

RESOLUTION NO. 94-16.

**A RESOLUTION STATING THE INTENT OF MASON COUNTY TO REPEAL AND REPLACE THE MASON COUNTY SHORELINE MASTER PROGRAM AND MAPS (17.50 MCC) AND CHAPTER IX OF THE COMPREHENSIVE PLAN (SHORELINE MANAGEMENT); AMEND THE RESOURCE ORDINANCE (8.52 MCC) AND DEVELOPMENT CODE (TITLE 15 MCC); AND ADOPT A CHANNEL MIGRATION ZONE MAP.**

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WHEREAS, Chapter 90.58 RCW, also known as the Shoreline Management Act of 1971 (SMA), require each city and county to develop and implement a local Shoreline Master Program (SMP); and

WHEREAS, the SMA requires local SMP's to give priority to uses that require a shoreline location, promote public access and enjoyment opportunities, and protect the environmental resources of State shorelines; and

WHEREAS, RCW Chapter 36.70A, also known as the Washington Growth Management Act (GMA), requires that counties planning under the GMA adopt development regulations that are consistent with and implement their comprehensive plans; and

WHEREAS, the 2003 (amended in 2011) Washington Department of Ecology (Ecology) guidelines, codified in Chapter 173-26 of the Washington Administrative Code (WAC), include substantive, procedural, and process requirements to be followed by local jurisdictions in their comprehensive updates to their SMP's; and

WHEREAS, the SMA established a timeline for local jurisdictions to adopt updated SMP's consistent with the guidelines, and the adoption deadline for Mason County was December 2012, although the County and Ecology have mutually agreed to continue working on the update past this date in good faith; and

WHEREAS, Mason County adopted an SMP in 1975, which was last updated in 1988, with minor amendments made in 2002 and 2006; and

WHEREAS, the County applied for and received a three year grant from Ecology in 2010 to support the revisions of the development of required supporting studies and implementation documents; and

WHEREAS, after receiving applications from consulting firms, the County selected and then finalized a contract agreement with ESA Adolphson to provide professional services in support of the update; and

WHEREAS, the Board of County Commissioners approved a Public Participation Plan; and

WHEREAS, the County presented information on the SMP update to several local groups, such as the Ports, the Mason County Economic Development Council, the Hood Canal Community

Club, the Lower Hood Canal Watershed Coalition, the Mason County Realtors, Tacoma Power, Oakland Bay Clean Water, the Olympia Master Builders, the Mason & Benson Lake Homeowners Association, and the Shelton Rotary; and

WHEREAS, the County sent a "Shape Your Shoreline" mailer to all shoreline property owners, held two open houses, broadcasted on KMAS (local radio), and published an article in the "Shelton Life"; and

WHEREAS, the County formed and worked with two groups, the Shoreline Joint Technical Advisory Committee and the Shoreline Citizen's Advisory Committee during the initial phase of the update from 2011 through 2013 to assist in developing the SMP goals, policies, environmental designations, and use/development regulations; and

WHEREAS, after the Joint Technical Advisory Committee held 14 meetings and the Citizen's Advisory Committee held 27 meetings, a "Preliminary Draft SMP" and was completed in January 2013 and the Jurisdiction Map and the Environmental Designation Map were completed in May 2013 (and later revised); and

WHEREAS, the SMP includes policies and regulations designed to ensure no net loss of ecological functions necessary to sustain shoreline resources; and

WHEREAS, the SMP has been designed to plan for and foster all reasonable and appropriate uses and increase the public's opportunities to enjoy the physical and aesthetic qualities of the shoreline to the greatest extent feasible; and

WHEREAS, the SMP appropriately balances the goals of the SMA and incorporates the most current, accurate, and complete scientific and technical information available; and

WHEREAS, the Board of County Commissioners finds that the proposed amendments comply with all applicable requirements of the Growth Management Act, the Comprehensive Plan, and the Mason County Code, and that it is in the best public interest; and

WHEREAS, the Planning Advisory Commission (PAC) began their review of the "Preliminary Draft SMP" in January 2013 and found it necessary to also revise the Resource Ordinance (MCC 8.52) and the Development Code (Title 15 MCC) to ensure consistency with the revised SMP and to improve upon outdated references and issues with clarity, readability, and internal consistency.

