1. CALL TO ORDER
   a. Flag Salute
   b. Roll Call

2. APPROVAL OF AGENDA

3. CONSENT AGENDA (See below)
   a. Approval of council meeting minutes of 6-5-17 ........................................1-7
   b. Approval of claims warrants Nos. _ and EFTs in the amount of $36,705.16...........8-16
   c. Approval of payroll warrants Nos. 36007-36027(5/15/17) in the amount of $39,588.32 and Nos. 36028-36051 (5/31/17) in the amount of $76,726.20......................................................17-18
   d. Solsmart designation...............................................................19

4. RECOGNITION/APPROCIATION

5. COMMISSION AND BOARD REPORTS

6. CITIZEN COMMENTS *

7. UNFINISHED BUSINESS
   a. Resolution amending County Wide Planning Policies – 2nd read/adoption........20-53
   b. Ordinance amending LMC 18.22.095(2)(f) and Ordinance 989 re: amplified music in commercial establishments abutting residential neighborhoods – 1st read........54-56

8. STAFF REPORTS
   a. Community Planning
   b. Public Works
   c. Police
   d. Finance

9. MAYOR’S REPORT

10. NEW BUSINESS

11. COUNCIL REPORTS

12. DISCUSSION ITEMS

13. ADJOURNMENT

*Citizen Comments: We welcome comments on subjects of concern or interest that are not on the agenda. Please state your name and address so this can be recorded, and limit your comments to 5 minutes. Questions will be answered immediately if the answer is brief, and the information is available. Otherwise, answers will be provided as soon as possible. Thank you for participating! If reasonable accommodation of a disability is needed please contact Debbie Mahler at (360) 221-4246 at least 48 hours prior to this meeting.
Langley City Council Meeting Minutes
June 5, 2017

Mayor Callison called the meeting to order at 5:30 PM. Present were City Council Members Bruce Allen, Ursula Shoudy, and Dominique Emerson. Thomas Gill was ill and unable to attend. Also present were Stan Berryman, Public Works Director; Brigid Reynolds, Community Planning Director; Dave Marks, Chief of Police and Debbie Mahler, Finance Director/Clerk. Mayor Callison led the flag salute.

**MOTION:** To approve the agenda with no comments regarding the sanctuary/inclusive city ordinance. Motion – Allen. Motion failed for lack of a second.

**MOTION:** To move the immigration ordinance up in the agenda after the appointment of the new Councilmember. Motion – Allen, 2nd – Shoudy. Motion carried.

**MOTION:** To move citizen comments on the agenda to be before the consideration of the immigration ordinance. Motion – Emerson, 2nd - Shoudy. Motion passed.

**MOTION:** To approve the consent agenda. Motion - Allen, 2nd - Shoudy. Motion was approved.

CONSENT AGENDA

Approval of Council meeting minutes of 5/15/17
Approval of claims warrants Nos. 36052-36077 and EFT’s in the amount of $33,697.24

COUNCIL CANDIDATE INTERVIEWS

Councilmembers took turns asking candidates, Burt Beusch, Christy Korrow and Frank Rose questions regarding their backgrounds, qualifications and visions for Langley. Each candidate was asked the same questions.

Council went into Executive session at 6:20 PM for approximately twenty minutes to discuss the qualifications of applicants. No decisions were made during the session. The executive session adjourned and the regular meeting was reconvened at 6:40 PM.

**MOTION:** To nominate Christy Korrow as replacement for the open Council position vacated by Rene Neff. Motion - Emerson, 2nd - . Motion failed for lack of a second.

**MOTION:** To nominate Burt Beusch Motion – Allen, 2nd – Shoudy. Motion carried.
Burt Beusch was sworn in by Clerk Debbie Mahler and took his seat at the Council table.

AUDIENCE COMMENTS

Callahan McVay brought forward a recommendation from Langley Main Street to purchase and install several telescope viewers to the city that would allow people to view whales, marine life, and the views. He passed out pictures and information regarding the telescopes which were well received. Fran Abel and Ursula Rosen-Runge gave a joint statement on their feelings about the city’s process regarding the immigration enforcement ordinance and their unhappiness with that process. John Graham also read a statement to the council. He also does not believe the process has been good or transparent. John Norby stated that if the ordinance fails, in his opinion, the Chief of Police is obligated to cooperate with ICE, and then he must inform ICE of any Chamber members who employ undocumented workers and they are subject to fines for doing so.

Ordinance regarding Immigration enforcement and equal protection and equal provision of city services.

MOTION: To waive the two reading requirement and to not adopt the ordinance relating to City policy with respect to immigration enforcement, equal protection, and equal provision of city services regardless of Immigration status. Motion - Allen, 2nd - Shoudy. Motion was approved with Emerson against and Beusch recusing himself.

COMMISSION AND BOARD REPORTS

Langley Library Board – Vicky Welfare, Librarian reported that summer reading program has begun. Cary Peterson will speak tomorrow night on growing veggies kids will love. Two events this week with authors speaking about their books: “Turning shares into sales: An intro to social media marketing” - Learn how to successfully market your small business on social media in just one hour! Get an introduction to the top social media platforms, who uses them, for what, and which one will drive the most customers to you. Saturday, June 10 at 10 a.m. and a History of women’s suffrage.

Cemetery Board - Debbie Mahler explained that none of the Cemetery Board members were able to attend the meeting, so she, as staff to the board made a report. The City has always only sold and marked graves at the cemetery and provided no other services. There is no city employee at the cemetery or present when burials, openings or closings happen. To prevent errors and liability, the board is looking at the city getting a little more into the cemetery business. They have researched forming a cemetery district and other options and are now looking at the possibility of hiring a sexton who would be in charge of all matters at the cemetery. How this position would work, the duties, hours, pay, etc. is the subject of their research at this point. It is a tricky issue, as the need for someone to manage the cemetery and be present during burials is important, but the volume of burials is low. Sometimes we sell several graves and have a few burials in one week and then have no activity at all for a month or two. The board is hoping to finalize their research soon and make a recommendation to the City Council.

Parks and Open Space Board – Gail Fleming reported Parks and Open space has been very busy; they had an extra meeting with Brigid and the intern regarding updating maps of open spaces. They also had a field trip to the “middle Langley” area which they wanted to connect with other trails. The commission found a Heron rookery (critical area). The area was very wet, and they could not find a route through without
disturbing wetlands. An attorney with the US Department of Justice is mapping all trails on the Island, including those on private property. The City has never included trails on our maps that are on private property. This attorney has been speaking about a revocable license idea (temporary easement) and the State’s hold harmless law might be an attractive way for people to allow use of their trails. He has a website and email regarding these issues: www.whidbeyislandtrails.org, islandtrails@whidbey.com. He asked that the City encourage the county to partner with him on the trails mapping project. The Parks and Open Space Commission would like any recommendations from the Seawall Park Commission to be run through them before making recommendation to Council. The commission still needs two more members.

MAYOR’S REPORT

Mayor Callison reported that with all the worry about the US pulling out of the Paris Climate agreement, he would note that Langley has taken steps to reduce our carbon footprint, move towards sustainability, and prepare for sea level rise. We are a solar friendly city, and are working with a Green Power Contract with PSE, working on LED replacements for street lights. We are also looking for a spot to place a city solar relay; looking for efficiency in all new city vehicles. There are currently 35 solar installations in the city producing 8,500 kilowatts daily. We have a water conservation program. Our locally adopted standards are much more stringent than federal standards. Mayor Callison attended the Economic Development meeting on May 18th where they discussed diversification through knowledge workers who can work remotely. 47% of the adult working population of Whidbey works off island. Plans being developed by Economic Development Council to encourage knowledge worker opportunities. On May 24th he attended the ILIO executive committee, COG and IRTPO meetings. We need to schedule a joint meeting with the PAB and Council on comp plan finalization in the near future.

UNFINISHED BUSINESS

Resolution approving amendments to the County-wide Planning Policies.

MOTION: To bring to a first reading, a Resolution approving amendments to the County-Wide Planning Policies. Motion - Emerson, 2nd – Shoudy. Motion was approved with all in favor.

NEW BUSINESS

Amplified music in neighborhood business zones. Tim Leonard owns the Machine Shop at the top of 2nd Street. Has had his 6 allowed amplified music events. He reported that he has had no complaints from his neighbors, everything has run very smoothly during the events and he would like to have 6 more this year. He asked that the Council consider modifying the ordinance to allow more amplified events.

MOTION: To modify the existing ordinance to allow up to 12 amplified music events with permits per year. Motion - Emerson, 2nd – Shoudy. Motion carried with all in favor. An amended ordinance will be brought to a vote at the next meeting.

COUNCIL REPORTS

Dominique Emerson is on the Fairgrounds advisory committee. She reported that there are various complicated issues to be worked on to be able to have the fair, horse events and 4 H and also businesses on the fairgrounds to encourage economic development. Ursula Shoudy missed the last Chamber meeting so asked Nancy Rowan to give a report. Nancy reported that the Chamber gave out 1,500 swag bags to people...
on whale tour boats. Within six weeks, we had 2,154 visitors on the Victoria Clipper. The information booth at the fair will be staffed by Chamber and Langley volunteers. Updated “Experience Langley” brochures are available on line. She may have information about a new executive director at the next meeting. Bruce Allen reported that the garden cart raffle generated $5,200 for the HUB after school program.

The meeting was adjourned at 7:49 PM

Respectfully submitted,

[Signature]

Debbie L. Mahler, Finance Director/Clerk
We are citizens of Langley.

