

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ADOPTING
INTERIM OFFICIAL CONTROLS TO
AMEND DEVELOPMENT
REGULATIONS IN ISLAND COUNTY
CODE CHAPTERS 17.02 AND 17.02B
THAT APPLY TO PREEXISTING
AGRICULTURAL ACTIVITIES
WITHIN CRITICAL AREA OVERLAY
ZONES

ORDINANCE NO. C- 10 -15
PLG-001-15

WHEREAS, the Growth Management Act ("GMA"), chapter 36.70A RCW was enacted in 1990 to counter unplanned and uncoordinated growth that parts of the State of Washington were experiencing in the decades leading up to the adoption of the GMA; and

WHEREAS, the GMA requires counties and cities to balance the goals of the GMA which includes both preserving Island County's farmland as well as protecting Island County's critical areas; and

WHEREAS, to comply with the requirements of the GMA, Island County adopted its Comprehensive Plan ("Comp Plan") and development regulations in 1998; and

WHEREAS, the Comp Plan policies highly values agriculture as it contributes to the local economy and rural character, by diversifying the local job base, preserving open space, and providing sustainable living practices to our Islands. Agriculture contributes to local food and fiber production, as well as wine production and craft distilleries, that draws families, businesses and tourism to the County, making it a high priority industry for our community, contributing to the county's quality of life; and

WHEREAS, the Comp Plan also places high value in the protection of critical areas of Island County, recognizing the importance to human health and safety in identifying and protecting critical areas in Island County, including wetlands, frequently flooded areas, geologically hazardous areas, aquifer recharge areas, and fish and wildlife habitat conservation areas; and

WHEREAS, in its attempt to balance the GMA goals of protecting critical areas and preserving agriculture, Island County adopted a critical areas ordinance that included standard regulations protecting the County's critical areas, but exempted all Existing and On-Going Agricultural Activities, i.e. all agricultural activities that already existed at the time the County's critical area regulations took effect, on October 1, 1998, from those standard critical area

regulations, so long as those agricultural activities were conducted in accordance with best management practices; and

WHEREAS, various parties filed petitions challenging the adoption of the Comp Plan and development regulations to the Growth Management Hearings Board ("GMHB") and the GMHB consolidated the cases under one case number, GMHB Case No. 98-2-0023c; and

WHEREAS, among the issues raised in GMHB Case No. 98-2-0023c, the parties challenged the adopted critical area regulations that exempted all Existing and On-Going Agricultural Activities as overbroad including those that existed throughout the Rural zone; and

WHEREAS, the GMHB entered its Final Decision and Order on June 2, 1999 finding the critical area exemption for all Existing and On-Going Agricultural Activities to be non-compliant with the GMA, and the GMHB remanded the matter back to the County to take further action to comply with the GMHB Order; and

WHEREAS, the GMHB recognized in its decision that Island County had not yet identified or adopted any best management practices or adaptive management policies, and the GMHB further determined that as a proper balancing of the goals of the GMA, the exemption should be limited to only the designated natural resources lands in Island County; and

WHEREAS, as an interim measure, Island County adopted Interim Ordinances (C-79-99 and C-152-99) that limited the scope of the critical area exemption to only those Existing and On-Going Agricultural Activities within designated natural resource lands; and

WHEREAS, Island County adopted C-151-99 as a long term legislative measure to comply with the GMHB June 2, 1999 Final Decision and Order. Ordinance C-151-99 extended the critical area exemption to again include all Existing and On-Going Agricultural Activities so long as those activities are conducted in a manner that complies with best management practices. However, Ordinance C-151-99 went further in that Island County adopted local best management practices and adaptive management policies that were attached to Ordinance C-151-99 as Exhibit B, as well as Findings of Facts attached as Exhibit C; and

WHEREAS, in Finding of Fact No. 4 in Exhibit C, the Board of County Commissioners specifically found that Existing and On-Going Agricultural Activities must have been in existence on October 1, 1998, and that the continued conduct of these activities is governed by the best management practices adopted in Exhibit B to the Ordinance; and

WHEREAS, the adopted Best Management Practices, in Section II provided clarity that new agricultural activities that are commenced after October 1, 1998, as well as the expansion of existing and on-going agricultural activities must comply with standard critical area regulations in Chapter 17.02 ICC, if such activities are proposed to be conducted within a critical area or its buffer; and

WHEREAS, in a Compliance Hearing Order issued on November 17, 2000, the GMHB found the critical area exemption for Existing and On-Going Agricultural Activities compliant with the GMA as the exemption pertained to Commercial Agriculture and Rural Agricultural zoned lands, but continued to find the exemption as applied in the Rural zone to be overbroad; and

WHEREAS, the GMHB held that “[T]he last thing we want to do is encourage small Island County farmers to give up farming and sell their land to developers. Equally devastating would be the continued degradation of critical areas and resultant threats to water quality and anadromous fish habitat and survival in Island County.”; and

WHEREAS, Island County appealed this November 17, 2000 Order to the Island County Superior Court that overturned the GMHB and found the critical area exemption compliant with the GMA, but that decision was appealed to the Washington State Court of Appeals, Division I; and

WHEREAS, in 2004, the Court of Appeals Division I issued a ruling in *WEAN v. Island County*, 122 Wn. App. 156, 93 P.3d 885(2004), holding that Ordinance C-151-99 failed to comply with the Growth Management Act (“GMA”) as the County did not justify extending its critical area exemption to Existing and Ongoing Agricultural Activities within the Rural Zone, upholding the Growth Management Hearings Board (“GMHB”) Compliance Hearing Order issued on November 17, 2000; and

WHEREAS, in response to the 2004 Court of Appeals decision, Island County undertook a two-year effort to develop a new program that culminated in the adoption of Ordinance C-150-05 (referred to as the Agricultural Best Management Practices Program or “AG BMP Program”) and Ordinance C-22-06 (referred to as the Water Quality Monitoring and Adaptive Management Program, or “Adaptive Management Program”); and

WHEREAS, on August 30, 2006, the GMHB issued an Order Finding Compliance with the GMA, but the decision was appealed, and after a lengthy stipulated stay, the Thurston County Superior Court entered a final order on February 21, 2014 finding Ordinance C-150-05 noncompliant with the Growth Management Act (“GMA”) and remanded the matter back to the GMHB for further compliance action; and

WHEREAS, the effect of the Thurston County decision, per the ordaining language of Ordinance C-150-05, was that the Ordinance would not take effect and therefore Ordinance C-151-99 remains in effect; and

