

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

The Board of Island County Commissioners met in Special Session on Friday, February 27, 2008 beginning at 1:00 p.m. in the Island County Courthouse Annex, Hearing Room, 1 N.E. 6<sup>th</sup> Street, Coupeville, Washington. The purpose of the Special Session was for the Annual Joint Session with the Island County Planning Commission and Island County Hearing Examiner. John Dean, Chairman, Helen Price Johnson, Member, and Angie Homola, Member were present.

**Planning Commission Members Present**

**District 1**

**Val Hillers  
Ray Gabelein  
Mike Joselyn**

**District 2**

**Terry Reynolds  
Rex Porter  
Mahmoud Abdem-Monem**

**District 3**

**Wayne Havens  
William Lippens  
Scott Yonkman**

**Also Present:**

Michael Bobbink, Hearing Examiner

**Staff Present**

Jeff Tate, Planning Director; Keith Higman, Health Services Director

Commissioner Dean called the meeting to order and turned it over to Jeff Tate, Planning Director, for presentation of the 2008 work program and the 2009 docket. (GMA Record 10201)

Director Tate provided an organizational chart of Planning & Community Development.



**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

Mr. Tate stated the organization chart shows each of the divisions within the Department. One of the challenges the Department faces in 2009 as does the County as a whole is the reduction in the workforce; shown in parenthesis is the staffing reduction for each division.

Director Jeff Tate provided a review of 2008 as follows:

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
SFR's	589	568	568	540	616	653	710	659	500	277
Avg. 600										-323 46%
WI	352	350	350	330	367	397	486	446	333	212
Avg. 370										-158 57%
CI	237	218	218	210	249	256	224	213	167	65
Avg. 221										-156 29%
BP's	1,789	1,912	1,912	1,971	2,106	1,730	2,418	2,006	1,922	1,368
Avg. 1,974										-606 69%
WI	1,241	1,334	1,334	1,344	1,388	1,049	1,579	1,407	1,418	1,034
Avg. 1,344										-310 77%
CI	548	578	578	627	718	681	839	599	504	334
Avg. 630										-296 53%

SFRs are Single Family Residential units. The white figure is the raw number for each year. 2008 is dramatically lower than it was in prior years. The yellow figures show the reduction from the previous year and the percentage difference of the average permits processed over the prior nine years span from 1999 – 2007 to the 2008 raw number shown in white.

There were 323 fewer SFRs processed in 2008 than the average over the prior nine years. Whidbey and Camano have both been hit, Camano more so than Whidbey.

The lower rows indicate total building permits. Lots of other types of building permits are processed in addition to new homes, these figures show the same trend.

#### Historic Review Committee

- Began recording meetings
- Provide administrative support at meetings
- Conduct a staff review and recommendation before it goes to HRC
- Revised forms to reduce risk of paperwork errors

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

## Land Use Permits

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
BLA's (Avg. 60)	54	55	79	65	54	49	64	69	48	44 (-16)
Subdivision (Avg. 35)	28	51	29	30	32	24	26	37	61	52 (+17)
Shoreline (Avg. 83)	50	32	104	78	72	86	90	146	93	42 (-41)
Reasonable Use										3
Critical Area Alteration										2
Rezone	0	0	1	0	0	0	0	1	1	1
Other (Avg. 241)	131	156	249	357	343	258	222	215	238	230 (-11)
Total (Avg. 422)	263	294	461	530	501	417	428	467	440	374 (-48)

BLAs are Boundary Line Adjustments. Interestingly Subdivisions spiked to a little bit above average. These are hard to explain why, they are newer applications as opposed to applications that just being finished that began several years ago.

Shoreline development shows a substantial reduction in shoreline activity. Analysis in the shoreline development area tried to determine why there are certain spikes in activity and show more of a volatility than other areas, the number spikes up and down. By looking at storm data this spike has a definite correlation to the two-year time frame following significant storm events.

Reasonable Use and Critical Area Alterations data represent the six months from the adoption of the New Wetlands Ordinance in July of 2008.

