

## **BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING--DECEMBER 20, 2004**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on December 20, 2004 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6<sup>th</sup> Street, Coupeville, Wa. William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the December 13, 2004 meeting.

### **VOUCHERS AND PAYMENT OF BILLS**

By unanimous motion the Board approved the payroll dated December 15, 2004, along with the following vouchers/warrants: Voucher (War.) #203216 - 203516 . . . . . \$364,226.06.

### **STAFF SESSION SCHEDULE FOR JANUARY, 2005**

By unanimous motion the Board approved the Staff Session schedule for January, 2005. The Staff Sessions in January are both regularly scheduled staff sessions and will occur on January 5 and 19, 2005, beginning at 9:00 a.m.

### **HIRING REQUESTS & PERSONNEL ACTIONS**

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorizations:

<b>Dept.</b>	<b>PA #</b>	<b>Description/Position #</b>	<b>Action</b>	<b>Fe. Date</b>
Treasurer	111/04	Adm. Asst. #2103.00	Replacement	12/20/04
Planning	112/04	Adm. Asst. #413.00	Replacement/Personnel Action	12/20/04
Pub. Works	113/04	Engr. Tech I, I #2231.01	Replacement	1/15/05
Clerk	114/04	Dep. Clerk I, Temp #503.06	New Position	1/3/05
		[not to exceed 5 months]		

### **MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER**

#### **Auditor**

Although Auditor Suzanne Sinclair was unable to attend today's meeting due to other commitments, she made available for the Board's review her written financial report for the period ending November 30, 2004.

#### **Treasurer**

Linda Riffe, Treasurer, provided the Treasurer's financial report for the period ending November 30, 2004, under cover memorandum with the following explanatory comments:

- Line 20 Clerk - grant funding for 2004 was less than 2003
- Line 28 Juvenile Court - State grant funding for 2004 was below budget
- Line 28 Investment Interest - comments re-stated from September Treasurer's Report; working diligently to get the problem solved.

Responding to Commissioner questions with regard to exploring use of a lock box mechanism whereby taxes can be paid directly to the bank and credited immediately, Ms. Riffe confirmed she has and

was continuing to explore, thus far has not been cost-effective. The Commissioners asked for a further briefing on the matter during next Staff Session.

*[Auditor's Report and Treasurer's Report placed on file with the Clerk of the Board]*

### **LIQUOR LICENSE APPLICATIONS APPROVED**

By unanimous motion, having received recommendations of approval from appropriate county departments, the Board approved forwarding an approval recommendation on the following applications for new liquor licenses to the Washington State Liquor Control Board:

- Application #0871232-3D by Alfa's Pizza Inn, Inc., Brett T. Olson, Brian Todd Olson, & Judith Eileen Olson: 848 N. Sunrise Blvd. Bldg. G, Camano Island

- Application #087271-3D by Port Susan Investments & Management LLC, Brett T. Olson & Christina L. Olson dba Islanders Espresso & Eatery, 848 N. Sunrise Blvd. Bldg. D, Camano Island.

- **JUVENILE ACCOUNTABILITY BLOCK GRANTS WITH WA STATE DSHS JUVENILE REHABILITATION ADMINISTRATION TO PROVIDE FUNDING FOR ALTERNATIVES TO CONFINEMENT WORK CREW PROGRAM**

- Juvenile Accountability Block Grants with the Washington State DSHS Juvenile Rehabilitation Administration to provide funding for Alternatives to Confinement Work Crew Program, were approved by unanimous motion of the Board as follows:

- Contract #0463-60021 in the amount of \$10,000 (RM-JUV-04-0110)
- Contract #0463-63595 in the amount of \$32,571 (RM-JUV-04-0115).

- **HEARING HELD: RESOLUTION #C-91-04/R-31-04 – FINAL ORDER OF VACATION – PORTION OF COUNTY ROAD KNOWN AS CULTUS BAY ROAD (AKA KNOWN AS ROAD NO. 103 & AKA BAILEY ROAD)**

- At 10:15 a.m. Chairman Byrd opened a Public Hearing, continued from December 6, 2004, on Resolution #C-91-04/R-31-04, Final Order of Vacation of a portion of County Road known as Cultus Bay Road, South Whidbey (aka known as Road No. 103 & aka Bailey Road) located in Sec. 14, Twp 28N, R 3E.

