

**ISLAND COUNTY PLANNING COMMISSION
SUMMARY MINUTES
COMMISSIONER’S HEARING ROOM, COUPEVILLE, WA
MONDAY, DECEMBER 14, 2015**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers</i>	
	<i>Dean Enell – Vice Chair</i>	
	<i>Karen Krug</i>	
<i>District 2</i>		<i>Jeffery Wallin– Chair</i>
	<i>George Saul</i>	
		<i>Darin Hand</i>
<i>District 3</i>	<i>James Caspers</i>	
	<i>Beth Munson</i>	
	<i>Scott Yonkman</i>	

Meeting was called to order at 2:02 p.m. by Vice Chair Enell.

ROLL CALL

Scott Yonkman, Val Hillers, George Saul, Dean Enell, Jim Caspers, Karen Krug, Beth Munson

MINUTES

August 24, 2015

Commissioner Saul moved to approve the minutes, Commissioner Yonkman seconded, motion carried unanimously.

September 14, 2015

Commissioner Hillers moved to approve the minutes, Commissioner Yonkman seconded, motion carried unanimously.

Planning staff present: Keith Higman-Director of Long Range Planning, Hiller West-Director of Planning and Community Development, Beckye Frey-Long Range Planner, Nathan Howard-Long Range Planner, Meredith Penny- Long Range Planner

DIRECTORS’ REPORT

Keith Higman formally presented Beckye Frey and provided her career history. He announced the departure of Virginia Shaddy to the Commissioner’s office. The final public hearing on the Shoreline Management Program (SMP) is scheduled for December 15, 2015 at 10:00 a.m.; he explained the reason for the need of the additional hearing.

Hiller West notified the Planning Commission on two proposed draft ordinances that will be presented in January.

- The first ordinance comes at the request of the Board of Island County Commissioners (BOCC). They have requested the Department prepare draft amendments to Code to change the venue for appeals for certain Type I decision and Type III decisions, moving

them from the BOCC to the Hearing Examiner or Superior Court as may be appropriate. The BOCC feels that these appeals are more appropriately heard at that level. There are certain advantages, reducing the County's legal liability as recommended by the Washington Counties Risk Pool.

- The second draft ordinance has been prepared by the Office of the Prosecuting Attorney who has been working with Community Development to generate a list of housekeeping clarifications and corrections to Title 16 and 17 of Island County Code. Those are the Titles having to do with Planning and Subdivision, as well as the Zoning Code. These corrections are not considered to be significant, but can lead to conflict and confusion by the public.

ITEMS FROM THE PUBLIC

Jean Gervais, 1416 Putters Place, Freeland

Ms. Gervais spoke regarding vacation rentals and rural events being held in vacation rentals.

- Homes operating as vacation rentals should be licensed.
- There should be use tax on vacation rentals.
- There should be basic rules for vacation rentals.
 - Limit number of rentals per year.
 - Limit number of people allowed in homes.
 - Property manager availability.
- She explained her experience with neighbors holding wedding events on property.
- She discussed the renters next door having fire pits active during a drought.
- She asks the Planning Commission to consider her suggestions.

Coyla Shepard, Clinton

Ms. Shepard attended a meeting in Langley. She said there was no mention about homelessness or low income housing. She has Island County's 10 year housing plan for low income and homeless people and she was never given a chance to mention that. One of the things being looked at is the rural lands and a place where a village with tiny houses with a community room with washers, dryers and a big kitchen. There is no zoning for that and it is impossible to do that in the County; she would like to see that be one of the urgent topics to consider.

Heath Gunn, Langley

Mr. Gunn was concerned that the discussion seemed to hinge on very few properties on the Island. There is some obvious conflict between some property owners and some neighbors and that information needs to be in there. He felt there was not a broad handed approach to all the things that must go in to redefining rural character. He is a fan of farms and would like to see them there. He thinks the main thing for rural character is not peace and quiet, he thinks open space defines it, without that the rest of the discussion does not mean anything. He informed some of the staff that he has taken it upon himself to talk to different people and collect some petitions with signatures to show people support a balanced approach to this topic. He imagines if this is done in a good fashion most people will leave the table somewhat unhappy because that

is how it usually works in politics. He would like to be a voice for farmers and know that they are competing not only with people on the Island but all over the State and the Country. There is a need for mitigation and consideration of their neighbors.

