

ISLAND COUNTY COMMISSIONERS - MINUTES OF SPECIAL SESSION
JOINT BOARD OF COMMISSIONERS AND PLANNING COMMISSION GMA
COMP PLAN WORKSHOP - May 15, 1998 – Corrected Version

The Board of Island County Commissioners met in Special Session on May 15, 1998, beginning at 9:00 a.m., in Hearing Room 1, Island County Courthouse, Coupeville, Washington, to consider the following GMA Workshop Topics: **Fish/Wildlife Inventory; Shoreline Environments; Issue Paper.**

Handouts Provided: Fish and Wildlife Inventory and Shoreline Environments Issue Paper

Attendance:

Board of County Commissioners: Wm. L. McDowell, Chairman; Mike Shelton, Member; and Tom Shaughnessy, Member.

Planning Commission: Chairman, Rufus Rose and Commissioners Tom Olsen, Anne Pringle, Bill Vincent and Sheilah Crider. JoAnne Silvers, Richard Hart and Linda Moore were absent.

Consultants: Keith Dearborn, Mark Personius, Alison Moss, Andy Castelle

Staff: Vince Moore, Donna Keeler, Matt Nash

Shoreline Master Program [SMP]

Donna Keeler indicated the need for some revisions to the SMP pointing out that nearly 80% of the shoreline is developed primarily with single family residences, and the SMP has not been amended since its adoption in 1976, and the County must meet requirements of the Growth Management Act outlined in 6094. The Department of Ecology [DOE] is interested in the SMP as a model for other rural counties in the state. Developed shorelines and undeveloped shorelines need to be reviewed to determine how future growth can be accommodated without additional impacts to the shoreline. This will also serve as a tool to implement measures to protect rural character and provide appropriate use standards to protect shoreline resources. The RAID concept is new and not in the current SMP and it will be necessary to ensure that the SMP is consistent with the Comprehensive Plan and residential areas of development on the shoreline.

The SMP will be integrated with the Comprehensive Plan, Critical Areas Ordinance, Wetlands, Geological Hazard Areas, Fish & Wildlife Habitat Areas, Steep and Unstable Slopes, and Critical Drainage Areas, which all will be a part of the SMP, integrated with Development Regulations, Grading & Surface Water, Zoning Ordinance, Land Use Review Ordinance, Shoreline Use Regulations and Chapter 16.21. Desire is to avoid duplication and ensure consistency among all documents. Chapter 16.21 will identify all the other documents that are part of the SMP.

Fish And Wildlife

Alison Moss explained that the Regulations create an umbrella section to tell the reader which chapters of the code apply to each of the five kinds of critical areas and includes a section on permitted uses and a

new section that addresses the fact there will be a lot of existing lots that may be difficult to build on under the new Regulations, therefore the Director is given the ability to modify the Regulations to allow reasonable building sites for single family homes. The section on exemptions explains the review process and creates a new overlay for Fish and Wildlife habitat. Streams are included in this section; it also designates for the first time commercial and recreational shellfish beds, kelp and eelgrass beds and herring smelt spawning areas, and was one of the principal purposes for doing the shorelines inventory. This also regulates areas with endangered, threatened and sensitive species listed by the state or federal government, and creates the review process and protection standards.

A few issues have come up repeatedly. First, are the issues raised by DOE which Ms. Moss believes have already been addressed.

Steve Stanley from DOE had written a comment letter questioning whether the changes to the wetland categorization system that takes the shoreline wetlands out of category B and says they are A if they meet the definition of A would drop estuaries out of the regulations altogether, but he understands now he had just misread it and is comfortable that it is more protective than it has been. He was also pleased with the restrictions placed on the Director's ability to modify the standards for single family homes.

A square footage of 5,000 sq. ft. building area has been provided; it is for the yard and access. In terms of whether 5,000 sq. ft. is enough to do standard 2,000 sq. ft. house, Ms. Moss noted it is just the footprint, not the whole sq. footage of the house. As far as 5,000 sq. ft. being enough to accommodate the drainfield and reserve, she said it was just the impervious surfaces [just the building, not the well or the yard].

