

**PLANNING COMMISSION
 COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA
 TUESDAY MAY 10, 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 – Vice Chair</i>	

Meeting called to order at 9:12 a.m. by Chair Enell

ROLL CALL

Wayne Havens, Scott Yonkman, Dean Enell, Mitchell Howard, Anna-Marie Sibon, Val Hillers, Bill Lippens

Staff Present: Robert Pederson – Planning Director, Anthony Boscolo – Long Range Planner, Troy Davis – Long Range Planner

ITEMS FROM THE PUBLIC

None

APPROVAL OF MINUTES

April 12, 2011

Commissioner Howard moved to approve the minutes as written, Commissioner Sibon seconded. Minutes were approved unanimously.

DIRECTOR'S UPDATE

Director Pederson advised the Commission of the April 28th joint work session of the Board of Island County Commissioners, the Town Council, and Mayor for the Ebey's Landing National Historical Reserve unified code and design guidelines. The issues have been narrowed down to just a few, the next step will be another joint public meeting and then it will move forward to formal public hearings and adoption.

June 29th or 30th and then July 13th are dates reserved for the next meetings in the process; all are expected to be at 6 pm in the Town of Coupeville Recreation Hall.

He further advised the Commission of the latest statistics related to building permit activity. The trend of a slight increase of new home starts continues from the 2010 statistics, which were slightly above those in 2009. The new home starts are on the positive side of the ledger, not by much, but as a new home start is a key economic indicator it is encouraging.

This week is the delivery and install of the new Paladin Permit Tracking System, which will provide better information related to building trends and statistic for the future.

OLD BUSINESS

- **DRA 019/11** – To review minor changes made by the Island County Code Reviser to the amendment of Island County Code Chapters 16.19 and 17.03, relating to maximum review timeframes for permit processing.

Planner Troy Davis discussed the changes made to the amendment, which were grammatical in nature and nothing was substantive from what was presented on March 22nd.

Commissioner Hillers stated her understanding was that these were all editorial changes, which don't change the content. The Commission has already approved the amendment, so this is approving the editorial edits.

Mr. Davis confirmed that was correct.

Director Pederson stated that under State law if the Planning Commission holds a public hearing on an amendment of County Code the Board of Island County Commissioners may choose to adopt the Planning Commission's recommendation as it was presented to them without the need for an additional public hearing.

Any change made by the Code Reviser needs to be addressed at a public hearing, it made sense to present this minor change prior to moving forward to the Board to avoid unnecessary advertising costs.

Commissioner Hillers moved to approve the changes to DRA 019/11, Permit Review Timeframes, Commissioner Sibon seconded.

Chair called for further discussion

Commissioner Yonkman stated that the paperwork on this topic discusses the March 8th meeting when this was voted on and it states the vote was unanimous. He stated he voted against the overall concept and approval of this amendment, having real concerns of letting loose of the current system that helps to hold us accountable for a more rapid process. He stated he wanted it on the record that it was not a unanimous vote.

Commissioner Hillers asked if the Commission had not asked to have a statement in the Ordinance saying the intent was that permits would still move forward in a timely manner.

Director Pederson replied that it was reflected in the ordinance in the recitals.

Commissioner Lippens stated the problem with any Code, the statement “will try” doesn’t mean anything. If they can’t meet a 45 day deadline it doesn’t mean anything so you might as well put in the 120 day deadline. As consumers the only way you can keep them pushing it is to get on their case. If we ever get to a point where we have an adequate staff to actually do the work faster, you would have to push to get it done faster.

In every jurisdiction he has dealt with over the last two years, the time frames are a joke; it takes five months to get through King County for permitting of a simple project. It is better to tell a client it is going to take longer than have them believe it can happen in 45 days.

Commissioner Yonkman stated he understood, but it feels like backing off what was already in place and was not the right decision.

Chair called for a vote, the motion carried with Commissioner Yonkman opposed.

- **DRA 018/11** – An amendment to Island County Code Chapter 16.19, to clarify the appeal process for Type I decisions when SEPA review is required.

Continued from April 12, 2011

Planner Troy Davis stated the item has now been through Code Review and the minor changes had been sent to the Planning Commission for review.

Chair Enell stated the amendment looked good, when SEPA review is required on a project it should be essential treated as a Type II as opposed to a Type I.

