

**PLANNING COMMISSION  
 COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA  
 TUESDAY MARCH 22, 2011**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>		<i>Val Hillers</i>
	<i>Dean Enell - Chair</i>	
	<i>Mike Joselyn</i>	
<i>District 2</i>	<i>Mitchell Howard</i>	
	<i>Anna-Marie Sibon</i>	
		<i>Mahmoud Abdel-Monem</i>
<i>District 3</i>	<i>Wayne Havens</i>	
	<i>William Lippens</i>	
	<i>Scott Yonkman</i>	

Meeting called to order at 9:09 a.m. by Chair Enell

**ROLL CALL**

Wayne Havens, Mike Joselyn, Scott Yonkman, Mitchell Howard, Dean Enell, Anna-Marie Sibon, Bill Lippens

Staff Present: Robert Pederson – Planning Director, Anthony Boscolo – Long Range Planner, Troy Davis – Long Range Planner, Karen Stewart – Shoreline Master Program (SMP) Coordinator

**ITEMS FROM THE PUBLIC**

None

**DIRECTOR'S UPDATE**

- Director Robert Pederson provided an update on the Freeland Sub Area Plan as recommended by the Planning Commission, which went to the Board of County Commissioners yesterday. The Board had three options, to adopt as recommended, reject the recommendation, or note changes that need to be made and send it back to the Planning Commission. Staff recommended the Board to adopt it as recommended by the Planning Commission, which they did.

He noted the Capital Facilities Element within the Freeland Sub Area Plan was a place holder in the Plan as had been discussed with the Planning Commission because of the ongoing efforts of the Freeland Water & Sewer District as it pertains to the LID formation, but the Department did not want to further prolong the adoption process for the Freeland Subarea Plan. Once the financing for sewers is determined there will need to

be an amendment to the Capital Facilities Element within the Freeland Sub Area Plan to reflect the final choices related to financing.

There is also the ongoing update to the Regional Transportation Plan of which Island County is just one of many players. When that effort is done there will need to be some internal consistency and coordination amendments with the Freeland Sub Area Plan, in addition to the countywide Comprehensive Plan.

- Later this week staff will be working with the Historic Review Committee (HRC) from the County and the Design Review Board (DRB) for the Town of Coupeville to review the Unified Code and Design Manual for Ebey's Landing National Historic Reserve. The second joint public workshop with the Town Council and the Board of County Commissioners has been set for April 28<sup>th</sup>. He further stated it is anticipated to be the last joint public meeting which will then be followed by formal public hearings for legislative action on that effort.

### **OLD BUSINESS** –

**DRA 019/11** – An amendment to the Island County Code, amending Section 16.190.100, to simplify permit review timeframes.

Chair Enell re-opened the public hearing on this item and called for public comment; hearing none he closed the public comment portion of the meeting.

Director Pederson stated this item had been before the Commission for public hearing at the last meeting and was continued due to the discovery of an additional section of Code that referenced the permit timeframes and those have now been incorporated into the ordinance to be consistent with the rest of the amendments. Staff is recommending approval of this ordinance.

Additional copies of the amendment were needed and therefore the Commission moved to the next item on the agenda.

### **NEW BUSINESS** –

**DRA 017/11** – An amendment to the Island County Code, amending Chapter 17.03 to permit Temporary Uses in the Rural Service Zone.

Planner Troy Davis indicated this amendment was brought about due to an annual music festival event on Camano Island. Several times they have attempted to have this event in an area that was zoned Rural Service and the Rural Service Zone did not allow for Temporary Uses. In looking into this issue deeper staff looked at the Comprehensive Plan

and could not find any reason or language that would justify not allowing Temporary Uses in the Rural Service Zone. The Code however, expressly prohibited it. Temporary Uses include things such as music festivals, annual produce stands, Christmas tree sales, and simple seasonal type of events that are not permanent.

Chair Enell asked if the Rural Service Zone was anywhere in the rural area.

Mr. Davis replied that the Rural Service Zone could be considered a subset of the Rural Zone.

Director Pederson stated pockets of Rural Service zoning are scattered throughout the County. A good portion of what is downtown Freeland at this point in time is zoned Rural Service or Rural Center.

He provided background stating research was done to determine what might be the basis for this exclusion and could not find any policy basis as to why the Rural Service Zone, out of all the other zoning districts in Island County, was singled out to not have Temporary Uses. The research included looking in the Comprehensive Plan, talking to members of the Planning Commission who worked on the 1998 Comp Plan, as well as staff, and could not find any reason why the Rural Service Zone did not allow Temporary Uses.

