregon grape and received a verbal thanks from Rob Harbour for cleaning that property up because it was becoming overgrown with thistle. She also observed that any property on that hill that is not mowed soon becomes overgrown with thistle and stinging nettles. They requested several meetings with Rob Harbour in particular, to come and discuss with us how we can manage that property and although he has promised to provide something definitive in writing concerning this they have yet to receive that. While they want to work with the Ebey Trust Board and do what is right for the environment and the property, it is very difficult when you are unable to get anything in order to understand what it is that is required. Before the County enacts rules and regulations which will violate rights of property owners as far as how they can best maintain their property for the use intended, the County better understand just exactly what the issue: who will be harmed; how much tax payer dollars will it take; who will provide oversight. Again, they would like to help, but no one came and talked to them on this issue.

**Gary Fisher**, Bridle Trail Lane, North Whidbey, said he had been alarmed when he first got notice that he had an endangered species on his property, and after much research found out it was the Garry Oak. How that Garry Oak got there was that he received three acorns as a gift, planted them, one grew. The nearest Garry Oak he found since the last meeting is located on Arnold Road near Gabrielson.

**Rufus Rose**, 6551 South Maxwellton Road, South Whidbey, submitted a letter under today's date signed by he and his wife regarding comments for the public hearing relating to the County's Critical Area Regulations [GMA record #6168]. He agreed with Mr. Tate and Mr. Spangler; applauded the idea of educating rather than regulating; and urged that the Board avoid creating a bounty mentality. It will not be Oregon grape, rather Douglas Fir trees that will overcrowd that area eventually.

He looked up information about the Natural Heritage Program and talked to their chief scientist today, John Gamon, who described the group as a hemispheric group, not just in Washington State. As far as the comment about 10,000 years' ago, Mr. Rose indicated there was a little over a mile thick of ice, nothing lived there. Mr. Gamon relayed how the Wenatchee mountains now have some kind of plant; it was not native but all of a sudden it showed up – a result of some rock climbers from California that had seeds stuck in their boots; the seeds fell out and grew. Mr. Rose was worried someone could "back door" other plants and claim it is native. He was, however, encouraged by the objectivity of this group after having talked with Mr. Gamon, that National Heritage is very serious about just cataloging what exists. There is nothing mandatory or regulatory about their agency at all; it is purely informational.

If the only place the proposed ordinance is to apply is Grasser's Hill on Whidbey Island, the ordinance should say so and it does not, and the ordinance should also list the criteria for how things will migrate. The left hand corner of the proposed ordinance indicating "In the Matter of" seems to imply the order of the Western Washington Growth Hearings Board required amending the code chapters, while the fourth "Whereas" paragraph correctly points out that that the Growth Board only asked the County to take appropriate action. He and his wife recommend an errata to that upper left hand corner to accurately reflect language in the fourth "Whereas" paragraph. The acronym WEAN should be spelled out of the ordinance .

Definitions on page B-1 on page 2 I, he added emphasis with the bold type and the italics to indicate that the Washington Natural Heritage Program is both non-regulatory and advisory. This non-regulatory advisory only authority should not be converted into Island County police power; a huge step when talking about a plant common in Eastern Washington. Mr. and Mrs. Rose recommend disallowing the listing of any species or habitat as being of local importance in Island County.

Reconsideration is fully justified because the Blue Flag Iris is common in Washington State; the extraordinary and

unwarranted financial burdens placed on individual property owners of specific parcels where Blue Flag Iris now exists, or habitats that could support the Blue Flag Iris exist. Page B-3, eligibility, the word extirpation is used. Extirpation as explained for the purposes of the Washington Natural Heritage Program is used to mean in Washington State only. Mr. Rose read Mr. Gamon the definition out of Webster's and extermination is synonymous with extirpation. Extermination is a word most people understand, while extirpation is not. The State of Washington requires an ordinance be understandable by average people so he believed the word to use was extermination. His earlier reference was on page B-1. "Or sensitive areas identified in the Natural Heritage Program as high quality eco systems". The way he reads that is to say either there is a plant there or a plant could grow there if it was allowed to.

He spoke briefly with Mr. Gamon about the genetic purity of Blue iris in Eastern Washington and the iris that is here; he had no explanation for how they got here. It is entirely likely given the fact that nothing grew here 8,000 or 10,000 years' ago, that perhaps the settlers that came here in wagons brought with them little pots of plants they liked and planted them on the hillside.

