



## ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

Robert Pederson, AICP  
Director

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522, Ext. 7339 ■ from S. Whidbey (360) 321-5111, Ext. 7339  
FAX: (360) 679-7306 ■ 1 NE 6<sup>th</sup> Street, P. O. Box 5000, Coupeville, WA 98239-5000  
Internet Home Page: <http://www.islandcounty.net/planning/>

---

### TRANSMITTAL AND REPORT MEMORANDUM

**DATE:** May 5, 2010  
**TO:** Island County Planning Commission  
**REGARDING:** 2010 Annual Review Docket

**FROM:**

---

Anthony Boscolo  
Senior Planner

### INTRODUCTION

Early each year, the Board of Island County Commissioners considers, reviews and establishes amendments to the Island County Comprehensive Plan and Development Regulations. This list of proposed amendments is referred to as the Annual Review Docket. The procedures established in Chapter 16.26 ICC govern the Annual Review Docket process. This process mandates at least one public hearing, and review and recommendations by the Planning Commission to the Board, for each item on the Docket.

### 2010 PROPOSED AMENDMENTS

Listed below are summary reports for each of the items on the 2010 Annual Review Docket. Detailed staff reports on each issue will be provided to the Planning Commission as each move through the public process. With the exception of the SMP/FWHCA Update, each item listed on the 2010 Docket is a carryover of unfinished work from prior review dockets.

Staff began the process of identifying potential 2010 Docket items last fall, in a number of work sessions with the Board. This was a difficult process because budgetary and staffing constraints played a major role in determining the number of potential amendments that could be realistically placed on the Docket.

---

On February 8, 2010, the Board held their annual joint meeting with the Planning Commission and the Hearing Examiner. A good deal of the discussion focused on the upcoming Annual Review Docket and other zoning code amendments and work program items noted by staff and the public.

On March 9, 2010, the Planning Commission held a public hearing to review the list of proposed docket items. There was not a quorum at this meeting, so no formal Planning Commission recommendation was made. The views expressed by the Planning Commission members present were relayed to the Board in a work session on March 17, 2010.

During the March 17, 2010 work session the Board established the following list of docket items for 2010, listed in order of priority. This list was formally adopted on March 22, 2010.

### **Island County Comprehensive Plan: Parks and Recreation Element**

The Island County Parks and Recreation Element of the Comprehensive Plan was first adopted in 1998. The 1998 Plan was a continuation of prior park planning efforts that began in 1969, with the Island County Parks and Recreation Study. This study primarily consisted of an inventory of existing facilities and needs.

As with the other Comprehensive Plan elements, the Parks element needs to be kept up to date to reflect the current conditions and ideals of the community it represents. An effort to update the Parks element began last year but was removed from the 2009 Annual Review Docket do to staffing constraints.

In late 2009, additional funding was identified to support the 2010 Parks update including funding from the Whidbey Camano Land Trust. The Public Works Department will provide staff for this project, supported by the consulting firm Moore Iacofano Goltsman Inc.

### **Island County Comprehensive Plan: Land Use Element, UGA & Population Projections**

In 2005, Island County began the process of updating the Urban Growth Areas established in the Comprehensive Plan, as required by RCW 36.70A. This project was given file number CPA 155/04 Urban Growth Area and Population Projections and was reviewed as part of the 2005 Annual Review Docket. This effort focused specifically on the Oak Harbor UGA.

In 2005 and 2006, the Island County Planning Commission held a series of public hearings and ultimately recommended of approval on December 12, 2006. In January 2007, the Planning Commission signed their Findings of Fact, formalizing their approval recommendation of CPA 155/04 to expand the UGA surrounding the City of Oak Harbor.

Following the Planning Commission recommendation, Island County issued a SEPA Mitigated Determination of Non Significance (MDNS) for the UGA expansion. This resulted in 4 appeals. Before the appeal process was completed, the MDNS was withdrawn by Island County. At the time of withdrawing the MDNS, the Planning Director stated that a Determination of Significance (DS) would be issued. The DS was never issued and no further action on the UGA request was taken.

In the fall of 2009, the City and the County Planning Directors spoke about the need to complete the process on the pending UGA expansion. On February 3, 2010, the City sent a letter to the County, requesting a schedule for completion be established. The matter was subsequently placed on the Planning Commission Docket for action this year.

It should be noted that since the Planning Commission has already reviewed this matter, no further action by the Planning Commission is necessary.