With no further discussion Chair Enell called for a motion.

Commissioner Howard moved to approve the amendment to Island County Code Chapter 16.19, to clarify the appeal process for Type I decisions when SEPA review is required., Commissioner Yonkman seconded.

Chair Enell called for further discussion.

Commissioner Hillers pointed out an editorial corrected in the Finding of Fact.

Chair Enell called for a vote, motion carried unanimously.

- **DRA 053/11** – An amendment to Island County Code Chapter 17.03 to change the definition of Impervious Surface to be consistent with the definition of Impervious Surface as found in Chapter 11.03 of the Island County Code.

Director Pederson pointed out this will actually amend four sections of Island County Code. In addition to 17.03 and 11.03, Chapter 15.02 includes reference to the definition and 15.03 will also need to be amended with the recently adopted Clean Water Utility. The amendment will need to come back before the Planning Commission with all four Chapters amendments included in the agenda advertisement.

Commissioner Yonkman asked what kind of impact this would have on a project if the definition is expanded.

Director Pederson replied that this does not expand the definition or practice of Storm Water Engineering or how it is reviewed by the Public Works Department. There are no changes to any standards that they don't already follow when they review impervious surfaces on a site. Some of the language is clarifying language.

Commissioner Hillers moved to continue this item to the May 24, 2011 Planning Commission meeting, Commissioner Yonkman seconded, motion carried unanimously.

NEW BUSINESS –

- **DRA 017/11** – An amendment to Island County Code Chapter 17.03, to allow and establish standards for temporary uses in the Rural Service zoning classification.

Planner Troy Davis explained there was a push within the community for allowing Temporary uses in the Rural Service zone; after the analysis of the Comprehensive Plan and its intent, staff could not find a basis for excluding Temporary uses in the Rural Service zone.

Chair Enell stated he noticed the only other zone where Temporary uses were not allowed was in Light Manufacturing. He asked why that would be the case for that zone.

Director Pederson explained there are inherent conflicts with Temporary uses in an Industrial Zone, which is the only other zone where Temporary uses are not allowed. Manufacturing sites have uses that may not be conducive to having a bunch of people, even on a temporary basis around the site. There are some safety considerations at play.

Chair Enell stated he thought there was a potential site down in South Whidbey in the Light Manufacturing zone where Mukilteo Coffee has a coffee roasting operation with a small café that frequently has music. He said he saw a potential in that location for some of these temporary uses. He said he didn't recommend at this point expanding this to Light Manufacturing as that particular area was not the typical Light Manufacturing.

Mr. Davis stated that staff recommends approval of this amendment.

Chair Enell called for a motion.

Commissioner Yonkman moved to approved DRA 017/11, an amendment to Island County Code Chapter 17.03, to allow and establish standards for temporary uses in the Rural Service zoning classification., Commissioner Sibon seconded, motion carried unanimously.

Chair called for public comment, hearing none he called for further discussion from the Planning Commission.

Chair Enell then called for a vote, motion carried unanimously.

- **Presentation and Discussion on 2011 Docket Items Pursuant to Chapter 16.26.060.**

Anthony Boscolo provided information on the 2011 Annual Docket, stating the Board of Island County Commissioners adopts its Annual Review Docket each year, which is different from the Work Program items the Planning Commission has seen so far.

A number of amendments of minor changes to County Code have been brought to the Commission so far this year; they are treated differently than the Annual Review Docket items. These Code Amendments are minor changes that are already consistent with the County Comprehensive Plan and can be looked at individually.

Changes made that require Comprehensive Plan amendments need to be a formal part of the Annual Review Docket.

1. **CPA 155/04:** Population Projections and Urban Growth Areas (Carryover from 2007-2010) was approved by the Board of Island County Commissioners on April 11, 2011. This item has a long history dating back to 2004 as part of the County's required 7 year periodic review of its Comprehensive Plan. The original recommendation approved by the Planning Commission in 2007 included 180 acres of City of Oak Harbor UGA expansion. The appeal period ends on this item in mid-June.
2. **Freeland Subarea Plan** (Carryover from 2010) Like the previous amendment, this was also adopted this year. The Board of Island County Commissioners adopted it on March 21, 2011 after a number of meetings before the Planning Commission. This however doesn't put an end to the work for Freeland. On the 2011 Docket there is work to create the Development Regulations for Freeland. There are other items on the docket that will be higher priorities than this item due to the continuing work on the sewer. Housekeeping amendments will also need to be done to sync up the Subarea Plan with other provisions in the County Comp

Plan and those will be brought back before the Planning Commission. There are three elements that will need to be completed and would need to be in place before any substantive effort will be made in drafting the development regulations. Substantial background work was done quite some time ago, but the Capital Facilities Element and the Transportation Element will need to be completed.

