

**ISLAND COUNTY PLANNING COMMISSION
SUMMARY MINUTES
COMMISSIONERS HEARING ROOM, COUPEVILLE, WA
TUESDAY DECEMBER 11, 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>	

ROLL CALL

RAY GABELEIN, MIKE JOSELYN, ALAN SCHELL, VAL HILLERS, SHEILAH CRIDER, SCOTT YONKMAN, WAYNE HAVENS, & DEB EIDSNESS

APPROVAL OF THE MINUTES

Minutes from November 27, 2007, Commissioner Crider moved to accept minutes as written, Commissioner Joselyn seconded, motion carried.

ITEMS FROM THE PUBLIC

STEVE ERICKSON, WEAN

Discussed the Rempel Brothers proposal of enlarging their mine by adding 100 new acres of gravel pit. The County issued the initial SEPA & permit under a process in the State Environmental Policy Act called section 355, which he felt was intended for small projects the County expects a DNS would likely be issued. He stated this process is usually used for minor developments and he felt a 100 acre gravel mine is stretching it.

He stated the County's interpretation under the terms of the ordinance is that they must use that process. He suggested the Planning Commission take this up and correct it.

SHARON DUNN, president of the Holmes Harbor Water Company.

Which is located directly south of the proposed Rempel project. She stated the community is very concerned about the effect this may have.

JEFF TATE, provided information on this issue. An application for expansion of an existing gravel pit has been submitted, due to some compliance issues, or lack thereof on that particular gravel pit, the County returned the application and won't process it until the compliance issues have been resolved. At this point there is no proposal.

PLANNING DIRECTOR'S REPORT

Mr. Tate then provided an overview of the Board of County Commissioner's hearing on the Freeland Sub Area Plan held in Freeland, December 10th. It is the culmination of eight years of work that began in 1999. The public comments were similar to those

presented at the public hearings held by the Planning Commission: Freeland Hill, should vs. shall, design review and things of that nature. The BOICC voted unanimously to accept the Planning Commission's recommendation to designate Freeland as a Non-Municipal Urban Growth Area and to adopt the Freeland Sub Area Plan with one slight modification on the should and shall issue. Commissioner Dean suggested removing both words, where it would say "The County shall promote" to say instead "Promote" making it an action verb and then finish the sentence without any reference to either word.

They also voted to direct the Department to develop an implementation strategy, which is to outline the remaining steps. For the issues the Board and the Planning Commission felt were better addressed in County Code, to incorporate those into the implementation strategy, assuring under each step of the process those issues will be addressed. In this manner, people will be aware along the continuum of the different things left to do for the FSAP; developing a parks and open space plan, developing a transportation plan, developing County Code and all those steps remaining. The Board would then adopt by resolution this implementation strategy making it clear when and where those things will be addressed.

UNFINISHED BUSINESS – Public Meeting, deliberations of the Wetlands Draft Ordinance.

Chair Hillers thanked the public for their participation in this process.

Director Tate posed two questions of the Assessor last week.

1. How does the Assessor look at Wetlands and value Wetlands on property.
2. As more properties are added to the PBRs, does that place a premium on those properties? Because PBRs receive a tax benefit that provides a percent reduction of the valuation of the property, if there is a premium on PBRs properties, does that make them more valuable thereby increasing their value and then the percent reduction brings it back down to what it would have been if they weren't in the PBRs program?

Dave Mattens, Island County Assessor, addressed the Planning Commission.

The first question posed; do Wetlands add or subtract value to property valuation? The answer depends on how property is selling. Mr. Mattens stated he was an administrator; he administers the statutes. It is very clear in the statutes that property has to be valued at 100% of true and fair value.

What is true and fair value, it is market value; it is what a willing and non obligated-buyer will pay a willing and non-obligated seller. Therefore the public, the buyers & sellers determine what market value is. Whether or not this is going to detract from the value of wetland property depends on how it sells. Some believe it has value by adding a nice privacy buffer; it adds nature, it has value in songbirds. Some believe it is a

deterrent because you can't use it. It therefore depends on the views of the buyers and sellers.

