

**ISLAND COUNTY
PLANNING COMMISSION SUMMARY MINUTES
OF
REGULAR MEETING
May 24, 2021**

– VIDEO ONLY via STARLEAF –

CALL TO ORDER:

(Approximate recording timestamp: 00:00:00/00:40:11)

Meeting was called to order at 2:00 p.m. by Commissioner Steve Schwalbe, Vice Chair.

ROLL CALL:

(Approximate recording timestamp: 00:00:008/00:40:11)

Present:

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

District 2 – Commissioners Steve Bristow*

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

**Encountered some technical difficulty, and was unable to be present toward end of the meeting. Exact timing unknown.*

Absent:

District 2 – Commissioners Chair Darin Hand; Joseph Busig

Planning & Community Development Staff Present:

Jonathan Lange, Assistant Planning Director; Meredith Penny, Planning Manager; Grant Johnson, Long Range Planner; Shawn Morris, Critical Areas Planner; Jana Raasch, Planning Program Coordinator

ANNOUNCEMENTS AND WELCOMES:

(Approximate recording timestamp: 00:01:01/00:40:11)

Vice Chair Schwalbe welcomed newly appointed District 2 Planning Commissioner, Steve Bristow, to the Planning Commission.

APPROVAL OF MINUTES:

(Approximate recording timestamp: 00:01:18/00:40:11)

Vice Chair Schwalbe confirmed there were no minutes for approval at this meeting.

ITEMS FROM THE PUBLIC– UNRELATED TO TOPICS ON THE AGENDA

(Approximate recording timestamp: 00:01:27/00:40:11)

Vice Chair Schwalbe asked for public comment regarding any topic(s) not on today's agenda:

Jake Stewart, 6111 Cultus Bay Road, Clinton, spoke to some of the direct effects his operation has experienced due to clearcutting adjacent to his farm. Given the Island's unique ecosystem, he suggested this incident might be a good case study on the specific after-effects of such activity on the Island. Stewart also expressed concern over wells being drilled during a moratorium. He suggested the County look at how other jurisdictions handle repeated violations of codes, to look at updating the code, and to add incentives to property owners for valuing forests for being forests.

Commissioner Gilroy asked staff how code enforcement complaints are lodged when properties are under moratorium. Penny stated complaints should be made via the County's code enforcement process. Jonathan Lange stated that forest practices will be a topic of discussion between the Board of County Commissioners and the Public Health Director, Public Works Director, and the Planning and Community Development Director. A presentation with educational information will be put forth to the Board of County Commissioners.

DIRECTOR'S REPORT

(Approximate recording timestamp: 00:08:07/00:40:11)

Assistant Planning Director Lange shared that staff will be bringing forward updated code language to the flood development ordinance within the next month. Staff is currently working with a consultant to draft the language. Next, it will be brought to a Board of County Commissioners work session prior to bringing it to the Planning Commission for consideration. It is scheduled for a Public Hearing with the Planning Commission on June 28th.

Lange gave an update on the status of the ADU revisions by sharing that it is still within the County legal department but is anticipated to have comments back soon.

Commissioner Gilroy asked the timing of the SMP recommendations made by the Planning Commission. Penny stated that the Planning Commission's recommendation that the Board of County Commissioners transmit the draft to the Department of Ecology for their initial review is going forward to the Board of Commissioners on June 1st to schedule a public Hearing. On June 22nd the Board of County Commissioners will hold a Public Hearing to consider a resolution formally transmitting that draft to Department of Ecology for their initial review.

Commissioner Gilroy asked how long it would take to get comments back from the Department of Ecology and whether the Planning Commission or the Board of County Commissioners would have the responsibility of first review. Penny stated she would look into determining how long the Department of Ecology has to review and comment on this draft prior to returning it. Once

Ecology's comments come back to Island County, it will come back to the Planning Commission.

Commissioner Lovelady asked Jonathan Lange for clarification on the Planning Commission's Public Hearing date for the flood ordinance language. Lange stated it is on June 28th.

Lange extended a welcome to the new Commissioner, Steve Bristow, who will be attending a training and a meet and greet with staff this coming Thursday. He also shared some information from Commissioner Bristow's Bio.

WORKSHOP

(Approximate recording timestamp: 00:14:58/00:40:11)

Vice Chair Schwalbe commenced the workshop by turning the floor over to Meredith Penny, Planning Manager. Penny introduced Critical Areas Planner, Shawn Morris, to present the materials for the most recent on-going work on updating the County's Fish and Wildlife Habitat Conservation Areas code ordinance in response to an ongoing appeal.

Morris presented on the Growth Management Hearings Board Case No. 14-2-0009. Morris gave a brief historical summary and timeline of the topic, then provided a summary of the remaining issues the Growth Management Hearings Board has asked the County to address by October 15, 2021. These remaining issues pertain to Natural Area Preserve (NAP) buffers, the designation of Westside Prairies, Oak Woodlands, and Herbaceous Balds, and the protection of Western Toad occurrences and associated Biological Site Assessment Requirements.

Morris then outlined Next Steps as follows:

- Planning staff will be working with the Prosecuting Attorney's office to draft amendments to the Critical Areas Ordinance, ICC 17.02B, to address the above issues found noncompliant.
- These amendments will be brought to the Planning Commission and Board of County Commissioners in accordance with the following schedule:
 - May 24th – PC Workshop
 - June 14 – PC Workshop
 - June 16th – BOCC Workshop
 - July 12th – Planning Commission Public Hearing
 - August 4th – BOCC Workshop
 - August 17th – BOCC to adopt Planning Commission recommendation or schedule a separate public hearing
 - September 7th – BOCC Hearing, if needed

Questions and discussion ensued from the Planning Commissioners on the following topics:

- Clarification on the NAP buffers as to whether the issue is that the language does not address both species protections as well as overall habitat preservation.
- Clarification on whether Admiralty Inlet was also known as Crocket Lake.

- Clarification on the whether staff's purpose in supplying the information on legal decisions was informational only or were they for discussion.
- Acknowledgment of the online presence of Marianne Edain and Steve Erickson, who are co-founders of Whidbey Environmental Action Network.

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

(Approximate recording timestamp: 00:32:56/00:40:11)

Vice Chair Hand opened the meeting up for public comments on the County's appeal to the Fish and Wildlife Habitat Preservation Areas code ordinance.

Steve Erickson, Whidbey Environmental Action Network, PO Box 53 Langley WA 98260, offered that Admiralty Inlet is North of Fort Casey. Erickson spoke to the Court's Decision and felt the County's language should be cleaned up with clearer definitions. He suggests the County use the same definitional criterial as the Department of Fish and Wildlife Priority Habitat and Species Program.

Commissioner Andersen asked staff for next steps in educating Planning Commissioners on code revisions to address issues presented. Penny stated this information will be given at the next Workshop once the proposed code language has been reviewed with the Prosecuting Attorney's office.

ADJOURNMENT

(Approximate recording timestamp: 00:37:20/00:40:11)

Vice Chair Hand entertained a motion to adjourn.

Commissioner Munson motioned to adjourn the meeting. Commissioner Lovelady seconded the motion. Motion carried 7-0-0.

Meeting adjourned at approximately 2:40 p.m.

Respectfully submitted by: Jana Raasch