Meeting called to order at 1:02 p.m. by Vice Chair Havens.

ROLL CALL

Mike Joselyn, Jim Hall, Wayne Havens, Dean Enell, Val Hillers, Scott Yonkman

Planning staff present: Robert Pederson – Director, Brad Johnson – Long Range Planner, William Simpson – Long Range Planner

ELECTION OF OFFICERS FOR 2013

Vice Chair Havens called for nominations for Chair for 2013:

Commissioner Joselyn nominated Wayne Havens, Commissioner Yonkman seconded. Commissioner Joselyn moved to close the nominations, Commissioner Hillers seconded.

Chair Havens called for a vote; motion carried unanimously.

Chair Havens called for nominations for Vice Chair.

Commissioner Enell nominated Val Hillers, Commissioner Joselyn seconded, motion carried unanimously.

Chair Havens called for nominations for second Vice Chair.

Commissioner Yonkman moved to elect Mike Joselyn as second Vice Chair, Commissioner Hillers seconded, motion carried unanimously.

MINUTES

December 18, 2012

Commissioner Yonkman moved to approve the minutes as written, Commissioner Joselyn seconded, motion carried unanimously.
ITEMS FROM THE PUBLIC

Sooja Nehrlich, 5676 South Appletree Lane, Freeland
Came here from Seoul Korea to attend university in Michigan; appreciates the freedoms here in the U.S. Worked hard to become a citizen, appreciates the privilege to talk to this body. She discussed the Sunnyview Village project in Freeland. She discussed the requirements for public notice and meetings regarding different projects. She explained she felt the notification for the 26 units in Sunnyview Village project is inadequate by comparison with a remodel for a church.

Director Pederson responded that the vested rights under the Rural Center zoning standards were grandfathered for this property in 2000. It is a Permitted Use; it is a Type II application, which is an administrative permit for a Site Plan Review. In the hierarchy of decision types only Type III and Type IV permits require direct notice to the neighbors.

Garrett Newkirk, Frostad Rd. Oak Harbor
Spoke regarding NAS Whidbey Island rendering 350 acres useless due to the APZ zoning. He stated he cannot even plant certain crops without permission from the military. Speaking on behalf of the other property owners he asked the Planning Commission to bring forward and do a full analysis of the APZ zoning or repeal it in full to the 2013 docket. He stated it was done without any public input until the very last minute.

Lou Randell, 5147 Bercott Rd., Freeland
Spoke to the Sunnyview Village project; felt the project was not appropriate to the site. There are huge problems with traffic, water, sewage, public safety, and access to services.

He then read a note from Jerry Stonebridge, a world class septic engineer, who could not be here: “The parcel of land that Sunnyview Village is to be built on has a designated wetlands and is environmentally sensitive. All considerations for permitting any portion of the project that are going to directly affect the environment should not just be to minimum standard, but be held to the highest standards. This will help ensure the long term viability of the project.

Denise Lorenz, 1787 Dusty Lane, Freeland
Spoke of her concerns regarding this same project related to the traffic impact to Scenic Avenue. She further stated it was not very well maintained. Concerned about the safety issue; the construction vehicles that would need to be driving up and down this narrow road. The school bus has difficulty traversing this road.

Lou Malzone, 5428 Pleasant View Lane, Freeland
Speaking as a Commissioner of the Freeland Water and Sewer District he stated there was a developer extension that has to occur in order for Sunnyview Village to get water. Part of that developer extension agreement includes an agreement with the Housing Authority of Whidbey Island for the Water and Sewer District engineers would review the Housing Authorities work due to concerns of a high level nitrate in the aquifer where this project is going to be installed. There are a lot of hurdles this project will have to cross before they get water. The State is also involved due to the fact there will be three separate septic systems which are integrated via the laundry service. At the request of the Water District, the Island County Health Department has
asked the engineer to send the State the engineering drawings to have it evaluated as a large onsite septic system.

**Rufus Rose**, 6529 Two Sisters Lane, Freeland
Scenic Avenue is unsafe at the present time, adding 26 units will make it less safe. This is an example of the fact that the three comprehensive plans, the Island County Comprehensive Plan, the Freeland Subarea Plan, and the Freeland Water and Sewer District Comprehensive Plans as written all relied on a sewer system in Freeland, which seems to have fallen apart.

