

**ISLAND COUNTY PLANNING COMMISSION  
SUMMARY MINUTES  
COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA  
TUESDAY SEPTEMBER 18, 2007**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>		<i>Val Hillers</i>
	<i>Ray Gabelein</i>	
	<i>Mike Joselyn</i>	
<i>District 2</i>	<i>Sheilah Crider</i>	
	<i>Bill Massey</i>	
	<i>Alan Schell</i>	
<i>District 3</i>	<i>Wayne Havens</i>	
	<i>Deb Eidsness</i>	
	<i>Scott Yonkman</i>	

*Vice Chair, Sheilah Crider acting as chair called the meeting to order at 12:04 p.m.*

**ROLL CALL**

*Scott Yonkman – North Whidbey, Ray Gabelein – South Whidbey, Mike Joselyn – South Whidbey  
Alan Schell – Oak Harbor, Sheilah Crider – Oak Harbor, Bill Massey – North Whidbey, Wayne  
Havens – Camano Island, Deb Eidsness – Camano Island*

**DIRECTOR'S REPORT**

**Jeff Tate, Director**

Stated he didn't have anything additional for today and turned the meeting over to Keith Dearborn.

**Keith Dearborn**

Provided a summary of the progression to this point.

- ◆ Went through a series of workshops in May.
- ◆ Had Peer Review in early June, both Agency Peer Review and Professional Peer Review.
- ◆ Took the comments from the workshops and the Peer Review and prepared the June 25<sup>th</sup> draft of all the documents.
- ◆ Started the 60 day review process and SEPA process.
- ◆ We have received one SEPA comment letter from WEAN.
- ◆ Received no appeal on the SEPA determination and we received no other comments.
- ◆ In the 60 day review process we received two letters and one emails; letter from the Department of Ecology; letter from Department of Fish & Wildlife and an email from Susan Meyer, Department of Ecology.
- ◆ The end of August we held another Peer Review meeting, part of which was open to the public; many of the Commissioners were present as well.
- ◆ Staff has met twice to review the comment letters and the suggestions from the Peer Review and is prepared today to make some of our observations.

- ◆ The Commissions will also have the opportunity to discuss issues they would like staff to address.
- ◆ The Plan is to prepare the final public hearing draft for public hearings in November.
- ◆ With the Planning Commission finishing their deliberations before the end of December.
- ◆ The documents will need to be to the printer by mid-October.

## **The Wetlands Identification Guide**

Jeff Tate

Comments received on this guide from the Department of Ecology and The Department of Fish & Wildlife fall into two categories.

- ◆ How the guide will be used and clarifying what its role is in the review process and implementation of the Critical Areas Ordinance.
- ◆ The Habitat Assessment for this part of the Wetland's identification guide.

On how the guide will be used: common themes of the comments are:

1. Including language in the guide that lets landowners know what its limitations are and what its use is. Especially for Wetlands that have been modified in years past. Letting landowners know that further assistance may be required. Also an important issue is how the guide is used in the permit process. That it is an educational tool, with worksheets that would be included with permit applications in order to give staff an opportunity to evaluate those. Ultimately to include assurances in the process that ultimately staff will be making a call, it is not all resting on how the landowner answers questions in the guide.
2. The other element is the Habitat Worksheets that are in the back. There were some comments submitted on how to tweak the habitat assessment. This was developed with the assistance of Paul Adamus in an attempt to provide a user friendly guide to evaluating habit and scoring habitat on your property. The agencies were ok with the general principles, but were providing comment on how to clarify and improve that element of the guide.

In order to help the conversation with the agencies we have put together written protocols that would show how we might use the guide and how we might better identify Wetlands on property. Three different optional paths have been identified.

1. Option – potential for a feasibility study, landowner would pay a fee and we would go out without a permit and make a determination of whether there was a Wetland on the property.
2. Coordination to be developed and improved regarding the submittal and issuance of access, septic and water permits. Permits issued by other County Departments.
3. Protocol for how the guide is used to help land owners when it comes to building permits as well. Traditionally we have relied heavily on maps; we would now supplement the maps with the Wetland worksheets and site investigation; education of contractors installing septic systems and internal education of staff from other departments who are out in the field.