You have asked multiple times to hear from residents of Langley rather than those who live outside of Langley. So we would like to tell you how the last six months have felt and our assessment of your process in considering an Inclusive City Ordinance. We want to address process not the content.

People in support of the ordinance were treated with disdain by some council members: it is not helpful to be told after people share the personal stories that make them passionate about this issue that it is all crap or that it would never happen in Langley.

It is also not helpful to be told that we are rude, not listening to those who disagree, that we are bullies and that we are divisive. Particularly when the Mayor himself bullied both a City Council person who was in support of the ordinance and one of the leaders of our effort.

We do not believe that a majority of the Council took any interest in the testimony and the petitions of Langley and South Whidbey residents. We’d like to remind that you received a petition with 416 signatures of people in Langley, South Whidbey, and visitors, who live here, work here, volunteer here and spend money here.

You held a City Council meeting attended by roughly 180 people where people against the ordinance spoke their mind, but were in the clear minority.

The City has not been transparent – we still have not heard clear statements or legally sound arguments as to why City leaders have resisted an enforceable ordinance.

We believe that the City Attorney has given legal opinions that are strongly colored by his political opinions and that that has not served the City well.

The outcome of this process is that you will be considering tonight an unenforceable and fake ordinance as weak as the resolution you passed several weeks ago in order to pacify us.

We are not pacified and we are not going away.

Public Comment by Ursula Roosen-Runner and Fran Abel

June 5, 2017
Comments by John Graham
Before the Langley City Council  June 5, 2017

I want to say a few words about the political process in City Hall over the last six months, relating to the sanctuary/inclusive city issue

In my view that process has been unfair, obscure and undemocratic. The Mayor, some members of the city council, the police chief and the city’s attorney are playing whack a mole.

The first mole was the ridiculous charge that declaring Langley Inclusive would open the floodgates to illegal immigrants and bankrupt the city. Whack! The first mole is down.

Then came a charge from the Police Chief that his officers would be put into an untenable legal position with Langley becoming an Inclusive City. Yet Chief Marks and others have reconfirmed that Langley Police do not and will not make or keep records of the immigration status of people, even those they may arrest for crimes. Chief Marks also said very clearly at the last Council meeting that Langley Police has not and will not allow its officers—absent a federal arrest warrant—to become in effect, deputized federal agents.

In other words, this so-called untenable legal position Chief Marks fears is already standard operating procedures of his department. Whatever risks he feared—his Department has been taking them for years. Another mole down. Whack!

The next mole is called attorney-client privilege. Last month City Hall decided to shield important legal information from the public. When I asked for an important legal memo to the city council under the FOIA, I got back a totally redacted piece of paper. That assault on transparency has apparently since been reconsidered. Whack!

The last bit of process people should know about is Attorney Kenyon’s latest advice to the Council. Basically, he tells them that they can make this whole thing go away if they make the Ordinance non-binding, that is, that there can be no penalties for disobeying it; that is, that it becomes in effect a duplicate to the Resolution we already have.

What sheer legal genius! After declaring that his job is not to not take sides, after accepting a mandate that he use his expertise to try to come up with compromise wording that might allow a binding Ordinance acceptable to all sides—Kenyon picks just one side. comes up with a fake solution which in effect destroys the Ordinance, hoping, I guess, that nobody can read legalese.

Mike Kenyon says that I don’t understand what his role in all this is. Mike, I understand perfectly well what your role is. My problem is that you don’t seem to understand. You are a lawyer, not a political consigliere.

Kenyon says he “briefly reviewed” a composite of legal opinion I sent to him, assembled by the
ACLU from courts and cities and police chiefs all over the country demonstrating the political benefits of declaring a jurisdiction as “Inclusive” and pointing out that the risks of doing so are minimal. He noted that Mr. Trump and Mr. Sessions have the opposite view and concluded that a little town like Langley can’t possibly resolve that disagreement.

This reminds me of the debate over tobacco smoke 50 years ago. Remember? 95% of research scientists and doctors concluded that cigarette smoking caused cancer. So the cigarette companies hired a few quack scientists to declare that smoking was healthy and then tried to convince the country that the issue was too complicated to understand so we should not put warnings on the packs. The whole country whacked that mole.

Mike Kenyon has adopted an identical strategy—as have the climate change deniers. Ignore overwhelming evidence in court decisions, competent legal opinions and facts on the ground and listen instead to the ideological, fact-less rantings of this President and his crew.

Finally, Mike Kenyon, who has just declared himself nonpolitical, ends his last message with the blatant political advice to the Council that he doesn’t see why they should become a lightning rod—ignoring that the Resolution already passed and the road signs already approved have provided the lightning rod that Mr. Kenyon—irrationally—feels.

He also urges the council not to suffer the possible headaches of passing an Ordinance that deals with a national issue that’s beyond the scope of this small, isolated town, which, I guess, he thinks is in Botswana. So we should spend our time waiting for the whale bell to sound. That, I guess, is excitement Mr. Kenyon thinks that we can handle.

In other words, Mike Kenyon stakes out an isolationist political position on the Ordinance which he knows full well is exactly what the mayor, the Police chief and at least 2 of the City Council members want to hear. So much for his objective legal advice.

Another mole to be whacked, only I’m tired of whacking. It’s clear this city has an endless supply of moles.

Can we all just save some time and agree this is no longer a legal issue if it ever was. It’s a political issue, a red/blue political issue. If we proceed on this new basis, at least it will be honest.

What to do?

Pass the ordinance without defanging it.

Pass it with Mike’s changes and then we’ll have two nonbinding resolutions, neither one of which is worth bucket of warm spit.

Table it or defeat it outright
At this point I really don't give a damn.

We'll settle this once and for all in November. The Pro forces will work hard all summer and all fall to make sure that no one who opposes a meaningful Inclusive City ordinance will ever again serve an elected position here. We want a blue government in this blue town.

If you think you heard the sound of throwing down a gauntlet, you heard it right. To me it's a lot better sound than the sound of whacking moles.
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Overview and Activity Update, June 19, 2017

• What is SolSmart Designation?

SolSmart is a program of the US Department of Energy’s SunShot Initiative to make it faster, cheaper, and easier to go solar. The program provides recognition and no-cost technical assistance to local governments that reduce barriers to solar energy growth. The City of Langley is applying for SolSmart designation along with five other communities in the Puget Sound region. Spark Northwest, a non-profit, is providing support and bandwidth for the designation effort.

• How will SolSmart help Langley become more sustainable and resilient to climate change?

SolSmart’s menu of actions will help the City clarify permitting, planning, zoning and development issues, to support a future in which we meet more of our energy needs locally, with clean, renewable solar energy. As we adopt revisions to Langley’s Comprehensive Plan and the Langley Municipal Code, now is the ideal time to plan for solar. Although the designation does not require installing any solar energy, it ensures that when the residents and businesses of Langley choose to go solar, the path is clear and the City is supportive.

• What steps will Langley take to achieve SolSmart Designation?

The City of Langley has demonstrated commitment to reducing our carbon footprint by researching solar on City Hall, including sustainability goals in the Comprehensive plan, and most recently, enrolling in PSE’s Green Direct energy savings program. The community at large hosts 35 solar installations which provide 185 kilowatts of generation. Now, Langley will:

- Review our current code and Comprehensive Plan for solar barriers and opportunities
- Consider new language supporting solar energy in City code.
- Post information about solar energy and the permit process on our City website
- Provide links to educational trainings for city staff, firefighters, and community members

Timeline

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<th>Initial Application to SolSmart; Create Workplan</th>
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<tr>
<td>Review Municipal Code, Plans, Website information</td>
<td>July – September 2017</td>
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<tr>
<td>Make updates, changes as determined in workplan</td>
<td>October 2017</td>
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<td>Designation Achieved! Celebrate</td>
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Questions?

Please contact Brigid Reynolds (Planning@langleywa.org) or Linda Irvine (linda@sparknorthwest.org)

For a complete overview, please see the SolSmart Website: http://www.gosparc.org/
CITY OF LANGLEY, WASHINGTON

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LANGLEY, WASHINGTON, RATIFYING THE AMENDMENTS TO THE COUNTYWIDE PLANNING POLICIES PREPARED BY THE ISLAND COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, as follows:

Section 1. Recitals and Findings. The City Council of the City of Langley hereby makes the following findings:

WHEREAS, RCW 36.70a.210, the Washington State Growth Management Act of 1990, as amended requires each County planning under the Act to adopt a county-wide planning policy (CWPP) in cooperation with cities located in the whole or in part within the county; and

WHEREAS, CWPPs are written policy statements used to establish a countywide framework from which county and municipal comprehensive plans are development and adopted to ensure consistency between plans as required by RCW 36.70A.100 and .210; and

WHEREAS, an Intergovernmental Planning Group (IWG) comprised of representatives from the planning departments of Coupeville, Island County, Langley, and Oak Harbor was formed for the purpose of facilitating the collaborative process described above and developing revised CWPPs; and

WHEREAS, the revised CWPPs were reviewed by the planning commissions and legislative bodies representing Coupeville, Langley, and Oak Harbor; and

WHEREAS, Island County sought to reconcile and incorporate comments and concerns provided by the legislative authorities of Coupeville, Langley, and Oak Harbor in the Countywide Planning Policies prior to adopting the proposed amendments to the CWPPs; and

WHEREAS, the Board of Island County Commissioners adopted ORD No. C-100-15, PLG-006-15 the Countywide Planning Policies on November 3, 2015 following a public hearing; and