WHEREAS, these interim official controls attached herein as Exhibit A are intended as a short term legislative measure to address the Court of Appeals decision from 2004 and satisfy the Growth Management Hearings Board (“GMHB”) Order Finding Continuing Non-Compliance (“Order”) issued on July 17, 2014. This short term legislative measure will provide Island County with the time needed to address the concerns of the Court and improve upon the earlier programs; and

WHEREAS, the July 17, 2014 Order initially required Island County to take compliance action by November 14, 2014, but due to the lack of clarity from the Superior Court, a continuance was necessary and upon request, a continuance was granted extending the compliance deadline to February 17, 2015; and

WHEREAS, due to the short timeframe, these interim official controls are presented for review and intended to be adopted upon approval by the Board of Island County Commissioners ("Commissioners") on February 17, 2015 by interim ordinance as authorized under RCW 36.70A.390 so as to meet the GMHB pending compliance deadline; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed interim changes to Chapters 17.02 and 17.02B ICC and attached hereto as Exhibit A are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations that were adopted in 1998, as these interim changes are intended as a compliance action regarding those 1998 Comprehensive Plan and Development Regulations.

WHEREAS, these interim official controls are intended as a placeholder until the completion of the 2016 Update, extending to certain Existing and On-Going Agricultural Activities an exemption to Island County's standard critical area regulations on the following lands: (1) lands that have a zoning designation of Commercial Agriculture and Rural Agriculture; (2) commercial farmlands in unincorporated Island County that are active participants in the agricultural tax program pursuant to chapter 84.34 RCW, regardless of zoning; and (3) any farmland that is encumbered in perpetuity by an easement created for the purpose of preservation of agricultural practices, regardless of zoning; so long as those Existing and On-Going Agricultural Activities on those lands comply with Island County's Best Management Practices that were adopted as Exhibit B to Ordinance C-151-99; and

WHEREAS, these interim regulations were modeled after Clallam County's legislative approach to balancing critical area protection with preservation of farmland and rural character. Clallam County's legislative approach exempts all the preexisting agricultural activities that are participants in the agricultural tax program in Chapter 84.34 RCW from standard critical area regulations, regardless of the underlying zoning designation, so long as best management practices are adhered to. This program was upheld by the Court of Appeals in *Clallam County v. W. Wash. Growth Mgmt. Hearings Bd.*, 130 Wn. App. 127 (2005); and

WHEREAS, Island County intends to proceed with the completion of its Growth Management Act ("GMA") periodic review of the Island County Comprehensive Plan and development regulations required to be completed by June 30, 2016. In doing so, Island County intends to build upon the prior efforts that led to the policies and regulations adopted in Ordinance C-150-05. Island County's intention is that a viable long term solution can be achieved in this 2016 update; and

WHEREAS, Island County recognizes that, in building upon the policies and development regulations included in Ordinance C-150-05, public participation from all stakeholders will be crucial to the development of an improved program that is more functional, economically feasible to fit within county budget, and more user-friendly for all interested stakeholders, including the agricultural community, environmental community, local government, and the general public;

NOW, THEREFORE,

IT IS HEREBY ORDAINED by the Board of County Commissioners of Island County, Washington, that the interim official controls attached hereto as Exhibit A amending Island County Code Chapters 17.02 and 17.02B are hereby approved and adopted. Material underlined is added and material lined through is deleted. The Board of County Commissioners also adopts the Findings of Fact, attached herein as Exhibit B, and Work Plan attached hereto as Exhibit C.

BE IT FURTHER ORDAINED that these interim regulations shall remain in effect for a period of one year as they are accompanied by a work plan attached herein as Exhibit C, or as soon as permanent rules are adopted, whichever occurs earlier.

BE IT FURTHER ORDAINED that the Board of County Commissioners shall hold a public hearing on these interim regulations within sixty (60) days of the adoption of this interim ordinance.

ADOPTED this 17th day of February, 2015, and effective immediately.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON




HELEN PRICE JOHNSON, Chair


RICHARD M. HANNOLD, Member


JILL JOHNSON, Member

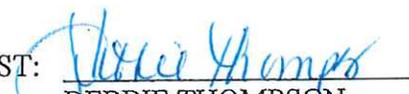
ATTEST: 
DEBBIE THOMPSON
Clerk of the Board

EXHIBIT "A"

17.02.030 Definitions

Agriculture or Agricultural Activities: The current employment of land for the primary purpose of raising, harvesting and /or selling crops or the feeding, breeding, management and/or sale of, or the production of, livestock, poultry, fish, fur-bearing animals or honeybees or for dairying and/or the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Agriculture includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. Agriculture also includes the growing of ornamental shrubs, Christmas trees, pulpwood and similar nursery stock.

Agricultural Activities, Existing and On-Going: Those preexisting Agricultural Activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock that were in existence as of October 1, 1998. These activities include the operation and maintenance of farm and stock ponds or drainage ditches, operation and maintenance of ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities which bring an area into agricultural use after October 1, 1998 are not considered part of an on-going operation an Existing and On-Going Agricultural Activity. An Existing and On-Going Agricultural Activity operation ceases to be on-going qualify as "Existing and On-Going" when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five (5) years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an Existing and On-going Agricultural Activity. Forest practices are not included in this definition.

...

17.02.040 Critical Areas

...

E. **Exemptions.** The following activities or critical areas are exempt from the provisions of this section, ICC 17.02.050.A, 17.02.050.C and 17.02.060, ~~where restoration of a disturbed critical area or its buffer requires planting, native species shall be used:~~

1. Existing and On-going Agricultural Activities (in existence as of October 1, 1998) when undertaken pursuant to best management practices as provided in Exhibit B to Ordinance C-151-99 to minimize impacts to critical areas when undertaken on the

following applicable lands. For example, by minimizing the use of motorized vehicles and machinery in such areas:

- a) Lands with a zoning designation of Commercial Agriculture and Rural Agriculture;
- b) Lands that meet the definition of RCW 84.34.020(2) and that participate in the agricultural tax program provided in Chapter 84.34 RCW; and
- c) Lands that are encumbered in perpetuity by a recorded easement created for the purpose of preservation of agricultural practices.