Keith Dearborn

Starting with an issue that was raised by Department of Ecology and was also raised by WEAN is the effect of the new AG bill on the Critical Areas Ordinance. That is an issue that will have to be resolved. Mr. Dearborn stated he had an understanding of the effect, DOE has a slightly different opinion and WEAN has a different opinion.

- ◆ This is the bill that essentially put on hold changes in critical area regulations that affect agriculture. It creates a new definition of agriculture, one that has not been in the GMA before. It is a definition that has been borrowed from the Shoreline Management Act. For the first time the definition applies to rural agriculture as well as commercial agriculture. It also applies to existing uses and allowed uses.
- ◆ The issue Mr. Dearborn was concerned with was what was intended by the term allowed uses. It shows up nowhere else in the GMA, often times you see the word permitted uses. But this uses the term allowed uses. Does this mean new agriculture as well as existing agriculture cannot be affected by critical area regulations?
- ◆ No agency had any involvement in the drafting of the legislation and could help understand it. This was a negotiation managed by legislators with environmental and farming interests, basically. Talking to participants, it was clear they intended “allowed” as a different word than what had been used before. They intended allowed to mean activities that could be permitted, that were essentially a part of what was allowed by a local government through its zoning regulations, not activities that had a permit in hand. With agriculture, often times there are no permits at all required.
- ◆ Mr. Dearborn’s reading of the legislation is that it prohibits the County from doing anything that affects existing or new agriculture in the critical areas regulation. In June an amendment was proposed to the existing critical areas regulations that essentially says all uses, new or existing, are covered by that legislation, the existing law, which the bill says we are permitted to do. We aren’t changing the existing Code. Then if a property owner wished to be in the new regulation, it was voluntary.
  - 17.02B and 17.02C were created, essentially dividing farming into those two. 17.02B – existing critical area regulation, a farmer existing or new is obligated to comply with 17.02B, our existing regulations. He believed this was consistent with State Law as the Bill was adopted. Or if they wish, they could avail themselves of the new regulation and be under 17.02C.
  - We received a comment from DOE that expressed a concern about that and the BICC received an email memo from WEAN, saying that Mr. Dearborn was dead wrong in his analysis, without giving an explanation of why in any detail.
  - Unless direction from the State agencies suggests a different way of implementing the Senate Bill, staff is going to continue to recommend either/or. Either you are in 17.02B or if you wish you could be in 17.02C.
  - In 17.02B, our new BMP program was carried through in 17.02C, it is identical in every word in 17.02C, it is carried through both the existing and the new, there is no change if it gets through the Superior Court challenge that WEAN has brought. His recommendation is that we continue with what we have as an approach, unless we get clear direction from State agencies that make it clear we are misinterpreting SB 5248 and then we would proceed differently.

