PLANNING COMMISSION
COMMISSIONER’S HEARING ROOM, COUPEVILLE, WA
TUESDAY, November 19, 2013

Meeting was called to order at 9:00 a.m. by Chair Havens.

ROLL CALL
Jim Hall, Leal Dickson, Wayne Havens, Val Hillers, Scott Yonkman, Jeff Wallin, Dean Enell

Minutes: August 27, 2013; September 10, 2013; September 24, 2013
Commissioner Hillers motioned to approve the minutes, noting a correction that had been made to the September 10th minutes, Commissioner Yonkman seconded, motion carried unanimously.

Planning staff present: David Wechner – Planning Director, Will Simpson – Long Range Planner, Kira Swanson – Critical Area Planner.

ITEMS FROM THE PUBLIC

Jason Bohbot, 370 NE Camano Dr, Camano Island
Discussed the moratorium on I-502.
- Liquor Control Board has started the process to accept the applications.
- Suggested hiring someone to look into the issue, possibly his team could help.
- Asked if Island County has looked at the financial benefits to the County.

Commissioner Hillers explained that the moratorium was not processed through the Planning Commission. But will ask the Planning Department to take a look at it. The Planning Commission cannot make the decision.

Commissioner James Hall stated that he had attended the work session at which the moratorium was voted in, Commissioner Kelly Emerson was unable to attend, but is opposed to the moratorium and Commissioner Helen Price Johnson had hoped to get it reduced down to three months, but without Commissioner Emerson’s support was unable to get it voted in. He further stated that Commissioner Price Johnson had called him and asked him to see if he could get the Planning Commission involved to get more public input into this issue.

Mr. Hall stated he had asked Mr. Bohbot, who is one of the many medical marijuana growers in Island County to come today to present his side of the issue.
Commissioner Dickson stated he would support that but wanted clarification on exactly how this was the jurisdiction of the Planning Commission.

Director Wechner stated he has been asked by the Board of County Commissioners to look at classifying the uses identified in Initiative 502, production, processing, and retail, to determine in what zones it might be more appropriate in and regulate the land use or analyze to what degree the County wishes to regulate that. It also involves the degree of public participation or notice that land use decisions might have, such as whether they are processed as Type I, II, or III applications with notice to adjacent neighbors and the opportunity for public involvement.

Mr. Wechner stated he had planned on addressing the topic at length in the Planning Director’s Report and has been asked by the Board of Commissioners to approach the Planning Commission with a schedule for their involvement and to hold public hearings on the issue. The six month moratorium comes from the Planning Enabling Act and is also reiterated in the Growth Management Act. He further explained the process.

Commissioner Dickson asked for a timetable.

Mr. Wechner responded that he was putting that together this afternoon and would be meeting with the Board for input of what they think that time process should be.

Commissioner Enell asked if Mr. Bohbot would be applying for a license and he stated that he would be in Snohomish and King Counties, but not Island County at this moment, since he feels the Liquor Control Board would be discounting any applications in a location with a moratorium. He feels he only has a 30 day window to apply, further stating he would not waste his time with Island County.

Commissioner Hall questioned Mr. Bohbot regarding his family and his knowledge of the current grow operations in Island County.

Answering questions from Commissioner Hall, Jason stated he lived on Camano, was married, had two children, and has been growing medical marijuana for the past 4 years.

- He stated the number of people involved in the business planning is around a dozen; a team leader handling the legal and paperwork aspects, investors, himself, a couple other growers are all involved just to facilitate a license.

The discussion continued and covered such items as:

- Security
- Zoning
- Locating a property or landlord
- Appropriate building.

Commissioner Yonkman stated he would suggest Mr. Bohbot submit his application as things can run concurrently.
Further discussion regarding the moratorium continued.

**Steve Erickson**, speaking for himself. Discussed the same topic, covering a few other items.
- I-502 passed by a 56 % vote.
- You can have a liquor store near a school yet you cannot have marijuana retail, the rules are very onerous.
- Liquor Control Board will accept applications with moratoriums.
- Marijuana cannot be prohibited per state law.
- Agricultural production and sales of agricultural products are allowed in every zone in the County, if someone has a rigid wall green house, all they would have to do is put in monitoring cameras and alarm systems.

