

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
SPECIAL SESSION – MARCH 1, 2001**

The Board of Island County Commissioners met in Special Session on March 1, 2001, beginning at 10:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with William F. Thorn, Chairman; Mike Shelton, Member; and Wm. L. McDowell, Member, present.

The special session was called for the purpose of conducting a public hearing on Ordinance #C-14-01 (PLG-002-01) regarding amendments to Chapters 3.40 and 17.02 of the Island County Code to comply with the Order of the Western Washington Growth Management Hearings Board relating to certain provisions of the County's Critical Area Regulations. The proposed ordinance would designate the Blue Flag Iris as a species of local importance, establish protection standards for the Blue Flag Iris, and add the Blue Flag Iris to the list of features possibly subject to property tax reduction under the Public Benefit Open Space Rating System.

**PUBLIC HEARING: ORDINANCE #C-14-01 (PLG-002-01)**

**Attendance:**

**Public:** 10 [Attendance Sheet GMA record #\_\_\_\_\_] ]  
**Staff:** Phil Bakke, Planning & Community Development Director  
Jeff Tate, Planning Manager

**Hand Outs:** Proposed Ordinance #C-14-01 Introduced 2/5/01 [GMA #\_\_\_\_\_] ]  
3/1/01 Exhibit C: Findings and Legislative Intent [GMA #\_\_\_\_\_] ]

Mr. Tate summarized from the past several months with regard to hearings related to the Blue Flag Iris, which resulted in ordinance language and amendments to add the Blue Flag Iris to the list of protected species of local importance in the County's Critical Area Ordinance (CAO). Original language proposes that t habitat management plans (HMP) and biological site assessments (BSA) would be required for development within Grasser's Hill location, the known occurrence of Blue Flag Iris. During public hearings the majority, almost all, of the property owners on Grasser's Hill testified about their desire to protect the Blue Flag Iris, but did not know how to do it and had had problems controlling invasive species that were also threatening the plant. Staff met with a majority of property owners from Grasser's Hill, along with Rob Harbour, representing Ebey's Landing National Historic Trust Board, to work out an agreement. The outcome was that the preferred action over critical area regulations was to amend the scenic easement administered by the National Parks Service on Grasser's Hill. At the last meeting staff introduced the revised ordinance, the topic of today's hearing, listing the Blue Flag Iris as a protected species but with the statement that all property owners within the scenic easement need to comply with that easement [see language contained in Exhibit A to the ordinance #8]. Exhibit B proposes the addition of the Blue Flag Iris to the Public Benefit Rating System (PBRS) so it would become a feature on the property and a property owner could receive a tax benefit. Exhibit C handed out earlier, Findings and Legislative Intent, includes Findings #8, 9, 10, 11 and 12 with new language, and Findings #17 through 32 have been added. Mr. Tate reviewed those Findings briefly at this time.

Mr. Tate commented that Island County now has an ecologist on staff in the Public Works Department who will be tasked with drafting a habitat management plan. Interest has been expressed by the Au Sable Institute who maintains two biologists at their site; biologists from the Nature Conservancy; members from WSU Cooperative Extension, members from Washington State Department of Natural Resources-National Heritage program, who will provide peer review for HMP. The property owners will be heavily involved in the HMP and nothing done without the property owners. The proposed provides that the Historic Reserve must have amended the scenic easement by April 30<sup>th</sup> of this year to make reference to a HMP and by August 31<sup>st</sup> that a HMP that is outside of the easement will be finished so that the HMP can remain a fluid document.

Au Sable Institute is committed to native plants and native habitat and prairie plants and are interested in partnering with the County and WSU Cooperative Extension to create a work plan about how to preserve Grasser's Hill area and encourage propagation of the species in other sites where it may appropriate. Most property owners on Grasser's

Hill have indicated they had no problem, given they are notified and the County work with them, on allowing access to the site for seed collection. The Au Sable Institute is set up in conjunction with a number of other colleges and universities teaching prairie habitat restoration, study of wildflowers, etc. and are excited about the possibility to include in their curriculum something like this – to gather seeds and use other sites in the counties as well as their site. Also, the County has a site near Grasser’s Hill that can be used as a transplant site and Au Sable would love to be involved in that. Au Sable expressed interest in creating seed packets and providing those seed packets for free or very low cost making available to people in the community. He told the Board too that local nurseries have expressed interest in stocking the plant in their inventory. WSU Cooperative Extension has plant give-a-ways and sales throughout the year and are more than willing to provide the plant. All of those resources would be used as far as information and care of the plant. Mr. Tate saw this as a real opportunity to not just limit efforts on Grasser’s Hill, but to move out and encourage propagation in other parts of the county, expanding the resource.

