

RESOLUTION 26 - 2010

**A RESOLUTION ESTABLISHING A CRITICAL AREAS REVIEW SCHEDULE
AND PUBLIC PARTICIPATION PLAN AND REPEALING RESOLUTION 56-2006**

Background

- A. RCW 36.70A.170 requires the designation of Critical Areas, including wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas, and critical aquifer recharge areas, and consideration of the guidelines established pursuant to RCW 36.70A.050; and
- B. RCW 36.70A.060 requires the adoption of development regulations to protect Critical Areas; and
- C. RCW 36.70A.172 requires counties to include the best available science (BAS) in developing regulations to protect the functions and values of critical areas; and
- D. RCW 36.70A.130 required San Juan County to review and if necessary revise its Critical Area Regulations to ensure consistency with the requirements of Chapter 36.70A (the Growth Management Act) prior to December 1, 2006; and
- E. San Juan County adopted a public participation plan for the revision of its Critical Areas regulations as Resolution 56-2006; and
- F. Although some of the tasks in Resolution 56-2006 were completed, San Juan County now desires to adopt a new schedule and public participation plan for completing the Critical Areas Ordinance review and, if necessary, revision; and
- G. The San Juan County Council considered the public participation plan, as outlined in Exhibit A, at a public meeting held on May 25, 2010 and a public hearing held on June 8, 2010. During the June 8th hearing, public testimony was taken and the County Council moved to postpone the formal adoption of said plan until after the Special Joint Meeting of San Juan County Council and Planning Commission to be held on June 10, 2010.

NOW, THEREFORE, BE IT RESOLVED by the San Juan County Council that:

1. The public participation plan and schedule shown in attached Exhibit A for the review and, if necessary, revision of the County's Critical Areas regulations is adopted.
2. Resolution 56-2006 is repealed.

6.30.10 Logged +
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copy CA CDFD
PA 2 binder

ADOPTED this 29 day of JUNE 2010.

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

ATTEST: Clerk of the Council

By: Ingrid Gabriel
Ingrid Gabriel – Clerk
Date: 6.29.2010

REVIEWED BY COUNTY
ADMINISTRATOR

Pete Rose
Pete Rose Date: 6-18-10

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

By: Randall K. Gaylord
Date: 6/18/10

Richard Fralick
Richard Fralick, Chair
District 4, Orcas West/Waldron

Lovel Pratt
Lovel Pratt, Vice-Chair
District 1, San Juan South

Richard Peterson
Richard Peterson, Member
District 2, San Juan North

Howard Rosenfeld
Howard Rosenfeld, Member
District 3, Friday Harbor

Gene Knapp
Gene Knapp, Member
District 5, Orcas East

Bob Myhr
Bob Myhr, Member
District 6, Lopez/Shaw

San Juan County Critical Area Regulations Update & Public Participation Plan
June 29, 2010

Task	Public/ Agency Participation Opportunities	Projected Completion Date	Responsible Parties
Task A. Establish CAO Update Implementation Team.		completed	P. Rose, R. Gaylord, S. Hale, R. Fralick, L. Pratt
Task B. Approve approach & work plan. 1. Prepare draft work plan. 2. Provide notice and accept public comment on draft plan. 3. Joint workshop with County Council ("CC"), Planning Commission ("PC"), Prosecuting Attorney ("PA"), and Doug Peters (Dept. of Commerce) 4. Approve final plan by resolution.	Public Input Public Input	completed June 8 June 10 ???	Imp. Team & CC CC PC/CC/ PA/ Department of Commerce CC
Task C. Complete Wetland Study & Approve Local Wetland BAS			
1. Develop wetland base map.		November??	P. Adamus; C. Maycock; M. Crane
2. Hire & train wetland interns.		completed	SJ GIS staff, P. Adamus
3. Select statistical sample of wetlands.		June 21	C. Maycock, P. Adamus
4. Identify property owners, conduct mailing, & secure permission to access property.		completed	P. Adamus
5. Follow up phone calls to non-responsive prop. owners.		ongoing	C. Maycock, CD&P staff, GIS staff
6. Conduct wetland site visits, enter data to Excel & GIS data base.		June	C. Maycock, CD&P staff, Intern(s)
7. Run alternate buffer scenarios & complete GIS analysis.		June 21 - Aug.??	wetland interns, GIS staff
8. Prepare first draft report & maps.		Aug.- ??	P. Adamus/ GIS contractor or staff
9. Solicit & respond to peer review comments.		Aug. - Sept??	P. Adamus, GIS contractor or staff
10. Complete 2 nd draft report & maps & present to CC & PC at public meeting.	Scientific Peer Review	Sept/ Oct	P. Adamus, qualified wetlands scientists
		October??	P. Adamus, GIS contractor or staff, PC, CC