**Ron Nelson**, Economic Development Council, 180 NW Coveland, Coupeville
Discussed a recent meeting a group of economic developers to discuss the current business climate; they felt regulatory reform was needed. Proposed the County seek funding to hire a consultant to look at land use policies across the board to avoid contradictions in the code.

**DIRECTOR'S REPORT**
Director Dave Wechner provided an update regarding the Department:

- Staff changes: Virginia Shaddy is now the Senior Office Specialist, to give Paula some help on office administration and records requests. **Kate Skone** is our new Planning Permit Technician, filling her old spot. **Jennifer Adema** is the new part-time Permit Technician for Building, and we have one more spot to fill to be fully staffed as budgeted. This should help us respond more quickly to permit reviews and the citizens we serve.

- Board of Commissioners asked for a departmental policy regarding temporary event venues. The policy drafted by staff has been amended in two work sessions, and goes to them for endorsement on the 25th of November. This is not an ordinance-change to the text of the zoning code; rather, an interim policy until more permanent measures can be reviewed as potential text change in the future – probably as a part of the Comp Plan update.

Long Range Planner Will Simpson provided an update on the annual review docket and the progress made. The Comprehensive Plan Amendment submitted by the Town of Coupeville is the third item of the 2013 Annual Review Docket and he will be providing more detail later in today’s agenda.

The highest priority item on the Annual Review Docket was the Fish and Wildlife Habitat Conservation Areas update (FWHCA), the second item on the Annual Review Docket is the 2016 Comprehensive Plan Review and update. A Public Participation Plan was established, detailing the preliminary schedule and some of the methods and strategies for public outreach.
A countywide Population Projection was recommended by the Planning Commission and approved by the Board of County Commissioners. It was taken to each respective jurisdiction’s Planning Commission and City Council and reviewed by those bodies.

Currently work is being done on revising the Countywide Planning Policies with the City of Oak Harbor, the Town of Coupeville and the City of Langley to provide more clarity as the planning process continues regarding Comprehensive Plan Updates. Work is being done on the regional allocations of that countywide population and an intergovernmental group meeting with the Planning Directors of each respective jurisdiction to go over the methodology.

**OLD BUSINESS – Fish and Wildlife Habitat Conservation Area (FWHCA).**

Kira Swanson gave a quick update regarding the work being done on the FWHCA update. Items completed:
- Establish a preliminary Scope of Work and Public Participation Plan.
- Assembling a Technical Advisory Group (TAG).

The next task was to compile a Best Available Science Bibliography, which has been compiled by the consultant and has been reviewed by the TAG and a final draft has been completed.

- At the next Planning Commission meeting December 10th, the bibliography will be brought to the Commission.
- Work is moving forward based on that bibliography, the consultants are reviewing the literature and will be preparing a Best Available Science Report and the management applications that go along with that.
- Reviewing two spatial data sets as well as other data available about Fish & Wildlife Habitat Conservation Areas in Island County and that will supplement that Best Available Science Report.

Commissioner Dickson asked if the consultant has already completed the bibliography.

Kira replied it was essentially a final draft and explained as we move forward with this update there is always new information that comes to light and research is always ongoing. If there were new information that was found applicable it could be added throughout the process.

**NEW BUSINESS – Comprehensive Plan Amendment 026/13**

The Port of Coupeville requested an amendment to the Land Use Map of the Greenbank Farm Master Plan and the regulations for the Greenbank Farm Special Review District as specified in ICC 17.03.163.

Planner Will Simpson indicated the amendments were essentially a map change and a text change to allow a park & ride in the Greenbank Farm Special Review District and he discussed the proposed changes;

... 17.03.163 Greenbank Farm Port Tract (SR-GF) Zone
The Greenbank Farm Port Tract (SR-GF) Zone ("the Greenbank Farm") is applied to a 151 acre site in Central Whidbey Island that is owned and operated by the Port of Coupeville. The Greenbank Farm is a landmark site on Whidbey Island that continues to act as a vital working farm, scenic recreation site, marketplace for locally produced products and center for community activities while striving to maintain the core commitment of promoting sustainable and renewable agriculture and development practices. The Greenbank Farm is further committed to ongoing efforts to promote economic development and tourism in accordance with an Interlocal agreement with Island County dated September 15, 1997. The Greenbank Farm has been designated as a Special Review District in order to provide a predictable and orderly set of regulations that will direct and guide the future use of the property.

