PLANNING COMMISSION
COMMISSIONER’S HEARING ROOM, COUPEVILLE, WA
TUESDAY MAY 22, 2012

<table>
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<tr>
<th>Members Present</th>
<th>Members Absent</th>
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<td>District 1</td>
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<td>Val Hillers</td>
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<td>Dean Enell</td>
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<td>Mike Joselyn</td>
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<td>District 2</td>
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<td>Mitchell Howard – Chair</td>
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<td>Anna-Marie Sibon</td>
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<td>Leal Dickson</td>
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<td>District 3</td>
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<td>Wayne Havens – Vice Chair</td>
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<td>Scott Yonkman</td>
<td>Vacant</td>
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Meeting called to order at 9:02 a.m. by Chair Howard

ROLL CALL
Wayne Havens, Mike Joselyn, Leal Dickson, Mitchell Howard, Val Hillers, Scott Yonkman

Planning staff present: Robert Pederson – Director, Karen Stewart – Shoreline Master Program Planner / Coordinator, Andrew Hicks-Long Range Planner, Troy Davis-Long Range Planner

APPROVAL OF MINUTES
March 27, 2012
Commissioner Yonkman moved to approve the minutes as presented, Commissioner Joselyn seconded, motion carried unanimously.

ITEMS FROM THE PUBLIC

No Comments

DIRECTOR’S REPORT

Mr. Pederson provided the Planning Commission with several Department updates:
  o Limited Review Shoreline Exemption Policy-reduced fee and faster review time.
  o Recurring Temporary Uses-one time submittal for use of 10 years.
  o Evaluation of application forms and update of the forms to be more user friendly.
  o First draft of revisions to the sign ordinance regulation-discussion of timeline.
  o On-line Public Portal Update-online public access to check status of permits and online inspection requests.
  o Andrew Hicks resignation.

New Business – 2012 Annual Review Docket
Long Range Planner Andrew Hicks presented the 2012 Annual Review Docket to the Commission from the following report:
INTRODUCTION

At the beginning of each year, the Board of Island County Commissioners (Board) considers, reviews, and establishes a list of potential amendments to the Island County Comprehensive Plan and County Development Regulations. This list is referred to as the Annual Review Docket (Docket). The procedures established in Chapter 16.26 ICC govern the Docket process. This process mandates at least one public hearing and then a review and recommendation from the Planning Commission to the Board for each item on the Docket.

The Planning Department also creates an Annual Work Program for code amendments and other projects that do not involve a corresponding Comprehensive Plan Amendment (ICC 16.26). Work program items are identified and brought before the Planning Commission for public hearing throughout the year. This memorandum is intended to provide a complete list of the items on the 2012 Annual Review Docket along with a brief description of each.

2012 PROPOSED AMENDMENTS

Listed below are summary reports for each item on the 2012 Docket. Detailed staff reports on each issue will be provided to the Planning Commission through the public review process.

Staff began the process of identifying potential 2012 Docket items last fall, in a number of work sessions with the Board. Staffing constraints, carryover of incomplete Docket items from prior years, and other work program items played a major role during the consideration of potential amendments that would be placed on the 2012 Docket. Ultimately, the Board decided to place more items on the docket than staff could reasonably complete. The purpose of this was to provide a prioritized agenda in hopes that any incomplete items can be carried over to following years.

On February 13, 2012 the Board held the annual joint meeting with the Planning Commission and the Hearing Examiner. The discussion focused on the upcoming Docket and work program items noted by staff.

On March 26, 2012 the Board held a public meeting and adopted the 2012 Docket which includes the following items (Note: Items are not listed by priority).

1. **Fish & Wildlife Habitat Conservation Areas – Critical Areas Ordinance**
The Growth Management Act (GMA) requires all counties and cities to adopt development regulations to protect critical areas. These development regulations must address at least five (5) specified categories, with fish and wildlife habitat conservation areas being one of them. This required element of the County's Critical Areas Ordinance is an unfinished item from the 2005 periodic review and update of the Island County GMA Comprehensive Plan.

2. **CPA 155/04 (Carryover from 2010)**
This is an unfinished item from the 2005 periodic update of the Island County GMA Comprehensive Plan, regarding the 20 year future population projection and review of Urban Growth Area boundaries in Island County. This item has a long history, dating back to 2004, as part of the County's required periodic review and update of its GMA comprehensive plan.