When valuating a wetland property the process is governed by law; RCW 84.40.030 and WAC458-07-030. A property shall be valued at 100% of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law. Examples of this would be governmental programs like Current Use and Senior Citizen. Those are instances where the property must still be valued by market value, but are assessed for tax purposes; whether it is an exemption program or a deferral program, Current Use, Designated Forest, Open Timber, Farm & Ag, and Open Space, which would be the PBRs.

Both questions depend on the sellers and buyers.

Commissioner Schell questioned regarding how a person assessing a view, not knowing what the buffer is going to be would be able to assess. There may be instances where a property would lose its view once the size of a buffer was determined, because it would require a landowner to build on a portion of the property that does not have a view.

Mr. Mattens responded that those are exceptional issues that are looked at also. Again it is a case we would have to look at what other properties in the same circumstances are selling for. If there is an impact that prohibits use of the property, it would have to be looked at.

Ray Gabelein stated the Assessor's Office and their field work is going to become much tougher as the buffers are going to vary.

Mr. Mattens replied that there are very experience personnel already dealing with these types of issues. It is very site specific and depends upon market value.

Chair Hillers asked regarding the appeal process.

Mr. Mattens stated there is indeed an appeal process and it is also driven by sales comparables.

Jeff Tate inquired as to a concern of the public, if the Planning Department regulations prohibit a person from using the most valuable piece of their property, would the Assessor's Office look at that situation?

Mr. Mattens confirmed that is the case, property changes over time. There have been properties that don't perc and then years down the road things change in a manner that it is now buildable, thus the property value increases proportionately. Investors count on things changing, it is an evolving process.

Mr. Schell inquired if he bought ten acres with a 360 degree view and then later on because of the regulations he wasn't able to access the portion of the property that

would allow that view, the property has been valued at \$350,000 because that was what was paid for it, would he have to prove the property was no longer worth what was paid for it?

The Assessor explained it would depend on where that property was located. Property is valued by different methodologies, by acreage, square footage, by front foot, a good example of what happens according to all the IWAO standards, and all of the schooling that goes back on economics is that if the property has front foot value, it may not have much effect on the depth of that property. They are valuing front foot, where all the value is, as you get deeper into the property the value goes down; it doesn't mean the back of the property has no value, it is divided up either into quarters or thirds, and a larger percentage of value is where the front foot is and the deeper you go the lower the value, so it's a gradation. The acreage itself would have value; there are many factors that would need to be looked at.

Commissioner Schell asked how an owner, whose property is devalued by a wetland, is going to prove by comparables that their property is not worth what they paid for it. How would then find a comparable devaluation. He asked how difficult it would be for the property owner.

Mr. Mattens responded that the burden of proof is not only on the property owner it is also on the Assessor's Office. Again it is based upon sales. If the Assessor's Office find sales that show that is what people are paying for that type of property then that is what the value is. An appraisal is an estimate of value for tax purposes that in turn equate to services.

The Assessor's Office will provide comparable sales to a property owner if they request them, but it is up to the property owner if they disagree with the valuation to show the Assessor or the Board of Equalization, that there are comparable sales that show properties in the same conditions or scenarios selling for less. The Assessor's Office welcomes people to come into their office and help by providing information.

There are three methods of valuation on property: Sales Comparison; Income Approach; and the Cost Approach. Residential properties are primarily valued by sales comparison. Unique properties and situations require a lot of research based on the best available information.

Commissioner Yonkman stated the bottom line is property has to be valued based on the law, which is market value which will go up and down. He said he felt it may be wise to include a buyer beware section in the ordinance so that people would know property with a wetland may or may not be worth less than market value; you may or may not qualify for a tax benefit.

The Assessor also stated the Public Rating System is an exception by law and is an entirely different thing.

Commissioner Eidsness asked if a buffer is created around a wetland it is for the benefit of all of the public and if you cannot utilize four of your five acres, shouldn't you get a break on the fact that you can't use those four acres.

Val Hillers stated you may want to utilize the new Rural Stewardship Plan that would fit into the Public Benefit Rating System.

Jeff Tate stated the Rural Stewardship Plan is a new piece that makes you eligible and attaches a point value that fits into the Public Benefit Rating System.