Commissioner Lippens stated he couldn't find anything that identified how long a Temporary Use could go on.

Director Pederson replied that in ICC 17.03.180.V.1.a, it indicates the dates are confined to the dates specified in the Temporary Use certificate. The Planning Director establishes the maximum duration of the event when the certificate is issued. Clearly anything that is for an extended period of time, and no longer temporary, needs to be evaluated as an actual use on the property and would then need to be in accordance with the other requirements of the Code.

Commissioner Sibon stated that it might be a good idea to provide an identifiable timeframe and gave an example from Pierce County related to a farm stand that was not an accessory to a farm, but on a separate piece of property that ended up being a year round endeavor.

Director Pederson replied there is always some amount of balancing and if something is stretching the limits of the Code provisions it would rise to the level of a code violation and there is a process for dealing with those.

Commissioner Howard stated it does seem to make sense to leave some discretion to the Director. If it states at the code level that temporary is no more than a set number of days then you have a problem with something that is very appropriate but a day over, it would require a work around. It seems appropriate to trust staff to do what is right.

Commissioner Lippens stated he was inclined to have an ultimate limit to what is temporary. Staff could have flexibility to make it less than that, but anything over a set number of days wouldn't be temporary. He further stated it didn't think it wasn't critical at the moment, but thought it might be something to look at.

Director Pederson replied there are other Departments that get involved, such as the Public Works Director for traffic issues that may be associated with the use, the Health Department gets involved in case it might involve temporary food service, waste disposal, and of course the Sheriff's Office is involved for traffic control. He agreed that at such time as a comprehensive look is taken at the Code it would be a good thing to look at for the bigger policy discussion. It is certainly worth of discussion.

Chair opened hearing for public comment; hearing none he closed the public comment portion.

*Commissioner Howard moved to recommend the amendment of the Island County Code amending Chapter 17.03 to allow Temporary Uses in the Rural Services Zone (DRA 017/11), Commissioner Sibon seconded, the motion carried unanimously.*

**Chair Enell re-opened the hearing on DRA 019/11** – An amendment to the Island County Code, amending Section 16.190.100, to simplify permit review timeframes.

Commissioner Lippens questioned why it was complicated to have different time frames for different approvals. He said he didn't have a problem with changing it, he just didn't understand why it made things complicated.

Director Pederson responded that it was difficult to explain those nuances to the public at the counter and there didn't necessarily seem to be a linkage to some of those time frames and the level of complexity of review of some of those projects. As discussed at the last hearing, the County had not met a number of those time frames for years because in some cases the public comment period or the other processes involved with Code made it unachievable.

Commissioner Yonkman stated he would like to assure that there is some method for applications deemed to be complete, meeting all regulations and Code are moved forward. As discussed at the last meeting, deadlines or timelines keep things focused and moving forward. The priority is to serve the citizens and get things cranked out for them to keep projects moving forward it is critical for many reasons, such as financing. It is hard to plan for financing as well as other things when project permit approvals are so far out. The policy that is currently in place was maybe put there to ensure projects that were submitted and complete could move forward quickly. He asked how the best of both worlds could be attained.

Director Pederson stated that the concern is well founded; but the recitals clearly establish the legislative goal and intent is to review all permits as quickly as possible. He

further stated a number of steps have been taken to address the issue from both the practical side and the technological side. Steps have been initiated within the permit review staff to make sure the completeness determinations get done in a more timely fashion. There has been an investment in permit tracking software that will automate tracking these permits to see if they are being done timely. It will make the process more efficient, more effective, and more transparent for both staff and management.

Commissioner Lippens asked if the new permit tracking software would allow permits to track exactly how long a permit is taking.

Mr. Pederson stated over time as a body of permits are tracked through that system it will provide that type of information.

Commissioner Yonkman stated he would like to go on the record as stating that as part of the team of the County and as a builder he would like to see language put in that indicates the Department is making every effort to move things forward.

Commissioner Lippens stated if the current deadlines are not possible to be completed in the time is states it is more frustrating than if the deadline is longer and they are finished early. In this manner the public can rely on these timeframes.

Chair Enell opened the hearing for public comment.

