Exhibit C

Findings of Fact & Attachments

Exhibit C-1

Findings – Buffer Option "A"

ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT

Val Hillers, Chair

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522, Ext. 7339 ■ from S. Whidbey (360) 321-5111, Ext. 7339 FAX: (360) 679-7306 ■ 1 NE 6th Street, P. O. Box 5000, Coupeville, WA 98239-5000. Internet Home Page: http://www.islandcounty.net/planning/

~ MEMORANDUM ~

To: **Board of Island County Commissioners**

From: **Island County Planning Commission**

RE: **Findings of Fact – Amendments to the Island County Comprehensive Plan and development regulations for Fish and Wildlife Habitat Conservation Areas**

Date: **May 23, 2014**

Summary

Island County Planning & Community Development has revised fish and wildlife habitat protection standards in order to address an order from the Washington State Growth Management Hearings Board (GMHB). On January 25, 2013, the GMHB issued an order requiring Island County to review and update its Comprehensive Plan and development regulations for Fish and Wildlife Habitat conservation areas by July 24, 2013 (GMHB 12-2-0016). The GMHB subsequently extended this deadline to July 24, 2014. In order to address this order, Island County retained a consulting team led by the Watershed Company to review best available science, perform an audit of existing fish and wildlife protection standards, identify any changes necessary to comply with the GMA, and develop revised code language and comprehensive plan policies. This work is now complete, and Island County intends to adopt revised policies and regulations before July 24, 2014.

Findings

1. Island County received an order from the Washington State Growth Management Hearings Board to review and update the Island County Comprehensive Plan and development regulations for Fish and Wildlife Habitat Conservation Areas. Island County must complete this work by July 24, 2014.

2. The Planning Department developed a Public Participation Plan & Preliminary Schedule to ensure for early and continuous public participation during the Fish and Wildlife Habitat Conservation Areas update process.

3. The Planning Commission Considered the Public Participation Plan following public hearings on September 10, 2013 and September 24, 2013. The Planning Commission recommended that the Board of County Commissioners approve the Public Participation Plan & Preliminary Schedule as drafted.

4. The Board of County Commissioners approved the Public Participation Plan, following a public hearing, with Resolution C-96-13 on October 28, 2013.

5. Island County organized a Technical Advisory Group, composed of local experts on habitat conditions in Island County, to provide technical expertise during the update process.

6. The Technical Advisory Group convened seven times between September 20, 2013 and March 11, 2014. The group provided technical feedback on work products; and all meetings were open to the public.

7. Island County received a grant to assist with the update process. As part of the grant agreement, Planning & Community Development considered landscape-scale ecological processes to support the update to the protection standards for Fish and Wildlife Habitat Conservation Areas.

8. Island County attempted to use the Puget Sound Watershed Characterization model to support a watershed-based planning analysis. State agencies made adjustments to the model to account for local conditions; however, Island County Staff and the Technical Advisory Group determined that other data sets were more accurate. As a result, Island County did not use the watershed model as part of the update.

9. Island County is required to use Best Available Science (BAS) to achieve compliance with the Growth Management Act. The Best Available Science and Existing Conditions Report documents the science applicable to Fish and Wildlife Habitat in Island County and complies with the requirements of the Washington State Growth Management Act. Planning & Community Development transmitted the report to the Planning Commission for consideration at public workshops on March 25, 2014 and April 8, 2014.

10. Planning & Community Development transmitted an Audit and Policy/Regulation Framework report to the Planning Commission on March 25, 2014 and April 8, 2014. The report identifies key issues, options, and recommendations to update the Island County Fish and Wildlife Habitat Conservation Areas in a manner which is consistent with the Growth Management Act BAS.

11. The Audit and Policy document identifies a range of riparian buffers which are consistent with BAS. The Planning Commission finds that the buffer widths at the low end of the range are most appropriate for Island County because they are generally consistent with the buffers currently imposed by Island County Code and afford the highest level of land use flexibility. The Planning Commission further finds that because the buffers selected are at the low end of the range supported by BAS, no buffer averaging or buffer reduction should be allowed by the proposed regulations.

12. The SEPA responsible official reviewed the update as a non-project action which applies to all unincorporated areas of Island County not subject to the jurisdiction of the Island County Shoreline Master Program.

13. After review of a completed environmental checklist, the lead agency determined that this amendment does not have a probable significant adverse impact on the environment. The Determination of Non-significance (DNS) was issued using the integrated SEPA/GMA process identified in WAC 197-11-340. The DNS was issued on April 25, 2014, and comments on the non-project action must be submitted by June 23, 2014.

14. This update is not subject to the Annual Review Procedures of Chapter 16.26 ICC, which establishes procedures for the review and amendment of the Comprehensive Plan and implementing development regulations of Island County. The adoption of amendments to resolve an appeal filed with the Growth Management Hearings Board do not have to conform to the requirements of Chapter 16.26 ICC per ICC 16.26.020.B.

15. The Planning Commission finds that the update to the policies and regulations for Fish and Wildlife Habitat Conservation Areas will support the rural character of Island County.