Mr. Dearborn commented that a meeting is scheduled with both Fish & Wildlife and DOE in early June to go over remaining issues and make sure everyone is aware of what those are, and the Board then can look at the options at the hearing on June 8.

If there is an existing home and an individual wants to make changes, the consequences with the new regulations are:

- As to wetlands, the only change that would affect an existing lot or single family home would be if the property were adjacent to or contained a Category A wetland in the shoreline. Before, the wetland would have been a Category B automatically. The changes enlarge the buffer width from 25' to 100' if it is a Category A wetland. They also give the Planning Director the ability to modify the standards rather than throwing the applicants into the process for a reasonable use exception if in fact the wetland and the buffer make the site very difficult to build on—but they have to first build on the non-critical area portion of the property and then if those are not adequate, then modify the wetland.
- As to other Fish & Wildlife Regulations, the differences would be that all streams would be regulated. Currently, if a stream is not tributary to a wetland, it also would not require a buffer. There would be buffers for various shoreline habitats previously discussed.

Commissioner Shelton recalled the Board's receipt of a letter from Fish & Wildlife listing the different categories of streams and what the proposed buffers were.

Ms. Moss recalled having seen a letter very early on providing Fish & Wildlife's recommendations for stream buffers. The County is using Fish & Wildlife's stream typing but the buffers are not as large as the Department recommends. Type I streams are shoreline; at this point there appears not to be any Type II streams, but she was not absolutely sure. There are Type III streams. She recalled that Mr. Castelle's opinion was that most streams that would both enter and exit wetlands would probably be Type III streams. The County regulates them now with 100' buffer as they enter the wetland and a 50' buffer as they exit. The proposal would require a 75' buffer along the entire stream.

As far as resource lands that have these streams, the Forest Practice Act pre-empts local regulation of forest practices that are not conversions and will not affect commercial forest practices. And if it is a conversion or conversion option harvest plan where the owner wants the ability to something other than forestry in six years, the Regulations would apply. If it is an existing agricultural use, it would be exempt and this would not require a buffer be established where one does not exist today, but requires maintenance of one if there already. It will not require farmers to pull back 100' from the stream. Although there is no definition of buffer in the regulations, permitted uses are defined.

Commissioner Shaughnessy expressed the need of some folks to be able to mow down to the streams, in some cases, i.e. golf course, existing or potential.

Mr. Dearborn explained in that case, they would not be able to mow down to the stream on a golf course.

Andy Castelle did mention, however, there are provisions to either increase or decrease buffer widths on a golf course. His example was a golf course constrained because of the location of a stream and no way to route the course and maintain safe play without being closer than the specified buffer. There are ways of reducing that buffer in exchange for something, a trade-off system inherent in the ordinance. If the standard is a 50' buffer for a particular stream and there is no way a golf course could safely provide 50', there is a mechanism to drop that to 25' or 30' provided certain things are done, which might include modifying the vegetation in the remaining 25'. He believed the ordinance allowed for those type win-win situations.

Ms. Moss clarified that everyone who has a fish and wildlife critical area on their property will have to do a biological assessment. This can be just a short statement saying there will not be an impact or that the buffers are sufficient to protect the stream. If there is a threatened, endangered or sensitive species, other than a bald eagle, the property owner will have to do a habitat management plan. Regulations have to be based on the best available science.

Mr. Castelle stated that for a single family home where there is no resource that needs the protection or where there is a resource but it will be adequately protected just by a simple design, it could be done for one hundred to several hundred dollars, depending on who the individual hires. For a commercial development, he agreed that could cost thousands of dollars. Sometimes the study will conclude the wetland doesn't exist. At Mr. Dearborn's request, he agreed for the June 8th hearing to bring some examples of studies.

