

**ISLAND COUNTY PLANNING COMMISSION  
 COMMISSIONERS HEARING ROOM, COUPEVILLE, WA  
 DECEMBER 4, 2009**

	<b>Members Present</b>	<b>Members Absent</b>
<b>District 1</b>	<b>Val Hillers</b>	
	<b>Ray Gabelein</b>	
	<b>Mike Joselyn</b>	
<b>District 2</b>	<b>Terry Reynolds</b>	
		<b>Rex Porter</b>
	<b>Mahmoud Abdem-Monem</b>	
<b>District 3</b>	<b>Wayne Havens</b>	
		<b>William Lippens</b>
	<b>Scott Yonkman</b>	

Chair Ray Gabelein called the meeting to order.

**ROLL CALL**

Mahmoud Abdem-Monem, Mike Joselyn, Ray Gabelein, Val Hillers, Scott Yonkman, Wayne Havens, Terry Reynolds.

Staff Present: Robert Pederson – Planning Director, Brandon Sweeza – Long Range Planner

**APPROVAL OF MINUTES**

**October 20, 2009**

*Commissioner Joselyn moved to approve the minutes as written, Commissioner Hillers seconded, motion carried unanimously.*

**PLANNING DIRECTOR’S REPORT**

Director Robert Pederson provided an update of County business; the budget will have an impact on next years’ docket process. Next year work will begin on the 2012 Master Shoreline Program with help from Ecology grant funds. Next Monday a resolution will be adopted by the board to approve simultaneous review of the Fish & Wildlife Update along with the Shoreline Master Program Update. State Agencies are on board with this approach.

The 2010 wish list for docket items are still being prioritized, given the available resources. There was a discussion regarding where the Freeland Sub Area planning process fell within the priorities and a consensus of the Planning Commission that this needed to be finalized. Mr. Pederson stated the Board of Island County Commissioners has confirmed they do want this item on the docket next year. Grant money was sought to help with this effort, but was not successful, however it will be on the 2010 docket.

A recent Eastern Washington Growth Management Hearings Board decision related to the docket process speaks to the whole docket traveling together; the effective date of all the documents will need to be the date of the last docket item passed. Logistical and administrative processes will need to be looked at with that in mind.

Two Planning Commission terms are up in January and those interested in this Planning Commissions positions need to apply.

Fee increases have been recommended for both land use permits and building permits to maintain and enhance the ability to provide service and come closer to cost recovery for services and to raise revenue to purchase a software program for a permit tracking database.

## **ITEMS FROM THE PUBLIC**

Geoff Tapert, Langley 98260

X-Sound, provided a document addressed to the Planning Commission.

Discussed Ordinance C-57-08, related to a Farm Stand that was taken away based on the Freeland Interim Ordinance. He feels this was a technical issue and wanted to know the Planning Commission's view of this issue.

Mr. Pederson provided clarity at the request of the Chair regarding the issue. The NMUGA is attempting to move away from the rural uses into more of an urban use. This item will need to be heard by the Board of Island County Commissioners.

## **UNFINISHED BUSINESS – Public Meeting Continued deliberations:**

**Ebey's Reserve** – Proposed amendments to the standards and procedures that regulate development within Ebey's Landing National Historic Reserve. These amendments modify permit review procedures, development standards, and they incorporate references to a companion design manual.

Director Pederson advised that Tuesday evening the Town Planning Commission voted and approved recommendations with caveats to be worked out at the legislative body.

Director Pederson stated that both sets of recommendations will be presented to the joint legislative bodies. There will be two ordinances because there are two governing bodies. The overarching goal is still there to have the process outcome be the same regardless of whether you are in the Town or the County.

