ROLL CALL
Dean Enell, James Hall, Leal Dickson, Mike Joselyn, Wayne Havens, Val Hillers, Scott Yonkman, Jeffrey Wallin

Minutes: November 19, 2013
Commissioner Joselyn motioned to approve the minutes, Commissioner Dickson seconded, motion carried unanimously.


ITEMS FROM THE PUBLIC
None

DIRECTOR’S REPORT
None

OLD BUSINESS – Continued from 11/19/13 – Public Hearing 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. The proposal would readjust the subzone boundaries in the Special Review District along Wonn Road and in the Commercial subzone. It would also allow a Park-n-Ride as a permitted use in the subzone adjacent to Wonn Road.

Will Simpson provided a brief review and history of the proposal brought in front of previous public hearings made available to the public. He gave further description of the Special Review District for Greenbank Farm. The Planning department has found the amendment is consistent with the comprehensive plan and is recommending approval of the comprehensive plan amendment.
Martha Rose, Executive Director of Island Transit, Coupeville
Stated the meeting held with the Port was extremely productive and sounds fantastic for Island Transit.

Marshall Bronson, Chairman of Port Commission of Coupeville and are responsible for Greenbank Farm
Expressed that they feel they have identified those areas which can be used for future development for the park and ride to try and improve the public’s access to Greenbank Farm which is more and more used as central activities. The Port needs to make it a successful place otherwise they cannot afford to keep it. They are very much in favor of the consideration of this.

PUBLIC COMMENT
None

Commissioner Hillers referred to the map provided on 12/6/13 there was a little square marked in pen and wanted to know if that was the point of conversion that is being proposed.

Will Simpson answered that it was correct. The Planning department’s perspective is that as long as they keep the .40 acres is maintained and not used to development that gives the Port the flexibility for Island Transit in the future.

Dean Enell asked how the impervious surface was addressed.

Will Simpson stated that is a continuing dialogue and an actual agreement was not made.

Wayne Havens asked if the park and ride will be used by individuals that will park their vehicle and take the ferry.

Will responded that the wording says that it would be principally served by transit, does not necessarily exclude individuals from using it and would be something that could be further considered in a new master plan as well.

Scott Yonkman asked if there is a plan for the ingress/egress plan provided to how it will operate when events occur.

Mr. Simpson stated that this is very preliminary but perhaps the Port may comment on this.

Marshall said they are not talking about an “x” spot and when there is money and the time between the Port and Island Transit then there would be a further discussion and this would also deal with the impervious surface. The Port would not want to have an impervious road. Once the site is identified they can address it.

Commissioner Hall wanted to discuss the letter from Mark Fessler and would to make sure his concerns were addressed. Traffic, contentious water craft and the transit component seemed redundant.
Brad Johnson wanted to remind that the amendment that is before the Commissioners is for a location for transit and is not something the planning department can offer a recommendation on.

*Commissioner Hillers moved to adopt Comprehensive Plan Amendment 026/13 as presented on November 14, 2013, Commissioner Enell seconded the motion, motion carried unanimously.*

*Commissioner Hillers moved to approve the Findings of Facts dated November 19, 2013, Commissioner Joselyn seconded the motion, motion carried unanimously.*

**NEW BUSINESS – Fish and Wildlife Habitat Conservation Areas (FWHCA) Update**

Kira Swanson wanted to give a brief overview of the status and go over the next steps in the FWHCA Update.

This is an informational meeting to transmit and review the Final Draft of the Best Available Science Bibliography. The Planning Commission will not be deciding on formal recommendations. Discussion will include the BAS Bibliography, update on ongoing tasks, and next steps in the FWHCA update process.