The Commission thanked Mr. Mattens for his time

Mr. Tate stated as they moved into the next portion of the deliberation, Mr. Keith Dearborn would be assisting with the discussion about some comments received during the public comment period and to talk about some of the potential changes for consideration based on those comments. One point made in some of the written and oral comments during the month of November was regarding the adequacy of public comment periods and outreach.

He stated he would like to talk a little bit about the public comment period on the wetlands ordinance and discuss the opportunities that have been available for public comment.

Beginning around April 27th of this year, the Department began gearing up for the initial release of the County's draft ordinance.

- ✓ There have been no less than 26 newspaper articles on the update, not including the various Legals. These articles have appeared in The South Whidbey Record, The Whidbey News Times, The Stanwood/Camano News, The Whidbey Examiner, as well as the Everett Herald, The Skagit Valley Herald, and The Whidbey Marketplace Newsletter.
- ✓ The Department held 9 advertised public workshops, 6 of those workshops occurred in May and June with the initial draft, 3 more workshops were held in November immediately prior to the Planning Commissions Public Hearings.
- ✓ Two countywide flyers have been mailed to every landowner in the county that is about 25,000 flyers for each mailer. They were sent out to describe the process and the schedule. The first mailer sent in April described the initial round of public workshops and established an initial public comment period. The second flyer went out at the end of October and described the Planning Commissions meeting schedule; the three workshops, the three public hearings, the three deliberation dates and established a November 27th public comment period deadline, which was extended at the first public hearing on November 30th. Press releases were issued to the newspapers to let the public know the

comment period had been extended a few days. The website was continually updated throughout the process.

- ✓ Department staff appeared on 5 hour-long broadcasts on KWDB radio to describe the wetland draft ordinance and the features within.
- ✓ In excess of 16 additional public presentations were provided to different groups reaching out to at least 1,000 people. The public outreach has been unprecedented. There has been a lot of feedback from our neighboring jurisdictions, many asking how we could do such a thorough job.
- ✓ There has been a six month public comment period, beginning in April with the workshops, but at a certain point we need to close comment to move this forward to the Planning Commission. The County's legal obligation is to put a legal ad in the newspaper for these proceedings. Substantial time and substantial money has gone into the outreach effort. He stated he would like to make sure the record is clear on that. He stated Jan Smith has been the principal person leading the outreach efforts.

Jan Smith stated the outreach will be an ongoing project. Right now they are engaged in meeting with people who make their living off the land. People who move dirt, log, sell property; doing special workshops with them to help them better understand about wetlands. She stated she would also like to thank the Department and to thank the Commissioners; a lot of what is not documented is the fact that Commissioners, who are looked to by the community for planning information, have had a lot of impromptu opportunities to talk to people about the wetland update. A lot of that type of outreach is not documented but it is all part of the project.

Commissioner Alan Schell stated he would like to add to the record that most everyone he talks to knows about the wetlands and what the Planning Commission is evaluating. People were well informed in the community. Those who had wetlands were well apprised, whether through Strawberry Point or the internet were well informed of what is going on. He stated he didn't find anyone that was not aware.

Commissioner Sheilah Crider stated that during the time they were announcing the dates of our hearings and scheduling the meetings, she would forward the notice to her office list, which has varying between 126 and 138 agents, asking them to let their clients know the schedule of the Planning Commission. She stated from her office alone it went to the agents within her company and then to their clients, ranging from the south end of the island and all the way to the north end by the bridge.

Commissioner Deb Eidsness stated both her and Commissioner Wayne Havens have tried to reach out to Camano as well. She stated she has incorporated the help of WSU, Livestock Advisors plus their co-op members from Skagit Farmers Supply as well as the high schools. The Natural Resource Team has taken this on personally as a project;

Stanwood Camano High School has gone out and done community outreach one on one, working at getting this information out there.

SUGGESTED AMENDMENTS

Keith Dearborn advised the first document for consideration before Planning Commission is the Prosecutor’s Technical Amendments. They review every ordinance before the Board of Commissioner’s act on it. This is their first review; the changes are all technical changes, typos and corrections. This document if accepted would supersede the public review ordinance prepared in October.