Bill Oakes, Public Works Director, confirmed that Final order of Vacation was prepared referencing existing Auditor files that established access to parcels there had been some concern about. Access to parcel #446409 is via an existing homeowner's agreement. There is an existing access easement along the east side of the plat of Possession Point Estates Division 2. The language allows them to extend access all the way south to the property marked "M. Hill".

No one in the audience spoke for or against, although two members of the audience were present in support of the vacation approval.

By unanimous motion, the Board approved Resolution #C-91-04/R-31-04, Final Order of Vacation of a portion of County Road known as Cultus Bay Road, South Whidbey (aka known as Road No. 103 & aka Bailey Road) located in Sec. 14, Twp 28N, R 3E., with typographical error correction in the title of

the resolution from "Bailry" to correctly read "Bailey". *[Resolution #C-91-04 on file with the Clerk of the Board]*

- **AGREEMENT FOR CONSTRUCTION & MAINTENANCE OF DRAINAGE FACILITIES – PW-0320-87 - DIKING DISTRICT NO. 1 AND USELESS BAY GOLF & COUNTRY CLUB**

- By unanimous motion, as presented and recommended for approval by Mr. Oakes, the Board approved Agreement for Construction & Maintenance of Drainage Facilities PW-0320-87 between Island County, Diking District No. 1 and Useless Bay Golf & Country Club for the purpose of constructing additional drainage facilities to serve the Useless Bay area.

- **SUPPLEMENTAL AGREEMENT #2 PW-0420-172 - KCM, INC.**

Supplemental Agreement No. 2 PW-0420-172 between Island County and KCM, Inc., for Freeland Planning Area – Comprehensive Sewage Plan, representing a change of completion date to June 30, 2005 was approved by unanimous motion of the Board as recommended by Mr. Oakes. Copy to be provided to the Planning Department.

- **CONSTRUCTION EASEMENTS, QUIT CLAIM DEEDS AND REAL PROPERTY VOUCHER APPROVED - BAYVIEW ROAD CRP 98-17**

- Based on recommendation of Mr. Oakes, the Board by unanimous motion approved and accepted the following Construction Easement, Quit Claim Deeds and Real Property voucher associated with Bayview Road Project CRP 98-17:

- Construction Easement PW-0420-28 between Island County and Ronald A. & Peggy J. Gelbrich Parcel 150-0320, Sec. 8, Twp 29N, R 3E.

Quit Claim Deed between Island County and Ronald A. & Peggy J. Gelbrich, Parcel 150-0320; Sec. 8, Twp 29N, R 3E., with compensation at \$12,500.00 (\$2,300.00 for land, \$10,200.00 for landscaping, trees & fencing)

Quit Claim Deed between Island County and Thomas J. & Heather Conrad, Parcel 235-2690; Sec. 5, Twp 29N, R 3E., with compensation at \$2,112.00 (\$892.00 for land, \$1,220.00 for fencing)

Quit Claim Deed between Island County and Frank P. & Nancy J. Parra, Parcel 184-0320; Sec. 8, Twp 29N., R 3E. with compensation at \$3,441.00 for land

Real Property Voucher – Authorization for property acquisition per Real Property Acquisition and Right-of-Way Procedures (C-46-03/R-16-03).

**BID AWARD – CRUSHED ROCK SUPPLIES FOR 2005, 2006, AND 2007 FOR BAYVIEW, COUPEVILLE AND CAMANO ROAD SHOPS.**

Mr. Oakes presented for Board approval the Public Works/Engineering recommendation to award bid for Crushed Rock Supplies for a three year period for Bayview, Coupeville and Camano Road Shops to the lowest overall bidder in each case, with price including state sales tax as shown on the bid award recommendation. A more detailed bid tabulation was provided to the Board at the last staff session that displayed figures for all bids received.