## Lot Creation

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Short Plats (Avg. 51)	18	41	46	54	52	50	41	56	103	64 (+13)
Long Plats (Avg. 28)	26	0	0	0	0	24	85	24	7	82 (+54)
Total (Avg. 70)	44	41	46	54	52	74	126	80	110	146 (+76)

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

Mr. Tate explained one of the things the Department watches is where new lots are created through Short Plat and Long Plat applications relative to Urban Growth Areas and existing Platted areas, subdivided or created prior to the Growth Management Act. One of the Comp Plan Policies is to encourage infill within areas already subdivided. 50% of the new residential building permits issued are within Urban Growth Areas or within Rural Areas of Intensive Development. Rural Areas of Intensive Development is synonymous with existing subdivisions.

This data is also correlated to the number of lots being created. If 277 building permits are issued in a year and 146 lots are created it shows the building permit activity is infilling more than new lot creation is occurring, which is a positive thing. It can show whether or not some of the growth management principles are effective.

**Bulkheads and Docks**

Since 2001 (the year the current rules went into effect)

- 53 permits have been issued that allow new shoreline bulkheads (6.6 per year)
  - 22 were within the three lagoon communities (2.75 per year)
  - 31 were outside the three lagoon communities (3.9 per year)
  - 14 of the 53 were soft shore bulkheads

*Soft shore bulkheads refer to bulkheads that are built up sand berms that have large pieces of driftwood logs anchored down into the beach berm by cables connecting to ecology blocks or something very stable underground. They are then planted with beach grass and are a much more environmentally friendly method of shoreline protection. The County and State agencies look favorably upon this type of protection over the hardened shoreline structure of timber piles, rip rap or cement bulkheads.*

Commissioner Dean asked if there was something in Code that promotes soft shore bulkheads.

Mr. Tate replied the Code states you must do natural soft shore protection unless it can be proven that it will not work. It does not work in some areas, some beaches are too volatile, but it is the preferred method. A coastal engineer must evaluate the proposal and make sure a soft shore bulkhead will not work before you can look at a hard structure.

- 15 permits have been issued for new docks (1.9 per year)
  - 11 were within the three lagoon communities
  - 4 were outside the three lagoon communities

**Wetland Implementation**

- 2000 + hours @ a cost of \$170,000
- Google Earth and Enhanced Mapping Tools
- New webpage
- Countywide training
- New applications, recording forms and information bulletins
- Publication of Wetland Guides and Rural Stewardship Plans
- GPS equipment and map updates
- LID demonstration site

Mr. Tate stated it takes a lot of staff time to mobilize and put a new Code into effect. Wetland identification and regulation is immensely more complicated than it used to be. One of those things the Department worked on was tools to help make it a little easier for the property owner. Through the use of Google Earth, which can be downloaded off the Planning Department's new updated webpage, a high

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

resolution aerial photograph of the entire county allows a property owner to look at their property in conjunction with KMZ files, which can also be downloaded off the webpage.

These files show where the wetlands mapped by the County are, it shows the watersheds that have Salmonid species, or anadromous fish species identified within those watersheds and streams. It helps a landowner answer the questions in the wetland identification worksheet.

Questions like how much contiguous forest area is next to a wetland. The mapping staff took the aerials and identified all the forested areas throughout the county, then calculated how many acres were within those areas. By clicking on the map the number of acres in the forested area next to a wetland will be identified. It helps walk the landowner through some of the questions asked of the landowner.

Hearing Examiner, Michael Bobbink asked about the parcel data sheet used in the past with the simple yes or no question for wetlands and whether or not the form had been updated, since it had been an issue in some of the enforcement actions in the County.

Mr. Tate stated those issues that require field investigation to determine and are phasing out of that and into a system that gives people the exact same information the Department has about a property and making it clear there are still more questions that need to be asked after the known information is accounted for. The forms are being updated to make that clearer and removing the yes/no questions, moving those people into a different area to answer that question.

Mr. Bobbink asked if the Department had resources to continue mapping wetlands in the County.

Mr. Tate stated as part of this wetland implementation, high quality GPS equipment was acquired and the wetland section files are now being updated using this equipment which is then fed into the computer mapping system in the office. Maps are then reproduced on a quarterly update schedule. It is a good step forward, but tools are still needed to evaluate on a broader perspective. A forested wetland under tree cover is hard to identify through aerial photographs and other means, they are not identified until you are there.

