

installation of asphalt batch plants) by publishing a Final Decision and Order (or “FDO”) in January 2002 that mandated this County to undertake and implement six distinct steps; and

WHEREAS, that FDO listed as mandate or directive #1 that this County enact as part of the UDC the four housekeeping changes listed in the Response Brief of the County and discussed at the Hearing on the Merits; and

WHEREAS, Ordinance #04-0422-02, adopted April 22, 2002, put the County in compliance with mandate #1 of the FDO;

WHEREAS, a distinct Ordinance enacted on this date amends the UDC so that it reflects and includes the changes the County was required to make in order to gain compliance with directives #2 through #6 of the FDO;

WHEREAS, the elected County Commissioners and staff discussed possible routes to compliance, including adopting UDC amendments, after the FDO was issued, specifically in meetings open to the public during February and March of 2002;

WHEREAS, staff presented in writing possible routes to compliance in early March 2002. But the County Commissioners wanted to open this discussion about seawater intrusion to the entire populace of the County;

WHEREAS, in the spirit of the GMA, which requires “early and continuous” participation by all who are interested and/or expressly or potentially affected by any proposed GMA-derived regulations, the County Commissioners decided to empower a stakeholder group to discuss the issues of seawater intrusion and return to them with a report within 30-45 days;

WHEREAS, the County Commissioners took the formal step of empowering the stakeholder group on April 8, 2002. The stakeholder group was specifically informed that the task before them was not whether or not this County should impose regulations to protect impacted regions from seawater intrusion but instead was to determine the how and the what of the regulations that would be put in place;

WHEREAS, the stakeholder group consisted of nine persons, including the representative of the Petitioners. The stakeholders met four times and an outside consultant was present at all the meetings to facilitate the process. A non-voting County representative was present at the meetings not to offer opinions but to simply offer information;

WHEREAS, the stakeholder group made its report to the elected Commissioners in late May 2002;

WHEREAS, the recommendations of the stakeholder group, as memorialized in a document entitled “Coastal Seawater Intrusion Policy” prepared by the County’s Natural Resources Director, were discussed and reviewed by County staff in another public meeting of the elected Commissioners on June 10, 2002;

WHEREAS, the policy document prepared by the County’s Natural Resources Division Manager describes the “adaptive management practices” that will be undertaken, enacted and implemented by the County Commissioners if data collected indicates, via scientifically valid methods, a “statistically significant degradation of water quality in a particular region of the County due to seawater intrusion;”

WHEREAS, because the policies and plans outlined in the document attached to this Resolution are not appropriate for inclusion in the County’s UDC because they are policies and plans rather than rules and regulations that are found in the typical GMA-

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derived development regulations to regulate specific land use applications and processes, this distinct Resolution became necessary; and

WHEREAS, adoption of the policy document via a Resolution serves to place this County in partial compliance with a portion of FDO Directive #4; and

WHEREAS, this Resolution is adopted as part of the County's Compliance with the FDO issued in January 2002 in WWGMHB Cause No. #01-2-0015.

NOW, THEREFORE, BE IT RESOLVED as followed by the County Commissioners in and for the County of Jefferson:

1. That the attached document entitled "Coastal Seawater Intrusion Policy" be and hereby is adopted by the County Commission of Jefferson County as official county policy pursuant to the Growth Management Act and this County's Comprehensive Plan.

Approved and adopted this 23rd day of July 2002.

SEAL:

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

ATTEST:

Richard Wojt, Chair

Glen Huntingford, Member

Lorna Delaney, CMC
Clerk of the Board

Dan Titterness, Member