16. It is in the best interest of applicants and County staff to have Critical Areas regulations condensed into a single chapter. The proposed new Chapter 17.02B ICC will create a framework for a unified Critical Areas Ordinance.

17. The Planning Commission understands that prior to the approval of an updated Shoreline Master Program by the Department of Ecology; critical areas within shoreline jurisdiction shall be regulated by locally adopted critical areas regulations rather than by Shoreline Master Program requirements. The Planning Commission further understands that upon approval of an updated Shoreline Master Program, critical areas within the jurisdiction of the Washington State Shoreline Management Act shall be regulated by the Shoreline Master Program. Island County has adopted an updated Shoreline Master Program; however, it has not yet been approved by the Department of Ecology. Accordingly, it is the intent of the Planning Commission that critical areas within shoreline jurisdiction will continue to be regulated by the provisions of Chapters 17.02 and 17.02A ICC

until such time that Island County's locally adopted Shoreline Master Program is approved by the Department of Ecology.

18. The amendments to the Island County Comprehensive Plan, attached hereto as Exhibit A, are consistent with the proposed implementing development regulations. The changes are based on Best Available Science and comply with the requirements of the Washington State Growth Management Act.

19. The regulations attached hereto as Exhibit B, are consistent with and supported by the Island County Comprehensive Plan and the Washington State Growth Management Act. The changes are based on Best Available Science and are sufficient to meet the requirements of the Washington State Growth Management Hearings Board order. The Planning Commission finds that these regulations should be included in Island County Code as a new Chapter 17.02B ICC.

20. The amendments to Title III, Title XVI, and Title XVII, attached hereto as Exhibit C, are not substantive in nature and are necessary to achieve consistency with the amendments to Chapter 17.02B ICC.

Conclusion

The Island County Planning Commission has reviewed the proposed changes to the Island County Comprehensive Plan and implementing development regulations; and hereby recommends that the Board of County Commissioners adopt an ordinance to incorporate the proposed amendments, attached hereto as Exhibit A, Exhibit B, and Exhibit C into the Island County Comprehensive Plan.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this _____ day of _____, 2014 by,

_____

Val Hillers,
Chair, Island County Planning Commission

Attachments:

Exhibit 1 – Amendments to the Island County Comprehensive Plan
Exhibit 2 – New Island County Code Chapter 17.02B
Exhibit 3 – Amendments to Title III, Title XVI, and Title XVII

Exhibit C-2

Findings – Buffer Option "B"

ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT

Val Hillers, Chair

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Findings

1. Island County received an order from the Washington State Growth Management Hearings Board to review and update the Island County Comprehensive Plan and development regulations for Fish and Wildlife Habitat Conservation Areas. Island County must complete this work by July 24, 2014.

2. The Planning Department developed a Public Participation Plan & Preliminary Schedule to ensure for early and continuous public participation during the Fish and Wildlife Habitat Conservation Areas update process.

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10. Planning & Community Development transmitted an Audit and Policy/Regulation Framework report to the Planning Commission on March 25, 2014 and April 8, 2014. The report identifies key issues, options, and recommendations to update the Island County Fish and Wildlife Habitat Conservation Areas in a manner which is consistent with the Growth Management Act and BAS.

11. The Audit and Policy document identifies a range of riparian buffers which are consistent with BAS. The Planning Commission finds that the buffer widths at the high end of the range are the most appropriate for Island County because they afford the highest level of ecological protection and are consistent with the buffers contained in the updated Island County Shoreline Master Program. The Planning Commission further finds that because the buffers selected are at the high end of the range supported by BAS, provisions should be included in the proposed regulations for buffer averaging and reduction.

12. The SEPA responsible official reviewed the update as a non-project action which applies to all unincorporated areas of Island County not subject to the jurisdiction of the Island County Shoreline Master Program.

13. After review of a completed environmental checklist, the lead agency determined that this amendment does not have a probable significant adverse impact on the environment. The Determination of Non-significance (DNS) was issued using the integrated SEPA/GMA process identified in WAC 197-11-340. The DNS was issued on April 25, 2014, and comments on the non-project action must be submitted by June 23, 2014.

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15. The Planning Commission finds that the update to the policies and regulations for Fish and Wildlife Habitat Conservation Areas will support the rural character of Island County.

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19. The regulations attached hereto as Exhibit B, are consistent with and supported by the Island County Comprehensive Plan and the Washington State Growth Management Act. The changes are based on Best Available Science and are sufficient to meet the requirements of the Washington State Growth Management Hearings Board order. The Planning Commission finds that these regulations should included Island County Code as a new Chapter 17.02B ICC.

20. The amendments to Title III, Title XVI, and Title XVII, attached hereto as Exhibit C, are not substantive in nature and are necessary to achieve consistency with the amendments to Chapter 17.02B ICC.

Conclusion

The Island County Planning Commission has reviewed the proposed changes to the Island County Comprehensive Plan and implementing development regulations; and hereby recommends that the Board of County Commissioners adopt an ordinance to incorporate the proposed amendments, attached hereto as Exhibit A, Exhibit B, and Exhibit C into the Island County Comprehensive Plan.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this _____ day of _____, 2014 by,

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Val Hillers,
Chair, Island County Planning Commission

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