

**PLANNING COMMISSION
 COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA
 TUESDAY, May 13, 2014**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers – Chair</i>	
	<i>Dean Enell</i>	
	<i>Mike Joselyn – Vice Chair</i>	
<i>District 2</i>		<i>Jeffery Wallin</i>
	<i>George Saul</i>	
	<i>Leal Dickson</i>	
<i>District 3</i>	<i>Wayne Havens</i>	
	<i>Beth Munson</i>	
		<i>Scott Yonkman</i>

Meeting was called to order at 9:02 a.m. by Chair Hillers.

ROLL CALL

Wayne Havens, Mike Joselyn, Beth Munson, Val Hillers, Leal Dickson, Dean Enell, George Saul

Minutes:

March 11, 2014

Commissioner Dickson moved to approve the minutes as written, Commissioner Joselyn seconded, motion carried unanimously.

March 25, 2014

Commissioner Dickson moved to approve the minutes as written, Commissioner Joselyn seconded, motion carried unanimously.

Planning staff present: Brad Johnson – Long Range Planner, Will Simpson – Long range Planner, Jamie Hartley – Critical Areas Planner,

Consultant - Watershed Company: Sarah Sandstrom, Dan Nickel, Lisa Grueter

ITEMS FROM THE PUBLIC

NONE

DIRECTOR'S REPORT

NONE

NEW BUSINESS

Public Hearing – The Planning Commission will hold a public hearing on proposed amendments to the Island County Comprehensive Plan and Development Regulations to protect Fish and Wildlife Habitat Conservation Areas.

Commissioner Hillers asked Brad Johnson to begin with the introduction.

Brad Johnson thanked Commissioner Hillers. He stated that this is a continuation of the discussion of the proposed update for the Fish and Wildlife Conservation Areas Regulations. There have been a number of changes since the last meeting and he would like to walk the Planning Commissioners through the packet of documents they have been given.

- Exhibit 1 is the identical copy of the code that was submitted to the Planning Commission in the previous meeting except that it has been reformatted to be consistent with Island County's code format. It has just been renumbered, reordered, and the margins and font have been changed but otherwise identical to the last draft seen by the Planning Commission.
- Exhibit 2 is a reformatted version of the same document with tract changes showing where changes have been made based on public comments, Planning Director comments and comments from other Island County staff.
- Exhibit 3 is the same document only in a clean version to improve the readability.
- Exhibit 4 is the proposed changes to the Comprehensive Plan; those changes were previously in the Audit Policy Document prepared by the consulting team. The document has not been changed but has been inserted into the Comprehensive Plan with tract changes so that the Planning Commission may follow and see where those changes were made.
- Exhibit 5 & 6 are essentially the record of the public participation and outreach efforts, showing the written comments received leading up to this hearing as well as the sign-in sheets from the meetings held in each of Island County's planning areas.

Commissioner Hillers said that most of the Planning Commission has read the memo presented to them but asked Brad Johnson to walk them through it as they are trying to speed read through the information.

Brad Johnson responded to Commissioner Hillers by apologizing for sending the information with short notice and it is just part of the nature of the pressed timeline with dealing with this project.

- The memo more or less outlines what he just explained in terms of why the documents were changed and what they are. In terms of some substantive changes that were made based on public comments, the major ones that were received and were able to make adjustments based on the permitting issues, received comments from the Farm Bureau regarding the list of exemptions and wanting clarification on what sort of activities would actually trigger the need for a permit, previously the code had indicated that exempt activities could be required to receive a permit at the discretion of the Planning Director and comments received pointed out that it seemed a little bit nebulous in terms of where is the certainty for the public, you don't know whether a permit will be required or not. The code has been changed to clarify that if something is specifically listed as being exempt there is no specific critical areas permit required there may be a building permit or something else required depending if the activity would require that. The only time a specific written authorization would be required for something that is exempt is if it is not listed but is consistent with the description of an exempt activity. Someone may request that the Planning Department look at the code and find out whether or not the activity is should be exempt or not.