Susan Bennett, Freeland

Ms. Bennett wanted to speak on habitat protection, streams, fire danger, buffer trees and fewer forest burns. She said it is time for Island County to tighten logging regulations and value the remaining trees for more than standing timbers.

Daryl VanderPol, Clinton

He is speaking as a Commissioner for Diking District #2. He does not have a specific proposal to mention other than to keep before the Planning Commission and other decision makers, their need in the Maxwelton Valley for a countywide approach to the whole maintenance of the drainage system. He wants to have that issue before the Planning Commission, since he is not sure who can best help them. They have talked to various levels of government and they just can't seem to get any traction. The Diking District is trying to formulate a mission statement and a vision for the future that is quite unique amongst the various thought processes that is going on with diking districts. They are looking at a broader vision than what was the historic purpose of the Diking District, which was reclamation of land; it includes retention and maintenance of the agriculture that is viable, but also to be sensitive to habitat enhancement, as well as water quality improvements.

Vice Chair Enell asked if Whidbey Watershed Stewards are part of the conversation.

Mr. VanderPol said they are involved in the discussions and broad based perspective.

Carolyn Geise, Langley

Ms. Geise wanted to add her support to Mr. VanderPol's statement. She said the valley is totally flooded in the winter when the tides are high; the tide gate cannot function for the amount of water coming needing to get out. The absorption rate is getting slower and it is impossible for the valley to drain. The problem requires a systems wide evaluation which is broader than their diking district. They have talked to the Clean Water Utilities and she wants to reinforce that they need the County's help to find a solution. She said many of their problems come from being the major drainage system for a large area of the County and that is way beyond just the Maxwelton Valley.

Steve Erickson, WEAN, Langley

Mr. Erickson wanted to put a global context on the issues surrounding the low lying areas in the County in both areas that are diked. They were diked because they were at or below sea level and the sea level has been rising and are continuing to rise at an accelerated rate. There will be a question on where to put its resources to maintain dry land and semi dry land, as well as adopt principles of managed retreat. The County does have some verbiage in the proposed Comp Plan in various places about climate change but the County has not been taking it into account in any substantive way and it needs to start happening.

Vice Chair Enell closed the Public Comment portion of the meeting.

Keith Higman offered comments on a number of the topics heard.

- He addressed vacation rentals, which will be discussed during the scheduled meetings.
- The concept of low income housing, what has become obvious to him is that the Comprehensive Plan Update will need to occur in phases, there are deadlines to meet and a lot of work to be done. There will be a conversation on housing that will occur after June.
- He said the Maxwellton Water Shed is the largest water system in the County, stating, imagine a hundred acres that flow to the sea, but when it gets to the sea there is a wall that was intended to keep water out but also keeps water in. One of the issues Mr. VanderPol brought up was water that comes down that watershed carries sediments and does not have much energy to move the sediments out onto the beach where wave action along shore drift can move the sediments out; they build up behind the dike. One of the things that are occurring in that watershed is siltation in the lower energy portion of the system. They have been trying to work with the Diking District to find resources where they can do some watershed based planning. The County does collect clean water utility funds but they are not sufficient to do the level of work that is needed in the Maxwellton watershed. He is committed to continue to work with Mr. VanderPol and the other Diking District Commissioners to look for solutions.

Vice Chair Enell asked what would happen if the dike was removed.

Mr. Higman stated there are a number of residential properties built on top of the dike.

Vice Chair Enell asked what would be the consequences of a major alteration to the Dike and stated it might be interesting to look at.

Keith Higman suggested looking at the map product in the Shoreline Master Program to look at what part of the lower Maxwellton Valley falls under shoreline jurisdiction.

PLANNING COMMISSION WORKSHOPS

Discussion on Comprehensive Plan Reorganization - Presentation of organizational changes proposed for the 2016 Comprehensive Plan for Commissioner consideration/discussion. These include the addition of an introduction to the plan, and the reorganization of the Natural Lands, Water Resources, Utilities and Historic Preservation Elements.

Meredith Penny presented the changes proposed for the reorganization of the Comprehensive Plan Elements. Staff felt that the organizational changes should be dealt with before proceeding with more of the update.