17.02B.300 Exempt Activities

- A. Except as noted in subsection B or otherwise, the following activities listed in the Exemption Table noted with an "E" as "Exempt Activities" are exempt from the buffer, Mitigation, and protection requirements of this Chapter.
 1. No permit is required under this Chapter for Development which meets the precise terms of the Exempt Activities listed below. In those instances where an Exempt Activity is associated with another activity which requires a permit from Island County, the proposal shall be reviewed in conjunction with the underlying permit for compliance with the provisions of this Chapter and shall be processed in accordance with the procedures outlined in Chapter 16.19 ICC for the associated permit.
 2. For Development proposals which do not meet the precise terms of an Exempt Activity listed below, the Director may, through a Type I process, determine whether or not a Development should be classified as an Exempt Activity. When such a determination is necessary it shall be reviewed using a Type I process in accordance with the procedures of ICC 16.19 and the criteria identified in ICC 17.02.B.300.B and C.
 3. For purposes of documenting the exempt status of a listed activity, an applicant may voluntarily request an Exemption Authorization from the Director. When such a determination is requested, it shall be prepared using a Type I process in accordance with the procedures of ICC 16.19 and the criteria identified in ICC 17.02.B.300.B and C.

	Exemption Table	FWHCA	Wetlands: RESERVED	Geologically Hazardous RESERVED
1.	<p>Existing and On-going Agricultural Activities that qualify under ICC 17.02.040.E.1 as defined in this chapter (preexisting as of October 1, 1998)</p> <ul style="list-style-type: none"> • This exemption includes normal Maintenance or Repair of existing drainage facilities and Unregulated Streams, when such features are related to a Legally Existing and On-Going Agricultural Activity. • This exemption does not include work in Regulated Streams. Work in Regulated Streams is addressed in ICC 17.02B.310.C.7. • An Existing and On-going Agricultural Activity or operation ceases to be on-going when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five (5) years, unless the idle land is registered in a federal or State soils conservation program other than CREP and other riparian buffer enhancements. The five year period specified above may be extended by an appropriately limited and reasonable amount of time in order to account for unavoidable and unintentional events which make active agricultural use impossible. Such events may include, the death of an agricultural operator, difficulty selling the agricultural property, or difficulty securing a lease with an agricultural operator. • The Existing and On-Going Agricultural Activity Exemption and associated allowances for Maintenance or Repair of existing drainage facilities shall not continue or transfer when a new use is established and the Existing and On-Going Agricultural Activity is discontinued. 	E		
2.	...			

Exhibit B

Findings in support of Ord. C- 16 -15 a proposed interim official control, adopting development regulations in ICC 17.02 and 17.02B that apply to existing and on-going agricultural activities within regulated critical areas and their buffers.

Background

In 2005 the Island County Board of Commissioners instigated a change to development regulations of Island County Code in response to the County's obligations under the Growth Management Act (GMA) for the protection of critical areas and promotion of agricultural resource lands. A court challenge to the Growth Management Hearings Board (GMHB) approval of the County's ordinance resulted in the 2005 ordinance essentially being replaced by an earlier, 1999 ordinance, and remand from the Hearings Board to address the agricultural operations exemption in critical areas in updated code. The Hearings Board established a deadline by which the County must amend its critical areas ordinance to address existing and on-going agricultural activities that pre-existed County critical area ordinances, subject to further review for compliance with the GMA.

The main goal of the ordinance proposed (including text amendments to development regulations) in this instance is to align local code addressing existing and on-going agricultural operations in critical areas to be consistent with the GMHB order issued on July 17, 2014, identify appropriate lands where such exemptions may be applied, and concurrently, set out a work plan by which the issue may be addressed within the context of the overall Comp Plan update, due to be adopted in 2016.

Acting under the authority granted in both the Planning Enabling Act (36.70 RCW) and the Growth Management Act (36.70A RCW), the Board of Island County Commissioners adopts Ordinance C- 16 -15, an interim official control related to existing and on-going agricultural operations in the Commercial Agriculture (CA), Rural Agriculture (RA) and other zones, subject to certain conditions.

In the adoption of interim official controls under 36.70.795 and 36.70A.390 the County will hold a public hearing within 60 days of adoption. The interim ordinance is effective for up to 6 months upon passage; but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period.

SEPA Threshold Determinations associated with legislative decisions are reviewed under WAC 197-11-210 for integration with the GMA. Specifically, WAC 197-11-210(1) states: The purpose of WAC 197-11-210 through 197-11-235 is to authorize GMA counties/cities to integrate the requirements of SEPA and the Growth Management Act (GMA) to ensure that environmental analyses under SEPA can occur concurrently with and as an integral part of the planning and decision making under GMA. Nothing in these

sections is intended to jeopardize the adequacy or require the revision of any SEPA or GMA processes, analyses or document deadlines specified in GMA.

Compliance with Growth Management Act

Finding A: Amendments to portions of the Island County Comprehensive Plan and Development Regulations that regulate development must be consistent the Growth Management Act (GMA), written in statute as chapter 36.70A RCW. The proposed amendments to critical areas regulations address GMA provisions that *concurrently* require: 1) development regulations to assure the conservation of agricultural, forest, and mineral resource lands; and 2) development regulations that protect critical areas required to be designated under RCW 36.70A.170. (RCW 36.70A.060)

The critical areas cited for protection in the GMA include: a) wetlands; b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. (RCW 36.70A.030.5).

The GMHB order concerned exemptions for existing and on-going agricultural operations in critical areas and their buffers, as regulated in ICC 17.02 and 17.02B. In doing so, the County is faced with balancing two priorities of the GMA in County policy and development regulation. By extending the exemption for existing and on-going agricultural activities to lands designated Commercial Agriculture and Rural Agriculture, the County is recognizing those lands that are designated for long-term agricultural use, consistent with RCW 36.70A.060(1). The designation of these lands in the 1998 Plan, and again in the 2006 update, satisfied this element of the GMA. In further allowing such an exemption to other lands qualified to be in the agricultural-tax program, or subject to conservation easement, (despite their current zoning designation) the County recognizes that agriculture of long-term significance occurs on lands beyond that deemed so in the original Plan adoption.

Public Notice and Compliance with Chapters 16.19 and 16.26, Island County Code

Finding B: This action to amend the development regulations of the Island County Code was initiated by the Board of Commissioners consistent with ICC16.19.205 and ICC 16.26.020.B, an action taken pursuant to chapter 36.70A RCW. The procedures of RCW 36.70A.390 supersede the County legislative process in this instance. The Board is utilizing the interim official control provision allowed in chapters 36.70 and 36.70A RCW, deemed a response to a GMHB order, and therefore, exempt from the annual review process, per Chapter 16.26.020.B.

Public notice for this legislative action was provided by including the item on the Board's agenda for their regularly scheduled meeting on February 17, 2015, e-mail distribution and posting on the County's website. For interim actions taken pursuant to RCW 36.70A.390, a public hearing on the matter must be held within 60 days of the ordinance adoption.

