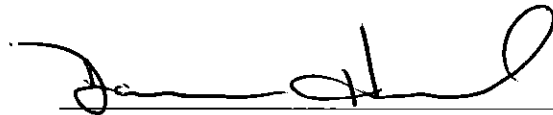


**PLANNING COMMISSION**

**SUMMARY MINUTES**

**JUNE 12, 2017**

APPROVED AS WRITTEN

  
\_\_\_\_\_  
Darin Hand, Chair

APPROVED WITH NOTED  
CORRECTIONS

\_\_\_\_\_  
Chair

**ISLAND COUNTY PLANNING COMMISSION  
SUMMARY MINUTES  
COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA  
MONDAY, June 12, 2017**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers</i>	
	<i>Dean Enell</i>	
	<i>Karen Krug- Vice Chair</i>	
<i>District 2</i>	<i>Darin Hand- Chair</i>	
		<i>Brett D'Antonio</i>
		<i>Terry Reynolds</i>
<i>District 3</i>		<i>James Caspers</i>
	<i>Beth Munson</i>	
		<i>Tracy Gilroy</i>

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

**ROLL CALL**

Dean Enell, Darin Hand, Karen Krug, Val Hillers, Beth Munson (arrived 2:10 p.m.)

Planning and Community Development staff present: Beverly Mesa-Zendt, Assistant Director; Meredith Penny, Long Range Planner; Nathan Howard, Long Range Planner; Beckye Frey, Long Range Planner; Lori Clark, Department of Natural Resources; Jennifer Riedmayer, Water Quality specialist

**APPROVAL OF MINUTES:**

None

**ITEMS FROM THE PUBLIC**

Marianne Edain, Whidbey Environmental Action Network; reported they traveled to Leavenworth in May to attend the meeting of the State Parks Commission, where the Commission approved a CAMP Plan for South Whidbey State Park, Possession Point and Useless Bay Tidelands.

WEAN agreed with the proposed plan, with the exception of the proposal to divest the Useless Bay Tidelands, stating the receiving entity would likely have been DNR. After public input the Commission reconsidered and they will not be divesting the Useless Bay tidelands.

WEAN has proposed to the State Parks Commission that within their 100 year planning horizon, whenever the opportunity to acquire shore associated lands comes up, the basic policy should be yes on the assumption that over a period of 100 years, significant areas of shoreline could be acquired for public use. She will campaign to convince State Parks of that policy change.

Ray Gabelein, Langley, WA; asked the Planning Commissioners if they would allow comment on the items on the Agenda.

Chair Darin Hand explained they will allow public comment on items from the Workshop Agenda if time allowed.

Steve Erickson, Whidbey Environmental Action Network; Forest land conversion has been a hot issue that sooner or later will be in front of the Planning Commission. He stated he had been reviewing the regulations on how Counties surrounding Puget Sound deal with Forest Land Conversions. In the next week or two he would have the review completed and will be sending it to the Planning Commissioners.

### **WORKSHOP ITEM 1:**

- **Presentation and discussion on proposed revisions to the Countywide Planning Policies**

Deputy Director Beverly Mesa-Zendt introduced the Director's Report in Director West's absence. She stated she anticipated staff would be bringing the Planning Commission policies and procedures back at the next meeting.

Chair Darin Hand asked the record to reflect Planning Commissioner, Beth Munson had arrived.

Deputy Director Beverly Mesa-Zendt presented the first workshop item with the presentation and discussion on proposed revisions to the Countywide Planning Policies. She explained how staff reached the goals established in the update to align more closely to the language of the State Law, by eliminating prescriptive regulatory language and replacing it with intent language that lines up with the Comprehensive Plan. She continued discussing the Buildable Lands Analysis and how staff worked to make it more responsive to conditions on the ground, based on the jurisdictional concerns using examples of vacation rentals, affordable housing, and long term rentals.

Coordination and outreach with jurisdictions has occurred on the proposed changes to the Countywide Planning Policies. Staff anticipates a resolution of support from both the City of Langley and Coupeville by the end of the month; Oak Harbor has given a tentative timeline of August for their resolution of support.

Ms. Mesa-Zendt discussed a few of the comments from the document of all comments in the Planning Commission's materials.