- There were comments from the Economic Development Council noting that the standards applicable to structures that are in critical area buffers, said that there are no more than 50% of the area of such a structure can be replaced at any given 3 year period, they pointed out that it would more or less preclude residing or reroofing activities because quite quickly a person finds themselves in more than 50% of the area. Staff agreed that it would unduly burdensome and it was not the intent of the provision and it was changed to 50% of the value which is more consistent with the way repairs are handled for non-conforming structures under the Shoreline and Zoning Codes.
- The other changes were related with changing terms to be more consistent with the use of terms elsewhere in Island County Code capitalizing defined terms, the definition section, a lot of the underlining strikethrough notes that are seen refers to the definition section being moved forward in the document. The Planning Director noted that every other section of Island County Code has the definitions near the front of the section and that seemed a logical change. Before a person starts to get into the terms they can see quickly what the defined terms are.
- Based on the number of changes that have been made and the need to make changes to other sections of code were this section is cross-referenced or otherwise referred to, staff is still going through that process and ask that the Planning Commission continue the Hearing until the next regularly scheduled meeting on May 27, 2014.

Brad Johnson said that they have the consulting team and Critical Areas Planner if any members of the Planning Commission have technical questions regarding the update, scientific documents that were prepared or any of the mapping that was done.

Commissioner Hillers asked Staff and Consultant for introductions.

Dan Nickel introduced himself to the Planning Commission. He is the Project Manager for the Watershed Company; he is here to assist the County with the regulatory update and also for the science background, the BAS report and existing conditions.

Lisa Grueter with Burke Consulting introduced herself to the Planning Commissioners; she is a land use planner focusing with on the policies and code.

Sarah Sandstrom with the Watershed Company introduced herself to the Planning Commission; she is a fisheries biologist.

Jamie Hartley stated to the Planning Commission he is the Critical Areas Planner with Island County.

Will Simpson, Island County Planner also introduced himself to the Planning Commission.

Brad Johnson introduced himself to the Planning Commissioners as an Island County Planner.

Commissioner Hillers informed the room that she would be opening up the Hearing for the public to speak. She asked if there was anyone that wishes to speak would need to fill out the Agenda Testimony card and she gave the public a moment to fill out comment cards.

PUBLIC COMMENT

Jeanne Hunsinger, representing the Frei Family Tree Farm & extended Frei Family

She spoke to the Planning Commission in regards to the ordinance that is before them for consideration, she wanted to focus on page 17 under 17.02B.400, and it is under the exempt activities. They have a concern about the second exemption listed in the chart that deals with forest practices. The first sentence of that exemption reads; *forest practices regulated and conducted in accordance with provisions of Chapter 76.09 RCW and forest practice regulation Title 222 WAC which are exempt from Island County jurisdiction.* That sentence was pulled directly from the ordinance that is being updated, so it seems appropriate. Then there has been new language added. That language reads; *the condition of the land in question shall be in compliance with County ordinances and regulations including this Chapter 17.02B. If full compliance is not found a mitigation plan shall be required for the parcel in question pursuant to RCW 76.02.470.* It appears that this language was pulled from the RCW 76.09.470, but it was pulled from the end of that and as applied it is out of context. What it does as written in the code is gut the exemption, she asks that it be rewritten to capture what she believes must have been the intent of the new wording, that being bringing into the County code the provisions found in RCW 76.09.470 which requires a landowner who harvest timber under a non-conversion forest practices permit but before 6 years passes converts to a non-forestry use to be in compliance with the County Ordinances and regulation or if not to prepare and follow a mitigation plan. She asked what that meant. That means that a landowner may harvest timber under a non-conversion permit and they are under Washington State rules rather than County rules but before 6 years passes they decide they are going to convert to a forestry use to a non-forestry use. Under the State law then they are back under the County code and if they do not meet the County code requirement then they have to do a mitigation plan and they have to follow it. She thinks the intent of the County language is to bring the County code to agreement with this. The way it is written it does not do that. She is asking that the language be changed to do so. In addition to the rewording already mentioned, there should be a rearrangement in the exemptions.

- The one exemption that is not under the County jurisdiction is the forest non-conversion exemption. This is important because operating under state law fulfills the intent of the State to protect the tree farmer from a regulatory blitz designed for residential and commercial development that very well can make it impossible for a farm that is run as a sensible business in the private sector.
- She asks that the forestry exemption be pulled to a Point A in the exemptions and out of the chart. The reason being that Points A, B and C as they currently are relate back to the Planning Director and to the County jurisdiction. She said that if that one item is removed the County is saying that it is an exemption and it is not under the County unless there is a conversion within the 6 years.