## ISSUES – WETLANDS UPDATE

### Chapter 17.02C

1. Determine the effect of SB 5248
2. Examine WDOE / Jefferson County's approach to land use intensity
  - ✓ DOE likes our approach, but wanted us to look at how Jefferson County approaches it. His recommendation was to see if they reach a resolution that makes sense from a staff stand point, if so, we would consider putting that into the ordinance, otherwise we would recommend we keep what we have and move forward until the Jefferson County approach gets more finalized.
  - ✓ The Planning Commission could make a judgment as to substituting Jefferson County's approach for the approach in the ordinance as a part of the public hearing process. It's not far enough along to really know at this point.
3. Consider Peer Review and WDOE suggestions for the minimum Wetland size
  - ✓ Peer Review and DOE support the idea that there are some Wetlands that are so small we should not be regulating them unless there are special circumstances to do so. We picked a threshold of one thousand square feet, which is a substantial reduction from the quarter acre, half acre we now use for the threshold.
  - ✓ The general response was that it seemed reasonable, comported with BAS\* (Best Available Science), and the exceptions listed in the ordinance. All were exceptions that people felt were appropriate.
  - ✓ The exceptions all mean that in some cases we could be regulating a Wetland that is much smaller than one thousand square feet. That is of great concern to staff due to our history of 25 plus years of regulating Wetlands with a minimum of a quarter acre. DOE and the Corp of Engineers have no minimum size and it has never been a major issue in that process as far as he could determine.
  - ✓ From a practical standpoint, it is said to be rare, if never, that you would find a Wetland under one thousand square feet that has high habitat value. But there is that possibility.
4. Consider Peer Review and WDOE and WDFW suggestions regarding definitions and mitigation. This will all be addressed through changes in the ordinance that don't have policy implications.
5. Consider Peer Review and WDOE suggestions regarding minimum buffers
  - ✓ The original draft proposed essentially no buffer if you were under one thousand square feet and this was a concern to DOE, who suggest a minimum buffer of fifteen feet with fifteen foot building setback. The Peer Reviewers had a different concern; they felt there ought to be a buffer, like a water quality buffer for all of the small Wetlands. DOE agreed for the lower quality Wetlands in Category D, if you were less than five thousand square feet, they would support having no buffers. Currently, most of the smaller Wetlands aren't regulated and probably most of them would have a fifty foot buffer. There was a range of science on the question of how small and what the buffer should be.
  - ✓ Small Wetlands have significant value as much value as big Wetlands in the ecological system. Protecting them is as important as protecting large Wetlands.

*\*BAS – Best available science – essentially if there is consensus in the science community on something, that is going to be BAS that has to be accepted under the GMA whether we like it or not. If there is a range of opinion you are free to choose within that range. If you want to take a different direction that isn't BAS, it has to be supported by local circumstances and you have to be able to articulate in a rational way the local circumstances that cause you to judge BAS and balance it with the other goals of the GMA. (Having to do with the recent Supreme Court decision in Skagit County regarding BAS and the option local government has)*

6. Address WDOE clarification and consistency suggestions.
7. Address Peer Review suggestion on low impact development techniques.
  - ✓ One of the Peer Reviewers provided a list of techniques he thinks we should either be requiring or encouraging in rural development.
  - ✓ During the public review process we will be bringing in some people to discuss this in more detail. To encourage or require LID, we should be confident they are workable, cost effective and something that the County is willing to implement in their projects.
8. Consider the Peer Review recommendation to divide Category C Wetland into two categories and address Poned and Mosaic Wetlands.
  - ✓ The Peer Review felt these needed special recognition and special treatment. We are working through that; at this time we don't have a recommendation. We are looking at the definitions of mosaic; currently we use the DOE definition, meaning you had to have three Wetlands within a hundred feet in order to have a mosaic.
  - ✓ We are also looking at the issue of ponds. There you have a question regarding the size of the pond; how big does the pond have to be to be of importance and is it seasonal? Is it a year round pond or just during a particular period. This will take more research to determine. We know that Poned Wetlands have more value than un-poned Wetlands for habitat, particularly habitat for reptiles and amphibians.
9. Consider suggestions made by WEAN in its SEPA comment memo.
  - ✓ Looking to determine to what extent it is suggesting changes in the ordinance and then we are looking at those changes. If there is change for clarification, we would certainly make that if it is substantive and policy issue, we would bring it to the Planning Commission for review.

Alan Schell

What type of feedback did staff get from the workshops? Did we get positive feedback?

Jeff Tate responded six workshops rotated throughout the county, most of the Planning Commission were able to attend those workshops as well as all three BICC members attended a workshop. It had a relatively good turnout. A lot of positive feedback on format, breaking out the subject matter was received. Between 30 – 70 people attended. We had a Scribner at each of the stations, taking down the questions and comments that came up. We received a lot of comments on the broader principles. Staff went through those and the January 25<sup>th</sup> draft changes were made as a result of those comments. I would characterize it as very positive feedback. Some people focused on concerns of property rights, some on environmental protection, but there was a lot of positive feedback across the spectrum. A lot of people liked the flexibility and the options being built into it, the educational portions of it and how advanced and modern of an ordinance it is.

One of the big questions and staff shares this concern is that we are going from something that is more simplistic to something that is more complex.

