

**ISLAND COUNTY PLANNING COMMISSION
SUMMARY MINUTES
COMMISSIONERS HEARING ROOM
TUESDAY, OCTOBER 10, 2006**

MEMBERS PRESENT: Ray Gabelein Mike Joselyn
Val Hillers Scott Yonkman
Bill Massey Deb Eidsness
Wayne Havens

MEMBERS ABSENT: Alan Schell

APPROVAL OF THE MINUTES

Mike Joselyn moved to approve the minutes of September 27, 2006 as written. The motion was seconded by Ray Gabelein and carried unanimously.

ITEMS FROM THE PUBLIC

There were no items from the public.

PLANNING DIRECTOR'S REPORT

Phil Bakke, Planning Director, provided a recap of the 2006 Annual Review Amendments.

He noted that at the previous public meeting on county wide population projections and allocations staff indicated that additional information would be distributed to the Planning Commission at today's hearing. It was staff's recommendation that the Planning Commission not hold the public hearing today due to the fact that both the Commission and the public have only just received the information. A public hearing has been scheduled for October 24th at which time staff will provide a detailed description of what is in the documents, answer questions and accept public testimony.

UNFINISHED BUSINESS

Adoption of Findings of Fact for 2006 Annual Review Docket items

Bill Massey moved to approve the Findings of Fact for CPA 191/06. The motion was seconded by Mike Joselyn and carried unanimously.

Sheilah Crider moved to approve the Findings of Fact for CPA 167/06. The motion was seconded by Mike Joselyn and carried unanimously.

Bill Massey moved to approve the Findings of Fact for ZAA 475/06. The motion was seconded by Mike Joselyn and carried unanimously.

Deb Eidsness moved to approve the Findings of Fact for ZAA 047/06. The motion was seconded by Ray Gabelein and carried unanimously.

Public Hearing - County Wide population projections & allocations/UGA

Handouts:

County Wide Planning Policies – (Growth Management Record #8969)

Interlocal Agreement between Island County and the City of Langley, Washington (Growth Management Record # 8970)

Interlocal Agreement between Island County and the Town of Coupeville, Washington (Growth Management Record # 8971)

Interlocal Agreement between Island County and the City of Oak Harbor, Washington (Growth Management Record # 8972)

Map - Oak Harbor and Associated UGA's and JPA's (Growth Management Record # 8973)

Future Land Use section of the Island County Comprehensive Plan (Growth Management Record # 8974)

Major Issues section of the Island County Comprehensive Plan (Growth Management Record # 8975)

Sheilah Crider announced that she will not be voting on the Oak Harbor amendments as she has voted on them previously and felt there was a conflict of interest.

Jeff Tate reminded the Commission that it is a requirement of the GMA that counties and cities work together to update their population projections and UGAs. When this process first began in 2004 the first task was to come up with a countywide population projection out to the year 2025. The Planning Commission did that in the later half of 2004 and that was transmitted to the three municipalities so they could come up with their population projections and a review of their own UGAs. Each of the jurisdictions has transmitted a recommendation to the County for pushing their population projections from 2020 out to 2025. Langley and Coupeville are not proposing any changes to their UGAs.

The County is the final authority in designating urban growth boundaries and because of that they have evaluated work of the three jurisdictions to make sure it was a reasoned process.

The remaining tasks include updating the Island County Comprehensive Plan, the County Wide Planning Policies (CWPP), Interlocal Agreements and future land use maps.

Language in Policy #9 of the CWPP which is the policy for projecting population growth and employment has been revised and Attachment A shows new population figures projected out to 2025 broken down by region and jurisdiction.

The Interlocal Agreements describe the relationship that the county has for processing permits and for long range planning for each jurisdiction. These interlocals require minor changes where they talk about extending the planning period out to 2025 and modifying the population projections.

Map changes also need to be considered. The City of Oak Harbor went through a process with their Comprehensive Plan Task Force to evaluate capacity within the city boundaries and the existing urban growth boundary. That process determined that they had a capacity of 106% of their projected population growth.

At the end of that process the city forwarded their recommendations for expansion of the Oak Harbor UGA to the county and the map that is being distributed is the result of that. Five areas (shown in purple) are proposed for expansion

County Planning Department staff reviewed all the material provided by the City of Oak Harbor pertinent to evaluating the UGA as well as the city's rationale for the expansion and found that the process the city used in developing their recommendation was a reasoned process.