Ms. Moss went on to note that the proposed regulations include an express statement that the level of detail should be proportionate to the project proposed. The Freeland Water District asked that the Board consider making the installation or repair of certain utilities a permitted use. She tried to address that

concern. The exemption section contains an exemption for maintenance of existing utility structures. The word "structure" could be changed to "facilities " so it is clear it is all utilities and not just structures. So if a district wanted to maintain an existing water line, for example, that would be exempt subject to best management practices. It specifically exempts maintenance of the structure in the rights-of-way. Existing facilities maintenance would be exempt. There is a specific permitted use for utility crossings where the least environmentally damaging route is chosen, or there is no reasonable alternative location and the width of the crossing is kept to the minimum. Also, there is the single family modification provisions so if an individual needs to get the service line in from a road to the home, the Planning Director would have the ability to modify the standards. This is for all existing utilities; she did not believe it would be appropriate to exempt the installation of a new facility.

She thought that WEAN raised a legitimate point that was not an intentional limitation. Best Management Practices are defined in the proposal to mean conservation practices that control soil loss, reduce water quality degradation and minimize adverse impacts to surface and groundwater flow and certain characteristics of wetlands, and specifically mentions wetlands. WEAN pointed out that Best Management Practices should apply to all kinds of critical areas, and Ms. Moss verified that it was an oversight on the part of the County and suggested changing the word "wetlands" to "critical areas" in the definition.

In further explaining a BMP and what someone would have to do they previously did not, Mr. Castelle used the example of a break in the line of a pipeline project in Skagit County, showing how BMP's take in a lot of things that allow the project to happen in a timely fashion and cause a minimum of damage. Other examples: it could mean putting rubber mats down so construction equipment doesn't tear up the soil; it could mean what time of year the work is done.

In response to Vince Moore concerning any judgment requirement as to whether BMPs are being applied, Ms. Moss confirmed she did not envision having to do paperwork with the County – so if it is exempt, there's no need to come to the County for an exemption. She agreed it would not be a bad idea, though, to have a manual of BMPs so people could refer to examples.

There was still some concern on Commissioner McDowell's part about new utility installations since the regulations are now expanding beyond just wetlands to include all four or five critical areas. Island County is an extremely small county, the second most dense county in the state, and he would find it very troubling there would be no exemptions for new utility installations for future houses.

In that case, Ms. Moss explained there are two provisions: a specific permitted use that says if you need to cross a critical area to provide the service you can. And, as Mr. Dearborn noted, there is an exemption for maintenance of existing utilities. Ms. Moss stated they are permitted uses; there is a permit requirement, but it is not that someone can never put in another utility. The critical area should be avoided, but if it cannot be, it is a permitted use if it can be shown it cannot be avoided, and the person restores, and uses BMPs. Ms. Moss pointed out that utility exemptions have triggered other appeals.

Andy Castelle provided a quick example: a sewer line project that will have to cross a wetland.

Rufus Rose used a story about a heron rookery next to a house construction and the use of black plastic as an example of the importance for exercising common sense with BMP's. He asked: "Can we have some kind of provision that says that the authorizing agency is allowed to use common sense?"

Ms. Moss stated that the BMPs in the Ordinance apply to exemptions and make it clear they have to be conducted with appropriate care in the critical areas. As to the management plan, heron rookeries are not yet covered by this ordinance. The habitat management plan has to consider the specific attributes of the affected property and the practicability of implementing the program, and the idea of proportionality, common sense, practicality, as well as protection is part of it.

The Audubon Society submitted a letter with two comments. First, the question of the reduction of the number of species in the protected species list. She looked at State minimum guidelines saying that protected should be endangered, threatened, and endangered species. Fish & Wildlife was asked which of those kinds of species are likely to occur in Island County and provided a list and those are the protected species included in the draft regulations. The opportunity is also provided for the County to protect additional species as species of local importance. The net impact of limiting the list is to remove the great blue heron, common loons, osprey, pileated woodpeckers and trumpeter swans and that raised some concerns on the part of the Audubon Society, WEAN and CGMC. Therefore, she thought the Board may want to consider including those species as species of local importance. The new guidelines contain a provision for habitat and species of local importance and the regulations contain a process for an individual or the county to nominate those species.