Findings of Proposed Amendments to Development Regulations – Consistency with Comprehensive Plan

Finding C: The Board finds the proposed amendments to be consistent with the Land Use Element and Policies of the Current Island County Comprehensive Plan, specifically the areas directly related to these development regulations: the conservation of agricultural resource lands and the protection of critical areas.

The Comprehensive Plan includes a Land Use Element, which highlights broad policies for land use by category, addressed further in specific policies and designation criteria to guide implementation through the tool of zoning.

Agricultural Land Conservation – Policy:

The current Comprehensive Plan addresses agricultural lands in both large parcel-farms, those zoned for that purpose; and, recognizes the importance of small-scale, scattered farms where most of the farming activity in the County actually occurs. The Plan states in 1997 there were 622 parcels in the agricultural tax program in the County, totaling approximately 13,042 acres. Currently, there are 767 parcels in the tax program, totaling approximately 12,430 acres; 170 of these parcels are in zones other than Commercial Agriculture (CA) and Rural Agriculture (RA).

The Plan policy states: “In light of the existing pattern of rural development in Island County, and the remaining agricultural activities that which continue in the County, the focus of agricultural protection must be on blocks within one ownership or management of 20 acres or larger.”

Agriculture in the Rural Zone – Policy:

Addressing agriculture in the Rural (R) zone, the Plan states: “Most of the County’s farming activity occurs in the Rural zone. Typically small scale and noncommercial in nature, farming in the Rural zone has and will continue to play a significant role in the cultural heritage of the County.” Given the existing parcel pattern of the rural areas of the County, the 1998 Plan recognizes a long-term need to preserve blocks of 40 acres or more which are in active commercial production.

Critical Areas – Policy:

Addressing critical areas, the Plan states: “Critical areas are lands that possess certain development limitations, or that provide important public resources. Many of the County’s most valuable critical areas lie in undeveloped rural areas and in resource lands.”

Findings of Proposed Amendments to Development Regulations – General

Finding D: The Board finds that activities inherent to the management of agriculture should be distinguished from that of other development activities in critical areas or their buffers, as they are reliant on the land itself, considered resource utilization activities in critical areas, but are not entirely exempt from critical area regulations.

The Board finds that current County Code, as adopted in Ordinance C-151-99, does deem existing and on-going agricultural activities as exempt from critical areas regulation, albeit limited to those agricultural activities that pre-existed the adoption of critical area regulations, October 1, 1998 and limited to agricultural activities that employ Best Management Practices.

Finding E: The Board finds that existing and on-going agriculture operations located on Commercial Agriculture (CA) and Rural Agriculture (RA) zoned parcels to be consistent with the intent of the GMA. These properties have the best potential for remaining a viable part of the agricultural economy of the County, and thus, earn a higher priority for their on-going use 'as-is'.

Finding F: The Board finds that commercial agricultural use may take place on lands that did not receive CA or RA zoning, and are included in the agricultural tax program, as qualified: 'Commercial Agriculture purposes' means the use of land on a continuous and regular basis, prior to and subsequent to application for classification or reclassification, that demonstrates the owner or lessee is engaged in and intends to obtain through lawful means, a monetary profit from cash income by producing an agricultural product, or qualifying commercial agricultural purposes as defined in RCW 84.34. As these properties are qualified for the tax program by demonstrating commercial agriculture is indeed taking place, the Board finds they should enjoy the same privileges as that of properties designated for long-term agricultural use because of their long term commitment to preservation of farmland. Appendix 'A' of these findings shows parcels currently in the Current Use Agriculture Assessment Program, for illustrative purposes.

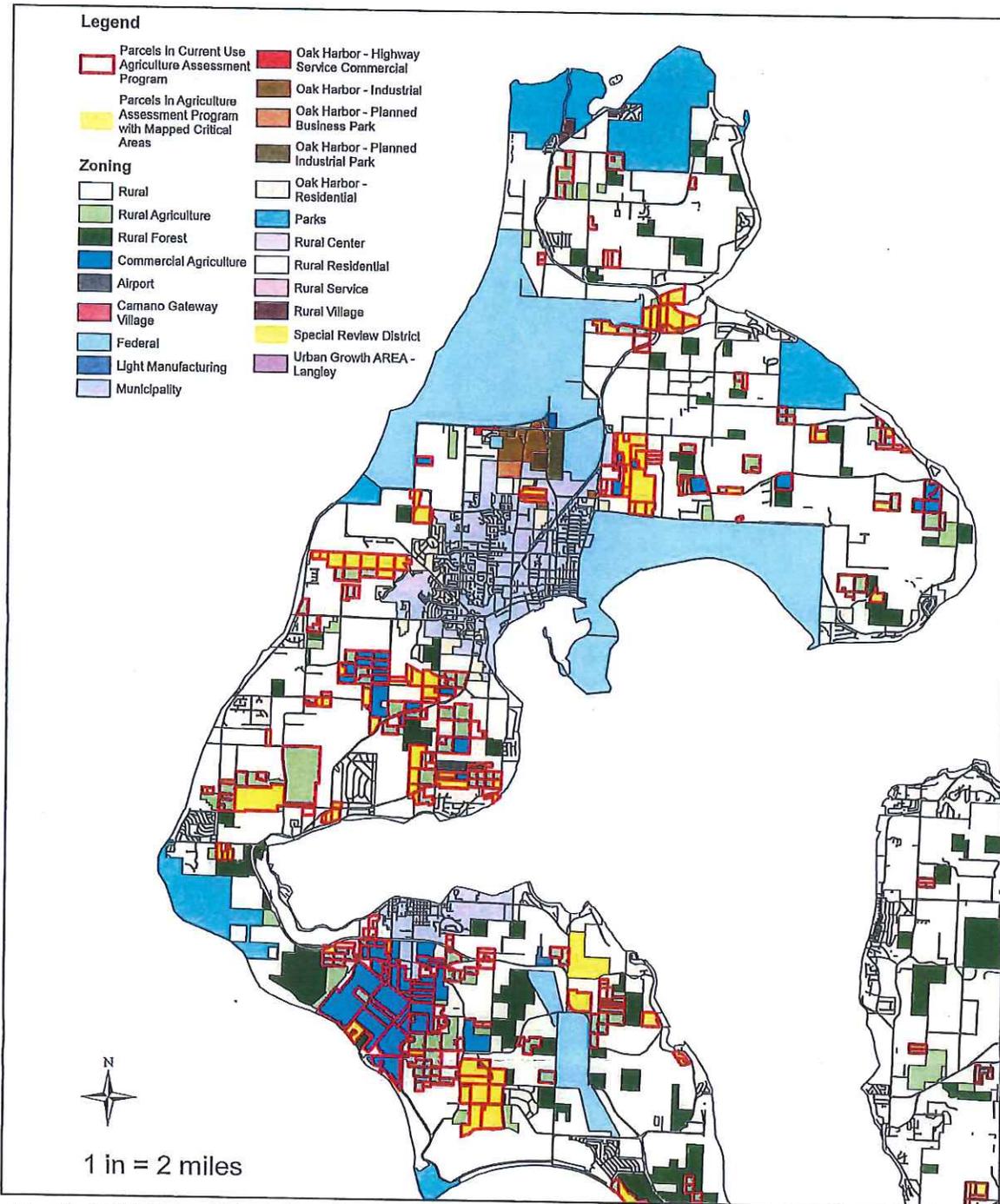
Finding G: The Board finds that critical areas are protected through the County's critical areas ordinances, and the potential impact of the exemption for existing and on-going agricultural practices for operations that pre-exist those ordinances (prior to October 1, 1998) to be minimal, as the number of properties and acreage the exemption will apply to are limited in scope.

