



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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~ *MEMORANDUM* ~

TO: Board of Island County Commissioners

FROM: Robert H. Pederson, AICP
Director

DATE: August 31, 2010

SUBJECT: CPA 155/04 Oak Harbor UGA Expansion

INTRODUCTION

As the Board is aware, the above referenced Comprehensive Plan Amendment for expansion of the Oak Harbor Urban Growth Area (UGA) remains an unfinished work item from the 2005 update of the Island County Comprehensive Plan.

The Island County land use review process (ICC Chapter 16.19) establishes that any Comprehensive Plan Amendment initiated pursuant to Chapter 36.70A RCW (the Growth Management Act) is defined as a Type IV legislative decision, which is made by the Board of Commissioners after recommendation by the Planning Commission.

There has been no County action on CPA 155/04 since May 19, 2008, when the then Planning Director sent a memorandum to the Hearing Examiner withdrawing the SEPA Mitigated Determination of Non-Significance (MDNS) for this proposal. At the time, there were four (4) appeals of the SEPA MDNS¹ pending before the Island County Hearing Examiner. This memo also requested that the Hearing Examiner cancel a scheduled appeal hearing on June 5, 2008 and close all of the appeals. On May 20, 2008, the County notified the appellants and attorneys involved that the appeal hearing was cancelled. These events occurred after the Island County Planning Commission (PC) recommended approval of CPA 155/04 on December 12, 2006 and January 9, 2007.

Most recently (February 3, 2010), the City of Oak Harbor Planning Director requested that the Planning Department provide "a schedule as to when this matter will be placed before the County Commissioners for action." In an effort to bring closure to this long outstanding item, the Board included CPA 155/04 as one of the top priorities in the Annual Review Docket and Planning Department work program for 2010.

¹ The four appeals were consolidated into one consolidated appeal.

This memo is intended to provide a framework for the County to complete the review of CPA 155/04 and take final legislative action on this matter.

BACKGROUND

The following information is intended to summarize the history of the process to date for CPA 155/04. The complete case file is available for review from the Planning and Community Development Department.

Statutory Requirements – Initial Designation of Urban Growth Areas

RCW 36.70A.110 requires each county that is required to plan under the Growth Management Act (GMA) to designate an UGA or areas within which urban growth is encouraged. Each city shall be included within a UGA. The UGA may also include territory that is outside of the city if such territory is characterized by urban growth or is adjacent to territory already characterized by urban growth [see RCW 36.70A.110(1)]. Under RCW 36.70A.110, counties are required to designate UGA boundaries. As part of this process, cities are to provide proposed UGA boundaries to the County that comply with the requirements of the GMA. Counties are not necessarily required to adopt the proposals from the cities, exactly as they are proposed. Counties and cities are to attempt to reach agreement on UGA boundaries. **Ultimately, it is the responsibility of the County to designate the UGA and the County is required to justify in writing or “show its work” why it so designated the area in an UGA** (Emphasis added).

Within Island County, the Oak Harbor, Coupeville, and Langley UGAs were first established with adoption of the Comprehensive Plan, the Zoning Ordinance, and Official Zoning Atlas in December of 1998 (Ord. C-123-98). The boundaries of these UGAs have not changed since the 1998 adoption of the Comprehensive Plan.

Statutory Requirements - Periodic Review

The GMA also requires a periodic review of the designated UGAs and the densities permitted in the incorporated and unincorporated portions of each UGA. Pursuant to RCW 36.70A.130(3)(a), each county that designates urban growth areas under RCW 36.70A.110 ...

”shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city within an UGA shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas”.

RCW 36.70A.130 (3)(b) further provides:

“The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.”

RCW 36.70A.130 also establishes a seven year review cycle for the County to revise its land use plan and development regulations, including those regulations regarding critical areas and natural resource lands. This review may be combined with the required periodic review of UGAs. See RCW 36.70A.130(1)(c).

In summary, the GMA requires periodic review of UGA boundaries and densities – at least every 10 years. The GMA also requires review of critical area regulations every 7 years. These two review cycles may be combined to every 7 years. In addition to the GMA requirements discussed above, Island County Code also establishes additional requirements for review of UGAs. These requirements are summarized below.