**Ron Nelson**, Director of the Economic Development Council (EDC)

The state economists at the October annual meeting of the Labor Market and Economic Analysis conference stated what is holding back economic growth is what they called, the velocity of money. When money is withheld from moving through the economy it has a tendency to put a dampening on economic growth.

Whether it is related to planning or whether is to approval of financing the concern is that the economic growth will remain hindered until those things that help increase the velocity of money into the economy occur.

Chair Enell closed the public comment portion of the hearing.

Commissioner Havens stated that time is money, the longer it takes to get permits the higher the cost of the product. He asked that the Department keep that in mind while they are running permits through. The financial welfare of the County will be better.

Commissioner Sibon stated that often the permit is held up by submitting inadequate studies or balking at having to provide those studies. Wanted to be sure it is stated that it is not always the Planning Department that can delay the process.

Commissioner Yonkman agreed, but stated he would like to see those that provide timely submittals be somehow rewarded for that.

Director Pederson stated in reflection of all of these comments, the permit tracking software should track the total time, the time that it's in the Planning Department's hands and the time it is in the applicant's hands. There are examples all across the board of who and why a projection has taken the amount of days it has. This new system will have the ability to track that and will be a benefit that is hard to discern at this time. Over time that data will be an important part of the annual joint meeting to reflect back on the year and what the data shows.

*Commissioner Sibon moved to recommend approval of the amendment DRA 019/11 to simplify permit review timeframes, Commissioner Howard seconded, the motion carried with Commissioner Yonkman opposed.*

Recess

### **Update to the Shoreline Master Program**

Director Pederson introduced Karen Stewart, the Shoreline Master Program Update Coordinator who provided the following presentation:

#### **The Shoreline Management Act (SMA) of 1971**

*"...prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."*

RCW 90.58.020

#### **Policy Goals of the Act**

- Foster reasonable & appropriate uses
- Protect natural resources
- Promote public access

#### **State and Local Partnership**

- Ecology: Develop Guidelines (Chapter 173-26 WAC)
- Local government: Draft shoreline Master Program
- Ecology: Approve the SMP
- Local government: Issue Shoreline Development Permits; Recommend Shoreline Conditional Use Permits/Variations
- Ecology: Review/approve local shoreline permits
- Local government: Enforce Permits

#### **Components of SMP**

##### *Technical Background Reports*

- Inventory and Characterization
- Restoration Plan
- Use and Public Access Analysis
- Cumulative Impact Analysis

##### *Shoreline Master Program*

- Shoreline Environmental Designations
- Goals and Policies

- Development Standards and Use Regulations
- Administrative Provisions

### **SMP Update Steps**

- Shoreline Jurisdiction Determination
- Shoreline Inventory, Analysis, and Characterization
- Goals, Policies, and Regulations
- Restoration Plan & No Net Loss
- Local Adoption
- State Approval

### **Island County SMA Jurisdiction**

#### **Islands**

- Whidbey
- Camano
- Smith
- Deception
- Strawberry
- Baby
- Minor
- Ben Ure

#### **Lakes**

- Cranberry Lake
- Dugualla Lake
- Goss Lake
- Lone Lake
- Deer Lake
- Kristoferson Lake

#### **Coastal Lagoons**

- Harrington Lagoon
- Race Lagoon
- Kennedy's Lagoon
- Perigo's Lagoon
- Deer Lagoon
- Admiral's Lagoon
- Bush Point Lagoon
- Swan Lake
- Lake Hancock
- Crockett Lake

### **Shoreline Inventory & Characterization**

- Ecosystem-wide
- Reach-scale Inventory & Characterization
- 2010 baseline conditions
- GIS Map portfolio and report

## **Biological Resources**

- ESA species & habitat
- Critical saltwater habitats
  - Eelgrass & Kelp
  - Shellfish beds
  - Mudflats
  - Forage fish spawning areas

## **Shoreline Use**

- Water dependent uses
- Public access & recreation
- Shoreline Environment Designations

## **A successful SMP update will:**

- ✓ Rest community's vision for it's shorelines
- ✓ Achieve no net loss of shoreline ecological functions
- ✓ Provide permitting predictability for shoreline property owners
- ✓ Maintain quality of life and economic opportunities

## **Project Schedule**

- Phase 1 – Shoreline Jurisdiction Determination: Fall 2010
- Phase 2 – Inventory, Analysis & Characterization: Winter/Summer 2011
- Phase 3 – Goals, Policies, Regs. Cumulative Impact Analysis: Spring 2011/Spring 2012
- Phase 4 – Restoration Plan & No Net Loss: Summer 2011/Spring 2012
- Phase 5 – Local Adoption: Fall/Winter 2012
- Phase 6 – Ecology Approval: June 2013

Ms. Stewart stated the Coupeville Shoreline Community Visioning meeting was held last night and the Camano meeting will be held March 29<sup>th</sup>. The south end meeting was held in Clinton on the 15<sup>th</sup> of March.