Furthermore, farming practices over the years have tended toward using best management practices which protect critical areas aside from regulatory intervention. Resources such as the WSU Extension Service, conservation districts, and published best management practices are often used by farmers engaged in commercial farm operations to increase their income and viability of the farm itself.

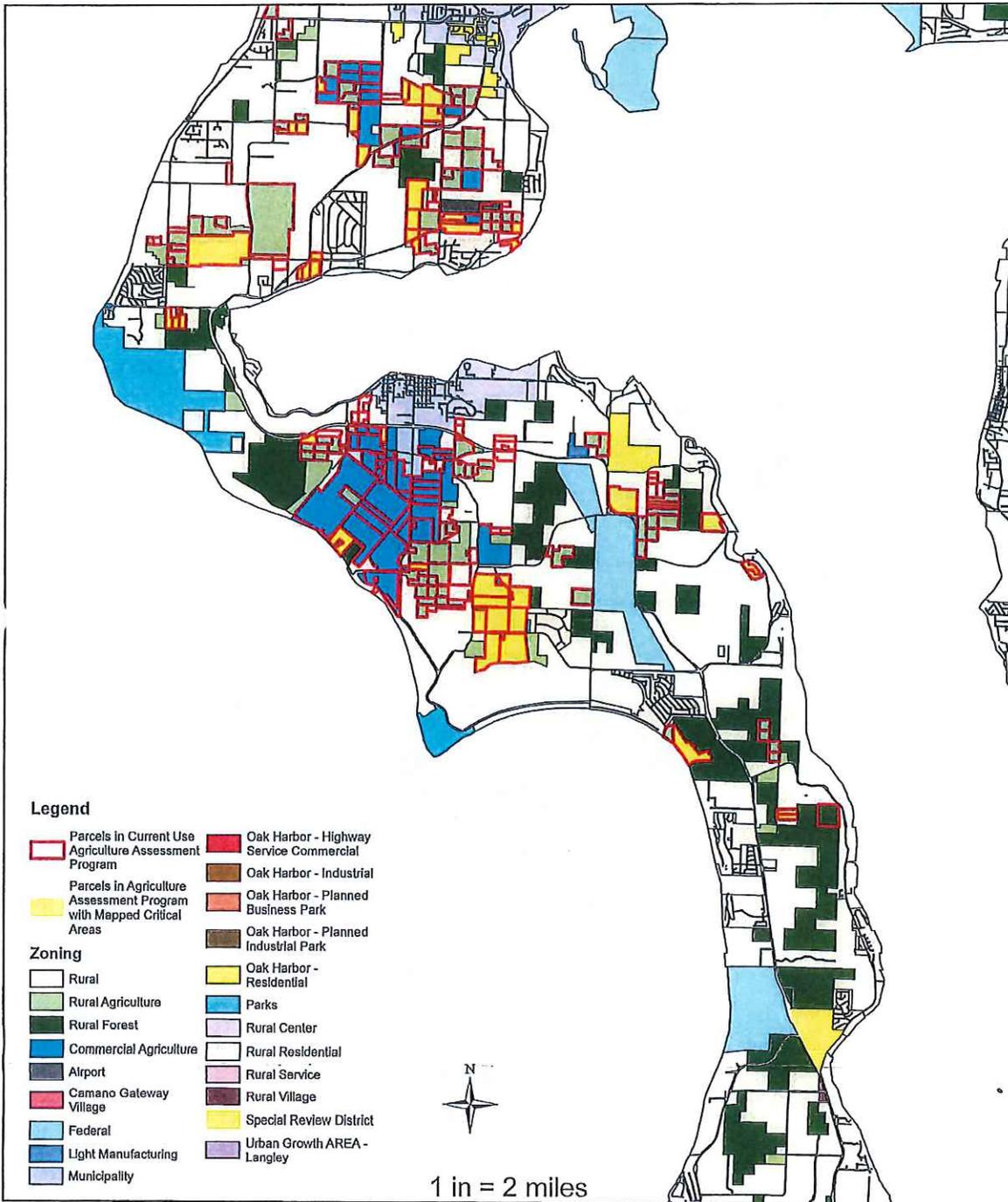
Finding H: The Board finds that easements purchased, recorded and applied to lands in perpetuity for purposes of encouraging agriculture, while preventing other types of development, also qualify that portion of the properties for the conditional exemption from the critical areas ordinance. This decision to retain properties for an intended use as

agriculture provides a similar level of commitment as zoning for long-term agricultural use, and addresses the intention of the GMA in designating lands for uses supported by state-wide goals.