Island County Code Requirements – Comp Plan Amendments and UGAs

Island County Code Chapter 16.19 establishes the Land Use Review process for the County. A Comprehensive Plan Amendment is defined as a Type IV legislative action (ICC 16.19.040A). ICC Chapter 16.26 establishes the procedures for review of Comprehensive Plan Amendments.

Island County has adopted a procedure requiring a seven year review of UGAs (see ICC 16.26.090). This seven year review cycle was established in accordance with RCW 36.70A.130. For Island County, the first seven year review of the urban growth areas, which were first established in 1998, should have been completed on or before December 1, 2005.

To meet this requirement, the County began working on the UGA updates as early as 2003, as noted in the summary of key dates and events set forth below. And although a considerable amount of effort went into the UGA review at its onset, final legislative action has yet to be taken regarding the Oak Harbor UGA (as required by ICC 16.26.090). CPA 155/04 represents the City of Oak Harbor’s recommendation to expand the UGA for Oak Harbor.

In addition to the Oak Harbor UGA, the County also worked with the City of Langley and the Town of Coupeville to review their UGA boundaries. During this process, both municipalities determined that no changes to their UGAs were necessary. These decisions will be incorporated into final legislative action on CPA 1555/04.

Statutory Requirements - SEPA Threshold Determination & Compliance

Chapter 197-11 of the Washington Administrative Code (WAC) establishes the procedural rules for the State Environmental Policy Act (SEPA – RCW 43.21C). SEPA requires a review of the potential environmental impacts of proposed legislative actions initiated under the GMA. This means that CPA 155/04 is subject to review under SEPA.

WAC 197-11-055 sets forth the timing for the SEPA process:

- (1) **Integrating SEPA and agency activities.** *The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.*
- (2) **Timing of review of proposals.** *The lead agency shall prepare its threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.*

WAC 197-11-310 requires a Threshold Determination be made for any planned action and WAC 197-11-310(3) establishes the time requirement for threshold determinations:

- (3) *The responsible official shall make a threshold determination no later than **ninety days after the application and supporting documentation are determined to be complete.** The applicant may request an additional thirty days for the threshold determination (RCW 43.21C.033).*

Island County Code Requirements– SEPA Compliance

Island County Code Section 16.19.150 specifically addresses SEPA Compliance and Environmental Procedures. The relevant sections in this instance include:

16.19.150 SEPA Compliance and Environmental Procedures

An application for project approval or a legislative action initiated pursuant to Chapter 36.70A RCW shall comply with Chapter 43.21C RCW, the State Environmental Policy Act (SEPA), Chapter 197-11 WAC, and Chapter 16.14C ICC, County Environmental Policy.

A. Except for a Determination of Significance and except as otherwise expressly allowed by RCW 36.70B.110, the County may not issue its threshold determination until the expiration of the public comment period provided for in this section.

E. For Type IV legislative actions initiated pursuant to Chapter 36.70A RCW the associated SEPA threshold determination is a Type II decision that is appealable to the Hearing Examiner. The Hearing Examiner's decision may be appealed to the Growth Management Hearings Board.

F. The public comment period provided for in ICC 16.19.140 shall constitute the integrated comment period provided for by WAC 197-11-355 and used to obtain comments on the application and the threshold determination made under SEPA and Chapter 16.14C ICC. If a DNS is issued, a second public comment period will not be required.

CPA 155/04 - Procedural History and Key Dates

- November 14, 2003: The BICC was informed that the Planning Commission (PC) would be holding public hearings to discuss population projection allocations and Urban Growth Areas during the summer of 2004. It was anticipated that the Board would hear this matter in late 2004.
- December 9, 2003: Planning Commission public meeting – staff presentation indicated that the 1998 population projection for 2000 was about 10,000 persons more than the actual count from the 2000 Census.
- May 3, 2004: Island County Planning identified 5 issues that needed to be addressed by the PC during the update regarding population projections, allocation, and UGAs. These issues were:
 - 1) Using the high, medium, or low Office of Financial Management (OFM) population projections
 - 2) Updating County-Wide Planning Policy #9 and the chart showing existing and projected population
 - 3) Revising Comp Plan population details (regional estimates, household size, etc.)
 - 4) Reviewing the Urban vs. Rural population split
 - 5) Updating the Comp Plan Future Land Use map and Zoning Atlas
- May 11, 2004: PC public meeting – The CPA 155/04 population projection and UGA updates were introduced to the PC.
- May 25, 2004: PC public meeting – Continued discussion of CPA 155/04. No action taken.
- June 8, 2004: PC public meeting – Continued discussion of CPA 155/04. A motion passed “to provide a planning target to staff at a midpoint between the medium and high population projections”.
- June 22, 2004: PC public meeting – Continued discussion of CPA 155/04. Population projection figures were presented. No action taken.
- July 13, 2004: PC public meeting – Continued discussion of CPA 155/04. No action taken.