Under today's regulations, a habitat management plan would be prepared for these species, and the same would be done under the proposed regulations. There is no specific area designated. She recalled that the list originally included endangered, threatened and sensitive species. So, either some of these species have been removed from one of those classifications or the County has always had habitats of local importance in its regulations. In 1984 the County may have determined these were species important to Island County.

Mr. Castelle agreed that the majority of these were listed at the federal level and have been de-listed. There are also other categories that are not listed but there are state candidate species, either on their way up or down from being listed and Fish & Wildlife is keeping an eye on them and in some jurisdictions those species get some measure of protection until a decision is made. In Island County's case, it was determined that the designation of species and habitats of local importance went beyond that, and allowed for those that might be of particular importance to Island County.

Ms. Moss thought it important to understand that the regulations do not require use of the management recommendations from Fish & Wildlife but asks that they be considered. The purpose section of the code currently has two policies: one protects the habitat of flora and fauna recognized by the county, and the other preserves critical fish and wildlife habitat and encourages protection of wetlands. It is suggested to strike those and replace those with Designation and protection of critical areas pursuant to the Growth Management Act. A number of people have read that so as to reduce protection for habitat and wetlands which Ms. Moss confirmed was not the intent, and suggested the Board may wish to consider leaving the policies as they are.

Rufus Rose could see where there would be situations where a buffer created for fish purposes is dynamic over time and may become different that what was originally envisioned. He was interested in knowing the "pecking order" between fish and other wildlife when considering a habitat and which was most important. For example, perhaps a farm has gone fallow that used to be mowed to the stream edge and 50 years from now it will be a forest because no one is doing anything or is not allowed to do anything. The dynamics of the buffer is going to change and with that change will be natural habitat change which means "different critters living there" – so what was being protected no longer lives there. Need to be reflective on any unintended consequences.

Ms. Moss indicated that all the regulations would apply, and if one required more stringent conditions, that would be the one that would control. The only prescriptive regulations here are the buffers. The rest are tailored to the specific

uses and species found on the property at the time the use is proposed. The buffers can be adjusted depending on what's there. Species migrate; if no longer there, they no longer would be protected on that property. If species migrate in, they are protected.

Mr. Castelle pointed out that an inventory was conducted of the shoreline which included a 200' band around the County, as well as near shore habitats, to identify the biologically critical areas. On Page 2 of the Report, is a list of some of the existing resources available used to compile the maps. The County's existing wetlands inventory was used as a base map and he added to it information from each of these resources, and added to that, findings from the field study as summarized in the Report. Although not shown, there is a map of spartina invasion and purple loastrife.

Mr. Dearborn recalled that the Planning Commission discussed providing density bonuses for people who do restoration or enhancement. He inquired if removing spartina should be one of the activities to encourage.

Mr. Castelle thought so. He noted there would be some sites where mitigation will be required but if there is no logical place on site to do the mitigation, would be forced to go to an offsite location. The outcome of the survey was a series of eighteen mylar maps. He had an example of one of the maps. The area of the survey was done from a boat, and was also land based from vehicles and walking -- interested in the fringe area around the coastline because the maps are superimposed on the existing wetlands inventory there is other information in the interior that is shown. Where the two overlap, where there are wetlands and streams from the inventory in the coastline, were found to be fairly accurate so there is increasing confidence that where they are depicted elsewhere, there is a likelihood that a feature of roughly that location, roughly that description is going to exist there. In addition to the fish and wildlife habitat conservation areas that are regulated, included are quite a few species and other habitats that could be viable candidates for species of local importance. Those have been encoded with four letter abbreviations.

To summarize the 18 mylars, a synthesis map was compiled of the entire county [re fish and wildlife habitat conservation areas]; dropped out are river otters and the waterfowl concentration areas and all these other species that may be suitable candidates for species of local importance and stayed with things that definitely would be regulated. The blue areas are bald eagle habitat which means there are nests throughout these areas that occur or have occurred. Most of the other features are not land based features, such as things like kelp and eelgrass beds, commercial shellfish areas. More than half of the coastline has the potential to have a regulated fish and wildlife habitat conservation area. Shoreline development has a better than even chance of needing at least a cursory examination by a qualified professional. If the County were to compile a map of all of these features, about 70-80 % of the shoreline would be shown; some of these areas are seasonal. One example of a BMP would be to simply do the site work when species is not present. Some of this information comes from the Fish & Wildlife information public data release maps. A lot of the information is sensitive information and not

readily available.

