

**ISLAND COUNTY  
PLANNING COMMISSION SUMMARY MINUTES**

**OF**

**REGULAR MEETING**

**April 26, 2021**

**– VIDEO ONLY via STARLEAF –**

**CALL TO ORDER:**

(Recording timestamp: 00:00:16/02:02:29)

Meeting was called to order at 2:00 p.m. by Darin Hand, Chair.

**ROLL CALL:**

(Recording timestamp: 00:00:26/02:02:29)

**Present:**

District 1 – Commissioners Margaret Andersen, William Criswell, Kristi Lovelady

District 2 – Commissioners Darin Hand (Chair), Joseph Busig

District 3 – Commissioners Tracy Gilroy, Beth Munson, Steve Schwalbe (Vice Chair)

**Planning & Community Development Staff Present:**

Meredith Penny, Planning Manager; Jana Raasch, Planning Program Coordinator

**APPROVAL OF MINUTES:**

(Recording timestamp: 00:01:19 /02:02:29)

Chair Hand initiated approval of minutes for the April 12, 2021 Public Hearing for the 2021 SMP Update.

Commissioner Gilroy moved to approve said minutes. Commissioner Schwalbe seconded the motion. Motion passed 6-0-2 with Commissioners Lovelady and Munson abstaining due not being present as said meeting.

**ITEMS FROM THE PUBLIC– UNRELATED TO TOPICS ON THE AGENDA**

(Recording timestamp: 00:02:33/02:02:29)

Chair Hand asked for public comment for topics not on today's agenda.

No public comments were brought forward.

### **DIRECTOR'S REPORT**

(Recording timestamp: 00:03:25/02:02:29)

Meredith Penny, Planning Manager, announced that Henry Rood joined the planning department on Monday, April 22 as a current use planner.

Commissioner Andersen asked for an update on status of ADU revision. Penny reported the ordinance is currently under review with the County Attorney and then will go to the Board of County Commissioners. Commissioner Criswell asked that a timeline be provided as to when the Board of County Commissioner plans to review this Ordinance. Penny said she will look into this.

### **WORKSHOP**

(Recording timestamp: 00:06:00/02:02:29)

Chair Hand commenced the workshop on the County's required periodic update of Shoreline Master Program by handing the meeting over to Penny.

Penny reviewed the method used by staff in creating the matrix:

- Gathered all public comments and incorporated them into a matrix
- Organized matrix into comments made during the public comment period, and outside of the public comment period
- Read and evaluated all comments
- Identified comments that triggered changes to the draft, or topics that require further discussion

Penny presented a review of 24 specific comments that triggered changes to the draft, or were topics that required further discussion. Numerous discussions ensued. Discussions ensued on each of the following with the following modifications, and/or notations:

#### **RE: Concern about language in 17.05A.090.H.8 restricting residential development in the floodplain**

(Page 5 of presentation)

(Recording timestamp: 00:13:10/02:02:29)

Commissioner Lovelady experiences technical difficulties. Her comments on this topic, as listed below, are at recording timestamp: 00:18:43/02:02:29)

Commissioner Lovelady felt language was vague regarding flood control works due to various methods available. Clarification was requested as to what all is encompassed within this section. Penny will work on this.

#### **RE: Edits suggested to ICC 17.05A.110.A.8.I**

(Page 8 of presentation)  
(Recording timestamp: 00:21:04/02:02:29)

Commissioner Gilroy objects to the language “as feasible” and asked other Commissioners to think about this as she doesn’t feel it adds protection. Commissioner Lovelady suggested wording such as “objective physical feasibility” to remove subjective interpretation and a general agreement was reached. Penny will make this change.

RE: Concerns about language in 17.05A.110.A.4.a prohibiting structural stabilization on lakes  
(Page 9 of PowerPoint presentation)  
(Recording timestamp: 00:41:30/02:02:29)

A suggestion was put forth by Commissioner Lovelady to look at utilizing language similar to earlier proposed language for allowing soft stabilization as a way to compromise yet protect habitat. Penny will look for guidance in existing documents from other to use as a guide for improved wording.

RE: Edits to definition of boat suggested, to include paddled vessels  
(Page 14 of PowerPoint presentation)  
(Recording timestamp: 00:46:56/02:02:29)

Commissioner Gilroy raised concerned over the difference in her understanding of the Coast Guard’s definition of a boat vs. how Island County is defining a boat. Penny stated this was consistent with the Island County Code and will look to ensure this is consistent within current code.

RE: To prohibit special events on docks in 17.05A.100.D – on page 4 of the Matrix  
(Not included within PowerPoint presentation)  
(Recording timestamp: 00:51:18/02:02:29)

Commissioner Andersen went on record as being uncomfortable with the decision to not include this sort of verbiage within 17.05A.100.D. Penny stated there is hesitance to include this language within code 17.05A.100.D since this code deals specifically with shoreline development. Penny advised that the events section of 17.03.180.EE would be the appropriate place to address this topic since it regulates such activity. Commissioner Anderson agreed to table her comments until a future discussion dealing with events.

RE: Comment suggesting that the definition of “public infrastructure” be added  
(Page 19 of PowerPoint presentation)  
(Recording timestamp: 00:59:22/02:02:29)

Commissioner Gilroy requested public infrastructure be clearly included within changes. Penny stated this will be made clearer.

RE: Comment asking about Biological Site Assessment requirement waivers in 17.05A.090.C.14.d, and adding normal repair and maintenance of transportation and stormwater facilities, parks, and boat ramps.

(Page 21 of PowerPoint presentation)

(Recording timestamp: 01:04:14/02:02:29)

Commissioner Lovelady suggesting verbiage be added that require it be within the scope of the existing facility. Penny suggested a definition of repair to be sited here.