**Reece Rose**, Clinton, reviewed her experience last year with irises. In May, dug up a wheelbarrow full of iris rhizomes; gave away and traded with friends; moved a wheelbarrow full to Maxwellton Road; left in the wheelbarrow for the summer baked in the sun for several months here, planted about half of the rhizomes in September, and even though they were dried and shriveled they created little fans above them. The other half of the wheelbarrow did not get planted; were rained on, frozen solid, then sunshine. She dumped the wheelbarrow and left them for a couple of days, only to find them with green coming out of every single one and so she planted them every place she could find a spot. She looked the iris up in the plant guide and that you could plant them in sand, clay and just about anywhere. Even those she planted in December are now coming up and looking healthy. She was inclined to think that irises are virtually indestructible and with the thousands of varieties wondered about the need for a Blue Flag Iris. Most things as time goes by get better and improve with a bit of genetic engineering. The question she posed was: why is that people consider diversity in humanity a good thing and yet demand genetic purity in the salmon or iris.

**Jean Wilcox** 4865 Saratoga Road, Langley, believed there seemed to be much ado about a Blue Flag Iris.

**Susan Zwinger**, P. O. Box 493, Langley, a natural history book author who teaches illustrated journaling and studying plant eco systems, and here on Ebey's Landing, had a notebook full of drawings she did on some of the plants, many very special. She did not agree with the argument about the wide distribution, rather are very valuable to protect and to honor. The reason particular species and subspecies which are adapted to the rain shadow on Whidbey Island are important is because eco systems work all together and she believed it would be kind of a tragedy not to have more of these plants listed and protected. Since she is working on a western scale, she gets information from the University professors; working with botanists in the University herbarium, Sara Gage; also from the Nature Conservancy and guide books. She did agree with the idea of working together with land owners to have uniform reasonable protection strategies, such as cutting around it, or moving it. Eco systems change all the time, and are always working toward a climax, starting out with scrubby plants, then flowering plants, and work up through the Oregon grape to the Sitka spruce. To say this has not always been this way is not a good argument. A lot of these species that are particularly adapted (brodiaea or golden paintbrush) to the Island - the rain shadow so where the micro climate where they are placed matters, but she believed there was a workable strategy to protect and to celebrate these plants.

**Mark Sheehan**, 5822 Deer Lagoon, Langley, thought there was a misunderstanding about the term wide spread or geographical range of the species; it is correct that wide spread does not mean abundant. The answer to some of the questions about whether these plants occurred on the Island or were planted, can be found in the Flora of the Pacific Northwest, where the author went through fairly carefully and looked at historical records in herbaria, many collected just about the time the first pioneers settled. Therefore, he thought it unlikely that those plants were planted by the pioneers who were more concerned about breaking out the prairie rather than planting Blue Flag Iris or any other plants. The rain shadow affect in the Puget lowlands probably is the reason that many of these exist; they do not occur in Eastern Washington. As far as the ice age, he pointed out that 10,000 years' ago large parts of Eastern Washington were also under ice. Many of these species probably represent relics from a different climalogical condition, now only mimicked by the rain shadow affect. These are probably not at all genetically like the ones in Eastern Washington, other than on a large scale, so do seem to warrant recognition. How to go about protecting these plants is a different issue and he was sympathetic with the landowners and suggested there should be an effort made, hopefully by the County, to help landowners work out with scientists and other groups management efforts.

**Roxallanne Medley**, 701 Northwest Madrona Way, expressed her view on the real issue, that being the protection and honoring of a plant unique to Grasser's Hill, the Blue Flag Iris. There should be an acknowledgment of an opportunity to ensure that children, grandchildren and great grandchildren can see this tiny inconsequential Blue flower. One of her points was to recognize we do not live our lives independent of each other, that we live in a very global world now where what

each of us does greatly effects the other people and we have a responsibility to take care of the world; preserving the Blue Flag Iris is an attempt to move towards that end. Although it has been said that the species is very adaptable, if it is so adaptable to all variety of habitats why is it found only on Grasser's Hill? Instead of fighting over whether to protect it, why not treasure it for what it is, to recognize it is unique, special and find out how as a community to ensure it will still be there. She commented on the question about the difference between a native salmon and a hatchery raised salmon and thought it as critical as the difference between an iris from a nursery that is genetically different that the one on Grasser's Hill; it is a part of our past, a part of Whidbey Island's past. It represents diversity; it is not a species like any other kind so to say it can be replaced with another from a nursery is not true— just as all of us are genetically and socially different, so is the Blue Flag Iris.