WHEREAS, after holding 47 public workshops and after significantly revising the "Preliminary Draft SMP," the PAC held public hearings on June 13<sup>th</sup>, June 20<sup>th</sup>, and June 27<sup>th</sup> to consider repealing and replacing the following regulatory documents:

- Shoreline Master Program (17.50 MCC) including the Jurisdiction and Shoreline Environmental Designations Maps
- Shoreline Chapter (IX) of the Comprehensive Plan

WHEREAS, the PAC also reviewed and commented on the following supporting studies and implementation documents associated with the SMP as part of the required update:

- Shoreline Restoration Plan
- Shoreline Inventory and Characterization Report
- Shoreline Cumulative Impacts Analysis
- Channel Migration Zone Assessment; and

WHEREAS, the PAC also considered amending the following regulatory documents:

- Resource Ordinance (8.52 MCC)
- Development Code (Title 15 MCC)
- Channel Migration Zone Map; and

WHEREAS, at the public hearings, the PAC passed a motion to recommend approval of the above amendments pursuant to the SMA and consistent with the GMA; and

WHEREAS, at the public hearings, the PAC also considered and passed a motion to recommend the adoption of a Channel Migration Zone Map, which was drafted by the Department of Ecology; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), the County issued a Determination of Non-Significance on March 4<sup>th</sup>, 2016 and filed a Growth Management Act 60-day notice of intent to adopt with the State of Washington Department of Commerce; and

WHEREAS, the County's amended SMP will implement by reference the regulations for critical area regulations within the County's Resource Ordinance; and

WHEREAS, the amendments have been developed in full compliance with Mason County codes and with the RCW's procedural requirements for amending the County's Comprehensive Plan and development regulations; and

WHEREAS, pursuant to RCW 36.70A.370, and following the guidelines prepared by the Washington State Attorney General, the SMP has been reviewed to assure that adoption of the changes will not result in an unconstitutional taking of property; and

WHEREAS, the Board of County Commissioners considered the above amendments together with Staff's Report and public testimony at a duly advertised public hearing on October 25<sup>th</sup>, 2016; and

WHEREAS, Washington State law, WAC 173-26-100 (Washington Administrative Code) provides a local process for approving and amending Shoreline Master Programs and the Board of County Commissioners acknowledge that Ecology must approve all master programs before they become effective; and

WHEREAS, this Resolution recognizes the culmination of Mason County's extensive and continuing process of public involvement and consultation with Ecology including a public hearing by which the proposed amendments will be approved for submittal; and

WHEREAS, it is the intent of the Board of County Commissioners to submit to Ecology an amended Shoreline Master Program, together with corresponding amendments to the Mason County Comprehensive Plan, the Resource Ordinance and the Development Code as they interrelate to those changes, and

WHEREAS, it is the intent of the Board of County Commissioners to take final action adopting these amendments at such time as the Ecology review and approval process has been complete.

BE IT HEREBY RESOLVED, the Mason County Board of Commissioners hereby accepts the repeal and replacement of the Mason County Shoreline Master Program (17.50 MCC) including the Jurisdiction and Shoreline Environmental Designations Maps and Chapter IX of the Comprehensive Plan (shoreline Management); the amendment of the Resource Ordinance (8.52 MCC) and the Development Code (Title 15) of the Mason County Code; and the adoption of the Channel Migration Zone Map.

DATED this 6<sup>th</sup> day of December 2016.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

ATTEST:

  
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Julie Almanzor, Clerk of the Board

  
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Terri Jeffreys, Chair

APPROVED AS TO FORM:

  
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Tim Whitehead, Chief DPA

  
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Tim Sheldon, Commissioner

  
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Randy Neatherlin, Commissioner