The Comprehensive Plan contains charts and a narrative for population growth and will have the bulk of the changes.

Bill Massey asked if staff had looked at the population projections relative to the overall demographics, persons per household, for example.

Jeff Tate noted that the persons per household is a constant value. The recommendation for projecting out includes a person per household figure that assumes there is no change. That figure can trend up and down and can affect the projection information but they have not found a way to track the person per household changes that will occur.

Bill Massey pointed out that the trends in Island County are more towards an older population which would typically reduce the persons per household.

Jeff Tate pointed out that the person per household figures have changed since the last Comprehensive Plan update. The County goes through this analysis every 7 years and based on whatever information is available those figures can be modified.

Val Hillers asked how seasonal population was taken into account.

Jeff Tate explained that each census tract has information on occupancy rates and what percentage of the housing stock is seasonal.

Phil Bakke recommended that the Planning Commission conduct a public hearing on this issue on October 24th in order to give them and the public an opportunity to review the material provided by staff.

Bill Massey noted that staff provided a significant amount of information at the last meeting and felt that the public should be able to comment on that.

Ray Gabelein felt that if someone had traveled to the meeting expecting to be able to speak they should be allowed the opportunity.

PUBLIC COMMENT

Jerry Homola, 2362 Happy Lane, Oak Harbor, commented on schedule and due process. The legal notice in the paper and on the County's web site for the September 27, 2006 Planning Commission meeting had a statement in parentheses that the population projections and UGAs did not pertain to Oak Harbor. The legal notice for today's hearing did not include that statement. He felt that was extremely unclear and unfair to the public who are trying to prepare a presentation before the Planning Commission. They have only today received information and requested that the hearing scheduled for the 24th be changed to a meeting and extended another two weeks to allow the group he is representing (Swantown Lake Watershed Preservation Group) time to prepare a presentation and then a hearing be scheduled two weeks after that.

Jeff Tate clarified that the legal notice said that the issue before the Planning Commission does not pertain to the 2006 Oak Harbor annual review amendments.

Phil Bakke noted that after the public hearing on October 24th the Planning Commission has the option, under state law, to either continue the hearing to another date or make a decision on what is before them. It is not uncommon for the Planning Commission to receive input from the public that results in a continuance. He pointed out that this is not a new subject; the City of Oak Harbor has held multiple public hearings on this subject.

Gaylynn Beighton, 2507 West Beach Rd., Oak Harbor, noted that as a commercial real estate broker and Certified Commercial Investment Member she knows a lot about population growth.

She is in opposition to any additional geographic expansion of the Oak Harbor UGA and/or any additional land annexations to the City of Oak Harbor at this time. She asked the Planning Commission to contemplate, when they are reviewing the City's calculations, what they are based on. The revised calculations show a 57% growth for North Whidbey. Typically growth is predicated on jobs. She asked the Commission to think about what industry was driving this growth and how everyone was going to pay for those new houses. In addition keep in mind that if you are looking at past trends in growth that the mortgage rates have been at 40 year lows allowing many people to get into the housing market and that in fact is not going to continue.

She noted that in doing some research on the internet she came across the WRIA 6 (Island County) Multi-Species Salmon Recovery Plan done in 2001 for the Marine Resource Committee. On Page 3 of the Executive Summary it states, "several areas that are in or contiguous to WRIA 6 have been identified as areas where depressed stocks may be vulnerable to predation these include the Strait of Juan De Fuca, Puget Sound's Eastern Bays and Central Puget Sound."

Her concern is that there is a very large parcel of land known as the Fakkema Farm and it falls within the watershed of Swantown Lake which is responsible for cleaning the water that ultimately drains out into the Strait of Juan De Fuca. Northwest Whidbey was included in the Multi-Species Salmon Recovery Plan because it is adjacent to the top priority area which is Skagit Bay and Deception Pass and it is included in the bull trout critical habitat definition and this is in addition to the salmon all of which are endangered.

Table 3 in the salmon recovery plan titled "Island County Fish Bearing Streams" identifies potential fish supporting creeks that have the habitat for the restoration of migratory salmon species. The one with the highest potential is Swantown Creek which runs right through the Fakkema Farm.

The salmon recovery plan also states that "Focusing on protection is generally less expensive, provides more certainty of success and is less difficult then restoring damaged processes and habitats."

Steve Erickson, WEAN, asked if he was correct in assuming that the County has not conducted any sort of independent capacity analysis for Oak Harbor.