Whether or not these mylars will be exhibits or formally adopted, Mr. Dearborn thought there was no intention for them to be adopted. And Mr. Castelle indicated that the base maps are the existing wetlands inventory, a resource for County staff to help steer planning decisions. The code makes clear that what's on the ground controls over the maps.

Mr. Castelle stated that the maps are reproducible--are on mylar. On each map there is a statement that says, "information on this map is intended for general planning purposes only, site specific studies should be conducted before any proposed development activity." He suggested the inventories needed to be updated about once a decade. The only reason to do an inventory more frequently would be if there were a revision in the definition of what a wetland is.

Mr. Dearborn will look at the question of whether they should be adopted and what other jurisdictions have done, and he suggested that Mr. Castelle and Ms. Moss may want to consider the kind of monitoring and evaluation that should be considered.

Mr. Rose suspected that some of the areas have migratory species, and Mr. Castelle pointed out that the seasons of use were indicated.

In answer to a question from Commissioner Shaughnessy, Mr. Castelle said that identifying private property as public beaches comes from Fish and Wildlife's annual recreational shellfish survey of inter-tidal bivalve species. He agreed to check on why the State used the word "public" on these beaches; a disclaimer can be included to the effect that the County is not saying these are public beaches [leave it in, but in the appendix page put in a disclaimer].

According to Mr. Castelle there are three commercial shellfish beds in Island County [depicted on the draft map as the three brown areas]

Shoreline Master Program Updates

Mark Personius, from Earthtech, Bellevue, Wa., stated that many of the bluffs on the islands are unconsolidated material that have been eroded over time underlain by glacial till, considered a

hardpan material, sometimes with a layer of clay beneath which is impermeable in most cases to groundwater seepage. As the water infiltrates, both from storms and septic systems, it gets down to the hardpan, tends to collect and move forward, and get almost a slip plane and potential for landslides and can also erode from wave attack, a secondary concern in most cases. Scatchet Head is such an example. Development on the top of the bluff can sometimes contribute to that if it is unstable or not set back far enough. The major concern on both islands is there are significant areas of unstable bluffs, mapped as part of the coastal zone atlas. They are not necessarily steep slopes. Steep slopes and unstable bluffs are two separate things.

Mr. Rose recalled having been told that on Scatchet Head the beach was created by hydraulically blowing the bluff down. He suggested it might be a good idea to map those because of being young and unstable for hundreds of years until reaching natural angle of repose. He asked if it wasn't the County's duty to inform the public of where places are prospectively unsafe.

Mr. Personius agreed that was also his understanding. Many of the beach developments are filled in former tidelands where they would hose out the bottom of bluff and bring the fill down and bulkhead it, fill it and put the houses on top.

Chairman McDowell did not believe it was up to the County to identify all those places because if one were missed, there would be responsibility there for not having identified one of the areas. Commissioner Shelton agreed the County should not take on that liability. The County requires that a person hire a geotech to document what he wants to do.

As far as what is considered a steep slope, Mr. Personius advised that anything over 15% was a conservative threshold; that does not mean it cannot be developed – in fact, can develop up to a 40% slope with more restrictions. This is directly affected by human interaction. This is the kind of development that used to be common and is not allowed anymore. Sometimes property owner think if they cut the trees down it keeps the slope from collapsing. Education is needed.

Ms. Moss pointed out that the Growth Management Hearings Board determined that the County did adopt its geologically hazardous areas and the time period for appealing that has expired. As noted by Mr. Dearborn, the County has committed to do more as a part of the RAIDs.

Commissioner Shelton wondered about the statement "we hired an expert in our development and he said the first thing we had to do was cut down all the trees" on the bank and cannot remove any stumps – the trees rock in the wind and loosen the soil and make crevices for water to come down.