The Greenbank Farm contributes to the rich rural and scenic qualities of Central Whidbey Island. The agricultural, pastoral and historical setting provides significant aesthetic, economic and cultural value to the residents of Island County. It is a goal of the Island County Comprehensive Plan to support and promote tourism in Island County as a way of encouraging economic development and business incubator uses. The Port of Coupeville is currently achieving this goal and desires to continue to do so. The goals of the SR-GF zone are to ensure that the Farm can continue to operate in a flexible, economically viable and productive manner while ensuring that the rural, agricultural, historical and scenic qualities are preserved.

This zone allows for development and specific uses that have been approved through the adoption of a Master Plan. All permitted and conditional uses shall comply with the Land Use Standards of ICC 17.03.180 unless otherwise directed in this section or the Master Plan. If there is a conflict between standards of this section or with standards in other sections of this chapter, the Master Plan shall prevail. For those uses that are not specifically listed as permitted or conditional and are not specifically identified in the Master Plan, the Planning Director shall have the authority to make Code Interpretations pursuant to ICC 17.03.190. All development shall adhere to the Critical Area Regulations as they are prescribed in Chapter 17.02 ICC, the Land Development Standards of Title 11 and all other applicable regulations. The SR-GF Zone includes four sub-designations; Area 1 is Agriculture, Area 2 is Recreation, Area 3 is Commercial and Area 4 is Environmentally Sensitive.

A. Area 1 – Agriculture

1. Permitted Uses. These uses, activities and standards have been approved through and are subject to the Master Plan. These uses are processed as Type I decisions pursuant to Chapter 16.19 ICC.

   a) Agriculture, pursuant to Agricultural Best Management Practices;

   b) Agricultural Buildings with a footprint that is equal to or less than 1000 square feet;

   c) Organic Farming, pursuant to Washington State Organic Crop Production Standards;

   d) Grazing;

   e) Greenhouses;

   f) Fences; and

   g) Trails.

   h) Park-n-Ride, provided that the surface shall not be impervious and that the Landscaping and Screening standards of Chapter 17.03 ICC are adhered to

2. Conditional Uses. These uses, activities and standards shall be processed as Type II decisions pursuant to Chapter 16.19 ICC.

   a) Agricultural Buildings with a footprint that is greater than 1000 square feet and equal to or less than 1,500 square feet.


   a) Agricultural Buildings with a footprint that is greater than 1,500 square feet;
b) Cumulative building footprint of all Agricultural Buildings combined that exceed 3,000 square feet;
c) Residential structures;
d) Commercial structures;
e) Uses permitted in Area 2 and Area 3, except for fences, trails, and a Park-n-Ride, which are permitted;
f) Surface mining;
g) Septic drainfields; and
h) Camping.

B. Area 2 – Recreation

1. Permitted Uses. These uses, activities and standards have been approved through and are subject to the Master Plan. These uses are processed as Type I decisions pursuant to Chapter 16.19 ICC.
   a) Benches and other similar resting areas and view spots;
   b) Trails;
   c) Picnic areas, including up to two gazebos and similar shelter areas that do not exceed 200 square feet each;
   d) View spots, interpretive areas and unmanned information kiosks;
   e) Passive recreational activities;
   f) Fences; and
   g) Temporary uses that are incidental to a primary temporary use permitted under Area 3. Temporary uses do not include structures rather they are uses and activities that support a use that is allowed in Area 3.

2. Prohibited Uses.
   a) Structures other than fences, gazebos or benches that are not directly related and incidental to the use of this area as open space. Structures that serve a commercial function shall not qualify as directly related and incidental to the use of this area as open space;
   b) Camping;
   c) Temporary tents, booths, etc.;
   d) Use of motor vehicles other than farm or maintenance equipment;
   e) Agriculture, including livestock; and
   f) Uses permitted in Area 1 and Area 3 other than fences, gazebos and benches.