Planning Commission members made the following comments:

- Require that the individual introductions are not redundant.
- In the overall introduction it includes a lot of reasons why the Growth Management Act (GMA) is there, what it intends to accomplish, the goals and objectives.

- In support of each specific element, specific basis being explained would be very helpful.
- The public access of the document will remain on the web; will there be links to the introduction to be able to go into the specific topics.
 - Document will be similar to Skagit County's website and will still be interactive.

Nathan Howard discussed the Natural Lands and Water Resources. The intent is to show Island County is a good steward to the waters and lands. Staff is recommending the creation of a new element and explained the purpose and approach to the new element.

- Commissioners stated it makes more sense to make natural resources combined and is a good idea.
- Commissioners were concerned that duplication may cause various interpretations and confusion. If duplication does happen there needs to be cross referencing.
- Commissioners asked if this is just reorganization or will there be an introduction of new regulations.
- Commissioners would like to see a balance between property rights and environmental protection.

Keith Higman further discussed moving Water Resources under Natural Resources, while a good idea in terms of Natural Resources collectively rather than separate, does remove a title of an element that the public thinks a lot about and always raises to the highest priority on the list and that is water resources protection, specifically groundwater. He said there ought to be some acknowledgement that in doing this it does not in any way diminish the role that the County plays in water resources protection. Nor does it change regulations that are already in place to protect those resources for future generations.

Commissioner Krug said that was the first item of priority on the initial public outreach. Citizens are dependent on a sole aquifer and the critical areas recharge areas are what recharge that aquifer. It is absolutely beyond the rural character issue when it really comes down to what the people want. She said as she understands, it would move out of Planning.

Keith Higman said water protection standards, in terms of regulations have existed since 1990 in Title 8 of Island County Code which is implemented by the County's Public Health Department and Department of Natural Resources.

- Commissioners support the separation that staff has recommended. Does it make sense to separate the water systems further since they are typically private?
- Commissioners asked about counties that have laws with drilling new wells. If Island County ever got to the point of placing a well moratorium, would the private individual well not be addressed in the Utilities Element?
- Commissioners are in favor of option one of the materials presented by Staff.

Meredith Penny discussed the reorganization proposal for the Historic Preservation Element. She explained the various steps that will need to occur in order to reorganize and update the element since there are various agencies involved.

- Commissioners asked if this element would be very short and then link to the document related to Ebey's Landing and then be further expanded.
- Commissioners said this is a good route since Ebey's dominates the preservation element and there is no focus for anytime in the future for other historic things.
- They stated it reflects good changes and expands the element to other historical interest in the area.
- Commissioners stated they have a preference for the adoption by reference option.

Summary of Rural Lands Public Engagement and Next Steps - Review of public comments received from the Rural Lands outreach efforts, including the community meetings and the combined results. Presentation of Staff recommendations for next steps for Commissioners to consider and discuss.

Commissioners discussed opening the workshop for public input on the item being discussed and they agreed to allow it at the end of Staff's presentation.

Becky Frey explained to the Planning Commission the purpose of the workshop was to inform them of what resulted from the focus groups, where staff would like to go and get direction from them on how they would like to proceed. She provided a PowerPoint presentation on the results and discussed the focus group results in detail. She provided the following options as part of the presentation:

- Option A - Revise code compliance function, process and methods.
- Option B – Create permanent process to replace interim Temporary Event Permits.
- Option C – Revise Rural Event Center regulations
- Option D – Future Economic Element to consider incubator (start-up) spaces and how best to support the growth of small businesses.
- Option E – Consider options for flexibility in number of employees at home-based businesses.
- Option F – Research land use allocations for commercial and light industrial.

Staff's recommendation is to move forward with Options A, B and C, then D, E, F would take place during the future Economic Development Element. They think those are the elements that are appropriate to move forward with at this time and would like to get Planning Commission's feedback.

Planning Commission members made the following comments:

- Commissioners asked about the future Economic Element and would the framework be incorporated.
- Commissioners asked if Rural Event Centers can be tiered similarly to the Temporary Use Permit proposal.
- Commissioners are interested to know what percent of complaints would have gone away if there was enforcement of existing regulations.
- Commissioners discussed the importance of compliance.
 - How does compliance get enforced?
 - Jenne Farm approach to events works and they follow the rules.