The next Island County Planning Commission meeting on CPA 155/04 did not occur until September 27, 2006. In the meantime, the cities conducted their own comprehensive plan amendment process.

Town of Coupeville and City of Langley – CPA Process

On June 2, 2004 and March 15, 2005, the Town of Coupeville and City of Langley, respectively, notified the County that there was no need or interest in expanding their UGAs.

City of Oak Harbor CPA Process - Key Dates

- August 23, 2004: A letter from Oak Harbor informed the County, “As you can see from these preliminary estimates, the City of Oak Harbor would appear to have roughly (within 100 people) just enough residential capacity within its existing urban growth area to accommodate our 2025 population projection.” The attached information indicated that 30, 419 was the estimated population growth within the Oak Harbor UGA. OH also formed a Comprehensive Plan Task Force (CPTF) made up of 15 citizens.
- November 17, 2004: OH CPTF public meeting to discuss the population forecasts for 2025. No action taken.
- February 9, 2005: OH CPTF public meeting to discuss UGA boundary. A Land and Housing Capacity Analysis was presented. City staff identified a need for 3,190 new homes in the 20 year planning horizon and showed the current available capacity in the current UGA as 3,392.
- April 13, 2005: OH CPTF public meeting to discuss three scenarios for UGA expansion. These scenarios were:

- No Expansion
- 115% Expansion Option (± 280 additional homes)
- 125% Expansion Option (± 600 additional homes)

8 potential expansion areas were shown (map attached):

| Expansion Area | Name | Future OH Land Use Designation | Future OH Zoning | Housing Capacity |
|----------------|----------------|--------------------------------|------------------|------------------|
| 1 | Hansen | Planned Industrial Park | OH-PIP | 0 |
| 2 | Hillcrest | Low Density Residential | OH-R | 157 |
| 3 | Cohick | Low Density Residential | OH-R | 35 |
| 4 | Fakkema | Special Planning Area | Mixed | 352 |
| 5 | Krieg | Low Density Residential | OH-R | 8 |
| 6 | Gaston | Low Density Residential | OH-R | 32 |
| 8 | Walker Heights | Low Density Residential | OH-R | 61 |
| Total | | | | 646 |

No action taken at this meeting.

- June 15, 2005: OH CPTF public meeting. A motion to accept the housing capacity analysis methodology passed. There was discussion that the City has enough capacity (106%) within the existing UGA for the 2025 population. A discussion of a smaller vs. larger “cushion” of housing capacity followed. A motion to accept the UGA as it currently exists failed.
- June 29, 2005: OH CPTF public meeting. A motion was approved to recommend to the OH Planning Commission to include the list of properties in the UGA. Another motion approved to designate the Fakkema property as a special planning area.
- September 20, 2005: OH CPTF and PC hold joint study session with OH City Council.

- September 27, 2005: OH City Council public hearing to receive public comment on the analysis and proposed revisions.
- October 18, 2005: OH City Council public meeting regarding recommendations of the CPTF and PC. City Council approves a number of amendments to City Comprehensive Plan.
- October 24, 2006: OH PC public meeting to consider potential amendments to the OH Comprehensive Plan.

CPA 155/04 – Resumption of Island County Planning Commission Proceedings

- September 27, 2006: PC public meeting. Staff noted that 3 work products were needed to effectuate the necessary changes:
 - 1) Review and update the IC Comprehensive Plan
 - 2) Review and update the County Wide Planning Policies
 - 3) Review and update the Interlocal Agreements and Maps

The history of the project was reviewed. The following information was presented with respect to Oak Harbor:

OH population projections:

- Developed population projection for 2025 based on number of permits issued over previous 5 years.
 - Projected population of 30,419 in 2025.
 - This is 518 fewer persons than the 2020 projection stated in the 1998 CP.
 - The City performed a land capacity analysis in 2005 and found the capacity within current UGA can meet 106% of projected need.
 - The City concluded more land is needed in UGA.
 - The City solicited and received letters from landowners wanting to have their property included in the UGA.
 - The CPTF recommended that seven areas be added to the UGA.
 - The City recommends UGA be expanded to accommodate 126.5% of forecasted population to provide a “cushion”.
- October 24, 2006: PC public hearing. Public comments received. No action taken.
 - December 12, 2006: PC public meeting. A SEPA MDNS was presented. PC adopted a motion to recommend approval of the Oak Harbor UGA expansion and forward this recommendation to the BICC.
 - January 9, 2007: The PC held a public meeting and a motion was made and carried to adopt the recommendation for the Oak Harbor UGA expansion and that their findings be transmitted to the BICC.

After the 2007 PC recommendation, the County did not take further legislative action on CPA 155/04. This unfinished procedural step will be further discussed later in this memo. The County did, however, begin a review of the proposed amendment under SEPA. The SEPA process for CPA 155/04 is summarized below. Apparently, the appeals of the SEPA determination were one reason that the PC recommendation was never transmitted.

SEPA Process for CPA 155/04 - Key Dates

As noted above, a Comprehensive Plan Amendment is a legislative action of local government initiated pursuant to Chapter 36.70A RCW. Pursuant to ICC 16.19.150 E, the corresponding SEPA Threshold Determination for a Comprehensive Plan Amendment is a Type II decision that is appealable to the Hearing Examiner. The Hearing Examiner's decision may be appealed to the Growth Management Hearings Board. A summary of the SEPA review process to date for CPA 155/04 is as follows:

- 09/09/04: The City of Oak Harbor issued a Determination of Non-Significance (DNS) for their proposed 2005 amendments to the City Comprehensive Plan and Development Regulations, which included the ± 180 acre proposed expansion of the Urban Growth Area.
- 05/09/07: Following the review and recommendation by the Planning Commission, Island County issued a Mitigated Determination of Non-Significance (MDNS) for the proposed expansion of the Urban Growth Area.
- 05/23/07: Public comment period for the MDNS ended.
- 05/30/07: Island County issued the Notice of final SEPA MDNS decision.
- 06/13/07: Deadline for appeals. Four parties appealed the County's MDNS. These parties were:
 1. GayLynn Beighton
 2. WEAN
 3. Swan Lake Watershed Preservation Group
 4. City of Oak Harbor

In addition, the Fakkema Family entered into the litigation as an intervening party.

- 05/19/08: The appeal process came to a halt when the then Island County Planning Director (SEPA Responsible Official) sent a memo to the Island County Hearing Officer stating, in part:

"The County will be proceeding with a formal withdrawal of the MDNS and notifying agencies with jurisdiction and the other appellants. The County will also be proceeding with issuance of a new threshold determination after conducting additional evaluation of the proposal."

As noted above, the 5/19/08 memo indicated that two things would happen sometime in the future: (1) the County would formally withdraw the MDNS and notify the other agencies and appellants; and (2) that the County would be proceeding with the issuance of a new SEPA Threshold Determination after conducting additional evaluation of the proposal.

In reviewing the County files on this matter, I can find no indication that any further action under SEPA has taken place since May 19, 2008. Accordingly, there is further

action that the County should take in SEPA appeal No's 256/07, 257/07, 258/07, and 261/07. This unfinished procedural step will also be further discussed in this memo.

CPA 155/04 - REQUIRED PROCEDURAL STEPS NOT COMPLETED

There appear to be three procedural actions that have not been completed by Island County for CPA 155/04. These actions are:

- 1) Transmittal of the Planning Commission Recommendation to the BICC
- 2) SEPA Threshold Determination and Compliance
- 3) Final Legislative Action by the Board on CPA 155/04

A discussion of each of the unfinished procedural steps follows.

1) Transmittal of the PC Recommendation

The review and processing of Comprehensive Plan amendments is governed by ICC Chapter 16.26 - Comprehensive Plan/Development Regulation Review and Amendment Procedures. This chapter implements the Growth Management Act requirements (Chapter 36.70A RCW).