By unanimous motion the Board awarded bid per the bid recommendation sheet presented by Mr. Oakes awarding bid to the lowest overall bidders, with the bid tabulation sheet to be attached to the bid award that shows the results from all bidders. *[bid award signed by the Board, with attachment, placed on file with the Clerk of the Board]*

- **PURCHASE ORDER # 05081– PW-0420-175 - BENCHMARK DOCUMENT SOLUTIONS, INC. FOR XEROX WCP 2636 COLOR COPIER/PRINTER/SCANNER**

- The Board by unanimous motion approved and signed Purchase Order #05081 (PW-0420-175) with Benchmark Document Solutions, Inc. for the purchase of a Xerox WCP 2636 Color Copier/Printer/ Scanner in the amount of \$16,136.70 (including tax and training).

- **REQUEST FOR AMENDMENT: DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT GRANT AGREEMENT #02-64002-043**

- Request for Amendment of Department of Community, Trade and Economic Development Community Development Block Grant, Grant Agreement #02-64002-043, South Whidbey Commons, for five month time extension to June 30, 2005, with Commissioner signatures on the accompanying Signature Authorization Form was approved by unanimous motion of the Board.

- **HEARING HELD: OPS 443/01 - SKY MEADOWS/GRASSER'S HILL PUBLIC BENEFIT RATING SYSTEM FOR PROTECTION/MANAGEMENT OF THE BLUE FLAG IRIS ON TWELVE CONTIGUOUS PARCELS OWNED BY ELEVEN DIFFERENT PROPERTY OWNERS**

A Public Hearing was held beginning at 10:30 a.m., as scheduled November 22, 2004 for this date and time, and as advertised, on OPS 443/01 by Sky Meadows/Grasser's Hill, Public Benefit Rating System [PBRs] for protection and management of the Blue Flag Iris on twelve contiguous parcels owned by eleven different property owners.

At the time of hearing the audience contained eleven citizens and two members of the press. An attendance sheet was circulated and placed on file with the Clerk of the Board and entered in the record as GMA #7719. Planning and Community Development was represented by Phil Bakke, Director, and Jeff Tate, Assistant Director.

Mr. Tate presented and reviewed with the Board Staff Report for Application for Open Space Land Classification OPS

#443/01 – Skymeadow OPS 443/01 under cover memorandum dated November 10, 2004 [GMA #7720], a proposal to place 48.81 acres of land into the PBRS, comprised of twelve parcels. Parcels add up to about 70 acres and a portion of each of the twelve parcels would be placed in the PBRS. Also included for the Board was a color-coded map [GMA #7721] showing an area highlighted in pink as all the parcels that are part of the proposal; the blue line running through the pink area represents the area that would actually be placed in the PBRS. The blue line is also consistent with the scenic easement already in place on Grasser's Hill in this location. There are four parcels on the map the names highlighted in orange; some of the ownership names have changed from the map. The orange-highlighted names Labuda, Bolte, Walker and Ramirez are the four parcels where the current population of the blue flag iris is located. Three of those parcels are part of this application and the

Ramirez parcel is not part of the application and not being considered for PBRS but does have blue flag iris located on it.

Mr. Tate then provided some history with regard to the parcels proposed for designation.

Nomination process contained in Island County Code along with criteria for nomination as a protected plant. In 2000 the Planning Commission and Board of Commissioners went through a fairly lengthy process to review plants proposed for designation, ultimately the blue flag iris located on Grasser's Hill was determined to meet all criteria to be listed as a protected plant. A standard within the nomination criteria allows that if other non-regulatory tools are in place and protection afforded, that can suffice for protection of the plant.

In 2001 the Board adopted Ordinance #C-14-01 designating the blue flag iris as a protected plant, with a provision included to assure the area located within the scenic easement would be protected through the scenic easement and a possible management plan to protect the iris. Property owners, representatives from Nature Conservancy, National Park Service, and Au Sable Institute met and discussed methods of protection, who would be involved, and conservation. Ordinance #C-14-01 was repealed through Ordinance #C-51-01 in favor of amending the existing scenic easement between the property owners and National Park Service. The easement includes a number of restrictions on the area shown on the map identified as the blue boundary line that precludes certain activities in that area and references the fact there is an iris population with some sort of value placed on that population of iris but unfortunately, the easement lacked ability of National Parks Service to enforce or deal with specific protection measures of the iris. At the time the thought was that the scenic easement would be modified and a management plan incorporated into the scenic easement to serve as the other non-regulatory tool to protect the iris.