Noteworthy comments included:

- Question regarding 3.2(2G), lands designated AGA that perform a critical hydro-geologic function that serve large areas should remain AGA when possible. *There was a concern that this language was ambiguous and subject to arbitrary interpretation.*

- Question regarding 3.3.6 regarding proposed language: If it is determined that an expansion or modification of a UGA is necessary, the UGA boundaries must be evaluated on a county-wide basis, be based on a County population projection that does not exceed the Office of Financial Management published ranges, and include an evaluation of the allocation of growth to each Planning Area and UGA. *Concerns that this may be an onerous task and the requirement to evaluate UGA boundaries be limited to GMA mandated periodic updates.* The change is responsive to comment provided by the Department of Commerce. Staff would like to evaluate this further, if there is enough population growth to trigger a review of the UGA boundaries for one jurisdiction, it is very unlikely it is happening only in that jurisdiction and should be looked at county-wide.

Discussion ensued with the Commission on this topic

- Question regarding 3.4.11 Definitions: Request that fish and wildlife habitat areas be included in the definition for critical areas. *The BLA does not consider these areas when removing critical areas from the developable land. These areas are not as clearly discernable and can be impacted by Biological Site Assessments, Habitat Mitigation Plans, and other criteria that cannot be accounted for uniformly in a BLA.*
- Question regarding 3.3.8 regarding requirement for a program for a transfer of development rights when considering including resource lands of long-term significance into the UGA. Town of Coupeville proposes the following: Development of such land shall be subject to purchase of development rights under a transfer of development rights program established per WAC 365-196-815(1)(a). *The County has tried to mirror the intent of state law and staff has updated that language and has added that additional protection. Resource lands of long-term commercial significance, per state law should almost never be brought into a UGA. It is very prescriptive and very clear in state law. The County has added that reference that it should not be brought in unless there is a program for transfer development rights that has been enacted.*

Discussion ensued with the Commission on this topic

- Question regarding 3.3.7 Sequence for including land in the UGA. Request was made that the County revise unclear language which mistakenly implies that resource lands of long term rural significance be included before lands that are not resource lands of long term rural significance. *County agrees that the language is not clear and proposes language changes that moves away from prescriptive zoning language in a document that is a broad framework. It lists the sequencing, gets rid of duplicative language, and clarifies the intent.*

Discussion ensued with the Commission on this topic

The final discussion on the Countywide Planning policies is scheduled to occur on July 10<sup>th</sup>.

Ms. Mesa-Zendt stated she wanted to alert the Commission to one further change asked for by Commissioner Price Johnson on 3.5.2;

Allowed land uses in the Rural Areas should primarily be agricultural or low density residential in nature. In order to support the economic and social vitality of existing cities and towns, non-residential non-agricultural uses in Rural Areas should generally be limited to small scale home business and non-residential uses which are compatible with the rural character and directly related to and supportive of, agricultural uses.

### **Public Comment:**

Steve Erickson, WEAN stated he would reiterate the point made in his email sent this morning.

- Removing the concept of lands of long-term rural significance is a huge step backwards in terms of long term maintenance of rural character.
- Transfer of development rights program:
  - Good idea to include it
  - However he doesn't like the way it is applied

Staff comment: TDR program language did not exist before and was merely taken from State law and included. If more prescriptive language is added, it should come through either local agreements or through developmental regulations.

Marianne Edain – commented on the following:

- Referred to the removal of the wording of long-term rural significance as a statement of intention, it may be the last in line, but it is intended for development. Would prefer the statement show the intent is to preserve the rural character.
- Commented on what constitutes logical expansion and what should take precedence; the land owners demand to be included in an urban growth area or the capacity of the land. If the land is a critical area, is it appropriate to include it? Wants to see it protected.

### **WORKSHOP ITEM 2:**

- **Presentation by Island County Department of Natural Resources Staff on the Draft Island County Surface Water Quality Monitoring Plan.**

Island County Health Department of Natural Resources Staff Present: Lori Clark and Jennifer Riedmayer.

Jennifer provided an overview by power point presentation on State Water Quality Standards and discussed the following:

The Surface Water Quality Monitoring Plan has been prepared by Island County Public Health to coincide with the 2016 Critical Areas Ordinance update.

The main goal of this plan is to provide a comprehensive approach to the way surface water is monitored. Surface water quality has been monitored in Island County since 2006 using the Adamus Report. Since then base line data points have been collected throughout watersheds in Island County.

The goals are to ensure the protection of the critical areas of the County, looking at what pollution may be located at the surface water outputs, swim beaches, and shellfish harvests.

- Collect scientifically-credible data
- Identify locations where quality standards are being exceeded
- Identify sources of those exceedances
- Address the sources through collaboration with departments and outside partners through adaptive management actions

The new plan now allows the Department to follow state standards, allowing more flexibility. It focuses on the shift from baseline monitoring to trend and rotational monitoring and source identification. The monitoring plan has been broken up into several types of monitoring.