Exhibit C of the document has changed since the ordinance was set for hearing, however, Mr. Tate’s opinion was that the Board could if it chose take action today inasmuch as the first changes came about as a result of the last hearing, and the remainder do not have as much to do with the listing of the species as it has to do with a work plan, public education and outreach program; therefore no substantive changes. As far as signing an agreement and being part of the HMP, Mr. Tate thought that would have to be worked out through the easement language itself. A protocol should be established in the easement that outlines how to change the HMP.

### ***PUBLIC COMMENTS***

Rob Harbour, Manager, Ebey’s Landing National Historic Reserve, asked that a sentence in #10, Exhibit C, be modified or deleted [middle of paragraph] “The NPS has also contracted with Steve Erickson to complete a field survey of Grasser’s Hill” which is an incorrect statement NPS has not contracted with anyone to do a complete survey of Grasser’s Hill, but contracted to do a mapping of field notes reserve wide, and suggested that the sentence read: “The NPS has contracted with Steve Erickson to map botanical field notes throughout the Historical Reserve”. Referring to a “fluid document” implies it would be changed in the future and he hoped that as true, that at some point there are lots of populations of the plant and no need to worry about it. He did ask that if possible, National Parks Service be given 90 days to actually modify the easement document.

Chuck Walker, Grasser’s Hill property owner, commented that from what he read, the only concern he had was that he hoped not everyone would be out the first year to collect the seeds – could be nothing to propagate locally if they do!

Bob Sullivan, Freeland, referred to the comments made at a previous hearing by Duane Spangler who noted there were many nurseries in western United States where the Blue Flag Iris can be purchased. If people did that and planted it in yards, he wondered what liability that property owner might incur – would he be stuck with it on the property forever? He also recalled that Mr. Spangler commented scientifically about where the Blue Iris grows in the Western United States and therefore wondered why it was on the endangered species list here if it grows wild in other places such as the islands of Puget Sound, Arizona, and others.

Commissioner McDowell acknowledged that was one of the problems with this type of an ordinance: suddenly people are scared about what they can and cannot do. Her did recall that since the Blue Flag Iris was a type of prairie plant and that most of the prairies were gone, was the reason it made it more unique in this area, Grasser’s Hill being one of the few prairies left in Northern Puget Sound.

Commissioner Shelton pointed out that the information that caused the Blue Flag Iris to rise to the top as opposed to other species clearly was that it was not widely distributed on the West side of the Cascades, that this was a unique location for the Blue Flag Iris.

Chairman Thorn added the fact that the plant made the list because it was unique to this site west of the Cascade Mountains. It can be purchased at some nurseries, but not the native plant. He then referred to a copy of the Minutes from the January 22, 2001 hearing when Mr. Spangler gave his testimony:

“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.*”

June Sullivan, Freeland, noticed that in Mr. Tate’s initial presentation he had referred to Blue Flag Iris as a protected species yet the paperwork describes it as a species of local importance.

She pointed out that there are various varieties of Blue Flag Iris, cultivated and wild. Her opinion was that the regulation not needed. She made note of the concern that one could find things on her property that she brought from other parts of the United States, but that does not mean they have to be protected or that they are any more than quaint.

Mr. Tate explained that it is a species of local importance – the proposed ordinance would add Blue Flag Iris and if adopted would then be protected under local regulations.

Chairman Thorn mentioned that there is a native variety as the Board has been informed.

Commissioner McDowell agreed there were a lot of varieties; the variety on Whidbey Island, as indicated from testimony, are different from those found on east of the Cascade Mountains. He did see a problem with this type regulation in that it would tend to squash the desire for people to bring anything unique to their property because down the road someone could say it is local and it is important and should be protected.

Commissioner Shelton recalled that Mr. Tate spent a considerable amount of time attempting to determine that the Blue Flag Iris was not a recently-planted species. One of the people he talked to said he believed the species was brought here in the 30’s and planted on Grasser’s Hill; however, others told Mr. Tate that the Blue Flag Iris had always been there; other people recalled their parents and grandparents knowing that the Blue Flag Iris was there.

