

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING
CHAPTER 16.26 RELATING TO THE
ISLAND COUNTY CODE TO UPDATE THE
COMPREHENSIVE PLAN ANNUAL
DOCKET PROCESS

ORDINANCE NO. C-49-17;
PLG-006-17

WHEREAS, Island County conducts planning activities in accordance with RCW 36.70, the Planning Enabling Act; and

WHEREAS, Island County is required to plan under RCW 36.70A, the Growth Management Act (GMA); and

WHEREAS, the GMA requires that each county establish a public participation program that identifies procedures and schedules, public meetings and/or workshops whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county no more frequently than once every year, excepting those amendments that may be considered more frequently than once per year per RCW 36.70A.160(2)(a) and WAC 365-196-640(a); and

WHEREAS, Island County has adopted regulations governing the schedule and procedures for amendments in Chapter 16.26 of the Island County Code; and

WHEREAS, during the 2016 periodic update and review cycle, Island County identified a need to update the schedule for the application and review of annual docket proposals to allow more time for full evaluation and public engagement processes prior to adoption of amendments and to better coordinate with the budget process; and

WHEREAS, an application due date of August 1, with the annual docket adoption of no later than November 30, allows for work to begin on docketed items at the start of each year to allow for additional time for review, development of options, and public engagement; and

WHEREAS, Planning Commission recommendations should occur throughout the year, with Board action no later than November 30, to allow for projects to move through the review and approval process in a thoughtful and thorough manner; and

WHEREAS, during the 2016 periodic update and review cycle, Island County decoupled the land use designations from the zoning districts and established a new process to distinguish between a Type III rezoning, which does not require a comprehensive plan amendment, and a Type IV rezoning, which does require a comprehensive plan amendment, and is amending section 16.26.050 to reference Type IV rezoning applications; and

WHEREAS, Island County has identified additional code revisions that would be helpful to the public to understand the review and approval processes (including clarification of the intent and purpose of the docket vs. the work plan, providing additional definitions, removing unnecessary or outdated language, updating the public notice and participation procedures, and some minor restructuring of a few code sections); and

WHEREAS, these revisions provide additional clarity and consistency, creating a process that is easily understood and consistently replicated and procedures that are more consistent with best practices under the GMA; and

TYPOGRAPHICAL/CLERICAL ERRORS. Should any amendment made to this Ordinance that was passed by the Board during its deliberations be inadvertently left out of the final printed version of the plan, maps, or code, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board, and shall be corrected; **NOW, THEREFORE,**

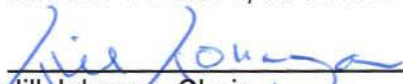
IT IS HEREBY ORDAINED that the Board of Island County Commissioners adopts amendments to the Comprehensive Plan Annual Docket Process Ordinance, Chapter 16.26 ICC, as reflected on Exhibit A, attached hereto. Within Exhibit A, material stricken through is deleted and material underlined is added.

FURTHER, IF ANY SECTION, subsection, sentence, clause, phrase, or other portion of this ordinance or its application to any person or entity, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.


ADOPTED this 23rd day of May, 2017, to be effective on 05/23/17.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

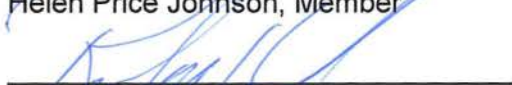




Jill Johnson, Chair

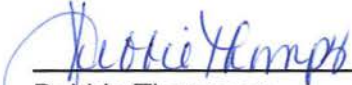


Helen Price Johnson, Member



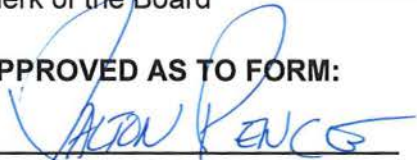
Richard M. Hannold, Member

ATTEST:



Debbie Thompson
Clerk of the Board

APPROVED AS TO FORM:



DALTON LEE PENCE
Civil Deputy Prosecuting Attorney and
Island County Code Reviser

EXHIBIT A

Chapter 16.26

Comprehensive Plan/Development Regulation Review and Amendment Procedures

16.26.010 - Purpose.

The purpose of this chapter is to establish procedures, pursuant to Chapter 36.70A RCW, for the review and amendment of the comprehensive plan and implementing development regulations found in specific chapters in Island County Code titles 8, 11, 13, 16 and 17.