Commissioner Hillers asked Ms. Hunsinger if it needs to be a separate number rather than in the chart.

Ms. Hunsinger responded to Commissioner Hillers she was correct since the chart links to points A, B and C, which goes back to the Planning Director and it, clouds the exemption.

Commissioner Dickson asked Ms. Hunsinger, if a tree farm is regulated as a forestry practice according to the State or principally as a farm or both.

Ms. Hunsinger responded to Commissioner Dickson that it is regulated under forestry rules as a farm. She corrected her previous statement as a forestry growing and harvesting timber under the WAC 222 and RCW 76. There are definite provisions for tree farming or growing and harvesting timber, in a non-conversion situation. They are planning to plant trees and 60 to 80 years later harvest a crop or try to motivate her younger children to get on board. They don't do that if they are subject to development regulations that relate to residential and commercial development.

Steve Erickson, Whidbey Environmental Action Network

He apologized for getting the documentation to the Planning Commission so late in the process but he started off doing a comparison with the existing ordinance and the new one. He has paper copies for everyone in the Planning Commission, staff and consultants as well as CD's. He is going to discuss what he really sees as the major issues.

- Protection of Prairies – prairies, herbaceous lands or woodlands these habitats are universally considered one of the rarest and most threatened habitats in North America let alone Western Washington.
- The TAG went through its process, there is plenty of material in the record about how threatened they are including in Island County and how reduced they have been, yet the County staff and consultants seem hung up on requiring WEAN to go through another process to actually designate these. There are a number of reasons why they do not think it is appropriate.
 - First of all it would cost \$5,000.00 to file the application in order to have them designated and protected.
 - Second, it is pretty well recognized these are rare, threatened and need to be protected, there is absolutely nothing in the record suggesting otherwise. Going through another process is not going to change that situation. They are not going to spend a year or two going through another process and discovering that there is extent prairie vegetation all over the place. It is not there anymore.
 - He does agree with staff and consultants that a holistic protection program is going to include non-regulatory tools as well as regulatory tools, but there isn't time in this process to develop that whole system and they recognize that. However at this point the County can institute basic regulatory protection to prevent any further loss between now and 2016. He wanted to begin by discussing page 19, comments 11c of handout submitted to the Planning Commission
 - It is quite well recognized that these systems have been greatly reduced from their historic extent and are heavily threatened throughout their range including in Island County. Estimates are that about .1 to .2 percent of the County's terrestrial land mass have major prairies at this point. It is a tiny fraction of the County as a whole.

- Washington Department of Fish and Wildlife has identified these systems as priority habitats needing conservation and management.
- There have recently been a series of endangered species listing affecting South Sound Prairies.
- Since the adoption of the Growth Management Act there have been quite a few impacts and losses to these, particularly on Grassers Hill.
- The protection of prairies that has occurred since the GMA's adoption in Island County, has occurred primarily because they have been able to find other laws to protect them, mainly under the State Environmental Policy Act.
- The Pacific Rim Institute was protected to due to being able to file lawsuit under the State Environmental Policy Act.
- There is no need for further process to determine these habitats need protection and conservation. What is needed in the 2016 is coming up with non-regulatory tools as well as regulatory tools.
 - First point is to designate and protect the habitat, not individual species. It is inefficient doing this process species by species.
 - Suggest using the definitions by the Department Fish and Wildlife and their priority habitats and species program that relies primarily on the presence of at least 3 diagnostic native prairie species and secondarily on soils.
 - These species are not just of local importance but regional and global importance in terms of conservation at this point. He is suggesting that there be a Findings of Fact that recognizes that as well as putting it in the Comprehensive Plan.
 - Need to prohibit outright destructive activities, which in this case is soils disturbance and herbicide application.
 - It also needs to be recognized that some of these sites are inactive in ongoing conservation management and it is somewhat redundant for National Park Service, State Parks, Department of Natural Resources, The Nature Conservancy, Pacific Rim Institute and Whidbey Camano Land Trust to have to go through the same process as someone who is proposing development. The key is that those entities are managing their ongoing conservation, restoration of these ecosystems. It is appropriate to exempt them from some of the requirements relating to protection.
 - County needs to commit to the conservation of the prairie lands and controls. Island County owns several properties that have extent prairies; it manages roadsides where prairie species also occur. Under GMA county can require protection but the County cannot require restoration unless it is in the context of mitigation for impact. But the County can manage their lands for conservation purposes.