**Permits – Hearing Examiner**

- 36 Cases Heard by the Hearing Examiner (31 heard in 2007)
- 20 Appeals (15 appeals in 2007)
  - 7 Appeals of Enforcement Actions
  - 4 Appeals of SEPA
  - 4 Appeals of Land Use Permits
- 16 Land Use Permits (16 land use permits in 2007)
  - 5 Long Plats
  - 5 Site Plan Reviews
  - 2 Critical Area Alterations
  - 2 Planned Residential Developments
  - 1 Plat Alteration
  - 1 Rezone
- 9 of these cases remain open/pending (10 in 2007)

Hearing Examiner Michael Bobbink, stated he was an administrative law judge, applying regulations to individual situations, in the same way a judge would do in Superior Court on these kinds of issues. He stated he was the one that ends up interpreting the Ordinances when they need to be interpreted. Many times when they need to be interpreted is when they are unclear.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

In those cases you must search for the legislative intent which comes from the Board of County Commissioners. Many of the Ordinances he is interpreting were passed a long time ago. He must look at their intent in order to determine what they meant to happen in certain situations.

As new regulations go through the Planning Commission and the Board of County Commissioners, if a legislative intent trail can be left, it will then make it easier for a Hearing Examiner to determine what was intended when it was written and then carry out those intentions.

He further stated the ordinances in Island County are quite well written and are in good shape. He explained he is the Hearing Examiner for other jurisdictions and have a lot more problems in those jurisdictions. There are a lot of things that do not seem to work together right and he clarified he was speaking of procedure and of what was intended when they were written not in policy.

Mr. Bobbink stated as the Board wants to make changes in the way things are regulated they would want to communicate that in the language and also in documentation to make it clear what is intended and what was not intended.

He stated that basically he does what the Board has given him authority to do. The Board can change that; they can remove things from his jurisdiction or add things to it. Right now there are different types of permits that go through different types of processes as Mr. Tate had explained

Most of the work is appeals. A lot come from Code Enforcement, no one likes to have enforcement action and most tend to appeal it. It is then worked through the Statute if it cannot be worked out between staff and the appellant then a hearing is conducted and findings are entered.

The other things he gets are appeals of administrative decisions, such as a Site Plan Approval or a Variance or Shoreline Permits. Staff makes Findings of Fact based on internal workings and public notice and comments and when someone does not like that it is appeal. If it is a permit decision it then becomes his job to make the decision and is then what they call *de noble review* a record is made of the staff file and citizen put in whatever they want and then the Hearing Examiner must interpret the Ordinance and make the decision.

He further stated his decisions are appealable, most of which goes to Superior Court.

He stated he gets a lot of community input that reflects things that are not really appropriate for him, because the issue has already been decided. This type of public comment should be given to the Planning Commission or the Board when the Ordinance is being adopted. When the subject is before him, the issue has already been decided, he interprets the Ordinances sometimes and that may affect how the public perceives it.

The public wants him to do things that are not what the Ordinance is saying because now that it has happened they do not like something about it. Where it really has to be done is when an Ordinance is before the Planning Commission and before the Board of Commissioners adopt it. There is more and more conflict around land use in all of his jurisdictions.

Commissioner Dean asked what was the best vehicle for the Board to leave its trail of legislative intent.

Mr. Bobbink stated to put Findings of Fact with the Ordinance, to keep Planning Commission Minutes and Board minutes relating to the Ordinance with the Ordinance including Staff Reports. If each major step, reports from staff to the Planning Commission, the Planning Commission recommendation to the

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

Board, minutes etc. is kept with the Ordinance they would clarify what was trying to be accomplished. If they could be compiled electronically it would always be available.

Mr. Tate continued his presentation with:

**LONG RANGE PLANNING**

**2008 Planning Commission Docket**

- Wetlands CAO update - completed
- Right of Way land Division – completed, under appeal
- Freeland Sub Area Plan – completed
- Camp Casey – completed
- Affordable Housing – carried over to the 2009 docket
- Park Plan – carried over to the 2009 docket
- School Siting – completed

**2008 Planning Commission Education**

- May 13 – 2008 Legislative Session
- May 27 – Park Planning
- June 10 – Water Quality Monitoring
- July 22 – Non-Point Pollution
- August 12, 2008 – Wetlands
- September 9, 2008 – Working near Bluffs
- September 23, 2008 – Septic Training
- October 28, 2008 – Ebey’s Reserve

