



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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TRANSMITTAL AND REPORT MEMORANDUM

DATE: December 2, 2010

TO: Island County Planning Commission

REGARDING: CPA 244/10 - Amendments to the Freeland Sub Area Plan, an element of the Island County Comprehensive Plan, to complete the comprehensive planning requirements pursuant to RCW 36.70A.

FROM:

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Senior Planner

INTRODUCTION

Each year the County establishes a slate of proposed amendments to Development Regulations and the County Comprehensive Plan. This slate is called the Annual Review Docket (ARD). For 2010, the Board of Island County Commissioners (BICC) adopted the following ARD. These items are listed in order of priority, based on available resources: Parks and Recreation Element update, Oak Harbor UGA expansion, Freeland Subarea Plan, Shoreline Master Plan update, Fish and Wildlife update, and Naval Air Station Whidbey Island Aircraft Accident Potential Zones. This transmittal and report addresses amendments associated with the Freeland Subarea Plan.

BACKGROUND

On September 29, 1998 the BICC adopted Ordinance C-123-98, (approving the Island County Comprehensive Plan), which designated Freeland as a Rural Area of More Intense Development (RAID). On November 9, 1998, the BICC adopted Findings of Fact and legislative intent pertaining to the Island County Comprehensive Plan (ICCP). The Findings state that due to historical development and existing land use patterns, Freeland is a logical choice for consideration as an Urban Growth Area (UGA). The findings also

suggested that a subarea planning group be established to explore the possibility of designating Freeland as a Non-Municipal Urban Growth Area (NMUGA). Additionally, the BICC emphasized the goal of the ICCP and County Wide Planning Policies (CWPP) to achieve a 50% urban and 50% rural split in acquiring population growth and recognized that the designation of Freeland as a NMUGA would help achieve this goal. The BICC findings also stated that if Freeland was designated as a NMUGA, the 2020 population projection would be 4,000.

Following the adoption of the ICCP, the Citizen's Growth Management Coalition appealed the Freeland RAID designation, boundary, and development standards to the Western Washington Growth Management Hearings Board (WWGMHB). On June 2, 1999 the WWGMHB concluded that the Freeland RAID designation did not comply with the Growth Management Act (GMA). The WWGMHB indicated that Freeland has urban characteristics and that the boundaries and allowed densities constitute non-municipal urban growth.

On March 22, 2000, following several briefings between the County and the Citizen's Growth Management Coalition, the WWGMHB issued a Compliance Order for Freeland. The Order revised the June 2, 1999 Order by establishing a schedule to "[r]eassess the designations, densities and uses allowed in Freeland and Clinton RAIDS." The WWGMHB stated that the County should do a proper analysis, make provision for urban services and designate Freeland as a NMUGA or restrict the boundaries, uses and densities allowed. The BICC restricted the boundaries, uses and densities allowed and also initiated a process to conduct the proper analysis, make provision for urban services, and designate Freeland as a NMUGA.

In 1999 the BICC established the Freeland Sub Area Planning Committee (FSAPC). The Committee was charged with the responsibility of writing a twenty year growth management plan for Freeland. After 74 meetings the Committee forwarded its recommendation to the Island County Planning Commission in 2004. The Planning Commission held public hearings on August 28 and September 11, 2007. After the completion of comprehensive plans for providing sewer and stormwater services, and after completion of an evaluation of potential environmental impacts and methods to mitigate those impacts, the Planning Commission voted on October 2, 2007 to recommend to the BICC that Freeland be designated as a NMUGA and incorporate the Freeland Subarea Plan into the County's Comprehensive Plan. On November 21, 2007 the Island County Planning Commission's recommendation for adoption of the Freeland Subarea Plan and designation of Freeland as a Non-Municipal Urban Growth Area (NMUGA) was transmitted to the Board of Island County Commissioners. On December 10, 2007, the BICC approved and adopted the Freeland Subarea Plan, the Planning Commission Findings of Fact, and incorporated the Freeland Subarea Plan into the Island County Comprehensive Plan. At that time, it was recognized that the Freeland Subarea Plan only contained a land use element, and that other elements would need to be prepared and adopted.

Following the 2007 adoption of the Freeland Subarea Plan (FSP), an appeal was filed with the Western Washington Growth Management Hearings Board (WWGMHB) challenging that aspects of the Plan violate the GMA. This appeal (Case No. 08-2-0015)

was heard by the WWGMHB on August 21, 2008. On September 29, 2008 the WWGMHB issued their Final Decision and Order upholding the County's approval of the FSP.