Oak Harbor originally proposed that 180 acres be added to its Urban Growth Area. In the fall of 2010, the Board rejected the 2007 Planning Commission recommendation for approval and revised the proposal to include only 18 acres contiguous to the Oak Harbor Urban Growth Area (UGA). The Board found that Oak Harbor's existing UGA has sufficient capacity to meet expected population growth over the succeeding 20 year period. On April 11, 2011 the Board adopted CPA 155/04 (see Ordinance C-46-11).

The City of Oak Harbor appealed this decision to the Western Washington Growth Management Hearings Board (WWGMHB) and the WWGMHB upheld the County's action. The City of Oak Harbor subsequently
appealed the decision of the WWGMHB to the Thurston County Superior Court. The court hearing is scheduled for November 9, 2012.

This item has been placed on the 2012 Docket as a placeholder, in the event that the pending appeal results in any required actions on the part of Island County.

3. **Agriculture – Critical Areas Ordinance (Lawsuit only, no implementation)**

   This item is a placeholder for the pending appeal of Ordinance C-150-05, pertaining to the County’s Comprehensive Plan and Critical Area regulations relating to existing and ongoing agriculture. The history of this issue, beginning with the adoption of Ordinance C-150-05 is summarized below.

   Ordinance C-150-05 was approved and adopted on April 24, 2006 by the Board. The ordinance constituted the County’s update of its regulations for existing and on-going agriculture as required by GMA. The ordinance also addressed a Western Washington Growth Management Hearings Board (WWGMHB) Compliance Order dated November 17, 2000. On July, 12, 2006, Whidbey Environmental Action Network filed a Petition for Review with the WWGMHB regarding Ordinance C-150-05. On August 30, 2006, the WWGMHB issued an Order Finding Compliance regarding Island County’s Critical Areas protections (See case no. 98-2-0023c). The WWGMHB issued a Final Decision and Order (Case No. 06-2-0012c) on September 14, 2006, again upholding Ordinance C-150-05.

   On October 27, 2006, Whidbey Environmental Action Network (WEAN) filed a Petition for Review in Thurston County Superior Court to appeal two decisions by the WWGMHB to uphold Ordinance C-150-05, as well as two decisions by the WWGMHB denying reconsideration of the matter. The matter was put on hold through multiple stays that both the County and WEAN agreed to. The most recent stay postponed the appeal process until February 15, 2012 to allow Island County time to decide whether to opt into a new voluntary stewardship program established by ESHB 1886 (Ruckelshaus).

   On January 23, 2012 the Board decided not to opt into the voluntary stewardship program. A court hearing on the WEAN appeal has been scheduled for November 30, 2012.

4. **Freeland Subarea Plan (Carryover from 2010)**

   On March 21, 2011 the Board approved the 2010 Freeland Subarea Plan (FSAP) update (see Ordinance C-32-11). Before the County can complete the subarea plan and then proceed with creating development regulations to implement the plan, the Regional Transportation Plan must be updated and incorporated into the plan. Additionally, the Freeland Water and Sewer District is working to develop a plan for sewers in Freeland. When the Freeland Subarea Plan is complete, it will be incorporated into the Island County GMA Comprehensive Plan.

   The future step in the process, following the completion of all FSAP elements, is to create development regulations that will implement the goals, principles, and policies of the subarea plan. Development regulations include establishing formal zoning districts along with setting requirements for land-use, building setbacks, lighting, signs, etc. Development regulations for Freeland’s commercial core will hopefully take a form-based approach in contrast to the more commonly used Euclidean approach to zoning used throughout the county.

   Staff anticipates that the transportation element will be ready for Planning Commission review by the fall in 2012. However, the capital facilities element is dependent on the Freeland Water and Sewer District’s completion of a plan for sewers in Freeland and it is not known at this time when that process will be completed.