Commissioner Hillers asked Steve Erickson that he stated that there should not be a nomination process for these prairies, but who decides there is a native prairie. She asked if that was the County's responsibility or how would someone be told that they cannot do something on their land because there are native prairies.

Steve Erickson responded to Commissioner Hillers by stating it would be the same process any other critical area would be identified. The caveat is that within those areas where there is extent native vegetation, ground disturbing activities are prohibited.

Commissioner Enell asked Mr. Erickson that he mentioned that habitats rather than individual species should be designated for protection, where would he put that in the code.

Steve Erickson responded to Commissioner Enell's by stating that in the GMA, first he will notice that this category of critical area is in a fish and wildlife habitat conservation area. Due to the GMA structure it is arguable whether or not that would fall under habitats and species of local importance or whether it could be a separate category that does not fall within that but is of a higher stature. His feeling is that even if it is listed as a habitat of local importance that something is needed in the findings of fact that points out how the status is much greater. He suggest a finding of fact as follows

...woodlands, herbaceous ponds and prairies west of the Cascade Mountains are rare and threatened habitats not only on Island County but throughout their range. These habitats are hotspots by diversity, there are examples of the landscapes and vegetation that existed when Euro-American settlement western Washington began. Serving these links to our past is necessary to protect this common heritage for people today and for our children tomorrow.

Mr. Erickson continued by stating that it was arguable whether it can be done simply as habitats, generally, it certainly can be done as habitats of local importance.

Commissioner Havens asked Mr. Erickson what percentage of the prairies that he is aware have not been plowed or killed in the last 75 years. He clarified that these would not be natural prairies if they have been plowed or killed.

Steve Erickson responded to Commissioner Havens stating he could not give him a time but can give him some estimates since settlement which is the 1850's and 60's, the consultant's report in the Best Available Science Report, points out that only 5 percent of the soils in Island County are prairie soils. Another figure given is about 7800 acres on Central Whidbey is prairie soils.

Further discussion ensued regarding prairie soils figures.

Commissioner Enell also asked Mr. Erickson that he mentioned he wanted the County to manage their lands for conservation practices. He asked what he would suggest the County do for management of their lands.

Steve responded to Commissioner Enell that there are two things. In terms of roadside management, timing is important. There is a lot that the roadside management can do by being more conscious about it. In terms of lands that the County owns outright, there should be an integrated plan the County should manage.

Rufus Rose, 6529 Four Sisters Lane, South Whidbey Island

He stated he attended the public meeting in the Freeland Library and he wonders if the comments he made were provided to the Planning Commission. He asked if this will be the last Planning Commission Hearing or will another one be anticipated.

Commissioner Hillers responded that there would be a continuation to May 27, 2014.

Mr. Rose then asked that should give them time to look at the revised documents to make more specific comments to chapter and paragraph.

- He said his comments will be more general this morning but does have a very specific question in response to the EDC's document of questions; an answer was given by staff that the only habitats that are subject to regulation under this program are streams and habitats and species of local importance. That is a very important statement and if he breaks it apart to streams; the definition of a stream all the way to where it starts as a spring becomes important. He thinks that specificity would be useful if it could say salmon streams, there are only three of those on Island County and the salmon are the species they are concerned about. He does not know if there are other species that are worrisome that live in non-salmon bearing streams. If those non-salmon bearing streams could be exempted, public concern could be wiped out. What the definition of a stream is specific.
- When things are done with such specificity there is a concept of bounty created on things that should be encouraged to be preserved.
- Emerging habitats, if he creates a habitat, will he have caused to be regulated or is he exempted.
- He does not understand why fish and wildlife includes plants. He feels that a list of wildlife species would be helpful to understand what is regulated in Island County.
- He also asks if there will be another irradiation of the working document before the continued hearing and when will it be published.