Mr. Personius acknowledged that happens, but in most cases the vegetation is not the primary cause of the slide. He pointed to a slide on Useless Bay, and emphasized how natural it is. These shorelines are eroding and supply sediments on to the beaches; this is a good thing. He gave a description of the slides shown. He tried to put it all on one map, and recommended the County try to digitize the information. What he showed was the south side of Whidbey. The blue areas are coastal flood areas.

Scatchet Head has a shoreline residential SMP designation. The question was, from a geo-hazard standpoint, is that an inconsistent designation, and he found it was not because the upland area is mainly developed as shoreline residential. It is less a matter of consistency between the upland designation and the shoreline designation, and more a function of how to protect the resource.

How to protect development from the shoreline hazards – looked at a lot of RAIDs as part of his review because that was an area of potential inconsistency. Most of the areas that have problems with drainage and road problems were outside of the RAIDs or in areas that have since been eliminated as RAIDs. He did not find a great deal of inconsistency between SMP use environment designations and the upland density – it is a matter of how to best treat the direct impacts. In most cases, it is stormwater control, setbacks and adequate geotechnical investigation. Geotechs and architects can adequately mitigate development on steep slopes and that should be done at the permit, site-specific level. It is not necessarily a broad-brushed regulation that can be applied to all unstable slopes. He did not have a great deal of concern about development on one unit per acre or one unit per five acres on a bluff as long as the site development standards and BMPs are in effect. The County's SMP does not use density as a specific regulation; it refers to the Growth Management Act zoning for residential densities.

Mr. Moore would like to see eliminated the terms "shoreline residential" and "shoreline rural" because they are confusing.

If the County is considering down-zoning areas because of unstable slopes or other environmental issues, the Chair asked why we wouldn't use the same criteria for allowing residential development. Mr. Moore thought that was happening, indirectly, because the system set up allows for density bonuses in particular areas.

Commissioner Shelton guessed there were big areas in Island County that do not have these issues and are already developed, and Ms. Moss believed the entire shoreline was either rural, or in a RAID.

Donna Keeler suggested that even if there was an area outside a RAID that does not have ecological functions that we need to protect, under the Growth Management Act we cannot allow high level density outside of the RAIDs.

Mr. Moore commented that the system Mr. Dearborn set up would allow greater densities in areas with less environmentally significant functions. In addition to that there are regular clustering options [i.e. Gordon Ericson -- 80 acres in three separate parcels contiguous to one another].

The person who only has five acres may not be helped by this density bonus was something the Chairman pointed out. Mr. Moore commented that according to the GMA there cannot be greater density in the rural areas without density bonuses.

Hearing the shoreline is 80% developed, the Chair suggested maybe the whole shoreline, except for those ecological areas could be considered a RAID – as some type of logical outer limit. When initially doing the RAIDs Mr. Moore pointed out that a substantial portion of the shoreline was in RAIDs and much of that was taken out; that does not mean it is not at that density.

Mr. Rose asked if there was any value to where the beaches are building and were there any lakes that deserve shoreline management protection.

Mr. Personius responded that several of the lakes have shoreline management designation— threshold is 20 acres. Those already have designations, but will be looked at too. From a geo-hazard standpoint, he is less concerned about those. The coastal zone atlas identifies accreting and eroding beaches. Accreting beaches are still an important shoreline function not to be disturbed. Sand builds up from somewhere downstream from an eroding bluff. He wants to look at bulkheads in the use regulations. Placing bulkheads on eroding beaches stops the flow of sand from moving down shore. There may be an impact on your property but you are probably going to accelerate erosion of your neighbor's property. If that continues, it can create some real problems. You also have differences between summer and winter beaches. Sand builds up in the summer and erodes in the winter. Beaches in Holmes Harbor and Penn Cove are subject to less erosion than are properties like Sierra that get direct wave action from the ocean. There is a whole range of factors that go into that. It's easier to say these beaches are eroding and that might be in an area where we could look at some incentives for beach re-nourishment or feeder bluffs or accreting beaches with low bank or high bank and we might look at revegetation as a potential incentive to restore some of those areas to either slow the erosion or increase the rate of protection but bulkheading and shore armoring is a particular concern in those kind of areas. It is more appropriate in area of coastal flooding where some of those older developments that get direct wave action than it is in less developed areas.

