

ORDINANCE NO. 2021-004

AN ORDINANCE OF MASON COUNTY TO AMEND THE MASON COUNTY SHORELINE MASTER PROGRAM (17.50 MCC), AMEND THE MASON COUNTY RESOURCE ORDINANCE (8.52 MCC), AND AMEND THE DEVELOPMENT CODE (TITLE 15 MCC).

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

WHEREAS, the SMA requires local SMPs 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 Washington Department of Ecology (Ecology) guidelines and thereafter amended, codified in Chapter 173-26 of the Washington Administrative Code (WAC), include procedural and process requirements to be followed by local jurisdictions in their periodic review of their SMPs; and

WHEREAS, the SMA established a timeline for local jurisdictions to review and provide findings of fact or amend SMPs consistent with the guidelines, and the deadline to take action to review for Mason County was June 30, 2020; and

WHEREAS, Mason County adopted an SMP in 1975, updated in 1988, with minor amendments made in 2002 and 2006, and comprehensively updated in 2017; and

WHEREAS, the County applied for and received a grant from Ecology in 2020 to support the review and revisions of the County SMP; and

WHEREAS, the Planning Advisory Commission reviewed and developed a Public Participation Plan during three public workshops held in 2020; 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 Planning Advisory Commission (PAC) and staff began their review of the "Draft SMP" in February 2021 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, to ensure consistency with best available science as required by RCW 36.70.172 and to improve upon outdated references and issues with clarity, readability, and internal consistency; and

WHEREAS, the County filed a Growth Management Act 60-day notice of intent to adopt with the State of Washington Department of Commerce on March 15, 2021; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), the County issued a Determination of Non-Significance on May 13, 2021; and

WHEREAS, pursuant to WAC 173-26-104 the County held a joint local/state comment period on proposed amendments, opening on May 13, 2021 and continuing through June 14, 2021; and

WHEREAS, after holding five (5) public workshops and after revising the "Draft SMP," the PAC held public hearings on June 21, 2021 and July 19, 2021 to consider amending the following regulatory documents:

- Shoreline Master Program (17.50 MCC)
- Resource Ordinance (8.52 MCC)
- Development Code (15 MCC)

WHEREAS, at the public hearing on July 19, 2021, the PAC passed a motion to recommend approval of the above amendments pursuant to the SMA and consistent with the GMA; 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, the Shoreline Master Program appropriately balances the goals of the SMA and incorporates the most current, accurate, and complete scientific and technical information available, as per WAC 173-26-201; and

WHEREAS, in accordance with WAC 173-26-104(3), the periodic update to the Shoreline Master Program and all supporting documents, were submitted for an initial determination of consistency to Ecology prior to the local adoption process, and such submittal was made on July 22, 2021 ; and

WHEREAS, after conducting its review, Ecology issued its written statement of initial concurrence of the County's proposed updated Shoreline Master Program on August 13, 2021; and

WHEREAS, Ecology's initial determination of concurrence stated, subject to one minor change, the County's proposed periodic review amendment is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines WAC 173-26-171 through 251 and .020 definitions; and

WHEREAS, the required change to the Shoreline Master Program had to either be accepted by the County, or the County had to propose alternatives that were acceptable to Ecology prior to the updated Shoreline Master Program being made effective; and

WHEREAS, the County accepted the required change to the Shoreline Master Program outlined in Ecology's initial determination of consistency; 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 Board of County Commissioners considered the above amendments together with Staff's Report and public testimony at a duly advertised public hearing on October 12th, 2021; and

WHEREAS, Washington State law, WAC 173-26-100 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, pursuant to RCW 90.58.090, the Mason County Shoreline Master Program takes effect after the passage of 14 days from the Department of Ecology's written notice of final action approving the same; and

BE IT HEREBY ORDAINED, the Mason County Board of Commissioners hereby approves and ADOPTS amendment of the Mason County Shoreline Master Program (17.50 MCC) (Attachment A); amendment of the Mason County Resource Ordinance (8.52 MCC) (Attachment B) and amendment of The Development Code (Title 15) (Attachment C).

DATED this 12th day of October 2021.

ATTEST:

McKenzie Smith
McKenzie Smith, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Randy Neatherlin
Randy Neatherlin, Chair

APPROVED AS TO FORM:

Tim Whitehead
Tim Whitehead, Chief DPA

Sharon Trask
Sharon Trask, Commissioner

Kevin Shutty
Kevin Shutty, Commissioner