WHEREAS, following adoption of the Countywide Planning Policies the Island County Planning and Community Development Department completed a review of the CWPP and determined the need for further clarification on some of the policies; and

WHEREAS, the proposed revisions are intended to align language, JPA expansion criteria, JPA designations, and the protection of resource lands of long term commercial significance more closely with the language and intend of the RCW and WAC; and

WHEREAS, the proposed revisions create a designation scheme in the JPA that considers the logical expansion of the UGA and balances that objective against protection of critical areas and resource lands of long term commercial significance; and

WHEREAS, the proposed revisions eliminate language that directs or mandates changes to the development regulations and substitutes such language with language to guide the comprehensive plan and
Interlocal Agreements which in turn can inform changes to development regulations where more prescriptive language is appropriate; and

WHEREAS, the proposed revisions allow for certain conditions to be more accurately reflected in the Population Projections methodology and Buildable Lands Analysis; and

WHEREAS, the Intergovernmental Working Group met on March 8, 2017 to discuss the proposed revisions; and

WHEREAS, the Planning Advisory Board was presented the proposed revisions at its meeting of May 3, 2017 however there was no quorum and therefore no comments were received; and

WHEREAS, City of Langley Council was presented the proposed revisions at its regular meeting of May 8, 2017 without comments; and

WHEREAS, the Director of Community Planning provided Island County with comments regarding the CWPPs; and

WHEREAS, the comments included possible corrections to the definition of the ‘resource lands of long term commercial significance” to include reference to forest lands, a request for clarifying language regarding ‘lands extensively constrained by critical areas’ and a request for broader definition of critical areas to recognize that not all critical areas are mapped; and

WHEREAS, these comments/suggestions are now reflected in the revised CWPP that are attached as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANGLEY AS FOLLOWS:

The proposed revised Countywide Planning Policies attached as Exhibit A are hereby ratified on behalf of the population of the City of Langley.

RESOLVED this _________ day of June, 2017.

1.1 Purpose

The Washington State Growth Management Act (GMA) requires that cities and counties adopt comprehensive plans. The GMA further requires that counties adopt Countywide Planning Policies (CWPPs) (RCW 36.70A.210 & WAC 365-196-305) to guide and coordinate issues of regional significance. The following goals and policies are intended to guide intergovernmental planning efforts, fully implement the planning goals identified in the GMA, and ensure that the actions of government agencies within Island County are coordinated and consistent with one another.

1.2 Applicability

These policies are intended to apply countywide. Any Government Agency or Special Service District within Island County that conducts planning activities or provides Public Services shall be subject to the goals and policies identified in these CWPPs; specifically:

1. Planning Policies and plans adopted or enforced by Government Agencies and Special Service Districts shall be consistent with these goals and policies.

2. All decisions by Government Agencies and Special Service Districts regarding the provision or construction of Public Services and facilities shall be consistent with these goals and policies.

3. These goals and policies should not be construed to otherwise reduce, diminish, or supersede those planning and land use powers reserved exclusively for the Municipalities or the County by Washington State law.

1.3 Definitions

The following definitions shall be used in the interpretation and application of the CWPPs.

1. Agency, Government: The County government of Island County, a Municipality within Island County, or a department or agency of the State of Washington.

2. County: The County government of Island County. This term is used throughout this document to differentiate between the jurisdictional limits of the government of Island County, and the geographic area encompassed by Island County.

3. Development Regulation: Controls placed on development or land use activities by the County or Municipalities, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, platting regulations, subdivision and short subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

4. Facility of Statewide or Countywide Significance: 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, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020. Public school facilities and municipal sewage treatment facilities shall also be considered Facilities of Statewide or Countywide Significance. Throughput transmission facilities and major utilities, as defined in Island County Code, shall not be considered Facilities of Statewide or Countywide Significance. This definition is intended to be used synonymously with the term "essential public facilities".

5. **Future Planning Area (FPA):** An area immediately outside of, and adjacent to, a Non-Municipal Urban Growth Area. Future Planning Areas are designated by the County to reserve areas which may be necessary for future Urban Growth and to protect land which has been identified as having-resource land of long term commercial significance, long-term-rural-significance such as critical areas, and land extensively constrained with critical areas, key entrance roads, and areas of historical significance. Broadly, such areas are intended to provide an opportunity for long term planning beyond the normal twenty year planning horizon.

6. **Joint Planning Area (JPA):** Areas immediately outside of, and adjacent to, Municipal Urban Growth Areas. JPAs are jointly designated by the County and Municipalities to reserve areas which may be necessary for future Urban Growth and to protect land which has been identified as having-resource land of long term commercial significance, long-term-rural-significance such as critical areas, land extensively constrained with critical areas, key entrance roads, and areas of historical significance. Broadly, such areas are intended to provide an opportunity for long term planning beyond the normal twenty year planning horizon.

7. **Municipality or Municipal:** A legally incorporated or duly authorized association of inhabitants of a limited area for local government or other public purposes. For purposes of interpreting this document, "Municipality" or "Municipal" is intended to refer to the current incorporated jurisdictions in Island County (Coupeville, Langley, and Oak Harbor) as well as any city or town incorporated after the establishment of these CWPPs.

8. **Planning Area:** Four Planning Areas have been established in Island County for purposes of long term planning, population forecasting, and data analysis. The four Planning Areas include: Camano Island, North Whidbey, Central Whidbey, and South Whidbey. The specific boundaries of these areas are delineated on maps maintained by, and on file with, the County Planning Department.

9. **Planning Goals or Planning Policies:** Statements, goals, and specific policies expressed in the Growth Management Act, Countywide Planning Policies, or a comprehensive plan adopted by the County or a Municipality.

10. **Resource Lands of Long Term Commercial Significance:** Lands zoned Commercial Agriculture CA in accordance with the Island County Zoning Code and RCW 36.70A.170 and RCW 36.70A.050.

11. **Rural Area(s):** As used in this document the term "Rural Area" is intended to refer to all of the land area in Island County outside of Urban Growth Areas. Generally (with the exception of RAIDs) Rural Areas are intended to facilitate agriculture, forestry, and other resource dependent uses and activities which depend on rural resources and
lands. Other uses may be permitted in the Rural Area when consistent with the County’s definition of Rural Character.

124. Rural Area of Intense Development (RAID): Areas of existing more intense rural development designated by the County pursuant to RCW 36.70A.050(d) and WAC 365-196-425(6). This term is synonymous with, and intended to be used interchangeably with, the term “Limited Area of More Intense Rural Development” (LAMIRD) as used in the GMA. The County comprehensive plan contains a more complete definition as well as designation criteria for RAIDs.

132. Rural Character: Refers to patterns of land use and development established by the County in the Rural Element of the Island County Comprehensive Plan. For purposes of interpreting this document, the definition of Rural Character shall be the definition contained in the Island County Comprehensive Plan.

143. Service, Public: Includes fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, utilities, and other services or facilities provided by Government Agencies or Special Service Districts. This term is synonymous with, and intended to be used interchangeably with, the term “public facilities”.

154. Service, Rural: Those Public Services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services are those services necessary to support development which is consistent with the definition of Rural Character and do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

165. Service, Urban: Those Public Services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, transportation and public transit services, and other public utilities associated with urban areas and normally not associated with Rural areas. Urban Services are intended to accommodate and facilitate Urban Development consistent with the policies expressed in the comprehensive plans adopted by County and Municipalities.

176. Special Service District: Independent governmental units that exist separately from local governments to provide public services to limited areas using public funds, including but not limited to sewer and water districts, fire districts, and school districts.

187. Sprawl, Sprawling: Scattered, poorly planned Urban Development that often occurs in urban fringe and Rural areas. Generally sprawl is neither reflective of Urban Character nor Rural Character. Sprawl occurs at densities too high to maintain Rural Character, but too low to provide the full range of social, economic, and cultural amenities typically associated with cities and towns. Sprawl is also characterized by forms of development which are difficult or costly to serve with high quality Urban Services.

198. Urban Character, Urban Form: Refers to a pattern of Urban Growth characterized by a high concentration of economic, social, and cultural amenities, as well as a full range of housing types and densities. Each Municipality in Island County has adopted a Comprehensive Plan which is expressive of their desired Urban Form and Character.
**2019. Urban Development, Urban Growth:** A pattern of growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. Additionally, the term Urban Development includes all forms of development that are inconsistent with the County's adopted definition of Rural Character.

**210. Urban Growth Area (UGA):** Areas within which Urban Growth is encouraged and outside of which growth can occur only if it is consistent with Rural Character and not Urban Development or urban in nature. In Island County UGAs have been established around each Municipality. In addition, a UGA has been established around Freeland in recognition of its existing pattern of Urban Development.

**224. Urban Growth Area, Municipal (MUGA):** Each Municipality in Island County has been included in an Urban Growth Area and is responsible for developing a comprehensive plan in compliance with the GMA and the County Wide Planning Policies developed jointly by the County and Municipalities. For purposes of interpreting this document, the term "Municipal Urban Growth Area" shall mean an Urban Growth Area associated with an incorporated Municipality.

**232. Urban Growth Area, Non-Municipal (NMUGA):** An area characterized by an extensive pattern of Urban Development which was established prior to the adoption of the GMA and which does not include an incorporated Municipality. In Island County, a Non-Municipal Urban Growth Area has been established around the unincorporated area of Freeland in recognition of an existing pattern of Urban Development. The Freeland Non-Municipal Urban Growth Area is subject to the Planning Goals and Policies set forth in the County's Comprehensive Plan and the Freeland Subarea Plan.