- Commissioners discussed temporary events issued on an annual basis and if there are complaints then the permit would not be renewed. There has to be a way of confirming the applicant is being compliant. There is a need to be open to the complaint system existing to know if people are satisfied or not.
- Commissioners asked about the possibility of tax collection on vacation rentals by owner.
- Commissioners said there needs to be a more seamless communication between the Planning Department and the Sherriff's Office.
- Need to do more outreach to the public to make them aware of the need to have a permit. Educating the public will go a long way in augmenting the compliance need.
- Commissioners supported staff recommendation of moving forward with Options A, B, C. It is critical to work on enforcement and address item D.
- Commissioners asked if it is important to have different policy regulations for the different planning areas.
- Commissioners discussed the difference between Camano and Whidbey Island.
- Economic development is currently being discussed with the Economic Development Council and staff. There is a need to consider the economic incubator aspects of the topic.
- Commissioners asked staff to provide figures to the number of events allowed per year, noise levels, parking and what is permissible in Rural Event Centers.
- Commissioners said road restrictions on Rural Event Centers and Temporary Event Permits should have the same predictability.

PUBLIC COMMENT

Steve Erickson, WEAN

- Water resources are not limited and include surface water streams, shallow waters.
 - Should be addressed in order to avoid loopholes.
- Discussed the vacation rental differences.
- Taxation regulations are affecting many other jurisdictions. What is the purpose of the regulation and how to deal with it?

Carl Comfort, 4361 Witter Rd, Langley

- He referenced the Hearing Examiner 2003 decision regarding access for paintball facility and the requirement for transportation concurrency.
- He discussed events on his property. He stated there have not been the weddings, etc. that are being reported to the County.
- He said indoor events are different from outdoor events and the impact is different on the neighborhood.
- Fireseed was the first rural event center. He stated they are on a dead end road, same scenario on his property. In a temporary permit states they do not require temporary changes. He stated they were required to do that. He would like to see that there isn't unnecessary burden placed on the property owners for a temporary uses.
- Code enforcement is very important.

- He discussed the rural event centers that have been approved in the past.
- Complaints should be validated complainants not just complaints.
- He expressed his neighbors' concerns on clientele.

Commissioner Caspers asked if he has noticed the difference between acoustic music and amplified music at their events.

- Mr. Comfort said they do not have bands there since they are unable to control the volume of the music.

Commissioner Yonkman asked if he is allowed to continue with events would he only have indoor events.

- Mr. Comfort said the wedding ceremony takes place on the lawn overlooking the water. There would be a DJ or someone's electronic device. He is working with a neighbor to create a sound control system.

- Mr. Comfort then discussed winery definitions and materials that were presented to the Planning Commission. He asked Mr. Kwarsick to draft regulations that were fair to everyone, with all sides being looked at.
 - It seemed the more logical way was to approach the Board and say *here is a well thought out Winery Definition Plan*.
 - He took what he thought was his best draft and went to a small winery (Whidbey Winery located in the Commercial Ag zone, 5 acres) and a large winery (Holmes Harbor, with 20 acres in the Rural zone) and asked what they thought.
 - He then went to The Whidbey Island and Distillers and asked their opinion.
 - They changed the document each time to reflect the concerns of those different organizations. It was never meant to be passed the way it was, it was a good starting point for the Planning Department to kind of weigh in.

Commissioner Hillers responded she did not think the winery subject was dead it is just that the Planning Commission wanted it to be a part of the Comp Plan update to have clarity about what wineries were.

Mr. Comfort commented that hopefully that is included.

Becky Frey asked Mr. Comfort if he meant in the Rural Event Center process.

Mr. Comfort said it wouldn't be in the Rural Event Center, it would be a separate part, and it wouldn't be in the same section and is probably covered in a different area.

Becky Frey stated they are not talking about a separate regulation at this time for wineries. That is not the proposal.

Commissioner Hillers said it was not now but what the Planning Commission talked about months ago was the need for clarity of definition of what a winery is.

Commissioner Krug said that was correct. When it was brought forward in January 2015, it was to be part of the Comprehensive Plan. It was not going to be on the 2015 docket but it is on the Comprehensive Plan Update.