16.26.020 - Applicability.

~~This chapter shall govern comprehensive plan map and text amendments, excepting revisions which under state law may be adopted out of cycle. Development regulation amendments that are associated with comprehensive plan amendments being processed through this chapter shall utilize the same review process. Every amendment to the comprehensive plan and development regulations shall conform to the requirements of this chapter except:~~

- ~~A. The adoption of emergency amendments;~~
- ~~B. The adoption of amendments to resolve an appeal of the comprehensive plan or development regulations filed with the Growth Management Hearings Board or with the court;~~
- ~~C. The initial adoption of a subarea plan;~~
- ~~D. The adoption of amendments to the county's Shoreline Master Program under the procedures set forth in Chapter 90.58 RCW;~~
- ~~E. The adoption of amendments to the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the county budget;~~
- ~~F. The adoption of development regulations or amendments thereto that implement the comprehensive plan and for which no amendment to the comprehensive plan is required before adoption of the regulation or amendment to the regulation;~~
- ~~G. Amendments to the comprehensive plan that are only procedural in nature or affect only procedural requirements;~~
- ~~H. Amendments to this chapter 16.26; and~~
- ~~I. Amendments to the comprehensive plan that are merely to correct errors in mapping or to change zoning or comprehensive plan land use designations so that they meet adopted designation criteria.~~

16.26.030 - Definitions.

Unless expressly noted otherwise, words and phrases that appear in this chapter shall be given the meaning attributed to them by this section, other chapters of title 16, or chapters contained in title 17. When not inconsistent with the context, words used in the present tense shall include the future; the

singular shall include the plural and the plural the singular; the word "shall" is always mandatory and the words "may" and "should" indicate a use of discretion in making a decision.

Annual review docket means the annual list of proposed comprehensive plan amendments and related development regulations that the Board of Island County Commissioners determines, after review and consultation with the Planning Director and Planning Commission, to be included for review and consideration for any given year. It excludes items listed on the Periodic review docket.

Application, for purposes of this chapter, means the Application to amend the comprehensive plan or related development regulations.

Comprehensive plan (Plan) means the comprehensive plan adopted to comply with Chapter 36.70A RCW, including all mandatory and adopted optional elements and subarea plans adopted through Ordinance C-123-98 as they exist or hereafter may be amended by the Board of Island County Commissioners.

Comprehensive Plan amendment means an amendment or change to the text or maps of the Comprehensive Plan.

Development regulation means the controls placed on development or land use activities including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and site plan ordinances, together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020. Specific chapters in titles 8, 11, 13, 16 and 17 of the Island County Code include the development regulations that have been adopted expressly to implement the comprehensive plan and are adopted pursuant to Chapter 36.70A RCW.

Docketing refers to compiling and maintaining a list of proposed changes to the comprehensive plan or implementing development regulations either annually or for a periodic update cycle in a manner that will ensure such suggested changes will be considered by the county and will be available for review by the public.

Findings of fact and legislative intent means the formally adopted document that establishes both the factual basis for the comprehensive plan amendment and amendment to development regulations and serves as the interpretive guide for legislative intent.

Periodic review or Update refers to the review and, if needed, resulting revisions to the comprehensive plan and development regulations required at multi-year intervals by RCW 36.70A.130 or other state law.

Periodic review docket refers to the docket developed by the Planning Director and approved by the Board of County Commissioners that includes the proposed periodic review work items that are required at multi-year intervals by RCW 36.70A.130 or other state law.

Planning Director means the person appointed by the Board to fulfill the long range planning duties of the county.

Site specific amendment means an amendment to the comprehensive plan or development regulations that affects one (1) or a small group of parcels, most frequently an amendment to the land use map and/or zoning atlas.

Work plan or work plan items refers to a list of proposed department tasks, maintained by the Planning Director and approved by the Board, that may be related to commitments made during previous updates, review, research, and/or updates to policies and regulations for which no amendment to the comprehensive plan is required. County-initiated plan amendments not a part of the periodic review will also be a part of the work plan, to be evaluated for inclusion on a future annual docket. Work plan items may span multiple years and may be proposed by the Board, Planning Commission, Planning Director, or the Department Director responsible for the administration of a development regulation. Members of the public may also request an item to be placed on the work plan, on the same schedule as plan

amendment applications per 16.26.060(A). Work plan items are exempt from the "once a year" plan amendment adoption requirement.