C. Area 3 – Commercial

1. Permitted Uses. These uses, activities and standards have been approved through and are subject to the Master Plan. These uses are processed as Type I decisions pursuant to Chapter 16.19 ICC.
   a) New Structures that are used for uses that are listed as permitted or conditional under this section provided that individual structures are limited to 5,000 square feet of building footprint;
b) Additions to Existing Structures or replacement of Existing Structures provided that they do not exceed a 10 percent expansion over the building footprint as it exists on the effective date of this ordinance and for which this provision may only be applied one time for each structure for the life of the structure; Provided, that the 10% limitation shall not apply to access ramps and other related improvements required to satisfy minimum ADA requirements;

c) Camping for overnight festival use but only for use by sponsors/vendors of the festival and not for use by attendees or members of the general public;

d) Classrooms;

e) Meeting Halls provided that meeting halls shall not exceed a maximum capacity of 250 people and the aggregate of all meeting halls shall not exceed 500 people;

f) Fuel storage;

g) Tourist information center;

h) Hostel, not to exceed capacity for 10 individuals;

i) Arts centers, including indoor/outdoor performing arts center;

j) Retail and wholesale stores;

k) Residential not to exceed two dwelling units;

l) Marketplace for local goods, e.g. farmers market, flea markets, however, they shall not be subject to the Farm Produce Stands and Seasonal Farmer’s Markets of ICC 17.03.180.H;

m) Food and/or beverage retail services;

n) Commercial Kitchen;

o) Community events, indoor concerts, weddings, arts and craft shows, receptions for up to 400 people;

p) Up to 6 festivals or outdoor concerts per year that are in excess of 400 attendees but that do not exceed 4 days in duration and 4,000 people per day;

q) School, subject to the School Standards of Chapter 17.03 ICC;

r) Park-n-Ride, provided that the surface shall not be impervious and that the Landscaping and Screening standards of Chapter 17.03 ICC are adhered to; and

s) Administrative offices for businesses operating at the Greenbank Farm, for the Port of Coupeville and for other non-profit and public organizations.

2. Conditional Uses. These uses shall be processed as Type II decisions pursuant to Chapter 16.19 ICC.

a) Any use that is not specifically listed as permitted or prohibited.


a) New structures with a building footprint that is greater than 5,000 square feet;

b) Cumulative building footprint of new structures that exceed 10,000 square feet; and

c) Expansions of existing structures beyond 10% of the gross floor area of the structure as it existed on the effective date of this ordinance.

D. Area 4 – Environmentally Sensitive
1. Permitted Uses. These uses, activities and standards have been approved through and are subject to the Master Plan. These uses are processed as Type I decisions pursuant to Chapter 16.19 ICC, however, additional permit requirements may be necessary pursuant to Chapter 17.02 ICC, the Critical Areas Ordinance. Prior to conducting any activity or establishing any use in this area, the provisions of Chapter 17.02 ICC shall be satisfied and adhered to.
   a) Low impact trails and recreational uses;
   b) Birding Platforms; and
   c) Interpretive areas.

2. Prohibited Uses.
   a) Any Structure, Uses or Activity that does not meet the standards of Chapter 17.02 ICC, the Critical Areas Regulations;
   b) Agriculture is prohibited within a regulated critical area or its buffer; and
   c) Camping.

E. Annual Review Amendments. Any amendment to the Master Plan, the Comprehensive Plan or to this ordinance shall be processed as an Annual Review Amendment pursuant to Chapter 16.26 ICC.

F. Setbacks and Heights
   1. Setbacks from designated critical areas shall comply with buffer and setback provisions of Chapter 17.02 ICC.
   2. Setbacks from property lines for all new structures shall be a minimum of 50 feet.
   3. Setbacks from property lines for all existing structures shall either be a minimum of 50 feet or if an existing structure is already located within the setback of 50 feet the degree of nonconformity shall not be increased.
   4. Setbacks for all new structures or additions to existing structures, excluding signs and fences, shall be a minimum of 300 feet from the edge of the right of way of State Highway 525 and 50 feet from the edge of the right-of-way of any other public roads.
   5. No new Agricultural, Commercial or Residential Building or additions to existing structures shall exceed 35 feet in height, provided that the variance process set forth in this Chapter shall be applicable to this site.