11. Public workshop(s), hearing or other methods of soliciting/ accepting public & agency comment on 2 nd draft.	Public/ Agency Input	Oct/ Nov	PC/CC/PA/Planning staff
12. Prepare & adopt final wetlands report & maps as BAS.		Nov/ Dec	P. Adamus/ CC
<p>Task D. Approve Best Available Science (see above process for local wetland science)</p> <p>Applicable topic areas include:</p> <ul style="list-style-type: none"> • Wetlands (P. Adamus) • Frequently flooded areas (minimal changes – assistance probably not necessary) • Geologically hazardous areas (Brendan Cowan & Rene Beliveau) • Fish & Wildlife Habitat Conservation Areas (FWHCAs) <p>Required FWHCAs:</p> <ul style="list-style-type: none"> ▪ Shellfish areas (State synthesis available) ▪ Kelp & eelgrass beds (State synthesis available) ▪ Herring, smelt & other forage fish spawning areas (State synthesis available) ▪ Naturally occurring ponds < 20 acres with fish & wildlife habitat (P. Adamus). ▪ Waters of the state as defined in RCW 90.48.020 (P. Adamus). ▪ Lakes, ponds & streams planted with game fish (P. Adamus). ▪ State natural area preserves, natural resource conservation areas & wildlife areas (areas established & managed by WDNR & WDFW) (P. Adamus). ▪ Areas important to endangered/ threatened/ sensitive species: <ul style="list-style-type: none"> -Stellar sea lion -Sea Otter -Gray whale -Humpback whale -Steelhead -Chinook Salmon -Summer Chum Salmon <p>Optional FWHCAs:</p> <ul style="list-style-type: none"> ▪ Habitats & species of local importance (local option – not required). -Native grassland/ camas wildflower prairie -Herbaceous balds & bluffs (DNR synthesis available) -Garry oak woodlands, savannahs & associated ecosystems (WDFW synthesis available) <ul style="list-style-type: none"> • Management of stormwater as it relates to protection of Critical Areas. e.g. characteristics of and management options for preventing negative impacts associated with runoff from commercial, residential & agricultural land uses. (P. Adamus - additional expertise may be needed depending on approach). 		<p>Sept/ Oct</p>	<p>CC</p>

<p>1. Compile Science Master List.</p>	<p>a) List existing scientific reports & maps that have been submitted for consideration.</p> <p>b) Publish display ad & e-mail notice with 30-day call for additional science related to impacts of land use and development on Critical Areas. [include call for qualified scientists interested in reviewing wetland study results (CV required to confirm wetland expertise). Provide list of Critical Areas, links to State guidance on BAS, & list of existing scientific reports.]</p> <p>c) Complete scientific reports & maps to be considered.</p>	<p>ongoing</p> <p>Public input on BAS</p>	<p>June</p> <p>June 23</p> <p>July</p>	<p>Planning Staff</p>
<p>2. Review of Science.</p>	<p>a) Identify &/or contract with scientists or consulting firm to provide support for areas not covered by Dr. Adamus (e.g. shoreline Critical Areas). For each Critical Area, implementation team to provide recommended approach to CC. Options include use of agency experts, contracting with a marine scientist with general expertise, contracting with a consulting firm, and contracting with several scientists with specific expertise. CC approval of approach.</p> <p>b) Determine content and format of science syntheses, evaluation of regs and recommendations.</p> <p>c) Scientists/ consulting firm complete BAS review, make recommendation on which scientific reports constitute the Best Available Science for San Juan County.</p> <p>d) Scientists/ consulting firm prepare a synthesis of science (or if a synthesis already exists, an addendum addressing any new, relevant information) as it relates to protection of Critical Areas from impacts of land use & development, including discussion of any characteristics of SJ County that are different than other areas of Puget Sound & actions necessary to protect Critical Areas. Staff to seek assistance from agency scientists & compile maps & executive summaries of reports on any topics not covered by contract scientists/ consultant.</p>		<p>June/ July</p> <p>July</p> <p>July/ Aug</p> <p>July/ Aug</p>	<p>P. Rose/ Planning Staff/ Implementation Team/ CC</p> <p>CAO Imp. Team</p> <p>Scientists/ consulting firm</p> <p>Scientists/ consulting firm/ staff</p>
<p>3. Approval of Synthesized BAS.</p>	<p>a) Release scientific syntheses & proposed BAS for SJ County. Ask for written questions/ comments for scientists to respond to at meetings with PC & CC.</p> <p>b) Joint meetings with scientists/ PC/ CC & PA to i) provide overviews of BAS by topic, ii) answer questions/ discuss comments (cards for additional written comments to be available & collected throughout meeting), iii) discuss potential modifications to BAS based on comments, and iv) if necessary, consider revising BAS & associated syntheses.</p> <p>c) Council hearing to accept comment on proposed BAS. PC invited to attend for information purposes.</p> <p>d) Scientists prepare final draft of syntheses.</p>	<p>Questions from public</p> <p>Questions/ comments from public</p> <p>Public comment</p>	<p>August</p> <p>September</p> <p>September</p> <p>Sept/ Oct</p>	<p>Planning Staff</p> <p>PC/ CC/ PA/ scientists/ consulting firm/ CC & Planning staff</p> <p>PC/ CC/ PA & staff</p> <p>CC/ scientists/ cons. firm</p>