16.26.040 - Review process and approving authority.

All amendments to the comprehensive plan and development regulations shall be approved by the Board of Island County Commissioners, processed as a Type IV decision pursuant to chapter 16.19. SEPA threshold determinations associated with Type IV decisions that are reviewed under this chapter shall be processed as Type II decisions that may be appealed to the hearing examiner. Appeals or further review of the hearing examiner's written decision shall be by the Growth Management Hearings Board according to the procedures set forth in Chapter 36.70A RCW.

16.26.050 - General procedures.

- A. Amendments to the Plan text or maps may be initiated by any person—the public, the Board, the Planning Commission, or the Planning Director, or the Department Director responsible for the administration of a development regulation.
- B. An amendment must be included on a docket before it can be considered by the Board. Items will first be docketed, followed by review, public hearing, and recommendation by the Planning Commission, and then considered for final approval, denial, or deferral by the Board of County Commissioners.
- C. A rezoning application that requires a Plan amendment shall be treated as a Type IV application, subject to amendment application and docketing procedures under this chapter.
- B.D. Plan Amendments may be considered by the Board no more frequently than once a year and all proposed amendments, as included on the annual docket and periodic docket, shall be considered concurrently so that the cumulative effect of the various amendments can be ascertained, with the exception of the following:
 - 1. The adoption of emergency amendments or interim maps or regulations or moratoria pursuant to RCW 36.70A.390;
 - 2. The adoption of amendments to resolve an appeal of the comprehensive plan or development regulations filed with the Growth Management Hearings Board or with the court;
 - 3. The initial adoption of a subarea plan;
 - 4. The adoption of amendments to the County's Shoreline Master Program under the procedures set forth in Chapter 90.58 RCW;
 - 5. The adoption of amendments to the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the county budget;
 - 6. The adoption or amendment of development regulations that implement the comprehensive plan and for which no amendment to the comprehensive plan is required;
 - 7. Amendments to the comprehensive plan that are only procedural in nature or affect only procedural requirements;
 - 8. Amendments to this chapter 16.26; and
 - 9. Amendments to the comprehensive plan that are merely to correct errors.

- ~~C.E.~~ All Plan amendments adopted by the ~~b~~Board shall be consistent with ~~G~~chapter 36.70A RCW and shall comply with ~~G~~chapter 36.70A RCW and chapter 43.21C RCW.
- ~~D.F.~~ All development regulations adopted to implement the comprehensive plan and amendments thereto shall be consistent with the adopted comprehensive plan and adopted findings of fact and legislative intent.
- ~~G.~~ Unless specifically authorized by the Board, no docketed Plan amendment application from the public that is denied by the Board may be reinitiated for three (3) years after its consideration by the Board.
 1. The Board may approve an earlier reapplication if the applicant demonstrates a substantial change in circumstances. In no case may such a petition be considered in consecutive years.
 2. This limitation does not apply to amendments previously proposed by the Board, Planning Commission, Planning Director, or the Department Director responsible for the administration of a development regulation.

16.26.060 - Annual docket application review procedures.

A. The annual docket application review schedule will occur pursuant to the schedule below:

TABLE A. ANNUAL DOCKET APPLICATION REVIEW



<u>August 1</u>	<u>Applications due</u>
<u>September 1</u>	<u>List of all amendments (public, Board, Planning Commission, or staff requests) presented to the Board & Planning Commission</u>
<u>October 1</u>	<u>Board and Planning Commission review the proposed docket items</u>
<u>November 30</u>	<u>Board determines the docketing request outcomes (include, exclude, or defer)</u> <u>Board approval of docket by Resolution no later than the end of November</u>

- ~~A.B.~~ Amendments proposed For inclusion on any given annual docket, applications initiated by the public must be submitted before August 1 of the prior year. by a person shall be accepted at any time during the calendar year but those aApplications received on or after February August 1 of each calendar year shall be reviewed during the following calendar year next annual docket cycle.
- ~~B.~~ Unless specifically authorized by the board, no amendment proposed by a person that is not approved by the board may be reinitiated for three (3) years after its consideration by the board.
- ~~C.~~ On March 1 of each year, tThe Planning Director shall forward to the bBoard and Planning Commission a complete listing of all new applications for amendments requested by a personthe public, the bBoard, the Planning Commission, or the Planning Director, no later than September 1 of each year. The list shall also include any applications deferred from a previous docket. This list shall be known as the annual review docket.