Commissioner Sheilah Crider moved to accept the technical amendment as corrected by the Island County Prosecuting Attorney’s Office and use it as the base document for the rest of the deliberations. Commissioner Deb Eidsness seconded; the motion carried unanimously.

SUGGESTED AMENDMENTS

AMD	SUBJECT	REQUEST OR
1	<p style="text-align: center;">Technical Revisions</p> <p>Proposal Description: Various changes that clarify or simplify code language. Rationale: These changes are not substantive. They clarify terms and standards or correct typos.</p> <p>Pg. C-3; Pg. C-6; Pg. C-7; Pg. C-12; Pg. C-13; Pg. C-16; Pg. C-17; Pg. C-18; Pg. C-22; Pg. C-23; Pg. C-25; Pg. C-26; Pg. C-27; Pg. C-30; Pg. C-31; Pg. C-32; Pg. C-33; Pg. C34; Pg. C-38; Pg. C-39</p> <p><i>Commissioner Schell moved to accept amendment #1 as written, Commissioner Gabelein seconded; motion carried unanimously.</i></p>	<p>Various Parties</p> <p><u>Sponsor</u> Staff</p>
2	<p style="text-align: center;">Mitigation Timing</p> <p>Proposal Description: Establish a date certain for the completion of mitigation. Rationale: The CAO needs to have a clear deadline for the completion of mitigation.</p> <p>This change is located on the following page: Pg. C-41 After discussion # 5 was re-worded to read: 5. Mitigation by Re-establishing, Rehabilitating, Creating, Enhancing or Preserving Wetlands or Wetland Buffers should be completed in advance of activities that will disturb wetlands whenever Practical and Reasonable and must be based on a Mitigation Plan approved by the Department. If Mitigation is not completed in advance, then it should be completed</p>	<p>CTED/ WSDOE</p> <p><u>Sponsor</u> Staff</p>

	<p>before completion of the Approved Development Proposal. Otherwise, Mitigation shall be completed within one (1) year of the decision to require mitigation.</p> <p><i>Commissioner Alan Schell moved to accept proposed amendment # 2 as re-written, Commissioner Sheilah Crider seconded; motion carried unanimously.</i></p>	
3	<p style="text-align: center;">Highly Erodible Soils</p> <p>Proposal Description: Allow buffer increase if a buffer contains highly erodible soils. Rationale: Make it clearer how Highly Erodible Soils affect Wetland Buffers.</p> <p>Pg. C-9 Suggested change to remove the word <i>reduced</i> and replace it with the word <u>increased</u> and removing the word <i>not</i> in the phrase, “are not found.”</p> <p>Pg. C-40 Suggested change to 17.02.A.090.G.1b is to remove the entire line b.</p> <p><i>Commissioner Sheilah Crider moved to approve amendment #3 in regards to Highly Erodible Soils to reflect the changes in the document before the Commission. Commissioner Ray Gabelein seconded; motion carried unanimously</i></p>	<p>CTED/ WSDOE WEAN</p> <p><u>Sponsor</u> Staff</p>
4	<p style="text-align: center;">Wetland Identification Guide</p> <p>Proposal Description: Clarify that County will make intensity and wetland classification determinations. Rationale: The Wetland Identification Guide provides information used by the County in CAO determinations. However, the County will make final determinations.</p> <p>Pg. C-2 To change the label from Wetland Reports to Wetland Identification.</p> <p>Pg. C-33, C1. Was changed completely to read:</p> <p>1. The Department shall determine Wetland Type, location and Classification for any Development Proposal on a lot that contains or is affected by a Wetland. This determination will use information provided to the County through the Field Indicators Worksheet contained in the Wetland Identification Guide or a Wetland Report.</p> <p>2. Wetland Identification Guide. The purpose of the County’s Wetland Identification Guide is to assist an owner and/or an applicant in the identification of Wetlands. Either a Wetland Report or the Field Indicators Worksheet contained in the Guide shall be submitted with Development Proposals for Single Family Dwellings.</p> <p>Pg. C-15; Pg. C-33</p>	<p>CTED/ WSDOE WEAN</p> <p><u>Sponsor</u> Staff</p>