As far as answering another concern expressed by Mrs. Sullivan about how binding this would be to successive landowners in that area, she was advised that it was part of the easement signed by the property owner. If she were a property owner on Grasser’s Hill, Mrs. Sullivan said she would find that a handicap and asked that the Board reconsider making this regulation from that viewpoint. She lives in Freeland but her property had been originally on the designated list of having something of possible interest and her concern is this is not the end, it could come up again with other things and I think unwise to set a precedent because it is not a rare or endangered plant.

Jean Wilcox, Langley, also expressed concern that should she plant seeds or tubers for the Blue Flag Iris are on her property what liability or what designation would she encounter. The other thing she brought out was that if many people propagate the plant and it becomes quite heavily populated around the Island, would the County then re-visit this ordinance and lift the designation.

Mr. Bakke explained that the proposed ordinance was specific to Blue Flag Iris located only on Grasser’s Hill.

As far as lifting the designation under the circumstances Ms. Wilcox described, Chairman Thorn thought that would be a logical outcome, although he cautioned that that could be years from now before it became apparent. He personally would like to take the plant to Camano Island.

Commissioner Shelton mentioned that Au Sable Institute purchased the game farm property for promotion of prairie types of species that have become rare in this area, for botany study, etc.; whether other people will chose on their private property to plant Blue Flag Iris would be an individual choice.

Steve Erickson, speaking for himself and Whidbey Environmental Action Network (WEAN), opened with a question related to Page A-2 of the Ordinance, Exhibit A, about the footnote mark at the end. Mr. Bakke was able to satisfactorily explain that was a code reviser note.

In light of comments made about where the Blue Flag Iris grows, Mr. Erickson pointed out that it grows from Northern Alberta into Northeastern Nevada on the east slope of the Cascades; west of the Cascades it grows on Grasser's Hill and nowhere else now. Dorothy Lechenby told WEAN that at one time it did occur where K-Mart and McDonalds in Oak Harbor are now located but destroyed when those businesses were constructed. As to Duane Spangler's testimony citing the Audubon's Field Guide, he noted that was not a very specialized book, in fact, rather casual and did not know anyone who actually used that in the field. The standard reference is Vascular Plants for the Pacific Northwest by Hitchcock et. al and that is actually what the Audubon Field Guide is citing. Hitchcock also lists *Iris missouriensis* as "on the islands of Puget Sound" .

Mr. Erickson offered \$100 to anyone who could show him a native population Blue Flag Iris, *Iris missouriensis*, growing wild west of the Cascade Mountains other than Grasser's Hill. There was a rumor of an area near Shelton but when he talked with someone in the forest service who dealt with that area, it turned out it was another iris species. Pojar [sp] and McKinnon lists *Iris missouriensis* as being on the outer coast of Vancouver Island, but when Mr. Erickson talked to Dr. George Douglas, B.C. Data Conversation Center, last Spring, he was told that was not correct, that in fact was another iris variety.

Mr. Erickson said that growing the plant elsewhere was an important strategy for long term conservation but was not the only strategy. He did not believe distributing the plant willy-nilly would assure its cultivation or conservation. The most essential part of assuring conservation of the plant to maintain its evolutionary potential over time would be to continue to have it in its wild setting. Introducing it to other areas where prairie is being restored such as on Au Sable land is important and a very viable conservation strategy, but having it in gardens will not do much to conserve the species, though he would not discourage that, but thought it was a very minor part of the conservation program especially in terms of maintaining genetic diversity.

Responding to Mr. Erickson's question about Page A-1 referring to a map, Mr. Tate clarified that was the same map as posted today on the wall dated 2/5/01, but the map in A-1 has an incorrect date of 1/22/01. The map identifies the scenic easement and was used at the 2/5/01 hearing [GMA #6284].

Questions on Finding #8 and #9 were satisfactorily answered by Mr. Bakke and Mr. Tate for Mr. Erickson - covered in detail at previous hearings, verified on the table used during those hearings.

Mr. Erickson next asked about the reference to a County site near Grasser's. Mr. Tate noted that was an old borrow pit. That location did not strike Mr. Erickson as a very good iris site at this point. But Mr. Tate explained that the point was there are sites to start looking at to see if appropriate or not.

Commissioner McDowell stated that the borrow pit was located about ½ mile and facing the same direction as, same climate, as Grasser's Hill and wondered why Mr. Erickson thought that would that not be a reasonable area [within 30' of Zylstra].

Mr. Erickson said that looking at a soil map, the Grasser's Hill and Zylstra Road sites are part of an area just about a square mile of contiguous kinds of prairie soils and were subject to regular burnings by the Indians and since the end of the ice age this management has developed those soils. He thought it was possible, although he pointed out that in doing restoration there a lot of work is needed; it is a possible site and so is the road shoulder along there.

