

## COUNTY WIDE PLANNING POLICIES

ISLAND COUNTY RESPONSES REGARDING COMMENTS FROM CITY OF OAK HARBOR

5-23-17

### Change Matrix Comments

---

#### **Comment 1:**

**Regarding: 3.2 (2g) (#9):** *Lands designated AGA that perform a critical hydrogeologic function that serves the larger area should remain AGA when possible.*

Concern that this language is ambiguous and subject to arbitrary interpretation.

#### **County Response**

See change below:

*Lands designated AGA that perform a critical recharging effect on aquifers used for potable water or lands which contain significant flood hazard areas should remain AGA when possible.*

This section is now 3.2 (2g)

#### **Comment 2:**

**Regarding: 3.2 (7-8) (#13):** Strike-through of language requiring the County to adopt **development regulations** which limit or restrict development which could interfere with future urban development. Language reflecting the adoption of planning policies remains unchanged.

#### **County Response**

While the CWPPs are a mechanism to establish the conditions for ultimate annexation and the transition of areas from rural to urban - it seems that strong directives related to regulatory changes may exceed the legislative intent of the CWPPs:

RCW 36.70A.210 *For the purposes of this section, a "countywide planning policy" is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter.*

This strong regulatory mandate could potentially affect Urban Holding zoning and suggests that the rural restrictive zoning already in place in the County is not sufficiently restricting development to allow efficient utilization of those lands for future urban development. The broad policy directive can be more specifically provided for in the inter-local agreements and should be reiterated in the Comprehensive Plan goals and policies.

#### **Comment 3:**

**Regarding: 3.3.4 (#15):** Language consistency in the change matrix - now corrected.

**Regarding: 3.3.4 (#16):** Question regarding whether factors identified in a mid-cycle review are requirements of the review or for review or criteria for the review.

#### **County Response**

See revised text;

*When a mid-cycle evaluation is requested, in addition to other relevant data, the following will be evaluated to ensure that County population projections and/or allocations are still valid and correct.*

## COUNTY WIDE PLANNING POLICIES

### ISLAND COUNTY RESPONSES REGARDING COMMENTS FROM CITY OF OAK HARBOR

5-23-17

We think this provides clarification. These are not criteria for review they are requirements as part of the review to ensure that the process is not duplicative of the periodic review allowing for the possibility of a different outcome to be reached.

**Mid-cycle review language is has been relocated to 4.3.2 - per comment from Town of Coupeville.**

#### **Comment 4:**

**Regarding: 3.3.7 (#16):** Regarding proposed language:

*If it is determined that an expansion or modification of a UGA is necessary, the UGA boundaries must be evaluated on a county-wide basis, be based on a County population projection that does not exceed the Office of Financial Management (OFM) published ranges, and include an evaluation of the allocation of growth to each Planning Area and UGA.*

Concerns that this may be an onerous task and request is made that this the requirement to evaluate UGA boundaries on a countywide basis be limited to GMA mandated periodic updates.

**This section is now 3.3.6**

#### **County Response**

This was a response to comment provided by the Department of Commerce. If a UGA is expanded outside the periodic update cycle the thresholds triggering such a review would suggest significant population growth. (See 3.3.3.) It would seem unlikely that growth at that scale would occur singularly in one UGA without corresponding growth occurring in the county and other jurisdictions. This seems to address WAC 365-196-310 which states:

*Any change to the urban growth area is an amendment to the comprehensive plan and requires, at a minimum, an amendment to the land use element. Counties and cities should also review and update the transportation, capital facilities, utilities, and housing elements to maintain consistency and show how any new areas added to the urban growth area will be provided with adequate public facilities. A modification of any portion of the urban growth area affects the overall urban growth area size and has county-wide implications. Because of the significant amount of resources needed to conduct a review of the urban growth area, and because some policy objectives require time to achieve, frequent, piecemeal expansion of the urban growth area should be avoided. Site-specific proposals to expand the urban growth area should be deferred until the next comprehensive review of the urban growth area.*

Any proposed change to the UGA that qualifies under 3.3(11) would not require a county-wide analysis.

#### **Comment 5:**

**Regarding 3.3.8 (c-d) (#17):** Request for clarification of explanation provided in the Change Matrix for proposed language related to the sequencing of AGA lands into the UGA.

#### **County Response**

This has been corrected. This section has been slightly restructured due to comment from Town of Coupeville.

**This section is now 3.3.7 (b-d).**

#### **Comment 6:**

**Regarding 3.3.9 UGAs :** Question unclear

## COUNTY WIDE PLANNING POLICIES

### ISLAND COUNTY RESPONSES REGARDING COMMENTS FROM CITY OF OAK HARBOR

5-23-17

#### County Response

WAC 365-196-310 provides the following:

*Consideration of critical areas issues. Although critical areas exist within urban areas, counties and cities should avoid expanding the urban growth areas into areas with known critical areas extending over a large area. See RCW 36.70A.110(8) for legislative direction on expansion of urban growth areas into the one hundred-year flood plain of river segments that are located west of the crest of the Cascade mountains and have a mean annual flow of one thousand or more cubic feet per second.*

#### Comment 7:

**Regarding 3.4.11 Definitions:** Request that fish and wildlife habitat areas be included in the definition for critical areas.

#### County Response

The BLA does not consider these areas when removing critical areas from the developable land. These areas are not as clearly discernible and can be impacted by Biological Site Assessments, Habitat Mitigation Plans, and other criteria that cannot be accounted for uniformly in a BLA.