Mr. Dearborn was concerned as to whether people could follow and understand the system. That there were two buffers a *Wetland Water Quality Buffer* and a *Wetland Habitat Buffer* and that you had to choose the larger of those buffers. He stated that people were able to follow that and not be confused. People were appreciative of the fact that it was not being done by a total point scoring system with some expert having to be hired to do that; we were regulating by type of Wetland and they were common sense definitions of what a Wetland was and that the County was going to be maintaining the burden on itself for all single family homes for Wetlands review, unless the property owner elected to hire their own consultant. Those were all received very positively. People also saw that today many Wetland conditions are being over regulated in that the buffers are larger than BAS would require. Our current buffers come from 1984.

Bill Massey questioned staff regarding logical building sites, where setbacks hinder the best view site when there is a Wetland and other available building sites on a piece of property. Will there be any consideration for exemptions or exceptions for existing or delineated Wetland?

Jeff Tate

If the landowner were to ask about this, I would start talking about the Rural Stewardship Plan, which is intended to provide some of that flexibility, especially as the lot gets larger and you have the ability to protect and conserve an average buffer and implement practices on property, you have a little bit more flexibility in looking at some of those setbacks as well.

Keith Dearborn

Stated there is also the fact that properties are grandfathered in any determinations that have been made prior to the effective date of the ordinance under the old regulation. In the new draft ordinance C15, A2 addresses that. If there is an established Wetland boundary and buffer by a Clearing and Grading Permit (CGP), unless the owner elected otherwise, it would be applicable.

Jeff Tate

Stated that one thing that might be helpful to keep in mind while looking at A2, *development proposals*, is a defined term. One of which is a CGP, there are a variety of different development proposals that would qualify for use of this provision.

Mr. Dearborn stated to also remember that the effective date of the chapter doesn't occur until all the legal challenges, if any, have transpired.

Scott Yonkman

Questioned regarding small Wetlands, asked how small?

Keith Dearborn

Under certain circumstances Wetlands of importance, smaller than one thousand square feet could be regulated. The section is under the Wetland classification under D-1 on page C-35. If the Wetland met any of the five exceptions, you would be regulated, even if it was less than one

thousand square feet in size. He expressed his concern regarding this issue since it will be difficult for staff or the property owner to know when they are regulated or not regulated without a minimum size. He also stated he had not been able to find any science that says that you can cut off at any smaller size and DOE guidance is that all Wetlands are important, no matter what their size. DOE does recognize that practically speaking, you have to have limits and they have reviewed these documents and support the approach suggested. Implicit in that, those exceptions could take you down to a very small Wetland. The comfort given is that it is not very likely that you will find, for example a small Wetland with a high habitat score. You may find a Ponged Wetland, that is important, you may find one with a protected species, but that is not too likely. They will have to be resolved on a case by case basis.

Scott Yonkman

Stated the positive aspect of this is now that we are educated we now know that small Wetlands can be important and these exceptions allow for their protection.

Ray Gabelein

Questioned on C15 under the Wetland definition in the section talking about those Wetlands that are excluded, "... those Wetlands created after July 1, 1990, that were unintentionally created by construction of a road, street or highway." What date does that date represent?

Mr. Dearborn responded that it was the date that the GMA went into effect and along with it the GMA definition of the Wetlands, which is the definition the GMA restrict us to.

Ray Gabelein stated on page C25, activities and uses, letter H has left out hunting as a passive activity, thought it was going to be included in this draft. Thinks it's a mistake to leave hunting out of the passive activities. If fishing is included, he felt hunting should be there as well.

Keith Dearborn responded this passive activities exemption comes from the old ordinance, the existing 17.02. Some of the staff have been troubled by it because the only things we regulate are development proposals. That is the only time we apply the critical area regulations. We don't have any permits for passive activities; we don't regulate that, so why are we creating an exemption for that? It is not an activity that is covered under the regulation, but it came from 17.02 and the collective logic was if we left it out people are going to conclude you can't do it anymore. There are all sorts of other things you do on your property that are not regulated that relate to a Wetland. Stated he felt the concern is structured trails.

Alan Schell asked if they would ever put a fence around a buffer that would then prohibit those activities?