Recognizing the need complete the remaining FSP elements, the BICC placed the FSP on the 2010 Annual Review Docket on April 1, 2010. Placement on the Docket triggered the drafting of the remaining elements of the FSP, and an update of the land use element. The first draft of this work was presented in a public workshop held in Freeland on September 14, 2010. Two additional public workshops followed on October 5, and 26, 2010. Following each meeting, the public comments received were incorporated into a revised draft of the FSP. Attached is the fourth draft of the FSP.

The general theme of the comments received during the workshops focused on the following topics: future land use map, population capacity, sewer, open space, and Myrtle Street. As the Planning Commission holds public hearings on the FSP, we are hopeful that the public will continue to participate and generate additional public comment.

This amendment to the FSP, CPA 244/10, updates the land use element adopted in 2007 and sets forth the remaining elements of the FSP, as required by the GMA. Once the completed subarea plan is adopted, the County can proceed with creating new development regulations (i.e., Zoning) specific to Freeland.

GROWTH MANAGEMENT ACT (GMA) REQUIREMENTS

RCW 36.70A.210 requires that each county planning under the GMA develop and adopt a series of mutually agreed upon county-wide planning policies. These policies establish a framework for local adoption of comprehensive plans. It also requires consistency between the county-wide planning policies and all other planning documents such as the Island County Comprehensive Plan, and the Freeland Subarea Plan. The Freeland Subarea Plan has been created under this framework.

In addition to the consistency requirements, the GMA requires that the Freeland Subarea Plan address a number of topics or 'elements'. RCW 36.70A.070 states that at a minimum, the Freeland Subarea Plan is required to contain elements addressing land use, housing, capital facilities, utilities, transportation, economic development, and park and recreation. This statute also details the sub-requirements content of each element. The section below states these requirements with which the 2010 FSP was created pursuant to.

Chapter 36.70A RCW Growth Management – Planning by selected counties and cities

A. 36.70A.020 Planning Goals

- 1) Urban growth - Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*
- 2) Reduce sprawl - Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.*
- 3) Transportation - Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*

- 4) *Housing - Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.*
- 5) *Economic development - Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.*
- 6) *Property rights - Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.*
- 7) *Permits - Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.*
- 8) *Natural resource industries - Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.*
- 9) *Open space and recreation - Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.*
- 10) *Environment - Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.*
- 11) *Citizen participation and coordination - Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.*
- 12) *Public facilities and services - Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.*
- 13) *Historic preservation - Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.*

B. 36.70A.070 Mandatory Elements

- 1) *Land Use Element*
 - a) *A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse*

those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

- 2) **Housing Element**
 - a) *Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth;*
 - b) *includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences;*
 - c) *identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and*
 - d) *makes adequate provisions for existing and projected needs of all economic segments of the community.*
- 3) **Capital Facilities Element**
 - a) *An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;*
 - b) *a forecast of the future needs for such capital facilities;*
 - c) *the proposed locations and capacities of expanded or new capital facilities;*
 - d) *at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and*
 - e) *a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.*
- 4) **Utilities Element**
 - a) *A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.*
- 5) **Transportation Element**
 - a) *Land use assumptions used in estimating travel;*
 - b) *Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;*
 - c) *Facilities and services needs, including:*
 - (i) *An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;*
 - (ii) *Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;*
 - (iii) *For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor*

- the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;*
- (iv) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;*
 - (v) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;*
 - (vi) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;*
- d) Finance, including:*
- (i) An analysis of funding capability to judge needs against probable funding resources;*
 - (ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the six-year improvement program developed by the department of transportation as required by **RCW 47.05.030;*
 - (iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;*
- e) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;*
 - f) Demand-management strategies;*
 - g) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.*
- 6) Economic Development Element*
- a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate;*
 - b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and*

- c) *An identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.*
 - 7) *Park and Recreation Element*
 - a) *Estimates of park and recreation demand for at least a ten-year period;*
 - b) *An evaluation of facilities and service needs; and*
 - c) *An evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.*
- C. 36.70A.080 Optional Elements**
 - 1) *A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:*
 - a) *Conservation;*
 - b) *Solar energy; and*
 - c) *Recreation.*
 - 2) *A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.*
- D. 36.70A.090 Innovative Techniques**
 - 1) *A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights.*
- E. 36.70A.100 Must Be Coordinated**
 - 1) *The comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW 36.70A.040 of other counties or cities with which the county or city has, in part, common borders or related regional issues.*
- F. 36.70A.150 Identification of Lands Useful for Public Purposes**
 - 1) *Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.*
- G. 36.70A.200 Siting of Essential public Facilities**
 - 1) *The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.*

RCW FULFILLMENT

The following information describes how the Freeland Subarea Plan fulfills the requirements for jurisdictions planning under GMA.

