



ISLAND COUNTY PLANNING COMMISSION

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To: Board of Island County Commissioners

From: Island County Planning Commission

**RE: Findings of Fact – Fish and Wildlife Habitat Conservation Areas Update
Public Participation Plan & Preliminary Schedule**

Date: September 24, 2013

Summary

Island County is updating the Comprehensive Plan, development regulations, and policies as they pertain to Fish and Wildlife Habitat Conservation Areas (FWHCAs). The Washington State Growth Management Act (GMA) requires local governments to establish a public participation program that ensures early and continuous public participation in the development and amendment of comprehensive plans and development regulations. The Island County Planning and Community Development department has developed a Public Participation Plan & Preliminary Schedule in order to address this requirement.

On September 10, 2013 and September 24, 2013 the Planning Commission reviewed the proposed Public Participation Plan & Preliminary Schedule. Based on this review, the Planning Commission makes the following findings:

Findings:

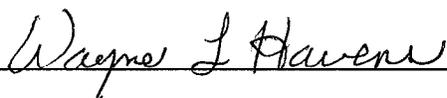
1. Island County adopted a Comprehensive Plan and implementing development regulations in 1998 to address the requirements of the GMA.
2. The GMA requires counties and cities to periodically update their comprehensive plans and development regulations. Specifically, Island County must update its comprehensive plans and development regulations on or before December 1, 2005 (RCW 36.70A.130(4)(b)), on or before June 30, 2016, and every eight years thereafter (RCW 36.70A. 130(5)(b). Island County completed the 2005 periodic update.

3. During the 2005 periodic update, Island County failed to update the FWHCAs component of the Comprehensive Plan and accompanying regulations and policies.
4. On December 13, 2012, a Petition for Review by the Growth Management Hearings Board was filed by the Whidbey Environmental Action Network (WEAN) alleging Island County failed to review and update its comprehensive plan and development regulations for FWHCAs.
5. On January 25, 2013, the Growth Management Hearings Board issued an order stating that Island County failed to review and update its comprehensive plan and development regulations for FWHCAs by the December 2005 deadline as required by RCW 36.70A.130(1)(a), (c) and (4)(b). The case was remanded to Island County for compliance and a compliance schedule was issued.
6. On February 6, 2013 the Growth Management Hearing Board issued an order on the motion for reconsideration of compliance schedule. Island County submitted this motion to request additional time beyond what was allowed in the January 25, 2013 order. WEAN supported the County's request and a new compliance schedule was issued in the order. Island County must complete the update by July 24, 2014.
7. To comply with the compliance schedule outlined above, Island County is beginning the process of updating the comprehensive plan and development regulations as they pertain to FWHCAs.
8. The GMA requires that cities and counties establish a public participation program that ensures early and continuous public participation in the development of comprehensive plans and development regulations (RCW 36.70A.140). The GMA also requires that public participation programs adopted by local governments clearly identify schedules and procedures for the public to participate in the periodic update process (RCW 36.70A.130(2)(a)).
9. The Planning Commission strongly believes that public participation in the FWHCAs update process is of vital importance and that it is necessary to adopt a public participation program in order to comply with the requirements of RCW 36.70A.140 and 36.70A.130(2)(a).
10. The Island County Planning and Community Development department has prepared a Public Participation Program & Preliminary Schedule. If this plan is fully and properly implemented it will ensure early and continuous public participation and will clearly identify schedules and procedures for the public to participate in the FWHCAs update process.

Conclusion

The Island County Planning Commission has the attached Public Participation Program & Preliminary Schedule and hereby recommends that the Board of Island County Commissioners adopt a resolution stating that the attached plan will be used to ensure early and continuous public participation in the FWHCA update.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this 24th day of Sept., 2013 by,

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Wayne Havens
Chair, Island County Planning Commission