BOARD OF COUNTY COMMISSIONERS  
PEND OREILLE COUNTY  
STATE OF WASHINGTON

RESOLUTION NO. 2013-3

A RESOLUTION DOCUMENTING THE NECESSITY OF USING THE STATE AUTHORIZED 
TIMELINE TO (1) COMPLETE PEND OREILLE COUNTY’S REVIEW AND UPDATE OF IT’S 
SHORELINE MASTER PROGRAM AND (2) TO ASSIST IN EDUCATING THE PUBLIC AND 
BUILDING COMMUNITY SUPPORT FOR THE UPDATED PROGRAM

1. WHEREAS, the Pend Oreille County Board of Commissioners, representing the people of 
Pend Oreille County, received extensive and highly detailed comments during the 
Shoreline Master Program mandatory public review and comment periods; and

2. WHEREAS, based upon those comments, it is obvious that community support for the 
updated October 20, 2012 Pend Oreille County Shoreline Master Program is severely 
lacking; and

3. WHEREAS, based on RCW 90.58.080(2)(a)(6) Pend Oreille County has until December 1, 
2014 to complete the update of the locally-drafted Shoreline Master Program; and

4. WHEREAS, this Board of County Commissioners is entirely new and has had very limited 
time to assess and review all that has been done, and virtually no time to address the 
public’s expressed concerns and develop a program which will help procure community 
support, (See AGO 2012 No. 4 dated May 15, 2012); and

5. WHEREAS, the Board of County Commissioners recognizes the need to assess the 
economic impact of this program on our relatively undeveloped and struggling county 
pursuant to RCW 43.21H; particularly considering that our tax base is dependent 
primarily on residential and commercial properties, wherein there is minimal growth 
and development within Pend Oreille County; and

6. WHEREAS, 69% of our county is already publicly owned and safeguarded under Federal, 
State and local regulations which protect the environment and significantly limit 
economic growth; and

7. WHEREAS, the shoreline areas under the jurisdiction of the provisions of this updated 
Shoreline Master Program have increased by 9,975 acres, representing an overall 
increase of 54%; and

8. WHEREAS, the shoreline area designated as Natural, which is afforded the highest level 
of protection, is increased from 247 acres to over 6,684 acres, representing an increase 
of 2,606%; and
9. WHEREAS, the shoreline area designated as Conservancy, which is afforded the second highest level of protection, increased from 5,823 acres to 18,932 acres, representing an increase of 225%; and

10. WHEREAS, collectively, the changes in Natural and Conservancy shoreline designations have resulted in over 92% of the shorelines in the County receiving the highest or second highest level of protection possible; and

11. WHEREAS, the updated program places broader buffers on larger parcels, causing the owners of such parcels to bear a heavier burden than the owners of smaller parcels or the general public; and

12. WHEREAS, the Board of County Commissioners recognizes the U.S. Supreme Court decision on “Koontz vs St. Johns River Water Management District” case may have potential impacts and must be taken into consideration; and

13. WHEREAS, the Board of County Commissioners, representing the citizens of this county, recognizes the requirement that scientific studies be based on our local region and be peer-reviewed in accordance with House Bills 1112 and 1113; thus eliminating any reliance on the Precautionary Principle; and

14. WHEREAS, since there is a local plan developed under the Growth Management Act which already reduces potential rural density, there are already established protections and limitations on development; and

15. WHEREAS, Pend Oreille County actively participates in RCW 90.80, watershed planning, which is complete and up-to-date; and landowners comply with numerous current state and federal requirements governing shoreline development; and

16. WHEREAS, the Board of County Commissioners believes that there is a need to develop an educational component to build community support through the education of its citizens; and

17. WHEREAS, Pend Oreille County has developed an active partnership with the Pend Oreille Conservation District for community education and the District’s mission and goals are to protect, enhance, conserve and restore natural resources by assisting landowners/managers with the best fit conservation practices for their particular piece of land while achieving the objectives owners set for their land in order to ultimately conserve our county’s precious natural resources; and

18. WHEREAS, an educational component is missing in the current update and the Board of County Commissioners believes that developing such a program, together with information on conservation, will build consensus in a county motivated by ownership and conscientious stewardship; and
19. WHEREAS, the Board of County Commissioners believes that education, rather than regulation, results in better, consistent, and lasting conservation of resources thereby enabling property owners to willingly work towards the accomplishment of the goals of the Shoreline Management Act by being an integral part of its adoption; and

20. WHEREAS, the citizens of Pend Oreille County hold in high value not only the stewardship of the land, but the principles of ownership found in both the United States Constitution and the Washington State Constitution;

NOW, THEREFORE, BE IT RESOLVED that based upon a consensus of the comments received during the mandatory public review and comment period and in order to achieve acceptance of the updated plan a buffer of fifty (50) feet is acceptable on all designations until “Peer Reviewed” science applicable to Pend Oreille County supports otherwise; and

BE IT FURTHER RESOLVED that the Board of Pend Oreille County Commissioners requires additional time and resources to develop an economic impact analysis as part of the locally-crafted Shoreline Master Plan; and

BE IT FURTHER RESOLVED that the Board of Pend Oreille County Commissioners require additional time and resources to work with the Pend Oreille Conservation District to establish the educational piece of the Shoreline Master Plan; and

BE IT FURTHER RESOLVED, that Pend Oreille County requires the allotted time until December 1, 2014, in order to address, achieve and develop a truly locally-crafted and community-accepted plan.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

ADOPTED this 30th day of September, 2013.

BOARD OF COUNTY COMMISSIONERS
PEND OREILLE COUNTY, WASHINGTON

MIKE MANUS, Chair
KAREN SKOOG, Vice-Chair
STEPHEN KISS, Commissioner
ATTEST:
CLERK OF THE BOARD

Elizabeth Braun

APPROVED AS TO FORM:

Prosecuting Attorney