Mr. Dearborn replied in some circumstances that would be necessary. One of the issues raised by DOE is pets and control of pets. They are more dangerous to a wetland habitat than anything the individual property owner would do on their own. It is the pets that cause more damage. Fences may be a solution to pets, it may not.

Bill Massey stated if you keep pets out you may keep natural predators out, which then you really disrupt the whole balance of nature.

Mr. Dearborn stated that is exactly where that discussion has gone. It may be become a barrier for Wetland dependant species to get access to the Wetland.

Mr. Gabelein stated if fishing were to be included he felt hunting should also be listed.

Mr. Dearborn responded that maybe the appropriate action would be to leave out all of the passive activities as they are not regulated and to only address trails, which would be regulated through a potential CGP; to just make it clear in the legislative intent that we are doing so because they are not regulated and not restricted.

Ray Gabelein

Page G1, does this Public Benefit Rating System mean if you go beyond what is required, you would get points?

Jeff Tate

Only the sections that are proposed for amendment are before the Planning Commission, there are other provisions in that section of the County Code that address this issue directly. It will tell you what your standard is. Since there is a reduction in tax being granted, which is shifted to other property owners, you must go above and beyond what the County Code requires. It is clear in other sections of the ordinance.

Ray Gabelein

If someone presently has a Wetland under today's Code, that they have a 100' buffer on and under the new Critical Areas Ordinance they might have a 300' buffer, they wouldn't get any public benefit points until they went beyond the 300' buffer?

Keith Dearborn replied that was a policy issue, and is fair game for the Commission to address as part of your review.

Ray Gabelein stated he felt if people were forced to put very large buffers on their property, they should qualify for points under the Public Benefit Rating System and his opinion is that should be a recommendation from the Planning Commission to the County Commissioners. He feels these buffers of 150' – 300' may consume entire parcels of property and the people will only be allowed to build on one tiny corner of it and not touch the rest.

Bill Massey responded that some property is worth more by having Wetlands and a big buffer because that Wetland buffers you from development all around. The discussion at the workshops even went as far as saying taxes should be higher because the value is worth more by having a private estuary, you may be giving up some buildable property but you also getting privacy and an area that cannot be encroached upon. There is a difference in viewpoint on that.

Keith Dearborn responded that part of the answer is how the Assessor currently assess parcels with Wetlands, both the new and old ordinance require the Assessor take into account critical area designations as part of assessment. We hope to get the Assessor to provide information by coming before the Planning Commission to explain how they do that and to what extent it does play a role in assessment. The Peer Reviewers suggested for property owners that cooperate and do a joint Rural Stewardship Plan, there ought to be some reward for them, some reduction in property tax to encourage more property owners to work together.

Mr. Gabelein stated the importance of Wetlands and their functions because it benefits everyone, one of the ways is by rewarding the property owner. If it's benefiting everyone, he believed everyone can help pay for that as well through the shifting of the taxes on that property.

Mr. Dearborn noted for the record, that Mr. Gabelein was the only person other than the Peer Reviews to offer any comments on exhibit G.

Ray Gabelein stated on G-3, under Ineligible Lands, subsection E it has listed, "Property that contains a Critical Area or Critical Area Buffer which has been altered without authorization from Island County. If someone bought a parcel that had been altered in the past and they wanted to go in and restore and return function to a Wetland, this states they would not be eligible for the Public Benefit. He stated he found that contrary to what we are working on. If someone is willing to restore that Critical Area that was altered, thinks they should qualify the same as an existing one. In this particular case, not only are we not encouraging that, we are discouraging it.

Chair Sheilah Crider calls for a seven minute break, off the record at 1:31 p.m.

Back on the record at 1:38 p.m.

Sheilah Crider thanks the public for being present today and advises that during the hearing process there would be an opportunity for public input.

Alan Schell asked about the future schedule for these hearings.

Jan Smith advises the Planning Commission of the future dates and places for the Wetland public hearings and workshops.