**243. Urban Growth Boundary (UGB):** The line separating Urban Growth Areas from surrounding Rural Areas. The UGB is intended to preserve Rural Character in Rural Areas and prevent low-density sprawling development by focusing and encouraging Urban Growth in designated Urban Growth Areas.

### 2. Countywide Planning Goals

Island County and the municipalities have identified the following goals as being of countywide concern. These goals are intended to establish a foundation for, and guide the interpretation of, the policies contained in this document.

1. **Intergovernmental coordination:** The County, the City of Langley, the Town of Coupeville, the City of Oak Harbor, State Agencies, and Special Service Districts will work together to address issues of regional, or countywide importance in a coordinated fashion. Proactive communication and coordination will improve the quality of planning activities and reduce the likelihood of disputes.

2. **Joint City and County Planning:** Decisions regarding Joint Planning Areas, Municipal Urban Growth Areas, areas for future UGA expansions, and JPA Overlay designations and areas of Long Term Rural Significance will be made by the County and Municipalities in a cooperative fashion.
3. **Public Participation:** Island County citizens will be involved in the planning process and public comments will be considered by the County and Municipalities before making planning decisions involving issues of countywide concern.

4. **Urban Growth Areas:** All decisions regarding the designation of new Urban Growth Areas, adjustments to existing Urban Growth Areas, population forecasting, and the allocation of population to Urban Growth Areas will be made using clearly stated and rational criteria.

5. **Urban Development:** The social and economic vitality of Island County’s cities and towns will be reinforced by ensuring that Urban Development occurs only within designated Urban Growth Areas.

6. **Rural Development:** Island County’s unique rural atmosphere and lifestyle will be protected from Sprawling low density development and inappropriate uses; also, rural land use plans will ensure that permitted development is consistent with the availability of Rural Services and resources.

7. **Public Services:** Adopted land use and economic development plans will be reinforced and supported by Public Service and infrastructure investments. Decisions on infrastructure investments and the provision of Public Services will be made in a way which strengthens and reinforces adopted Planning Goals and Policies.

8. **Urban Services:** In order to protect and enhance the quality of life enjoyed by the residents of Island County’s Municipalities and Urban Growth Areas, Urban Development will be provided with high quality Urban Services. The Municipalities will work to provide services at a level that promotes and fosters Urban Development in a manner consistent with their adopted Planning Goals and Policies. Urban Services will not be provided outside of Urban Growth Areas to protect Island County’s Rural Character and prevent scattered Sprawling development patterns which are inefficient and costly to serve.

9. **Facilities of Countywide or Statewide Significance:** In recognition of the fact that some uses are difficult to site, but may be regionally significant or essential, the County, Municipalities, and State agencies will work together to develop consistent policies and regulations governing, but not prohibiting these facilities.

10. **Transportation:** Island County should be served by an efficient, well connected, multimodal transportation system. Transportation plans, spending decisions, and regulations will be consistent with and reinforce adopted land use and economic development plans.

12. **Affordable Housing:** Opportunities for affordable housing will be provided throughout Island County and a full range of housing types and densities will be permitted in Island County’s Urban Growth Areas and Municipalities in order to ensure that the supply of new housing is consistent with demand.

13. **Economic Development:** Develop a coordinated and diverse economic base that provides employment opportunities and improves the wellbeing of all economic segments of Island County’s population. The County and Municipalities will consider economic development broadly by incorporating Planning Policies throughout their planning documents that are supportive of a coordinated economic development strategy.
13. **Critical Areas:** The County and Municipalities will work together to ensure that Planning Policies, and Development Regulations designed to protect Island County’s natural resources and critical areas are consistent with one another.

14. **Historic Preservation:** Preserve and protect cultural resources as well as lands, sites, and structures that have historic or archaeological significance.

15. **Water Resources:** Protect the long term viability of Island County’s drinking water supply and the rights of Island County’s existing residents, by considering the relationship between allowed densities and known and/or verifiable water supplies.

16. **Climate & Natural Disasters:** In order to avoid unnecessary and costly infrastructure and to avoid exposing Island County residents to unnecessary risk, the County and Municipalities will work proactively to prepare for, and if necessary, adapt to the impacts of changing climate patterns and natural disasters.

17. **Public Health:** Promote the health of people of all ages and abilities by adopting policies and regulations that encourage safe, healthy habits through the communities we plan, build, and preserve.

### 3. Countywide Planning Policies

The following policies are intended to facilitate the realization of the countywide goals identified above. These policies are further intended to guide the development of County and Municipal comprehensive plans and Development Regulations where such plans and regulations involve issues of countywide concern.

#### 3.1 General Provisions

1. Except as otherwise stated, Municipalities shall be responsible for establishing long range plans and Planning Policies for Municipal Urban Growth Areas. The Municipalities shall also be exclusively responsible for regulating land use and development within the incorporated portions of Municipal Urban Growth Areas.

2. The County shall be responsible for regulating land use and development activities within unincorporated portions of Municipal Urban Growth Areas; however, the County must coordinate with the associated Municipality to ensure that any new uses authorized by a County permit or Development Regulations are consistent with the Municipality’s Planning Goals and Policies, as well as any applicable Countywide Planning Policies.

3. Growth and development within Non-Municipal Urban Growth Areas shall be planned for, managed, and regulated by the County.

4. The County and the Municipalities should coordinate where appropriate, the development and implementation of long-range plans for youth services, senior services, fire protection, police services, air quality, transportation, solid waste, public and private utilities, watershed and storm-water planning, and environmental plans for the protection of critical areas.

5. Growth and development outside of Urban Growth Areas shall be planned for, managed, and regulated by the County, except that planning within Joint Planning Areas shall be subject to the joint planning area policies described below in section 3.2.
3.2 Joint Planning Area Policies

1. For each Municipal UGA, the County and the Municipality associated with the MUGA shall collaboratively designate a Joint Planning Area (JPA). Broadly, such areas are intended to provide an opportunity for long term planning beyond the normal twenty-year planning horizon.

   a. When identifying properties for inclusion in the JPA, the following shall be given first consideration:

      i. Lands adjacent to the MUGA;
      
      ii. Lands adjacent to essential public facilities and urban services;
      
      iii. Lands that facilitate connectivity to established or projected transportation corridors; and
      
      iv. Lands where inter-jurisdictional long term coordination would be beneficial due to the sensitive nature of adjacent uses.

   b. When possible, resource lands of long term commercial significance should be considered for exclusion from the JPA.

   c. JPA boundary lines shall be drawn, wherever practical, in order to:

      i. Be contiguous and not contain any holes;
      
      ii. Follow street alignments, water courses, and other physical boundaries;
      
      iii. Be kept straight, simple, and logical; and
      
      iv. Follow parcel boundaries (not dividing a parcel).

2. The County and Municipality shall also collaboratively produce a long term conceptual plan for the Joint Planning Area as follows:

   a. Two broad overlay designations shall apply within JPAs as follows; Potential-Priority Growth Area (PGA) and Long-Term Rural-SignificanceAuxiliary Growth Area (AGA) (LRS). These designations need not be applied to all land within the JPA, land may be left undesignated; however, sufficient quantities of both PGA and LRS-AGA land should be designated to guide and control future development and UGA expansions.

   b. Designate areas appropriate for future Urban Growth Area exemptions. Land shall be assigned a: The JPA overlay designation of Potential-Priority Growth Area (PGA) should be considered for lands which are; if it is

      i. Already characterized by Urban Development,
      
      ii. Served by Urban Services, particularly sanitary sewer, or
      
      iii. Is determined by the Municipality and the County to be the most logical and cost effective location to accommodate future Urban Growth Area expansions.

   c. Land which should not be assigned a Joint Planning Area overlay designation of PGA if such land meets the criteria for an LRSAGA designation unless when such designation meets the criteria established in 3.2(2)(f) of this chapter, shall not be assigned a Joint Planning Area overlay designation of PGA.
de. A JPA overlay designation of Auxiliary Growth Area (AGA) should be considered for lands which are: Designate areas of Long Term Rural Significance (LRS) which have been designated for agricultural or forestry uses. Lands which are
   i. Extensively constrained by critical areas, flood hazards, or tsunami
   ii. hazards;
   iii. should also be given an LRS designation. Lands which are determined determined by the County and/or Municipality to have long term cultural, scenic or environmental benefits;
   iv. may also be assigned an LRS designation. At a minimum, all lands Resource lands of long term commercial significance;
   v. Classified as forest lands or farm and agricultural lands and with property valuation at current use classification under RCW 84.34.020(2) or RCW 84.33.035; or have been assigned a County Comprehensive Plan designation of Rural Agriculture (RA), Commercial Agriculture (CA), or Rural Forest (RF) shall be assigned an LRS designation along with any other lands which may be within contiguous blocks of RA, CA, or RF land, unless such a designation would conflict with policy 3.2.1.e below by completely precluding, forestalling, or rendering impractical future UGA expansions.
   vi. Within or in close proximity to Accident Potential Zones, and areas highly impacted by aircraft noise identified in AICUZ Program noise contour maps.

dd. When possible, a buffer of land should be provided between the UGB or lands designated as Priority Growth Areas, and lands which have been resource lands of long term commercial significance, assigned a comprehensive plan designation of Commercial Agriculture (CA), Rural Agriculture (RA), or Rural Forest (RF). When such a buffer is established it shall be assigned a designation of LRSAGA. A buffer should not be established if it would result in highly irregular or impractically configured LRS AGA overlay boundaries.

df. With the exception of the Coupeville JPA, Joint Planning Area designations shall not be assigned in such a way that future UGA expansions are completely precluded, forestalled, or rendered impractical; areas must be provided to allow for future UGA expansions. Lands designated AGA may be considered for re-designation to PGA when:
   i. An AGA designation would create a non-contiguous ("donut hole") area of County land with future UGA expansions;
   ii. An AGA designation would preclude, forestall, or make impractical the future and logical expansion of the UGA;
   iii. An AGA designated area is located adjacent to or in close proximity to established or projected transportation corridors;
   iv. An AGA designated area is needed to facilitate or provide access and connectivity to established or projected transportation corridors;
   v. An AGA designated area is located adjacent to or in close proximity to essential public facilities or urban services; or
vi. An AGA designated area is needed to facilitate the logical extension of urban services or for the siting of essential public facilities.

g. Lands designated AGA that perform a critical recharging effect on aquifers used for potable water or lands which contain significant flood hazard areas should remain AGA when possible.