- Types of Monitoring
  - Effectiveness Monitoring
  - Reconnaissance Monitoring
  - Core monitoring involves repetitive sampling at the same locations so trends can be established; eleven core sites have been established.
  - Rotational site monitoring will occur at sites that were once a part of the baseline monitoring and consist of three groups of five sites that will each be monitored for a full year on a rotational basis.
  - Source Identification Monitoring is initiated when trends indicate area with repeated exceedances.
  - Effectiveness Monitoring will be used following corrective action and/or adaptive management to ensure methods put in place to restore or protect remain protective.

Watershed Prioritization shall be carried out annually.

Commissioners discussed the following topics:

- 1) Contaminant that is Ag sourced or wildlife
- 2) Failed septic system in Holmes Harbor and shellfish harvesting there
- 3) Testing of Lakes

**Public Comment:**

None

**WORKSHOP ITEM 3:**

- **Presentation and discussion on proposed changes to critical areas regulations as they relate to agricultural activities in the County**

Meredith Penny, Long Range Planner stated in this workshop she would be discussing Critical Areas and Agriculture. There will be a second workshop to discuss other changes.

The main goal of the project is the review of the critical areas and agricultural regulations to encourage the continued use of agriculture on smaller parcels while simultaneously ensuring the critical areas are protected, balancing the goals of the GMA. Another goal was to review the Best Available Science on agriculture and critical areas and finally to identify and consider optional programmatic and regulatory improvements.

Ms. Penny focused on two memos from the Watershed Company that included the following:

- Review of agricultural activities in Island County using Washington State Department of Agriculture (WSDA) data.
  - 96% of the area that supports agricultural activity occurs in the Commercial Ag zone, Rural Ag zone, or the Rural zone. The total area of agricultural activity is similar across each of these zones. Specific data was further discussed.
- Primary crops across the zoning designations:
  - Hay, silage, pastures, cereal grains, and seed.
- Rural zone: 5% of this zone are conducting agriculture, 12% of those intersect with critical areas.
- Today's primary discussion is related to those who have been conducting agriculture ongoing since 1998; which is a fraction of that 12%.
  - Definition of existing and ongoing agriculture, which is the primary focus of this review an analysis.
    - Must have been in existence as of Oct. 1, 1998.
    - Must also be located on lands that are zoned Commercial Ag or Rural Ag, participate in agricultural tax program, or be encumbered by a permanent agricultural easement.
  - These ongoing agricultural activities must follow Best Management Practices, contained as Exhibit B to Ordinance C-151-99; which is the document that will be looked at in terms of what needs to be updated.

The consultant reviewed the current structure and the operation of our agricultural exemption. No changes are being proposed to new agriculture, it is the existing and ongoing, as they qualify under that exemption. The consultant provided recommendation for consideration that helps to protect all functions and values of critical areas, not just water quality but water quality and habitat. They considered the current understanding of best available science conditions specific to agricultural areas of Island County and policy guidelines recently development by the Department of Commerce in their guidance called, Critical Areas and agriculture review of development regulations.

Items considered by the consultants:

- Other counties approaches to this exemption; Snohomish, Peirce, and Whatcom.
- How they treat ongoing agriculture and how it relates to critical areas.

In Island County the applicability of the exemption is more complex and specific.  
Recommendation for County Consideration

- **Best Management Practices – Applicability**
  - Update stream typing system
  - **R only** Apply BMPs to all ongoing ag activities in or adjacent to all regulated wetland, streams and buffers
  - Require Habitat Management Plan for ag activities intersecting mapped prairie habitats and other species of local importance
  - Limit fertilizer and manure application to proper agronomic rates in areas mapped for high groundwater susceptibility
- **Best Management Practices – Drainage Systems and Construction of Farm Roads**
  - Add a reference to the BMPs for drainage ditch maintenance
  - Reference the BMP Field Manual for Small Construction Sites (Island County 2003) for a description of potentially applicable BMP's for road constructions
- **Best Management Practices – Livestock Grazing and Agricultural Buffers**
  - **R only** Extend the maximum livestock density for farmed wet meadows of 1 animal unit/1 acre to all R-zoned areas adjacent to a stream or wetland
  - **R only** Rather than specify an RBZ width for ongoing agriculture in the R zone, clarify that the exemption does not apply to clearing any riparian vegetation that did not support the ongoing ag prior to 1998
  - **R only** Apply a 50ft AMZ to promote water quality functions or as an alternative, establish fencing 35ft from the wetland or stream
- **Best Management Practices – Grading in the RBZ and Livestock Watering**
  - **R only** Strike BMP for grading of watering points
  - **R only** Continued allowance of grading that stabilizes existing stream crossings is advised only where such grading would reduce turbidity and fine sediment caused by ongoing practices
  - **R only** Direct watering from streams is generally not necessary and should not be included in the exemption in that zone
- **Best Management Practices – Fencing, Confinement Area Management and nutrient Management**
  - If RBZ is no longer established at a fixed width, the fencing or natural barrier should be positioned along the edge of the existing and ongoing ag activity closest to the critical area
  - If livestock have unrestricted access to a critical area under ongoing practices, at minimum they should be seasonally restricted from the AMZ
  - Minimum width of the vegetative filter strip for confinement areas be increased to 30 feet
  - **R only** Do not exempt nutrient management ponds for R-zoned lands
  - **R only** Manure be stored and covered to keep rain out and prevent runoff
  - **R only** Remove references to fire danger and nutrient lagoons
- **Best Management Practices – Voluntary Additional Buffers and Farm Management Planning**



