

Resolution No. 2-01
RESOLUTION AUTHORIZING APPEAL OF SHORELINE
MASTER PROGRAM GUIDELINES ADOPTED BY THE
WASHINGTON DEPARTMENT OF ECOLOGY ON
NOVEMBER 29, 2000

WHEREAS, the Washington State Department of Ecology has adopted on November 29, 2000, final rules for the Shoreline Master Program Guidelines, and;

WHEREAS, the new Shoreline Master Program Guidelines adopted by the Washington State Department of Ecology will upon implementation have a substantial adverse impact on the citizens, land owners and economic development of Mason County, and;

WHEREAS, it is the view of the Board of County Commissioners that the Washington State Department of Ecology exceeded its authority as granted by the Legislature of the State of Washington in adopting the new Shoreline Master Program Guidelines and failed to follow proper procedures in the consideration drafting an adoption of the new Shoreline Master Program Guidelines, and;

WHEREAS, it is also the view of the Board of County Commissioners that the required implementation by Mason County of the new Shoreline Master Program Guidelines require a substantial expenditure of County funds and constitute an unfunded mandate contrary to Initiative 601, and;

WHEREAS, a group of local governments and associations have filed an appeal at the Shorelines Hearing Board of the new Shoreline Master Program Guidelines including, but not limited to, Grays Harbor, Pacific County, City of Hoquiam, City of Ocean Shores, City of Westport, the Association of Washington Business, the Washington Association of Realtors, the Washington State Grange, the Washington Cattlemen Association, the Associated General Contractors, National Association of Office and Industrial Properties, the Washington State Farm Bureau, and the Building Industry Association of Washington, and;

WHEREAS, joining the appeal of the new Shoreline Master Program Guidelines must occur no later than January 17, 2001, now therefore;

IT IS HEREBY RESOLVED by the Board of County Commissioners for Mason County that Mason County will join with the above-named associations and organizations and other governmental entities in appealing the new Shoreline Master Program Guidelines as adopted by the Washington State Department of Ecology on November 29, 2000.

IT IS FURTHER RESOLVED AND ORDERED that the law firm of Perkins Cole, L.L.P. to file an appeal with the State Shorelines Hearing Board in concert with the Association of Washington Business, and other named entities on behalf of Mason County.

IT IS FURTHER ORDERED that a participation agreement shall be prepared concerning this appeal which shall be reviewed and approved by the Prosecuting Attorney providing for a concerted appeal of these new shoreline guidelines at no cost to Mason County. Subject to the approval of such participation agreement, Mason County's participation as appellate shall be without cost and Mason County shall at all times be able to withdraw its participation or proceed in its appeal independently at its discretion.

Approved and Accepted this 9th day of January, 2001.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON



Mary Jo Cady, Chairperson

ATTEST:


Rebecca S. Rogers, Clerk of the Board


Herb Baze, Commissioner

APPROVED AS TO FORM:


Chief Deputy Prosecuting Attorney
Michael Clift


Wesley E. Johnson, Commissioner