Meeting called to order at 9:05 a.m. by Chair Havens.

**ROLL CALL**

Scott Yonkman, Jeff Wallin, Val Hillers, Wayne Havens


**ITEMS FROM THE PUBLIC**

None

**DIRECTOR'S REPORT**

None

**NEW BUSINESS** – Fish and Wildlife Habitat Conservation Area (FWHCA): Public Participation Plan

Review and consideration of a public participation plan for the update to the FWHCA regulations. This plan identifies a preliminary schedule for the FWHCA update and ensures Island County complies with RCW 36.70A.

Kira Swanson provided background on the topic, discussing the fact that the 2005 update failed to address the Fish and Wildlife Habitat Conservation Update.

Revised compliance schedule by July 24th of 2014. The Watershed Company has been hired as consultants to assist in this update with the assistance of a grant.

She continued by reviewing the draft Fish and Wildlife Conservation Areas Update Public Participation Plan & Preliminary Scope of Work as outlined below:
Fish and Wildlife Habitat Conservation Areas Update
Public Participation Plan & Preliminary Scope of Work

1. Public Participation

1.1 Purpose

The purpose of this plan is to ensure early and continuous public participation during the update of the Island County Critical Areas Ordinance (CAO), as required by RCW 36.70A. The preliminary schedule and scope of work outlined in this plan is based on a deadline mandated by the Growth Management Hearings Board.

1.2 Goals

1. Allocate resources and coordinate outreach efforts to ensure Island County complies with the dates and deadlines mandated by the Growth Management Hearings Board.

2. Notify the public of all meetings, hearings, and legislative actions.

3. Create a Technical Advisory Group (TAG) that includes habitat experts and other members who have technical expertise to provide peer review of the Best Available Science (BAS).

4. Ensure the Island County CAO is based on Best Available Science.

5. Accommodate budgetary and staffing constraints by supplementing local resources with any available grant funding.

6. Make use of communication technologies to efficiently distribute information, post notices, and conserve limited resources.

1.3 Program Structure

In order to comply with the deadline mandated by the Growth Management Hearings Board, this plan identifies essential public participation strategies that will be employed at designated stages in the planning process. The constrained timeframe limits the opportunity for extensive public outreach; however, Island County is committed to ensuring that any group or member of the public interested in the CAO update is able to stay informed.

The deliverables noted in the timeline are based on deadlines associated with grant funding from the Washington State Department of Commerce. Meetings associated with deliverables will likely occur before the date identified in each step in section 2.1. In some cases, the final action may occur before or after the target date due to constrained resources, the need for additional collaboration with key stakeholders, the need for additional collaboration with a consultant, or other unforeseen circumstances.

1.4 Methods

The public participation methods that will be employed by Island County may include, but are not necessarily limited to, the following techniques and strategies.

1. Public Hearings – Public Hearings are a formal public process conducted and held before the Board of Island County Commissioners or the Island County Planning Commission.
2. Public Meetings - Planning and Community Development will utilize work sessions with the Board of County Commissioners to ensure elected officials and the public are informed of developments in the update process.

3. Island County Planning and Community Development Website – Planning and Community Development will periodically update its website. Relevant documents and research will be posted on the website along with announcements and notices concerning upcoming meetings, hearings, and public involvement opportunities.

4. Technical Advisory Group (TAG) – In order to solicit guidance on complex technical issues, Planning and Community Development will utilize a Technical Advisory Group. This group will include members who have specific knowledge in relevant topics such as local habitat, wildlife corridors, geospatial analysis, watersheds, and water quality. Island County will invite representatives from state agencies, affected tribes, and NGOs with technical expertise in Island County habitat issues to form the TAG.

5. E-mail List – Planning and Community Development will maintain a list of individuals or groups who have expressed an interest in the CAO update process. The e-mail list will be used to disseminate announcements and notices. Any member of the public can ask to be added to or removed from the list at any time during the update.

6. Public Workshops – Public workshops are informal gatherings used to provide information regarding the CAO update and answer questions from the public. Public workshops may involve presentations by Island County staff or consultants if resources are available.

1.5 Essential Public Participation Strategies

Essential public participation strategies have been outlined in section 2.1. In addition to these strategies, Island County will ensure that any other meeting, hearing, notification, or procedure required by State law or Island County Code is adequately addressed.

1.6 Availability of Documents

Island County will make every effort to post all relevant documents on the Planning and Community Development website. When new materials associated with the update are posted on the website, County staff will use the CAO update email list to notify the public. The webpage designed specifically for the update of the Comprehensive Plan and development regulations for Fish and Wildlife Habitat Conservation Areas is:

http://www.islandcounty.net/planning/FishandWildlifeHabitatConservationAreaUpdate.html

2. Preliminary Schedule

Island County Planning and Community Development has identified the following specific steps which must be completed as part of the CAO update for Fish and Wildlife Habitat Conservation Areas. This schedule is based on deadlines mandated by the Growth Management Hearings Board and grant funding provided by the Washington State Department of Commerce.

