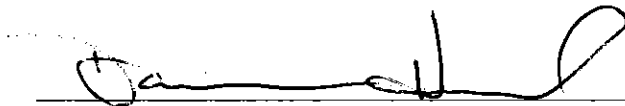


PLANNING COMMISSION

SUMMARY MINUTES

JULY 10, 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, JULY 10, 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 Krug.

ROLL CALL

Beth Munson, Brett D'Antonio, Tracy Gilroy, Karen Krug, Terry Reynolds, Val Hillers

Planning and Community Development staff present: Hiller West, Director; Beverly Mesa-Zendt, Assistant Director; Beckye Frey, Long Range Planner; Meredith Penny, Long Range Planner; Nathan Howard, Long Range Planner; Keith Higman, Health Services Director

APPROVAL OF MINUTES

None to approve

ITEMS FROM THE PUBLIC

Susan Bennett, Freeland; stated she would like to remind the Planning Commission to review and correct the Forest Practices permits to the extent allowable within the County and restrict permits, particularly clear cutting to be more restrictive to when it comes to permits and saying they are not going to develop the property after it's been cut, then turns around and comes back for permits to develop the property. She would like to see this reviewed and corrected in the very near future.

DIRECTOR'S REPORT

Deputy Director, Beverly Mesa-Zendt stated Beckye Frey would briefly update the Commission on upcoming Docket and Work Plan items.

Beckye Frey, Long Range Planner – explained the docket proposed items. She asked the Commissioners they email their suggestions they want on a preliminary discussion list. The goal is to have the list of all amendment items by August, September 1 (one), all proposed items will be available for review by the Board and Planning Commission. By November the new Docket will be adopted for 2018.

Vice-Chair opened the Public Hearing

PUBLIC HEARING

Deputy Director, Beverly Mesa-Zendt began giving a brief recap on RCW 36.78.210 requiring Counties adopt County Wide Planning Policies for the sole purpose of establishing a County Wide frame work from which the County and City Comprehensive Plans are developed and adopted pursuant to this chapter. They are adopted to implement the Growth Management Act and they are adopted in conjunction with the other communities. Ms. Mesa-Zendt explained staffs efforts in accomplishing this through multiple meetings of discussions with jurisdictions in Island County. The final drafts were sent to all Island County municipal jurisdictions for formal comment and review. The proposed update to Countywide Planning Policies is intended to accomplish the following goals:

- To align language, JPA expansion criteria, JPA designations, and the protection of resource lands of long term commercial significance more closely with RCW and WACs with particular attention to the following state regulations.
 - WAC 365-196-310 Urban Growth Areas – which provides guidance about designating urban growth areas (UGA) and the sequencing of land into the UGA
 - WAC 365-196-815 (1)(a) Conservation of Natural Resource Lands – which provides requirements to counties for the protection of natural resource lands (per RCW 36.70A.170 and RCW 36.70A.050)
 - RCW 36.70A.210 Countywide Planning Policies – which provides policy guidance governing the purpose and essential components of the Countywide planning policies
- To modify the designation scheme of the JPA overlays to take into account logical expansion of the UGA and balance that logical extension with the protection of critical areas and resource lands of long term commercial significance by adding content and clarity to the existing text, which states:

Joint Planning Area designations shall not be assigned in such a way that future UGA expansions are completely precluded, forestalled, or rendered impractical; areas must be provided to allow for future UGA expansions.
- Eliminate language that directs or mandates changes to the development regulations and eliminate zoning references. Countywide Planning Policies are intended to guide Interlocal Agreements and the Comprehensive Plan, both of which inform changes to development regulations where prescriptive language is appropriate.
- To allow for certain conditions on the ground to be more accurately reflected in population projection methodology and Buildable Lands Analysis and capture lessons learned from the recent analysis associated with the 2016 Comprehensive Plan periodic update.

Beverly Mesa-Zendt continued with the revised definitions and conflict of text changes made including wetlands to be mapped or verified.

Discussions ensued regarding further corrections.

PUBLIC COMMENT

Steve Erickson, WEAN (Whidbey Environmental Action Network)

Recommended the language to read mapped *or* verified under the Countywide Planning Policies. Mr. Erickson believed that having the concept of rural lands long term significance in the Countywide Planning Policies makes the County recognize on paper that retaining rural character is a long term endeavor that prioritizes inadvertent growth and added that in the transferable development rights portion the TDR program must apply to the lands that are actually in the UGA and that the transferable development rights are transferred off of them.

Marianne Edain, WEAN

Explained she sits on the Langley Parks and Open Space Commission and they have been reviewing Langley's proposed Joint Planning Area and the effect that the loss of the concept of Rural Lands and long term significance has on Langley and the areas surrounding. Several areas that were in that designation have now been moved into a designation where they are essentially targeted for development, one does contain wetlands, but more importantly those wetlands are contributing water that is moving toward the bluff that is creating instability problems. She recommended returning to the concept of rural lands of long term significance to protect these lands and pull them out from development.