RE: DNR comment suggesting amending definition of “buoy” in 17.05A.070

(Page 22 of PowerPoint presentation)

(Recording timestamp: 01:08:19/02:02:29)

Commissioners agreed to amend the definition of “buoy”.

Penny addressed the following as a general group:

- (Recording timestamp: 01:11:40/02:02:29)
- RE: DNR comment stating that Shoreline Use Classification Table 1 be amended because while buoys are permitted in the Aquatic SED, per the SMP Handbook they are also subject to regulation under the adjoining upland SED
- (Page 23 of PowerPoint presentation)
- RE: 17.05A.090.C.13 – DNR comment stating that mooring buoys should receive an SMP review to determine whether they are within 10 feet of eelgrass or kelp beds.
- (Page 24 of PowerPoint presentation)
- RE: DNR Comment concerning 17.05A.100.D.4, stating that while buoys are often exempt from substantial development permits in many jurisdictions, that doesn't mean they are exempt from a shoreline management review
- (Page 25 of PowerPoint presentation)
- RE: DNR suggestion that Island County should require a Shoreline Exemption Permit for mooring buoys
- (Page 26 of PowerPoint presentation)

Commissioners came to a general consensus that, since the State Department of Natural Resources has jurisdiction over waters below the high tide or ordinary high watermark, and therefore are the agency that regulates these areas, no changes should be made to the above 4 comments. Commissioner Gilroy suggested future efforts should be made to address this topic with the public. Penny agreed that a public education would be beneficial. Commissioner Andersen requested staff ask BOCC for directions and/or funding on this topic to protect residents' rights. Penny stated she would bring this to the BOCC.

The following items, not within the slide presentation but on the matrix, were also brought forward for discussion and/or clarification from the matrix:

(Recording timestamp: 01:23:15/02:02:29)

- Mr. Nash's item on page 5, row 3 of the matrix was reviewed. Penny stated they were included within the proposed changes. Penny explained that Public Works is requesting storm water outfalls and culverts be added to the list of developments allowed within the shoreline buffer.
- Ms. Towle's item on page 3, row 3 of the matrix regarding 17.05A.090.110.A.c.3 was reviewed and shown as not to have triggered a change.

This concluded the review of proposed changes.

Request to move and consolidate May Planning Commission meetings:

(Recording timestamp: 01:33:28/02:02:29)

Penny requests the May Planning Commission meetings on May 10 and 24 be consolidated into a Special Meeting on May 17, 2021. A general consensus was reached that this change would be acceptable.

Commissioner Anderson asked about the status of view corridor at Lagoon Point.

(Recording timestamp: 01:35:40/02:02:29)

Penny stated no changes were proposed within the SMP. Commissioner Criswell went on record as not being content with this decision. He asked if we could also include "trees" that are not natural vegetation. Commissioner Andersen and Commissioner Schwalbe agreed with Commissioner Criswell. Commissioner Lovelady recommends this area is best left as a civil course. Penny stated she will elevate landscaping screening conversation to BOCC.

Memorandum from the Watershed Company:

(Recording timestamp: 01:48:49/02:02:29)

Penny explained that the current code for Critical areas and shorelines has specific code sections in the SMP for Fish and Wildlife Habitat Conservation Areas. For Wetlands, the SMP references our Critical Areas Ordinance.

Per state guidance, a specific date must be referenced. An old version is currently being referenced.

Staff recommends removing code sections having to do with regulation of wetlands from within the existing critical area ordinance and move them into the SMP. The result of this will be where wetlands occur within shoreline jurisdiction, those will be specified to comply with state guidance and state law.

### No Net Loss

(Recording timestamp: 01:50:47/02:02:29)

Commissioner Gilroy asked if No Net Loss would be discussed. Penny stated no presentation was available today. Gilroy asked to go on the record that the County has a lot of requirements to prove no net loss and Commissioner Gilroy is unclear whether the County is meeting our obligation. Commissioner Gilroy requested an “on the record” report from staff that we are doing all that the state is requiring the County do. Commissioner Gilroy will take her comments offline with Penny.

### **TOPIC SPECIFIC PUBLIC COMMENT PERIOD – SPECIFIC TO ISLAND COUNTY SHORELINE MASTER PROGRAM**

(Recording timestamp: 01:52:24/02:02:29)

Chair Hand opened the meeting up for public comments on the Island County Shoreline Master Program workshop agenda item.

Barbara Bennett, 2755 Sun Vista Circle: Expressed concern regarding gaps in the work that has been done. Suggests work be done on public access issues, stewardship of natural shoreline, incentive regarding safety and resilience with regard to the changes faced within shorelines. Hoping alternate mid-term review will be done to introduce new information to the code prior to the next 8-year cycle.

Jim Norton, 3740 Shorewood Avenue, Greenbank. Stated he feels County should take some action on vegetation allowed or disallowed within the view corridor. Norton asked to hear where this has been left. Chair Hand asked Penny to work with Mr. Norton to clarify these issues for him.

Mr. Erickson, Whidbey Environmental Action Network, Box 53, Langley. Mr Erickson shared three comments. 1) feels not job of county to enforce private conflict between private parties, 2) suggests county starts tracking no net loss indicators – specifically on forest cover, 3) suggests provisions and principles regarding geo-hazard areas and erosion be applied across the board in the shoreline code due to sea level rise. Feels county needs to address sea level rise in substantive way.

### **ADJOURNMENT**

(Recording timestamp: 02:01:57/02:02:29)

Chair Hand entertained a motion to adjourn.

Commissioner Schwalbe motioned to adjourn the meeting. Commissioner Lovelady seconded the motion. Motion carried.

Meeting adjourned at approximately 4:03 p.m.  
(Recording timestamp: 02:02:29/02:02:29)

Respectfully submitted by: Jana Raasch