- D. ~~The Planning Director shall review the proposed annual review docket items with the Board of County Commissioners and Planning Commission by April-October 1 of each year. The Board and Planning Commission shall review shall and consider whether any proposed amendment should remain be included on or excluded from the annual review docket or be deferred-moved to the next annual cycle or periodic review eight-year-review docket cycle pursuant to section 16.26.090.~~
- ~~1. Include. The Board's decision to include an application in the annual docket is procedural only and does not constitute a decision by the Board as to whether the proposed amendment will ultimately be approved.~~
 - ~~2. Exclude. The Board's decision to exclude an application from the docket terminates the application without prejudice to the applicant or the proposal. The applicant may request a refund of the unused portion of any application fees. The Board's decision to exclude an application from the docket is a discretionary Type IV decision subject to appeal pursuant to section 16.19.205.~~
 - ~~3. Defer. The Board's decision to defer an application means the application may be considered, as specified by the Board, either for the next annual docket cycle or the next periodic review docket cycle.~~
- E. ~~The Planning Director shall prepare a report to the Planning Commission for each application and present the reports no later than May 1 of each calendar year. The report shall include a recommendation on each annual review application. The report shall evaluate the proposed amendments as follows:~~
- ~~1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations. If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency also under annual review by the Planning Commission and the board;~~
 - ~~2. Do all applicable elements of the comprehensive plan support the proposed amendment or revisions;~~
 - ~~3. Does the proposed amendment or revision more closely meet the goals, objectives and policies of the comprehensive plan;~~
 - ~~4. Is the proposed amendment or revision consistent with the county-wide planning policies;~~
 - ~~5. Is the proposed amendment supported by adopted findings of fact and legislative intent;~~
 - ~~6. Does the proposed amendment or revision comply with the requirements of the GMA; and~~
 - ~~7. Are the assumptions underlying the applicable portions of the comprehensive plan or development regulations no longer valid because new information is available which was not considered at the time the plan or regulation was adopted.~~
- F. ~~The Planning Commission shall hold at least one (1) public hearing on the annual review amendments and shall forward to the board its recommendation on amendments no later than July 1 of each calendar year. After receipt of the Planning Commission recommendation or after lapse of the prescribed time for rendering a recommendation, the board shall act on annual review amendments. With each adopted amendment the board shall also adopt findings of fact and legislative intent to support the change in the comprehensive plan and/or development regulations. These findings shall identify as applicable the following:~~
- ~~1. The local circumstances if any, that have been relied on in reaching a decision on the proposed amendment; and~~
 - ~~2. How the planning goals of the GMA have been balanced in the decision on the proposed amendment.~~

E. In making its docket recommendation, the Planning Commission should consider the following:

1. The application is deemed complete;
2. The application, in light of all proposed amendments being considered for inclusion in the year's annual docket, can be reasonably reviewed within the staffing resources and operational budget allocated to the Department by the Board;
3. The proposed amendment would not require additional amendments to the Comprehensive Plan or development regulations not otherwise addressed in the application, and is consistent with other goals, objectives, and policies of the Comprehensive Plan;
4. The proposed Plan amendment raises policy, land use, or scheduling issues, or that the proposal is comprehensive enough in nature that it would more appropriately be addressed as part of a periodic review cycle;
5. The application proposes a regulatory or process change that for which no amendment to the comprehensive plan is required and should be reviewed for potential consideration as a part of the work plan;
6. The application lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at a later time.

F. The selected proposed amendments collectively shall be known as the annual review docket for the next calendar year, and shall be adopted by Board resolution, preferably by October 31 but no later than November 30 of each calendar year.

16.26.070 - Application requirements.

