



**ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT**

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TO: Island County Planning Commission

FROM: Island County Planning and Community Development

DATE: February 15, 2018

SUBJECT: Proposed changes to Chapter 17.02B ICC and Ordinance C-86-17 to clarify certain County processes with regards to Surface Water Quality Monitoring and Farm Management Plans

Island County Planning Commission:

The Planning Commission held a public hearing on January 22, 2018 which was continued on February 12, 2018, to recommend that the Board of Island County Commissioners adopt certain amendments to the County's forest practices regulations, including clarifying amendments related to the executed settlement agreement. The remaining items addressed in that settlement agreement are being brought forward on February 26th for the Planning Commission's consideration. These items are related to critical area monitoring and farm management plans.

Outline of the Issues

Throughout ICC 17.02B.520, Surface Water Quality Monitoring and Adaptive Management and 17.02B.530, Wetlands Monitoring and Adaptive Management, the term "adversely affecting critical areas" is used frequently when speaking on the subject of exceedances in water quality, or in the case of wetlands, a decline in wetland health. The way this term was originally used, implied the need for a two-step process before adaptive management actions could be used by the County to address the issue. For example, 17.02B.520G reads, "Adaptive management actions to address exceedances that are adversely affecting designated critical areas shall conform to these guiding principles." This phrase implies that the County must first determine a water quality exceedance, and then, as a second step, determine whether that exceedance is "adversely affecting critical areas." In practice, this has not been conducted as a two-step process. Adverse effects to critical areas are *evidenced by* exceedances of water quality standards. The proposed changes to 17.02B.520 and 530 should clarify this misconception.

Under ICC 17.02B, agricultural activities defined as "Existing and Ongoing" receive an exemption from the full requirements of the Critical Areas Ordinance (CAO), and are instead subject to specific Best Management Practices (BMPs) outlined in Exhibit B to Ordinance C-86-17. ICC 17.02B also allows a landowner to choose to implement a Farm Management Plan developed with a Natural Resources Conservation Service certified conservation planner as an alternative to implementing the standard BMPs. As a part of that process, the landowner would be required to submit the portion of the Record of Decisions of the Farm Plan which contains

the specific BMPs to be implemented in order to comply with the standards of the critical areas ordinance. The proposed changes to Ordinance C-86-17 are intended to provide more clarity to the Farm Planning process, specifically clarifying what is submitted to the County for review.

Process for Hearing the Changes

At the Planning Commission's last meeting, staff mentioned that the draft Planning Commission Findings of Fact would from then on be brought to a workshop for discussion prior to being presented at a public hearing. Unfortunately, the agenda for the public hearing on February 26th had already been published, so staff is suggesting the following procedure. The public hearing on February 26th should be used to introduce the proposed changes, take comment from the public, and allow for some discussion. The public hearing would then be continued to March 26th for final recommendation. This should provide ample time for reviewing the Findings of Fact, and providing staff with any recommended edits. Staff would like to remind the Planning Commission that public hearings and workshops are a very appropriate time to suggest substantive changes, but it is recommended that wordsmithing changes be brought to staff ahead of the meeting, to be mindful of the public's limited time.