Pursuant to RCW 36.70.610, a section of the Planning Enabling Act that also applies to Island County:

*"A copy of any official control or amendment recommended by the Planning Commission **shall be submitted to the BICC not later than fourteen days following the action by the commission** and shall be accompanied by the motion of the planning agency approving the same, together with a statement setting forth the factors considered at the hearing, and analysis of findings considered by the commission to be controlling" (emphasis added).*

While a Comprehensive Plan amendment differs from an official control (e.g., an amendment to the zoning code), ultimately, CPA 155/04, if approved, will necessitate corresponding changes to official zoning atlas for any parcels added to the Oak Harbor UGA.

Clearly, the fourteen day time requirement noted above has not been met. However, the fact that the PC recommendation has not been timely transmitted does not now bar the transmittal of the PC recommendation to the BICC, as required by the Planning Enabling Act. The City of Oak Harbor has also requested final action on this long standing matter. Accordingly, transmittal of the PC recommendation on CPA 155/04 is attached under separate cover.

Transmittal of the PC Recommendation – Next Steps

RCW 36.70.620 requires that:

“Upon receipt of any recommended official control or amendment thereto, the board shall at its next regular public meeting set the date for a public meeting where it may, by ordinance, adopt or reject the official control or amendment” (emphasis added).

The above provision requires that after the Planning Commission recommendation is submitted to the BICC, then the BICC shall at its next regular public meeting, either on a Monday or a Wednesday, set the date for a Monday public meeting where it may, by ordinance, adopt or reject the proposed amendment.

As noted in the recommendations at the end of this memorandum, staff recommends that the Board move this item forward to the September 13, 2010 regular meeting. On 9/13/10, staff recommends that the Board set the date for a public meeting on CPA 155/04. The purpose of this meeting would be to determine whether the Board will adopt or reject the PC recommendation on CPA 155/04.

Currently, the recommendation of the Planning Commission is to adopt the City of Oak Harbor’s recommendation to expand the Oak Harbor Urban Growth Area by about 180 acres. This recommendation includes expanding the OH UGA to include 7 new parcels, which would accommodate 126% of projected population for Oak Harbor, forecasted for the 20 year period until 2025.

BICC Action on Planning Commission Recommendation

Following the public meeting on CPA 155/04, the Board will have 2 options:

Option A – The Board may accept the PC recommendation without any changes and adopt CPA 155/04 (final legislative action) at the next public hearing²;

Or

Option B - The Board may decide to not accept the PC recommendation, and make a determination that changes to proposed CPA 155/04 are necessary, and schedule a future public hearing to consider adoption of a revised CPA 155/04 with any changes deemed necessary by the Board.

To assist the Board in deciding which option to pursue, a staff report will be prepared to outline the issues associated with CPA 155/04. This report will be presented at the public meeting. I anticipate that there will be extensive discussion and public comment,

² See ICC 16.19.040(4), “Type IV decisions are legislative decisions made by the Board of Commissioners after recommendation by the Planning Commission. Public hearing(s) conducted by the Planning Commission precede a recommendation. **The Board may, but in most cases will not,** conduct its own hearing(s) after receiving the recommendation. Type IV decisions involve the establishment of public policy that may later be applied to Type I through Type III decisions” (emphasis added).

if the Board allows public comment, during the public meeting (Note: staff recommends that the Board allow public comment).

Option A. If the BICC were to decide to take legislative action and wish to adopt the current proposal, as recommended by the Planning Commission, then a new SEPA threshold determination will first be required prior to any legislative action. In addition, the final text and map amendments to the Comprehensive Plan will need to be submitted to the Washington State Department of Commerce (DOC) for state agency review, at least sixty days prior to the BICC taking final legislative action [See RCW 36.70A.106(3)]. These requirements mean that final BICC legislative action would need to be scheduled for a future meeting. I estimate that these steps will take about 3 months (30 to 45 days to prepare the text and map amendments and 60 days for DOC review).