Karen Bishop, 1520 Hill Rd, Coupeville

District Manager of the Whidbey Island Conservation District

She wanted to say she appreciates the time and dedication to the task of study policy for the future landowners in Island County. This particular update has the potential for significant consequences and more layers of regulation to the land owners and land managers who are trying to maintain productive resource lands while protecting critical areas. For this reason it is her hope that the Planning Commission take the time to review these documents and they allow more time for the public to digest the comments being heard today; also allow more time for land owners and land managers to review these documents. She encourages staff to get a revised draft out if possible a week before the next Planning Commission Hearing because the land owners and land managers really do need time to review these documents that can really impact their future.

- Exhibit 2, 17.02B.3400 on page 24 - Existing activities – there is an area that concerns her. It states an existing and ongoing agricultural activity or operation ceases to be ongoing when the area in which it is conducted is converted to non-agricultural use or has lain idle for more than 5 years unless the idle land is registered in a federal state soils conservation program. She believes the goal here and in GMA is to maintain the

productive resource lands while protecting the species that inhabit them. All over Island County there are lands that lay idle for various reasons. The most seen scenario is an elderly couple that cannot maintain the land and do not have anyone to lease it or the energy to find someone to lease it. They are unable to maintain their agricultural drainage and that process can go on for 10 to 15 years. It would be her recommendation to remove it and allow that land to remain agricultural.

- Exhibit 2 page 28 part b number 3 - there is a notation that says reserved as a place holder, the intent of that reserve area is to allow Island County to develop a drainage maintenance plan for agricultural land. This is a tool used by Skagit County, Whatcom County; they all have drainage maintenance manuals. That manual is developed with a team of collaborators, once the drainage maintenance manual is in place, the land owner has the road map, they know what they can do and their permitting is streamlined in order for them to maintain their agricultural drainage. This is an area of extreme frustration to the landowners who own low agricultural lands that have been drained for the last hundred years.
- Exhibit 2, 17.02B.430 – Under the protection standards. She, along with her husband and son, farm about 700 acres in the Ebey’s Landing National Historical Reserve and when they looked at these maps, where their home sits is in one of the areas, she spoke to County staff about why she needed to worry about this and the response was that she did not need to worry about that. She was then told that those areas were fairly vague and if she wanted to do an activity on the property this There is a reference to the Washington Natural Heritage Program Area will be consulted to see what species there might be on the property that she would need to be concerned about which could lead to the need for a biological site assessment or a habitat management plan. This alluded to comments from earlier today as to why these are in there. In her particular area the species that is mentioned is the Golden Indian Paintbrush, which everyone loves. But how does it affect a property owner like herself who recently did a thinning on 7 acres of forest property that they have. Their permit was a forest practice permit, it routed through the tribes, ecology and all the agencies that needs to be reviewed by and they were being spot checked in a couple of weeks by the tribes, DOE on a random spot check. As Jeannie alluded to, even when they are not regulated specifically by Island County, they are regulated by several agencies above them.
- She has some concerns about the vagueness of the Washington Natural Heritage Program Area and she thinks they need to be more tightly defined. Landowners need access to these maps, which to her knowledge were not included with the packet of information that was provided on Friday.

Commissioner Munson asked Ms. Bishop if her suggestion regarding the drainage maintenance plan be written as part of this update.

Ms. Bishop responded to Commissioner Munson that Planning Staff decided to put that as a placeholder to be developed at a later time when they can thoughtfully go through and get it right.

Marianne Edain, Whidbey Environmental Action Network

She said that Steve Erickson has talked at length about prairies.

