

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF UPDATING THE ISLAND  
COUNTY COMPREHENSIVE PLAN AND  
DEVELOPMENT REGULATIONS PERTAINING TO  
FISH AND WILDLIFE HABITAT CONSERVATION  
AREAS AND AMENDING TITLES III, XVI, AND XVII  
OF THE ISLAND CODE

ORDINANCE NO. C-75-14  
PLG-006-14

**WHEREAS**, Island County ("County") conducts planning activities in accordance with Chapter 36.70 RCW, the Planning Enabling Act; and

**WHEREAS**, the planning process and the Island County Comprehensive Plan are further governed by Chapter 36.70A RCW, the Growth Management Act (GMA); and

**WHEREAS**, in order to comply with Chapters 36.70 and 36.70A RCW, Island County adopted its Comprehensive Plan on September 29, 1998 by Ordinance C-128-98, with an effective date of December 1, 1998; and

**WHEREAS**, state law requires periodic updates of GMA comprehensive plans; and

**WHEREAS**, the Washington State Legislature amended RCW 36.70A.130 to extend the schedule and subsequent review cycles for GMA comprehensive plan periodic updates; and

**WHEREAS**, by December 1, 2005, Island County should have reviewed, and if necessary, revised its comprehensive plan and development regulations pursuant to RCW 36.70A.130(4)(b); and

**WHEREAS**, during the 2005 periodic update, Island County did not update the Fish and Wildlife Habitat Conservation Areas component of the Comprehensive Plan and accompanying regulations and policies; and

**WHEREAS**, the Growth Management Hearings Board issued an order that Island County must review and update its comprehensive plan and development regulations for the protection of fish and wildlife habitat conservation areas by July 24, 2014; and

**WHEREAS**, following the order issued by the Growth Management Hearings Board Island County immediately began work on updating the County's Comprehensive Plan policies and development regulations pertaining to fish and wildlife habitat conservation areas; and

**WHEREAS**, RCW 36.70A.140 requires cities and counties planning under the GMA to establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans; and

**WHEREAS**, Island County created and adopted a Public Participation Plan and Preliminary Schedule to address RCW 36.70A.140 by Resolution C-96-13 on October 28, 2013; and

**WHEREAS**, RCW 36.70A.172 requires the use of best available science when developing polices and development regulations to protect the functions and values of critical areas, including Fish and Wildlife Habitat Conservation Areas; and

**WHEREAS**, Chapter 365-195 WAC establishes criteria for determining if information qualifies as best available science; and

**WHEREAS**, Island County reviewed a large body of scientific information and prepared a detailed report synthesizing the results of this review (Best Available Science and Existing Conditions Report for Island County's Fish and Wildlife Habitat Conservation Areas, January 2014); and

**WHEREAS**, Island County reviewed its existing policies and regulations, as well as the findings contained in the Best Available Science Report and produced a report documenting program deficiencies and areas which needed to be updated in order to be consistent with GMA requirements and best available science (Island County Fish and Wildlife Habitat Conservation Areas Audit and Policy/Regulation Framework, March 2014); and

**WHEREAS**, Island County has developed revised comprehensive plan policies and development regulations to incorporate the findings of the Best Available Science Report and Audit and Policy document; and

**WHEREAS**, a Technical Advisory Group (TAG) comprised of representatives from the State agencies, County departments, and members of local organizations with expertise in relevant scientific disciplines was used to assist in the process of selecting and analyzing best available science and in drafting revised policies and regulations; and

**WHEREAS**, The Island County Planning Commission voted to recommend that the Board of Island County Commissioners approve the revised fish and wildlife habitat conservation areas policies and regulations and signed detailed findings of fact supporting this action on June 12, 2014; and

**WHEREAS**, The Island County Board of Commissioners finds that the revised policies and regulations will adequately protect the functions and values of those fish and wildlife habitat conservation areas enumerated in WAC 365-190-130 and that special consideration has been given to protecting anadromous fish as required by WAC 365-195-925; and

**WHEREAS**, The Board of Island County Commissioners finds that it is necessary to amend Titles III, XVI, and XVII of the Island County Code in order to incorporate and fully implement the revised fish and wildlife habitat conservation areas policies and regulations; and

**WHEREAS**, The Board of Island County Commissioners finds that a new section should be added to Island County Code and codified as Chapter 17.02B ICC;

**NOW THEREFORE,**

**IT IS HEREBY ORDAINED** that the Board of Island County Commissioners adopts amendments to the Island County Comprehensive Plan attached hereto as Exhibit A, amendments to the Island County Code adding new Fish and Wildlife Habitat protection regulations attached hereto as Exhibit B, amendments to Island County Code, Title III attached hereto as Exhibit C, Title XVI, attached hereto as Exhibit D, and Title XVII attached hereto as Exhibit E, the Findings of Fact approved by the Planning Commission attached hereto as Exhibit F, and additional findings of fact prepared by the Board of Island County Commissioners attached hereto as Exhibit G. Within Exhibits A, C, D and E material stricken through is deleted and material underlined is added. The material in Exhibit B is added as a new Chapter to the Island County Code and codified as Chapter 17.02B.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014 following a public hearing.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

\_\_\_\_\_  
Jill Johnson, Chair

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Helen Price Johnson, Member

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Aubrey Vaughan, Member

**ATTEST:**

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Debbie Thompson  
Clerk of the Board

**APPROVED AS TO FORM:**

  
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DANIEL B. MITCHELL  
Deputy Prosecuting Attorney and  
Island County Code Reviser