He further stated he believed there is an urgent need to re-examine the Freeland Subarea Plan as it relates to the Island County Comprehensive Plan in concert with the Freeland Water and Sewer District. He urged the Planning Commission to visit the site with safety in mind.

**Eileen Hunter**, 5128 Bercott Rd., Freeland
She stated her husband and herself were genuinely concerned about the lack of communication between the County Government and the communities it serves. Like the sewer plans for Freeland the community has been engaged at the last minute in the planning process for the Sunnyview view project, and this has again provoked hostilities.

**Recess**

Chair Price Johnson reconvened the Board of Island County Commissioners meeting from the morning session and Chair Havens reconvened the Planning Commission meeting for the purpose of conducting the Annual Joint Meeting of the Board of Island County Commissioners, the Island County Planning Commission, and the Island County Hearing Examiner.

Members present: Commissioner Helen Price Johnson, Commissioner Kelly Emerson, Commissioner Jill Johnson, and Hearing Examiner Michael Bobbink.

Director Robert Pederson opened the meeting by discussing the 2012 Work Program, stating the 2012 work effort was largely comprised of the SMP update and was completed. Some work was done on the County Wide Planning Policies and the OFM Population Projection series were received for the 20 year projections.

Commissioner Enell commented that another significant item in his opinion that was completed in 2012 was the revision of the Sign Ordinance.

Long Range Planner Brad Johnson provided an overview of the 2013 work program and docket.

The Planning Department created a list of priorities based on internal staff discussions and a consensus on what must be done to comply with GMA mandates. The priorities also reflect the need for coordination between jurisdictions to successfully update the 2016 Comprehensive Plan. This list does not suggest that staff will work solely on an item based on the order of importance, but indicates how they would like to manage time and resources throughout 2013.
Mr. Johnson then identified 4 top priority items:

1. Fish and Wildlife Habitat Conservation Areas (FWHCA) Critical Areas Ordinance (CAO):

   The GMA Hearings Board formally determined that the County failed to update the fish and wildlife section of our critical areas and has given us 180 days to rectify this issue. As part of the GMA periodic update process, we were required to review and update our critical areas protection standards in 2005. Island County updated wetland protection standards, but did not sufficiently address the fish and wildlife protection standards. The current Fish and Wildlife regulations do not incorporate Best Available Science (BAS). Staff has begun addressing this issue by researching GMA requirements, reviewing related SMP work, and compiling BAS documents. The Planning Department considers this the most pressing issue for 2013.

2. Public Participation Plan:

   The GMA requires that counties ensure early and continuous public participation when developing and amending comprehensive plans or development regulations. Washington State’s Department of Commerce recommends that local governments begin the periodic update process by adopting a Public Participation Plan. This plan should clearly identify the scope of the proposed update, when legislative action is expected to occur, and how the public can participate and comment. Staff has completed most of the necessary work on the Public Participation Plan and intends to present a draft to the Board and Planning Commission in the near future.

3. County Wide Planning Policies (CWPP):

   The GMA requires that counties and cities jointly adopt “County Wide Planning Policies”. These policies are designed to avoid conflicts between jurisdictions, and to ensure that adequate consideration has been given to regional, county-wide issues. Island County adopted County Wide Planning Policies in 1998 with the intention that these polices would guide subsequent updates and amendments. Some of the current policies are outdated and need revision. Staff is particularly interested in developing a shared methodology for the buildable lands analysis. The Island County Council of Governments will serve as a forum for discussing CWPP revisions and should expedite the revision process.

4. Regional Growth Trends and Population Allocations:

   Consulting with local jurisdictions during the update of the CWPP will allow the County to collaborate on the selection of a population projection. Counties must utilize a population forecast provided by the WA Office of Financial Management (OFM). Once an OFM population projection range has been selected for the next planning period (2016-2036), Island County will need to consult with the municipalities (Oak Harbor, Coupeville, & Langley) to determine what percentage of the projected growth will be
allocated to each jurisdiction. The County will also need to determine how much growth should be allocated to the Freeland Non-Municipal UGA (NMUGA). This constitutes a very important priority as municipalities rely on the County to adopt a population projection before they can begin planning internally.

Commissioner Price Johnson asked for Planning Commission input.

Commissioner Wayne Havens asked about the issue of public access regarding comments made during the update to the Shoreline Master Program.

Director Pederson replied there was ongoing work on this topic, but there are number of challenges such as funding. Some access points will require detailed research. There are questions of title on some, whether or not there is a Code Enforcement issue associated on others; all of which are not easy processes to navigate through.