	<p>Pg. C-34. A clarification by adding “The Land Use Intensity Worksheet from the Wetlands Identification Guide shall be submitted with all Development Proposals and will be used by the Department in its determination of Land Use Intensity.”</p> <p>Pg. C-36 “Only single family home have the options of the submitting the Field Indicators Worksheet”.</p> <p><i>Commissioner Sheilah Crider moved to table #4 until Thursday, Commissioner Scott Yonkman seconded; motion tabled.</i></p>	
5	<p style="text-align: center;">New Agriculture</p> <p>Proposal Description: Limit the use of BMPs for new Ag to the reestablishment of historic pastures for grazing of livestock or horticulture. Rationale: The County Ag BMP Program protects Wetlands from the adverse impacts of agriculture.</p> <p>Pg. C-24 F. Adding the word “Existing” to the beginning of the sentence Existing Agricultural Activities may intrude or continue to intrude in Critical Areas and Critical Area Buffers, as provided herein. (The words “<u>as provided herein</u>” were also added at the end in place of “<i>as follows</i>”). New Agricultural Activities that involve reestablishing Existing pastures for grazing of livestock or horticulture may comply with the requirements of this subsection. All other new Agricultural Activities shall continue to comply with Chapter 17.02 ICC.</p> <p>Discussion regarding the words <u>existing pasture</u> vs. <i>historically used</i> for pasture. Not just as pasture, but as agricultural activities.</p> <p><i>Commissioner Crider moved to table # 5 until Dec. 13th, Commissioner Eidsness seconded; motion tabled.</i></p>	<p>CTED/ WSDOE</p> <p><u>Sponsor</u> Staff</p>
6	<p style="text-align: center;">New Agriculture</p> <p>Proposed Description: Clarify that conversion of ag land to non-ag uses must comply with CAO. Rationale: Property owner should be required to comply with CAO requirements when land is converted to non-ag uses.</p> <p>Pg. C-25 The addition of adding #9 is relating to the issue of having used BMP’s and then having done that and essentially eliminated the wet pasture as part of that process and then coming in and wanting to develop that wet</p>	<p>CTED/ WSDOE</p> <p><u>Sponsor</u> Staff</p>

	<p>pasture for some use that would have other wise had to comply with Critical Area regulations.</p> <p>9. New Non-agricultural Uses on lands previously devoted to Agricultural Activities that conformed to the requirements of this subsection shall comply with the requirements for this Chapter that are applicable to such uses.</p> <p>Mr. Dearborn stated an example would be a Category A wetland where Ag has been intruding in the buffer, someone comes in and says now I want to build by house in the buffer or a commercial use in the buffer. Or it's a stream and they've been using BMP's to hay up to the stream and now they want to build some non agricultural use and again they want to go right up to the stream. This is the issue that DOE is concerned with.</p> <p>Commissioner Crider stated she wanted to be sure it did not apply to man made drainage ditches, wanted it stated for the record.</p> <p>Mr. Dearborn stated the wet pasture is the concern.</p> <p><i>Commissioner Crider moved to table # 6 to Dec. 13th, Commissioner Eidsness seconded; motion tabled.</i></p>	
	<p><i>Discussion moved to amendment 8, returning to amendment 7 later</i></p>	
<p>8</p>	<p style="text-align: center;">Building Setback for Small Wetlands</p> <p>Proposal Description: Add a 15-foot building setback when Buffers are 15 feet. Rationale: A 15-foot Buffer needs to be supplemented by a building setback.</p> <p>Pg. C-37, 1. a) Adds the words “with a fifteen (15) foot setback for building and structures” to the end of the sentence.</p> <p>Commissioner Gabelein stated this would be an increase; it would be a buffer on top of a buffer.</p> <p>Mr. Dearborn replied, DOE is saying it is not enough, that you need to have the buffer, and then add a setback for structures due to the other impacts from a home, lights, noise.</p> <p>Chair Hillers stated she felt it was a mistake to call it a buffer, it has restrictions, but it is not a buffer.</p> <p><i>Commissioner Joselyn moved to accept amendment # 8, Commissioner Schell seconded, Commissioner Gabelein, Commissioner Crider and Commissioner Yonkman opposed; motion carried.</i></p>	<p>CTED/ WSDOE</p> <p><u>Sponsor</u> Staff</p>