The County put together a management plan to protect the iris, circulated in the scientific community and received comments on the management plan; County worked with National Parks Service to try to get the scenic easement language amended and make it enforceable. That proved a difficult and lengthy process. The County then looked at another way to protect the iris with full authority to implement a PBRS designation in the area, the idea being that the property owners be awarded a tax reduction for a commitment to protect the iris and willingness to allow for others to help protect and conserve it and attach the management plan to the PBRS so that the conditions run with the property and recorded. It would be somewhat self-enforcing because if conditions are violated or the property owner wants out of the program requires stiff financial penalty and back taxes, as well as having to go back to possibly enact a regulatory process.

The management plan is broad in intent, well beyond what is expected of the landowner and the landowners are participating, showing a willingness to allow others to particulate in fulfillment of the management plan. The PBRS goes a step further and outlines actions and things that can be done on the property. The management plan outlines things property owners can do and opens up a door for others interested in helping with conservation or protection by monitoring, inventorying plants, or propagation. The map notes where the properties are located with blue flag iris, the other properties would possibly enable propagation of the iris if conditions are right. As information is learned it is important that the management plan be flexible in its ability to change. The management plan is not finalized but it is opinion of staff that the PBRS approval would allow the management plan to mature.

Mr. Tate explained that since the County went through a process and determined blue flag iris meets all criteria for protection and is not protected on the Ramirez property under this scheme, the County would have to address its protection. He sees three alternatives for the Ramirez property: (1) develop their own plan; (2) sign onto this plan; or (3) the Planning Department would have to bring the matter back to the Planning Commission and Board of County Commissioners with possible regulation in the

critical areas ordinance. He noted an error to be corrected in Staff Report, page 9 of 11, number 8, Ramirez is included and should not be. He reminded that before the Board today is not consideration of some management plan, rather it is the PBRS application.

John Bolte, 804 Krueger, Coupeville, one of the Grasser Hill property owners, reported that he sent several letters to

Ramirez who is in the military on the East Coast and had had one response fairly recently indicating interest in being a part of the plan; believe he will become part of the group as soon as he returns here or gets out of the military.

Steve Erickson, WEAN, submitted a letter for the record dated December 19, 2004, [GMA #7722] regarding OPS 443/01 – OSPBRA Iris missouriensis, summarized:

Whidbey Environmental Action Network supports measures encouraging and supporting conservation of rare flora, including allowing open space tax classification for properties on which Iris missouriensis occurs. The ordinance refers at several places to Grassers Hill as being a Washington Natural Heritage Program area, but does not believe that is accurate. The importance in this context is that the site is of sufficient ecological importance that it qualifies for inclusion in the program. The language should be changed, page 5 of 11, top paragraph: “It is in a . . . and eligible for registration in a the Washington Natural Heritage Program area due to its ecological significance.”

The ordinance refers to the Iris missouriensis as “. . . a plant of local importance.”. The plant has not been designated as a “species of local importance” in Inland County, and suggested not using that term, instead should use a phrase such as “a locally and regionally rare plant species.” (page 7 of 11, Public Priority “...that has iris missouriensis, which is a plant of local importance”).

The ordinance refers numerous times to the management plan, including “comments incorporated as determined appropriate” (page 7 of 11, 5. Resource Restoration). The plan is still in draft form and includes some of the reviewers’ comments, including extensive suggested changes. If the draft management plan is going to be relied on in a binding ordinance, it should be finalized. Also it is not clear if the scheduled actions listed in the draft plan have been accomplished and that should be clarified.

The list of conditions does not include destructive activity, i.e. ground disturbance and should be explicitly stated to avoid any future confusion. Suggested language on page 9 of 11, 8 recommendation: “1. There shall be no development or ground disturbing activities on the portion of the site . . .”.

The ordinance refers in several places to the purpose of the open space classification as being “propagation of the Iris missouriensis”. While propagation of the Iris is one possible strategy in conserving this occurrence of the species, the more appropriate word and overall goal, is *conservation*. Dictionary definitions of these two words are:

Conservation: The action of conserving something, in particular: preservation, protection, or restoration of the natural environment, natural ecosystems, vegetation, and wildlife.