**FWHCA Overview**

- Island County is currently updating Fish and Wildlife Habitat Conservation Areas portion of the Comprehensive Plan
- Received $250,000 Grant from Department of Commerce
- Watershed Company was hired to assist with the update
- Several tasks have been outlined to complete update

**FWHCA Update Tasks**

<table>
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<td>Form Technical Advisory Group</td>
<td>Completed September 2013 – TAG currently reviewing work products</td>
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<td>Review Best Available Science</td>
<td>Final Draft BAS Bibliography complete</td>
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Task 3 – Review of Best Available Science

- Purpose of this task is to compile potentially relevant science
- Data and references compiled into excel spreadsheet
- Not all of these references will be incorporated into the update
- It is likely additional references may be identified and incorporated as update continues
- Available on FWHCA update website at: https://www.islandcounty.net/planning/FishandWildlifeHabitatConservationAreaUpdate.html

Next Steps

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Commissioner Hillers asked how many people are on the TAG Committee and are the members posted on the website.

Kira stated they are by organization on the website and the meetings are open to the public as well.

Commissioner Hillers asked for more clarification on what “we” means.
Kira answered that “we” meant staff and TAG members; they would review and make comments regarding the documents received from the consultants.

Commissioner Enell stated it was pretty impressive information and asked where all of the data for the bibliography was gathered from.

Kira stated that the consultant has an extensive process that they have done with other jurisdictions and take the information from them, there are Google docs, and expertise with TAG members and local knowledge to gather the information.

Commissioner Hillers asked how are the federal documents used in the bibliography and how are those documents selected.

Kira said that the documents provided are the Best Available Science and the actual drafting of the regulation would be further down the line. In terms of how the consultant is sifting through the information, they want to look at everything that is relevant to Island County and then they look at the other information gathered.

Commissioner Hillers asked about the Department of Natural Resources document regarding manure application in Washington State and how the consultant decided not to include the information since it seems relevant to Island County.

Further discussion of the bibliography document was discussed.

Commissioner Enell asked if there is a citizen with pertinent information for the bibliography how can they submit the information. Should they attend the TAG meeting?

Kira stated that they are welcomed to do so or they can e-mail her the information or contact her.

Commissioner Yonkman asked if all the funding has been met.

Ms. Swanson stated that all the funding has been approved.

PUBLIC COMMENT

Rufus Rose, South Whidbey
Representing property owners that have concern with the scope and impacts. Concerned TAG meetings do not allow public participations and are only observers. Some of the positions are not filled in the TAG meeting and there is a lack of consistency.

Discussed:

- The amount of documents that need to be reviewed.
- When and where the economic impacts of these codes will be.
- Will there be different application priorities in different zones
- How does public inform themselves.
What authority does the Planning Commission have to say that there is not enough time to review this material?

Does the Commission have any limitation to say this is too much and too fast.

Concerned about timing.

At what point will there be a presentation to the Planning Commission of the existing needs for this.

What damage has been experienced in Island County?

What documentation and evidence is being used to make these decisions.

Suggested that the federal government is not always the best of the best source of staff work.

Steve Erickson, WEAN
Not speaking on behalf of the TAG

Discussed the bibliography, the information is just used as a reference

Prioritization, including items in the pacific northwest or in areas similar to the climate, forest developments and the patterns occurring worldwide, i.e. ecological, environmental.

Bruce Gordon, Whidbey Island Conservation District
They are providing technical assistance for farm and forest conservation. They rely heavily on technical assistance from the USDA Conservation Service and NRCS has developed over a number of years a finding and technical assistance process that is used across the nation as well as elsewhere and is tailored individually for each county.

In the Growth Management Act Best Available Science under criteria for obtaining the best available science 365.195-10 it is divided into two parts.

Consultation with state and federal natural resource agencies and tribes can provide quick and cost effective ways to develop scientific information and recommendations.

Section 2 a county or city may compile scientific information through its own with or without the assistance of qualified experts.

The Conservation District would like to ensure that NRCS technical assistance and standards and specifications do not get swept under the rug and not used.

NOAH Fisheries at the encouragement from the Tribes created a process to assess the width of stream protective buffers.