She confirmed that she had visited the plant site more than once and about over a period of two years. She wanted to see it as it was coming up to see exactly what it looked like as it grew up through the forbs in the grasses; she did not go this last year, however. She did not know if the plant in her time period of observation had been expanding or contracting or staying about the same in terms of location. Ms. Medley closed by asking: do we really want to reduce our experiences with the natural world to be only in a controlled artificial environment?.

**June Sullivan**, 4822 S. East Harbor Road, Freeland, initially received a letter from the County in November that some of her property was on the list of endangered plants. She wondered what percent of the island property was in parks, public, state or otherwise?

Mr. Tate answered about 9,000 acres, about 9 or 8%. Ms. Sullivan asked how her property got on the list. Mr. Dearborn commented that the County received a map from WEAN, that had dots on it for identification of plants and referenced the specific plant. County staff then took the dot and drew a 500' circle around it for purposes of notifying people about this process.

Ms. Sullivan, suggested the County consider reserving those plants to public lands and leave private landowner to their own judgment as to what to grow or preserve. Older areas of the Island, as has been heard so often with regard to forestation problems, are very deep dark forest, very little grows underneath the old Douglas Fir trees. It would seem that other things were brought here, i.e. she is a great gatherer and picks up seeds and acorns and starters. she certainly did not want someone coming on her property and saying she now has some obscure wild plant they just discovered. Her concern was that private property rights were being endangered, not plants.

**Bob Sullivan**, 4822 S. East Harbor Road, Freeland, was concerned where WEAN got it's list from. Mr. Erickson indicated he had been investigating occurrences of native plants on Whidbey Island for the last fifteen years or so.

Mr. Sullivan's understanding of private property was that even the County had to have a letter from Judge to come on private property; therefore he asked why people were wondering around private properties looking at their plants, then the County takes it as gospel. He told WEAN to stay off his property; anytime they want to come on his property he gets to say whether they get to come or not.

For clarification purposes, Mr. Dearborn explained what the County had done, in fact, that the County hired independent people to evaluate WEAN's nomination. The County did not enter any private property, rather took all of the research records available to determine whether these plants were in fact on the Island and determine to the extent possible, how important they were.

Last year the County went through that information and the Board of Commissioners the end of 2000 went through every plant nominated and made an independent determination of which plant to protect.

**Chuck Walker**, he and his wife Stella live at 2177 West Sky Crest, two lots over from the Labuda's. Their property has probably one of the best stands of the iris. One of his biggest concerns is the bull thistle, Canadian thistle. He has not mowed but those weeds are fast encroaching as is snow berry and wild rose, and infiltrating and racing through some of the iris and he was not sure the iris would survive. Another real concern is the fields if left unattended and someone comes along the highway and throws out a cigarette – that would go up veryfast. He was not against protecting the iris, and would welcome working cooperatively with someone to work out a way of promoting the longevity of the Blue Flag Iris.

**Rollo Spencer**, 2139 West Sky Crest Drive, lives one lot down from Chuck and Stella Walker and four lots down from Lana and Larry Labuda. He confirmed that he mowed the field, in the early Spring before the growth stated. He likes the irises and in fact has transplanted some of them. He has the iris plants in the front of his house and thinks they are beautiful; they cut them for centerpieces on their dinner table. He does not believe his mowing is destroying the plants. He is very aware of where the plants are located right on the edge of his property, he knows because he walked that property before he mowed it. He mows for one reason, the Canadian thistle. When he first moved there 9-1/2 years' ago the whole hillside was completely taken over by Canadian thistles. He and his neighbor Caleb Marshall would go out with weed whackers to try to control the

Canadian thistle; they had difficulty in controlling it and he therefore started mowing.

As far as whether the iris has been expanding or contracting over time on his property, it is moving. It was on the edge; Rob Harbour had him put in some trees to break up the line from the viewpoint and the iris is moving right into those trees now so it is expanding.