32. The County shall adopt the LRS-PGA and PGA-AGA designations as Comprehensive Plan overlay designations which will apply in addition to any underlying comprehensive plan or zoning designations.

43. The County may adopt a Future Planning Area around the Freeland Non-Municipal Urban Growth Area and assign overlay designations similar to those discussed above in accordance with the criteria provided in Section 3.2.

54. A conceptual JPA plan should be prepared by the County in cooperation with each Municipality consistent with the above criteria, the Planning Goals and Policies expressed in this document, and any applicable County Planning Goals and Policies. The County and Municipalities should then work together to resolve any concerns prior to final adoption by the County.

66. Proposals to modify a MUGA or Joint Planning Area may be made by a Municipality or the County. Modifications to JPA plans shall be subject to the procedures and criteria identified above and should generally only be revised made during the periodic update cycle mandated by the GMA or sooner if needed to ensure consistency with adopted criteria.

76. For lands assigned a designation of Potential Growth Area (PGA) Priority Growth Area (PGA), the County shall adopt Planning Policies and Development Regulations which limit or restrict development which could interfere with the efficient utilization of such lands for future Urban Development. The County shall also adopt Planning Policies and Development Regulations which provide Municipalities notification of significant development proposals (such as land divisions, site plan approvals, or major transportation projects) within the JPA, and shall provide the affected Municipality with the ability to comment on such proposals.

87. For lands assigned a designation of Long Term Rural Significance (LRS), Auxiliary Growth Area (AGA) the County shall adopt Planning Policies and Development Regulations which protect the agricultural, environmental, forestry, aesthetic, or cultural values of such lands.

3.3 Urban Growth Areas

Consistent with the provisions of RCW 36.70A.110, a Municipal Urban Growth Area has been established around each Municipality. A Non-Municipal UGA has also been established in Freeland in recognition of the fact that Freeland is already characterized by Urban Development. Existing UGAs may be modified when it can be demonstrated that the proposed modification is consistent with the following policies. These policies are intended to implement countywide planning goals 2.1, 2.2, 2.4, and 2.5 as well as GMA planning goals one, two, and four as provided for in RCW 36.70a.020.

1. The review of a UGA for possible expansion is a significant undertaking. Generally UGAs should only be enlarged or modified during the periodic update process; however,
UGAs may be modified outside of the periodic update process if necessary to accommodate major and unanticipated fluctuations in Island County's population, or if necessary to accommodate a large employer or institution which cannot reasonably be accommodated within an existing UGA.

2. Urban Growth Areas may be expanded during a GMA mandated periodic update cycle if necessary to accommodate a 20 year supply of buildable land as required by RCW 36.70A.110.

3. Urban Growth Areas may be expanded outside of a GMA mandated periodic update cycle if the expansion is necessary for one of the following reasons. For purposes of interpreting these policies “the start of the planning period” shall mean the date on which the most recent periodic update was completed.
   a. Population growth in the UGA since the start of the planning period equals or exceeds fifty percent of the population growth allocated to the UGA at the start of the planning period; or
   b. Employment growth in the UGA since the start of the planning period equals or exceeds fifty percent of the employment growth allocated to the UGA at the start of the planning period; or
   c. Written notification is provided by the Department of Defense, or other reliable and verifiable information is obtained, indicating that prior to the next periodic update cycle, Naval Air Station Whidbey staffing will increase in a manner which would result in population growth equal to or exceeding fifty percent of the population growth allocated to the UGA at the start of the planning period; or
   d. An opportunity is presented to bring a large scale business, industry, institution, or other significant employer to Island County, and the County and Municipality agree that due to the facility or institution’s unique characteristics there is no suitable land available inside the current UGA.

4. Urban Growth Areas shall be sized to include only the land necessary to accommodate twenty years of population and employment growth based on the methodology included in Appendix “A”. This methodology is intended to provide for a reasonable market factor.

5. In considering potential UGA expansion scenarios, Municipalities should consider alternative measures such as, increasing the densities allowed within their existing UGA or altering the uses allowed by their land use plan and zoning regulations. The viability of such measures should then be discussed with the County. In determining the viability of such alternative measures, the Municipalities may consider a full range of economic, social, and real estate market factors.

6. If it is determined that an expansion or modification of a UGA is necessary, the UGA boundaries must be evaluated on a county-wide basis, be based on a County population projection that does not exceed the Office of Financial Management (OFM) published ranges, and include an evaluation of the allocation of growth to each Planning Area and UGA.

7. L-land shall be considered for inclusion within the UGA in the following order:
   a. Land with a JPA overlay designation of PGA.
b. Land within a JPA which has not been assigned a JPA overlay designation except as provided for in 3.3.8., provided such land is not extensively constrained by critical areas or located in a significant flood or tsunami hazard area.

c. Land with a JPA overlay designation of LRS-AGA and an underlying County comprehensive plan designation of Rural (R) zoning, which is not extensively constrained by critical areas and which does not contain significant flood or tsunami hazard areas; or which is not designated as resource land of long term commercial significance.

d. Land with a JPA overlay designation of LRS and an underlying County comprehensive plan designation of Rural Agriculture (RA) or Rural Forest (RF) which is not extensively constrained by critical areas, and which does not contain significant flood or tsunami hazard areas.

8. Land which is extensively constrained by critical areas, which contain flood or tsunami hazard zones, or which is designated as resource land of long term commercial significance and is identified by a County comprehensive plan designation of “Commercial Agriculture” (CA) zoning, shall be considered the absolute lowest priority for inclusion within a UGA and shall only be included within a UGA upon a demonstration of the following:

a. After a thorough consideration of all other reasonable measures the UGA must be expanded in order to relieve a critical shortage of buildable land;

b. No other land exists which can reasonably be added to the UGA;

c. The land being considered can be reasonably served by Urban Services; and

d. A transfer of development rights (TDR) program has been enacted per WAC 365-196-815(1)(a).

9. Under no circumstances shall a UGA be expanded into a designated tsunami or flood hazard area unless the land is assigned an extremely low intensity comprehensive plan designation such as park or open space.

10. Urban Growth Areas may be reduced in size if:

a. Revised population estimates or allocations indicate that the existing UGA is larger than necessary to accommodate a 20 year supply of buildable land.

b. Densities within the UGA have been increased such that the UGA is larger than necessary to accommodate a 20 year supply of buildable land.

c. It is determined that Urban Services including public sewer and water cannot reasonably be provided to the area included in the proposed UGA reduction. Any UGA reduction proposed on the basis of this criterion shall ensure that any population currently allocated to the area included in the proposed reduction is redistributed elsewhere within the UGA, or to another UGA.

11. Urban Growth Areas may be modified by simultaneously including and excluding land so that the total area of the UGA is not altered, provided that land shall be considered for inclusion based on the criteria expressed in policies 3.3.5, 3.3.6, and 3.3.7, 3.3.8, and 3.3.9 above.
12. Land shall not be removed from a UGA if it is already characterized by Urban Development, permits have been issued authorizing Urban Development, or Urban Services have been extended into the area, unless the area is physically separated from and not adjacent to existing urbanized areas and would otherwise qualify as a Rural Area of Intense Development (RAID).

13. UGA modifications outside of the period update cycle may be proposed by a Municipality, the County, or an individual. Modifications proposed by Municipalities or individuals shall be submitted to the County in a manner consistent with the County’s procedures for comprehensive plan amendments and placed on the County’s annual review docket (per ICC 16.26). Modifications proposed by individuals shall not be approved by the County unless the modification is supported by the legislative authority of the affected Municipality.

14. For any proposed UGA modification a current land capacity analysis shall be prepared and shall utilize the procedures described in Appendix A. The land capacity analysis should be performed by the jurisdiction initiating the UGA modification, unless the modification is initiated by an individual, in which case the land capacity analysis should be completed by the County.

3.4 Urban Development

The following policies have been adopted to ensure that Urban Development occurs only within designated Urban Growth Areas, and that Urban Growth is orderly, compact, contiguous, and adequately served by Urban Services. These policies are intended to implement countywide planning goals 2.4, 2.5, and 2.8 as well as GMA planning goals one, two, and twelve.

1. Urban Development shall take place only within municipalities and UGAs.

2. Each Municipality shall prepare land use plans, Planning Policies, and Development Regulations for their UGA. These plans, Planning Policies, and Development Regulations shall be used to regulate development activities within the incorporated boundaries of the Municipality. For land within a Municipal UGA, but outside the incorporated boundaries of a Municipality, the County’s Planning Policies and Development Regulations shall apply until such time that the land is annexed. Upon annexation the Municipality’s Planning Policies and Development Regulations shall apply.

