

Foundation

- Growth Boards have established standard
- “no net loss of critical area functions and values” Pilchuck, et al. v. Snohomish County, December 6, 1995

Legal Framework

- Legal requirement
 - “best available science”
- State has assembled materials
- County has reviewed:
 - Adopted some of State’s information
 - Developed local information

Limiting Conflict

“put people in the equation”

- Identify points of conflict
- Find reasonable accommodations
- Public involvement

Public Involvement

- Public Meetings
- Stakeholder outreach
- Direct mail

Public Outreach

- Snohomish County has included opportunities for public participation in conjunction with the review and update process required by the GMA:
 - » The Department of Planning and Development Services (PDS) began the review and update process during 2001 with a compilation of recommended changes based on best available science (News release 3/26/01), requests for public input (7/12/01) and public meetings (10/1/01).
 - In April, 2003, the County began the review and update process. A multidisciplinary project team worked on compiling the BAS and developing a concept draft.
 - Four public workshops were held during July and August, 2003, to launch the review process and to solicit public comment on specific sections of the concept draft dealing with fish and wildlife, wetlands, geologic and flood hazard areas, and aquifer recharge areas.

Public Outreach

» *Early documents summarizing the BAS and the concept draft were produced and presented in briefings to the Planning Commission on January 27, February 24, and November 30, 2004.*

- Three public workshops were held in May 2005, with three follow-up meetings in July 2005 to provide further comment and review on the BAS and the draft regulations.
- Workshops and meetings were held at several locations throughout the county to improve accessibility for rural residents.

Public Outreach

- **Public notice was provided about the County's process to update its critical area regulations in the form of**
- **(1) newsletters sent to approximately 1,200 citizens and groups,**
- **(2) paid advertising in The Everett Herald and The Seattle Times**
- **(3) notification on a web page dedicated to the critical areas update project. *Articles were also published prior to the meetings in The Monroe Monitor and The Arlington Times notifying the public of the meetings and providing information regarding the update.***

Public Process

- Two newsletters (May, 2005 and June, 2005) were published and mailed to county land owners and stakeholders.
- County staff also held several stakeholder meetings during the period from June 2005, to March 2006. Stakeholder groups have included utilities, the environmental coalition, tribes, development and real estate interests, agricultural advisory board, farm bureau and state agencies.
 - » Since the release of the documents in June 2005, the County has received hundreds of pages of written comments on the *Preliminary Draft Critical Areas Regulations* and on the *Draft Summary of the Best Available Science*.
 - » The Planning Commission held five public briefings: August 23, 2005, September 27, 2005, October 25, 2005, March 28, 2006 and April 25, 2006. Public notice was provided as required pursuant to SCC 30.73.050.

Public Process

- As a result of public and internal comments, the County revised the proposed critical area regulations and the BAS summary in the winter of 2006. These revisions were released on March 28, 2006.
 - » Upon release of the *Draft Critical Areas Regulations (March 2006)*, the *Revised Draft Summary of the Best Available Science (March 2006)*, the County posted the documents and public hearing schedule on the web site and sent notices to all addresses on the mailing list.
- The Planning Commission and County Council held joint public hearings on May 9, and 16, 2006.
- Public input and comment was also accepted by the County in conjunction with the process for environmental review conducted pursuant to the State Environmental Policy Act (SEPA).

Stakeholder Outreach

Agricultural Advisory Board Ag Board CAR Subcommittee

2/3/05

7/28/05

3/3/05

8/04/05

9/1/05

8/18/05

10/6/05

9/13/05

10/26/05

9/28/05

11/3/05

10/6/05

Farm Bureau

1/11/06

2/15/06

3/08/06

4/19/06

Stakeholder Outreach

Other Stakeholders

6/30/05 PSE, MBA, Realtors, WDFW, Environmental coalition

7/6/05 Water Utility Coordinators Committee

1/11/06 SnoCo PUD

3/24/06 MBA, Realtors

9/15/05, 1/13/06, 2/21/06, 3/13/06, 3/29/06, 4/24/06 MBA

9/15/05 Environmental interests, tribes

3/31/06, 5/17/06 Futurewise

Stakeholder Outreach

Council Planning Committee Workshops

7/1/03 (Mackie)

7/8/03 (Mackie)

7/17/03 (Mackie)

8/14/03 (Mackie)

4/24/06

10/3/06

Snohomish County Tomorrow

10/11/00 Citizen Advisory Board

6/9/05 Planning Advisory Committee

7/21/05 Citizen Advisory Board

10/20/05 Planning Advisory Committee

10/26/05 Steering Committee

Stakeholder Outreach

State Agencies Working Group

(DOE, WDFW, CTED, PSAT, Governor's Office)

July, 2005

Aug., 2005

Oct., 2005

General Public Meetings and Workshops

10/01/01

5/4/05, 5/10/05, 5/11/05

7/19/05, 7/27/05, 7/28/05

BAS Review

- The County completed a review of the best available science (BAS) and compiled a document summarizing locally relevant scientific research.
 - » The *Revised Draft Summary of Best Available Science* (March 28, 2006) was produced through an extensive literature review by Snohomish County engineers and scientists and through professional consultation with State agencies, professionals, and other local jurisdictions.
 - » The County followed “The Minimum Guidelines to Classify Agriculture, Forest Mineral Lands and Critical Areas”, WAC 365-190 and WAC 365-195-410 to outline the primary topics covered in the BAS document.

BAS

The county's BAS summary contains bibliographic information identifying all resources supporting the scientific summary.

- Several documents were submitted into the public record**
- A complete bibliography including all BAS references and all other submitted documents is available.**
- All of the documents listed in the bibliography are part of the public record and were on file and available for public review upon request during the public participation process.**

Public Process Identified Issues

During the public process a number of policy issues were identified for review and possible inclusion in the update of the critical areas regulations. Comments focused on the following key issues:

- Applicability
- Flexibility for constrained lots
- Inclusion of lakes
- Provisions for agricultural activities
- Re-examination of wetland buffers
- Stream protection and special consideration for anadromous fish
- State listed threatened and endangered species and species of local importance
- Recommendations in community-based salmon conservation plans
- Land uses that potentially impact groundwater supplies
- Safety and welfare issues in channel migration zones

Public Process & GMA

Comments focused on the need to balance the goals contained in RCW 36.70A.020

- **Housing** - Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- **Economic development** - Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- **Property rights** - Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

Public Process & GMA

- **Permits** - Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- **Natural resource industries** - Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
- **Open space and recreation** - Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- **Environment** - Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water

Friction Points

- Identify and work with key friction points
 - Farmers
 - Single lot owners
 - Others

Farmers

- Executive outreach
- Council hearing with farmers –
July, 24 2006
 - Best management practices
 - Farm plans
 - Supervised by Soil Conservation District

Single lot owners fear loss of any use

- Single family exceptions in buffers
 - Up to 4000 sq ft to build in SFR
- Reasonable use provisions
 - An existing lot
 - No economically viable use

Lake Front Owners

- Dock Maintenance
- New docks –
 - Day lighting
 - Shared facilities
 - Non-polluting materials

Flexibility in application

- Buffer reductions: enhancement, fencing, separate tracts
- Buffer averaging
- Innovative design
- Minor development exceptions
- Mitigation banking

Basing it all on Science

- Must be grounded in Best Available Science
 - Monitoring
 - Adaptive management
- Make your record

Balance

- Preserve agriculture
- Preserve rural areas
- Density in urban areas

Conclusion

- Intensive public involvement
- Identify potential points of friction
- Flexibility
- Best available science
- Balance GMA goals
- Make your record