**Bill Stebbins**, Box 36, Clinton, stated this had not been instigated by WEAN; rather, it is a requirement of the Growth Management Act to identify species of local importance and WEAN went to a great deal of effort doing that to aid the county in the process. The County did not go with some 30 plants identified and hired consultants who recommended 15 plants, and the County has now narrowed that down to just one that only occurs on a very few properties. Although staff has said that the Au Sable property will be preserving a number of plants as a requirement for receiving a tax reduction, his understanding is that a tax reduction is revocable; if the property is sold the new owners can opt out of the tax classification and the preservation goes away. State Parks may have plans for protecting species, and the Nature Conservancy. However, the Nature Conservancy in their letter points out that the County's consultant recommended 15 deserving and said they would also recommend an additional 14. The letter from Ebey's Reserve recommends other particularly the Prickly Pear Cactus. It is "fantasy protection" to believe that Public Works will protect it on the roadsides. At this point he did not believe the proposal would satisfy the Growth Management Hearings Board, though he thought it did not matter since he presumed it would go to court. He did recommend reconsidering and adding more species.

**Michael Gerrity**, Monkey Hill Road, Oak Harbor, pointed out that it was mentioned that part of the solution could be if the iris is adopted and regulated, to get more of the irises brought back into the area, but the concern there is that would not be naturally introduced and therefore not regulated, but if enough people did that and seeds pop over in his neighbors yard he was concerned that organizations such as WEAN would be happy to report that it is naturally occurring in someone else's yard and then those people fall under the regulations because they had not planted it. Whether the plant survived since the ice age or whether was brought over in the 1800's in the back of someone's wagon to Grasser's Hill is not known, but it seems to have done well without regulation for a long time. He recommended against doing so – it would only introduce a new area that could cause lots of problems and imposition on private property rights.

**Tony Ruggiero**, P. O. Box 135, Greenbank, asked out the criteria for protection of the plants and Jeff Tate went through the ordinance and spelled out the criteria [C-3 of the ordinance]. As to using the word extirpation versus extermination, when he thinks of extirpation it is more of removal of the plant from its current location and transfer to a different location; extermination is just a killing. He thought it was not the Blue Flag Iris itself to be concerned with but the actual habitat it is maintained in. It has been part of our eco system and hasn't changed, and to let it be exterminated from this eco system he thought could lead to other plants and animals eventually being exterminated. As far as noxious weeds, cows sometimes learn that things are bad because they see other cows die when they eat it; usually they will not eat plants such as tansy ragwort and he did not believe the Blue Flag Iris had been tested to find out whether it actually contains chemicals that poisonous to cattle. Nurseries carry all plants even extinct plants; just because a nursery carries it does not mean that a plant is rare or is not rare. Plants are important whether or not they flower or are visually pleasing to people. The Blue Flag Iris and other plants that were on the list have a less obvious but equally important effect on everything.

The National Park Service does not address each plant specifically, and just make some objective regulations so that people like Rob Harbour can go out and look at an area and interpret it and interpret the rules and regulations set forth by NPS and apply them. One of the solutions he thought would be as Mr. Labuda said, move the iris to an area on the property, leave it in it's natural state and not mow it. He saw that as a compromise because he could understand the viewpoint of the property owners and how they might feel if WEAN or other groups encroach on their civil rights. He has dealt personally with scotch broom up on the hill at Ebey's, and worked about a ½ acre section; cut it, lay it down, and can be burned as like a noxious weed can be disposed of free. He thought too that WEAN would be willing to find volunteers to come out and work on removing noxious weeds if someone would allow the area to grow naturally. He agreed that WEAN did have a prejudice view, and on the other side the property owners, so he suggested a democratic committee consisting of WEAN, property owners and with a County Commissioner to had that committee to make sure everything goes as it should.

Garry Oaks used to be all over the Island in the 1800's. A lot were logged so that the only ones left are in the Oak Harbor area. Though Mr. Rose says plants should not be listed, he thought they should; this is a historical area and plants should be considered part of that history. He explained the difference between vascular plants and non-vascular: vascular plants have long straight lines going down to the veins; non-vascular plants have a line going up the middle and split off. A great example of an eco system is Mount St. Helens; after just 19 or 20 years it is able to support trees; echo systems can change quickly. Areas like the prairie in Coupeville have gone from farm fields to what is assumed now to be natural prairie. This area has changed from tropical in 5 or 10 million years to a full temper climate and all of those plants have died and new ones have grown up and adapted to this climate.

As far as interconnections between humans and plants, he learned in his Contemporary Issues Class about carrying capacity, how many people can be supported, a basic carrying capacity and a social carrying capacity, and that is another thing to think about. There is a big difference between the natural irises and the horticultural irises. The difference between the Blue Flag Iris and a penstemon is like the difference between someone from Britain and someone from China; the

difference between the Blue Flag Irises from Whidbey Island and those from California is the equivalent to the difference between a person who grew up in New York City and someone who grew up in Texas.