Goals (RCW 36.70A.020)

The Freeland Subarea Plan incorporates policies and land use designations which encourage growth within the Freeland Non-Municipal Urban Growth Area. This will help provide the financial support needed to install and maintain the planned sewer system for Freeland. These policies and land use designations encourage future growth to occur within Freeland at urban densities, thus helping to reduce sprawl-type development.

The subarea plan also encourages the development of an efficient multi-modal transportation network that serves motorists, cyclists, and pedestrians. The multimodal transportation network will be complimented by the plan's call for mixed land uses and building dispositions that help activate the street, thus making alternate modes of transportation more feasible and land development more efficient.

Affordable housing is encouraged by the plan by allowing increased densities and smaller lot sizes. Housing policies encourage a diverse mix of housing types in order to meet the needs of a diverse population.

Economic development is encouraged by the plan by allowing increased densities and intensities of land use. Increased density will result in more residents which will result in a bigger customer base for local businesses and more employment opportunities for residents.

The subarea plan enhances property rights by allowing increased development potential. The plan does not propose to take property for public use without just compensation.

Elements (RCW 36.70A.070)

Land Use Element

The land use element of the subarea plan includes land use designations that show the general distribution and extent of a variety of land uses throughout Freeland. The land use element contains population densities, building intensities, and estimates of future population growth. The land use element includes polices for protection of the quality and quantity of groundwater used for public water supplies, by including policies that encourage the use of Low-Impact Design techniques and on-site stormwater management. The land use element also utilizes urban planning approaches that promote physical activity by including policies that result in an environment that is conducive to pedestrian and cyclist activity.

Housing Element

The housing element of the subarea plan includes a description of the existing housing stock and identifies the number of housing units needed to accommodate Freeland's projected population growth. This element also includes goals and policies for the preservation, improvement, and development of a variety of housing types within Freeland and has identified sufficient land needed for new housing. This element also makes adequate provisions for existing and projected needs of all economic segments of the community.

Capital Facilities Element

The capital facilities element of the subarea plan includes an inventory of existing capital facilities owned by public entities and provides the locations and capacities of those capital facilities. This element also identifies system deficiencies and lists planned improvements over a 6 year window.

Utilities Element

The utilities element of the plan includes a description of existing utilities and a general description of improvement projects. Since utility providers in Freeland are privately owned, it is difficult to provide detailed information about their existing capacities and proposed expansions.

Transportation Element

The transportation element includes an inventory of the existing transportation network, including existing levels of service and a capacity analysis. Estimated traffic impacts to state-owned transportation facilities (i.e., Highway 525) resulting from land use assumptions, will be addressed in the 2012 Island County Comprehensive Plan update. This element also includes level of service standards for County arterials within Freeland NMUGA boundaries. The element includes suggested actions for bringing County transportation facilities that are below established level of service standards into compliance.

Ten year traffic forecasts based on the adopted land use plan will be included in the 2012 Island County Comprehensive Plan update. Improvements to state and local transportation networks have been identified and are consistent with RCW 47.06. A six-year transportation improvement plan has been created, with some improvements occurring concurrently with new development. Transportation demand management strategies identified in the plan include increasing transportation network connectivity, developing multimodal rights-of-way, and mixing land uses to ensure the local population is within close proximity to commercial services and civic spaces. This management strategy also promotes healthy lifestyles by encouraging physical activity over automobile use.

Economic Development Element

The economic development element of the subarea plan includes a basic summary of the local economy, listing the types of services and jobs that are provided locally. The plan describes the basic strengths and weaknesses of the local economy and identifies

opportunities for economic development. The Island County Economic Development Council will assist the community in developing a more detailed economic plan for Freeland in the future.

Park and Recreation Element

This element is titled Open and Civic Space within the Freeland Subarea Plan. It identifies open space needs and coordination opportunities between different government entities to provide park and recreational opportunities for the residents of Freeland. As per RCW 36.70A.150, lands useful for public purposes have been identified in Freeland.

Coordination

As per RCW 36.70A.100, the subarea plan is in coordination with the Island County Comprehensive Plan, in addition to state regulations.

SEPA (RCW 43.21C)

A SEPA threshold determination of non-significance has been issued on CPA 244/10 on December 2, 2010, with a public comment period ending on December 22, 2010.

CONCLUSION & RECOMMENDATIONS

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 all elements of the Comprehensive Plan, County-wide Planning Policies, and Growth Management Act requirements. The adoption of the complete Freeland Subarea Plan including elements for land use, natural lands, housing, capital facilities, utilities, transportation, economic development, and parks and recreation is supported by the Island County Comprehensive Plan. The approved Freeland Subarea Plan would be the guiding document for the creation of development regulations, preservation of open space, transportation planning, utility improvements, economic development, and capital facility creation and maintenance.

The Department recommends approval of the Freeland Subarea Plan.