G. Development Standards
   1. The SR-GF Zone is not subject to the parking requirements of ICC 17.03.180.Q. Parking requirements are set forth as indicated on the site plan in the Master Plan and shall be separated as follows:
      a) Temporary and overflow parking and shall only be used to accommodate parking requirements associated with festivals and events that are permitted under subsection C of this ordinance; and
      b) Permanent parking which shall be used to support all other permitted and conditional uses.
   2. The SR-GF Zone is not subject to the site coverage requirements of ICC 17.03.180.S. Site coverage ratios shall be as follows:
      a) Maximum impervious surface – 10% within the commercial area (subsection C of this ordinance);
b) Minimum open space – The Special Review District has limited development potential to the commercial area which accounts for approximately 17% of the site. Therefore, approximately 83% of the Special Review District is devoted primarily to recreational activities, agricultural activities or in a state of environmental preservation;

c) Maximum building coverage – Based on the amount of square footage allowed in Area 1, Area 2, Area 3 and Area 4.

3. Development in the SR-GF Zone shall comply with the General Standards for Nonresidential Use of ICC 17.03.180.A, except that subsections 1 and 2 shall not apply.

4. Signage standards shall be the same as those set forth in the following subsections of ICC 17.03.180.R:

   a) Subsections 2.a through 2.d;
   b) Subsections 2.g(ii) through 2.g(v); and
   c) Subsection 3, 4 and 6.

5. Lighting shall comply with the standards set forth in ICC 17.03.180.R

6. Building design shall comply with the following standards set forth in ICC 17.03.180.P:

   a) Subsection 1;
   b) Subsection 3.a; and
   c) Subsection 3.b(i) through 3.b(iv).

Mr. Simpson provided some background on Special Review Districts; they are applied to large properties that are at least 150 acres and are in single public ownership or owned or managed by a non-profit organization; the property usually has unique site or use characteristics, that don’t easily fit into other zoning classifications.

Special Review Districts are used to establish special standards to protect lands and structures that have historic, archeological, or environmental significance and allow a unique combination of uses that enhance, conserve, or highlight features of significance.

These districts usually have a Master Plan or a Comprehensive Plan that is the guiding document that supports regulations for the districts. The Port of Coupeville initially submitted a Master Plan for the Greenbank Farm Property through the Comprehensive Plan Amendment process in 2002, which was recommended by the Planning Commission and adopted by the Board of County Commissioners in Resolution C-91-02.

The land use map adopted in 2002 for the Greenbank Farm has four sub-designations or subzones:

- Recreation
- Agriculture
- Environmentally Sensitive Areas
- Commercial

The Port of Coupeville has requested a change to the map boundaries in the subzones within the existing District. There are no property line changes only changes in these subzones. This change
reflected an option that was provided by the Conservation Easement signed by the Port and Island County in 2012.

The minor text change will allow a park & ride as a Permitted Use in the Agricultural Subzone. An important note is that even though the proposal is for a Permitted Use in the Agricultural Subzone, the Conservation Easement, signed in 2012 is more restrictive than the development regulations in Island County Code so any proposal would have to be consistent with the Conservation Easement as well as the development regulations.

The Planning Commission discussed the amendment and the following items were discussed:
- Who would be using the park & ride?
- Who requested the park and ride?
- How it ties into Island Transit and general use.

**Martha Rose**, Island Transit provided comment
- Complicated issue - Island Transit desires to have public access to Greenbank Farm.
- Originally discussed a 50/100 year lease on the property.
  - Wanted to develop a transit park along with a restroom area. It would be a major change to the transit system. Buses will close doors from there to the ferry dock; it will streamline their process. There is a Master Site Plan, Comprehensive Plan and Conservation District.
  - Would like for the decision to be held until next year. The definition of impervious surface would not allow a transit park.
  - Have worked with local growing communities and disaster recovery plans.
    - Identifying the Greenbank Farm as a collection source for foods to be distributed throughout the island.
  - Has purchased land up and down Whidbey Island (Bush Point Rd. and SR20
  - Have been working with Island County and the Washington DOT addressing the needs there as Wonn Rd. is a failing intersection.

Commissioner Yonkman asked if a Transit Park means parking and adequate turn around space for the buses.

Mr. Simpson discussed the Conservation Easement; there are severe restrictions for uses.