He provided input from NRCS technical guide for Island County, which is very inclusive, information relative to identifying resource concerns and addressing how to solve and address resource concerns. The Conservation District made a number of reference suggestions to the best available science bibliography from the NRCS field guide and many were tentatively accepted. However, in the bibliography it appears to not have been recommended for inclusion in the Best Available Science Report. They feel they like the technical guide should be included. The technical guide is a flexible guide and can be adjusted. The District would prefer that the entire technical guide be included. The County may wish to accept the technical guide and the NRCS process under item number 1, consultation with state and federal natural resource agencies and tribes. If it chooses to do that, they would have no problem with that and they just want to make sure that it is recognized and accepted. The District as an entity that helps farmers
and forest producers to conserve the natural resources would like to have the opportunity to use these guides in their future work.

Commissioner Hall asked if the Conservation District was part of the TAG.

Kira responded they were a part of the TAG. She states the public is invited to participate via website and attending the meetings since there is a public comment period during the meetings. The consultants have made a timeline and feel they can meet the deadline. The bibliography is just the first step in the process.

Commissioner Dickson asked that the consultant has committed to meeting the deadline.

Commissioner Yonkman asked what the ramifications would be for asking for additional time and can they get additional time.

Kira answered that in January there is a need to give the timeline. If there was a need for additional time she does not see that being a problem but the County has been out of compliance since 2005 and it would be best to try and meet the goal.

Kira also addressed the Conservation District concerns this morning with them as well and she will be following up with the consultant to find out why their recommendations were not used.

Commissioner Hillers discussed the unease of not having met the consultant. She asked if there would be any possibilities to have the consultant meet with the Planning Commission.

Kira gave information on how the process of awarding the contract occurred and the name of the consultant, The Watershed Company. She gave additional background information of the consultant. They are working with Burke and Parametric and they would be coming to the Planning Commission at a later date.

Brad Johnson explained that the majority of the resources have been allocated elsewhere to when the policy discussion would be considered by the Planning Commission. At that point that would be the best time to allocate their time and resources since they would need to be available to answer the Commission’s questions.

Commissioner Hillers would like to see a summary of the consultant history page. She also wanted to reflect on peer review research and policy. Recommendations of policy should not be ignored. She is supports that these documents that a group of experts have already looked at should be taken into consideration and not ignored.

Commissioner Yonkman asked if these resources that we have through other agencies can be used instead of going with an outside consultant.

Kira stated that science is always evolving, and it does take a lot of time to develop these NRCS resources and by the time the documents are released to the public there have been new things.
that have come along, there is a lot of reasons to do what we are doing and that is to create a comprehensive plan for the resources.

Dean Enell, if report is done in 2014 and further down the line there is an update to regulations, are there provisions to make changes to the policy approved in 2014.

Will Simpson stated that before July 2016 Comprehensive Plan Update, the policy can be revisited and changed if necessary. There is also an internal policy by putting an item on the annual review docket.

Rufus Rose asked to speak. He wanted to get clarification about the TAG membership and wanted to get clarification about how many openings are available at the meetings, how many meetings have been held and consistency of attendance. He said that public participation is problematic since the public does not know what will be discussed at the meetings and that limits the public’s input.

Kira stated that there are 11 groups that are a part of the meetings; DNR has not been able to commit. The attendance is consistent, there is an e-mail distribution list and there are e-mails sent to interested parties stating what the TAG meeting will be about, which Mr. Rose is a part of.

Commissioner Havens asked if the public is invited and once the meetings are over can the public ask questions.

Kira said that typically the public comment period is held after the meeting, but this is not a formal meeting in front a commission group.

Mr. Rose stated that the spirit of his interest is true of most bodies of government, not necessarily of this group but stated that some issues have come up and the public is not able to discuss since there is no availability to speak regarding the subject. In the TAG meeting the public has not idea of what will be discussed and this makes it difficult to have a discussion with everyone’s input.

Kira stated that the purpose of the tag is a scientific peer review not a meeting to discuss various topics they are specific to discuss the scientific information.

Commissioner Yonkman wanted to say that this update is a big deal affecting land use, environment and encourages staff and commission to take the time necessary to review this topic since it is owed to the community and the people in the community. He would like for staff, consultants to show graphs of what the current regulation, current science says and what is being proposed.

Kira stated that they are not quite there yet, once they get to the policy they can create the information he is requesting.
Commissioner Dickson asked if when the review by the consultant is finished, will there be a short list of things they feel is more relevant for their work/review.