These plants may not naturally occur on public lands such as Ebey's Landing National Historic Reserve, and if they are moved it will disturb the eco system trying to be maintained there. If property owners are left alone to deal with it themselves, they could affect it negatively. The Prickley Pear cactus should be looked at because there is not much left on the Island; most is within the Ebey's bluff area, which is of concern because when he visited this summer he noticed there had been a large fire and that most of the Prickley Pear cactus had been burned.

He did think that property owners should be able to mow their property when they are having to fight noxious weeds in the middle of a patch of iris – it is their right to be able to do so; however their first recourse should be to call an organization such as WEAN to come out and manually remove noxious weeds.

**David Medley**, 701 NW Madrona Way, Coupeville, about the comment these plants were here a hundred years ago put forth that if we had had the population and infrastructure, along with a lack of concern for the environment, nothing would be left to worry about. He was concerned at hearing a lot of antidotal comments but very few comments by experts; antidotal evidence primarily by property owners, though he understands their vested interest. He was bothered that there had been a long list of suggested species, now narrowed down to just one to be protected. He suggested the County go back and look at testimony and suggestions from the County's experts.

**Steve Erickson** Clarified that WEAN's purpose was the preservation and restoration of native biological diversity, which means they are opposed to extirpation of native species. The dot map WEAN provided the County in 1998 showed the entire County in an area of about 2' by 16" and at that kind of resolution was a technically flawed process to try to take a dot and blow it up to that scale to locate it. Whidbey Audubon habitat designations are purely symbolic and provide no regulatory authority at all. WEAN's reading of the ordinance is that unless there is a permit application, the ordinance is not triggered. He clarified too that extirpation is the word commonly used by botanists and ecologists. The climate has undergone various fluctuations including both wetter and drier periods, and during the driest, extensive areas of Western Washington were dominated by grass lands and Savannah, and many occurrences of current locally rare species are remnants from that drier period. Though he did not know Mr. Shoaltz, but if he is 85 and planted iris when he was 15 or 20, that would be after Iris missouriensis was first reported from Whidbey Island; and he doubted that Mr. Shoaltz had also planted iris in Oak Harbor where the K-mart is located, or near Sequim which occurrence also seems to be extirpated. Mowing is another management tool and as with any management tool monitoring is needed to determine if it is the correct management tool. No one, including himself, can say for sure if below the hedgerow on Grasser's the iris is expanding or contracting. He did say that above Sky Meadow where iris did occur in the 1980's and early 1990's that it appears to have been completely eliminated by mowing.

**Reece Rose**. WEAN seems to claim that the iris here is far different from that in the Eastern Washington or down in California; her husband suggested using best available science, check the DNA of the Grasser's Hill Blue Flag Iris compared with that available in Eastern Washington.

**Larry Labuda**. Verified he was not trying to kill off the iris, rather trying to find a means of working around the issue. Instead it seems the County is trying to regulate things without having sat down with the property owners to see what can be done. The only exception was Rob Harbour who did say he would find someone to transplant the patch he has because he realized how unmanageable it is in the middle of an orchard and having thistle grow etc. It seems strange that these plants were here however many years back, when on his property which was a plowed field where the wild irises were or are and down below the grass area where he wants to put these wild irises also was a plowed field. It was a plowed field and sheep on it afterwards. The plowed field is evidenced in that he has the disc and harrow in his front yard; and he has blades that he's digging out of the ground from when Mr. Grasser himself plowed the fields. He is willing to work cooperatively with some organization in the County to arrive at some means of protecting those plants on his property, which he has stated to Rob Harbour already.

**Lana Labuda** expressed her view that it was unfortunate to come to a point of requiring regulation, fines, oversight, before any kind of citizenship exchange between the people on either side. She was concerned with a seek out and punish mentality. The need here is to go to the property owners in the spirit of neighborliness and see if there is some way to work together to preserve these plants.

**Duane Spangler** believed that Grasser's Hill right now is an unnatural eco system and is not like it was 100 years' ago. If Grasser's Hill is allowed to continue to go through these succession of plants, nature will take it's course and end up with no Blue Iris and no more problems.