Commissioner Howard stated that considering that Island County consists entirely of islands; its Shoreline Management seems to be one of the most mission critical pieces of planning for the County.

Ms. Stewart advised that the City of Langley and the City of Oak Harbor are currently updating their shoreline programs in this same time structure.

## **Countywide Planning Policies**

Senior Planner Anthony Boscolo provided background on the topic. The County has a Comprehensive Plan that guides the creation of Island County Code. Each of the jurisdictions in Island County has a Comprehensive Plans. To make sure they all

coordinate and function well together as these jurisdictions abut each other, the State requires the development of a series of Countywide Planning Policies.

These come into play when the jurisdictions are either creating or updating Comprehensive Plans. They serve as upper level policy guidance, looking at issues at a fairly high level, but get into particulars where the jurisdictions overlap or run into one another.

Some of the topics include:

- ◆ Urban Growth Areas
- ◆ Essential Public Facilities
- ◆ Joint County/Municipality Planning & Community Development
- ◆ Economic Development and Employment
- ◆ Providing Urban Services to Promote Contiguous & Orderly Development
- ◆ Transportation Facilities & Strategies
- ◆ Affordable Housing
- ◆ Parks, Recreation, Open Space & Natural Lands
- ◆ Projections for Population Growth & Employment

The reason for the current discussion related to updating this document is that the County and the jurisdictions within are required to update their Comprehensive Plans on a particular cycle mandated by the State. The County's Code requires a 2012 update to the Plan and the State has allowed an extension to 2015. It is a very time consuming process and given the current resources, the extension will likely be needed. The work begins by looking at the Countywide Planning Policies to see if any changes are needed to this document which provides the overarching framework and guidance to the Comprehensive Plans.

The Countywide Planning Policies also impact the Interlocal Agreements the County has with each of the municipalities in the County. Those Interlocal Agreements go into a fair amount of detail about the process of how the County interacts with the municipalities. There are areas called a Joint Planning Area (JPA) which exist on the boundaries of Oak Harbor and the City of Langley. These areas are to ensure the County's future planning takes into consideration the possibility of future expansion of the city boundaries.

The purpose of today's discussion is to give the Commission an overview of the topics the CWPP address and answer questions the Commission may have. They are currently being looked at with the cities and if the Commission has any questions or concerns they can be relayed to the cities and their representatives.

March 8<sup>th</sup> a meeting was held with representatives for the Cities of Langley and Oak Harbor and the Town of Coupeville to discuss this topic and the refinements which may need to be made. The discussion addressed possible additions of some planning policies that may need to be included representing new actions taken as well as possible removal of outdated policies.

Commissioner Lippens asked if the inclusion of energy efficiency, water efficiency and alternate means of sewage disposal shouldn't be included in the CWPP with incentives and policy to create those kinds of structures and developments in Island County. Effective use of water is an issue on Camano Island, as is salt water intrusion.

Director Pederson stated this is an excellent example of what is out there in today's world, but hadn't been an issue prior to the adoption of the 1998 Comprehensive Plan. The entire concept of LID regulations, LEED certification for buildings, more conservation of resources at many levels, is definitely something to explore in the County Wide Planning Policies or the overall Comprehensive Plan itself providing that policy direction on those subject matters. It is a good example of what the Department is looking for related to circumstances that have changed in the intervening years since this document was prepared and adopted.

Commissioner Sibon discussed several sections of the policies that contain dates that things should be done by or must be done by. Those sections will need to be updated.

Policy # 7, item number 2 – felt clarification needed to be provided.

Policy # 1, item # 8 – UGA may need to be expanded in the future, she suggested it should have the following wording added *“provided that it can be shown that there is a real need for the expansion and that no other lands within the existing limits of incorporation or UGA can meet this need.”*

Director Pederson stated he understood the concept, but expressed concern related to the fact that the Statute defines the process for expansion of Urban Growth Areas. The common parlance is the cities propose and the counties dispose of proposed UGA expansions. The statutes talk about working cooperatively, but ultimately the County makes the final legislative action. There are standards about areas that are included in UGA's and there are also a number of legal decisions and Growth Management Hearings Board Decisions about what is a reasonable market factor.