2.1 Phase I

1. Establish Preliminary Scope of Work and Public Participation Plan

   • Estimated Completion Date: September 30, 2013
2. Technical Advisory Group formation

- **Essential Public Participation:** Invite state agencies, tribes, and NGO’s to participate in the TAG; update website, Board of County Commissioners work session
- **Deliverable:** Formation of a Technical Advisory Group to provide technical assistance during the CAO update process

3. Review of Best Available Science

- **Estimated Completion Date:** November 18, 2013
- **Essential Public Participation:** TAG review and feedback, website update, Island County Planning Commission meeting, Board of County Commissioners work session
- **Deliverable:** Presentation of BAS bibliography and findings to the Island County Planning Commission and the Board of County Commissioners.

4. Assessment of habitat conditions

- **Estimated Completion Date:** December 16, 2013
- **Essential Public Participation:** TAG review and feedback, website update, Island County Planning Commission meeting, Board of County Commissioners work session
- **Deliverable:** Presentation of habitat analysis and maps to the Island County Planning Commission and the Board of County Commissioners.

5. Best Available Science report and recommendations

- **Estimated Completion Date:** January 15, 2013
- **Essential Public Participation:** TAG review and feedback, website update, Board of County Commissioners work session, Island County Planning Commission meeting
- **Deliverable:** Presentation of findings and recommendations to the Island County Planning Commission and the Board of County Commissioners.

6. Critical Areas Ordinance policy and regulation revisions

- **Estimated Completion Date:** April 7, 2013
- **Essential Public Participation:** TAG review and feedback, website update, Island County Planning Commission hearing, Board of County Commissioners hearing
7. SEPA analysis and Public Review Period

- **Deliverable:** Presentation of staff report and draft regulations to the Island County Planning Commission and the Board of County Commissioners

- **Estimated Completion Date:** April 4, 2013 (*Notice of intent to adopt and 60-day public comment period will likely occur shortly after April 4th*).

- **Essential Public Participation:** Update website, send notice to adopt to State agencies, email notification

- **Deliverable:** SEPA checklist and threshold determination

8. Final Adoption

- **Estimated Completion Date:** July 21, 2013

- **Essential Public Participation:** Update website, Planning Commission Hearing, Board of County Commissioners Hearing

- **Final Action:** Formal adoption of updated FWHCA policies and regulations

*Please note an typo in the year date in items 5 – 8 the year should be 2014, not 2013.*

The Chair opened the meeting for public comment.

**Ron Nelson,** Economic Development Council

Asked if the economic impacts of implementation were considered in the process; impact to tax rolls, impact of business such as to the construction industry or the impact to water-based industries or marinas. Feels the public should be informed of these types of impacts during this process in order to make informed input.

Planner Will Simpson replied that it was premature to consider impacts prior to the collection of the scientific data. Once the data is collected, the Planning Commission and then the Board of Island County Commissioners would determine what policies would be appropriate, based on the new science and the data collected.

Ms. Swanson explained the consultant is being tasked with first identifying a bibliography of the best available science, identifying the different locations of fish and wildlife habitat conservation areas and evaluating the state of those areas. With that information they will then do an analysis of our Code and identify where there are differences and recommend any changes needed to be consistent with what is stated in the science.

Commissioner Hillers expressed concern relating to how the Economic Impact could be timely considered.
Steve Erickson, WEAN
Spoke to the economic analysis, stating it was quite complex to do a formal economic analysis. Without major funding it would be very difficult to do and would be mostly anecdotal impressions as to what the cost of something is.

Rufus Rose
Commented on:
- The Planning Commission being the representatives of the public; thinks it is their responsibility to listen.
- Wanted to know what the problem was, is Island County doing something bad related to fish and wildlife with the current regulations?
- Discussed the short timeline.
- Discussed the State water quality standards for fecal coliform on the west side of Whidbey Island being greater than it was on the east side. Wanted to know how this made any sense, stating it causes confusion within the technical staff.
- The economic issue is a very important issue, whether or not it is difficult, it should not be ignored. Fish and wildlife are important to all of us; they are important to ecology, to sports people, they are important to the quality of life here and deserve a thorough looking into and a proportionate regulation.
- For the public to understand what the impacts will be, the laws need to be in draft form well in advance so the public can interface.
- Implored the Commission to consider the difficulty of implementing this plan and the intended codes in the time that Island County has been ordered to do it in.
- Wanted to know if Island County anticipates any punishment coming from the Growth Hearings Board or from the legislature for not complying with this order.

Chair Havens discussed notification to the public. It will impact property owners and he thinks a special effort be made to notify the public of the process and be able to participate.

Commissioner Hillers stated she felt the issue was very important and further stated she also feels it be important to make a good faith effort to move along, get the process done, be as thoughtful as they can, while trying very hard to meet the deadline set by Western Washington’s Growth Management Hearings Board.