- Redundant protections – the consultants felt that multiple protections for a particular species or habitat were redundant and not necessary. They feel that is quite the contrary. If a species or habitat is protected by only one ordinance or in one instance, there are exceptions, reasonable use, all manner of means by which the single protection fails. The whole point of multiple protections is to have that safety net. Redundant protections are important and serve as a backstop and should not be eliminated.
- It should not be up to citizens to come to Planning and request such designations. That should be included in this process.
- Back in the late 90's they produced a report, where they took the Federal Endangered Species Act Criteria, the State has a similar criteria and they applied it at the local level. They came up with 27 species that they believe needed protection. Of those species, all but one was prairie species. By protecting prairies all 26 out of the 27 of the species they saw as species of concern. Since that time there have been 3 prairie species have been extricated from the Island. If the habitat is protected then groups of various species that are will be safe.
- Federally listed species are automatically protected.
- Earlier, Commissioner Havens asked about locations of intact prairies, in response to his inquiry she said there were no such thing as intact. They do know of a few areas that have never been plowed that are in affect old growth prairie. About 5 acres at Pacific Rim Institute was never plowed. School House Prairie, one of the reasons it is so special is due to the existing rock that has never been plowed.
- Rufus Rose stated earlier that only salmon streams be protected; the most recent science in this is that all of the streams are in fact habitat for the young salmon.
- Blue Flag Iris is available in just about any nursery but it is Blue Flag Iris from east of the Cascade Mountains. Island County has the last of Blue Flag Iris west of the Cascade Mountains in Washington, Oregon and she is unsure of British Columbia. It is genetically distinct from the other Blue Flag Iris.
- Everyone keeps asking for more time, one of the things she does not want to see happen is that because of the perceived deadline of July to go back to the Hearings Board, there must be a less than thorough and careful job. WEAN has no problem to go back to the Hearings Board and ask for more time.

Susan Bennett, 2191 Goss Ridge Rd., Freeland

Member of Whidbey Audubon Society

As a landowner, she is not horrified but delighted to see the County reconsider this section because every piece of dirt on this Island is habitat and has local importance to the landowner, to the neighbor, to the greater Island community. She is hoping to see clear and understandable rules come about of this, or at least a beginning people can draw upon in 2016 rather than reinvent the wheel. The birds, the flowers, the dirt are all important to the humans who live here.

John D. Merrill, 2200 Wellman Place, Oak Harbor

He is a consulting engineer and geologist. He has a watercourse running through his property as a result of the diversion of storm water on adjacent properties, two watersheds. A lot of critters come there to drink. Ducks live there on a fairly permanent basis. A lot of this stuff being talked

about today is vague and ambiguous as far as he is concerned. Most of it should be done away with immediately if not sooner. He is here to talk about geologic hazards which are referenced in the building code and have been for 50 years approximately. The code states unequivocally that slopes steeper than 33% are unstable or potentially unstable. Yet the properties along the west side of the Island and other places where there are high steep banks are highly taxed. People who want to build there are told they must provide the planners that it is safe to do so and demonstrate that. He has seen some of those demonstrations of proof and they are laughable. A couple of weeks ago or more there was a landslide over near Oso that killed about 40 people. The Department of Natural Resources was first to claim that they knew about it and had known about it for 50 years maybe more. They did not do anything about it but they were by their own reckoning charged with the responsibility of protecting those people and they didn't do it. Those same people, the Department of Natural Resources, Ecology and others are charged with that same responsibility in Island County. They aren't doing anything about it. They don't know what to do is what appears to him. But that is only one person. He has been on the Island since 2006 and was very fortunate to be unable to spend enough money to buy a beach front property somewhere. He has noticed since then that the island is diminishing in size quickly, overnight some might say. The department of planning here relies upon words like wetland to inquire into the essence of people who want to build here, charging them first with a fine in the amount of \$1,000.00. One of his clients had to pay to submit a plan for development. On a parcel already approved for development by the State. His property was clear cut 50 years ago or more. A lot of the Island has been clear cut; a lot of the stuff seen growing here is second growth. A lot of the streams that existed when it was clear cut didn't have salmon in them then and don't have them in them now. These are fictions that are put upon the Planning Commission by people who came here once like the USGS, United States Geological Survey, and others including the Department of Natural Resources, they published a publication in 2003, having to do with watershed. The depiction of their publication regarding watershed is incorrect, the County geohydrologist would confirm that, even though he has to use that document as part of his work product. The biggest problem the Planning Commission has in a geologic stand point is the high steep bluffs which are developed at great costs and are taxed accordingly, no attention given the idea that these are hazardous sites and people die there due to their ability to obtain a permit, thinking the government knows something. He does not believe it does. The Planning Commission is a good example of a government that knows nothing and would hope they recognize that problem and do something about it.

Aubrey Vaughn, 1419 Dallman Road, Camano Island

- His first question is for the Commission, if anyone on the Commission is from Camano Island. He was asking for more clarification perhaps from Marianne Edain, he asked if she was asking for more layers of bureaucracy perhaps of land use or did misunderstand.
- Commissioner Hillers responded to Mr. Vaughn that her comment was in regards to the term redundant protections.
- He also asked for more clarification about Ms. Edain's comment that citizens should not be involved in the process, or if he misunderstood that incorrectly also.

