

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF UPDATING AND ADOPTING
AMENDMENTS TO THE SHORELINE MANAGEMENT
ELEMENT OF THE ISLAND COUNTY
COMPREHENSIVE PLAN AND ADOPTION OF
CHAPTER 17.05A ICC TO REPLACE CHAPTERS
16.21 AND 17.05 ICC

ORDINANCE NO. C-107-15
PLG-007-15

WHEREAS, the State of Washington Shoreline Management Act of 1971, Chapter 90.58 RCW (Act), requires counties and cities to prepare shoreline master programs (SMPs) to prevent the uncoordinated and piecemeal development on shorelines of the state; and

WHEREAS, pursuant to RCW 90.58.050, Island County and the Washington State Department of Ecology (Ecology) are to work together cooperatively with the local government having the primary responsibility for initiating the planning required and Ecology acting primarily in a supportive and review capacity; and

WHEREAS, in 2003, Ecology adopted new rules pursuant to RCW 90.58.200, which gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations, which rules became effective January 17, 2004; and

WHEREAS, the SMP Guidelines (Chapter 173-26 WAC) are the standards and guidance that establish minimum standards for updating local shoreline master programs; and

WHEREAS, pursuant to RCW 90.58.080 Island County is required to review and update its existing SMP to ensure conformance with the required elements of the current SMP Guidelines; and

WHEREAS, a binding agreement was entered into on July 28, 2010 between the State of Washington, Department of Ecology, and Island County, Washington to provide state funds of up to \$450,000 for the County to prepare a locally adopted comprehensive Shoreline Master Program update consistent with Shoreline Management Act Grant Agreement No. G1100007; and

WHEREAS, the existing Island County Shoreline Master Program (SMP) is Element 3, Shoreline Management Element, of the Island County Comprehensive Plan, adopted on September 29, 1998, and is comprised of Goals and Policy Statements, Shoreline Environments, General Policies, Shorelines of Statewide Significance, ICC Chapter 16.21, Shoreline Management, and ICC Chapter 17.05, the Shoreline Use Regulations, which includes Map A, Island County Aquaculture Districts, Map B, Shorelines of Statewide Significance, and Appendix C, Environment Designation Maps; and

WHEREAS, the current Island County SMP was adopted and approved by Ecology with an effective date of June 21, 2001; and

WHEREAS, the Island County Planning and Community Development Department prepared proposed amendments to update the Island County SMP, consisting of Shoreline Goals and

Policies, and a Shoreline Restoration Plan, to replace the existing Shoreline Management Element of the Island County Comprehensive Plan; and

WHEREAS, the Island County Planning and Community Development Department prepared a Shoreline Environment Designations Map, and an amendment to replace existing Chapters 17.05 and 16.21 ICC in their entirety with a new Chapter 17.05A ICC, to be known as the Shoreline Master Program Regulations and Procedures; and

WHEREAS, the Island County Planning Commission held a series of public meeting workshops throughout Island County on August 14, 2012, August 16, 2012, and August 21, 2012 to review and receive public comment on the proposed amendments to update the Island County SMP and the Shoreline Master Program Regulations and Procedures; and

WHEREAS, the Island County Planning Commission then held a series of formal public hearings on September 6, 2012, September 11, 2012, and September 25, 2012 to further review and receive public comment on the proposed amendments to the Island County SMP, including the SMP Goals and Policies, the Shoreline Environment Designations Map, the Shoreline Restoration Plan, and the Shoreline Master Program Regulations and Procedures; and

WHEREAS, following the completion of the public hearings, the Planning Commission recommended approval of the proposed amendments to update the Island County SMP and the Shoreline Master Program Regulations and Procedures to the Board of Island County Commissioners; and

WHEREAS, following transmittal of the Planning Commission's recommendation on the Island County SMP, the Board of Island County Commissioners held public meetings in Freeland on October 9, 2012, in Coupeville on October 15, 2012, and on Camano Island on October 16, 2012 in order to solicit additional public input and comment on the SMP update; and

WHEREAS, the Board of Island County Commissioners held a series of formal public hearings on November 5, 2012, November 19, 2012, November 26, 2012, November 27, 2012, and November 29, 2012 to further review and receive public comment on the proposed amendments to the Island County SMP, including SMP Goals and Policies, Shoreline Environment Designations Map, Shoreline Restoration Plan, and Shoreline Master Program Regulations and Procedures; and

WHEREAS, after considering the matter at public meetings and hearings, the Board of Island County Commissioners deemed a change in the recommendations of the Planning Commission necessary, and forwarded an amended Shoreline Master Program for Department of Ecology approval; and

WHEREAS, Island County held further public review of amendments to its Shoreline Master Program before the Planning Commission on September 28, 2015; and