	<i>Discussion then moved back to amendment 7</i>	
7	<p style="text-align: center;">Vegetated Buffers</p> <p>Proposal Description: Clarify the character and function of vegetated in a manner that is adequate for Buffer functions. <i>Rationale: Buffers are presumed to be well vegetated in a manner that is adequate for Buffer functions.</i></p> <p>Dr. Paul Adamus addressed this amendment. In the terms of water quality filters, non-native plants filter just as well as native plants.</p> <p>Pg. C-5 Proposed change to Buffer: Wetland Buffers are presumed to be well vegetated with undisturbed vegetation that is adequate to protect, as applicable, water quality or Habitat.</p> <p>On pg. C-37 Dr. Adamus suggested removing the word <u>Native</u> from the sentence: Buffer widths are based on the presumption that Buffer is well vegetated with Native Plants that are adequate to protect, as applicable, Wetland water quality or Habitat.</p> <p>The only change to this sentence is the change from <u>Native Plants</u> to “plants”</p> <p>Pg. C-40 The word <i>Rehabilitation</i> replaced the word <u>Creation</u>.</p> <p><i>Commissioner Schell moved to accept amendment # 7 as recommended by Dr. Adamus, Commissioner Joselyn seconded; Commissioners Gabelein, Yonkman, Havens and Eidsness opposed. Commission is split, motion failed.</i></p> <p>Discussion on the motion.</p> <p><i>Commissioner Eidsness moved to reconsider # 7 for a revote. Commissioner Crider seconded;</i></p> <p>Further discussion</p> <p><i>Commissioner Crider moved to table the motion, Commissioner Yonkman seconded; motion tabled.</i></p>	<p>CTED/ WSDOE</p> <p><u>Sponsor</u> Staff</p>

<p>9</p>	<p style="text-align: center;">Mature Forest Wetland Buffers</p> <p>Proposal Description: Provide that Buffers for Mature Forest may be increased to prevent windthrow damage. <i>Rationale: Trees located in Mature Forest Wetlands need Buffers large enough to protect them from windthrow.</i></p> <p>Pg. C-40 Commissioner Gabelein stated windthrow is a natural process and by increasing the buffer an additional 25% is adding a buffer for the buffer. He also stated there needs to be an appeal process.</p> <p><u>It was determined it needs to be added to 17.02.</u></p> <p>Further discussion</p> <p>Dr. Adamus stated he would advise using caution in selected removal of any tree within the wetland for the purpose of protected the wetland from windthrow.</p> <p><i>Commissioner Eidsness moved to accept the proposed amendment # 9 as written. Commissioner Schell seconded; Commissioner Eidsness, Commissioner Havens, Commissioner Crider and Commissioner Gabelein opposed. Motion was rejected.</i></p>	<p>CTED/ WSDOE, WEAN</p> <p><u>Sponsor</u> Staff</p>
<p>10</p>	<p style="text-align: center;">Mature Forest Definition</p> <p>Proposal Description: Modify definition to be consistent with WSDOE’s Rating System. <i>Rationale: Definition should be consistent with the State Rating System.</i></p> <p>Pg. C-10 The DOE definition for Mature Forested Wetland was re-established. All definition to specific tree species needed to be deleted and they either have a diameter of 21 inches or are 200 years old.</p> <p>Commissioner Eidsness asked if the original definition could be used and just strike the alder from it.</p> <p>Dr. Adamus feels the original definition follows the Best Available Science. His preferred approach is to go to the 18 inch definition.</p> <p>Commissioner Crider feels the DOE definition is the most defensible.</p> <p><i>Commissioner Schell moved to accept amendment # 10 as modified. Commissioner Joselyn seconded. Motion carried with one opposition, Commissioner Gabelein.</i></p>	<p>Hunsinger</p> <p><u>Sponsor</u> Staff</p>