**Staff Projects**

- Wetland Implementation
- Webpage Development
- Low Impact Development Ordinance
- Affordable Housing Symposium
- 2010 U.S. Census Preparation
- Permit Tracking Grant and RFP
- Support to PW for Transportation Plan Update
- Ebey’s Reserve and Town of Coupeville Coordination.
- Parks Planning
- Camano Gateway Planning
- Right of Way Appeal
- Accident Potential Zone Appeal
- Freeland Growth Board Appeal
- Freeland Interim Controls

**RESOURCE ENHANCEMENT**

- Second full year of Water Quality Monitoring (12 months of data for 56 watersheds)
- Wetland Vegetation Monitoring
- Holmes Harbor Shellfish Protection District
- Homeowner Septic Training
- Strawberry Point Assessment
- Ala Spit Assessment and Improvement

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

- Henry Hollow Property Acquisition
- Town of Coupeville Water Quality

**Water Quality Monitoring**

- Completed Second Year of Monitoring
- Quality Assurance Plan Approved by DOE
- Rocky Point source identification success story
  - An area on the northwest corner of Camano Island and through source ID found a single property that had a failed system and through the Health Dept. & Planning along with the cooperation of the property owner fixed the problem and there is now clean water in this area.

**Wetland Vegetation Monitoring**

- Purpose is to evaluate effectiveness of rules
- 75 wetlands to be monitored over 5 years
- First 15 wetlands monitored (to be monitored again in year 6 to evaluate change)
- Month 1 (June) – setting up monitoring protocols, acquiring property owner permission, developing a database
- Month 2 (July) – teams of 4 visit each site for entire day and collect data
- Month 3 (August) – data input and vegetation cataloging and storage



**Holmes Harbor Shellfish Protection District**

- Focus areas identified
- Intensification of H2O monitoring
- Swim beach re-opened
- Quarterly public meetings
- Outreach (Freeland parade, Soundwaters County Fair, Scoop the Poop, Signage, storm drain medallions, etc.)
- DOE approved QAPP plan (52 pages)
- HOST emphasis (Home Owner Septic Training)

**On-Site Septic Certification Class**

- On-Site Septic System Certification Class
- January to June – Coordination with Island County Health and development of curriculum
- July – Constructed outdoor classrooms on Whidbey and Camano; completed DVD
- August – Develop webpage
- September – Began holding classes and issuing certifications
- Issued 1,000 certifications (40+ classrooms)

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

**Strawberry Point**

- Procurement of Grant – \$210,000 (SRFB)
- Second Year of Implementation
- Outreach and Education
- Ongoing data collection and processes analysis
- Completed Watershed Characterization
  
- Working with Partners to develop strategies to protect, acquire or enhance properties containing valuable habitats or functions

**Ala Spit**

- Grant Funded - \$190,000 (SRFB)
- Completed geomorphic & habitat analysis
- Watershed characterization
- Restoration options released
- Grant applied for and awarded

**Lead Entity Grant**

- Lead Entity Grant - \$50,000 (DFW)
- Coordinates local Salmon Recovery efforts
- Local process for Salmon Related Grants
- Developing local Database to compile information related to projects
- Assumed responsibility for writing summary reports for WSU Beachwatcher seining activities

**Parks**

- Draft 1 of Countywide Parks Plan
- Putney/Saratoga Woods Plan
- Libbey Beach – access restoration
- Iverson – parking lot
- Dan Porter – lights
- Lone Lake – parking lot paved
- Goss Lake – drainage improvement
- Rhody Campground – re-opened
- Maple Grove – gravel, fencing, drainage
- Marguerite Brons – new well, lights
- Rhody Ballfield – new shed for little league
- Replaced one riding mower (\$20,000 Whidbey)
- Purchased one tractor (\$27,000 Camano)
- Replaced irrigation system at Administrative Building
- Maxwelton – bathrooms refurbished and re-opened
- Freeland Park – bathrooms refurbished and re-opened

**2009 – MOVING FORWARD**

**Current Planning – 2009**

- 2 current planners reviewing land use applications
- 1 critical area planner
- Enhanced public notice (webpage postings and improved notice information)
- Land Use Permit Fee Ordinance (2003)

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

**Building – 2009**

- Enhanced Historic Review Process
- Building Permit Fees
- Reshaping our Business Plan

**LONG RANGE PLANNING 2009**

Mr. Tate stated he hoped to be able to get some feedback on the Planning Commission 2009 Docket. There is always a lot of work needing to be done; there are things we all would like to change or things we would like to see improve and ultimately a list must be created of things that can be accomplished in a given year. After discussing the Planning Commission's Docket with the Board of County Commissioners, there are varying priorities for 2009 and 2010 of things to accomplish in the community.