5. **Shoreline Master Plan (SMP) / Fish and Wildlife Habitat Conservation Areas (FWHCA) Combined Update**

   In 2001 Island County adopted its current Shoreline Master Program as an element of the Island County Comprehensive Plan. Unlike other Comprehensive Plan Elements and Development Regulations, the SMP contains both the policy language and the regulatory language in a single document. The Island County Planning Commission

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SMP regulates lands which fall under the jurisdiction of the Washington State Shoreline Management Act (SMA) of 1971 including:

- All marine waters;
- Lakes 20 acres or larger;
- Upland areas, called shorelands, that extend 200 ft. landward from the edge of these waters; and
- Wetlands and floodplains associated with one of the above

The SMA requires Island County to amend its SMP on or before December 1, 2012. The Island County Planning Commission will receive periodic updates on the status of the amendments, which are planned for Planning Commission review and formal public hearings in 2012.

In late 2009, the Washington State Department of Ecology and the Department of Fish and Wildlife authorized Island County to review and update its FWHCA regulations concurrently with SMP update, allowing the County to see the efficiencies of combined review. As such, the Planning Commission will also receive updates on the status of these amendments.

Concurrent review and update of these two regulatory tools is encouraged by the State because of their close jurisdictional proximity. The FWHCA regulations apply to the following areas:

- Areas with which endangered, threatened, and sensitive species has a primary association;
- Streams;
- Commercial and recreational shellfish beds;
- Kelp and eelgrass beds;
- Herring and smelt spawning areas;
- State natural area preserves;
- State natural resource conservation areas;
- Species and Habitats of Local Importance;
- Flora included in the Protected Species List; and
- Areas identified by the Washington Natural Heritage Program.

RCW 36.70A.130 mandates that FWHCA regulations be reviewed by December 1, 2005, and every seven years thereafter. From 2005 to 2008, Island County was engaged in an extensive update of its wetland regulations. During this time, the County was granted extensions for its review of FWHCA regulations.

6. Countywide Planning Policies

The Growth Management Act requires periodic updates of Comprehensive Plans. Before Comprehensive Plans can be updated, the existing Countywide Planning Policies should be evaluated because these policies provide direction for all comprehensive plans in the County (including the cities) and are a key basis for the Interlocal agreements with Coupeville, Langley, and Oak Harbor. The next periodic update for Island County is scheduled for 2012 but the State has granted a four year extension because of reduced budgets, giving jurisdictions until 2016 to complete their next periodic update. Island County has yet to formally adopt a schedule for the next update but the Board has approved a resolution stating that the full extension will be utilized.

Our Countywide Planning Policies were last amended in 1999 and subsequently include language that is no longer relevant. Staff has begun conducting meetings with local jurisdictions and the Planning Commission for input on new policy directions. Staff anticipates that the revisions to the County Wide Planning Polices will be ready for Planning Commission review this fall.


Under RCW 43.62.035, the Office of Financial Management (OFM) prepares 20 year projections with a range of probable population growth for each county planning under GMA every 5 years. The Board is responsible for selecting a projection within the range provided by OFM. Working with Oak Harbor, Coupeville, and Langley, the County will determine how the projected population will be accommodated.
among unincorporated and incorporated areas of Island County. This effort is a necessary part of the 2016 periodic update of the Island County GMA Comprehensive Plan.

8. **Buildable Lands Analysis**
The County will conduct a Buildable Lands Analysis of unincorporated lands within its jurisdiction in preparation for the 2016 periodic update of the Comprehensive Plan. The Buildable Lands Analysis helps the County determine development potential under existing regulations, among other things. The County will coordinate this effort between Oak Harbor, Coupeville, and Langley for the purpose of determining any necessary changes to urban growth boundaries for the respective municipalities as well as to the Freeland Non-Municipal Urban Growth Area.

These code sections are the Island County Code provisions that govern the review and amendment procedures for Island County's GMA Comprehensive Plan and development regulations. During 2010 and 2011, the State Legislature extended the deadline for the next required periodic update of the Island County GMA Comprehensive Plan and the timing of periodic updates thereafter. On February 13, 2012, the Board approved Resolution C-15-12, noting the County's intent to adhere to the changes made to RCW 36.70A.130(5)(b) and perform the next periodic comprehensive plan update by 2016. In order to implement this Resolution, minor changes to the Island County Code are necessary.