#### Comment 8:

**Regarding 5 UGA Analysis Steps :** Concern over lack of existing trend data.

#### County Response

This was added to account for residential development capacity in mixed-use zones. This was a gap in the analysis which affected some of our UGAs, including Freeland. CWPP 5.3.1 states that “*development since the adoption of the most recent Development Regulations should be used to select the most likely density of expected development to achieve within this potential range.*” If the mixed-use zones in OH do not have residential development, the analysis would not calculate residential capacity in those areas. Also, state law allows for flexibility on this, should the city wish to adjust what pattern it hopes to see in those areas, this could be analyzed; specifically WAC 365-196-310(4)(b)(ii)(E) states that “*If past development patterns have not resulted in urban densities, or have not resulted in a pattern of desired development, counties and cities should use assumptions aligned with desired future development patterns.*”

## Proposed Amended CWPP Comments

---

#### Comment 1:

**Regarding 3.2 (1b):** Question related to requirement that resource lands of long-term commercial significance be excluded from the JPA when possible and if TDR would be the mechanism for bringing these in.

#### County Response

Resource lands of long-term commercial significance (In Island County: CA) may be brought into the JPA. When it comes to the UGA, state law is fairly prescriptive on this issue and we are trying to reflect those considerations found in WAC 365-196-310. Our interpretation is that a program must exist so that an opportunity is present, but that the lands themselves do not need to be part of the program as part of the annexation proposal. We are still researching this item.

WAC 365-196-310 *Consideration of resource lands issues. Urban growth areas should not be expanded into designated agricultural, forest or resource lands unless no other option is available. Prior to expansion of the urban growth area, counties and cities must first review the natural resource lands designation and conclude*

## COUNTY WIDE PLANNING POLICIES

### ISLAND COUNTY RESPONSES REGARDING COMMENTS FROM CITY OF OAK HARBOR

5-23-17

*the lands no longer meet the designation criteria for resource lands of long-term commercial significance. Designated agricultural or forest resource lands may not be located inside the urban growth area unless a city or county has enacted a program authorizing transfer or purchase of development rights.*

#### **Comment 2:**

**Regarding 3.2 (2e):** Question regarding the practicality of buffering between CA lands and PGA and UGA lands with areas or lands with an AGA designation and related question about use of development regulations to achieve this buffer.

#### **County Response**

Staff's intent in editing this section is to provide updated references reflecting other changes proposed in the document. At this time, staff would prefer to leave this section unchanged. This does not call for a regulatory buffer as one might see for critical areas - only that AGA land be sandwiched between more intensive areas and CA zoned land. Text stating: "*When possible*" and "*A buffer should not be established if it would result in highly irregular or impractically configured AGA overlay boundaries*" provide sufficient discretion in making such assignments and determinations.

#### **Comment 3:**

**Regarding 3.3 (4):** Question if proposed language will allow for a UGA boundary review upon adoption.

#### **County Response**

Criteria established under 3.3(3) or 3.3(11) will have to be met.

#### **Comment 4:**

**Regarding 3.3(4):** Question about whether proposed language is requesting that previous data be updated. Suggestion that population be referenced in 3.3(4c) now 4.3(2a)

#### **County Response**

This new item requires that new data be reviewed as part of a mid-cycle update to ensure that the new and relevant data be utilized to afford an opportunity for a new outcome as the process is not duplicative of previous analysis. See revised text below:

**Mid-cycle review language is has been relocated to 4.3.2 - per comment from Town of Coupeville.**

#### **Comment 5:**

**Regarding 3.3(8):** Grammatical correction suggested to staff regarding sequencing of inclusion of land into the UGA.

#### **County Response**

This section has been revised for clarity per comments from City of Oak Harbor and Town of Coupeville see revised text below:

Land shall be considered for inclusion within the UGA in the following order:

- a. Land with a JPA overlay designation of PGA.
- b. Land within a JPA which has not been assigned a JPA overlay designation except as provided for in 3.3.8. ~~provided such land is not extensively constrained by critical areas or located in a significant flood or tsunami hazard area.~~

## COUNTY WIDE PLANNING POLICIES

### ISLAND COUNTY RESPONSES REGARDING COMMENTS FROM CITY OF OAK HARBOR

5-23-17

- c. Land with a JPA overlay designation of ~~LRS AGA and an underlying County comprehensive plan designation of Rural (R) zoning,~~ which is not extensively constrained by critical areas ~~and;~~ which does not contain significant flood or tsunami hazard areas; or which is not designated as resource land of long term commercial significance
- d. ~~Land with a JPA overlay designation of LRS and a an underlying County comprehensive plan designation of Rural Agriculture (RA) or Rural Forest (RF) which is not extensively constrained by critical areas, and which does not contain significant flood or tsunami hazard areas.~~

Please note changes to 5.2 per comments provided from Town of Coupeville:

5.2.3 “For each single-family zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next, determine the amount of land needed for public purposes and deduct this percentage from the TDP. Finally, apply the critical area constraint factor and the Seasonal/Recreational (SR), **Vacancy Rate (VR)**, and **Vacant Parcels (VP)** adjustment factors for the UGA to determine an appropriate amount of land to deduct from the development potential. This step allows the total net capacity of each single-family zoning designation in the UGA to be determined (in dwelling units).” (bold added) The Vacant Parcels (VP) calculation should be applied in 5.2.1. If applied in 5.2.3, it will further discount the already discounted partially vacant parcels as well as the vacant parcels. The Vacancy Rate (VR) should be applied in 5.2.5, as the vacancy rate applies to the population calculated by dwelling unit. It should not represent the net capacity for dwelling units. These comments similarly apply to Section 5.3.