

ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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TRANSMITTAL AND REPORT MEMORANDUM

DATE: August 20, 2009

TO: Island County Planning Commission

REGARDING: ZAA 333/08 - Zoning reclassification of 18 Acres located at the intersection of Old Goldie and Ault Field Road from Rural (R) to Light Manufacturing (LM).

FROM:

Anthony Boscolo
Senior Planner

INTRODUCTION TO PROPOSED AMENDMENT

Zoning Amendment (ZZA) 333/08 was submitted by Ault Field Road LLC to change the current zoning classification of parcels R13323-071-2980 and R13323-044-3120 from Rural (R) to Oak Harbor – Planned Industrial Park (OH-PIP). After extensive analysis, the Planning Department determined that the OH-PIP classification was not feasible given the current City of Oak Harbor Urban Growth Area boundary.

Working with the applicant and the neighboring landowners the project has been revised. This project is now being processed as a rezone from Rural to Light Manufacturing and includes neighboring properties to bring the total acreage to (18) eighteen, including the following parcels: R13323-046-2810, R13323-063-2810, R13323-074-2810, and R13323-120-3100.

This action would update map #219 of the Official Island County Zoning Atlas. The subject parcels directly abut the City of Oak Harbor UGA and are bound to the north and east by Federal lands and to the south and west by Old Goldie Road and Ault Field Road. This report serves as the staff report and is submitted to the Planning Commission in accordance with Chapter 16.26 ICC.

FINDINGS OF FACT

In determining the appropriate zoning for the subject properties, staff is bound by a series of adopted documents. These documents are the Island County Comprehensive Plan, Island County Code, and the Interlocal Agreement between Island County and the City of Oak Harbor.

The Interlocal Agreement directs the County to inform the City of the rezone. This action has occurred and continues as the application progresses.

The Island County Code and the Comprehensive Plan contain guidance for zoning designations. This guidance is in the form of written designation criteria and maps which show the planned future land use designations. The Island County Code designates the subject properties as **Rural** while the Comprehensive Plan designates them as **Light Manufacturing**. These two documents provide us with designations which are conflicting.

When there are conflicts between these two documents we are directed to resolve them using the language in ICC 17.03.030(b) which states:

“...Under state law, the Zoning Code must be consistent with, and implement the Comprehensive Plan. Therefore, if a conflict between the Plan and the Zoning Code arises, the Plan will control...”

The above section states that the Comprehensive Plan rules when resolving conflicts between the Zoning Code and Comprehensive Plan. In this particular case the Comprehensive Plan supports the rezone to Light Manufacturing.

The written criteria for the Light Manufacturing designation are found within two subsections of the Goals and Policies of the Comprehensive Plan. These subsections are *Non-Residential Areas of More Intensive Rural Development* and *Light Manufacturing Lands*. Each of these subsections are shown below, followed by staff review of the requirements in *italics*.

Non-Residential Areas of More Intensive Rural Development

Definition:

Non-residential areas of more intensive rural development are designated pursuant to the guidelines established in RCW 36.70A.070 for establishing logical outer boundaries for existing areas of more intensive rural development. All lands within a non-residential area of more intensive rural development shall be classified as either Light Manufacturing (LM) or Airport (AP).

The subject properties are identified as Light Manufacturing (LM) on the Island County Future Land Use Map, Exhibit B1, as such they are Non-Residential Areas of More Intensive Rural Development.

Designation Criteria:

A. The starting point for designation is the Business and Land Use Review Committee’s recommended boundaries that accompany the Island County Economic Development Council report entitled Business Land Use Needs for Island County to the year 2016, May 17, 1996. In addition, uses in existence prior to July 1, 1990 and the provision, where appropriate, of sufficient land to provide a transitional buffer between non-residential uses and neighboring rural and residential uses.

The subject properties do not appear to be identified within the ‘Business Land Use Needs for Island County to the year 2016’ report although some of the subject properties had non-residential uses in existence prior to July 1, 1990.

B. Additional consideration shall be given to parcels that are adjacent to or between areas defined by designation criteria A., considering the need to preserve the character of existing natural neighborhoods and communities; physical boundaries such as roads, land forms and contours, and water bodies; the need to prevent abnormally irregular boundaries; and to use approved water and sewer service systems so that low density sprawl is avoided.

