BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ESTABLISHING A PUBLIC PARTICIPATION PLAN AND PRELIMINARY SCHEDULE FOR THE FISH AND WILDLIFE HABITAT CONSERVATION AREAS UPDATE	RESOLUTION NO. C- 96 -13 PLG-009-13

WHEREAS, Island 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, RCW 36.70A.130(4)(b) establishes December 1, 2005 as the date for Island County to take action to review, and if necessary, revise its comprehensive plan and development regulations; and

WHEREAS, during the 2005 periodic update, Island County failed to 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 by July 24, 2014; and

WHEREAS, Island County is beginning a process to update the Fish and Wildlife Habitat Conservation Areas component of the Comprehensive Plan and accompanying regulations as required in the Growth Management Hearing Board's order; 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 Planning and Community Development created a Public Participation Plan and Preliminary Schedule to address RCW 36.70A.140; and

WHEREAS, the Public Participation Plan and Preliminary Schedule adheres to the timelines established in the Growth Management Hearings Board Order; and

WHEREAS, the Island County Planning Commission recommended approval of the Public Participation Plan and Preliminary Schedule on September 24, 2013; and **NOW, THEREFORE,**

IT IS HEREBY RESOLVED that the Board of Island County Commissioners hereby directs the Department of Planning and Community Development to implement and adhere to the Island County Public Participation Plan and Preliminary Schedule, attached hereto as exhibit A, the Finding of Fact approved by the Planning Commission, attached hereto as Exhibit B, and the Board's Find of Fact and State Setting Forth the Factors Considered at the Hearing and Found to Controlling, attached hereto as Exhibit C.

ADOPTED this 28th day of October, 2013 following a public hearing.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

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Jill Johnson, Chair

Helen Price Johnson, Member

Kelly Emerson, Member

ATTEST:

Debbie Thompson
Clerk of the Board

EXHIBIT A

Public Participation Plan and Preliminary Schedule

Fish and Wildlife Habitat Conservation Areas Update Public Participation Plan & Preliminary Scope of Work

1. Public Participation

1.1 Purpose

The purpose of this plan is to ensure early and continuous public participation during the update of the Island County Critical Areas Ordinance (CAO), as required by RCW 36.70A. The preliminary schedule and scope of work outlined in this plan is based on a deadline mandated by the Growth Management Hearings Board.

1.2 Goals

1. Allocate resources and coordinate outreach efforts to ensure Island County complies with the dates and deadlines mandated by the Growth Management Hearings Board.

2. Notify the public of all meetings, hearings, and legislative actions.

3. Create a Technical Advisory Group (TAG) that includes habitat experts and other members who have technical expertise to provide peer review of the Best Available Science (BAS).

4. Ensure the Island County CAO is based on Best Available Science.

5. Accommodate budgetary and staffing constraints by supplementing local resources with any available grant funding.

6. Make use of communication technologies to efficiently distribute information, post notices, and conserve limited resources.

1.3 Program Structure

In order to comply with the deadline mandated by the Growth Management Hearings Board, this plan identifies essential public participation strategies that will be employed at designated stages in the planning process. The constrained timeframe limits the opportunity for extensive public outreach; however, Island County is committed to ensuring that any group or member of the public interested in the CAO update is able to stay informed.

The deliverables noted in the timeline are based on deadlines associated with grant funding from the Washington State Department of Commerce. Meetings associated with deliverables will likely occur before the date identified in each step in section 2.1.

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In some cases, the final action may occur before or after the target date due to constrained resources, the need for additional collaboration with key stakeholders, the need for additional collaboration with a consultant, or other unforeseen circumstances.

1.4 Methods

The public participation methods that will be employed by Island County may include, but are not necessarily limited to, the following techniques and strategies.

1. Public Hearings – Public Hearings are a formal public process conducted and held before the Board of Island County Commissioners or the Island County Planning Commission.

2. Public Meetings - Planning and Community Development will utilize work sessions with the Board of County Commissioners to ensure elected officials and the public are informed of developments in the update process.

3. Island County Planning and Community Development Website – Planning and Community Development will periodically update its website. Relevant documents and research will be posted on the website along with announcements and notices concerning upcoming meetings, hearings, and public involvement opportunities.

4. Technical Advisory Group (TAG) – In order to solicit guidance on complex technical issues, Planning and Community Development will utilize a Technical Advisory Group. This group will include members who have specific knowledge in relevant topics such as local habitat, wildlife corridors, geospatial analysis, watersheds, and water quality. Island County will invite representatives from state agencies, affected tribes, and NGOs with technical expertise in Island County habitat issues to form the TAG.