Commissioner Enell asked if there was a white paper or planning policy related to the fiscal methods of providing urban services.

Mr. Pederson stated there was possibly a partial answer to that in the Capital Facilities Plans, which come to the Planning Commission each year for update with a six year financing plan. Those requirements weren't as strict in the era that the CWPP's was written. It is an area that will have to be looked at closely as this project moves forward for compliance with GMA.

Fiscal impacts of complying with GMA mandates do not have a direct revenue stream for a lot of the work that needs to be done either at the land use planning effort or at the development regulation effort. During the initial days of GMA there was funding available to develop plans, that funding has long since dried up.

Commissioner Enell stated he was concerned as urban areas develop there won't be funding to provide the urban services that the County is mandating.

Director Pederson stated a prime example came to the County with a request from the City of Langley to explore shrinking their Urban Growth Area, primarily to step down the cost of providing those services to their large geographical area. The cost is prohibitive for the City, particularly when in their estimate they don't need even half of the existing area to accommodate the reasonable population projections for the City of Langley. The request was made too late to be addressed this year and the Board of County Commissioners felt it was more appropriately part of the discussion of the overall discussion of the periodical Comprehensive Plan update that will be forthcoming.

Commissioner Enell stated policy #4; economic development needs to have cooperation between the jurisdictions to accomplish this rather elusive goal. With the EDC it would be nice to have them work together with the Port who is chartered to do economic development to make some of these things happen.

Commissioner Howard commented on the topic of cleaning up the dates in the document. He also stated this is a catalogue of virtues, specifically for cooperation. It raises the question of how these policies can be evaluated for how well they are being implemented, specifically in ways that are hard to measure in numbers and dollar signs.

- ♦ Asked about census data – *census data is available online for 2010. A link will be available through the Planning Departments main page.*
- ♦ Policy # 2, item 5, *“the siting of major energy facilities, including throughput transmission facilities shall not be considered essential public facilities and therefore comprehensive plans, development regulations and local policies will apply to the siting of such facilities;”* He felt it was hard to consider these as local matters in light of current issues in Fukushima.
- ♦ Policy # 9, last item, asked about current data related to the progress of the last item to *“Increase non-military, locally-based jobs from the current 40% of the County labor force to 50% of the labor force by the year 2020...”*

Director Pederson stated he would invite the Director of the EDC to come to the next Planning Commission meeting to provide information relevant to that question. There was an update just a few days ago that provided some information along those lines.

**EDC Director Ron Nelson** stated the Comprehensive Plan language defines the desire of the County to attract living wage jobs. Using an analysis study done by a PHD out of the University of Washington he was able to quantify what is meant by a living wage job. So now he can begin to look at the types of jobs that could be attracted to the county.

He further stated the other part of that was looking at what is the will of the people. He stated he must balance whether a living wage job meets the will of the people in having this type of activity on the island. He is working to determine if those types of jobs were wanted here.

Commissioner Lippens stated that all of the policies should explain why it is a goal. Some of the policies do this and some of them just state the County will do xx.

Director Pederson stated the next foundational building block for the next periodic Comprehensive Plan update the Department will be working on will be the buildable lands analysis, one of the underpinnings of how you size your urban growth areas and what is needed to accommodate population projections. Those population projections for the next twenty year planning horizon will also begin sometime next year and that data will all come back to the Planning Commission.

**Findings of Fact**

**Development Regulation Amendment (DRA) 016/11**

Related to the appeal process for Clearing and Grading permit decisions.

*Commissioner Yonkman moved to approve DRA 016/11 as amended, Commissioner Joselyn seconded – discussion.*

*Commissioner Lippens abstained from the vote as he was not at the meeting where this item was discussed. Motion carried.*

**Findings of Fact**

**Development Regulation Amendment (DRA) 021/11**

Related to duties of the Planning Commission

*Commissioner Joselyn moved to accept DRA 021/11 as presented, Commissioner Havens seconded, motion carried.*

*Commissioner Yonkman moved to adjourn, Commissioner Havens seconded, the motion carried unanimously.*

Meeting adjourned at 11:24 a.m.

Respectfully submitted,

Paula Bradshaw