



**ISLAND COUNTY  
PLANNING & COMMUNITY DEVELOPMENT**

**ISLAND COUNTY PLANNING COMMISSION**

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**~FINDINGS AND CONCLUSIONS~**

**TO: Board of Island County Commissioners**

**FROM: Island County Planning Commission**

**DATE: Draft**

**REGARDING: Amending 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**

**CHANGES TO CLARIFY ISLAND COUNTY'S CRITICAL AREA ORDINANCE AS IT RELATES TO SURFACE WATER QUALITY MONITORING AND FARM MANAGEMENT PLANS**

**SUMMARY**

The code changes that are referred to in the below findings of fact are a specific effort on the part of the County to add certain clarifying amendments to Chapter 17.02B and Ordinance C-86-17.

**FINDINGS OF FACT**

**Background**

1. On January 9, 2018, the Board of County Commissioners passed Resolutions C-04-18 and executed a settlement agreement in Whidbey Environmental Action Network v. Island County, Growth Management Hearing Board, Case No.17-2-0008. In the agreement, the County agreed to process certain proposed clarifying amendments to the critical areas ordinance, Chapter 17.02B, and its amending Ordinance C-86-17.

2. These clarifying amendments mentioned in the above finding address the topics of: Forest Practices, Surface Water Quality Monitoring, and Farm Management Plans.

### **Forest Practices**

3. On January 22, 2018 and continued on February 12, 2018, the Planning Commission held a public hearing to recommend 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.
4. The Planning Commission finds that there are no further changes related to forest practices proposed as a part of this recommendation because all were addressed during the Planning Commission's public hearing on January 22, 2018 and February 12, 2018.

### **Surface Water Quality Monitoring**

5. The Planning Commission finds that within 17.02B.520, Surface Water Quality Monitoring and Adaptive Management, qualifying the language, "adversely affecting critical areas" with "...as evidenced by exceedances in water quality standards" further clarifies the County's current practice for response to exceedances in water quality standards.
6. The Planning Commission finds that within 17.02B.530, Wetlands Monitoring and Adaptive Management, qualifying the language, "adversely affecting critical areas" with "...as evidenced by exceedances in water quality standards" further clarifies the County's current practice for response to exceedances in water quality standards.

### **Farm Management Plans**

7. Island County Code 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 Best Management Practices (BMPs) outlined in Exhibit B to Ordinance C-86-17. The Planning Commission finds that 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 to comply with the standards of the critical areas ordinance.
8. The Planning Commission finds that adding more specifics regarding what shall be contained in the portion of the Record of Decisions to be submitted to the County, provides clarity to the County's process for reviewing these plans for compliance with the Critical Areas Ordinance and specifies what items are submitted for review.

### **Denial of Merit**

9. By recommending adoption of these changes, the Planning Commission emphasizes these changes are clarifying in nature only and do not change current County practice or interpretation of Chapter 17.02B ICC and/or its amending Ordinance C-86-17. The Planning Commission finds that the proposed changes are compliant with the Growth Management Act.

## **CONCLUSION**

The Island County Planning Commission has reviewed the proposed changes to Island County Code Chapters 17.02B, and Ordinance C-86-17, and hereby recommends that the Board of County Commissioners adopt an ordinance(s) to incorporate the proposed amendments, attached hereto as Exhibit A into Island County Code.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by,

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Darin Hand  
Chair, Island County Planning Commission

**Enclosures:**  
Exhibit "A" – Amendments to the Island County Code Chapter 17.02B and Ordinance C-86-17