- A. All applications for amendment of the comprehensive plan or development regulations submitted by ~~a person~~ the public shall, in a format established by the county, contain the following:
1. Application form signed by the owner(s) of record, address, telephone numbers and agent information;
 2. A description of the proposed amendment including proposed map or text changes;
 3. The location of the proposed amendment shown on an assessor's map dated and signed by the applicant, if the proposal is for a land use map or zoning atlas amendment;
 4. A legal description and a notarized signature of one (1) or more owners, if a change in the zoning atlas is requested by owner(s) concurrent with a requested land use map amendment;
 5. An explanation of why the amendment is being proposed and, if applicable, how or why the map or text is in error;
 6. An explanation of anticipated impacts to be caused by the change;
 7. An explanation of how the proposed amendment is consistent with GMA, the county-wide planning policies, the comprehensive plan and adopted findings of fact and legislative intent;
 8. An explanation of how the change affects development regulations or how the amendment brings the development regulations into compliance with the plan;
 9. If applicable, an explanation of why existing comprehensive plan language should be added, modified, or deleted;
 10. A SEPA checklist, if required; and

11. Fees as set by the board.

B. The County may prescribe additional application requirements.

BC. Persons wishing to initiate an amendment are encouraged, but not required, to use the preapplication procedures of section 16.19.050.

16.26.080 – Plan Amendments – Review and Public notice and comment procedures.

A. Notice of the time, place and purpose of an open record hearing before the Planning Commission or board to consider annual review amendments shall be provided by publication in the official county newspaper, and a newspaper of general circulation within the area affected by the amendment, at least ten (10) days before the date of hearing. Notice for site specific amendments shall also be provided by posting and by mail pursuant to section 16.19.120.

A. Review of annual docket items shall occur pursuant to the schedule below:

TABLE B. REVIEW OF DOCKETED PROPOSED AMENDMENTS

<u>November 30 of prior year</u>	<u>Docket approval, per section 16.26.060 and posted to web site</u>
<u>Throughout the year</u>	<u>Planning Commission to hold public hearing(s) on proposed amendment(s)</u>
<u>No later than November 30</u>	<u>Board to review and make a decision to approve, deny, or defer action on each item on the docket (may include identification of items that will be continued into next docket cycle)</u>

B. Public Notification. Information regarding any proposal pursuant to this chapter shall be broadly disseminated to the public at minimum as provided in subsection 1 below, as well as by any of the other following methods as determined to be appropriate by the Planning Director.

1. Publishing a paid public notice at least ten (10) days prior to a public hearing in the official county newspaper;
2. Distributing a press release;
3. Emailing to a distribution list;
4. Posting notice on the Department's website;
5. Sign posting on the impacted property for a proposed Type IV rezoning.

C. Public Notification – Site-specific comprehensive plan map and zoning atlas amendments. Where public notice is otherwise required by this chapter, such notice shall be mailed directly to the owners of the affected properties, and to all property owners within 300 feet of the subject property.

D. Public Participation. In addition to public notice as otherwise required by this chapter, the public shall have the opportunity to participate in the County legislative matters via public hearing before the Planning Commission, via public hearing before the Board if the Board opts to hold its own public hearing, by written comment, and by other forums as appropriate (per RCW 36.70A.140).

E. The Planning Commission shall evaluate the proposed amendments as follows:

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations. If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency also under annual review by the Planning Commission and the Board;
2. Do all applicable elements of the comprehensive plan support the proposed amendment or revisions;
3. Does the proposed amendment or revision more closely meet the goals, objectives and policies of the comprehensive plan;
4. Is the proposed amendment or revision consistent with the county-wide planning policies;
5. Does the proposed amendment or revision comply with the requirements of the GMA; and
6. Are the assumptions underlying the applicable portions of the comprehensive plan or development regulations no longer valid because new information is available which was not considered at the time the Plan or regulation was adopted.

F. The Planning Commission shall hold at least one (1) public hearing on the proposed amendments and shall forward to the Board its recommendations and findings of fact and legislative intent.

G. Upon receipt of a recommendation on all or any part of a plan, plan amendment or development regulation from the Planning Commission, the Board shall schedule review of the proposal to consider and take action on the proposed amendments. The Board's decision to either approve, deny, or defer action on each item in the annual review docket concludes that year's annual docket cycle, which should occur no later than November 30 of each calendar year.

H. With each adopted amendment the Board shall also adopt findings of fact and legislative intent to support the change in the comprehensive plan and/or development regulations. The Board may choose to incorporate by reference the findings of fact and legislative intent prepared by either the Department or the Planning Commission if the Board so agrees and desires. The Board may also decide to adopt its own findings of fact and legislative intent.