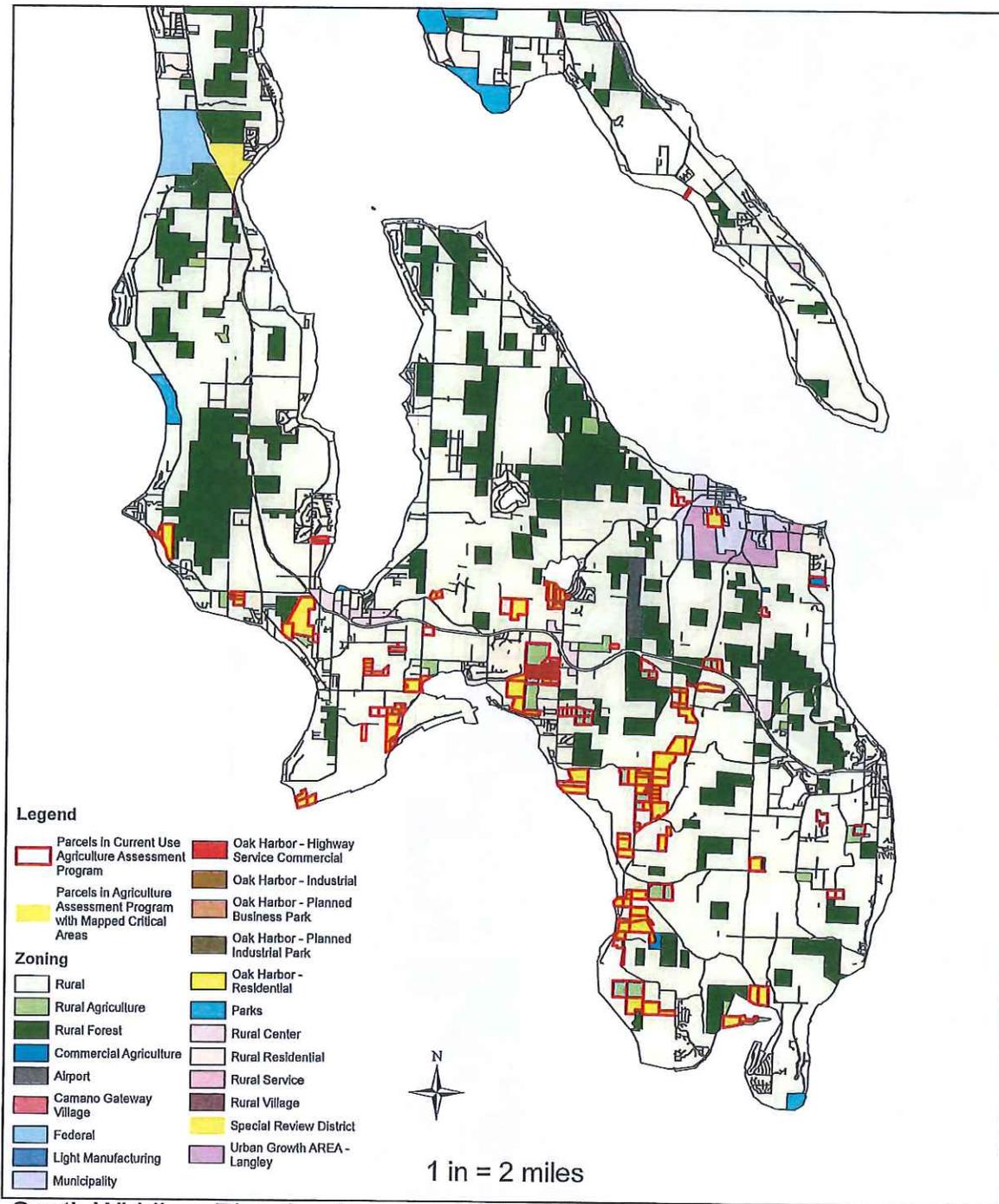
Finding I: The Board finds the work plan funded through a National Estuary Program Grant will address Best Available Science related to Critical Areas, the protection of critical areas and continuing agricultural practices within critical areas and adjacent lands. The course of this analysis will take place over the next year, and draft development code changes regarding Critical Areas are anticipated by February 2016, to be implemented as part of the overall Comprehensive Plan update.



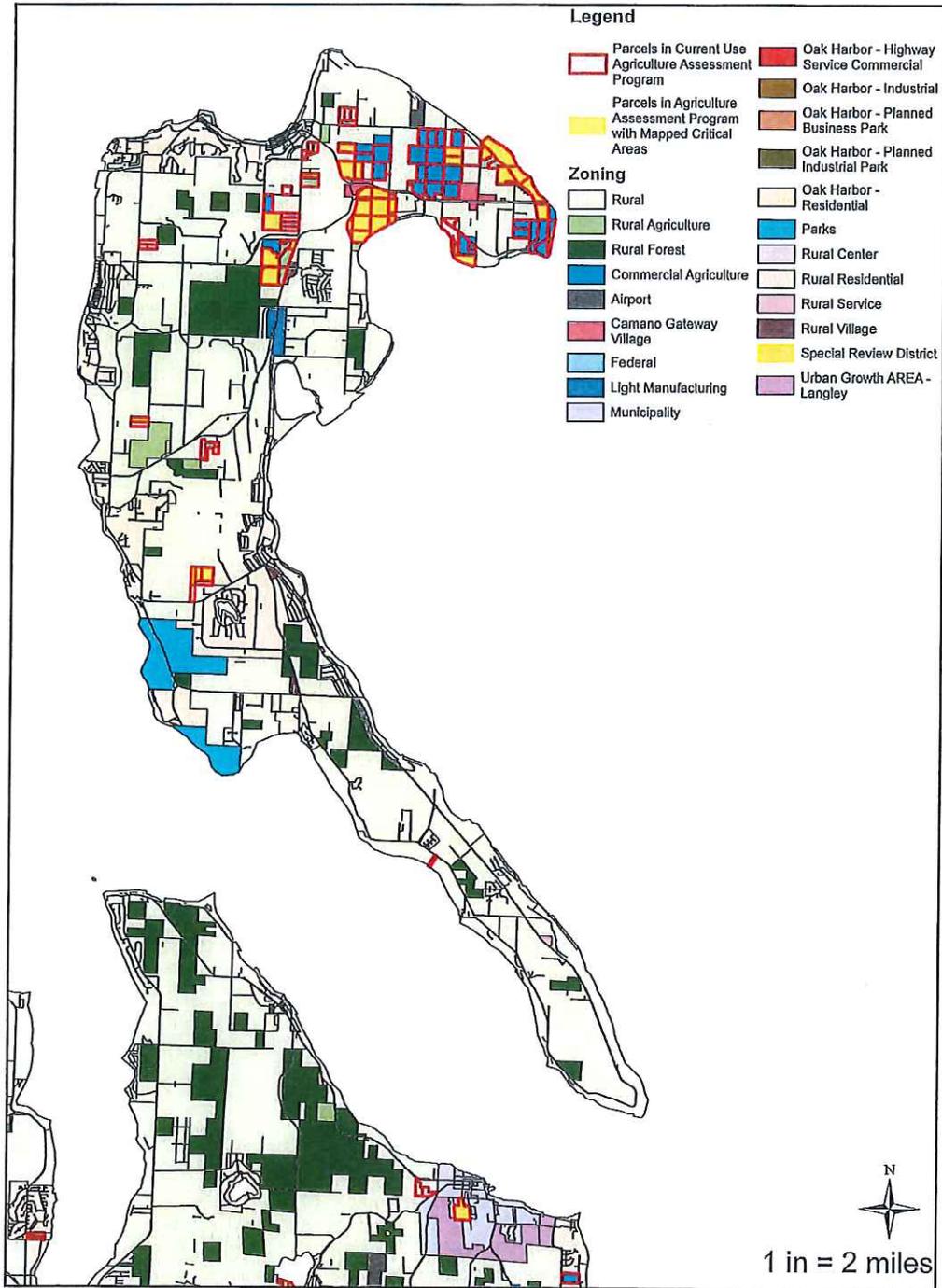
North Whidbey Planning Area, Island County
 Parcels in Current Use Agriculture Assessment Program with
 Mapped Critical Areas