**New Business – DRA 082/12; ICCP Periodic Update**
Troy Davis presented Amendments to Sections 16.26.060 and 16.26.090 of the Island County Code to align the timing requirements for periodic review and update of the Island County Comprehensive Plan (ICCP) with the extended review cycle established by the State Legislature in Section 36.70A130(5)(B) RCW.

Section 36.70A.130 of the Revised Code of Washington (RCW) governs the review procedures, schedules, and amendment process for updates to local GMA comprehensive plans. In 2010 and 2011, the Washington State Legislature amended RCW 36.70A.130 with the intent to “provide local governments with more time to meet certain statutory requirements”.

Recognizing that many cities and counties within the state were faced with reduced budgets and staff, the State Legislature extended statutory deadlines to allow local jurisdictions more time to comply with state requirements. Island County’s 2012 deadline for periodic review and update of its GMA comprehensive plan was extended to June 30, 2016 and every eight (8) years thereafter.

Prior to the amendments by the State Legislature, Island County’s next periodic review and update of its GMA comprehensive plan was due this year (2012), as the last update occurred seven (7) years ago in 2005.

On February 13, 2012, the Board of Island County Commissioners approved Resolution C-15-12 signifying the County’s intent to utilize the 2016 deadline.

**Public Comment:**

Sara Schmidt, 243 Rhodena Drive, Coupeville
- Had a question regarding item number 5, is there any work being done on the FWHCA update?
Bob Pederson stated that funding has not yet been identified to do the overall MFWHCA update. The SMP will be the FHWCA for all the critical areas within the shoreline jurisdiction.

Steve Erickson, WEAN, Box 53, Langley
- Stated the Conservation Update is about 6 years overdue.
- Understands the financial issues the County has but hopes firm timelines are set.

Commissioner Yonkman moved for approval DRA Amendments to Sections 16.26.060 and 16.26.090, Commissioner Sibon seconded, motion carried unanimously

Commissioner Hillers moved to approve the Findings of Facts DRA 082/12 of the Island County GMA Comprehensive Plan, Commissioner Yonkman seconded, motion carried unanimously

Continued Business – As part of the Island County Shoreline Master Program (SMP) update the Planning Commission will hold an initial discussion on the draft Regulations and Procedures, ICC Chapter 17.05A.

Mr. Pederson introduced consultant Mark Johnson with ESA and David Pater from the State Department of Ecology.

Ms. Karen Stewart advised Alex Cohen will be joining to discuss setbacks and buffers.

Ms. Stewart discussed that the SMP draft goals and policies were presented in previous meeting.
- The preliminary draft will be discussed; revisions can be made for the meeting in August.
- Comprehensive rewrites of two sections of existing code. The new chapter is 17.05A
- Combination of two existing chapters, 16.20.21 procedures for shoreline permits and existing Shoreline Master Program 17.05 will be combined to be comprehensive in the SMP code.
- Maps specific shoreline designations were distributed.

Discussion of pages 2-16 of the preliminary draft:

Commissioner Sibon discussed pg. 4 item C, concerned about detail of the maps. If maps do not give specific items it will be difficult to discern the edges of boundaries.

Ms. Stewart stated that with the Geographic Information System, people may zoom in and discern boundaries.

Commissioner Sibon stated she could not find the definition for a float or ramp, definitions should be included.

Ms. Stewart also acknowledged that exceptional feeder bluffs will also be included. Definition of a fender will also be incorporated.
Other editorial changes were discussed.

Commissioner Hillers commented live-a-boards/floating homes/house boats are not defined and needs to be clear.

Commissioner Dickson stated ecological functions and processes needs to be defined. Perhaps ecosystem services can be used instead.

Commissioner Howard commented net loss should also be included in definitions.

Commissioner Enell commented that fish farms are not defined.

Commissioner Sibon commented that impervious areas should be defined. In old regulations a certain amount of impervious areas were allowed and in this regulation there is no percentage amount allowed per acre or lot.

Ms. Stewart replied that the explanation is under setbacks and will be discussed a little further.

**Discussion of Definitions and its location:**

Commissioner Howard commented on pg. 4, under D subsection 2, discussing high intensity areas. The word foreseeable is not clear. Ms. Stewart stated that typically 20 years is the definition of the timeframe. The phrase next 20 years can be used instead of foreseeable.