Discussions ensued regarding the purpose and intention of why the concept of rural lands of long term significance was removed.

Deputy Director Mesa-Zendt asked the Planning Commission to review the draft form of the Findings of Facts.

Commissioner Krug questioned the consistencies on the wording of the conclusions, the others refer to adopting Exhibit A with the changes and with this one we do not have that wording.

Commissioner Krug recommended adding, "enclosed here to is Exhibit A"

Ms. Mesa-Zendt stated they would make those consistent

Commissioner Hillers made motion to adopt the Findings of Fact which include Exhibit A, Commissioner Reynold seconded,

Commissioner Hillers withdrew her motion. She explained the Commission needed to vote on the change of "Mapped or Verified" to Exhibit

Ms. Mesa-Zendt encouraged the Planning Commission to motion to adopt with the change summarized

Commissioner Hillers moved to adopt the findings of fact and exhibit A with the change identified in appendix A, the definition of Critical Areas including Map or Verified, streams, ponds, etc., Commissioner Reynolds seconded.

Commissioner Gilroy questioned paragraph 14 where it stated Island County has received and responded to all formal comments submitted by all effected jurisdictions, She asked if the Planning Commission had seen all the jurisdictional comments.

Ms. Mesa-Zendt answered staff provided a table of all comments, Staffs responses, and the changes proposed. She offered to resend them to the Commissioners.

Vice-Chair called for all Commissioners in favor of approving Commissioner Hiller's motion to adopt the Findings of Facts, motion carried unanimously.

Vice-Chair Krug closed Public Hearing on the planning section.

Vice-Chair Krug opened Public Hearing on the repeal of Island County Code 17.02 and 17.02A and adopt revisions to Island County Code 17.02B as part of the Critical Areas Ordinance Periodic Review.

Long Range Planner, Meredith Penny began the Public Hearing by explaining the accumulation of work beginning in 2015 including work with a technical advisory group, reports produced by consulting evaluating Best Available Science and multiple public meetings around the topics. It included discussions regarding the periodic update items, regarding discussions of combining all three Critical Areas Code Chapters into one cohesive Critical Areas Ordinance. She continued explaining it also incorporated discussions recently on the intersection of Critical Areas Regulations and ongoing Agricultural activities. A few changes were incorporated that included organizational and corrections to the documents in addition the changes to the best management practices, attached as Exhibit B as a result of public comment submitted from the farming community. Ms. Penny continued explaining the changes with regards to the public comments received covering the best management practices.

Commissioner Hillers asked if changes to the table of standard BMP's need to be explained and discussed.

Ms. Penny explained that the changes to the table are to clarify some items in the table that were incorrect and some changes that are being made to the BMP's. Staff updated the table to reflect the changes within the document.

Discussions ensued regarding the acronym of CARA (Critical Aquifer Recharge Areas which are areas with high susceptibility for ground water contamination.) and flip noting acronyms.

Commissioner Gilroy stated she finds the language confusing for the three year determination under the enforcement section that reads, "for property owners and farmers of commercial agriculture and rural agriculture zoned property the compliance deadline shall be 3 (three)

years from the date this ordinance is found to be lawful.” She asked Ms. Penny to explain the written portion, “found to be lawful”

Ms. Penny explained after an ordinance is adopted there is an appeal period where people can submit an appeal to the regulations to the Growth Management Hearings Board and there is a series of hearings which can then sometimes be appealed further to superior court or even supreme court so it can take years after an ordinance is adopted to become finalized. She continued that in the mean time you have property owners who may be trying to vest under the current regulations while the regulations themselves are changing or not deemed compliant yet according to the Growth Board. It will make it cleaner once the ordinance has not been appealed or the appeals have been finalized and heard.

Discussions ensued with regards to understanding the language written in the Ordinance, and the appeal process of an ordinance.

Vice-Chair Krug Opens Public Comment

Steve Erickson – WEAN, (Whidbey Environmental Action Network)

Mr. Erickson pointed out to staff that under the section of Land Use Intensity in Wetlands, (pg 56 of the draft Critical areas ordinance that was provided at the meeting), it reads, “all non-residential uses and structures located on lots equal to one acre, but less than 5 acres shall typically be classified initially as high intensity.” He stated further down the page under section B, has the exact same definition for medium intensity; he has been asking the County to fix this since it was adopted. Mr. Erickson stated the changes made to the ordinance, although somewhat improved, weren’t enough under logging Forest Practices in Island County in Critical Areas. He stated the comments he submitted over the weekend with regards to the language in relationship to forest practices act actually exempts from the Critical Areas Ordinance; he was sure this was not the intent, but said that that is literally what it stated. He continued regarding the exemption itself is overly broad in that it omits from County Regulations Forest Practices that the county legally can regulate, the County has Authority to regulate to protect Critical Areas. That needs to be fixed. He believed if the moratorium was recorded it would make life easier for all concerned, especially land buyers and the County. The Geographic extent of the moratorium needs to be clarified, remove the incentive to log forested wetlands by not allowing any subdivision or removal of the moratorium of critical areas where impacted or a functional restoration will take longer than 6 years. Regarding Agriculture in Critical Areas he would like to look at an example of a farm plan record and decision so he can see if efficient information was included, otherwise he believed it was just a flat box. Expanding the exemption to the entire rural zone is not supported by the record and should be limited to just those areas of the rural zone that are mapped by WA state Department of Agriculture. Those are the fields and farm plots of one half acre or larger and the WSEA Mapping needs dates from about 2016, that needs to be compared to 1998 aerial imagery to ensure that farming was current in those areas as of 1998.