3. **Countywide Planning Policies.** The current CWPP were provided to the Planning Commission and the Department has received a fair amount of feedback from the Commissioners that is very helpful. Meetings are continuing with local jurisdictions and their Planning Departments to look at amendments to the County Wide Planning Policies. This is a piece of the required overall Comprehensive Plan update coming up. The CWPP is a foundation document to keep all the jurisdictions within Island County on the same playing field, looking at issues that impact everyone. It establishes a perspective for addressing those issues.
4. **Shoreline Master Plan (SMP) / Fish and Wildlife Habitat Conservation Areas (FWHCA) Combined Update.** In 2001 Island County adopted its current Shoreline Master Program. It is a three year process to update this program and will continue through 2012. The Commission will continue to receive updates as the process continues.

Director Pederson stated the Fish and Wildlife Habitat Conservation Areas is one of the elements of our Critical Areas Ordinance. That update was supposed to have been completed back in 2005, but other than some initial consultant work in 2007 there has not been much substantive work done. One of the largest hurdles to completing this item was a lack of staff resources.

The County, the Department of Commerce, the Department of Fish & Wildlife, and the Department of Ecology all agreed it made sense to combine those efforts into one overall update. We are trying to create the structure when we are talking about the Shoreline environment. Then at some point in 2012 we would be looking for revenue to expand that model to the uplands portion of the island.

5. **Island County Comprehensive Plan: Parks and Recreation Element**
The current Parks and Recreation Element of the Comprehensive Plan was adopted in 1998. The 1998 Plan was a continuation of prior park planning efforts that began in 1969, with the Island County Parks and Recreation Study. This study primarily consisted of an inventory of existing facilities and needs.

Parks were transferred to the Public Works Department and when they took over that role, they took the lead on the Parks and Recreation Element update. They received a grant from the Whidbey Camano Land Trust to facilitate that process and they have a consultant working on this update. Planning recently reviewed the initial draft and is working with the Parks Department, Public Works, and the consultant on some initial revisions prior to bringing the document before the

Planning Commission to ensure the Plan is consistent with the Comprehensive Plan. There is still a fair amount of work that will need to be done before it comes to the Planning Commission. We are hopeful it will come to the Planning Commission for a work shop before the end of the year. A substantial amount of work has been done on this item.

Mr. Boscolo closed his discussion on the Annual Review Docket by stating the goal behind it is to look at all of these items in total. Docket Amendments do not become implemented until each of the items completed in that year have been approved by the Board. Then at the end of the year the Board of Island County Commissioners enacts all the docket amendments that have been heard that year through a final ordinance.

Commissioner Yonkman asked if the Board takes a final look and review of all these items and is there an opportunity to determine something does not fit?

Director Pederson stated that was a subject of some debate, the under pinning of this issue was a Growth Management Hearings Board decision relating to a county on the eastern side of the mountains, which had processed thirty-three Comp Plan amendments in one year. The challenge brought to a number of those amendments was that they were doing them incrementally throughout the year without any cohesive look at them in concert, per the Growth Management Act. The outcome of that decision was to make the effective date of any amendments heard throughout the year be the date on which the last one of the year is completed. Thus the appeal period is then triggered on the final action.

Chair Enell asked about the process and fee for a citizen to file an amendment.

Director Pederson responded that a privately initiated Comprehensive Plan Amendment must be filed by February 1st for consideration on the next year docket. The fee is \$5,000, is it a very considerable commitment of time and resources. Under current staffing levels it means other items on the docket established by the Board, based on the Planning Commission's input and that of the public won't be able to get done.

With no further discussion, Commissioner Hillers moved to adjourn, Commissioner Yonkman seconded, motion carried unanimously.

Meeting adjourned at 10:24 a.m.

Respectfully submitted,

Paula Bradshaw