Mr. Johnson will discuss a number of changes that are being proposed.
- Shoreline Environment Designations and Criteria are being incorporated into the code. This is to make clear the adoption of the criteria.

Public Trust Doctrine:
- Waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, harvesting and recreation.
- SMA codifies the Public Trust Doctrine.

Commissioner Dickson wanted to know about the land under the water, in under the jurisdiction of the State Dept of Natural Resources. Is the land also part of the Public Trust Doctrine?

Mr. Johnson stated that it is the State’s responsibility to ensure that the public interest in the waters is not damaged by the activities that goes on submerged land or on the land above the water.

Commissioner Hillers asked if this was stated anywhere in the Island County document.

Mr. Johnson replied that it was in the preamble but will verify.
Shoreline Environment Designations-

- The map provided shows what is part of the shoreline jurisdiction. Various Shoreline Designations were explained and discussed.
- There are very specific sets of rules pertaining to lagoon and historic beach communities.
- There is shoreline residential general.

Commissioner Yonkman asked if the first line is to depict the Ordinary High Water Mark (OHWM) and the second line was the 200 ft setback.

Mr. Johnson confirmed.

Commissioner Enell wanted to discuss the setbacks brought up by Elliott Menashe via e-mail. He wrote that a setback protect the land owner from the world the buffer protects the world from the landowner. His suggestion was that the future buffers may not be routinely clear as they are presently maintaining buffers will of course protect critical wildlife habitat reduce erosion and improve water quality. Commissioner Enell stated that Elliott felt this is something that should be stated in the definitions.

Mr. Johnson stated they were fairly in line with that and once we get into setbacks and buffer we can discuss the issue if there is still concern.

The parcel layers give fairly good precision, the OHWM does move from time to time so it is not perfectly precise, this is why the language of the code is written in such a way so the jurisdiction line moves with the movement of the shoreline.

The next section is pg. 17 - This is the table that set the uses for various designation uses.

- No mining allowed anywhere in the shoreline.
- Mobile home parks are not allowed.
- Non-water oriented industries are not allowed.
- There are some provisions for tidal power made through a conditional use permit.
- There are more restrictions on development in the Natural Shoreline designation than in the past.
- The table describes the shoreline modifications.
- There is a distinction between structural shoreline stabilization and non-structural shoreline stabilization which is a definition that has been included.

Commissioner Sibon wanted to know the location of passive recreation in the code.

Mr. Johnson stated it will be added to the definitions.

Commissioner Hillers stated the environmental designations should be listed in the definitions in the same order as the table.

Commissioner Enell commented that jet skis should be in the definitions as well.
Mr. Johnson stated that we cannot restrict the movement of vessels; the movement/use of the water and the regulation of vessels is a Coast Guard authority.

There was further discussion of the use of jet skis.

General Standards
- Beginning on pg. 21, it includes a variety of best management practices, e.g. water quality, land clearing, and solid waste disposal. This also has the height standards that apply to all shoreline development.

 Commissioner Sibon commented regarding item number 4, line 18, the code should state that vegetation and maintenance should be written in to indicate that it can be maintained naturally after 3 years, but it cannot be removed after 3 years.

Critical Areas Protection
- This describes the general process for protecting critical areas, the mitigation sequence when there is potential impact on shoreline ecological resource including avoidance, minimization, and compensation.
- Marine Fish & Wildlife Habitat and Conservation Area are being looked in the SMP under the Critical Areas Protection.

 Commissioner Enell commented on pg. 23, regarding the sequence of steps listed in the order of priority.

Mr. Johnson stated that this methodology has been used by Army Corp of Engineers and Dept. of Ecology, the County has similar rules in the Critical Areas Ordinance with this mitigation sequence, it gives the administrative authority the ability to look at the proposal and see if any impact can be avoided.

 Commissioner Dickson commented on the mitigation measures under number 6, in each one of the directive, the focus is to maintain shoreline ecological processes and functions and protect on that basis, if those are protected, then it puts into perspective the mitigations that must be done.

Reasonable Use was discussed.

 Commissioner Sibon commented regarding height limits. A person would have to go look at the site and proposal of the development and determine whether or not the height of the development is allowed. Reasonable use does not have to be a single family residence.

