

## COUNTY WIDE PLANNING POLICIES

### ISLAND COUNTY RESPONSES REGARDING COMMENTS FROM CITY OF LANGLEY

5-30-17

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#### Comment 1:

Regarding definition of term *Resource Lands of Long Term Commercial Significance* and the narrow application of that term to include only CA areas. Also, (by phone 5/30/17) concern that 3.2. (2d iv) does not call out forest lands as eligible for the current use valuation tax program.

#### County Response

State law provides the following:

*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 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.*

Not all farms lands are considered resource lands and counties must adopt procedures for designating lands as resource lands. Some guidance is found in WAC 365-190-050 for agricultural lands and WAC 365-190-060 for forest lands. Other forest and agricultural operations may participate in the current use valuation/classification (tax program) program but may or may not be considered resource lands of long term commercial significance. All of the rural forest lands you are referencing are in the current use tax program and would be protected with the following proposed language (bolded). None are designated resource lands. See revised text which specifically calls out forest lands.

A JPA overlay designation of Auxiliary Growth Area (AGA) should be considered for lands which are: ~~Designate areas of Long Term Rural Significance (LRS) which have been designated for agricultural or forestry uses. Lands which are~~

- i. Extensively constrained by critical areas, flood hazards, or tsunami
- ii. hazards;
- ii. ~~should also be given an LRS designation. Lands which are determined~~ Determined by the County and/or Municipality to have long term cultural, scenic or environmental benefits;
- iii. ~~may also be assigned an LRS designation. At a minimum, all lands~~ Resource lands of long term commercial significance;
- iv. Classified as forest lands or farm and agricultural lands with property valuation at current use classification under RCW 84.34.020(2) or RCW 84.33.035; or ~~have been assigned a County Comprehensive Plan designation of Rural Agriculture (RA), Commercial Agriculture (CA), or Rural Forest (RF) shall be assigned an LRS designation along with any other lands which may be within contiguous blocks of RA, CA, or RF land, unless such a designation would conflict with policy 3.2.1.e below by completely precluding, forestalling, or rendering impractical future UGA expansions.~~
- v. Within or in close proximity to Accident Potential Zones, and areas highly impacted by aircraft noise identified in AICUZ Program noise contour maps.

#### Comment 2:

Regarding: reference to “land which extensively constrained by critical areas” found in the following sections:

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- 1.3.5
- 1.3.6
- 3.2 (2d)
- 3.3.7
- 3.3.8

Concern that this language is ambiguous and subject to arbitrary interpretation. Request that thresholds be established here.

#### County Response

State law provides the following guidance:

WAC 365-196-310 *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.*

The term *extensively constrained by critical areas* was a term utilized throughout the CWPPs to address the considerations identified above. We have replicated that language where appropriate. We have tried to eliminate prescriptive regulatory language out of the CWPPs and to mirror language that is in the WACs. Specific details about critical area thresholds could be explored through interlocal agreements. It is our belief that state law is deliberately vague on this topic as there are local and state regulatory protections for critical areas. This language is essentially an imperative to not bring in what cannot likely be developed unless the intent is to provide open space.

Proposed change:

[land extensively constrained with critical areas](#), could be replaced with [areas with known critical areas extending over a large area](#).

#### **Comment 3:**

**Regarding: 3.2 (7-8) (#13):** concern that new proposed definition for critical areas is too narrow as there are many wetlands that are known but have not been mapped by the County.

#### County Response

The definition used is similar to the one provided in ICC 17.02A of the Island County Code. As wetlands are identified they are added to the County's mapped data base, which is periodically updated. Also, part of the process for conducting the Buildable Lands Analysis provides opportunities for the County to engage with the jurisdictions and identify additional lots that have been verified as critical areas but may not be mapped. See

5.1(3) UGA Analysis Steps:

*For each UGA, **compile all available critical area mapping information** and merge these layers into a single layer to determine the total quantity of constrained acreage in each zoning designation. Calculate the percentage of land area within each UGA that is constrained by critical areas by comparing number of acres constrained by critical areas to the total number of acres in each UGA. This calculation will result in a critical area constraint factor for each UGA.*

The following language is proposed to help provide clarification.

[Critical Areas: Mapped or verified streams, wetlands, lakes, ponds, steep slopes, and geologically hazardous areas, and their maximum associated buffers.](#)