All of the non-federal land surrounding the subject properties was identified in the ‘Business Land Use Needs for Island County to the year 2016’ meeting Designation Criteria (A) above. The subject properties were likely designated using the standards of Designation Criteria (B).

C. The logical outer boundaries for non-residential areas of more intensive rural development as established in this plan are non-expandable.

The subject properties are identified in the Comprehensive Plan as Light Manufacturing thus this proposal would not result in an expansion of the logical outer boundaries for non-residential areas of more intensive rural development.

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Light Manufacturing Lands (LM)

Definition:

Light Manufacturing lands are located within non-residential areas of more intensive rural development and are intended primarily for light

industry and manufacturing, assembling, fabrication, storage, wholesaling, distribution, auto repair/salvage and related activities which are clustered in a complex that provides adequate buffering and screening from surrounding land uses.

As stated above the subject properties were established as Non-Residential Areas of More Intensive Rural Development with the adoption of the Island County Comprehensive Plan. As such the Comprehensive Plan states that they must either be designated as Light Manufacturing (LM) or Airport (AP); at the time of adoption subject properties were designated Light Manufacturing.

Designation Criteria:

A. Area must be served by an approved public or private water system.

The subject properties receive water from the City of Oak Harbor.

B. Areas where light industrial or business activity would not conflict with and may support conservation of Commercial Agriculture, Rural Forest or Rural Agriculture lands.

Conducting light manufacturing activities on the subject properties should not conflict with Commercial Agriculture, Rural Forest, or Rural Agriculture lands. The manufacturing activities which could occur may even support local Commercial Agriculture, Rural Forest, or Rural Agriculture activities by increasing access to products needed to conduct those activities.

C. Areas unsuited for, and well buffered from, residential and rural communities having adequate space for greenbelt screening, supportive parking and transport facilities.

This area is bounded to the south and west by industrial zoned lands and to the north and east by Federally owned land which is part of Naval Air Station Whidbey Island. It is also within the highest Air Installation Compatible Use Zone (AICUZ) Noise Zone with a Ldn (day-night average) of 75 dB. Also, portions of the subject properties are within Aircraft Accident Potential Zone II (APZ II). Currently four of the subject properties have some residential uses being conducted. These activities are permitted under the current Rural zoning classification, even though this is a less than ideal location for residential development.

D. Characterized by existing development that is predominantly non-residential.

There is an assumption made that the designation of Light Manufacturing on the Comprehensive Plan Future Land Use map implies that the site was characterized by existing development that was predominantly non-residential. Additionally, four of the six lots are currently characterized by a predominance of non-residential development with two of the four containing both residential and non-residential development.

E. Located within a non-residential area of more intensive rural development as established by forming a logical outer boundary.

The Light Manufacturing designation on the Comprehensive Plan Future Land Use map locates the subject properties in a non-residential area of more intensive rural development.

Currently there are a variety of uses on the subject properties. Four of the six properties contain some level of residential use and four have commercial or industrial uses. Two of the six contain non-residential and residential uses. The majority of the area has been substantially altered through clearing and grading of the lots. To the south and west are Ault Field Road and Old Goldie Road, which separates them from Planned Industrial Park zoned properties in the City of Oak Harbor Urban Growth Area. The City of Oak Harbor currently has application to expand the UGA to include the subject properties and designate them Planned Industrial Park.

In June of 2009 the affected property owners were contacted by mail to confirm their interest in a rezone to Light Manufacturing. Through this process all but one of the properties affirmed their support and specified their preference for Light Manufacturing zoning designation.

Analysis

A rezone may be granted pursuant to 17.03.220(D)6 ICC, and must be processed as a Type IV decision, pursuant to 16.19 ICC. As such the standards of 16.26.060(E) ICC are addressed below:

“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;”

The proposed zoning reclassification brings the properties into consistency with the Island County Comprehensive Plan and the County Development Regulations.

“Do all applicable elements of the Comprehensive Plan support the proposed amendment or revisions;”

The Policy Plan and Land Use Element directly support this amendment by establishing consistency between the County land use standards and Comprehensive Plan.

“Does the proposed amendment or revision more closely meet the goals, objectives and policies of the Comprehensive Plan;”

By designating the subject parcels as Light Manufacturing, densities and uses which would not be permitted in the Rural Zone would be allowed, fulfilling the Future Land Use designation of Light Manufacturing.