Steve Erickson, Whidbey Environmental Action Network

He wanted to mention a few points:

- Natural Heritage Program Areas have been in the ordinance as critical areas since 1998. They are mapped by the Natural Heritage Program Department of Natural Resources, the County has those maps, those maps are deliberately not exact, they draw a bigger circle around the area and that is to protect the locations of vulnerable resources.
- Blue Flag Iris – it is not designated in an existing ordinance, it is not proposed for designation, farming Blue Flag Iris will not conserve it. It should be designated as a species of local importance but it is not globally in danger. It is somewhat ludicrous under the proposed ordinance and the existing ordinance to protect it only on the basis of being locally important. It is designated as being threatened and endangered by the relevant agencies and it should be protected and those other species that are listed by Natural Heritage should be protected as being listed by state and federal agencies. They should not be on a separate chart that just seems to appear out of nowhere.

Rufus Rose, 6529 Four Sisters Lane, Clinton

He wanted to add one thing he forgot to mention following on the Conservation District presentation, he thinks it is very important that the Planning Commission request a formal review of the proposed code of the Washington State University Extension agent that is here. They are here at the public expense and that's what they are all about and they bring a very important frame of reference to Island County.

John D. Merrill, 2200 Wellman Pl, Oak Harbor

He addressed the Planning Commission with a light anecdote.

Commissioner Hillers stated that it was time for the Planning Commission to make some decisions about what direction they are going.

Virginia Shaddy asked the Commissioner Hillers if the Planning Commissioner wanted to close the Public Comment period.

Commissioner Hillers closed the Public Comment. She said the Planning Commission has to make a decision if they would like to continue the meeting to May 27, 2014 and they want a revision and what they would like to have the Planning Department address.

Commissioner Enell said he had a list of things he earmarked and would like staff and the consultants to consider and maybe draw up something to that affect.

- Protecting habitat as opposed to individual species. He feels there is some merit to that approach.

Brad Johnson stated if agreeable to the Planning Commission, they would prefer to address any concerns now since the consultant team is present today.

Commissioner Hillers mentioned that there has been a lot of discussion about habitat; she would like to discuss that among the Planning Commissioners. She hears what Commissioner Enell is saying, her concern is what the process would be. She understands that it is expensive for a private person to say they think a habitat is important; likewise it is the County making that

decision and it is still expensive since somebody pays for it. She understands protecting habitat is important, she does not see the Planning Commission being at a point of having figured out how to do it in a way that all of a sudden a landowner does not find that their property has been nominated without their knowledge or approval. Perhaps the consultants know of other counties that have done that in other kinds of ways. She would be receptive to that. Commissioner Hillers asked what would be the process to determine a habitat. She does not feel that a point has been reached where the County can make those determinations.

Sarah stated they extended the Natural Heritage Program.

- Natural Heritage sites include 5 or 6 specific prairie sites that have been mapped in the County.
- To qualify for Natural Heritage Program there is specific criteria.

Commissioner Enell asked if the consultant has extended the Natural Heritage sites and does that mean that if someone asks for a permit in such a site, will the information be identified at the time of the review process.

Commissioner Hillers stated that she is concerned with the habitat locations being vaguely mapped so that people do not know where to locate these areas. She wanted to know how these locations are vaguely mapped and then also used as an enforcement tool.

Sarah read the reference for the criteria in the Best Available Science and responded to Commissioner Hillers that the process is identical to a wetland location.

Commissioner Dickson commented that most people know where most of these habitats of significance are located and there is an expectation that they can be found by the description read by Sarah. He also asked Sarah if the habitats are identifiable.

Sarah responded to Commissioner Dickson that she believed they are identifiable.

Commissioner Munson asked if there are complete maps available for people to look up parcel information and see what critical areas impact their properties. She also asked what degradation has occurred since the last update.

Brad responded to Commissioner Munson that there is the Natural Heritage map available to the public that can be used as part of the permit intake process.

William Simpson contributed to the discussion that there are PDF maps available that can be viewed but is a little difficult to view by parcel. Public Works is also going through a GIS analysis process to make specific maps available to the public.