Central Whidbey Planning Area, Island County
 Parcels in Current Use Agriculture Assessment Program with
 Mapped Critical Areas



South Whidbey Planning Area, Island County
 Parcels in Current Use Agriculture Assessment Program with
 Mapped Critical Areas



Camano Island Planning Area, Island County
 Parcels in Current Use Agriculture Assessment Program with
 Mapped Critical Areas

Exhibit C Work Plan

Scope of Work

Task Description	Actions and Deliverables	Timeline/Deadline
1. Project Administration/Management		
A. The CONTRACTOR will administer the project. Responsibilities will include, but not be limited to: Maintenance of project records; submittal of payment vouchers, fiscal forms, and progress reports; compliance with applicable procurement, contracting, and interlocal agreement requirements; application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required deliverables.	<ol style="list-style-type: none"> 1. Quality Assurance Project Plan (QAPP) Waiver Form and, if necessary, QAPP. 2. Quarterly progress reports and financial vouchers. 3. Semi-annual FEATS forms (EPA Financial and Ecosystem Accounting Tracking System). 	<ol style="list-style-type: none"> 1. One month from the DOE. -2 & 3: Ongoing for duration of project.
B. The CONTRACTOR will manage the project. Efforts will include conducting, coordinating, and scheduling project activities and assuring quality control. Every effort will be made to maintain effective communication with the CONTRACTOR's designees; grant managers at Commerce; all affected local, state, or federal jurisdictions; and any interested individuals or groups. The CONTRACTOR must carry out this project in accordance with any completion dates outlined in this agreement.	<ol style="list-style-type: none"> 1. Regular communications on meetings, including agendas if needed. 2. Deliverables submitted according to tasks and established dates. 	1 & 2: Ongoing for the duration of the project from Date of Execution (DOE).
C. The CONTRACTOR will ensure this project is completed according to the details of this agreement. The CONTRACTOR may elect to use its own forces or it may contract for professional services necessary to perform and complete project-related work.	<ol style="list-style-type: none"> 1. Final project summary report. 	<ol style="list-style-type: none"> 1. October 31, 2016 <p><u>Comprehensive Plan Update Schedule</u> <u>Item(s): 2.1.6, 2.2.2, & 2.2.5</u></p>
2. Document existing conditions		
CONTRACTOR will fully document existing conditions with respect to critical areas. In addition to documenting existing natural conditions, this task will involve compiling a list of all County programs, policies, regulations, and plans related to critical area protection or restoration. The	<ol style="list-style-type: none"> 1. Draft existing conditions report. 2. Compile and/or produce geospatial data and mapping products. 3. TAG (Technical Advisory 	<p><u>Final Product:</u> November 1, 2014</p> <p><u>Period of Performance:</u> DOE - November 1, 2014</p>

Task Description	Actions and Deliverables	Timeline/Deadline
<p>CONTRACTOR will also collect and analyze data and information from existing county critical areas monitoring programs to (1) determine if there has been a measurable decline in environmental quality or ecological functions, and (2) determine if existing monitoring programs are effective, and if not, document program deficiencies. Particular attention will be given to documenting the condition of the following critical areas and watershed features:</p> <ol style="list-style-type: none"> 1. Wetlands 2. Critical Aquifer Recharge Areas 3. Groundwater Resources 4. Surface and Storm-water (quantify and quality) 5. Steep Slopes and Geologically Hazardous Areas 6. Fish & Wildlife Habitat 7. Frequently Flooded Areas 8. Wetlands 9. Critical Aquifer Recharge Areas 10. Groundwater Resources 11. Surface and Storm-water (quantify and quality) 12. Steep Slopes and Geologically Hazardous Areas 13. Fish & Wildlife Habitat 14. Frequently Flooded Areas <p>The CONTRACTOR will utilize a landscape or watershed-based approach to analyze the condition of critical areas and watershed processes. It is envisioned that this task would involve a detailed mapping exercise whereby the county would be divided into discrete landscape units based on existing natural characteristics and land uses.</p>	<p>Group) recommendation on draft existing conditions report.</p> <ol style="list-style-type: none"> 4. Planning Commission recommendation on draft existing conditions report. 5. Presentation of draft existing conditions report to Board of Island County Commissioners. <p><u>Final Product:</u> The final outcome of this task will be a detailed report with accompanying GIS mapping that documents existing natural and regulatory conditions.</p>	<p><u>Comprehensive Plan Update Schedule Item(s): 2.1.6</u></p>
<p>3. Best Available Science (BAS) review and report</p>		
<p>Assemble a BAS bibliography and synthesis report, including geospatial data sets, published scientific information, and published guidance on best practices for protecting critical areas in Island County. This effort will take into consideration the recently completed BAS report prepared for the Island County Fish and Wildlife Habitat Conservation Area update, as well as the Shoreline Inventory and Characterization</p>	<ol style="list-style-type: none"> 1. Draft BAS report, taking into consideration findings documented in existing conditions report, results of Island County's recently completed Shoreline Inventory and Characterization Report, as well as the BAS synthesis report prepared for the 	<p><u>Final Product:</u> December 1, 2014</p> <p><u>Period of Performance:</u> DOE -- December 1, 2014</p>