Jeff Tate said the County has not conducted a capacity analysis for Oak Harbor. They have evaluated the City's analysis and it meets the test for a reasoned analysis.

Steve Erickson, WEAN, said it was very unclear to him if the Planning Commission intends to consider the property specific aspects of the lands that are proposed for addition to the Oak Harbor UGA.

Jeff Tate noted that there is a discussion of individual properties in the records from the City of Oak Harbor.

Steve Erickson, WEAN, noted as a process matter that the amendments to the CWPP as well as the review of the CWPP was not noticed. It is obvious to him particularly regarding Oak Harbor that the CWPP's need to be amended in particular they need to recognize the necessity of conserving resource lands and the necessity of conserving wildlife and eco-system function. Oak Harbor is becoming an increasingly urbanized bottleneck making it increasingly more difficult for terrestrial birds and animals to get from the north end of the island to the south end. He hoped that in the environmental review of this proposal the county would conduct an analysis of the impacts on wildlife and the eco-system function of continuing urbanization across the bottleneck.

Jeff Tate noted that during the SEPA process the County will take into consideration the environmental threshold determinations and review process that each of the cities went through when they made their evaluation and recommendation. He would like to be able to issue the threshold determination so that the public comment period for the environmental review overlaps with the public hearing.

Angie Homola, 2362 Happy Lane, Oak Harbor , pointed out that the first time the public was able to comment on the UGA expansion or look at the maps was on July 25th . Due to the large amount of public that showed up at the meeting it was continued to August 22nd .

Jeff Tate noted that was an issue that relates to Oak Harbor's 2006 docket items and not what is before the Planning Commission.

Angie Homola noted that the map that was distributed today includes a piece of property that has been under discussion at recent meetings in Oak Harbor. She is concerned that the County is not looking at the details of the areas being proposed for expansion and instead just reviewing the cities recommendations. When you start looking at UGA expansion the County holds the key to the future of what our lives are going to look like and the viability of not just human life but the life of our animals and habitat here on the island. The City of Oak Harbor needs to look at expansion from inside the city and not create urban sprawl.

Jerry Homola, noted that as a Navy reservist he flies over Whidbey Island 3 or 4 times a week and gets a good perspective of where the City of Oak Harbor is going and what it looks like. He inquired as to whether the County has taken into consideration NAS Whidbey and its impacts on the population of Oak Harbor. The two airplanes that are currently stationed at NAS Whidbey are both changing which means the personnel numbers on the base will be changing as well.

Public Meeting - Dr. Paul Adamus's presentation of the Phase II Wetlands Report

Handout:

Power Point presentation “Phase II Report” Best Available Science for Wetlands of Island County, Washington: Review of Published Literature (Growth Management Record # 8950)

Jeff Tate noted that the Phase II Report is the second step in the wetlands update process and deals with Best Available Science. Phase I dealt with field work and data analysis that had been conducted with regard to wetlands in Island County. Phase III is the drafting of the wetland ordinance. Public workshops will be conducted in November and the Planning Commission will be conducting public hearings in December.

Dr. Paul Adamus noted that Phase II is the critical link leading up to the ultimate redrafting of the wetland ordinance as required under the GMA. Best Available Science is a legally defined term. The Growth Management Hearings Board, Department of Community Trade and Economic Development and other agencies have recognized that BAS has some specific components and they have defined these.

Potential Components of BAS and How Met by Island County

Research	n/a	
Monitoring	Surface Water Monitoring Program (in progress)	PR, M
Inventory	n/a	
Survey	Phase 1 field data collection	PR, M, QA
Modeling	GIS spatial modeling (Phase II)	PR, M, QA
Assessment	Phase I field data collection	PR, M, QA, R
Synthesis	Phase II BAS literature synthesis	PR, M, LC, C, R
Expert Opinion	Phase II BAS literature synthesis	PR, LC, C

PR = Peer Review, M = Methods, LC = Logical Conclusions, QA = Quantitative Analysis, C = Context, R = References

What’s different about Island County wetlands:

- None along rivers. Few along lakes.
- 78% of the inland wetlands lack streams.
- 80% drain to pocket estuaries important for salmon.
- 52% don’t “look like” wetlands.
- Many are on slopes or are surrounded by slopes.
- 24% are “on top of” highly susceptible aquifers.
- >19% are dominated by trees or shrubs.