3. Urban Development shall be expressive of Urban Character. Planning Policies and Development Regulations should be adopted by the County and the Municipalities to ensure that Urban Development is not wasteful of land or resources, and that Urban Development proceeds in an orderly contiguous fashion.

4. Planning Policies and Development Regulations shall be adopted which require that new development, including subdivisions, short subdivisions, site plan approvals, and building permits for new homes and commercial or industrial buildings within a designated UGA be served by public sewer and water.

5. Development Regulations may be adopted by the Municipalities (or by the County in the case of the Freeland NMUGA) which allow variances or waivers to be granted from the above requirement in situations where public sewer and water cannot be provided economically due to topographical constraints or an inability to obtain the approval of...
intervening land owners. Waivers or variances should only be granted to serve existing
development or to permit the development of single-family homes on existing lots.
Waivers or variances shall not be used to permit land division or the establishment of
new non-residential uses.

6. The construction or installation of new private wells and septic systems within Urban
Growth Areas should be strongly discouraged and only allowed through a variance or
waiver as described above in policy 3.4.5. When permitted, these systems should be
considered an interim solution until public sewer or water service can be provided.

7. The Municipalities and County agree that steps should be taken during each periodic
update cycle to increase the percentage of Island County’s overall growth occurring
within UGAs. The Municipalities and the County should work to foster, promote, and
accommodate additional housing and job growth within existing UGAs and shall adopt
policies to accomplish this objective.

8. Municipalities shall not annex land outside an Urban Growth Area.

9. Land recently added to a UGA shall not be annexed until any appeal periods or
proceedings associated with the UGA expansion have lapsed or been resolved.

10. Each Municipality should include specific policies to guide the incorporation process in
their comprehensive plans.

11. It is recognized that Urban Growth and Development should be regulated by the
Municipalities. Accordingly, the following policies are intended to facilitate and
encourage the annexation of land outside of existing Municipal boundaries but within
Municipal UGAs. These policies are also intended to ensure that Urban Development
occurs in a logical, incremental, and rational fashion, and to prevent the County from
authorizing development within a Municipality’s UGA which foretells or frustrates future
Urban Development or the realization of the Municipality’s Planning Goals and Policies:

a. Land outside of existing Municipal boundaries but within a Municipal UGA shall be
assigned a County comprehensive plan and zoning designation of Urban Holding
“UH” until such time that it is annexed by a municipality. Once the annexation
process is complete, the Municipality’s Planning Policies, zoning designations, and
Development Regulations shall be used to regulate development.

b. Island County will support the incorporation of Non-Municipal Urban Growth Areas
and provide technical assistance as needed, provided that all annexation and
incorporation proposals involving land associated with a Non-Municipal Urban
Growth Area will be reviewed against the relevant incorporation/annexation criteria
set forth in State law, including a thorough analysis of fiscal impacts.

c. In allocating projected growth to UGAs, priority should be given to Municipal UGAs
over Non-Municipal UGAs within the same planning area.

d. The County shall continue to work with local jurisdictions to adopt Planning Policies
and Development Regulations that will facilitate anticipated urban development,
annexation and the provision of urban services in those areas designated UH, adopt
Planning Policies and Development Regulations which prohibit Urban Development
in areas subject to an Urban Holding designation, including land divisions at urban
densities and site plan approvals for Urban Development, provided that minor
redevelopment, remodeling, and improvements may be permitted in areas designated UH which are characterized by existing Urban Development.

12. Incorporation proposals involving land outside the boundaries of a Non-Municipal Urban Growth Area shall not be supported or approved by the County.

3.5 Rural Development

1. All development outside of UGAs shall be consistent with the County’s definition of Rural Character.

2. Allowed land uses in the Rural Areas should primarily be agricultural or low density residential in nature. In order to support the economic and social vitality of existing cities and towns, non-residential, non-agricultural uses in Rural Areas should generally be limited to small scale home businesses and non-residential uses which are directly related to, and supportive of, agricultural uses. Small scale recreation and tourist uses may also be appropriate in Rural Areas, and higher density housing and certain commercial uses may be permitted in the County’s RAIDs. The County shall adopt Planning Policies.

3. In establishing allowed densities and uses in Rural Areas, the County shall consider the long term availability of known and/or verifiable water supplies, the general suitability of the area for on-site septic systems, the presence of geologically unstable areas, and the presence of flood or tsunami hazards.

4. The County shall plan for the timely and efficient provision of Rural Services.

5. In general, public facilities and buildings should not be located in Rural Areas unless their function or service area is best served by a location outside of a UGA.

6. The Municipalities and the County have agreed that the percentage of growth occurring within UGAs should be increased. The County should adopt Planning Policies and Development Regulations in order to achieve this objective.

3.6 Public Facilities and Services

1. New Urban Services and facilities shall not be provided or extended outside of Urban Growth Areas. In particular, sanitary sewer systems may not be extended outside of existing UGAs unless necessary to respond to a documented public health hazard caused by existing development which cannot be remedied in any other reasonable way.

2. Public Services and facilities shall be provided in a manner which is consistent with, and helps to implement all aspects of locally adopted comprehensive plans and Development Regulations.

3. Public Services and facilities shall not be provided in a manner which is contrary to locally adopted comprehensive plans and Development Regulations.

4. Within UGAs, provisions must be made to ensure that necessary Urban Services are available or in place prior to, or concurrent with, Urban Development.
5. Consistent with GMA requirements, locally adopted comprehensive plans and Development Regulations shall specifically identify how Urban Services will be provided throughout UGAs.

6. With respect to services or facilities of regional significance, Municipalities and the County should coordinate capital facilities planning and funding within UGAs.

7. The County and the Municipalities will work together to implement, enforce, and update the Coordinated Water System Plan and any associated Planning Policies or Development Regulations.

8. Public Services and facilities should be located in areas which are accessible by all modes of transportation. In particular, public services serving low income or mobility impaired citizens should be located in close proximity to transit stops and in areas with a well developed network of sidewalks and paths.

9. In general, public facilities and buildings should not be located in Rural Areas. In evaluating the appropriate location for public buildings and facilities, sites should be considered in the following order of preference:
   a. Sites within existing Municipalities.
   b. Sites outside of existing Municipalities, but within UGAs.
   c. Sites outside of an existing Municipality, or UGA, but within a Limited Area of More Intense Rural Development (RAID).
   d. Sites in Rural Areas, but only when it can be shown that the Public Service requires a location in a Rural Area due to its unique operational characteristics or service area requirements.

3.7 Facilities of Countywide or Statewide Significance

The County and the Municipalities are required by the GMA (RCW 36.70A.200) to include provisions in their comprehensive plans and Development Regulations addressing essential public facilities. The following policies are intended to guide the designation, location, expansion, and modification of Facilities of Countywide or Statewide Significance and to ensure full compliance with GMA requirements.

1. The County and Municipalities shall ensure that their Planning Policies and Development Regulations contain policies and procedures allowing for, and governing facilities of statewide or countywide significance.

2. The County and each Municipality should establish a process through their comprehensive plans or Development Regulations for identifying and regulating the location and development of essential public facilities. These policies and regulations should, at a minimum, include:
   a. A process for determining whether or not a given facility or service meets the definition of an essential public facility.
   b. A process, including specific criteria, for evaluating alternative locations.
   c. Provisions to ensure that the environment, public health, and safety are protected.
d. For facilities outside of UGAs, provisions to ensure, to the extent possible, the facility is consistent with the County's adopted definition of Rural Character.

3. To the extent possible, essential public facilities should be located in a manner which is consistent with, and supportive of adopted land-use, transportation, and economic development plans.

4. Essential public facilities shall be located within a UGA unless it can be demonstrated that a rural location is the most appropriate location based on the specific characteristics and operational needs of the facility. Mere convenience or expediency is not sufficient to demonstrate compliance with this requirement.

5. Essential public facilities located outside of a UGA should be self-contained and should not require the extension or provision of Urban Services. In the event that it is absolutely necessary to extend Urban Services to allow for the establishment of an essential public facility that would otherwise be impossible to establish, Urban Services shall be provided in a manner which precludes further extension or connections in the intervening areas. In such instances, the extension of Urban Services shall not be used to service Rural Development or to justify future UGA expansions that could not otherwise be supported by the policies of this document.

6. The County and Municipalities shall not preclude the establishment or provision of an essential public facility when proposals for such services or facilities are consistent with these policies, as well as any Planning Policies and Development Regulations adopted by the County or Municipalities regulating essential public facilities.

7. The County, in collaboration with the affected municipality shall review proposals for Facilities of Countywide or Statewide Significance in unincorporated Municipal UGAs, taking into consideration these policies, as well as applicable County and Municipal policies and regulations.

3.8 Transportation

1. The transportation element of the County's comprehensive plan should include Urban Growth Area components to ensure consistency among planning jurisdictions. All transportation planning, including that of Federal or State agencies, and Port Districts, should be jointly and cooperatively developed, adopted and implemented through coordinated and collaborative planning efforts.

2. The County and Municipalities should each actively participate in multi-county, multi-jurisdiction, regional transportation planning, including planning for Washington State Ferries.

3. The County and Municipalities will cooperate in the analysis of, and response to, any major industrial, retail, commercial, recreation, or residential development proposal that may impact the transportation systems in Island County.

4. The capacity of the transportation system must be planned, built, and managed to meet planned land use densities in UGAs.