### **Planning Commission Wetlands Hearings and Workshops**

1. **11/13/07 - North Whidbey** – Parker Hall, 950 NW S.E. Ave., in Oak Harbor – on the Oak Harbor High School Campus.  
5:00 – 6:30 p.m. - Informal workshop and display  
7:00 – 9:00 p.m. - Public Hearing -- Following an informational presentation by staff, the Planning Commission will open the hearing to public testimony and questions
2. **11/20/07 - Camano Island** - 608 Arrowhead Rd. - Utsalady Elementary School Gym  
5:00 – 6:30 p.m. - Informal workshop and display  
7:00 – 9:00 p.m. - Public Hearing -- Following an informational presentation by staff, the Planning Commission will open the hearing to public testimony and questions

3. **11/27/07 - South Whidbey** - Trinity Lutheran Church Gym, 18341 SR 525 Freeland  
 5:00 – 6:30 p.m. - Informal workshop and display  
 7:00 – 9:00 p.m. - Public Hearing -- Following an informational presentation by staff, the Planning Commission will open the hearing to public testimony and questions
4. **12/11/07 - BICC Hearing Room, Coupeville**, regular calendar 9 – 4:30 p.m.,  
 Planning Commission deliberations
5. **12/13/07 – BICC Hearing Room, Coupeville**, NOON - 4:00 p.m. - can go no later  
 Back up date for deliberations if necessary
6. **12/18/07 - BICC Hearing Room, Coupeville**, NOON - 3:00 p.m. - can go no later  
 Planning Commission Action

Chair Sheilah Crider suggested public comment end on 11/27 for these hearings, in order to give staff time to compile and deliver them, still providing a week for the Planning Commission to review prior to deliberation.

*Jan Smith stated as a point of interest, intermingled in that calendar we will start doing some of these small Skilled Trade Workshops for the Septic Installers or Designers, Loggers and Earth Movers. They will be starting in November, the slower season for these trades. These will consist of practical, on the ground info about how to identify and work critical areas like wetlands, bluffs and steep slopes. They will be coffee break, tailgate type workshops.*

***Schedule for Skilled Trade Workshops:***

***November 7***

*10:00 a.m. to Noon at: Cornet Bay Retreat Center, 400 Cornet Bay Rd.  
 (Deception Pass Area)*

***November 14***

*10:00 a.m. to Noon at: Four Springs Preserve, 585 Lewis Lane  
 (North of Camano Hill Rd.)*

***November 28***

*10:00 a.m. to Noon at: Freeland Hall  
 (Just north and uphill of Freeland County Park)*

***Reservations required: (no fee)***

Alan Schell wanted to know how the public will be notified of the wetland hearings.

Jeff Tate

Stated he was open to suggestions, advised the Department was going to send a countywide mailer, working with the local media, beyond just a legal notice. There is an email list we send to. Other formats or suggestions are welcome.

Chair Sheilah Crider suggested the Skagit Valley Herald and Comcast, channel 10 is Oak Harbor's public information channel, send it to Dana Nichols and ask her to please post that. She also suggested adding it to the local library's posting of local meeting.

Deb Eidsness suggested cross posting with WSU.

Bill Massey stated he had a question regarding the one thousand square foot minimum on buffers from the Peer Review session, there wasn't a consensus regarding the minimum wetland, so why should we have the category that includes the category smaller than 500 feet?

Keith Dearborn agreed the Peer Reviewers had a difference of opinions on that particular issue. All agreed certain small Wetlands needed treated as regulated wetland. They liked without exception the five points we discussed earlier, the Mosaic, the Pondered, the High Habitat, those categories they felt should be regulated. Some of them felt, even if you were one of those, at some point you have reached the point of dismissing returns, some didn't. We have asked Paul Adamus to review that in terms of the science and give us his recommendation.

Mr. Massey continued with his next question on Wetlands Mitigation Banks. In the discussion at the Peer Review meeting it seemed there wasn't a lot of support from some of the Peer Reviewers on Mitigation Banks.