- Modify PBRs where ongoing agricultural lands with 70-foot-wide buffers (twice NRCS recommendations) be eligible for the five priority open space resource points for stream and wetland buffers
  - In revisiting the PBRs, consider practices at a broader parcel scale that encourage carbon sequestration, such as no-till ag, rotational grazing, and use of cover crops
  - **R only** Where lot dimensions and configuration limit strict application of standard BMPs, an FMP could be used to develop a program that will allow for continued agricultural production while providing equivalent protection to critical area functions
- Review of Wetland Monitoring Program
    - Identified difficulties in implementation and effectiveness of the program.
    - Rather than monitoring water quality of wetlands, leverage the data collected by the Surface Water Quality Monitoring Program and the Ground Water Monitoring Program.
    - Use new high resolution change detection data from the Department of Fish and Wildlife (DWF) to detect direct wetland impacts, including vegetation, clearing, or fill.
      - Detect potential indirect wetland impacts resulting from changes to buffer vegetation by overlaying the wetland map with a standard buffer and determine where changes have occurred over time using the change detection data.
    - Evaluate changes identified in this data against permit information during a two year analysis period.
    - For projects with permanent wetland impacts, recommend following up with wetland evaluations at wetland impact and mitigation sites to confirm whether the code requirements and permit conditions are helping to achieve no net loss of wetland functions.

## Public Comment

Ray Gabelein remarked that the timing was unfortunate, this time of year Ag people are rushing to get the last seed in the ground or are starting to harvest, depending on the crop. He expressed concerns regarding a 2 p.m. meeting in June and July, which doesn't work for them.

Expressed concern about preserving the rural character and adding increased regulations, stating the two don't go together. Ag people cannot be expected to pay for a Farm Management Plan or take areas out of production and continue farming.

- Farms continue to downsize
- Suggested moving to a performance based rather than a standard based regulation
- Farm Management Plans are too expensive
- The wetlands Dr. Adamus studied were either rated good or excellent, so what are these new regulations trying to fix?
- Glad the Rural zone was being included

Steve Erickson, WEAN

- Recommended clarification on the WSDA data as it doesn't match his numbers on the Rural zone; percentage of acres in Ag and the percentage of that impacted by critical areas. Need to know the metadata and the definitions used.
- Requiring Habitat Management Plans for Ag and prairies is a good idea, he pointed out they would need to be enforceable and actually implemented.
- The agreement made in front of the Hearings Board was that the exemption from the standard critical area regulations would be lands zoned Commercial and Rural Ag and those in the Open Space Tax Program or those encumbered by something like a conservation easement. It is very unclear what size area we are talking about here now.

Discussion ensued regarding items needing to be clarified by the consultant in their report, such as Table 2.3, concerning a question regarding what the numbers represent. It was determined it would need to be labeled and where further clarification would be needed.

Other items discussed by the Commission:


- Bonus points
- PBRs tax program
- Decreased agriculture activities
- BMP and Farm Management Plans and where they would be published
- Rural character and how agriculture adds to that character

Closing statement from Ms. Mesa-Zendt touched on the difficult task of taking two competing goals in the GMA and trying to find the middle ground. Both the promotion of small scale agriculture, with specific attention to existing and ongoing agricultural activities and the protection of critical areas are goals the state wants the county to meet.

*Commissioner Hillers moved to Adjourn, Commissioner Krug seconded, motion carried unanimously.*

Meeting adjourned at 4:13 p.m.

Respectfully submitted,

  
Paula Bradshaw

Paula Bradshaw