◆ **Planning Commission Docket**

■ **Freeland Development Regulations**

The initial feedback indicated a high priority was getting into the Freeland community and begin the process of developing land use regulation that implement the Sub Area Plan and the goals of having Freeland a Non-Municipal Urban Growth Area. Freeland is currently operating under an interim ordinance and the obligation under the State statute requires progress to be made in order to continue the interim ordinance.

■ **Ebey's Reserve Regulations**

A collaborative Town, County and Trust Board process has begun, looking at ways of improving communication with customers and how permits are processed. A good idea being discussed is developing an illustrative guide book that helps explain the words in the ordinance, making the words in the ordinance clear and easier to understand.

Another item being looked at is the review procedures themselves, which should benefit not only protection goals within the Reserve, but also benefit the customers. The goal is to have similar procedures to save those building in the Reserve from having to learn how the Town does business and then how the County does business; to have similar paperwork and things of that nature to make it easier for all concerned.

■ **Affordable Housing – Comp Plan**

To better define Affordable Housing, better define the goals and better define the direction the County wants to move in and how proactive to be when it comes to affordability in Island County. The Affordable Housing Symposium held last summer it was obvious the group held the same feeling, there is a problem and there are things that can be done from a County and a City and Town level to encourage and/or keep housing affordable in Island County.

■ **Mini Storage – to relook at the rules**

It has been an issue for the Hearing Examiner it has been an issue that has come up for the Board of County Commissioners. Mini storage projects, more than any other activity that comes through the Planning Department is one that causes the most controversy. It has the highest number of public comments for projects and they are always appealed. There is consensus that re-looking at the mini-storage standard to see what might be done within those rules to alleviate some of those concerns.

- Parks Plan – a priority to be eligible for grant funding
- Essential Public Facilities in Rural Forrest Zone
- Rezone Request

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

This is a mandatory item that will go before the Planning Commission as a rezoning request was received from a property owner.

- Utility Segregations – synchronizing the Subdivision Ordinance with State subdivision law.

Snohomish PUD has approached the Department; they want to establish a utility sub station on Camano. They do not need five acres; they have Rural zoned properties and are looking to see if they can segregate in the manner the State Subdivision law says that utility purveyors can do.

◆ Other Long Range Modifications

Items that are modifications, but may not be on the Planning Commission's Docket are items that under the docketing rules do not have to be docketed and follow the same timeline schedule. They still go through the same process through the Planning Commission to the Board, but they do not have to follow the same timelines. When the Planning Commission completes its docket items, it can move into process issues, which can be dealt with any time of the year.

- Public Notice Requirements
- Optional DNS Process
- LID Ordinance – Which is being led by Public Works

◆ Other Projects

- APZ Outreach

Discussion on the Accident Potential Zone with the community.

- Fish and Wildlife Update

Much of the Best Available Science work has been done; the literature reports have been prepared, they need to be evaluated and then Code needs to be developed out of those reports. The Code will not be developed in time to meet the May 1<sup>st</sup> deadline of getting a product before the Planning Commission, but this item does not need to be docketed and can come before the Planning Commission at any time during the year.

◆ Education

Mr. Tate asked the Planning Commission if the 30 minute education pieces had proved to be worth the time of the Planning Commission.

Commissioner Hillers stated that she had appreciated having these and they had proved to be very useful to her.

Commissioner Gabelein stated he felt they were a helpful tool, stating he surmised the Department had looked at the Planning Commission's Agenda and placed these items where they fit best.

Commissioner Yonkman suggested providing a list of prospective topics and the Planning Commission might then choose what they felt would be the most helpful.

A question was posed as to when documents would be available for public review concerning the Fish & Wildlife Update.