Recess 10:55am

Mr. Johnson continued with pg. 26/27 general standards. There are standards for public access, pg. 35 – addresses priorities for how public access should be designed and when it should be required. Most standards are brought forward from the existing Code with clarification of public land will always require public access be considered. If public access is not onsite, nearby access
should be provided. It also makes clear for commercial and – public access will not be required due to the limited area for shoreline commercial uses.

**Specific Use Standards**
Specific use regulations – agriculture and forestry have a unique place in the shoreline program in that existing ongoing practices cannot be regulated.

**Aquaculture** – in the early eighties there were aquaculture districts that have been superseded. The permitting process through the State has established a set of criteria that has superseded the need for those districts.

Pg. 43 – standards regarding beach access, many were present already and are now more specific. Greater limitations have been placed in the Natural Environments area. Beach access, structures, cannot require modification of the shoreline to protect the structure.

The existing rules on boat launches were fairly good in the current Code and have just been tightened up a bit.

**Residential**
Clarified subdivision rules, cannot create lots that would require shoreline stabilization in the future. It must be shown that they are stable and would be for the life of the structure. The State has a requirement that any subdivision of more than four lots would require public access requirements unless it is unfeasible such as a high bluff. Established some maximum density limits found on pg. 54.

Beach access structures related to residential development.

DOE is reviewing this draft and will provide input prior to the final regulations.

**Shoreline Modification Standards:**
There is a distinction made between structural and non-structural stabilization on pg. 61 –if the structure is in jeopardy within 3 years – structural modification will not be allowed until a geotech indicates a structure would be in jeopardy in that timeframe.

Island County has increased the percentage of armoring on the shoreline 3% in the five year time period from 2005 - 2010. Almost 9% of the existing armoring has been replaced in that same timeframe. Softshore armoring is being encouraged as an alternative.
Commissioner Enell commented regarding people that decide not to reinforce or renew their bulkhead. If they agree to do that, we would cut them some slack on other regulations that affect their property, he feels that represents a fair deal. He felt it was a good approach.

Presentation then continues with **Alex Cohen, senior planner with ESA**

Provided information – 75 foot buffer universally applied in the current Code. Set back is protecting things like views – buffer is protecting the natural resources from development.

The buffers proposed are driven by the natural resources and fish and wildlife habitat conservation areas.

Table 2 on pg. 27 – for every designation there is a prescribed marine buffer, lake buffer and setback. In general for all new development some enhancement of the buffer will be required.

A buffer is a strip of land on the water side that has native vegetation.

Some of the buffer area must be enhanced proportionate to the impact in that area. There are specific criteria located on pg. 28.

There are two areas called historic beach communities and lagoon communities, fairly tight lots–create incentive to get some ecological function returned.
**Expansion of an existing residential structure**

For expansion of existing residential structures within shoreline buffer, an allowance has been created to move the structure forward of setback provided enhancement is provided of the buffer, as long as it is less than 200 sq ft. If the structure is greater than 200 sq. ft., it would require enhancement of the buffer with native vegetation equivalent to the sq ft of the expansion.

![Diagram of expansion of existing residential structure within shoreline buffer (<200 ft)](image)

**Vertical expansion of an existing home**

If the building is vertical but not increasing the footprint, the enhancement is required but it will be half of the 800 sq. ft.

![Diagram of vertical expansion of existing residential structure within shoreline buffer](image)

There is a 50 ft. setback in lagoon communities. There is an allowance encroaching on the setback by 50%, the buffer requirement would be 2,000 sq. ft. of buffer enhancement in the case of a 2,000 sq. ft. home.
Lateral Expansion

Lateral Expansion of Existing Residential Structure >200 sq ft

Common Line Setbacks

Common Line Setbacks -1

Common Line Setbacks -2
Discussion of setbacks was further discussed. If setbacks are followed, a variance would not be required as the current Code does.

Commissioner Hillers asked whether the historic beach communities are part of the current Code, Mr. Pederson commented that it is not. They are trying to work away from a one size fits all by providing incentives as described.

