



**ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT**

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~ MEMORANDUM ~

TO: Island County Board of Commissioners

FROM: Island County Planning & Community Development

DATE: June 7, 2017

SUBJECT: Countywide Planning Policies

AGENDA ITEMS

Review and Discuss Draft Countywide Planning Policies

Enclosed you will find proposed amendments to the Countywide Planning Policies. This work task was identified as the highest priority for Long Range Planning staff by the Board of Island County Commissioners.

To date, staff has engaged the jurisdictions in Island County in multiple discussions relating to proposed updates to the Countywide Planning Policies including the following meetings.

- March 1, 2017 staff met with City of Oak Harbor staff to discuss preliminary revisions
- March 2, 2017 staff met with City of Langley planning staff to discuss preliminary revisions
- March 8, 2017 staff met with the Intergovernmental Working Group (all jurisdictions) to review proposed draft changes.

Final drafts were sent to all Island County municipal jurisdictions on April 21, 2017 for formal comment and review. Staff has now received comments from all three jurisdictions, has responded to comments, and has contacted each jurisdiction to review County responses.

Comments provided have been positive and have resulted in minor corrections to text with no substantive changes to the proposed amendments. Proposed changes to structure, ordering, and language that improved accuracy and clarity were all accommodated with corresponding changes. Noteworthy comments suggesting more substantive changes and staff responses are provided below.

Comment	County Response	Jurisdiction
<p>Regarding: 3.2 (2g): <i>Lands designated AGA that perform a critical hydrogeologic function that serves the larger area should remain AGA when possible.</i> Concern that this language is ambiguous and subject to arbitrary interpretation.</p>	<p>See change below: <i>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.</i></p>	Oak Harbor and the Planning Commission both requested this change
<p>Regarding: 3.3.6 Regarding proposed language: <i>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.</i></p> <p>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</p>	<p>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: <i>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.</i> Any proposed change to the UGA that qualifies under 3.3(11) would not require a county-wide analysis. Staff would like to evaluate this further.</p>	City of Oak Harbor
<p>Regarding 3.4.11Definitions: Request that fish and wildlife habitat areas be included in the definition for critical areas.</p>	<p>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.</p>	City of Oak Harbor
<p>Regarding 3.3.8 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: <i>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).</i></p>	<p>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.</p> <p>WAC 365-196-310: <i>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.</i> County proposes the following for further clarity: <i>A transfer of development rights (TDR) program has been established enacted per WAC 365-196-815(1)(a).</i></p>	Town of Coupeville
<p>Regarding 3.3.7: Sequence for including land in the UGA. Request was made that the County revise unclear language which mistakenly implies that resource lands of long term rural significance be included before lands that are not resource lands of long term rural significance.</p>	<p>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</p>	Town of Coupeville

Comment	County Response	Jurisdiction
	<p><i>extensively constrained by critical areas and which does not contain significant flood or tsunami hazard areas, <u>or which is not designated as resource land of long term commercial significance</u></i></p> <p>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.</p> <p>8. Land which is extensively constrained by critical areas, <u>which contain significant flood or tsunami hazard zones</u>, or which is designated as resource land of long term <u>commercial</u> 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:</p> <p>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;</p> <p>b. No other land exists which can reasonably be added to the UGA;</p> <p>c. The land being considered can be reasonably served by Urban Services; <u>and</u></p> <p><u>d. A transfer of development rights (TDR) program has been established per WAC 365-196-815(1)(a).</u></p>	

Staff continues discussions with the Island County jurisdictions and all have indicated support for the revisions and anticipate upcoming formal resolutions of support according to the following general timeline:

- City of Oak Harbor – Early July
- Town of Coupeville – Late June
- City of Langley – Late June

Staff will continue to work with the jurisdictions on proposed amendments and anticipates adoption according the following timeline.

- SEPA comment period – June 3, 2017 – June 17, 2017
- Planning Commission final review June 12, 2017
- Planning Commission public hearing and recommendation July 10, 2017
- Board of Island County public hearing and final consideration late July 25, 2017

Enclosures:

- City of Oak Harbor Letter **GMA# 12709**
- City of Oak Harbor Change Matrix Comments **GMA# 12710**
- City of Oak Harbor Comments **GMA# 12711**
- IC Staff Response to City of Oak Harbor **GMA# 12713**
- City of Langley Comments **GMA# 12707**
- IC Staff Response to City of Langley **GMA# 12714**
- City of Coupeville Comments **GMA# 12708**
- IC Staff Response to City of Coupeville **GMA# 12715**
- Revised Countywide Planning Policies 2.0 **GMA# 12716**
- Revised Matrix of Proposed Changes 2.0 **GMA # 12717**