Mr. Tate replied a schedule had yet to be assembled, but a Fish & Wildlife draft ordinance would not likely be available for public review until after the completion of the 2009 Planning Commission docket which would end in July.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

Commissioner Homola elaborated on the subject, stating they had taken a look at the wish list of what was determined could be done in 2009 with reduced staff. The biggest item on the list was the Critical Area Ordinance Fish & Wildlife update. It is such a big project and they were not sure it could be done in the 2009 docket. Mr. Tate had advised the Board a lot of the material was already collected and moving

ahead with some of the public meetings would be possible, but it probably would not be an official 2009 docket, rolling over into next year and thus freeing up other items that could be managed this year.

Commissioner Hiller asked if it was realistic to complete the Ebey's Reserve regulations by July.

Mr. Tate stated a proposal from staff would be delivered to the Planning Commission by May 1<sup>st</sup>. They are planning on scheduling some joint meetings with this Planning Commission and the Town Planning Commission to vet some of the issues. There has already been a joint Board of Commissioners, Town Council and Town Mayor meeting. The HRC, the County's review committee and the Town's DRB, the Design Review Board have met and he felt the deadlines would indeed be able to be met.

Commissioner Porter asked to shift gears and discuss the 2008 accomplishments with the Non-Point Plans and how the 2009 docket would carry it forward.

Mr. Tate stated that in March of 2007 the Board of Commissioners adopted the Camano Non-Point Pollution Plan. A North Whidbey and South Central Whidbey Plan were adopted in prior years before the project was transitioned into Planning from Public Works. The Department played an active role in finishing the project for adoption of the Camano Non-Point Plan. The Camano Non-Point Plan in his humble opinion sets bench marks out a little bit better and comes up with more definitive recommendations; bearing in mind Public Works did most of the work and most of the language was already crafted when it was turned over to Planning, the Plan is a better product in terms of being able to monitor the value, effectiveness and success of implementation. The Plan had 51 recommendations in it and in March of 2008 an evaluation was done. The high priority low cost items have been completed and some items will remain ongoing items, but it will be evaluated every year. The high cost items will probably be the last to be completed.

A Non-Point Plan is unique. Under Growth Management Act, Non-Point Pollution Plans are not a required element. They sit out there on their own, there is not a lot of oversight; the State says you are supposed to implement them, but it is left up to jurisdictions to follow through with these Plans. We have a County committed to working through those Plans and there maybe some discussion that is appropriate at some point of linking those Non-Point Plans to the Comprehensive Plan better.

Commissioner Porter asked, viewing this through the lens of their purpose for being at this meeting with WAC 400-12 and what they had in mind, what is the intersection?

Mr. Tate replied that the intersection was purely limited to a human resource intersection. It is not a codified intersection, nothing else is out there. Reliance is on the people. With a Comprehensive Plan that has a Land Use Element and Transportation and Capital Facilities Element, the County is pretty good about moving those through the process outlined in the County Code and the State Law. The State Administrative Code requires Non-Point Planning, but does not go as far as to say that you must create that intersection. It says you should, but Administrative Code is different than State Statutes, it does not force anyone to do anything about it. It rests with the jurisdictions to make sure they are dedicated to it.

Commissioner Homola said she would like to talk about the section under "Other Projects" in regards to the APZ Outreach. She stated some private landowners had approached the Board with concerns about

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

being able to use their property. There are concerns that they may not be able to have a guest cottage or a daycare with fewer than six children. If the outreach brings the parties to the table to look at the language and what it might mean, possibly tweaking the language that would require it to be a docket item. She further stated she was hopeful that if they get down that road and it looked like it was moving in that direction they would be able to move it into a docket item.

Mr. Tate stated the avenue existed, but he had struggled to put it into a category. Discussion is ongoing and at this point it was not clear if this would lead to policy or Code change.

Commissioner Gabelein stated he was glad to see the Freeland development regulations on the actual docket. He had served on the Freeland Sub Area Committee for several years and had hoped after all the time and work that it would not end up on the shelf. Freeland has not known what direction it would be going in for some time and it is important to see it completed.

Commissioner Dean stated that was why it shows up at the top of the list.

Commissioner Price Johnson stated there has been a lot of work done and there is a lot of product that can be brought together to really jump start the development regulations. It will take staff time, but so much work has already been done she felt it would move forward fairly quickly.