Propagate: breed specimens of (a plant, animal, etc.) by natural processes from the parent stock: *try propagating your own houseplants from cuttings.*

*Propagation* strongly implies reliance on simply increasing the plants off-site. All are agreed that if the most immediate threats are removed or ended, the population is not in immediate danger of extirpation,

therefore premature to focus heavily on propagation, rather more appropriate to focus on the overall goal of conservation. Suggested language changes:

page 3 of 11 at 5.f.; “propagation of the Iris missouriensis”;  
page 5 of 11, top paragraph; “propagation of the species”;  
page 8 of 11, Limited Public Access; “propagation efforts”;  
page 10 of 11 at 5.a.; “collecting plants and seed, attempts to propagate the species”;

Notice of Approval, page 2, a., “collecting plants and seed, attempts to propagate the species”

page 3 of 11 at 5.f.; “. . . related to ~~propagation~~ conservation of the Iris missouriensis”;  
page 5 of 11, top paragraph; “. . . steps ~~that would allow for propagation~~ for conservation of the species and preservation of its habitat conditions”;  
page 8 of 11, Limited Public Access; “Limited public access is allowed for purposes of scientific research, ~~propagation~~ conservation efforts, and educational opportunities.”;  
page 10 of 11 at 5.a.; “. . . efforts associated with ~~inventorying monitoring, of plants, collecting plants and seed, attempts to propagate~~ conservation . and restoration of the species, and ~~other~~ associated activities . . . ”  
Notice of Approval, page 2, a., “. . . efforts associated with ~~inventorying monitoring, of plants, collecting plants and seed, attempts to propagate~~ conservation . and restoration of the species, and ~~other~~ associated activities . . . ”

Rob Harbour, Manager, Ebey's Landing National Historic Reserve, confirmed conservation easement in place on the hillside although does not very specifically address the wild iris, which has required some extra work with property owners to ensure protection of the iris. He reaffirmed the fact that ELNHR considers adoption of a management plan a good thing that will help all participants. The idea of modifying the scenic easement is something that was discussed and tried to get underway, but due to staffing and other issues, Mr. Harbour did not see that happening quickly. This summer ELNHR did a very quick inventory of the rest of the hillside to the west of Skymeadows Drive and found some wild iris on Lots 14 A & B and on lot 9B. The hedge rows throughout the hillside, particularly the one at the top of the hill, is an important part of the scenic easement, and while they agree there is some need to manage and control the hedgerow, it does play a key screening role that allows people to build houses close to the hillside edges yet be screened from SR 20 down below and thus comply with the terms of the scenic easement and ELNHR want to make sure the hedgerow is protected. There has been some mapping by Coupeville High School Honor Society to map the extent of the burn, extent of plant populations; some minor seed collection and propagation but not with any assessment of the genetic stock and also a little weed management. ELNHR looks forward to working with the property owners and County to take the management plan to the next step. It is a case of learning as you go, adapting and working together.

Lee Smith, Natural Resource Specialist, National Parks Service, supported efforts to preserve the plant and its habitat, and offered to do what he could to try and bring in some of the Natural Parks Service resources. He agreed that the management plan was a draft, and would like to see it finalized, and offered to help with that, along with clarification of roles, responsibilities and monitoring aspects.

Marianne Edain, speaking on behalf of WEAN and Frosty Hollow Ecological Restoration, spoke in favor of protection of the iris. She was interested to see the management plan and its missing parts such as minimum standards. There is a need to spell out very clearly that the best available science should be that which is most likely promulgated by the Society for Ecological Restoration or Nature

Conservancy of Washington that would be the minimum standard used. Allowing landowners to decide who, when and how often people are allowed on the property needs to be addressed as part of the management plan with the statement that minimum standards apply rather than enthusiastic volunteers that unfortunately end up doing damage. Part of a management plan has to be a certain continuity with respect to monitoring and the management plan needs to work for the plants as well as the landowners.

