

COUNTY WIDE PLANNING POLICIES

ISLAND COUNTY RESPONSES REGARDING COMMENTS FROM TOWN OF COUPEVILLE

5-17-17

Comment 1:

Regarding: 1.3.10: Resource Lands of Long Term Commercial Significance: Lands zoned Commercial Agriculture CA in accordance with the Island County Zoning Code and RCW 36.70A.170 and RCW [36.70A.050](#).

Request was made to remove regulatory (zoning) language from the definition of Resource Lands of Long Term Commercial Significance.

County Response

This clarification was added at the request of our Prosecuting Attorney's office. As you know all these provisions reflect the following guidance provided in 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.***

The County is identifying the mechanism with which we implement RCW 36.70A.170 since we do not designate "resource lands of long-term commercial significance". These are County lands that will first be brought into the JPA and then potentially the UGA. Our Prosecuting Attorney's Office suggested that we be very deliberate about what we are referencing here. We have tried to remove all other zoning references except for this one since it is the nexus between state law and County compliance.

Comment 2:

Regarding 3.3.8: Sequence for including land in the UGA.

Request was made that the County revise unclear language which implies that resource lands of long term rural significance be included before lands that are not resource lands of long term rural significance.

County Response

County agrees that the language is not clear and proposes the following:

7. ~~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.~~
 - 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.~~

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8. Land which is extensively constrained by critical areas, which contain significant flood or tsunami hazard zones, or which is designated as resource land of long term commercial significance ~~and is identified by a County comprehensive plan designation of "Commercial Agriculture" (CA) zoning, shall~~ should be considered the absolute lowest priority for inclusion within a UGA and ~~shall~~ should only be included within a UGA upon a demonstration of the following:
 - a. After a thorough consideration of all other reasonable measures the UGA must be expanded in order to relieve a critical shortage of buildable land;
 - b. No other land exists which can reasonably be added to the UGA;
 - c. The land being considered can be reasonably served by Urban Services; and
 - d. A transfer of development rights (TDR) program has been established per WAC 365-196-815(1)(a).

Comment 3:

Regarding requirement for a program for a transfer of development rights when considering including resource lands of long-term commercial significance into the UGA. TOC proposes the following: *Development of such land shall be subject to purchase of development rights under a transfer of development rights program established per [WAC 365-196-815\(1\)\(a\)](#).*

County Response

The county has tried to mirror the intent of state law which seems to suggest only that a program has been enacted but not that the proposed land be subjected to program requirements upon inclusion.

WAC 365-196-310:

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.

County proposes the following for further clarity:

A transfer of development rights (TDR) program has been ~~established~~ enacted per WAC 365-196-815(1)(a).

Comment 4:

Regarding reference in 3.3.11 which requires that those UGA boundary amendments that provide for a "swap" of land require that lands proposed for inclusion be subject to the criteria expressed in 3.3.5, 3.3.6, and 3.3.7. TOC request expansion of the list to include 3.3.7-3.3.10.

County Response

See revised text;

Urban Growth Areas may be modified by simultaneously including and excluding land so that the total area of the UGA is not altered, provided that land shall be considered for inclusion based on the criteria expressed in policies 3.3.5, 3.3.6, ~~and~~ 3.3.7, 3.3.8, and 3.3.9 above.

3.3.10 applies to triggers for reduction of the UGA.

Comment 5:

Regarding typographical error in Appendix A Buildable Lands Procedures 1.3

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County Response

Corrected. See attached revisions per recommended correction.

Comment 6:

Regarding application of the vacant parcel discount to already discounted partially vacant parcels as well as the vacant parcels and the application of the vacancy rate to the population calculated by dwelling unit rather than to the TDP.

County Response

Please allow us to revisit this item when Nathan Howard is available. He had some comments related to this item.

Comment 7:

Question regarding capacity analysis and why the vacant parcel discount does not apply to commercial or industrial zoning.

County Response

This should be discussed further. Staff is unsure why this was not applied to commercial or industrial zoning.