Joantha Guthrie, Island County Public Works asked if her understanding that these items discussed were the Planning Department's items for the Planning Commission 2009 Docket, but that it was not the total of the Planning Commission Docket.

Mr. Tate stated that was correct; there are items that Public Works will put into the mix of Planning Commission review items, every year the six year Transportation Improvement Projects and the Capital Improvement Projects move forward through the Planning Commission. There are items under GMA that must be formally established as that year's docket, it is a list, but it is not everything. There are certain items that must be on the list to be considered and there are other items that do not have to be on the formal docket list under State Law to be reviewed.

Commissioner Homola asked for her benefit, the benefit of the new Planning Commission members and the public, for a definition of the docket.

Mr. Tate stated that the principle laid out in the Growth Management Act, is when a county or city goes through Comprehensive Plan amendments and development regulation amendments you must consider them at one time in order to consider the cumulative impact of all of those changes together. The principle being; that if it is not done that way year after year, what happens over the long term is that the cumulative effect will be missed.

What it means to the County is there is a Chapter in County Code that implements that principle. It is not the same everywhere in terms of dates and process; the County set their own process and their own schedule, which lays out deadlines that must be met in order to move that package of items through a process. By February 1<sup>st</sup> any citizen that wants to have an issue addressed must have submitted that request, this year there is one rezone request. By March 1<sup>st</sup> the docket must be transmitted to the Planning Commission. By May 1<sup>st</sup> all of the proposed amendments must be transmitted to the Planning Commission together as a package. The Planning Commission has May and June to evaluate those and have their series of recommendations by July 1<sup>st</sup>.

After July 1<sup>st</sup> they are transmitted to the Board as a package. This is the legislative process.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

There are other processes that occur during the same time as the legislative process, staff does an environmental review under SEPA (State Environmental Review Act) of the package of amendments to determine any environmental impacts, attaching conditions if necessary. There is a public comment period for that administrative process that could be appealed to the Hearing Examiner. So this process runs its parallel course to the legislative process, all going back to the principle that it is all advancing at the same pace with all pieces being considered. Ebey's Reserve Regulations could be considered at the same time as Affordable Housing. It is possible to look at Ebey's Reserve where it may state that no

mobile homes would be allowed, then considering whether that is an appropriate standard to have in the light of achieving the affordable housing guideline. It may then be determined that Ebey's Reserve is relatively small in the context of Island County and would not have that great of an affect on the whole, maybe it would not. Those questions and that kind of discussion occur when they are looked at as a whole.

Mr. Tate then asked if the proposed 2009 docket looked like a feasible list, stating he was hopeful that before the meeting adjourned, the 2009 docket could be confirmed. The list is based on conversation with Board members as well as what staff can accomplish with the resources available.

Commissioner Gabelein stated that compared to some previous years, covering such things as the Critical Areas Ordinance updates and such is looked feasible. He stated there were a lot of different items on the 2009 list, but they did not appear to be as difficult as some of the ones that have had in the past.

Commissioner Hillers stated that to her it depended on the scope of projects; to her it looks like a large list.

Mr. Tate replied that it is a full docket that does not leave a lot of extra time. Freeland will probably be broken down into several pieces over a longer time frame than the rezone request. The list contains a varied scope of projects.

Commissioner Homola stated that one of the items on the non-docket list was amend the Right of Way Segregation Ordinance. She asked if it was not on the list because it did not need to be.

Mr. Tate replied that it was not on the list because it is under appeal and the next step will be based on the decision that comes from the Western Washington Growth Management Board.

Commissioner Price Johnson asked for a quick re-cap for the new members and the audience.

Mr. Tate stated there was an ordinance for twenty or so years that said if you had a piece of property that was bisected by a County or a State (public) road, you could segregate it into parcel A and parcel B without going through a subdivision, regardless of the size of the parcel or the zoning or any other factor. It was in a procedural Chapter of the Code that defines how you do subdivisions. Unregulated road right of way segregations were listed as not needing to go through the subdivision permit process. That was challenged. Subdivision standards are different than other codes, State Law has a subdivision statute RCW 58.17, which defines how you are to do subdivisions; therefore the County's ordinance is minimal since much of the Statute already defines how subdivisions need to be done. It lists what types of land divisions are exempt from the Subdivision Ordinance and right of way segregations are not listed in that statute as exempt.