As a point of clarification, Mr. Tate commented that there are two documents (1) County Staff Report [which is the document most corrections are aimed at]; and (2) recorded notice that contains the conditions recorded with the property and references the open space application. He agreed that he would be able to provide a better description in the Staff Report as far as the actual designation under the heritage program. He recognized the concern about placing limitations on access and to make sure there is available access often enough. The second condition #5 on page 10 outlines that the property owners have the ultimate authority with language incorporated to provide balance, i.e. the property owner may establish reasonable terms and conditions so long as they do not conflict with the plan; establish limits on the number of people; and "however the property owners may not limit access to the extent that it precludes fulfillment of the plan" [and provides an example]. Mr. Tate was encouraged to hear that Mr. Ramirez was willing to be involved. He agrees with trying to create an easy way for Mr. Ramirez to opt into the agreement but at the same time pointed out that providing property with a tax benefit is a legislative decision and the whole concept ultimately would have to come before the Board for formal designation of that property.

Mr. Tate looked at the comments submitted by WEAN as pretty reasonable. Mr. Erickson's first comment is correct, that Washington Natural Heritage Program has a list and some of the properties are not formally designated but on an inventory of potential candidate type areas, Grasser's Hill is one of those candidate areas – and it is a correction that can be made. With regard to some of the possible changes Mr. Erickson provided [shown as foot notes in Mr. Erickson's letter submitted for the record] Mr. Tate reviewed and thought of suggestions for wording to address those. For example, first bulleted item on page 5, "it is in a habitat of local importance area and a Washington Natural Heritage Program Area" the suggested correction could be worded: "it is in a habitat of local importance area and is inventoried in the Washington Natural Heritage Program". And the same correction holds for page 7, the second portion of the footnote Mr. Erickson commented on. It was Mr. Tate's recommendation that the Board allow him time to provide a set of follow-up findings to clarify some of the issues and an updated staff report for clarification for items 1, 2 and 5. He agreed with all the comments made about finalization of the management plan, crucial to the whole effort, but did not think it should hold up designation of the land in PBRS.

Items 3 and 4 were noted by Mr. Tate to be more substantive. With regard to item #4 about ground disturbing activities, there is no condition prohibiting ground disturbing activities, but noted that most reasons to conduct ground disturbing activities are precluded through the scenic easement and from that respect Mr. Tate thought it is addressed. For other ground disturbing activities, he did not know if precluding ground disturbing activities was the right thing to do; certainly ground disturbing activities where the iris is located but as can be seen on the map, there is a lot of area where the iris is not located and there may be determinations through this process that certain areas on those properties will never be iris habitat, therefore, precluding the entire area would not be wise. There are conditions included that refer back to the management plan. The property owners should have the ability at least to approach the county and propose some ground disturbing activity. With respect to whether or not under the management plan it would be permissible to plow, Mr. Tate was aware there is a prohibition

to mow between April 1 and August 1; plowing activity itself is not addressed. But if someone wanted to plow a portion of property located in the area represented by the blue line there is nothing preventing that.

A good part of PBRS requires agreement on the part of the property owners to allow certain groups at critical times of the year on their property to work on the plan, which seemed to Commissioner McDowell to be a huge step. Also he pointed out the requirement for review every year.

Commissioner Shelton commented that ground disturbing activities usually are associated with development. He does not view tilling as development necessarily, though it could kill the blue flag iris and what should be clarified is once someone tills the ground the reason for the PBRS could potentially go away. The Board made a specific determination that the blue iris is important and the reason for going through the PBRS is specifically for protection of the blue flag iris. The list according to Mr. Erickson does not include the most obvious destructive activity, ground disturbance. He did not think necessarily anyone would go out and plow the land but did believe it reasonable for it to be understood that the PBRS approval with tax relief is because of the blue flag iris located there and the property owners agree not to till the land and destroy the plant. Most of the property owners recognize the blue flag iris is located there and have no desire to eliminate it and are willing to protect it; therefore, it should go without saying that nothing be done that would destroy the plant, and that tilling the ground where the plant exists would be contrary to protection of the plant.

As an alternative rather than allowing or precluding tilling, Mr. Tate suggested a consideration by the County of any areas where there should be no plowing or ground disturbing activities within the scenic easement. The property owners qualify for the full tax reduction without points for protecting the blue flag iris, but one of the things the County approached the property owners with was to try and figure out a way to protect the blue flag iris. The whole staff report is geared on protection of the iris, but in looking at the big picture, perhaps something has been omitted or the detail level and he wants to make sure that after having gone through the whole process that not only is the tax reduction hopefully awarded, but in fact there is something in place that makes sure that a year, five or seven years from now sufficient to ensure protection of the iris.