5. The planned transportation system should be implemented in a coordinated and cost effective manner utilizing a fair and sufficient method of funding.
6. The County and Municipalities shall work together in identifying and preserving transportation corridors in JPAs and unincorporated UGAs. The location and extent of such corridors should be based on the street classifications and/or future street maps recommended or identified in the Transportation Elements of Municipal Comprehensive Plans.

7. The purchase of right-of-way, or the construction of transportation projects necessary to facilitate Urban Development, within unincorporated UGAs shall be the responsibility of the Municipality associated with the UGA.

8. The County and Municipalities will coordinate their respective transportation plans for consistency and interconnectedness in JPAs and unincorporated Municipal UGAs. For developments occurring in a JPA, or an unincorporated Municipal UGA, that may impact future transportation corridors, the County will notify the Municipality responsible for the UGA or JPA of the development and provide the Municipality with an opportunity to comment on the proposal.

9. Pursuant to RCW 36.70A.430, a multi-jurisdiction environmental and permitting process should be established for reviewing and coordinating state and local permits for transportation projects that cross Municipal or County boundaries. This policy may be carried out through the development of inter-local agreements with the Municipalities within Island County as well as adjoining Counties and Municipalities.

3.9 Housing

In order to meet the need for affordable housing and to accommodate the housing needs for all economic segments of the population, the County and Municipalities will consider the following policies in the development of locally adopted comprehensive plans:

1. A wide range of housing development types and densities throughout Island County should be encouraged and promoted to meet the needs of a diverse population and provide affordable housing choices for all;

2. Manufactured home parks at urban densities, should be located within Municipalities, UGAs and/or unincorporated rural centers;

3. Multi-family housing should be located within Municipalities, UGAs and/or unincorporated Rural Centers;

4. In order to maximize economic opportunity and enhance the wellbeing of Island County's low income residents, publicly funded low income housing should be located in close proximity to employment centers, transit stops, and other public services.

5. The comprehensive plans of the County and the Municipalities should consider the following housing policies:
   a. Development of boarding houses, single-room occupancy housing, scattered site housing, and accessory housing such as elder cottages, guest houses, and/or attached apartments;
   b. Establishment of a public/private housing trust fund to provide loans and grants for development of low to moderate income housing and housing for persons with special needs;
c. Identification of publicly owned properties within UGAs or RAIDs that could serve as possible sites for the development of affordable low income housing; and

d. Identification of regulatory relief actions such as inclusionary zoning, density bonuses for the development of lower-cost housing or in-lieu payments into a housing trust fund, forgiveness of impact or mitigation fees for low-income housing as authorized under the GMA or priority permit process treatment of housing developments intended for or including affordable housing.

6. Provisions for affordable housing will be required elements of the economic development and comprehensive plans of the County and Municipalities.

3.10 Land Use & Public Health

Access to clean air and water, healthy food, affordable housing, adequate transportation, and opportunities for physical activity, are all key factors that contribute to a positive quality of life. The Growth Management Act (GMA) encourages the availability of affordable housing, efficient multimodal transportation systems, retaining open spaces, enhancing recreational opportunities and requires communities to plan for bicycle and pedestrian transportation and physical activity. Establishing a deliberate connection between land use and public health will assist the County and the Municipalities in realizing these GMA objectives. Therefore, it is the policy of the County and the Municipalities that the following policies should be considered when developing or revising County or Municipal Planning Policies and Development Regulations:

1. Roadway systems should be planned, built, and managed to encourage alternative transportation modes to the single-occupant vehicle. Transportation systems should support active, independent mobility for users of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities. Each jurisdiction should encourage:

   a. Use of public transportation;
   b. Development of linked on-street bicycle routes and pedestrian and bicycle corridors;
   c. Adequate pedestrian facilities; and
   d. Provisions for connections between different modes of transportation.

2. Development within UGAs should encourage enhanced community access and promote healthy active lifestyles through:

   a. An appropriate mix of land uses and intensities of land uses;
   b. Well connected street grids;
   c. Non-motorized access to transportation;
   d. Appropriate pedestrian and bicycle facilities that allow for safe travel; and
   e. Regionally connected trail systems.

3. A countywide system of non-motorized trails should be established in accordance with the Island County Non-Motorized Trails Plan. Trail development should be completed through regional collaboration and prioritize linking multi-modal transportation, schools, urban development, places of employment, and recreational facilities.
4. Residents should have adequate access to "open space" areas. Open spaces include land which contains natural areas, habitat lands, natural drainage features, and/or other environmental, cultural and scenic resources. Such land should be preserved and provided to residents for recreational use when appropriate. Open spaces should be linked to non-motorized transportation and public transportation.

5. Residents should have access to healthy food choices. Consideration should be given to establishing land use patterns and Development Regulations that support such access. Land use and Development Regulation amendments should consider the potential to remove existing barriers to healthy food choices, if they exist. Home and community gardens within UGAs should be encouraged and supported through design and permitting processes.

6. Access to affordable housing influences, and is influenced by, residents health. Housing services should be planned with collaboration of health and economic development expertise. Development of multi-family affordable housing should be encouraged near major employment opportunities, public services including healthcare, public transportation, retail providing healthy food options, and open spaces such as parks and trails.

3.11 Economic Development & Employment
To ensure future economic vitality, broaden employment opportunities, and meet the needs of projected growth while retaining a high-quality environment, the County and the Municipalities have determined that the following policies should guide local economic development planning efforts:

1. Economic growth should be encouraged within the capacities of the County’s natural resources, public services and public facilities;

2. The Economic Development Element of the Island County Comprehensive Plan and the comprehensive plans of the Municipalities should, at a minimum:
   
   a. Consider the goods, services and employment requirements of existing and projected population;
   
   b. Identify the land use, infrastructure, transportation, and labor market requirements of businesses which have the highest probability of economic success in Island County and the least negative impact on the quality of life;
   
   c. Based on citizen input, existing land use patterns and local capacity (geographic environmental and other considerations), determine areas suitable for retail, commercial and industrial uses; and
   
   d. Encourage expansion of the tax base to support the infrastructure and services required to support a growing or changing population.

3. Future retail, commercial, and industrial development should be encouraged in UGAs and RAIDs as identified in the comprehensive plans adopted by the County and Municipalities.

4. Land use regulations and infrastructure plans of the County and Municipalities should be amended or developed in a manner that supports economic development elements of locally adopted comprehensive plans.
5. Economic development in each of Island County’s Planning Areas should proceed in a coordinated fashion consistent with locally adopted comprehensive plans and development regulations.

6. The County, Municipalities and Port Districts should work collaboratively to address issues of intergovernmental coordination and overlapping responsibility.

4. Administration and Implementation

The purpose of this section is to ensure that the Countywide Planning Policies are administered jointly in a collaborative fashion by the County and Municipalities.

4.1 Countywide Planning Group

1. A Countywide Planning Group (CPG) shall be formed for the purpose of discussing and coordinating countywide planning issues. This group shall be comprised of representatives from the planning departments of Coupeville, Island County, Langley, and Oak Harbor.

2. The CPG shall meet at least two times each year or more frequently as needed.

3. Matters of overlapping concern or jurisdiction should be discussed by the CPG before being advanced for legislative approval by the County or Municipalities.

4.2 Procedures for Adopting or Amending Countywide Planning Policies

1. The Countywide Planning Policies shall be reviewed, updated, or amended as needed during the periodic update and review cycle required by RCW 36.70A.130, provided that any amendments or updates are consistent with the requirements of the GMA.

2. Amendments to the Countywide Planning Policies may be made outside of the normal periodic update cycle if necessary to address unforeseen or unanticipated events which must be addressed prior to the next periodic update cycle. In such instances, revisions may be proposed by a Municipality or the County and should be drafted jointly by the CPG prior to being advanced to the legislative bodies representing Coupeville, Island County, Langley, and Oak Harbor.

3. At least two years before the periodic review deadline established by RCW 36.70A.130 the CPG shall begin a series of meetings to discuss planning issues of countywide importance that may affect the periodic updates of the Municipalities or the County.

4. If necessary amendments or updates are identified during the CPG meetings they shall be forwarded to the BOCC for consideration. If the BOCC makes a decision to adopt the proposed revisions, they shall only become effective when ratified by the majority of legislative bodies representing Coupeville, Island County, Langley, and Oak Harbor.

4.3 Population Projections and Land Capacity Analysis

1. As part of the periodic review process required by RCW 36.70A.130, the CPG shall review, and if necessary, revise the 20 year population projection. The County should lead this effort in cooperation with the Municipalities.
2. In reviewing the 20 year population projection, the CPG shall utilize the medium series projection range issued by the Washington State Office of Financial Management (OFM) as a base, or starting point. The CPG shall then analyze the assumptions used in the development of OFM's forecasting model. In those instances where OFMs assumptions differ from locally observed conditions or trends, adjustments shall be made to the medium series projection.

   a. When a mid-cycle evaluation is requested, in addition to other relevant data, the following will be re-evaluated to ensure that County population projections and/or allocations are still valid and correct.

      i. Migration factors (including commuter patterns, retirees, and county job growth);

      ii. Building permits for new construction compared to projected population growth;

      iii. Growth locations and densities (permit data); and

      iv. Project impacts, if expansion evaluation is pursuant to 3.3.3 (c) or (d).

3. Once a general consensus has been reached by the members of the CPG, the CPG's population projection recommendation shall be forwarded to the Island County Planning Commission and the Board of Island County Commissioners (BOCC) for consideration. Based on the Planning Commission's recommendation, the BOCC shall either adopt the 20 year population projection developed by the CPG or refer the matter back to the CPG for further work.