Discussion continued, including the following topics:
- Impervious Surface
- Grassy Pavers
- Impervious Pavers

Will stated again that the Port is very limited by the Conservation Easement signed in 2012. Commissioner Enell asked Ms. Rose for the wording that she would like the Planning Commission to consider.
Ms. Rose said she can provide it but not at the moment. What it comes down to is that a park & ride is allowed but it is impossible to do.

Discussion continued on the following topics:

- Percolation in the area.
- Lack of communication with Greenbank farm and Island Transit.
- Safety of the area.

Commissioner Hillers stated she does not feel comfortable approving this.

Will Simpson stated the Department was tasked with reviewing the Port of Coupeville’s proposal and discussed how it relates to the Comprehensive Plan. The Land Use Element speaks briefly about Special Review Districts; it defines them as areas defined during the comprehensive planning process that require special consideration. It specifically labels the Greenbank Farm as a designated site.

Mr. Simpson further discussed the applicable Transportation, Natural Lands, and the Parks and Recreation Elements goals, stating the review of the application was consistent with the Comprehensive Plan.

Commissioner Enell commented there was text to be worked out regarding impervious surface and suggested adequate provisions for a park & ride be included as a permitted activity within the agricultural subzone as a commercial subzone at the Greenbank Farm.

PUBLIC COMMENT

Martha Rose, Island Transit
Stated that Island Transit never received notice of the Port’s public meeting on this change and wanted it to be noted for the record.

Steve Erickson, WEAN
Stated they are generally in support of public transit. They do not want to see a separate park & ride at Greenbank Farm, it is redundant and they do not see the need for an entirely separate facility. There is another area people can park. The existing facilities can be shared, possibly modified, but does not see a need for it.

Mark Fessler, Smugglers Cove Rd., Greenbank
Has worked on the Master Site Plan for 18 months for the Port of Coupeville and has reviewed both versions of the Comprehensive Plan for the Port of Coupeville and has read all six versions of the Conservation Easements and the documents don’t agree; asked that this be deferred until the 2014 docket.

Will Simpson stated that the Port of Coupeville adopted a Master Plan for the Greenbank Farm in 2002 and internally created a new expanded Master Plan in 2007, but it was not adopted into the Island County Comprehensive Plan. Therefore this application had to be reviewed under the
previous Master Plan. The Department did offer the option to the Port of Coupeville to adopt the 2007 Master Plan as part of this application. A letter from the Port indicated that after holding a public meeting the only change to the application would be to allow a Park & Ride facility as a Permitted Use in the Agricultural Subzone.

**Ron Nelson**, EDC
Stated he would like to see whether or not Island Transit has a comprehensive strategy on how Park & Rides can help us with concurrency; perhaps it is not required in this area.

The Planning Commissioners continued their discussion.

Commissioner Yonkman felt that Race Rd. is being used as a Park & Ride, but may be an illegitimate location. Felt that maybe there is a need for a facility, not necessarily a large facility but maybe a shelter location.

Commissioner Havens said additional information was needed in order to make a decision and felt it should be tabled.

Commissioner Hillers asked what the implications would be of holding this until 2014.

Will Simpson stated that with the approval of the County Commissioners it could be moved to the 2014 docket, he also stated the applicant should be provided an opportunity to comment.

*Commissioner Hillers moved to table the discussion to the December 10th meeting and suggests the Port have someone present to discuss it with the Commission and also suggested they talk to Island Transit so there is some coordination, Commissioner Yonkman seconded.*

*Commissioner Enell offered a friendly amendment to state the Commission is generally in support of the concept of a Park & Ride lot at the Greenbank Farm, no objection from the motion maker, motion carried unanimously.*

Commissioner Hillers asked for a color coded map.

*Commissioner Enell asked to return to the discussion on marijuana and moved that the Planning Commission encourages Island County Commissioners and the Planning Director to reduce the six month moratorium as quickly as possible to take advantage of the substantial tax revenue for Island County, Commissioner Hall seconded, motion carried unanimously.*

*Commissioner Hillers moved to adjourn, Commissioner Enell seconded, motion carried unanimously.*

Meeting adjourned at 10:50 a.m.
Respectfully submitted,

Paula Bradshaw