Kira answered that with the best science literature will have the information on how to manage the resource and the next step would be how to regulate the policy.

Commissioner Dickson asked when the first draft is given to Kira, will the best available science be reduced down to 200 or 20. How difficult will it be for the Planning Commissioners and the public to review such a large amount of the references?

Commissioner Enell just wanted to thank Kira for taking the time to do all this research.

**Workshop - I-502 Implementation.**

David Wechner opened discussion with Planning Commission and provided a statement regarding the purpose of a workshop.

- Island County is 1 of 15 counties with a moratorium in place.
- Process reviewed with the Planning Commission and the proposed schedule for implementation.

Commissioner Wallin asked if medical marijuana could be addressed if necessary.

- Implementation schedule outlined.
- Discussed the various approaches that could be taken.
- Definitions will need to be addressed.

Commissioner Yonkman was concerned with protecting minors and stated he felt simpler was better.

- Type I, Type II, and Type three uses were discussed and the notice to neighbors that each required.

Commissioner Yonkman wondered why Island County enacted a moratorium.

- Ordinance C-99-13 the findings of the Board outline the whys.

Commissioner Havens was concerned in increased DUI’s of those driving under the influence of marijuana and with people buying and then selling to minors. Concerned as to whether the Sheriff will have the staff to address.
Sheriff Brown’s concerns:
- Medical marijuana being unregulated on the same property as recreational marijuana is being regulated. Thinks they should be totally separate.
- Public safety – transporting large sums of cash and product, since the banking industry is not behind this change.
- Suggested looking at both recreational and medical marijuana.

Director Wechner mentioned the definition as defined in State Law needs to be reflected in Island County Code, restrictions of farm stand sales and farmers markets, etc.

- Zoning – question: Can you put 8’ screen within 5’ of the property line?

Commissioner Hillers was concerned that a Type I land use would have no notice to the neighbors.

Commissioner Hall could see an 8’ barrier could be a concern of the neighbors, but an indoor grow operation could be a Type I.

Commissioner Yonkman was concerned regarding protecting the Rural Character.

Commissioner Joselyn stated that just because it’s not legal for minors doesn’t mean they won’t use it as evidenced by the fact that each year at least one high school senior is lost to drinking and driving.

Commissioner Wallin would like to see existing ordinances.

Dave Wechner stated he would provide a table of existing agricultural setbacks.

Commissioner Hillers stated that the type of fencing would be a concern to neighbors.

Commissioner Joselyn said if it is allowed indoors only screening, etc. would not matter.

Commissioner Havens mentioned outdoor grows would make people unhappy.

Commissioner Wallin asked how much acreage is assigned to Island County.

Director Wechner said that is currently unknown.

Dave Wechner suggested for signage refer to WAC rules.

Commissioner Hillers was concerned regarding crime and for those that live in the neighborhood of a known grow operation.

Commissioner Yonkman mentioned his concern regarding property values and disclosure of known grow operations in the vicinity.
Commissioner Hall stated that he thought that was more of a real estate concern, not land use.

Commissioner Hall asked for comment from those jurisdictions that used existing regulations and why they went that route.

Commissioner Wallin would like to see a variety of jurisdictions for the existing ordinances for I-502 uses.

Commissioner Enell liked the proposed 4 month timeframe.

Commissioner Hall suggested that less is more – hopes it will be possible to do this simple.

A question came up as to how soon the public would have input.

Director Wechner said immediate comments may be addressed to him and then will be forwarded to the Planning Commission.

Action items:
1. Provide comparison to other jurisdictions.
2. Send document the Sheriff referred to, outlining the Federal stance on the eight items they will take exception to in either Colorado or Washington regarding the passing of a recreation marijuana use; i.e. selling to minors.
3. Provide existing Ordinances from other Counties. Wide variety suggested.
4. Provide table of existing agricultural setbacks.
5. Comments from those jurisdictions that used existing regulations and why they went that route.

Meeting adjourned at 11:59 a.m.
Respectfully submitted,

Virginia Shaddy