I. Findings shall identify, as applicable, the following:

1. The local circumstances, if any, that have been relied on in reaching a decision on the proposed amendment; and
2. How the planning goals of Chapter 36.70A RCW have been balanced in the decision on the proposed amendment.

BJ. The Planning Director shall notify the State of Washington pursuant to RCW 36.70A.106 at least sixty (60) days prior to the adoption of comprehensive plan amendments, development regulations or annual review amendments.

CK. Within ten (10) days of adoption, the Planning Director shall transmit the adopted Plan amendment(s), development regulation or annual review amendments to the state and publish notice of the adoption in the official county newspaper.

16.26.090 - Eight-year review Periodic review and update procedures.

A. The eight-year periodic review cycle is established in accordance with RCW 36.70A.130-(5)(b). The initial eight-year review action deadline is June 30, 2016. The periodic review docket shall include:

1. A comprehensive review to provide for a cumulative analysis of the twenty-year plan and its implementing regulations based upon official population growth forecasts and other relevant

data in order to consider substantive changes to planning policies language, and changes to the urban growth areas; and

2. Items deferred by the Board of County Commissioners in a prior year to be placed on the periodic review docket;
 3. County priority review and update items that can be reasonably reviewed within the staffing resources and operational budget allocated to the Department by the Board; and
 4. Items identified for review and updates due to legislative changes, as identified on the Department of Commerce periodic review checklist.
- ~~2. A review of the effectiveness of the following provisions and recommendations made if the provisions can be made more effective:~~
- a. ~~EDU program;~~
 - b. ~~PRDs;~~
 - c. ~~Design review standards;~~
 - d. ~~Non-residential design guidelines;~~
 - e. ~~Non-residential zones;~~
 - f. ~~BMPs;~~
 - g. ~~PBRS; and~~
 - h. ~~Special review districts.~~

~~If the Board of County Commissioners determines that the purposes of the comprehensive plan are not being achieved because of significant changes in official population growth forecasts, major changes to the plan may be considered on even calendar years.~~

- ~~B. Items placed on the annual review docket shall be reviewed by the director and Board of County Commissioners to determine if they should be placed on the eight year review docket. The director and Board of County Commissioners shall move annual review items to the eight year review docket when:~~
1. ~~Major changes to the comprehensive plan and/or its zone designation criteria are proposed; and~~
 2. ~~Major changes to an urban growth area boundary or joint planning area are proposed.~~
- ~~CB. The seven year periodic review cycle docket shall be separate from the annual review docket; the dockets may, however, be considered concurrently as per section 16.26.050(D) include all annual review applications from the same year.~~

16.26.100 - Appeals.

Appeals of decisions to amend the comprehensive plan or development regulations shall comply with the procedures set forth in Chapter 36.70A RCW.

16.26.110 - Severability.

If any provision or provisions of this chapter or its/their application to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision or provisions to other persons or circumstances shall not be affected.

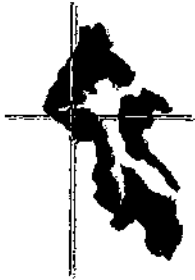
~~16.26.120 – Effective date.~~

~~This chapter shall take effect on December 1, 1998.~~

EXHIBIT B

Board Findings of Fact

The Board of County Commissioners approves of and incorporates in full the findings of fact of the Planning Commission attached as Attachment "1".



**ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT**

ISLAND COUNTY PLANNING COMMISSION

Darin Hand, Chairperson

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522 ■ from S. Whidbey (360) 321-5111

FAX: (360) 679-7306 ■ P. O. Box 5000, Coupeville, WA 98239-5000

Internet Home Page: <http://www.islandcounty.net/planning/>

~ FINDINGS OF FACT AND LEGISLATIVE INTENT ~

TO: Board of Island County Commissioners
FROM: Island County Planning Commission
DATE: April 10, 2017
REGARDING: Amending Chapter 16.26 ICC related to the Annual Docket Process for Comprehensive Plan Amendments

SUMMARY

Each county and city planning under RCW 36.70A.040 shall include in its development regulations a procedure for comprehensive plan amendments. The Growth Management Act and related state legislations direct the creation of a process and procedures for amendments, and establishes the annual docket process (RCW 36.70A.130, WAC 365.196.610(3), and 365.196.640(6)). The specific process and procedures are left to the County to determine, but the amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of WAC 365-196-640(a).