**Public Comment**

**Tim Verschyl**, Skagit Bay – NE of Oak Harbor
- Discussed hard armoring – felt failure within 3 years is too late.
- High bluff – people typically build according to the permit, they then clear to get a view without a permit.
- Needs good code enforcement.
- Private property rights. Need to understand how these affect the homeowners.
- Incentives for compliance. Need to tie into other departments like the Assessor’s Office.

**Ron Young**, 8281 Coho Way, Clinton
- Concerned about a 25 foot height restriction, building in the flood plane
- Didn’t understand why there would be buffer mitigation if you are going up in height since it is not like for like.
- Concerned with the historic communities, mitigation is impossible with the size of the lot they have.

Mr. Pederson responded that it was not a blanket mitigation it is in lieu of a variance.

Mr. Johnson stated the science indicated the original concept is to restore the degraded ecological function of the shoreline in lieu of doing a variance.

**Steve Erickson**, WEAN, Box 53, Langley
- Purpose section of the Public Trust Doctrine– should state as an overriding purpose to retain and recover public access to the shoreline.
- Regarding questions maps vs. on ground which will control? The maps on critical areas?
- Pg. 6 criteria for designation of the natural shoreline environment – refers to areas of waterfowl – needs to include resident and migratory birds, areas of FWHCA, areas of highly floral and richness.
- Areas designated to the presence of specific habitat features for many areas the landscape features are greatly influenced by what happens outside of their areas.
- Regarding aquaculture – net pens – County needs to have zero tolerance for escapes
- Require double containment.
- Report all escapes immediately.
- Bonding that is sufficient for locating and killing any escapees.
- Need to prohibit prophylactic antibiotic use.
- Pg. 24 - compensatory mitigation – needs to be more detail guidance
Pg. 27 – buffers for steep slopes – need larger buffer, i.e. Double Bluff.
Pg. 25 – note in the introduction to the critical areas regulation, presumes that the 75 ft buffer is adequate.
Regarding personal watercraft – noise affects the birds and cause startle reaction. Need to figure out where they should be banned.
Pg. 50 – Forest practices – what is proposed the County does not have the legal authority to do this, specifically # 5, unless the County declares the County is likely to convert, it cannot enforce its critical area regulation.
Pg. 61—there should be a requirement for discharge.

Rufus Rose, 6529 Four Sisters Lane, South Whidbey
• Discussed shoreline plan versus Code.
• Concerned about identifying something as a non-conforming use, in the form of increased cost for loans and insurance and the potential economic impact this has.
• Economic impacts of this Code should be discussed and publicized.
• Downstream impacts should also be considered and discussed.
• Discussed RCW 43.18.21h to be considered as guidelines that would be useful for consideration.
• Are any of the Planning Commissioners or Planning staff own property or live on a shoreline and what impacts these would have on them?

Mr. Pederson stated this effort has always been an effort for the Shoreline Master Program Goals and Policies. The Planning Commission reviewed them in March.

Dennis Gregoire, 5249 Raindrop Lane, Freeland
Representing Port of South Whidbey, wanted to state Public Trust includes navigation, fish and recreation. Port Districts where set up to reclaim the waterfront properties; wanted to highlight that the Feds and State have advocated and pushed it to the local level.
• Discussed how to meet boat launch and access points and how to improve those locations.
• Discussed watershed planning.
• Public Access—should be more definitive.
• Economic and Residential Shoreline, Shoreline plan exempts SFR uses
• Shoreline Planning process and adoption of regulations.
• Boat ramps need to be defined with functions (i.e. restrooms, dock, and office space).

Commissioner Sibon stated that she agrees with Mr. Erickson regarding net pens.

Commissioner Howard wanted to discuss
• Pg. 52, line 9 the difference between insure and ensure.
• Pg. 69, line 5b could not make sense of its purpose.

Ms. Stewart stated that 5a, b, and c have been revised. Commissioner Howard agreed that it now makes sense.
Commissioner Enell agrees with Steve Erickson regarding fish farms should be double hulled.
Pg. 40 fish net pin complexes, would like to know where the number are coming from.
Regarding the comment on jet skis that they should be banned everywhere and stated where they
are allowed and that is a possibility and would be more inclined to find those areas for the
public’s enjoyment and uses.

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

Meeting adjourned at 12:45 pm

Respectfully submitted,
Virginia Shaddy