Mr. Comfort said it is important because when they first established their winery they said, thank heavens the approval came through the first of September because they have a wine tasting event in the middle of September. He stated the County did not have their arms around what a winery is and they really need to, otherwise they will not be able to attract vineyards to come here and establish themselves. It is a very expensive process that takes a long time to get established. Wineries need community support and legislative support otherwise they can't do it.

Mary Walsh, Langley

- She discussed various people's questions that were relayed to her and asked at the meeting.
- Accessory uses of AG lands are clear State requirements and priorities. Why wouldn't the County use that to encourage AG related, earth skilled activities and classes?
- How can noise be controlled?
- What activities should be considered agritourism and what type of activities are agri-entertainment?
- How is it determined if activities are incidental to underlying agriculture use?
- Will there be a need to expand emergency response services, enforcement, etc.?
- She provided a letter with signatures of some Island County citizens that do not want rural event centers to be allowed in Island County.

Tim Kangas, Freeland

- He provided information to Meredith regarding Air B and B's.
- He discussed his experience with the unpermitted events occurring in his neighborhood.
- Enforcement is not where a problem is fixed. It needs to occur from the beginning. There process conflicts with Code.
- Two years ago he started providing information regarding the process. He said it is time to recommend to staff to do something. He thinks there should be more than one option provided to the Planning Commission.
- He requested that they keep the goal of the Code clear between primary and secondary uses. Commit to fix the problem instead of creating 2 different processes for Rural Event Center and Temporary Uses.
- He described San Luis Obispo's experience with the same process Island County is undertaking. He suggested using those that have the experience and local resources to find a solution.
- Acknowledge the challenges that are posed when there is a strong desire to both update and have rigorous standards while at the same time maintain flexibility within those standards.
- He discussed the PowerPoint presentation and items presented.

Rita Comfort, Langley

- She discussed their reason for purchasing their property.

- Their experience with their property and the various things they use. She discussed all of the activities they have on their property and how they are trying to provide rural character.
- She expressed the need for her property to be able to have other activities that involve the community that help them support the farm.
- Farming is very expensive and they need to be given the opportunity to hold events.

Betty Snyder, Langley

- She realizes the Comforts do not want to be an event center but they want to have events.
- The Code says there needs to be a 1,000 feet from a Rural Areas of Intense Development and 500 feet from Rural Residential, the Comfort property falls within both areas.
- To have an event in that facility it interferes with the sanctity of her home.

Commissioner Saul asked Ms. Snyder for clarification, what one or two things are different or violate the sanctity of her home.

Ms. Snyder responded whether the events are inside or outside, from her back porch she could hear the vows, the celebrating; the noise and traffic are the two items that impact her home.

Mike Holota, Langley

- He stated he attended most of the meetings and the items discussed in those meetings are captured in the materials.
- He has had experience in the music industry and cannot remember an event where there wasn't a complaint and the police didn't come even though the events were inside. There was a venue that figured it was better to pay the fine because he was making more money than the fine.
- He discussed compliance; low fines, it is not worth the effort to send code enforcement for a \$25-\$100 fine.
- He said during the PowerPoint presentation the one word that kept coming up was *noise* and the second word was *scale*.
- When moving into a residential area there is a contingency in the State of Washington, the buyer is given 3 days to find out the quality of the place is like. There is a Seller Disclosure Statement (Form 17), the seller must disclose to the buyer they are near event centers.
- Another item he wanted to discuss, was precedence, Code exists for a reason, if a person wants to do something, they should ask to do it. He said if he wanted to do something with his property he is not just going to do something and hope it happens. He explained if he built a 4 story house, he is not going to go to the County and expect the Code to change after he has built the house. That is not a good message to send out to other people on the Island.

Scott Yonkman asked staff about the conversion of the Comfort's property from Rural to Commercial Ag, does it have any impact on activities allowed/approved on the property.

Beckye Frey responded that a Rural Event Center is not allowed in Commercial Agricultural lands by State Law.

Commissioner Yonkman moved to adjourn, Commissioner Saul seconded, motion carried unanimously.

Meeting adjourned at 4:59 p.m.

Respectfully submitted,

Paula Bradshaw

For further information listen to the official record of this meeting at <http://www.islandcounty.net/planning/planningcomm.htm>