

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF AMENDING THE)
FREELAND SUB AREA PLAN, AN ELEMENT) ORDINANCE C- -10
OF THE ISLAND COUNTY COMPREHENSIVE) PLG-010-11
PLAN, TO ADDRESS COMPREHENSIVE)
PLANNING REQUIREMENTS PURSUANT TO)
RCW 36.70A)

WHEREAS, on December 10, 2007, the BICC approved Ordinance C-129-07 that designated Freeland as a NMUGA and adopted the land use element of the Freeland Sub Area Plan; and

WHEREAS, on February 11, 2008, the BICC approved the adoption of Ordinance C-12-08 that adopted the Findings of Fact for the land use element of the Freeland Sub Area Plan and the designation of Freeland as a NMUGA; and

WHEREAS, the Findings of Fact attached as Exhibit A to Ordinance C-12-08 provided the implementation strategy for the remainder of the comprehensive planning element amendments and development regulations for Freeland; and

WHEREAS, the BICC recognized on February 11, 2008, that the land use intensities and densities established in the land use element of the Freeland Sub Area Plan are not permitted until comprehensive planning amendments and development regulations have been adopted and urban services are installed and available for use, and that in the interim, the existing land use standards, RAID zoning and densities, and intensities, as well as the interim development regulations most recently adopted on October 18, 2010 in Ordinance C-84-10 shall continue to apply to parcels within the NMUGA; and

WHEREAS, the BICC specifically indicated that regulations that control land use, density, architecture, storm water, lighting, signage, landscaping, etc. must be developed and that in order to fully implement the Freeland Sub Area Plan urban levels of infrastructure must be constructed including sewer, water, and storm water infrastructure, and that because the land use designations within Freeland will not change until all of the above items have been completed, the existing land use designations will remain in place; and

WHEREAS, the BICC Findings of Fact for Ordinance C-12-08 included a schedule whereby the development regulations were scheduled to be completed by the end of 2008 and the remaining comprehensive plan amendments to be completed by the end of 2009; and

WHEREAS, the BICC recognized in 2009 that the implementation schedule set forth in Ordinance C-12-08 would not be achieved in the time scheduled, particularly because of reduced resources in the county and especially because the implementation schedule envisioned that the development regulations would be completed before the controlling policies in the Freeland Subarea Plan were developed, which is contrary to traditional planning practice wherein development regulations are a tool to implement the comprehensive plan policies; and

WHEREAS, during work session in 2009, the BICC concurred with the Planning and Community Development Department recommendation to stop work on the development regulations for Freeland and instead focus solely on the remaining elements of the Freeland Subarea Plan, and that this work effort was included in the 2010 and 2011 Annual Review Dockets for Island County; and

WHEREAS, through a series of community workshops, and other forms of public participation, the Planning Department prepared the current proposal to include the other required comprehensive planning elements of the Freeland Sub Area Plan, including the Natural Lands, Open and Civic Space, Capital Facilities (as a place holder), Utilities, Transportation, Economic Development, and Housing elements, as well as revisions to the Land Use element; and

WHEREAS, the BICC recognizes that further planning for Freeland NMUGA is required; and

WHEREAS, the BICC recognizes that the minimum requirements of the FSAP Capital Facilities element and Island County Comprehensive Plan Capital Facilities element as it relates to the Freeland NMUGA must still be finalized, pursuant to RCW 36.70A.070(3); and

WHEREAS, the BICC recognizes that amendments to the FSAP Transportation element will likely be necessary when the next periodic update to the Island County Comprehensive Plan transportation Element is completed; and

WHEREAS, the BICC recognizes that “housekeeping” amendments to the Island County Comprehensive Plan are required to ensure that the FSAP is internally consistent with the Island County Comprehensive Plan; and

WHEREAS, the BICC recognizes that water and sewer services within the Freeland NMUGA are provided by the Freeland Water and Sewer District, except for those properties that have individual wells for potable drinking water, and except for the areas serviced by the Holmes Harbor Sewer District and the Main Street Sewer District; and

WHEREAS, the Island County Planning Department shall continue to communicate and work with the Freeland Water and Sewer District as well as the other sewer districts and service providers that operate within the Freeland NMUGA to ensure that the minimum planning requirements for the capital facilities element set forth in RCW 36.70A.070(3) are met, such as: (a) ensuring that an inventory of existing capital facilities owned by public entities in Freeland is accurate and complete and showing the locations and capacities of the capital facilities; (b) that a forecast of the future needs for capital facilities in Freeland is provided; (c) that the proposed locations and capacities of expanded or new capital facilities are identified; (d) that at least a six-year plan that will finance such capital facilities within projected finding capacities and clearly identify sources of public money for such purposes be included; and

WHEREAS, the BICC recognizes that the Transportation Element of the Island County Comprehensive Plan will be updated during the County's next periodic update of the Island County Comprehensive Plan as required by RCW 36.70A.130 and the Transportation element of the FSAP will also be reviewed at that time and updated to ensure internal consistency of the Freeland Subarea Plan with the Island County Comprehensive Plan; and

WHEREAS, the BICC recognizes that development regulations that will govern the future land use, density, and development of Freeland as a NMUGA must still be adopted; and

WHEREAS, the BICC recognizes that until urban levels of infrastructure are constructed and urban services are provided in accordance with the future development regulations, including sewer, water, and storm water infrastructure, the current land use designations and regulations, RAID zoning and densities, and intensities that currently control in Freeland will apply, with the exception of the adoption of any interim official controls pursuant to RCW 36.70A.390, until all of the above items have been completed; and

WHEREAS, based on the Final Environmental Impact Statement that was issued on November 21, 2007, pursuant to Chapter 43.21C RCW and Chapter 197-11 WAC, the County Responsible SEPA Official issued a Determination of Non Significance on December 2, 2010, after public notice was advertised and public comments were received; and

WHEREAS, Island County Planning and Community Development forwarded the draft Sub Area Plan to the Washington State Department of Commerce on December 3, 2010 for the purpose of initiating the sixty (60) day state agency review as required in Chapter 36.70A RCW; and

WHEREAS, the BICC accepts the Planning Commission's recommendation and Findings of Fact for the Freeland Subarea Plan, in accordance with RCW 36.70; and

WHEREAS, additional minor changes are needed to the Planning Commission recommendation to ensure consistency with GMA and incorporate new information into the Transportation, Capital Facilities, Land Use and Housing elements; and

BE IT HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the Freeland Sub Area Plan, attached as Exhibit A, with the exception of the FSAP Capital Facilities Element which is not effective and is meant to merely represent a place holder until further amendments to the FSAP Capital Facilities Element are proposed and adopted by the Board in compliance with RCW 36.70A.070(3), and adopts their own Findings of Fact attached here as Exhibit B; however, the adoption of Exhibits A and B shall become effective only after reaffirmation of adoption of the Freeland Subarea Plan on the future date that the Board adopts the 2011 annual review amendments to the Island County Comprehensive Plan so that the BICC takes into effect the cumulative impact of the various 2011 Comprehensive Plan amendment proposals in accordance with RCW 36.70A.130(2) and finds the impact acceptable.

ADOPTED this _____ day of _____, 2011 following public hearing.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**

Angie Homola, Chair

Helen Price Johnson, Member

Kelly Emerson, Member

ATTEST:

Elaine Marlow
Clerk of the Board

Exhibit A

(Freeland Subarea Plan)

Exhibit B

(Board of Island County Commissioners Findings of Fact)