Trust Board Manager Mark Price discussed to the best of his recollection the recommended changes made by the Town Planning Commission:

1. The Commission makeup:
  - a. They recommended the word "special" be taken out from what had been listed as special interest group.
  - b. Coupeville has a set number of appointments for members on the commission and they have added that they these members need to reside in the Town of Coupeville or have property in the Town of Coupeville.
2. They recommended small repairs such as the repair of a few shingles need not require any ministerial or other interaction with the Town or the County.
3. Whether or not there could be a provision for a historic property owner to appeal their inclusion on the list as a contributing historic structure. It is not sure if this is possible, staff will have to research the legal issues.

4. Demolition Ordinance: discussed a team of experts, they were comfortable with the structural engineering requirements, but the full list of experts the Town Planning Commission recommended it be changed to “may” rather than shall to provide flexibility.
5. Discussed the intention that staff will train this commission and that it will be a well trained commission.
6. Funds, the Ebey’s Forever Fund, discussed the fact that there is money in that fund and that the primary focus for that fund in the first few years would be the Heritage Farms and those historic structures. Those funds will be distributed next fall.
7. AG exemptions were the final concerns.

Commissioner Hillers prompted discussion on exemptions that include agricultural activities, 17.04.060 B.4., Page 20. It included discussion on the Ag exemptions memo from Mr. Preiss.

Planning Commission desired to ensure the memo travels forward with their recommendation to the Board.

Mr. Pederson stated it could be appended to the staff report.

Design Review Manual was discussed. The Town approved it in concept, knowing it would be continued to be worked on as it moves through the legislative process. It is not intended to be codified, but open to administrative modification when necessary.

Appeal process was discussed. It appeared to some members that there would be a loop through the system without allowing having a satisfactory resolution. The appeal process would be the same structure as is currently in County Code. It needs to be clarified in the document. The commission cannot sit as an appellant body. It was determined that aspect needs to be clarified to make it clearer.

Concern was expressed in recommending the Design Manual, when a final draft of the Design Guidelines was never presented for review. A final draft should be sent to the Planning Commission for review to ensure it follows the vision of the manual as represented in the public hearings.

An annual review / report needs to take place, possibly in the form of an annual report at the end of the year to come back to the Planning Commissions from the Reserve Partners to see if there is something that needs to be recommended for amendment.

Repairs to existing buildings were discussed, including whether some of those need to be exemptions such as page 20, Level A Certificate of Appropriate Decisions – Ministerial a) i, ii, and iii. The discussion also included the fact the title of 17.04.060 needing not to have it say “Historic Building” as it pertains to other buildings as well.

It was further stated by staff that grammatical corrections will continue to be made as they are found.

Beginning on page 14, Exhibit A, Revision to 17.04 ICC the Planning Commission discussed these proposed amendments:

Page 14, Emergency Repair: suggested adding “wind damage”.

Page 16, Significant Trees: The definition came from previous work on the Camp Casey Existing Master Plan. Concern regarding how it would be determined what is considered to be significant habitat value. There was a concern that there is a potential for this to be construed too liberally.

Page 17, Appointment of Members should be Appointment of Ebey's Reserve Commission. B.1 Four (4) members appointed by the Board should possibly be identified as being members of unincorporated Island County.

B.1 and B.3 should say the Board of County Commissioners rather than "County Commission".

C.1 where it says "demonstrated special interest" it was agreed it should be only "demonstrated interest".

Page 18, for clarification E.4 does there need to be an added word indicating it only refers to historic properties within Ebey's Reserve. It was determined this needs to be addressed with the Assessor's Office and if it only applies to those properties within the Reserve, then language will be added to make that clear.

Page 19, Change title of 17.04.060 to remove historic buildings. Change to "Procedural and Substantive Requirements Within Ebey's Landing."

Page 20, B.4 Discussion to drop the qualifiers of Commercial Ag or being enrolled in the Ag tax program in order to not discourage Ag activities, all members concurred.

Discussion then moved to the wording "located in proximity to other structures, similar structure, and of similar design and scale" was discussed in relation to exemptions.

Economic implication to the farmers was also discussed. The Planning Commission stated they wished to have the Findings of Fact include a statement that consideration of the economic implication to the farmers is important.