With regard to Finding #14 referring to "Island County Public Works Department believes modification of road best management practices will be sufficient to protect these species nominated by WEAN", Mr. Erickson thought it was speculative to say that without knowing what the alterations in the BMPs are or the binding nature of BMPs. Finding #15 referring to County initiating a similar program of native plants he thought was a wonderful idea but asked how much money the County would provide for that.

Commissioner McDowell stated that the Board would look at funds during future budgets; the Board has made a commitment – the key word is voluntary program, such as the Beachwatchers or Master Gardner Program; the County provides fund every year; he was not so sure it would require additional money as perhaps a difference focus of what the projects are.

Chairman Thorn suggested the most logical group to carry that forward would be the Master Gardeners Program. And Commissioner McDowell stated that the commitment would be to continue the Master Gardeners program and suggest to that group of volunteers to include it as part of that program [suggest focus to native plants].

With regard to Finding #25, Mr. Erickson advised that in order to conserve the species there would have to be access for surveying the plant status and monitoring and studying it, not just for seed collection. He was also not sure that it had to be that specific so much as to refer to the conservation easement and activities necessary for conservation of the iris. He suggested language to say: “providing assistance and promoting conservation of the species”.

Commissioner Shelton said that one of the things the finding was meant to address as well was that through this easement the property owners would not be giving wholesale general public access.

Chairman Thorn pointed out that the management plan should take care of that – specifically making the point that people with the permission of the property owners would be able to come and collect seeds; the management plan has to address that fact. Mr. Tate agreed; these are two separate ideas. Intent here was continued propagation not the management plan. The management plan should address things such as monitoring.

Mr. Erickson addressed Finding #28 referring to propagation of the native Blue Flag Iris at other appropriate locations as the best way to ensure continued prosperity. He suggested a better word to use here would be introduction rather than propagation: “introduction to instead of propagation at”. There is a lot of emphasis on seed collection but to assure representation of the population in any new populations that are created, there are other ways to propagate such as from tubers which probably would initially be more important than from seeds because seed production tends to be quite spotty from year to year. and instead of saying “availability of the seeds” say instead “availability of plant material for propagation”.

Chairman Thorn did not read the language as eliminating that possibility; that has not been precluded.

On Finding #30 about providing plants to local nurseries or local nurseries selling the plants or giving them out for free, Mr. Erickson said would depend on where they are planted and in which situation planted. Planting in someone’s garden he did not believe would do anything for conserving the species because it would not persist if the person stops taking care of it; if it continues to propagate by seed production it will end up shifting the genetic composition of the plant and limit its gene pool and it will lose adaptive fitness. Suggest “introduction into other appropriate locations” would be a good conservation strategy but giving it out willy-nilly to folks although not injurious but it does not necessarily have much to do with conservation. The prime author should be someone who is highly experienced in the field. Mr. Erickson offered that WEAN would contribute to the National Park Service toward such a management plan.

He expressed some concern about the new county ecologist not having the qualifications to write a management plan for this species or any plant species. Mr. Tate noted that included is the fact that there has been substantial interest in peer review by a number of botanists and biologists in the scientific community.

Chuck Walker was not sure exactly what the language change was that Mr. Erickson seemed to be requesting on Finding #29 but as he listened to the suggestion to add the rhizome he envisioned people coming to the property with shovels and digging with or without authorization from the property owners and it was his opinion that all of the property owners would strongly object to that. There was no problem with language in the HMP if some of the property owners as individuals wish to donate some of the rhizomes but not make it a part of the ordinance.

## **COMMISSIONERS COMMENTS AND BOARD ACTION**

Commissioner McDowell reviewed some of the history on this issue. The Board went through all the species and looked at three criteria found in Island County Code [ICC 17.02.110 page 800 (ii).] At that point in time if accepted by the County, the Planning Commission was to look at whether they meet those three criteria; that step was done in this case by the Board of County Commissioners because of the direction from the Growth Management Hearings

Board. The next step is outlined in the Island County Code, page 801, Island County Zoning Ordinance 17.02.(ix) (3) and (5) [GMA # \_\_\_\_\_] indicating that..." the Board of Commissioners shall designate a Habitat or Species of Local Importance that:

- (1) Satisfies the nomination criteria in subsection h) (ii) and includes the information required in subsections h) (iii) and (iv); and
- (2) Includes best available science; and
- (3) Protection by other county, state or federal policies, laws, regulations or non-regulatory tools is not adequate to prevent degradation of the species or habitat in Island County; and
- (4) For which management strategies are practicable; and
- (5) Without protection, there is a likelihood that the species will not maintain and reproduce over the long term."