Commissioner Yonkman commented on the timelines, stating he agreed but thought the Commission should be open to slowing the process down if necessary and felt the economic element should carry equal weight as they look at the impacts of new regulation and felt it all needed to balance. Development occurs now with a lot more care than was done twenty years ago, not because we didn’t care back then, but because we are now more educated and because of that, sensitive parcels can be developed responsibly; there is a balance.

He felt this needed to not be rushed and asked about the possible penalties of not meeting the deadline, should more time be needed.
Will Simpson replied that this may be more of a legal question, however some of the economic implications of not meeting a Growth Management Hearings Board mandate would be withholding of grant funding, as well as other implications he was not able to expand on without further research.

Commissioner Wallin wanted to know if there was a process to file for another extension without being penalized if moving down the road it appears necessary.

Mr. Simpson replied these same discussions have occurred internally. At this point a grant has been received to allow the scientific work to be done by consultants and hesitated to say there could be an extension. He believes a good faith effort to uphold the commitments that have been made and making progress on the project are a good first step.

Commissioner Havens commented that a time limit needs to be set or the process will go on and on. If the Commission does the best job it can and if an extension is needed maybe it will happen, but he stated he understand there needs to be a firm deadline.

**Rufus Rose**

Wanted to know about the TAG public relationship, he understands the public can be present at TAG meetings, but he doesn’t understand who will be on the TAG. He wanted to know how the public will be able to talk to these people. Wanted to know if the County will task the TAG to be site specific or will the recommendations be broad. An example of this type of discussion is the identification of wildlife corridors.

He further stated he felt the specific skills and experiences of TAG members should be known and he felt he should be able to question the TAG related to how the science will be applied to specific properties and it distressed him that he won’t be able to talk to these people in a public forum.

Kira Swanson provided background information related to Mr. Rose’s questions. We anticipate the TAG members will attend between 5 – 10 meetings and in addition to that they will be reviewing all of the work products that come out of this update. There is a significant amount of effort that goes into reviewing these highly technical documents.

It is anticipated each TAG member will spend approximately 120 hours doing this work. The TAG members are volunteers and are taking this work on in addition to their regular workload. It is important to be respectful of that. The TAG meetings are open to the public and throughout the entire update process anyone can comment on anything specific to the TAG review or the TAG findings by submitting questions to her as well as submitting comments for the record. The membership will be posted on the web once the group is finalized.

Will emphasized the appropriate forum for expressing concerns would be to the Planning Commission and to the Board of County Commissioners. The TAG will not be making determinations of how the science would affect a piece of property, that determination would be a policy decision. The TAG will be looking at the science and determining what the Best Available Science is regarding fish and wildlife habitat.
**Ron Nelson**
Rural character and charm is an economic asset to our county and environmental protection is part of protecting that rural character and charm. His concern relates to imposing more rules onto businesses. On any given day businesses have so many rules to comply with on the Federal level, the State level, and the County level there are so many laws it is impossible to comply with them all and corresponds directly to the cost of doing business. It would be great if through this process if somehow an integration of policy occurs across the Code to streamline compliance in a cost effective way.

**Steve Erickson**
Commented on Mr. Nelson’s statement, felt common sense will get you into compliance and provided a local example. Common sense goes a long way with people to get them into compliance. Obscure laws should be known by the businesses that deal with them. He did agree with streamlining the process.

**Andy Messer**, representing Lagoon Point Community Association
Disagreed with Mr. Erickson, there are so many rules and regulations coming from numerous agencies that overlap and conflict, it is just too much. Some rules are obsolete, but businesses are still bound by them. Finding out about all the laws is extremely difficult.

**Rufus Rose**
Asked the Commission to consider the authority of the Planning Director to impose onerous fines or assessments related to non-compliance with regulations.

Commissioner Yonkman stated that he felt equal efforts should be made to clean up the outdated regulations, bringing them back into balance, stating they should be mindful and balance their efforts to keep things clean. If new science is developed by people who study the effects of things that cannot be seen by the naked eye we need to respond to those. Once health has returned to an area of coastline, they should be reassessed to see if regulations need to be changed. It is all about being a vibrant healthy community.

Mr. Simpson stated this Public Participation Plan is the Department’s effort to keep the public informed of what is going on during this process, to be as transparent as possible so each step is clear to the public. It is the foundation for ensuring these discussions continue and the public can be involved. It is the Department’s commitment to the public.

Chair Havens stated this item is going to affect a lot of people and his concern is that the public is notified, making special effort to make sure the public is notified.

Commissioner Hillers stated although the Commission could not vote today regarding the Findings of Fact presented at this meeting, she did not see anything that needed to be changed. It has been well outlined and she had no suggestion for changes to the document.
Commissioner Hillers moved to continue this item to the next regularly scheduled meeting of September 24th at 9:00 a.m., Commissioner Wallin seconded, motion carried unanimously.

Meeting adjourned at 9:25 a.m.

Respectfully submitted,

Paula Bradshaw