“Is the proposed amendment or revision consistent with the county-wide planning policies;”

The County Wide Planning Policy language directly supports the rezone by emphasizing cooperation with surrounding jurisdictions when planning for the future use of lands within the Joint Planning Area.

“Is the proposed amendment supported by adopted Findings of Fact and Legislative Intent;”

Both Chapters 17.03 and 16.26 ICC, which govern the process for rezoning, were adopted under the authority of and pursuant to 36.70A RCW.

“Does the proposed amendment or revision comply with the requirements of the GMA; and”

County development regulations and Comprehensive Plan were adopted pursuant to 36.70A RCW and are compliant with the GMA.

“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.”

Unintentionally, the subject parcels were incorrectly zoned. The rezone to Light Manufacturing will bring the parcels into consistency with the planned future use and with surrounding uses and zoning.

Conclusion & Recommendation

Pursuant to Section 16.26.060.E.1-7 ICC, the Planning Department is required to provide the Planning Commission a report that reviews the proposed amendment. This staff report satisfies this requirement.

Upon review of the proposed amendment the Planning Department finds it to be consistent with the Development Regulations, Oak Harbor Interlocal Agreement, and all elements of the Comprehensive Plan. Further, the rezone of all non-federal land on Map #219 to Light Manufacturing is directly supported by Island County Code and Comprehensive Plan and will bring these two documents into consistency.

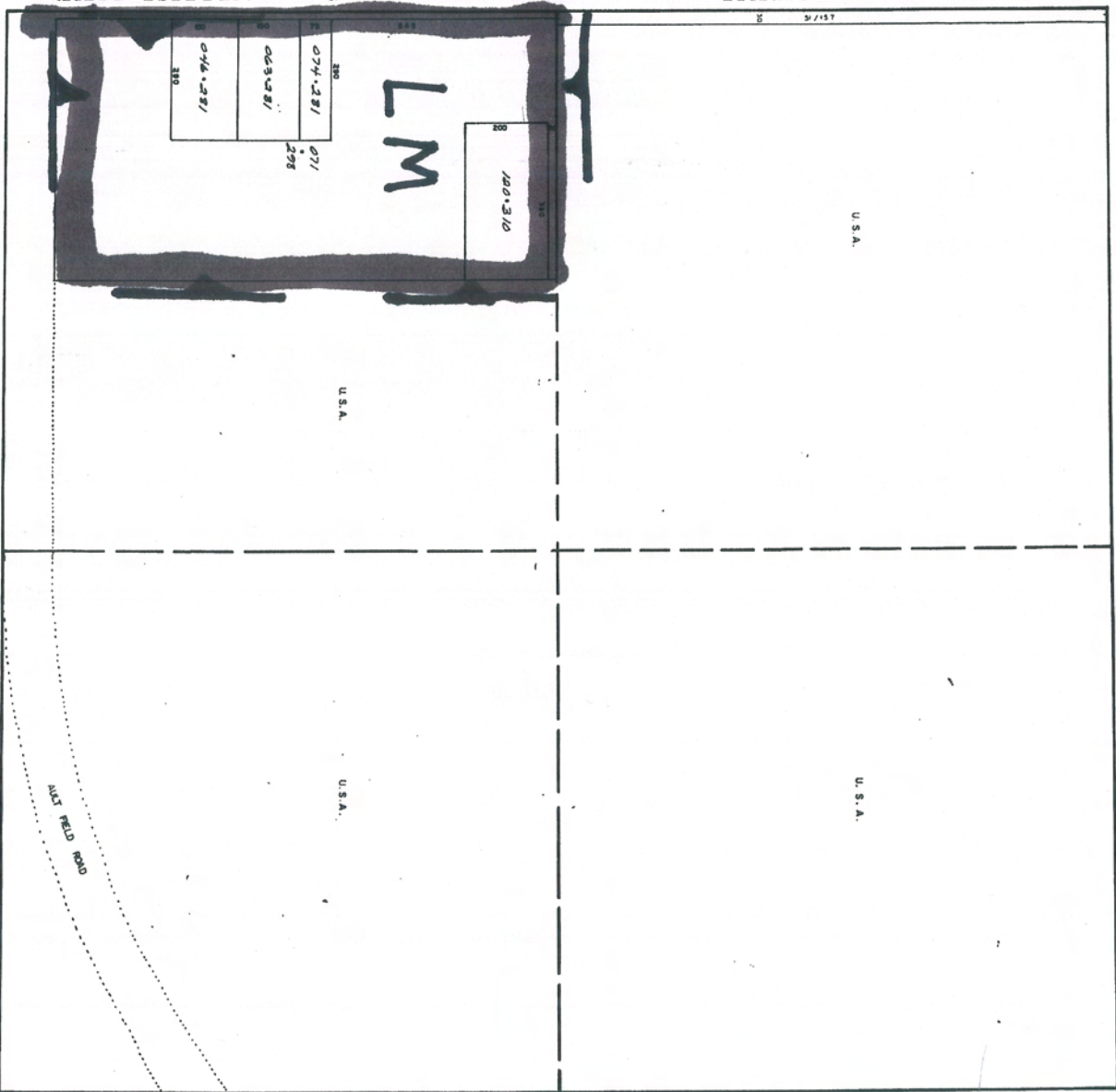
The Department recommends approval of the application.