Literature Review & Critique

From the WDOE:

- “Best Available Science” document (Sheldon et al. 2005)

- *Wetland Rating Method* (Hruby 2004)
- Buffer recommendations (Granger et al. 2005)

Our Own Review:

- Prepared matrix of buffer requirements adopted by other jurisdictions.
- Narrowed the list of wetland-dependent species to just those that occur in Island County.
- Read 180+ technical papers not reviewed by WDOE.
 - New literature
 - Key earlier papers missed by WDOE review
 - Literature on Sensitivity, not just Functions, of wetlands

The Current Island County Regulations (since 1984)

Category	Criteria	Zone	Smallest Wetland That is Regulated	Required Buffer Width	Approx % of County land area (wetlands + buffer)
A	Estuarine Wetland	any	Any	100 ft	1%
	Native vegetation dominates, OR protected species habitat or presence	Rural	1/8 acres		7%
		Others	¼ acre		5%
B	Non-native vegetation dominates	Rural	¼ acre	50 ft	1%
		Others	1 acre	25 ft	1%
C	Wetlands that were purposefully created where no wetland previously existed. Includes most farm ponds.			None required.	??

What Buffers Are Intended to Protect

Water Quality, Plants, and Animals
 Capacity of Wetlands to Continue to Filter Pollution
 Habitat For *Wetland-dependent* Species
 Species that are wetland *obligates*
 Species that have a *primary association* with wetlands

Wetland-dependent species do not always need wooded buffers.

What Can Wetland Buffer Widths Be Based On?

Expected Impact Intensity

- Type of land use
- Location of impacting activity

Wetland Importance

- Functions & Values (Habitat, ability to store water & filter pollution)
- Wetland Type Scarcity

Wetland Sensitivity

- Hydrologic isolation
- Surrounding slope
- Soil Erodibility
- Landscape setting (contributing area ratio)
- Replaceability of the wetland type

Important Wetland Types of Island County	WDOE includes?
Bogs	Yes
Relict Bogs (if dominated by native plants)	No
Coastal Lagoon wetlands	Yes
Pocket Estuary wetlands	No
Large Open-water Non-estuarine wetlands	No
Mature Forested Wetlands	Yes
Wetlands overlying High Susceptibility Aquifers	No
Wetlands on streams flowing into a Bog, Coastal Lagoon or Pocket Estuary	No
Wetlands on streams with Anadromous or Resident Salmonid fish	No
Documented use by wetland-dependent species that also require wooded uplands	No

Basis for WDOE Buffer Alternatives

Alternative	WDOE Rating System (Category I-IV)	WDOE Rating System (Habitat Score)	Land Use Intensity	Wetland Type
# 1	X			
# 2	X		X	
# 3	X	X	X	X

Impact Intensity Categories Recommended by the WDOE

High

- Commercial
- Urban
- Industrial

- Institutional
- Retail sales
- Residential (more than 1 unit/acre)
- Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)
- High-intensity recreation (golf courses, ball field, etc.)
- Hobby farms

Moderate

- Residential (1 unit/acre or less)
- Moderate-intensity open space (parks with biking, jogging, etc.)
- Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)
- Paved trails
- Building of logging roads
- Utility corridor or right-of-way shared by several utilities and including access/maintenance road

Low

- Forestry (cutting of trees only)
- Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)
- Unpaved trails
- Utility corridor without a maintenance road and little or no vegetation management.

Matters of Scale

Fine Scale: The importance of small isolated wetlands

- Most jurisdictions set a threshold of 1/10 acre for regulated wetlands.
- Rare wetland plants & some amphibians use wetlands of only a few square feet.
- Thresholds for minimum wetland size need to account for proximity to other wetlands.

Landscape Scale: Wetland buffers alone are not enough to protect wetland wildlife.

- For many species, multiple wetlands near each other (mosaics) are at least as important as one large wetland of equal cumulative area.
- Several wetland-dependent species also require uplands, e.g., frogs, some tree-nesting ducks, herons, beaver, salamanders.
- Dividing all large wooded tracts into patches smaller than -100 acres could result in loss of some wetland-dependent bird & amphibian species from Island County.
- Wetlands are at greatest risk when houses & roads cover >10% of the wetlands contributing area.