### **Freeland Subarea Plan: Remaining Elements**

In December of 2007, the Board of Island County Commissioners adopted Ordinance C-129-07, designating Freeland as a Non-Municipal Urban Growth Area (NMUGA) and adopted the land use element of the Freeland Subarea Plan. The Growth Management Act (RCW 36.70A) requires that sub area plans and comprehensive plans contain seven specific elements. The land use element adopted by C-129-07 is one of the seven required elements.

In this year's docket, staff intends to complete the remaining elements of the Freeland Subarea Plan, including a revised land use element. The Planning Commission will then review and provide recommendation on the Land Use, Utilities, Parks, Transportation, Capital Facilities, Housing, and Economic Development elements of the Freeland Subarea Plan.

### **Shoreline Master Plan (SMP) / Fish and Wildlife Habitat Conservation Areas (FWHCA) Combined Update**

In 2001 Island County adopted its Shoreline Master Program as an element of the Island County Comprehensive Plan. Unlike other Comprehensive Plan Elements and Development Regulations, the SMP contains both the policy language and the regulatory language in a single document. The Island County SMP regulates lands which fall under the jurisdiction of the Washington State Shoreline Management Act (SMA) of 1971 including:

- All marine waters;
- Lakes 20 acres or larger;
- Upland areas, called shorelands, that extend 200 ft. landward from the edge of these waters; and
- Wetlands and floodplains associated with one of the above

The SMA requires Island County to amend its SMP on or before December 1, 2012. This summer, Island County will embark on this three year process. The Island County Planning Commission will receive periodic updates on the status of the amendments, which are planned for Planning Commission review in 2012.

In late 2009, the Washington State Department of Ecology authorized Island County to review and update its FWHCA regulations concurrently with SMP update, allowing the County to see the efficiencies of combined review. As such, the Planning Commission will also receive updates on the status of these amendments.

Concurrent review and update of these two regulatory tools is encouraged by the State because of their close jurisdictional proximity. The FWHCA regulations are apply to the following areas:

- Areas with which endangered, threatened, and sensitive species has a primary association;
- Streams;

- Commercial and recreational shellfish beds;
- Kelp and eelgrass beds;
- Herring and smelt spawning areas;
- State natural area preserves;
- State natural resource conservation areas;
- Species and Habitats of Local Importance;
- Flora included in the Protected Species List; and
- Areas identified by the Washington Natural Heritage Program.

RCW 36.70A.130 mandates that FWHCA regulations be reviewed by December 1, 2005, and every seven years thereafter. From 2005 to 2008, Island County was engaged in an extensive update of its wetland regulations. During this time, the County was granted extensions for its review of FWHCA regulations.

### **Aircraft Accident Potential Zone (APZ)**

With the adoption of the Island County Comprehensive Plan in September of 1998, Island County confirmed its support for Naval Air Station (NAS) Whidbey Island, and put in place goals, policies, and implementation strategies to ensure future operational use of NAS Whidbey while protecting public health, safety, and welfare. Some of the strategies include aircraft noise attenuation standards for new home construction, and the Accident Potential Zone (APZ) designations to ensure that future development density and land uses were appropriate for those areas.

The development regulations adopted at that time incorporated noise attenuation standards, but only placeholders for future APZ regulations.

In 2007, the Board of Island County Commissioners took the additional step outlined in the Comprehensive Plan and adopted Ordinance C-87-07, which established special development regulations for properties within the APZs. This ordinance also revised the Comprehensive Plan, updating language and data on the financial impact of NAS Whidbey on Island County.

As a result of the 2007 action, concerns about the fairness of the notification and adoption process were raised. These concerns culminated in an appeal against Island County, which accused the County of failing to comply with the public participation requirements of RCW 36.70A.140. The appeal was denied by the Western Washington Growth Management Hearings Board.

Regardless of the outcome of the litigation spawned by the 2007 ordinance, some property owners who live within the APZ areas continue to be concerned. They have expressed interest in:

- Eliminating the 'race track' extensions of APZ II, added during the adoption process.
- Revisiting the list of permitted and prohibited uses in the APZ designations.
- Other concerns about the Navy flight operations and ensuing noise.

Staff anticipates that any changes to the APZ boundaries, or the list of permitted and prohibited uses within the APZs will be an intensive effort. This effort will require considerable commitment of staff resources and additional budgetary resources for public outreach.

Finally, and most importantly, changing the APZ designations, noise contours, or APZ overlay requirements will require companion amendments to the Comprehensive Plan. A thorough review and public process for Comprehensive Plan amendments involving NAS Whidbey will likely

generate intensive public input, scrutiny, and a good deal of controversy. While the public process is welcomed and encouraged, staff must point out the resource constraints associated with this Docket item.

Accordingly, this item was placed last on the docket list. At a minimum staff will endeavor to develop a work plan for this item.