



## ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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### TRANSMITTAL AND REPORT MEMORANDUM

**DATE:** May 1<sup>st</sup>, 2009  
**TO:** Island County Planning Commission  
**REGARDING:** Amendment to Chapters 17.03.090 ICC & 17.03.110 ICC to Permit Essential Public Facilities in RA and RF Zones  
**FROM:**

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Brandon Sweeza for Keith Higman, Interim Director  
Planner – Long Range

### INTRODUCTION TO PROPOSED AMENDMENT

Island County Planning & Community Development is proposing to amend ICC 17.03.090 and ICC 17.03.110 which regulate the Rural Agriculture (RA) and Rural Forest (RF) zones. The proposed amendment (Exhibit A) is to include “Essential Public Facilities” as a Type III decision though the Site Plan approval process regulated by Chapter 16.15 ICC in the RA and RF zones. Essential Public Facilities are facilities that provide a service to the public and are required to support basic social need in the community, region and state and are defined ICC 17.03.040.

### FINDINGS OF FACT

Essential Public Facilities are defined in Island County Code as follows:

*Those facilities that provide a service to the public and are required to support basic social needs in the community, region and state and to implement the comprehensive plan but are typically difficult to site because they may require an extremely large amount of acreage, have aesthetic issues that may not meet standards for rural character, create exceptionally high impacts from the amounts and type of transportation, excessive noise, odor, lighting and glare, and may involve unusually high security measures. Essential public facilities are limited to airports, military installations, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid*

waste-handling facilities, and large in-patient facilities including substance-abuse facilities, mental health facilities, group homes, municipal septage collection and treatment, public school facilities, and municipal sewage treatment facilities. Throughput transmission facilities, major utilities, and communication towers are not essential public facilities. Essential public facilities fall into the two following classifications:

a) *Class A Facilities.* These facilities serve a large region or the state and must locate in the rural area because they require extremely large sites and must be located away from centers of population due to their associated impacts and required security measures. They will have major impacts on the site and surrounding area due to changes to the natural landscape and vegetation at the time of site development and from the associated size of the use, and levels of traffic, noise, odors, lighting, and other factors during operation. These facilities are regional transportation facilities, such as regional airports, state correction facilities, and state educational facilities.

b) *Class B Facilities.* These facilities serve the county, a small region, or a neighborhood and need to be located near the populations they serve. They include solid waste-handling facilities, municipal septage collection and treatment, public school facilities, municipal sewage treatment facilities, group homes, including assisted living facilities, and large inpatient facilities (e.g., substance abuse facilities, and mental health facilities).

The State Growth Management Act requires that Counties establish rules that allow for the establishment of Essential Public Facilities. Counties do not have an option of prohibiting Essential Public Facilities. The County amended the Comprehensive Plan and Development Regulations in 1999 to comply with the GMA requirements. The Comprehensive Plan states that Essential Public Facilities are allowed in the Rural Agriculture and Rural Forest zones, however, the development regulations do not reflect these policies. Under GMA Comprehensive Plan policies must be consistent with Development Regulations. This amendment intends to reconcile the difference between the Comprehensive Plan and Development Regulations.

The Planning & Community Development Department processed the application as a Type IV decision, pursuant to Chapter 16.26 ICC. As such the standards of ICC 16.26.060(E) 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 amendment does not conflict with any other Plan elements or Development regulations established in Island County Code.

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

The proposed amendment maintains consistency with the Island County Comprehensive Plan. Essential Public Facilities are cited in the Island County Comprehensive Plan under the *Rural Element Land Use Designation Policies* section as being permitted in the Rural Forest and Rural Agriculture zones as cited below”

Rural Forest Lands (RF) – IC Comprehensive Plan (pages 130-131)

“The Rural Forest designation shall provide for appropriately categorized permitted and conditional uses that are compatible with the surrounding area and include... essential public facilities”

Rural Agriculture Lands (RA) - IC Comprehensive Plan (pages 131-133)

“The Rural Agriculture designation shall provide for appropriately categorized permitted and conditional uses that are compatible with the surrounding area and include... essential public facilities”.

The proposed amendments will allow Essential Public Facilities to be permitted through the Type III Site Plan Review process that are within the Rural Agriculture and Rural Forest zones. This amendment will not require any alterations to the Island County Comprehensive Plan as it is already included.

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

The proposed amendment is already included in the Comprehensive Plan and will update the County Code to be more consistent with the goals, objectives and policies of the Comprehensive Plan. Island County Wide Planning Policies outline in Policy #2 the Policies for Siting Essential Public Facilities of a County or State Wide Significance. The proposed amendments did not conflict with any of these policies.

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

The proposed amendment has been found to be consistent with the Island County Comprehensive Plan and the findings of fact that support the Comprehensive Plan.

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

The proposed amendment is present within the existing Island County Comprehensive Plan. Adoption of the proposed amendment will bring County Code into consistency with the Comprehensive Plan. The proposed amendments are consistent with the Revised Code of Washington which also regulates requirements established by 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.***

Staff could not determine why the proposed amendment was originally omitted from Island County Code. The amendment serves to bring Island County Code into consistency with the current Comprehensive Plan.

## **CONCLUSION & RECOMMENDATION**

The proposed amendments, provided in Exhibit A, were determined by staff to be in compliance with the Growth Management Act and the Island County Comprehensive Plan. The Island County Ordinances and the Island County Comprehensive Plan were developed in accordant to requirements established by the Growth Management Act (GMA), and outlined in RCW 36.70A.

The attached revision to 17.03.090 ICC & 17.03.110 ICC is recommended for **Approval**.

Exhibit A - Proposed revision to Chapter 17.03.090 ICC

Exhibit B – Proposed revision to Chapter 17.03.110 ICC