C.2 – Strike "as now exist or is hereinafter amended, govern the decision making timeframes."

Page 20, Level A Certificate of Appropriateness Decisions – Ministerial it was suggested to move 1.a) i., ii., and iii. under exemptions. Discussion continued to removing the wording of "still comply with the Guidelines specified in the Design Manual" repairs should be able to be made in kind. Determined there should be two separate categories created for ordinary repair of non-historic structures or replacement in kind it would be exempt and would not have to comply with the Design Manual.

However, i., ii., iii. would refer only to historic structures.

The Planning Commission had consensus that any decisions should have an appeal process. The Planning Director stated the current structure of appeals would also relate to this process. It was determined the appeal process should be made clear throughout the document.

Page 21, 1.ix. – “walkways” should be stricken.

2.x should be moved to page 20 C and added as number 3.

2.viii. – need to add the words “historic homes” to this item.

Recess

Page 22, F. – should be D.

Page 23, F.1.a.ix – wording is confusing, it is also rather redundant. If it is a level B COA it will be under SEPA review anyway. Recommendation was to strike it completely.

Page 24, 2.e and 2.f – It should be made clear that the Commission puts in writing their recommendation along with the reasons for it and it will be sent to the Planning Official and then in f, it should be clear the Commission will not mail something directly to the applicant, it will go to the Planning Official and the Planning Official will be the one to mail something to the applicant.

Page 25, 4.b.ii. – Will be stricken.

i. Shall be replaced with verbiage stating reports relevant to support the applicants’ reason for demolition.

Page 26, The second 4.b – should be stricken.

7.a.ii – The word “and” at the end of the sentence should be replaced with or.

Page 27, H. – Geritage will be changed to Heritage.

H.1.a – Should be changed to say Reserve Partners.

Page 28, 17.04.060 – Procedures for Changes to the Guidelines would be an appropriate place to add the annual report to the Planning Commission discussed earlier.

Page 33, Discussion regarding the disclosure statement, to add Lesee (Buyer/Lesee)

**Statement:**

Change the last paragraph to move up to the first paragraph before the words, “The owners of property within the Ebey’s Landing have a unique...”

Appendix A

Once the list is as exact as possible, the owners should receive a mailer that tells them they are on this list and the Planning Commission would like that reflected in the Findings of Fact.

*Commissioner Hillers moved to approve the revisions to 17.04 ICC to include the changes discussed during deliberations discussed during deliberations. Joselyn seconded, motion carried unanimously.*

*Commissioner Hillers moved to authorize the Chair to sign Finding of Fact after they are emailed and it is agreed that they correctly reflect today’s deliberations, Commissioner Reynolds seconded, motion carried unanimously.*

### 3.40. Public Benefit Rating System

Discussion on the history of the program and its' roots in State Law and then revisions to 3.40 as it relates to Ebey's and Open Space.

Changes suggested by the Planning Commission:

Page 51 – The first sentence is incomplete. It needs to be completed according to state requirements.

Discussion regarding the Open Space program: Since the regulations are changing the property owners are allowed to get out of the current agreement without getting penalized within 30 days of notification of the change to their property. People cannot be grandfathered into the program and will have to be phased over to the PBRs program, thus they get this one chance to get out. It will be done in phased evaluations.

The Planning Commission asked to be sure the Findings of Fact reflected their desire to make sure the owners of the properties affected by the change in Open Space will have as much notice as possible.

*Commissioner Reynolds moved to approve Chapter 3.40 changes, Commissioner Joselyn seconded, motion carried unanimously.*

*Commissioner Reynolds moved to authorize the Chair to sign the Findings of Fact and to include in the Findings of Fact that the property owners be properly notices of the potential change in their tax status, Commissioner Joselyn seconded, motion carried unanimously.*

Chairman Gabelein adjourned the meeting at 1:43 p.m.

Respectfully submitted,

By Paula Bradshaw