**Phyllis Turner**, Langley, liked what Duane Spangler had to say and agreed, let nature take it's course; God knew what he was doing when he created this earth. Things do come back; things work themselves out, and we should leave things alone.

She hoped the County would not go back and re-examine the 28 species. She was concerned growth management was tearing the people apart and destroying the community.

## **STAFF COMMENTS**

Keith Dearborn clarified to note that the County had not ignored the recommendations of the consultants retained, and those experts participated fully in the Board's deliberations on that point. The ordinance requires making a determination that the species in question narrowed down to the Blue Flag Iris must be protected by new regulation because existing regulation is insufficient to do that. The testimony heard tonight raises a question that needs to be verified. As to whether this is a species that is declining, testimony from the property owners is in fact it is not, it is expanding. The property owners have also said it is not in danger of being lost by practices such as mowing and testified that mowing has had no effect on at least one of the properties in terms of the plant's survivability. There is conflicting information that needs to be sorted out. Also it is not clear there is a threat here that needs regulation in order to protect the plant. It is clear that the property owners affected are very willing to adopt practices to protect the plant, and he suggested that be explored before a regulation is adopted because a regulation may not be necessary based upon the record.

## **COMMISSIONERS COMMENTS AND ACTION**

Commissioner McDowell seeing the list of organizations and businesses that sell other blue flag irises initially wondered why it would be called rare, but some of the testimony answered that question, that there may be a different genetic makeup even though they may look the same. He saw the bigger issue as having identified at least those areas known today; virtually every person said they have asked for help, have not received help on what they should be doing, and others tried to enhance the numbers of the blue flag iris so he did not see a threat at all in that area. The other issue of concern was when laws are passed, they must be enforceable, and he had no idea how to enforce mowing restrictions in the County. Mowing does not require a permit and he was not about to start that. He did not see how a rule could be passed that would somehow control a property owner wanting to mow a patch of flowers, nor did he see how it would ever be enforceable, and in this case, he did not think it was necessary. The testimony he has heard would not even lead him to believe there is a problem. Further, it would appear from testimony of the property owners with the iris on their property that it is not decreasing in numbers. What the County might want to consider is trying to help those property owners as far as how to deal with the noxious weeds that certainly are a real issue and how to work that in with management. The County owns property within a few hundred yards of that site, and he suggested that the County consider allowing volunteers to transplant flowers before, if the owner or someone else wanted to, transplant on a protected area under public ownership.

Au Sable is willing to protect certain plant species but they own the property and are not trying to tell someone else who owns the property that they have to protect it; the same with State Parks, they are protecting public property, and he reminded that is much easier than telling private property owners they have to protect a plant on their property for public benefit.

He reminded that the property owners indicated they were more than willing to work with someone who steps forward and gives them some suggestions.

The Commissioners job is to balance with regard to property rights. To have plants of local importance is not listed in the GMA as a goal, rather it is an optional item and he thought in that balancing act given the testimony, that the plant is not necessarily endangered; that people who own and are living on the property are more than happy to work with the County in a voluntary effort and if anything, the County should get some of those plants on public property, and provide monitoring to see if the transplanting works and if in fact they are in a stable condition. Therefore, he was not interested in adopting the ordinance and making the Blue Flag Iris a regulated plant.

Commissioner Shelton inquired about what the oldest recorded documentation of this iris was.

Steve Erickson did not know the answer off the top of his head. Commissioner Shelton found it interesting that one of the property owners suggested the blue iris was in an area that had previously been used for agricultural purposes; if so, those areas were tilled and plowed and whatever other activities took place so that one would have to wonder about the natural occurrence of the plant. Jeff Tate in his testimony talked about the National Park Service, Seattle Pacific, Au Sable Institute, Washington State Parks, all very interested in preserving all types of species on publicly owned property, and their recommendation seemed to be that they did not need any regulations to do that because they were already interested in doing that. Many of the other species Mr. Erickson has suggested are worthy of protection are all identified in those areas that are already in public ownership which in his opinion are probably closely protected without any further protection needed.

He did not hear one property owner from the Grasser's Hill area interested in extirpation of the blue iris, rather that they were interested in making sure that it continued to exist, so he agreed that the County first of all needed to determine whether there is some other process rather than regulatory to institute for those property owners to ensure the continued existence of the blue iris. Another plant mentioned, Golden Paintbrush is on an endangered species list identified at the Federal level. Important to note, however, that none of the other plants that have been identified by WEAN are on anybody's list other than WEAN's, although they're certainly not endanger of extirpation.