Exhibit A

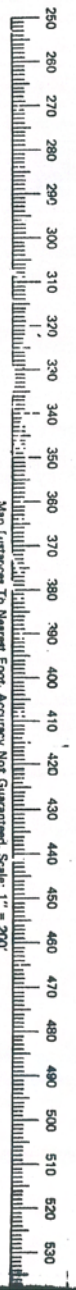
Updated Island County Zoning Atlas Map #219

S.E. 1/4, Sec. 23, Twp. 33N., R. 1E., W.M.

DO NOT USE AS A LEGAL DOCUMENT
ACCURACY NOT GUARANTEED



S.E. 1/4, 23-33-1E. LAST CONNECTION
"BEACON"



Map Surfaces To Nearest Foot Accuracy Not Guaranteed. Scale: 1" = 200'

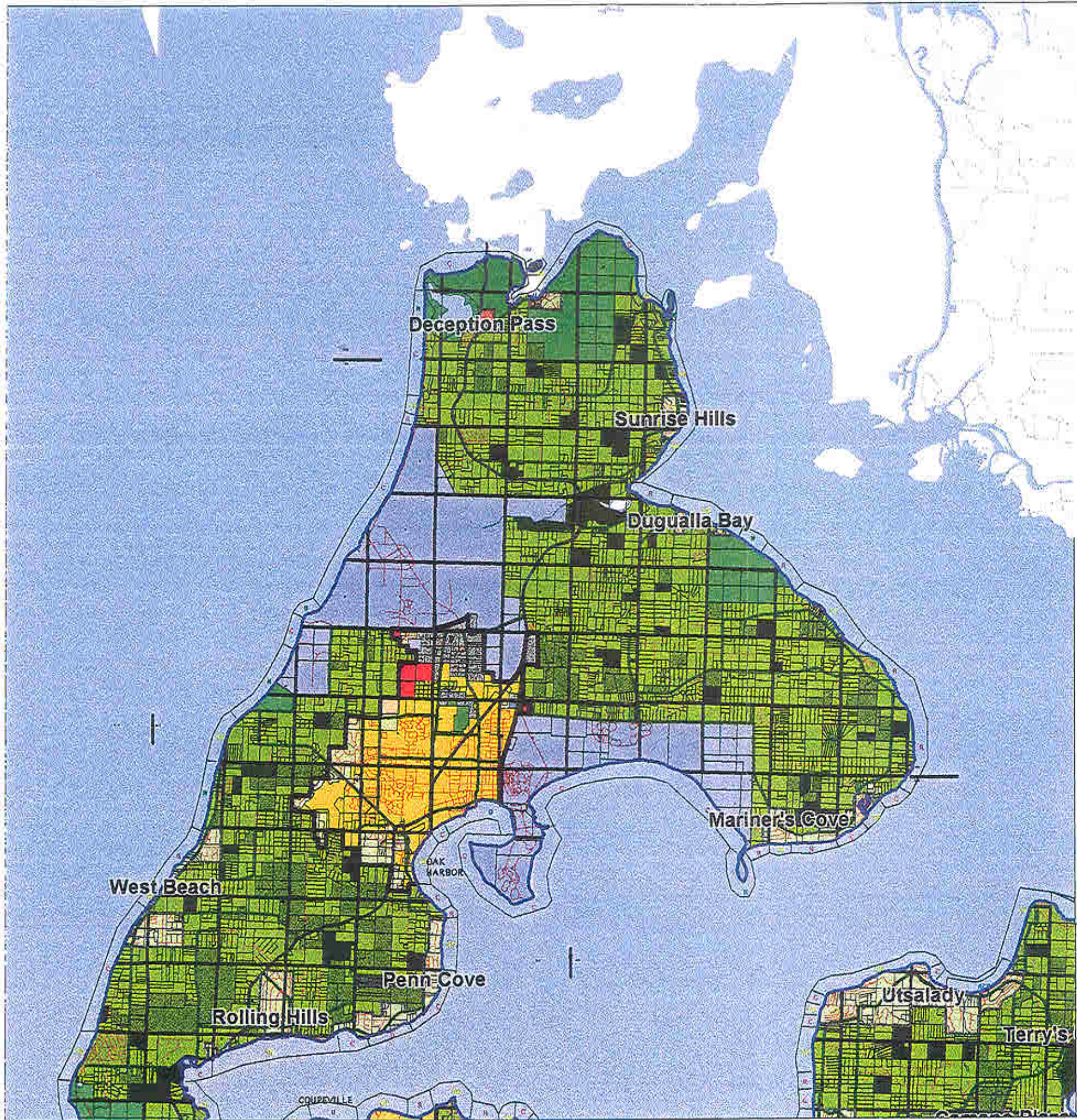
Exhibit B

B1: Current Island County Future Land Use Map

B2: Current Island County Zoning Atlas Map #219

B3: Current Oak Harbor Future Land Use Map

B1: Current Island County Future Land Use Map



- Single-Family Residential
- Medium-Density Residential
- High-Density Residential
- Commercial
- Industrial
- Public Use
- Open Space
- Agriculture
- Forest
- Wetlands
- Water
- Parks
- Schools
- Community Centers
- Public Works
- Utilities
- Transportation
- Other

Map of [City Name] showing land use zones and boundaries. The map is oriented with North at the top. The legend on the right side of the map provides a key for the various colors used to represent different land use zones. The map shows a grid of streets and a network of roads. The surrounding area is blue, representing water. The map is oriented with North at the top.

B2: Current Island County Zoning Atlas Map #219

--- UGA

UGA
POTENTIAL
ZONING

* For UGA potential zoning classifications, consult the City of Oak Harbor Planning Department

This map was adopted by
RESOLUTION C-02-99, PLG-002-99
signed by the BICC on 1/25/99



B3: Current Oak Harbor Future Land Use Map