While satisfying items 1, 2 and 4, Commissioner McDowell did not believe items 3 and 5 were satisfied at all. With regard to Item #3, through public testimony information was collected from the property owners that by expanding the requirements of the easement there will be protection afforded by that easement which mentions the habitat management plan. As far as Item #5, clearly the property owners have stated their willingness to sign the easement and with that, protection of the Blue Flag Iris. Therefore, on Exhibit A, he suggested under A-1 to delete C.1.k. because there is no need to designate the Blue Flag Iris at this time as a species of local importance because it does not meet sections 17.02.110.h)(ix) (3) and (5). Also delete on page A-3 bottom of the page "Iris missouriensis Blue Flag Iris" By deleting those, the needs of the Blue Flag Iris are met, based on public testimony.

Commissioner Shelton believed that the Board generally agreed that the Blue Flag Iris was the species from the total list that rose to the occasion in terms of requiring some protection because it met those three criteria of the Code listed in 17.02.110 c.1 (ii). The Board considered those three criteria and based upon that criteria decided that the Blue Flag Iris met the criteria for species of local importance. As pointed out in this further part of the code whether it becomes a species of local importance or whether protection measures adopted to protect are adequate to protect the Blue Flag Iris becomes the question – whether it is necessary given the fact that property owners have agreed to the management plan and that the National Park Service has agreed to oversee the management plan. He had zeroed in on the three criteria without reading the remaining parts of the code probably to some degree because of the process the County had to take to move faster than normal because of the demands of the Hearings Board. He saw that Commissioner McDowell's point was valid .

Chairman Thorn disagreed with Commissioner McDowell, believing there was adequate testimony demonstrating the plant is unique in the area of Whidbey Island and that nothing onerous has been brought to the property owners; have agreement and concurrence of the property owners to participate under the scenic easement and a protection plan. Folks admire and value this particular species in that location and want to protect it, have been protecting it and having it on the list of species of local importance is completely appropriate, the least protected least impinging regulation of anything we have and does not create a problem for any of the property owners. His position is to leave things as presented in Exhibit A.

Commissioner McDowell did not see a disagreement on the first two issues: the plant is unique to Grasser's Hill, and he did not say the proposal was onerous to the property owners. He just did not think that all five criteria were met.

Chairman Thorn disagreed thinking there was adequate testimony that there has been some decline in the species, it waxes and wanes, but absent protection it will not survive.

Commissioner McDowell pointed out there were other ways to protect the plant, by property owners signing an agreement and eventually a HMP, those ways are in the works now. What he is suggesting would not change the action to the property owners; essence is that they would sign the easement and live under the management plans.

One of the things that Mr. Bakke pointed out was that Exhibit B specifically calls out Blue Flag Iris.

Commissioner Shelton observed that provided were all of the protections and all of the advantages of identifying Blue Flag Iris as a species of local importance. He was almost ambivalent one way or another because clearly the

Blue Flag Iris even if some of the seeds were taken off of Grasser's Hill and planted in someone's garden, unless there is some kind of an easement those who are planting it on their property are willing to sign, he did not think anything that has occurred on Grasser's Hill would be transferred by the seeds to someone else's property. The basis of the protection is the species. The Chairman has expressed the need to say that it is a species of local importance, but Commissioner Shelton agreed with Commissioner McDowell, items #3 and #5 have not been met.

Protection is being provided under a management plan that would accomplish the species of local importance without designating them as such because of the management plan. The basis of adequacy is not in the designation it is in the management plan being developed.

## **BOARD ACTION**

Commissioner McDowell moved approval of Ordinance #C-14-01, PLG-002-01 in the matter of Amending Chapters 3.40 and 17.02 ICC to respond to the order of the Western Washington Growth Management Hearings Board relating to certain provisions of the County's Critical Area Regulations, Exhibits A, B and C, with the following changes:

### **Cover Ordinance**

Page 2 - last paragraph beginning "Be it Further Ordained" change the date in the first sentence from April 30, 2001 to June 1, 2001.

### **Exhibit A**

Page A-1, delete item C.1.k. "Areas depicted on a map prepared by Island County dated February 5, 2001 that contain Iris missouriensis (Blue Flag Iris)".