RCW 36.70A.130(2)(a) states:

"Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year..."

WAC 365-196-640(a) states:

All proposed amendments to the comprehensive plan must be considered by the governing body concurrently and may not be considered more frequently than once every year, so that the cumulative effect of various proposals can be ascertained. If a county or city's final legislative action is taken in a subsequent calendar year, it may still be considered part of the prior year's docket so long as the consideration of the amendments occurred within the prior year's comprehensive plan amendment process.

Chapter 16.26 of the Island County Code addresses Comprehensive Plan/Development Regulation Review and Amendment Procedures. This section provides the schedule and procedures for amendments to the Comprehensive Plan in accordance with state law. The ordinance provides for the following.

- General procedures for amending the Comprehensive Plan
- Procedures for submission of items to be placed on the annual docket
- Items eligible for review and placement on the annual docket
- Procedures and timelines for approving and implementing the annual docket

During the 2016 periodic review and update process, Island County identified the need to update ICC 16.26 to revise the application and review timeline. Other non-substantial changes, consisting of primarily clarifications, removing unnecessary language and providing additional flexibility, were identified as helpful to the public to understand the review and approval processes.

FINDINGS

1. Island County conducts planning activities in accordance with RCW 36.70, the Planning Enabling Act.
2. Island County is required to plan under RCW 36.70A, the Growth Management Act (GMA).
3. The GMA requires that each county establish a public participation program that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county no more frequently than once every year, excepting those amendments that may be considered more frequently than once per year per RCW 36.70A.160(2)(a) and WAC 365-196-640(a).
4. Island County has adopted regulations governing the schedule and procedures for amendments in Chapter 16.26 of the Island County Code.
5. During the 2016 periodic update and review cycle, Island County identified a need to update the schedule for the application and review of annual docket proposals to allow more time for full evaluation and public engagement process prior to adoption of amendments and to better coordinate with the budget process.

- An application due date of August 1, with the annual docket adoption of no later than November 30, allow for work to begin on docketed items at the start of each year to allow for additional time for review, development of options, and public engagement.

REVIEW OF ANNUAL DOCKET APPLICATION

DUE BY	PROCESS
August 1	Applications due
September 1	List of all amendments (public, Board, Planning Commission, or staff requests) presented to the Board & Planning Commission
October 1	Board and Planning Commission review the proposed docket items
November 30	Board determines the proposed docket item outcomes (include, exclude, or defer) Board approval of docket by Resolution, preferably by October 31 but no later than the end of November

- Planning Commission recommendations should occur throughout the year, with Board action no later than November 30, to allow for projects to move through the review and approval process in a thoughtful and thorough manner.

REVIEW OF DOCKETED PROPOSED AMENDMENTS

DUE BY	PROCESS
November 30 of prior year	Docket approval, per section 16.26.060 and posted to web site
Throughout the year	Planning Commission to hold public hearing on proposed amendment
No later than November 30	Board to review and make a decision to approve, deny, or defer action on each item on the docket (may include identification of items that will be continued into next annual docket cycle)

- During the 2016 periodic update and review cycle, Island County decoupled the land use designations from the zoning districts and established a new process to distinguish between a Type III rezoning, which does not require a comprehensive plan amendment, and a Type IV rezoning, which does require a comprehensive plan amendment, and is amending section 16.26.050 to reference Type IV rezoning applications.
- Island County has identified additional code revisions that would be helpful to the public to understand the review and approval processes (including clarification of the intent and purpose of the docket vs. the work plan, providing additional definitions, removing unnecessary or outdated language, updating the public notice and participation procedures, and some minor restructuring of a few code sections). These revisions provide additional clarity and consistency, creating a process that is easily understood

and consistently replicated and procedures that are more consistent with best practices under the GMA.

CONCLUSION

The Island County Planning Commission has reviewed the proposed amendments to Island County Code and hereby recommends that the Board of Island County Commissioners adopt an ordinance adopting the code revisions enclosed hereto as Exhibit "A".

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this 10 day of April, 2017 by,



Darin Hand
Chair, Island County Planning Commission

ENCLOSURES

Exhibit A – ICC 16.26 Code Revisions