Size Frequency Distribution of Wooded Tracts & Wetlands in Island County

Wooded Tract Size (acres)	# of tracts	% of total number of tracts	Total acres	% of tract acres	# containing known wetlands	% containing known wetlands
<5	12685	68.56	2549.70	4.82	1265	9.97
.5-.9	2758	14.91	1700.59	3.21	397	14.39
1-4.9	2155	11.65	4341.45	8.21	333	15.45
5-9.9	380	2.05	2624.95	4.96	81	21.32
10-49.9	367	1.98	7971.97	15.07	109	29.70
50-99.9	65	0.35	4437.57	8.39	37	56.92
100-249.9	57	0.31	8698.41	16.44	40	70.18
250-999.9	28	0.15	12983.71	24.54	28	100.00
1000-10,000	6	0.03	7595.92	14.36	6	100.00
>10,000	0	0.00	0.00	0.00	0	0.00

Ray Gabelein said if a contributing area is considered to be from the ridgeline down slope to the wetland wouldn't that take in most of Island County.

Paul Adamus indicated that a wetland contributing area is from the outlet of the wetland up to the ridgelines and collectively they would probably comprise the entire county. However that does not mean they would all be regulated the same.

Ray Gabelein said he would like to get an opinion from the Planning staff, BICC or Prosecuting Attorney on whether or not the Planning Commission is allowed to discuss compensation for the taking of private land being used for buffers.

Phil Bakke said he would take that under advisement and provide the Commission with an answer as soon as possible.

Sheilah Crider asked if they would be dealing at some point with what occurs in the upland areas that eventually flows down to the wetland.

Paul Adamus said that discussion will fit into what he calls "impact intensity or land use intensity."

Bill Massey asked Dr. Adamus his opinion of how the 1984 regulations have worked out.

Paul Adamus noted that they did a rough analysis, to the best of their ability, on those regulations in the Phase I report and the picture they came up with was that Island County wetlands are in generally good condition. However there are many caveats that must go

with that statement and there is room for improvement regardless of whether the wetlands are in good condition or not. The fact remains that the State of Washington requires the County to use BAS even if everything was perfect the ordinance would still have to reflect BAS. It was his opinion that the existing ordinance does not represent BAS.

Scott Yonkman asked why the Washington State Department of Ecology does not include as many wetland types as Island County.

Paul Adamus explained that WSDOE was writing the document for all of Western Washington and not specifically considering Island County. Island County has some specific local situations such as highly susceptible aquifers. More wetland types do not automatically translate to more regulations. Wetland importance is only one piece you also have to consider wetland sensitivity and land use intensity.

Ray Gabelein noted that in the presentation given during Phase I it was stated that Island County wetlands were in good or excellent shape. He wondered if that was factored into the BAS. In other words the ordinance has been around since 1984 and working within that ordinance all the wetlands were excellent isn't that part of the science that goes into the BAS process.

Paul Adamus said the study that was done in Phase I could be considered BAS. It used scientific methods and was done in a statistically sound way but it is only one piece of the puzzle you have to use all available resources. During the field assessments in the Phase I study they keyed in on two or three of the characteristics that scientists are generally in most agreement with but there were many factors which because of time and resources and a variety of reasons one being the lack of scientific consensus they could not measure that would represent wetland health.

Ray Gabelein said he hoped the process is truly local planning and not just what the Washington State Department of Ecology says has to be done.

Paul Adamus said the whole point of the study and why the County contracted him was not to come up with any particular recommendation but to look objectively at what is different about Island County, what did we find on the ground as opposed to what the assumptions are that are made by the state.

Deb Eidsness said if you monitor a wetland on an agriculturally zoned parcel with the proper buffers in place and it is deemed healthy will that buffer stay or will the recommendation be to change it to what the state is recommending.

Paul Adamus noted that most other jurisdictions are just going with the state recommendations because it is expensive to fight the state and in a lot of cases they feel that what the state proposes is a good fit for their local situation. We are saying that in Island County we have some specific circumstances that would warrant a different approach. We are collecting the data and trying to make that independent assessment.

However you may be using state of the art best management practices and everything is telling you that your wetland is healthy and the state may still tell you to put a bigger buffer around a wetland. The state could say that you didn't measure everything possible that could indicate whether that wetland is healthy or not or that you didn't observe every plant and animal that might ever use that wetland. The state is basically taking a precautionary approach in the absence of data and doing the maximum they think reasonable to protect the wetland.

Val Hillers noted that the state has included hobby farms in their high impact intensity category and she wondered if that was an area that the county would be reevaluating.

Paul Adamus said all of the categories were being looked at.

The meeting adjourned at 11:25 a.m.

Respectfully submitted,

Pam Dill
Administrative Assistant