11	<p style="text-align: center;">Habitat Buffer Determinations</p> <p>Proposal Description: Make it clear that Habitat scores will be confirmed by the Department. Rationale: The Worksheet prepared by an applicant or owner will be used as a guide but the final determination will be made by the County.</p> <p>Pg. C-38</p> <p><i>Commissioner Crider moved to approve proposed amendment # 11 with the one grammatical change. Commissioner Joselyn seconded; motion carried unanimously.</i></p>	<p>Hillers</p> <p><u>Sponsor</u></p> <p>Staff</p>
12	<p style="text-align: center;">Storm Water Management</p> <p>Proposal Description: Allow downstream property owners to manage storm water that emanates from actions of upstream property owners. Rationale: Downstream property owners should be able to protect their property from actions of upstream property owners.</p> <p>Pg. C-25</p> <p>This Exemption includes actions required to manage storm water that is intentionally or unintentionally directed to downstream property by the construction, upstream, of roads, structures or other improvements.</p> <p>A grammatical change was noted to the proposed amendment.</p> <p><i>Commissioner Crider moved to accept amendment # 12 as submitted with the one spacing correction, Commissioner Gabelein seconded; motion carried unanimously.</i></p>	<p>Gabelein</p> <p><u>Sponsor</u></p> <p>Staff</p>
13	<p style="text-align: center;">Construction Activity Setbacks</p> <p>Proposal Description: Establish a setback to avoid construction damage to Buffers. Rationale: Construction activity close to Wetland Buffers needs to be controlled to avoid damage.</p> <p>Pg. C-20</p> <p>Construction Activity Setback, when any building or structure including decks and patios are approved for construction within twenty (20) feet of a Critical Area Buffer, conditions shall be established by the Department to ensure that all construction activity is conducted to avoid any intrusion in the Buffer.</p> <p>Commissioner Schell stated he feels this is not enough, he feels it should be 40 feet.</p>	<p>Staff</p> <p><u>Sponsor</u></p>

	<p>Commissioner Gabelein asked how it would be dealt with if a landowner is building far away from the wetland, this would require it to be delineated in order to mark it.</p> <p>Commissioner Havens suggested B.3 state that the Department may require temporary marking during construction and permanent marking under certain conditions.</p> <p>Commissioner Schell asked for # 4 to be reworded for Dec. 13th, adding in temporarily during construction, without the footage and leaving it up to the Department's discretion.</p> <p><i>Commissioner Crider moved to table # 3 until Thursday, Commissioner Gabelein seconded; motion tabled.</i></p>	
14	<p style="text-align: center;">Land Use Intensity</p> <p>Proposal Description: Establish specific standards for intensity determination. Rationale: Specific standards are needed.</p> <p>Pg. C-10; Pg. C-34; Pg. C-35; Pg. C-36;</p> <p>Section 3 – Rural Stewardship Plan.</p> <p>A number of questions have been raised on land use intensity.</p> <p>Director Tate stated provided an overview of the two pieces of this amendment.</p> <p>Chair Hillers stated this helps the complexity, feels this is a good step towards that.</p> <p>Commissioner Yonkman stated more time is needed to review this amendment.</p> <p><i>Commissioner Yonkman requested to table this until Thursday, Commissioner Crider seconded, motion tabled.</i></p> <p>Commissioner Gabelein asked if staff had enough information to adequately revisit this on the 13th.</p> <p>Mr. Tate stated he did not.</p> <p>Commissioner Yonkman withdrew his motion to table this amendment. Commissioner Crider withdrew her second.</p>	<p>Staff</p> <p><u>Sponsor</u> Staff</p>