Obviously the Commissioners are botanists, which is why experts were hired and he took great exception to the comment that the experts recommended protecting all of the plants because in fact they did not. Those were reviewed with the criteria in the presence of one of the Adolfson and Associates botanists and she did not disagree with anything the Board did.

Before making a final decision on the blue iris he preferred to continue the matter in order to provide an opportunity to pursue some of the things mentioned at this hearing in terms of preservation of the plant through public cooperation rather than regulation, to achieve the same kinds of things in that regard rather than this ordinance.

Mr. Dearborn noted that in the submittal we received from WEAN in 1998 and 1999 there was no data on when it was observed. On the day of the hearing in December a new report was received from WEAN with the notation that Grasser's Hill first published reported sighting was 1980.

Commissioner Shelton was sure that over the years there had been multitudes of people that have enjoyed that same plant, and probably went to Eastern Washington and saw the iris and brought a few home with them, and so he had some real questions whether or not this is a native species.

Mr. Dearborn responded to Commissioner McDowell's question about regulating mowing, clarifying that mowing, if the species was identified and listed in the ordinance, would be considered an alteration. Staff recommendation was that if it is listed, it needed to be coupled with an outreach to each of the affected property owners to make sure they knew what practices they could and could not conduct to protect the species. It is not enough simply to list it, and that second step needed to be taken to help the property owners figure out how to manage their property so that the species could be protected.

Chairman Thorn was completely persuaded by the attitude of the property owners that a voluntary program would work just fine. In this isolated instance it is easier because there are relatively few property owners involved. His interest at this point is in deriving an ordinance that acknowledges the relative rarity of the iris. He is somewhat persuaded by it, but not convinced by a long shot on any of the other species. Given it is acknowledged as the only site this side of the Cascades he proposed developing a program of going to the property owners on a voluntary basis if they relocate plants in such a manner so there is a way to put an easement, that then can be acknowledged through something such as the PBR system. He did not like the idea of regulation when not needed, but supported it where needed when people's cooperation cannot be secured. It is quite the contrary here – having every indication of full cooperation of the resident land owners. Public testimony has been concluded and he proposed that the public hearing be continued to a public meeting of the Board to look at what staff comes up with in the way of a rewrite that would acknowledge this kind of approach.

Mr. Dearborn suggested before coming back to the Board with an ordinance that staff meet with the property owners and Rob Harbour, include some expert, and discuss what actions would be needed.

The Chairman agreed that Rob Harbour should be involved as the manager of the Ebey's area. This is an important process and it is especially important to involve the affected property owners. Given everyone's schedule it just may not be possible to meet that January 31<sup>st</sup>; but the County needs to see this through to the right kind of completion.

Commissioner McDowell wanted to look into the possibility, since the County owns property near Grasser's Hill, of a test site on County property with follow-up monitoring. It is the same climate and soil conditions so he imagined that transplanting it might be a very beneficial way to have less of an impact on the property owners. The other issue that he thought should not be overlooked in the process is County code related to control of noxious weeds.

Chairman Thorn was interested in getting the best advice possible on management tactics and transplantation was one way – relocating the plant to a less vulnerable site, whether on County property or elsewhere on the property owner's property; the important thing is an effective strategy along with maybe voluntary restriction of mowing or some other techniques. He also wanted advice on propagation techniques to help alleviate the problem as time passes.

Mr. Dearborn pointed out that each of the agencies staff met with have in-house expertise specialists who deal these issues and he will try to find someone to help the County from one of the agencies. He thought he should be able to contact the agencies, have a meeting with property owners and be able to fashion whatever action needs to be taken.

No action was taken on the proposed ordinance. By unanimous motion, the Board continued the matter to a public meeting on February 5, 2001 at 1:30 p.m. [Notice of Continuance: GMA# 6170]

There being no further business to come before the Board at this time, the meeting adjourned at 9:25 p.m. The Board will meet next in Special Session on January

24<sup>th</sup> and January 26. The next Regular meeting is scheduled for February 5, 2001, beginning at 9:30 a.m.

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

William F. Thorn, Chairman \_\_\_\_\_

\_\_\_\_\_  
Wm. L. McDowell, Member

\_\_\_\_\_  
Mike Shelton, Member

**ATTEST:** \_\_\_\_\_  
Margaret Rosenkranz, Clerk of the Board