WHEREAS, at a public hearing on December 27, 2012, the Board of Island County Commissioners adopted Resolution C-125-12 in which the Board resolved to approve the Shoreline Master Program and resolved to enact by ordinance the amendments after they have been approved by the Department of Ecology and further resolved that the County's existing Shoreline Master Program remain in full force and effect until amended by ordinance; and

WHEREAS, Island County has completed environmental review under SEPA and filed a Growth Management Act 60-day notice of intent to adopt with the State of Washington Department of Commerce; and

WHEREAS, pursuant to RCW 90.58.090, the Department of Ecology is required to review and approve locally developed Shoreline Master Programs; and

WHEREAS, on August 17, 2015 the Washington State Department of Ecology preliminarily approved Island County's locally developed Shoreline Master Program subject to a number of required and recommended changes; and

WHEREAS, on September 28, 2015 the Island County Planning Commission recommended the Board of Island County Commissioners accept all of the Department of Ecology's required and recommended changes and developed written findings of fact, attached hereto as Exhibit D; and

WHEREAS, the Board of Island County Commissioners has reviewed the Planning Commission's findings of fact and recommendation; and

WHEREAS, the Board of Island County Commissioners notes that implementing the required change identified in Exhibit B of the Department of Ecology's conditional approval letter as "item 37" will result in an inconsistency between code sections; and

WHEREAS, the Board of Island County Commissioners wishes to deviate from the Planning Commission's recommendation in order to address the inconsistency identified above by amending the language of Island County Shoreline Master Program regulation ICC 17.05A.110.A.3.c).(v) as authorized by RCW 90.58.090(2)(e); and

WHEREAS, the Shoreline Master Program Regulations and Procedures attached hereto as Exhibit B have been revised to incorporate and reflect the changes required and recommended by the Department of Ecology, and have also been revised to incorporate and reflect the change proposed by the Board of Island County Commissioners discussed above; and

WHEREAS, the Shoreline Master Program Goals and Policies attached hereto as Exhibit A have been revised to incorporate and reflect the changes required and recommended by the Department of Ecology; and

WHEREAS, the Department of Ecology required an amendment to the Shoreline Environment Designations Map attached hereto as Exhibit E, and an additional map, attached hereto as Exhibit F, has been prepared to illustrate the required change; and

WHEREAS, the Board of Island County Commissioners has developed written findings of fact supporting the deviation from the Planning Commission's recommendation, attached hereto as Exhibit C; and

WHEREAS, Island County now, following the completion of the review by the Department of Ecology, intends to adopt by ordinance these amendments as required and recommended by Ecology to the Island County Shoreline Master Program; **NOW, THEREFORE,**

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the following Shoreline Master Program amendments: Exhibit A - Comprehensive Plan amendments; Exhibit B - Regulations and Procedures; Exhibit E - Shoreline Environment Designations Map (except as amended to reflect the change illustrated by attached Exhibit F); and

BE IT FURTHER ORDAINED that the Board of Island County Commissioners also adopts Findings of Fact attached hereto as Exhibit C, which are slightly different from the Planning Commission's Findings of Fact attached hereto as Exhibit D; and

BE IT FURTHER ORDAINED that the adoption of Exhibit B of this Ordinance replaces Chapters 16.21 and 17.05 of the existing Island County Code in their entirety; and

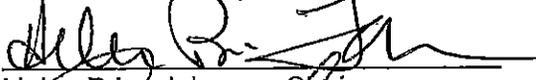
BE IT FURTHER ORDAINED that the adoption of Exhibit A of this Ordinance replaces the Shoreline Management Element of the Island County Comprehensive Plan in its entirety; and

BE IT FURTHER ORDAINED that the effective date of this ordinance shall be 14 days from the date of the Department of Ecology's written notice of final action approving the updated Island County Shoreline Master Program pursuant to RCW 90.58.090(7), or the date signed by the Board, whichever occurs later.

APPROVED this 15th day of December, 2015.



BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON


Helen Price Johnson, Chair

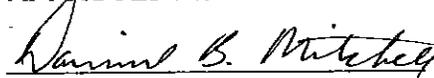

Richard M. Hannold, Member


Jill Johnson, Member

ATTEST:


Debbie Thompson
Clerk of the Board

APPROVED AS TO FORM:


Daniel B. Mitchell
Deputy Prosecuting Attorney and
Island County Code Reviser

as to Exhibit B which amends
the Island County Code.

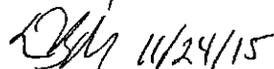
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EXHIBIT A

Amendments to the Shoreline Management Element of the Island County Comprehensive Plan

- Shoreline Goals and Policies
- Shoreline Restoration Plan