Option B. Should the Board decide not to accept the PC recommendation, RCW 36.70.630 states:

*“...if after considering the matter at a public meeting as provided in RCW 36.70.620 **the board deems a change in the recommendation of the planning agency to be necessary**, the change shall not be incorporated in the recommended control until **the board shall conduct its own public hearing, giving notice thereof as provided in RCW 36.70.590, and it shall adopt its own findings of fact and its own analysis of findings considered by it to be controlling**” (emphasis added).*

This option means that following the public meeting, and after the Board has deliberated on the scope and extent of changes needed, CPA 155/04 would be referred back to the Planning Commission, as required by RCW 36.70.430:

“When it deems it to be for the public interest, or when it considers a change in the recommendations of the planning agency to be necessary, the board may initiate consideration of a comprehensive plan, or any element or part thereof, or any change in or addition to such plan or recommendation. The board shall first refer the proposed plan, change or addition to the planning agency for a report and recommendation. Before making a report and recommendation, the commission shall hold at least one public hearing on the proposed plan, change or addition. Notice of the time and place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing.”

Procedurally this means that following the Board public meeting, an ordinance will be drafted by staff that incorporates the changes desired by the Board, including the analysis and findings of fact to support the change(s) to CPA 155/04 deemed necessary by the Board. Corresponding text and map amendments to the Comprehensive Plan will also be prepared and included as exhibits to the proposed ordinance.

The entire matter will then be scheduled for a Planning Commission public hearing. The Planning Commission has 90 days in which to hold a public hearing to take comment

and then issue a report and recommendation to the BICC. The BICC would only need to hold their own public hearing if the Planning Commission fails to report within the 90 day window. The BICC could at that point adopt the proposal as it was sent to the Planning Commission, even if the Planning Commission reports back and recommends not to adopt it. But if the Planning Commission were to fail to hold a public hearing **and** report back with a recommendation within 90 days, then the BICC must hold their own public hearing (See RCW 36.70.420).

And as in the case of Option A, the final text and map amendments for Option B also need to be submitted to the Department of Commerce) for state agency review, at least sixty days prior to the BICC taking final legislative action. For Option B, I estimate that it may take up to 4 months to complete these actions (up to 60 days to prepare the text and map amendments, conduct the Planning Commission public hearing, and 60 days for DOC review).

2) SEPA Compliance

Following Board action on the Planning Commission's recommendation for CPA 155/04, a SEPA Threshold Determination will need to be made to complete the unfinished SEPA process. As in the case of transmittal of the PC recommendation, this procedural step is long overdue but this does not now bar the SEPA Responsible Official from issuing a Threshold Determination, as required by Chapter 197-11 WAC. A new SEPA Threshold Determination will trigger new public comment and appeal periods.

3) Final Legislative Action

As detailed above, Board action on the Planning Commission recommendation will determine the process and timing for final legislative action. When setting the public hearing date for final legislative action, we will need to incorporate sufficient time for all required actions.

STAFF RECOMMENDATIONS

During the next public meeting (9/13) after transmittal of the PC Recommendation, staff recommends that the Board set the date for a public meeting to review the PC recommendation.

Staff recommends that on September 13th, the Board schedule the public meeting to review the PC recommendation and findings for CPA 155/04 for October 11, 2010. This schedule will allow preparation of the staff report and to give adequate public notice required under RCW 36.70.590.

Tentative Schedule & Agenda/Action Item(s)

**09/08/10 BICC staff session – (1) Review history of CPA 155/04
(2) Transmittal of PC recommendation & findings**

09/13/10 BICC regular meeting – Set public meeting date to consider PC recommendations and findings for CPA 155/04. Suggested date is 10/11/10.

10/11/10 BICC regular meeting – Public meeting to discuss and consider PC recommendation. BICC to determine whether:
(1) To adopt PC recommendation “as is;” or
(2) If changes to PC recommendation are necessary.

If Option (A) - Board may adopt PC recommendation on that day, or decide to set a public hearing before adopting PC recommendation.

If Option (B) - Board makes determination that change(s) in the recommendation of the Planning Commission are necessary. Board then determines the change(s) needed, including analysis and findings of fact supporting the proposal, as amended.

10/25/10 Option (A) or (B) – SEPA Threshold Determination issued.

11/01/10 Option (A) Submittal to Dept. of Commerce for 60 day review.

12/01/10 Option (B) Submittal to Dept. of Commerce for 60 day review and to Planning Commission for public hearing, report, and recommendation.

01/10/11 Option (A) BICC regular meeting – Public hearing to adopt CPA 155/04 (Final legislative action) if BICC decided to hold their own public hearing.

03/08/11 Option (B) BICC regular meeting – Public hearing to adopt CPA 155/04 with the changes that the BICC deemed necessary (Final legislative action)