Mr. Dearborn replied there is a state regulation on Wetland Mitigation Banks, DOE has to approve them. It has been settled, at least in Washington, that we can have banks if you follow the regulation. The question that has often come up is whether mitigation offsite is appropriate or whether all mitigation needs to be onsite. There was some discussion among the Peer Reviewers of that, but almost all of them felt that offsite mitigation, when you can't mitigate onsite is an acceptable way to address mitigation. They also discussed the fee idea, paying a fee when you can't mitigate onsite. He stated there was a general acceptance of that, in fact a feeling that that was actually a better way to mitigate in many cases because you achieved more through a mitigation fee program. Right now, we simply provide that it could be done through mitigation, should the Board of Commissioners adopt such a program.

Bill Massey stated that is one of the questions he had, it was not clear to him how to establish that the fee process had potential. He felt it was an important aspect, to this process. In other areas in this State communities are doing regional wetland mitigation and storm drainage mitigation, which makes a lot more sense from the standpoint that they are able to manage those as opposed to an individual property owner or association managing them.

Mr. Dearborn replied there are challenges to developing a fee program that is fair and a significant new burden on the County to manage it, yet all at the staff level agree it has real promise. It has potential to make meaningful mitigation, particularly on the smaller lots in RAID's, where otherwise mitigation could be a meaningless gesture.

Chair Sheilah Crider asked about a previous discussion of having the Assessor come in to explain how his office distributes tax valuation in regarding to the Wetlands. She stated that perhaps it would be beneficial to have that briefing as part of this process. At least a good overview of how it is actually accomplished.

Mr. Tate stated he has talked with the Assessor and he indicated he would be glad to come and speak to the Planning Commission.

Keith Dearborn asked if Low Impact Development techniques were also something they wanted to have presented.

Bill Massey asked how that would be addressed relative to this particular ordinance or if that should be part of the storm drainage consideration in Island County?

Mr. Dearborn stated it is built into the Rural Stewardship Plan; it is a way to reduce your land use intensity. It comes into play there. In his discussion with DOE they are looking at that in Jefferson County as well. It could have an immediate relevance to this process by allowing the reduction of the buffer size on a medium intensity use by adopting the LID techniques.

Ray Gabelein stated he was concerned in becoming experts in the low impact development techniques, but to have a provision in the Code that allows for and credits for low impact, but not be too definitive on how it is done. He stated he felt it should be more open to encourage someone to use low impact, but not to get so specific as to exclude future developments; to encourage the goals, giving examples rather than specifics.

Alan Schell stated Skagit & Island County Builders Association has developed a Built Green program and the chairman of that committee has been doing some speaking and one of the items is Low Impact Development. Stated he felt Mr. Gabelein was correct in not wanting to get into the mechanics of that, but to hear an overview of the options and impact in value of each.

Keith Dearborn stated the Commission had Rich Horner's suggested techniques, but Mr. Dearborn was concerned regarding the use of the Puget Sound Action Team Manual as the inventory of techniques. He stated if you look at it, it wasn't designed for rural areas; it was designed for urban areas. We have asked Mr. Horner to give suggestions on techniques that he thought were appropriate for rural areas. The Commission has that email, he asked that they look at that and provide general guidance.

Chair Sheila Crider stated that both LID and Green Building are things that are evolving; provisions should be encouraged and let the industry and science determine what those techniques are.

Bill Massey asked if there wasn't the issue of a potential of a schedule of credits. What would be the point of addressing it as a goal without some result if you participated in it?

Keith Dearborn stated he felt they had to list specific techniques in the Rural Stewardship Plan, but it may be able to state, "such as" and provide what the goals are and be able to be to measure other techniques against those goals.

Jeff Tate stated he would be proceeding with having the Assessor come in for a brief presentation and perhaps someone come in and speak about LID on a broader level. The next scheduled

meeting for the Planning Commission is October 2<sup>nd</sup> for an issue not related to Critical Areas; then begins the evening meetings in November, asked when the Commission would like to schedule the Assessor's presentation.

Chair Sheilah Crider suggested using the October 2<sup>nd</sup> date. It was decided to work towards that date.

Alan Schell moved to adjourn, Bill Massey seconded, the motion carried unanimously.

Meeting adjourned at 2:10 p.m.

Respectfully submitted,

By Paula Bradshaw  
Administrative Assistant