Task Description	Actions and Deliverables	Timeline/Deadline
<p>Report prepared for the Island County Shoreline Master Program update. In addition to the addressing the BAS requirements described in WAC 365-195, this effort will focus on identifying connections between land use planning policies and watershed processes.</p>	<p>County's Fish and Wildlife Habitat Conservation update.</p> <ol style="list-style-type: none"> 2. TAG recommendation on draft BAS report. 3. Draft BAS report reviewed by Island County Planning Commission. 4. Draft BAS report reviewed by Island County Board of Commissioners <p><u>Final Product:</u> Best Available Science synthesis report with complete bibliography and preliminary strategy recommendations.</p>	<p><u>Comprehensive Plan Update Schedule Item(s): 2.1.6</u></p>
<p>4. Needs assessment and gap analysis</p>		
<p>Identify Island County regulations, policies, data, and programs that need improvement based on new information, regulatory changes and changing natural conditions. This task will be completed by analyzing mapping data, monitoring reports, studies, and relevant sources of information about applicable Washington State laws and regulations. The findings presented in the BAS and Existing Conditions reports will form the basis of this work.</p>	<ol style="list-style-type: none"> 1. Draft needs assessment and gap analysis report. 2. TAG recommendation on draft needs assessment. 3. Draft needs assessment reviewed by Island County Planning Commission. 4. Draft needs assessment reviewed by Island County Board of Commissioners. <p><u>Final Product:</u> Report or memo documenting any required or desired program changes.</p>	<p><u>Final Product:</u> January 1, 2015</p> <p><u>Period of Performance:</u> DOE – January 1, 2015</p> <p><u>Comprehensive Plan Update Schedule Item(s): 2.1.6</u></p>
<p>5. Draft Comprehensive Plan revisions</p>		
<p>Based on the outcome of the steps outlined above, the CONTRACTOR will make necessary revisions to the Island County Comprehensive Plan. These revisions will be developed by analyzing a number of "policy packages". The alternative policy packages produced through this effort will represent a variety of regulatory and non-regulatory measures designed to protect critical areas, ranging from traditional measures such as</p>	<ol style="list-style-type: none"> 1. Alternative "policy packages" outlining different approaches to achieving desired outcomes. 2. TAG review of, and recommendation on, a preferred policy package. 3. Agendas and meeting 	<ol style="list-style-type: none"> 1. February 1, 2015 2. March 30, 2015 3. April 1, 2015

Task Description	Actions and Deliverables	Timeline/Deadline
<p>site specific buffers, to landscape or watershed-based methods such as changes to land use designations and other development controls. The landscape mapping exercise described in Task 2 will inform the development of these policy packages.</p>	<p>minutes or summaries for public meetings (one in each of Island County's Planning Areas) on proposed policy packages.</p> <p>4. Planning Commission recommendation on policy package.</p> <p>5. Board of Commissioners recommendation on policy package.</p> <p><u>Final Product:</u> Proposed amendments to the Island County Comprehensive Plan will be delivered to the Island County Board of Commissioners. These amendments will incorporate the results of the landscape-based analysis described Task 2.</p>	<p>4. June 1, 2015</p> <p>5. August 1, 2015</p> <p><u>Final Product:</u> September 1, 2015</p> <p><u>Period of Performance:</u> DOE – September 1, 2015</p> <p><u>Comprehensive Plan Update Schedule Item(s):</u> 2.2.2</p>
<p>6. Draft development code changes</p>		
<p>Specific code changes will be developed in order to implement the preferred policy package recommended by the Board of Island County Commissioners in Task 5. This Task will result in landscape-based planning considerations being integrated into Island County's Development Regulations.</p>	<p>1. Draft development code changes.</p> <p>2. TAG recommendation on draft code changes.</p> <p>3. Draft code changes reviewed by Island County Planning Commission.</p> <p>4. Draft code changes reviewed by Island County Board of Commissioners</p> <p><u>Final Product:</u> Proposed changes of Island County Code to the Island County Board of Commissioners.</p>	<p>1. October 1, 2015</p> <p>2. November 1, 2015</p> <p>3. December 1, 2015</p> <p>4. February 1, 2016</p> <p><u>Final Product:</u> February 1, 2016</p> <p><u>Period of Performance:</u> June 1, 2015 – February 1, 2016</p> <p><u>Comprehensive Plan Update Schedule Item(s):</u> 2.2.4</p>
<p>7. Final Adoption</p>		
<p>The work described above will be adopted as part of the updated Island County</p>	<p>1. Final Draft Comprehensive Plan and Planning Commission</p>	<p>1. March 1, 2016</p>

Task Description	Actions and Deliverables	Timeline/Deadline
<p>Comprehensive Plan. This task will also involve reviewing the Island County code, and related programs (such as the Island County SMP) and incorporating any required corrections or changes into the final adoption documents.</p> <p>During this step, one public meeting will be held in each of Island County's four planning areas to provide the public with an opportunity to review final documents proposed for adoption.</p>	<p>recommendation on final adoption.</p> <p>2. Agenda and minutes or summary of Board of Island County Commissioners final adoption process</p> <p><u>Final Product:</u> Changes to the Island County Comprehensive Plan and development regulations in underline and strike-through format.</p> <p>Final adoption of updated Island County Comprehensive Plan and associated development code changes by Board of Island County Commissioners.</p>	<p>2. June 30, 2016</p> <p><u>Final Product:</u> June 30, 2016</p> <p><u>Period of Performance:</u> February 1, 2016 – June 30, 2016</p> <p><u>Comprehensive Plan Update Schedule Item(s):</u> 2.2.5</p>
<p>8. Lessons Learned Report</p>		
<p>In order to share the knowledge gained through this planning exercise, CONTRACTOR will produce a report summarizing their experience. In particular, the report will describe how the process might be improved and will detail the advantages and shortcomings of the approach used by the CONTRACTOR'S professional consultant. This report should be posted on the Island County and professional consultant's website, and shared with any interested agencies, individuals, and organizations. CONTRACTOR staff will take advantage of opportunities to present the results of this planning effort at professional meetings and conferences.</p>	<ol style="list-style-type: none"> 1. Draft "Lessons Learned" report prepared. 2. Final "Lessons Learned" report prepared. 3. Link on project outcome to Island County Planning Department website and distribute to interested parties. 4. Develop presentation, provide copy of final presentation, and present findings at meetings and conferences as opportunities arise <p><u>Final Product:</u> CONTRACTOR will produce a detailed "Lessons Learned" report and brief presentation outlining the knowledge gained during the update process.</p>	<ol style="list-style-type: none"> 1. August 1, 2016 2. September 1, 2016 3. September 1, 2016 4. (October 31, 2016 – develop presentation) <p><u>Final Product:</u> October 31, 2016</p> <p><u>Period of Performance:</u> July 1, 2016 – October 31, 2016</p>