Page A-3, bottom of the page, delete "**Iris missouriensis** **Blue Flag Iris**".

### **Exhibit B**

Page B-1, move b) (ii) "Those areas where Blue Flag Iris (*Iris missouriensis*) can be identified or where the property owner proposes a management plan to introduce and maintain a population of Blue Flag Iris." to d) as (ii).

b) (iii) becomes (ii)

d) would read

- (i) Those sites where preservation, restoration or enhancement of native plant communities is maintained subject to an approved management plan; or
- (ii) Those areas where Blue Flag Iris (*Iris missouriensis*) can be identified or where the property owner proposes a management plan to introduce and maintain a population of Blue Flag Iris.

### **Exhibit C** – Revised Version dated 3/1/01 with the following changes:

#10 Fifth sentence delete the words "to complete a field survey of Grasser's Hill" and insert instead "to map botanical field notes throughout the Historical Reserve".

#28 Third line in #28 change the word propagation to introduction and the word "at" to "to", reading: "...introduction of the native Blue Flag Iris to other..."

Motion was seconded by Commissioner Shelton, passed by majority vote, Chairman Thorn voting nay.

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

IN THE MATTER OF AMENDING CHAPTERS	))))))
3.40 AND 17.02 ICC TO RESPOND TO THE	ORDINANCE C-14-01
ORDER OF THE WESTERN WASHINGTON	
GROWTH MANAGEMENT HEARINGS BOARD	PLG-002-01
RELATING TO CERTAIN PROVISIONS OF THE	
COUNTY'S CRITICAL AREA REGULATIONS	

**WHEREAS**, in 1998-2000 WEAN submitted various documents and maps requesting that the County nominate certain native plants as species of local importance; and

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

**WHEREAS**, the Board entered its Final Decision and Order on June 2, 1999; and

**WHEREAS**, in its Final Order the Board directed the County to take appropriate action on the nominations submitted by Whidbey Environmental Action Network (WEAN); and

**WHEREAS**, in 1999 the County requested WEAN to provide more information to process WEAN's request during the Comp Plan Annual Amendment process; and

**WHEREAS**, in lieu of providing the requested information, WEAN elected to request the Board to order the County to adopt WEAN's nominations; and

**WHEREAS**, in its Compliance Order dated October 12, 2000 the Board directed the County to make a reasoned analysis, on the record, including best available science and other local factors, and take substantive action on WEAN's nominations by January 31, 2001; and

**WHEREAS**, the County has again reviewed the information provided by WEAN, completed its own research and determined that certain actions are needed to address WEAN's nominations; and

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

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapters 17.02 and 3.40 ICC relating to Critical Area Regulations are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comp Plan and Development Regulations; **NOW, THEREFORE**,

**BE IT HEREBY ORDAINED**, the Board of Island County Commissioners hereby adopts the proposed amendments to Chapter 17.02 ICC, attached hereto as Exhibit A; the proposed amendments to Chapter 3.40 ICC attached hereto as Exhibit B; and the Findings and Legislative Intent attached hereto as Exhibit C. Material stricken through is deleted and material underlined is added.

**BE IT FURTHER ORDAINED**, that by no later than June 1, 2001 the scenic easement shall be amended to include reference to, and compliance with, a Habitat Management Plan for the Blue Flag Iris and that the Habitat Management Plan shall be completed no later than August 31, 2001. If these dates are not met, the County shall revisit

this issue to determine what regulatory measures are appropriate to ensure protection of the Blue Flag Iris.

Reviewed this 5<sup>th</sup> day of February, 2001 and set for special session public hearing at 10:30 a.m. on the 1<sup>st</sup> day of March, 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 01-121

**APPROVED AND ADOPTED** as amended 3-1-01, this 1<sup>st</sup> day of March, 2001.

[Voted NO - William F. Thorn, Chairman]

*Mike Shelton, Member*

*Wm. L. McDowell, Member*

**ATTEST:** By Ellen K. Meyer, Deputy  
Margaret Rosenkranz, Clerk of the Board

**APPROVED AS TO FORM:**

*DAVID L. JAMIESON, JR.*

Deputy Prosecuting Attorney  
& Island County Code Reviser

*[Ordinance #C-14-01 as adopted this date, GMA record #\_\_\_\_\_; exhibits on file  
with the Clerk of the Board]*

There being no further business to come before the Board at this time, meeting adjourned at 11:55 a.m. The Board will meet next in Regular Session on March 12, 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