5. E-mail List – Planning and Community Development will maintain a list of individuals or groups who have expressed an interest in the CAO update process. The e-mail list will be used to disseminate announcements and notices. Any member of the public can ask to be added to or removed from the list at any time during the update.

6. Public Workshops – Public workshops are informal gatherings used to provide information regarding the CAO update and answer questions from the public. Public workshops may involve presentations by Island County staff or consultants if resources are available.

1.5 Essential Public Participation Strategies

Essential public participation strategies have been outlined in section 2.1. In addition to these strategies, Island County will ensure that any other meeting, hearing, notification, or procedure required by State law or Island County Code is adequately addressed.

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1.6 Availability of Documents

Island County will make every effort to post all relevant documents on the Planning and Community Development website. When new materials associated with the update are posted on the website, County staff will use the CAO update email list to notify the public. The webpage designed specifically for the update of the Comprehensive Plan and development regulations for Fish and Wildlife Habitat Conservation Areas is:

http://www.islandcounty.net/planning/FishandWildlifeHabitatConservationAreaUpdate.html

2. Preliminary Schedule

Island County Planning and Community Development has identified the following specific steps which must be completed as part of the CAO update for Fish and Wildlife Habitat Conservation Areas. This schedule is based on deadlines mandated by the Growth Management Hearings Board and grant funding provided by the Washington State Department of Commerce.

2.1 Phase I

1. Establish Preliminary Scope of Work and Public Participation Plan
    - *Estimated Completion Date:* September 30, 2013
    - *Essential Public Participation:* Update website, Planning Commission hearing, Board of County Commissioners hearing
    - *Deliverable:* Resolution adopting the Public Participation Plan and Preliminary Scope of Work
2. Technical Advisory Group formation
    - Estimated Completion Date: September 16, 2013
    - *Essential Public Participation*: Invite state agencies, tribes, and NGO's to participate in the TAG; update website, Board of County Commissioners work session
    - *Deliverable*: Formation of a Technical Advisory Group to provide technical assistance during the CAO update process
3. Review of Best Available Science
    - *Estimated Completion Date:* November 18, 2013

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- *Essential Public Participation:* TAG review and feedback, website update, Island County Planning Commission meeting, Board of County Commissioners work session

- *Deliverable:* Presentation of BAS bibliography and findings to the Island County Planning Commission and the Board of County Commissioners.

4. Assessment of habitat conditions

   - *Estimated Completion Date:* December 16, 2013

   - *Essential Public Participation:* TAG review and feedback, website update, Island County Planning Commission meeting, Board of County Commissioners work session

   - *Deliverable:* Presentation of habitat analysis and maps to the Island County Planning Commission and the Board of County Commissioners.

5. Best Available Science report and recommendations

   - *Estimated Completion Date:* January 15, 2014

   - *Essential Public Participation:* TAG review and feedback, website update, Board of County Commissioners work session, Island County Planning Commission meeting

   - *Deliverable:* Presentation of findings and recommendations to the Island County Planning Commission and the Board of County Commissioners

6. Critical Areas Ordinance policy and regulation revisions

   - *Estimated Completion Date:* April 7, 2014

   - *Essential Public Participation:* TAG review and feedback, website update, one public workshop in each planning area (planning areas include South Whidbey, Central Whidbey, North Whidbey and Camano), Island County Planning Commission hearing, Board of County Commissioners hearing

   - *Deliverable:* Presentation of staff report and draft regulations to the Island County Planning Commission and the Board of County Commissioners

7. SEPA analysis and Public Review Period

   - *Estimated Completion Date:* April 4, 2014 (*Notice of intent to adopt and 60-day public comment period will likely occur shortly after April 4th).

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- *Essential Public Participation*: Update website, send notice to adopt to State agencies, email notification
- *Deliverable*: SEPA checklist and threshold determination

8. Final Adoption

- Estimated Completion Date: July 21, 2014
- Essential Public Participation: Update website, Planning Commission Hearing, Board of County Commissioners Hearing
- Final Action: Formal adoption of updated FWHCA policies and regulations

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EXHIBIT B

Planning Commission Finding of Fact

ISLAND COUNTY PLANNING COMMISSION

Wayne Havens, 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/

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.

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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,

Wayne L Havens

Wayne Havens
Chair, Island County Planning Commission

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EXHIBIT C

Board's Findings of Fact and Statement Setting Forth the Factors considered at the Hearing and Found to Be Controlling

The Board of County Commissioners adopts the findings of fact of the Planning Commission attached as Exhibit B to this Ordinance. Additionally, the Board of County Commissioners directs the Planning Department to implement and adhere to the Public Participation Plan and Preliminary Schedule identified in Exhibit A, to ensure for early and continuous public participation in the Fish and Wildlife Habitat Conservation Areas Update.