Commissioner Gilroy asked Mr. Erickson if there was one of his requests that he believed was most important, realizing that was a tough question to ask, but continued she was curious which one it was and why.

Mr. Erickson answered that he will stretch that a little bit and stated there are two; first would be fixing the Counties regulations regarding logging in Critical Areas if that happened in the next cycle he could see that, the Critical Areas provisions really should be fixed now because this is the update period and with Agriculture in Critical Areas, limiting the exemption to just the areas mapped by the Department of Agriculture, which is what the Watershed Company worked off of.

Marianne Edain, WEAN (Whidbey Environmental Action Network)

Explained they had spent several months going through the regulations of the twelve Counties around Puget Sound, including Whatcom County on how they deal with Forestry Logging and their Critical Areas. She believed other Counties protect Critical Areas, regulate logging, follows State Law, which she believed Island County was skirting right around the edges of. Ms. Edain continued and asked the Planning Commission to read the handout that was given at the meeting. She believed that Island County has authority to oversee many logging practices. She believed this is not reflecting in the review and update which she believed is a problem. She was amused that the Prosecutor was asking that the Regulations go into effect until it's found to be valid. The assumption is it is going to go to the Hearings Board and to the Courts and she apologized for saying that it is probably the case. She believed this does not meet the minimum standards. She continued they have fought the issues with the Ag and Critical Areas since 1998.

Karen Bishop, Whidbey Island Conservation District, Coupeville

Commented on the exhibit B regarding the record of decisions. She believed that throughout the document it should say, "decisions, (plural). She believed the records of decisions for the County Code should only say that it includes the Best Management Practice Recommended and the date by which that practice would be implemented. She continued explaining on section 4, page 3; She believed it should be revised to read, " Or submit for County review and approval a record of decisions section of a farm management plan specific to comply with the standards of this Ordinance." For the purpose of this Critical Areas Ordinance compliance, she believed you would only need the Best Management Practices that were relevant to the Ordinance. She believed consistency could be provided throughout the document giving other sections of examples.

Commissioner Krug asked Karen Bishop to get with Staff for specific wording.

Discussions ensued regarding questions and items of recommendations from public comments received.

Tracy Gilroy asked if there is a deadline to have the findings and conclusions approved

Long Range Planner, Meredith Penny explained the deadlines with the GMA that the Critical Areas Ordinance Update completed by June 30th, 2016; however, they granted an extension from June 30th to Late August of 2017.

Discussions ensued regarding extending the public hearing to give the Planning Commission more time for consideration.

Commissioner Krug keeps Public Hearing open on Findings and Facts until next meeting

Vice-Chair Opens Public Hearing for the adoption of the Island County Surface Water Quality Monitoring Plan as part of the Critical Areas Ordinance Periodic Review.

Long Range Planner, Meredith Penny explained as part of the Critical Areas Ordinance update, some changes are being proposed by Island County Department of Natural Resources to Island County Code. Many specific monitoring details are being removed from the Code and put into a plan so the code outlines the need for the program and the enforcement actions within the program. The details of the site specific details and the monitoring parameters are going to live in a plan outside of the code. Today the plan is to be adopted which is not part of the code through Ordinance.

Vice-Chair Krug Opens Public Comment

PUBLIC COMMENT

Steve Erickson – WEAN

Asked how does the monitoring program interact or interface with the EPA 303 D list

Public Health Director, Keith Higman responded it directly relates to what is known as the 303D list which is a list the Department of Ecology maintains for surface water bodies that have an identified record of water quality monitoring and impairment or a risk of impairment. Part of the early work in the changing of the implementations strategies for the monitoring program, staff is going to prioritize where they are going to be doing monitoring and it's one criteria that is going to help identify where additional monitoring is going to take place will be the 303D list.

Commissioner Hillers Moved to adopt findings and fact for the Establishing an Island County Surface Water Quality Monitoring Plan as part of the Critical Areas Ordinance Periodic Review and exhibit A as part of that, Commissioner Reynolds seconded, motion carried unanimously.

Discussions ensued regarding the recommendations of changes to the Findings of Fact to the Critical Areas Ordinance.

Commissioner Gilroy moved to Adjourn, Commissioner Reynolds seconded, motion carried unanimously.

Meeting adjourned at 3:57 p.m.

Respectfully submitted,


Tara Dyer