<p>e) Council approves applicable BAS. 4. Scientific evaluation of regulations. Using adopted BAS, scientists or consulting firm examine existing regulations and if necessary provide recommendations for changes.</p>		<p>October October</p>	<p>CC Scientists/ consulting firm/ Planning staff</p>
<p>Task E. Review & Revise Critical Area Regulations. 1. Hold public workshops on hot button issues on Lopez, San Juan & Orcas Islands, beginning with Orcas (Hot button issues include reasonable use, non-conforming use, buffers in UGAs, relationship between Critical Area requirements & other GMA requirements/ goals, & application of no net loss requirement). Consider using round table format like LAMIRD meetings. 2. Council option – hearing(s) on hot button issues (to be decided).</p>	<p>Public comment</p>	<p>July</p>	<p>PA/ Planning Staff/ PC/CC/ Ecology staff</p>
<p>3. Opinion survey or other methods to solicit public views on issues & options for protecting Critical Areas.</p>	<p>Public comment Public comment</p>	<p>August August</p>	<p>CC/ staff Planning staff</p>
<p>4. Review and as necessary amend SJCC 18.30.110 (General Section) & related definitions & sections. a) Joint PC/ CC public hearing with PA present to take testimony on any deficiencies in and suggestions for 18.30.110, including consideration of CAO Review Committee recommended amendments & minority reports. CC discusses options for dealing with any deficiencies, decides on preferred approach, and directs staff to prepare draft revisions for review by PC. b) PC workshop with public testimony to review draft revisions & decide on additional changes to hearing draft. c) Public meetings to informally discuss PC hearing draft, and solicit comments for PC consideration. d) PC hearing on draft with PA present, followed by revision & completion of final PC recommended draft. e) Presentation of PC rec. draft to CC along with staff and PA comments (1st touch). CC directs staff to make changes for CC hearing draft. f) Second CC touch – review & completion of CC hearing draft. g) CC hearing on amendments to 18.30.110. h) CC makes final amendments – if substantial holds second hearing prior to final approval.</p>	<p>Public comment throughout process</p>	<p>Oct.-Jan.</p>	<p>PC/ CC/ PA/ Planning & CC Staff</p>
<p>5. Review and as necessary amend SJCC 18.30.120 (Geohazard Areas). Same process as above except available maps of the various geological hazard areas are considered along with applicable RCWs & WACs. (Note: There will likely be few substantive changes to this section).</p>	<p>Public comment throughout process</p>	<p>Dec. – March.</p>	<p>PC/ CC/ PA/ Planning & CC Staff</p>
<p>6. Review and as necessary amend SJCC 18.30.130, 150 & 160 (Frequently Flooded Areas, Wetlands, FWHCAs). Same process as above except contract scientists advise during discussions & hearings, and prior to each hearing present analysis of any ecological risks associated with proposed approach.</p>	<p>Public comment throughout process</p>	<p>June 2011 projected completion date</p>	<p>PC/ CC/ PA/ Planning & CC Staff/ scientists or consulting firm</p>