	<p>Further discussion started with page C-10, the addition of impervious surfaces.</p> <p>Pg. C-34 Commissioner Gabelein asked staff to take another look at the proportionality and equability in the clearing of land to reach the lower densities. Some people visualized having a low intensity type use by putting their home on five acres, when now it maybe much more difficult than they assumed.</p> <p>Mr. Dearborn explained DOE guidance is that a home on five acres is not low intensity, it is medium intensity. It can become low intensity depending on what the owner does to manage activities on their property. Because of patios, decks, dogs, lights, noise, homes aren't low intensity. People wanted to know what they could do to lower the impact. The list looks painful, but it is what would be required to lower the intensity.</p> <p>Commissioner Crider addressed items 1.c and item 1.b; is concerned about the proportionality.</p> <p>Mr. Tate stated it is a result of having a threshold. The numbers were derived from the historical trends the Department has been monitoring over the last eight years.</p> <p>Discussion regarding fertilizers, pesticides and herbicides and whether there were responsible products that could be used. Requesting the types of fertilizers, the distances.</p> <p>Another issue was the 60 watt lighting and existing Code regarding how many lighting fixtures are allowed.</p> <p>Commissioner Schell stated he felt the fines for violating the Rural Stewardship buffers should be spelled out in order for people to understand the serious consequences involved.</p> <p>Chair Hillers stated that # 14 has been tabled and discussion ended.</p>	
15	<p style="text-align: center;">Beaver Removal</p> <p>Proposal Description: Add control to the list of exempt actions and require least invasive techniques. Rationale: Controlling to the extent possible may be the preferred action and any action should minimize damage.</p> <p>Page C-27 Removal of Beaver. Adding Control, to the trapping and removal of Beaver from Critical Areas or Critical Area Buffers provided no</p>	<p>WEAN</p> <p><u>Sponsor</u> Staff</p>

	<p>Alteration occurs except the removal of the Beaver dam and the control, trapping or removal (adding) <i>minimized damage and</i> is authorized by the Washington State Department of Fish & Wildlife (DFW) through the issuance of a Hydraulic Project Approval (HPA).</p> <p>Commissioner Gabelein wanted it to be clear we are minimizing the damage to the critical area as it existed before the beaver caused the damage.</p> <p>Mr. Dearborn, suggested striking the words “<i>minimized damage and</i>”</p> <p><i>Commissioner Gabelein moved to approve amendment # 15 as modified, Commissioner Joselyn seconded; motion carried unanimously.</i></p>	
16	<p style="text-align: center;">Emergency Work</p> <p>Proposal Description: Provide that the Department will establish review procedures for emergency actions. <i>Rationale: Specific reporting procedures are needed.</i></p> <p>Pg. C-26 Mr. Dearborn advised this amendment would require the County to develop reporting procedures so anyone conducting emergency action would know what to do.</p> <p>Discussion on same.</p> <p><i>Commissioner Crider moved to approve # 16 as submitted, Commissioner Eidsness seconded; Motion carried unanimously.</i></p>	WEAN
17	<p style="text-align: center;">Fencing and Signage</p> <p>Proposal Description: Delete permanent fencing and signage requirements. <i>Rationale: Permanent fencing and signage are not needed to protect wetlands.</i></p> <p>Pg. B-4 Commissioner Gabelein stated he supported this amendment, stated he did not want to see fencing in a critical area buffer. Stated he felt it would be counter productive. There are safety issues, maintenance issues and signage can be addressed in a development proposal if and when they are warranted.</p> <p><i>Commissioner Joselyn moved to accept amendment # 17 as submitted, Commissioner Crider seconded; motion carried unanimously</i></p>	<p>Hunsinger</p> <p><u>Sponsor</u> Staff</p>

18	<p style="text-align: center;">Voluntary Wetland Improvement Projects</p> <p>Proposal Description: Clarify that there are multiple ways to complete voluntary improvements. <i>Rationale: The CAO needs to be expanded to allow additional rudimentary actions.</i></p> <p>Pg. C-1; Pg. C-13; Pg. C-21; Pg. C-23; Pg. C-24; Pg. C-39 Amendment broadens the wetland improvement projects.</p> <p><i>Commissioner Crider moved to approve # 18 as submitted, Commissioner Eidsness seconded; motion carried unanimously.</i></p>	<p>Staff</p> <p><u>Sponsor</u></p> <p>Staff</p>
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Chair Hillers continued this meeting to December 13th at Noon.

The meeting concluded at 4:25 p.m.

Respectfully submitted

By Paula Bradshaw