Commissioner Byrd was satisfied such that he recommended approval of the PBRS and that staff continue to work on the management plan.

Mr. Erickson pointed out the language he has suggested in the notice that would actually go on the title with a list of conditions: "There shall be no development on the portion of the site that is classified as open space without prior approval from the United States Secretary of the Interior and without Island County approval". He recognizes that the current property owners have been through this process and would not go out and plow the iris up. However, the point he makes is that people change and move, and life plans change. He did note this was not to say there might not be some places and sometimes where it would be appropriate to do ground disturbance even for restoration purposes, but the language needs to say that has to be reviewed and approved first.

Although there may not be the institutional knowledge on the property such as with Au Sable Institute, because this property is owned by individuals, Commissioner McDowell pointed out that the title report goes with the property and anyone purchasing the property would be well aware of what those conditions are.

Mr. Tate commented that PBRS falls under the non-regulatory umbrella of conservation; conditional too with requirements that must be met, being done in lieu of a regulation. It was determined previously that a regulation would be appropriate on these properties if a non regulatory tool was not in place. If it were under the Critical Area Ordinance regardless of activity

on the hillside, a clearing and grading permit at a minimum would be required and a habit management plan. From staff perspective the process being recommended actually builds in protection in the PBRs if language is added about ground disturbing activity or tilling making it less likely to come back and deal with the issue in a critical area ordinance amendment.

John Bolte, although not speaking for the property owners as a group, did not believe the owners would have a problem with that, but assumed if something like that were added, that all property owners would see an updated copy of the management plan with an opportunity for review. He reminded that there is a penalty in place for the property owners who must conform to the plan in order to maintain the tax provisions in the PBRs designation. He anticipated no objections to added language as Mr. Erickson suggested.

Norm Paulson, 711 Grasser Hill Road, Coupeville, a property owner on the hillside, with an existing horse pasture and horses on the property, commented that horses do not eat blue flag iris nor disturb it; in fact, eat competing weeds. He was interested to know whether or not he and his wife would be able to continue to have their horses and horse pasture.

An unidentified member of the audience stated that there were reports from Canada noting grazing improves the environment for the blue flag iris and that in fact the iris become a nuisance because of propagation.

Mr. Tate answered that grazing in and of itself just like plowing was not an activity specifically addressed. He did not see how grazing horses could be consistent with the PBRs designation unless the property owner were to do something like fence the areas where the iris is to ensure animals are kept out. That level of specificity is not offered in the PBRs designation.

If someone asked Mr. Erickson professionally if grazing horses would be good, bad or indifferent on this plant, he would answer "establish some monitoring and go with that".

One of the things Commissioner Shelton mentioned was that while horses may not bother the iris, if that were allowed would that open up the door for other types of grazing of other animals that might bother the iris. It would seem easy to state that the County will require pre-approval of ground-disturbing activities and understand that includes tilling the soil and then approve PBRs.-

However, Commissioner McDowell saw this to be requiring pre-approval of ground disturbing activities that have been normally done [as in the case of the gentleman who raises horses]. He had no problem saying that any ground disturbing activities need to be monitored to make sure there is no damage caused.

The Board was in agreement that staff take under consideration all of the issues brought forth today and address same, state the items property owners must ask permission for, talk with the property owners to obtain agreement or non-agreement, and continue the public hearing and consider the corrections.

By unanimous motion, the Board continued the public hearing until January 10, 2005 at 10:30 a.m.

*[Notice of continuance GMA #7723]*

There being no further business to come before the Board at this time, the meeting adjourned at 12:05 p.m. The December 27<sup>th</sup> meeting of the Board of County Commissioners has been canceled. The next regular meeting will be on January 3, 2005 at 9:30 a.m. Island County offices will be closed on December 24<sup>th</sup> in observance of Christmas and on December 31<sup>st</sup> in observance of New Year's Day.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

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William J. Byrd, Chairman

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Mike Shelton, Member

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Wm. L. McDowell, Member

ATTEST: \_\_\_\_\_  
Elaine Marlow, Clerk of the Board