Commissioner Munson asked staff if there is any information on what degradation has occurred since the last update.

Brad Johnson responded to Commissioner Munson that they do not know and the code has changed completely. In terms of the substantive effects, additional regulatory restraints there have been very little changes.

Discussion regarding degradation, emerging habitats and stream definitions continued.

Commissioner Enell raised the following concerns:

- 5 year drainage maintenance plan and is a reasonable timeframe.

Brad confirmed with the Planning Commissioners that their direction is to continue with the 5 years but include provisions to deal with extenuating circumstances.

Commissioner Enell continued with his concerns:

- Asked for clarification regarding County maintained lands and conservation easements.

Brad Johnson replied to Commissioner Enell's by explaining what goes into the conservation of an easement and the responsibilities that still remain with the property owner. He also informed him that there are management plans for County owned lands. The maintenance of roadsides tends to be a difficult question in terms of balancing the needs of Public Works to manage and operate the County's transportation system along with the need to protect fish and wildlife areas.

Ms. Grueter also responded to Commissioner Enell's inquiry stating that their review of the parks and recreational was primarily on a habitat concept map which looked at the potential connectivity of open space and habitat in the County. One of the recommendations in the Comprehensive Plan Update is to reference that map as providing a better map of open space than the current map in the Natural Resources Chapter of the Comprehensive Plan.

Commissioner Dickson directed his question to Brad Johnson and Will Simpson in terms of the next iteration in preparation of the next meeting; given the concerns heard today on the public's perception of items that need to be addressed is it realistic to have the updated information by May 27th in order to meet the July deadline.

Brad responded to Commissioner Dickson that it is important that they continue with the next scheduled meeting, staff should be able to incorporate the changes being discussed fairly easy and have them to the Planning Commission in time.

Commissioner Enell asked staff that a copy of the document be given to the WSU Extension for review. He also asked if there is a drainage management plan.

Brad replied to Commissioner Enell that he has not been part of any discussions about it but has had conversations with a number of individuals who have had issues relating to the section of critical areas protection standards and agricultural practices. He discussed the obligation Island County has to protect streams and the possible development of a standardized program for practices that can be allowed to protect the resource and to allow reasonable flexibility to agricultural operators.

Commissioner Hillers discussed Jeanne Hunsinger's comment regarding the need to make some shifts in the forestry items and to get that called out as not being regulated by Island County unless it is converted. She would like some attention paid to that item.

Brad responded to Commissioner Hillers that it was the intention exempt forest practices that are managed under the forest practices act by the State from regulation under this ordinance. If clearing is taking place which is not covered by forest practices, it would be subject to this ordinance and that was the intent.

Jamie Hartley spoke in response to Commissioner Hillers request that clearer language will be added for clarification.

Commissioner Enell stated he can see the logic in not having redundant protections but he can also see that it can be a useful concept due to the protections being quite slippery. Where there are redundant protections, it is serving a purpose and do not indiscriminately remove those protections.

Brad Johnson responded to Commissioner Enell that the redundant protections that they have removed for the most part dealt with the Habitats and Species of Local Importance. There was a vetting process County staff and the consulting team went through to map out those habitats and species of local importance and identify those that were entirely protected by other regulatory standards and in many cases the habitat areas were within shoreline jurisdiction. Under State law once the new Shoreline Master Program goes into effect Habitats and Species of Local Importance and Fish and Wildlife Habitat Areas are required to be exclusively protected by the Shoreline Management Act.

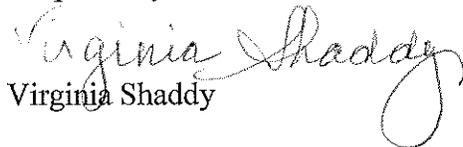
Commissioner Enell said that in his mind it comes to do you protect species or habitat and how broad of a category should be used and some of these things is a developing science and the habitat approach would need to be used.

Commissioner Hillers stated that it seems they are ready to hear a motion to continue the hearing to May 27, 2014 at 9:00 a.m.

Commissioner Enell moved to continue the hearing to May 27th, 2014, Commissioner Joselyn seconded, motion carried unanimously.

Meeting adjourned at 11:24 a.m.

Respectfully submitted,


Virginia Shaddy