This map depicts the City of Oak Harbor and NAS Whidbey region. Land Use Designations are shown along with recently revised Accident Potential Zones (APZs). The relationship between the APZs and parcels, land use designations and other features is an estimation and represents best efforts to approximate the location of these features. This map should be used as a guide only and should not be used for any purpose requiring more accurate analysis.

Source: NAS Whidbey Island and City of Oak Harbor -- February 2008

*Note - The Urban Growth Area (UGA) depicted on this map reflects the City of Oak Harbor's growth boundary as adopted by City Council in 2005. This boundary was updated in 2005 during the Comprehensive Plan review process and was amended to meet projected growth through 2025 as mandated by the Growth Management Act. Island County has not adopted the City of Oak Harbor's UGA and maintains a different UGA boundary as shown on this map.

**City of Oak Harbor, Washington
Future Land Use Designation Map
December 2008**

- | | |
|--|---|
|  Low Density Residential |  Highway Corridor Commercial |
|  Medium Density Residential |  Planned Industrial Park |
|  Medium-High Density |  Planned Business Park |
|  High Density Residential |  Industrial |
|  Residential Office |  Public Facilities |
|  Neighborhood Commercial |  Residential Estate |
|  Central Business District |  Special Planning Area |
|  Community Commercial |  Open Space |
|  Auto/Industrial Commercial |  Outside UGA |
| NAS Whidbey Accident Potential Zones | |
|  Subdistrict 1 |  Overlay Incentives |
|  Subdistrict 2 |  City Boundary |
|  Subdistrict 3 |  Federal |
|  NAS Noise Subdistricts |  Urban Growth Boundary* (City of Oak Harbor Adopted) |
|  NAS Whidbey |  Urban Growth Boundary* (Island County Adopted) |