As far as earthquake hazards, he has not looked at those from a shoreline standpoint because they cross shorelines and go into the uplands. Historically, whether right next to the fault or 5 to 10 miles away will not make that big of a difference on a major earthquake.

Anne Pringle advised that there was a slide on her property after a 4.5 earthquake after a wet winter.

Bill Vincent wondered if the faults should be documented on these maps.

Donna Keeler stated that that a geologically sensitive ordinance would be developed as a component of the SMP.

Mr. Personius noted that most of the regulations define an area within a certain number of feet of the identified fault, but tend to focus more on heightened building requirements. Areas where wind erosion builds the top of the bluff does not occur much here. There is a technical DOE paper on global warming.

Mr. Dearborn recalled that Mr. Personius told him the standards for setbacks related to unstable bluffs were reasonable. The problem has been applying those standards to existing lots that may be too small to effectively accommodate the setback – and that is more of what the problem is than the standard itself.

Chairman McDowell asked about the areas that are not geologically hazardous and do not need environmental protections -- just as some areas have been down-zoned, is there potential for upzoning areas, and inquired how the bonus system works.

Mr. Dearborn clarified that the Chair was referring to the undeveloped shoreline outside of RAIDs where there is neither geologically hazardous nor fish and wildlife habitat issues. DOE has said they are less concerned about density on the shoreline than they are with protection of the resource. The County should first identify those areas and then look at the logical density for those areas based on, among other things, affordable housing concerns. He presumed one of the results of the mapping work for the undeveloped shoreline will be to identify areas where there are no constraints environmentally and reassess whether five acre lots remain the logical and reasonable density or whether higher densities should be permitted, or whether clustering should be encouraged. However, he did not expect to find many of those areas.

Mr. Personius agreed; he did not find a significant number of rural lots that were not impacted by at least one type of environmental restriction. Again, Mr. Dearborn pointed out that first, he was looking at whether standards can address these, and if so, then density should not be established based upon the environmental concerns.

PUBIC INPUT

Bill Thorn, Camano Island, believed that providing protection to some of the species that had been dropped off the list was important.

Jeannie Hunsinger, Frei Tree Farm, Langley, repeated their concern about the critical areas ordinance in relation to forest practices. The Forest Practice Board expressed concern regarding the inconsistencies between county regulations and forest practice regulations. The Frei Family is concerned that what Island County is proposing may very much impact what they can do on the farm.

Mr. Dearborn acknowledged and clarified the concerns of the Frei Family: they are afraid that the forest practice exemption under state law will be removed or modified so that the county critical area regulations take precedence.

Ms. Moss stated, however, that the ordinance, as written today, would not cover forest practices.

Commissioner Shelton thought it appropriate to consider placing in the County's Plan that where considering forest practices that are not a conversion, adopt some different setbacks akin to what is currently available in state law.

However, Mr. Dearborn stated that if the change occurred, the County would have to go back and modify its regulation.

As far as whether or not the Forest Practice Board discussed the 2.5 acre clear cut issue, Ms. Hunsinger explained that they dealt mainly with the emergency measures for fish.

Alice Schisel, State Department of Ecology, apprised the Commissioners that DOE receives many calls from people living on the shoreline on unstable bluffs. She thought people bought shoreline property with no idea about shoreline dynamics and locate the house with the best view, and after-the-fact, realize a larger setback would have been better. She mentioned a group in Kitsap County that asked the county for stricter requirements. She thought sometimes that it was better to protect the property owner from making bad decisions at the risk of immediate disappointment than having these people find out they will have to spend many thousands of dollars later.

The meeting adjourned at 12:10 p.m.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

W. L. McDowell, Chairman

Mike Shelton, Member

Tom Shaughnessy, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board