The Growth Board decision said new exemptions could not be created that were not already in the State Law, but they did say the State Subdivision Ordinance was not the only thing that could be considered, it

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

is an issue that relates to zoning, density, and minimum lot size and if something needs to be done, look into one of these other areas.

The County eliminated that exemption in the process Code for subdivisions. The Ordinance adopted goes through each zone, as an example in the Rural zone the minimum lot size is five acres; it now states the minimum lot size is five acres, except where you have a parcel that is bisected by a public road. In that example you could subdivide down to whatever lot size the parcel on each side of the road is. You must go through the subdivision process, looking at wetlands, making sure lots are not created that are unbuildable, they must perc, they have to have water etc., it only exempts them from the minimum lot size. That Ordinance was appealed and a decision is pending.

Commissioner Dean stated the 2009 Docket List presented reflects where the Board was hoping the focus would be.

**RESOURCE ENHANCEMENT – 2009**

Mr. Tate stated some of the next items fall under Resource Enhancement, which will fall under Keith Higman direction for 2009.

**Water Quality Monitoring Program**

- Continue Monitoring in Baseline Basins
- Additional Reconnaissance Basins (71 basins in 3 years - 50 basins on Whidbey and 21 basins on Camano)
- Expanded monitoring into Source Identification Basins

**South Holmes Harbor Shellfish Protection District**

- Quarterly community meetings Feb. 26, May 28, July 23, Oct. 22 all 5-6:30 pm, Grigware Hall/TLC
- Mar. 14 – Freeland Beach cleanup – part of WSU LEP program
- Farm Plans/Plan updates & livestock related workshops – WICD
- Business outreach
- Homeowner Septic training plus rebate program for FOCUS area septic systems
- Workshops for LID, Backyard Habitat, Living in Holmes Harbor – WICD
- Source ID continues, merging efforts of WQM team and Co. sanitarians
- Storm Water Projects at Park & potential restoration of Freeland Creek

**Strawberry Point**

- Off the shelf watershed outreach and coordination plan
- WSU, Land Trust, Conservation District partnerships
- Close out project

**Ala Spit – Pocket Estuary Restoration**

- RFP for restoration project
- Award bid
- Begin restoration project (removal of rock groin)

**Other Resource Enhancement Activities**

- Henry Hollow CFF Application – for acquisition of a 7 acre piece of property on Camano Island with great shoreline access on the west side of the island

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
FEBRUARY 27, 2009 – SPECIAL SESSION**

- Town of Coupeville Water Monitoring – The Town will be utilizing Resource Enhancement’s Services for Water Quality Monitoring
- Lone Lake Water Quality Monitoring
- Wetland Vegetation Monitoring

Commissioner Dean stated that everyone around the table had benefited from Mr. Tate’s professionalism and greatly appreciated his 13 years of service to the County.

Commissioner Dean thanked the Planning Commissioners for their work as well as appreciation for the three new members for joining the team.

Public Comment

Dean Enell requested to make a statement, stating Freeland had been growing as the boom town of South Whidbey. About 200,000 square feet of commercial space had been added in the last six years with about 50 new houses per year. Paralleling all this is a lot of local interest, the Friends of Freeland, which started in about 1999, The incorporation group which started in about 2006, there is the Friends of Holmes Harbor, there is a Vision 2025 Committee that lasted for about three years and there was the Freeland Sub Area Planning Committee that met from 1999 - 2004. It is going to be the area of South Whidbey.

Regulations need to be done for the area, highlighted by the application for a storage facility next to the library. It was permitted under the zoning, but it does not fit very well with the visions that people have for Freeland. The Freeland Sub Area Plan specifically states no storage facilities and that general business classification is not allowed.

He would like to propose design review be considered, limited to commercial development in the NMUGA area of Freeland. It would allow all those concerned about what is going on, those who have visions and goals for Freeland, that are very hard to codify to participate and be a step in the process to capture some of these aesthetic visionary things.

The meeting adjourned at 3:05 p.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Helen Price Johnson, Member

Angie Homola, Member

ATTEST:

Elaine Marlow, Clerk of the Board