Better signage for some of these access points is one item identified that might be the easiest to accomplish. There is definitely ongoing work on this topic.

Public Works or Parks, within Public Works is the land manager for those County owned properties and there is a challenge for funding to make improvements to a number of those access points.

Planning Commissioner Dean Enell commented that the Island County Citizens for Beach Access have met with the County and have identified two steps that need to happen: the first of which is to get a legal opinion from the County on the Public Trust Doctrine (which describes the public’s right to beach access) and the second is to get a legal description of the access from the County, in order to be able to address encroachment. They will continue to work with the County to get those things that can be accomplished now.

Commissioner Price Johnson stated that there was a call through the SMP to have a Public Access Plan going forward that would be an inventory of what those access points are and then address them individually, similar to the Parks Plan. There a lot of folks in the community willing to help.

Commissioner Enell wanted to see the Freeland Development Regulation move forward. Funding and County resources seem to be the limiting factor.

Brad Johnson stated that the 2016 Comprehensive Plan update does include looking at the Freeland UGA and the associated development regulation, even though it does not appear on the detail sheet or the multi-year work plan it is something that will be required.

Commissioner Yonkman began a discussion of the continued pressure to get things done in what sometimes feels like a very limited amount of time due to meeting State required timelines. He wanted the record to indicate the Planning Commission cares about the public’s input and are doing all they can to take it in, absorb it and make it part of the decision making process.
Commissioner Price Johnson stated that the Public Participation Plan was an important communication tool. It will allow the Board and the Planning Commission to work together to make sure the public groups are included and have the opportunity to provide feedback to make sure it meets their needs as well.

Commissioner Hillers asked about the public comments made today, stating finding electronic ways to inform the public of issues and upcoming events. She felt it is important for the public to have time to make input.

The discussion continued on the following topics:

- Funding, sustainable ways of supporting the increased demands.
- Diversifying revenue beyond tourism.
- Expanding agriculture and local food, supporting the farm tours on both islands and making connections through the Northwest Ag Business Center for our local agricultural producers with local restaurants in the Puget Sound Region.
- The importance of being aware of our regulatory environment to loosen up a bit to allow businesses to grow.

Brad Johnson commented the Public Participation Plan document and schedule will identify things that are required under State law to be considered under the update as well as some optional things one of which is the development of an Economic Development Plan. It is an opportunity to look at the long term economic health viability of the County and how regulatory impacts affect business viability and how different Elements of the Comprehensive Plan either promote or create disincentives to certain types of businesses.

The discussion further included farmers, NAS Whidbey, cottage industry, and APZ concerns.

The Planning Commission indicated their desire to begin work on the 2013 docket earlier in the year to avoid a December time crunch.

Director Pederson stated the number one priority item, the Fish & Wildlife Critical Areas Update is an item that is an exception to the normal rule about how the docket is processed. The in-house work program hopes to bring forth interim steps to the Planning Commission for discussion and then to the Board for action, specifically the Best Available Science and the policy structure, to get it to the Commission earlier in the process, rather than in the end to avoid an overwhelming body of documents to review, absorb and take action on.

**Island County Hearing Examiner Report by Michael Bobbink**

Mr. Michael Bobbink discussed the fact that at the other end of the Planning Commission’s recommendations and the subsequent Board of County Commissioner’s legislation there is the legal process, which is quasi judicial administrative law; to interpret the intent of ordinances, if they are not clear, and apply the intent to them. As ordinances are adopted it is important to keep
a legislative history that will be easy to recover five years down the road. He mentioned this is getting easier to do with all the electronic advances.

Land use just gets tighter and tighter and more controlling. He spoke about the new Shoreline Management Program and things the Department of Ecology have made counties and cities include in their program and some of the issues that come up are causing more appeals because it is harder and harder to do anything along the shoreline. These matters also include more attorneys than in past years.

He recommended clear language, make a legislative history when adopting something, and specify what you are adopting. If the language is clear digging into the legislative intent is not necessary. He stated his process was to conduct hearings, put the parties under oath, take testimony, look at the County Code, and issue decisions.

Chair asked for a motion to adjourn.

Commissioner Price Johnson adjourned the Board of County Commissioners. Chair Havens adjourned the Planning Commission at 2:38 p.m.

Respectfully submitted,

Paula Bradshaw