



**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: July 10, 2017

REGARDING: Repealing ICC 17.02 and 17.02A, and Amending ICC 17.02B as a part of the Critical Areas Ordinance.

SUMMARY

As a part of the comprehensive plan update, Island County is required by the Growth Management Act (GMA) to review, and if necessary, update its critical areas regulations (RCW 36.70A.130). The GMA establishes five specific categories of critical areas, including; wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas (WAC 365-190-030(4)). Island County recently completed a portion of the required review with the adoption of update fish and wildlife habitat conservation area regulations last year; however, the other critical areas established by the GMA must still be addressed.

In order to address the remaining critical areas, Planning and Community Development enlisted the services of a professional consulting team led by Environmental Science Associates (ESA). In addition to ESA, this team is comprised of firms with expertise in groundwater resources (Pacific Groundwater Group) and geology (The Stratum Group). The consulting team was charged with producing technical reports and making recommendations to the County on addressing the critical areas requirements of the GMA.

To guide the critical areas review process a detailed scope of work was developed. The critical areas review project can be broken into five specific steps, including; (1) Best Available Science Report, (2) Existing Conditions Report, (3) Needs Assessment and Gap Analysis, (4) Policy and Regulatory Options, and (5) Code Amendments.

A Technical Advisory Group (TAG) was assembled by Planning and Community Development to provide technical guidance and scientific input. The group was responsible for reviewing and commenting on the work produced by the consulting team. The TAG was comprised of representatives from Island County Public Health, the Island County Department of Natural Resources, the Washington State Department of Ecology, the Washington State University Extension Service, the Whidbey Island Conservation District, the Snohomish Conservation District, and two citizens with expertise in environmental resource management.

As a result of this process, changes are proposed to the Critical Areas Ordinance in order to address water availability, mitigation sequencing for geologically hazardous areas, buffer averaging, temporary impacts to wetlands, and alternative mitigation strategies focused on a watershed scale.

In addition the recommended changes identified through the periodic review process, the County has chosen to: consolidate critical areas provisions into ICC 17.02B; emphasize the completion of baseline monitoring under the Surface Water Quality Monitoring Program and shift focus to trend monitoring and source identification; and adjust exemptions for existing and ongoing agriculture to include Rural zoned properties and adjust BMPs as they relate to these properties.

FINDINGS

1. Island County conducts planning activities in accordance with RCW 36.70, the Planning Enabling Act and RCW 36.70A, the Growth Management Act (GMA).
2. The GMA establishes five specific categories of critical areas, including: wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.
3. In 2014 Island County reviewed and updated its development regulations as they pertain to Fish and Wildlife Habitat Conservation Areas and is currently addressing an appeal to that update in January of 2017.
4. In 2015 Island County Planning and Community Development enlisted the services of a professional consulting team led by Environmental Science Associates (ESA) to produce technical reports and make recommendations to the County on addressing the remaining critical areas requirements of the GMA.
5. A Technical Advisory Group (TAG) was assembled with representatives from Island County Public Health, the Island County Department of Natural Resources, the Washington State Department of Ecology, the Washington State University Extension Service, the Whidbey Island Conservation District, the Snohomish Conservation District, and two citizens with expertise in environmental resource management, to provide technical guidance and scientific input by reviewing and commenting on the work produced by the consulting team.
6. ESA produced a Best Available Science Report, Existing Conditions Report, Needs Assessment and Gap Analysis, and Policy Packages Memo to inform the updates made to the Critical Areas Ordinance.

7. The TAG held 6 advisory group meetings during the course of the update, the Planning Commission held 4 public meetings, the Board of Island County Commissioners (BOCC) held 7 public meetings, and 2 joint public work sessions were held between the Planning Commission and BOCC.
8. The Planning Commission finds that adding language to ICC 16.06.090 requiring the review of legal and physical water availability at the time of subdivision approval would clarify the current approach for review of development effects on water availability to conform to current practice.
9. The Planning Commission finds that adding language to ICC 11.02.140 requiring the demonstration that reasonable efforts have been taken to mitigate impacts in the prioritized order outlined in 17.02B.080 would clarify the current approach for review of development in geologically hazardous areas.
10. The Planning Commission finds that limiting buffer reductions under the buffer averaging provision, to 75% of the originally required buffer unless certain thresholds are met, improves consistency with Ecology guidance.
11. The Planning Commission finds that requiring compensatory mitigation for temporary impacts to wetlands improves consistency between wetlands regulations and Fish and Wildlife Habitat conservation Areas regulations.
12. The Planning Commission finds that integrating the Watershed Characterization Maps that were created for the periodic review into the process for consideration of off-site mitigation or mitigation banks will improve consistency with a 2008 Federal Rule by Corps and EPA.
13. The Planning Commission finds that consolidating the critical areas provisions from ICC 17.02 and 17.02A into ICC 17.02B will help to improve clarity and the implementation of the critical areas ordinance.
14. The Planning Commission finds that updating ICC 17.02B.520, the Surface Water Quality Monitoring Program, will help to shift focus from baseline monitoring to trend monitoring and source identification consistent with second phase of water quality monitoring as outlined in the Adamus report and the Environmental Science Associates Existing Conditions Report (October 2015), Best Available Science Report (October 2015), and Needs and Gap Analysis (May 2016).
15. The Planning Commission finds that adjusting exemptions for existing and ongoing agriculture to include Rural zoned properties and tailoring Best Management Practices as they relate to these properties is consistent with approaches taken by other counties and Department of Commerce guidance and encourages the continued use of agriculture on smaller parcels while simultaneously ensuring our critical areas are adequately protected.
16. The Planning Commission finds that with the adoption of these changes and the accompanying adoption of the Surface Water Quality Monitoring Plan, the Island County GMA periodic review and evaluation of critical areas will be completed per RCW 36.70A.

CONCLUSION

The Island County Planning Commission has reviewed the proposed changes to Island County Code and hereby recommends that the Board of County Commissioners adopt an ordinance to incorporate the proposed amendments, enclosed 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 _____, 2017 by,

Darin Hand
Chair, Island County Planning Commission