Chapter 16.26
Comprehensive Plan/Development Regulation Review and Amendment Procedures

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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 Titles 8, 11, 13, 16 and 17 ICC.

16.26.020 Applicability
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;

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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 ICC; 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. 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. Capitalized words and phrases identify a term defined in this Chapter; other Chapters of Title or Chapters contained in Title 17.

Comprehensive Plan: The Comprehensive Plan adopted to comply with Chapter 36.70A RCW including all optional elements adopted through Ordinance C-123-98 as hereafter may be amended by the Board of Island County Commissioners.

Development Regulation: The specific Chapters in Title 8, 11, 13, 16 and 17 of the Island County Code that have been adopted expressly to implement the Comprehensive Plan and are adopted pursuant to Chapter 36.70A RCW.

Findings of Fact and Legislative Intent: The formally adopted document that establishes both the factual basis for the Comprehensive Plan and Development Regulations and serves as the interpretive guide for legislative intent.

Site Specific Amendment: An amendment to the Comprehensive Plan or Development Regulations that affects one or a small group of Parcels, most frequently an amendment to the Land Use Map and/or Zoning Atlas.


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 ICC. SBPA 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 may be initiated by any Person, the Board, the Planning Commission or the Planning Director or the Department Director responsible for the administration of a Development Regulation.

B. Amendments may be considered by the Board no more frequently than once a year and all proposed amendments shall be considered concurrently so that the cumulative effect of the various amendments can be ascertained.

C. All amendments adopted by the Board shall be consistent with Chapter 36.70A RCW and shall comply with Chapter 43.21C RCW.

D. 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.


16.26.060 Annual Review Procedures

A. Amendments proposed by a Person shall be accepted at any time during the calendar year but those applications received after February 1st of each calendar year shall be reviewed during the following calendar year.

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, the Planning Director shall forward to the Board and Planning Commission a complete listing of amendments requested by a Person, the Board, the Planning Commission or the Planning Director. This list shall be known as the Annual Review Docket.

D. The Planning Director shall review the Annual Review Docket with the Board of County Commissioners by April 1 of each year. The review shall consider whether any proposed amendment should remain on the Annual Review Docket or be moved to the Eight-Year Review Docket pursuant to 16.26.090 ICC.

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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 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.


16.26.070 Application Requirements

A. All applications for amendment of the Comprehensive Plan or Development Regulations submitted by a Person 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 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. Persons wishing to initiate an Amendment are encouraged, but not required, to use the preapplication procedures of ICC 16.19.050.


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16.26.080  Public Notice and Comment

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 ICC 16.19.120.

B. 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.

C. Within ten (10) days of adoption, the Planning Director shall transmit the adopted Plan amendment, 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 Procedures

A. The Eight-Year 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 Review 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. 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.

C. The Seven-Year Review Cycle shall 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.


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