4. BOCC adoption of a population projection shall include a resolution identifying the population projection to be used. The population projection decision shall only become final when ratified by the majority of legislative bodies representing Coupeville, Island County, Langley, and Oak Harbor.

5. After the BOCC has adopted a population projection, the CPG shall develop a plan for allocating the projected population growth to each of Island County's Planning Areas. This regional allocation process should be based on past growth trends, demographic characteristics, economic conditions, and housing market data.

6. After the regional allocation process described above is completed, the CPG shall divide each regional allocation into an urban component and a rural component; the urban component of each regional allocation shall then be assigned to the UGAs.

7. For each UGA, a land capacity analysis shall be performed to determine if the UGA has sufficient capacity, with reasonable market factors in accordance with procedures provided in Appendix A, to accommodate the projected growth in population and jobs. The land capacity analysis should be conducted by the jurisdiction responsible for the UGA and shall utilize the procedures described in Appendix A.

8. If, based on the results of the land capacity analysis described above, it is determined that a UGA does not have sufficient capacity to accommodate 20 years of population and job growth, the UGA may be expanded as necessary to accommodate the anticipated growth, provided that any proposed expansion shall be consistent with the applicable criteria contained in section 3.3 of these policies.

9. If, based on the results of the land capacity analysis described above, it is determined that a UGA has significantly more capacity than is required to accommodate 20 years of population and job growth, the UGA may be reduced in size if requested by the
jurisdiction responsible for the UGA, or if otherwise required to comply necessary to comply with the Growth Management Act, provided that any proposed reduction shall be consistent with the applicable criteria enumerated in section 3.3.

4.4 Monitoring and Reporting Procedures

1. In order to facilitate future analysis, the County and Municipalities will maintain development records which include:

   a. The number of housing units permitted and constructed annually. This information shall be collected and maintained in a manner which makes it possible to differentiate between new “additional” units and replacement units.

   b. The number of land divisions approved, the size of the parcel divided, the number of new or additional lots created through each division, the gross and net density achieved by each division, and the quantity of land used for public purposes within each division.

   c. The number of multi-family development projects approved, the number of units contained within each development, the gross and net density achieved by each development, and the maximum density permitted in the zone where each project is located.

   d. The square footage of new commercial or industrial buildings permitted and constructed. This information should be collected and maintained so that it is possible to calculate the floor area or site coverage ratios of each development.

2. The data described above should be provided to Island County Planning Department by the end of January each year for the purpose of maintaining an accurate buildable lands inventory. Following the receipt of this information the County should produce an annual report summarizing development trends in Island County and distribute this report to the Municipalities and Special Service Districts as appropriate.

3. ArcGIS data should be provided to Island County by the end of January each year to reflect any changes made to Municipal land use or zoning maps. Additionally, Island County should provide updated parcel information to the Municipalities.

5. Fiscal Impact Statement

It is the opinion of the County and Municipalities that the Countywide Planning Policies, in themselves, have no fiscal impact and are an agreed upon method of guiding the planning activities required by the Growth Management Act. As the Growth Management Act and these policies are implemented to their maximum extent, County Government may lose some tax base needed to operate essential services which serve both the County and Municipalities. To compensate for this, legislation may be required to provide tax base sharing. Neither the fiscal impacts of implementing the Growth Management Act itself, nor the development of land use plans and Development Regulations necessary to implement the GMA, are addressed herein.
Countywide Planning Policies
Appendix A: Buildable Lands Procedures

1. DEFINITIONS

1. **Critical Areas:** Mapped and verified streams, wetlands, lakes, ponds, steep slopes, and geologically hazardous areas, and their maximum associated buffers.

24. **Critical Area Constraint Factor (CF):** A number representing the percentage of RAID or UGA-land (specific to each area analyzed) which is presumed to be constrained by critical areas, and therefore less likely to be available for development.

32. **Development Potential (DP), Non-Residential & Multi-Family Residential:** The number of acres available for non-residential and multi-family residential development in each industrial, commercial, mixed use, and multi-family zone. In this analysis, DP is used as a subtotal to express the gross capacity of vacant or re-developable parcels before the Total Development Potential is calculated.

43. **Development Potential (DP), Single-Family Residential:** The potential number of lots or dwelling units which can be created by dividing or developing vacant or partially vacant parcels in zones which permit single-family residential development. In this analysis, DP is used as a subtotal to express the gross capacity of vacant or partially vacant parcels before the Total Development Potential is calculated.

5. **Undevelopable Parcel (UP) Low Probability for Development (LPD):** Parcels which are not likely to be available for development because they are owned by a charitable organization, institution, or governmental entity. Undevelopable LPD parcels shall be identified based on Assessor's parcel data. Parcels which are tax exempt based on Assessor's parcel data shall be considered undevelopable LPD parcels. Parcels with an easement that restricts future development shall also be considered LPD parcels.

64. **Partially Vacant Parcel (PVP):** A partially vacant parcel is a parcel which contains an existing dwelling unit but which is large enough to be divided.

76. **Public Purpose Land (PPL):** Includes land required for such things as streets, drainage facilities, and parks/open space.

86. **Re-Developable Parcel (RP):** A parcel zoned for non-residential uses or multi-family residential uses that has the potential to be redeveloped and used more intensively.

97. **Total Development Potential, Non-Residential & Multi-Family Residential (TDP):** The total gross quantity of land available for multi-family or non-residential development before land is subtracted to account for public purposes and critical areas.

108. **Total Development Potential, Single-Family Residential (TDP):** The total gross number of lots or dwelling units which could be created by dividing and/or developing all vacant and partially vacant parcels available for single-family development before land is subtracted to account for public purposes and critical areas.
119. **Total Net Capacity (TNC):** The total net capacity of each single-family, multi-family, industrial, commercial, and mixed use zone after land is subtracted for public purposes and critical areas. Total Net Capacity is expressed in acres for multi-family and non-residential zones, and dwelling units or lots for single-family zones.

120. **Undevelopable Parcel (UP):** Parcels which are not likely to be available for development because they are owned by a charitable organization, institution, or governmental entity. Undevelopable parcels shall be identified based on Assessor’s parcel data. Parcels which are tax exempt based on Assessor’s parcel data shall be considered undevelopable.

131. **Vacant Parcel (VP):** A parcel which is either vacant or has an improved value of less than $4,000 based on Assessor’s parcel data. Parcels which contain a mobile or manufacture home shall not be considered vacant even if they have an improved value of less than $4,000.

142. **When the term value is used in this document it shall mean the assessed value identified in the Island County Assessor’s Database.**

153. **When the term BOCC is used in this document it shall mean the Board of Island County Commissioners.**

2. **ASSUMPTIONS:**

1. **Employment Density:** For commercial and industrial lands the following assumptions should be used:
   a. Commercial, UGA: 17 employees per acre
   b. Industrial: 8 employees per acres

2. **Public Land:** In RAIDs and UGAs, 15% of available land will be needed for public purposes.

3. **Re-Development Factor:** It is assumed that 50% of multi-family, commercial, and industrial parcels with an improvement to land value of less than 1:2 will be available for redevelopment during the planning period (20 years from the date of the most recent periodic update).

4. **Household Size (or Persons per Household):** For the 2016 periodic-update a an average household size for Island County of 2.36 was employed. This figure was will be used for each area analyzed based on data from the 2010 census data. For each subsequent periodic update, the most current census data should be employed.

5. **Partially Vacant Parcels:** Parcels located in Rural Areas shall be considered Partially Vacant if they are at least twice the minimum lot size required by the zone in which they are located. Due to the smaller minimum lot sizes typically allowed within Urban Growth Boundaries, it is not always practical to assume a parcel that is twice the minimum lot size will be able to subdivide due to the orientation of an existing structure on the property. To account for this, a defined percentage of parcels between 2 and 3.5 times the minimum lot size in the zone should be deducted based on a sliding scale. Specific instructions for this procedure are provided below in the UGA Analysis section. **Parcels**
located in Rural Areas shall be considered partially vacant if they are at least twice the minimum lot size required by the zone in which they are located.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Discount Adjustment Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-2.5 times the minimum lot size</td>
<td>75%</td>
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<tr>
<td>2.6-3 times the minimum lot size</td>
<td>50%</td>
</tr>
<tr>
<td>3.1-3.5 times the minimum lot size</td>
<td>25%</td>
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<tr>
<td>&gt; 3.5 times the minimum lot size</td>
<td>015%</td>
</tr>
</tbody>
</table>

6. **Rural Capacity Deficiencies**: If there is a capacity deficiency identified in the rural area of any one of the Planning Areas, the allocated population or jobs which are represented by that deficiency will be allocated to the UGA(s) within that Planning Area. If more than one UGA exists within that Planning Area, the population or jobs will be allocated in accordance with the same percentage of allocation used in the Regional Allocation process.

7. **Seasonal/Recreational (SR) adjustment factor**: Some dwelling units will not be available for residential occupancy, as they are used for short term rentals (e.g. VRBOs), second homes, etc. An SR factor will be based on the most current census data, but may be refined using local data.

8. **Vacancy Rate (VR) adjustment factor**: A reasonable factor for vacant units will be based on the most current census data, but may be refined using local data.

9. **Vacant Parcels (VP) adjustment factor**: To account for VP's that will not fully develop to the maximum density allowed over the next planning period, the capacity calculation for VP's will be reduced by a 10% adjustment factor.

3. **RURAL ANALYSIS STEPS**:

1. Identify all parcels within a RAID or UGA and exclude these parcels from further analysis.

2. Separate parcels by zoning category and identify lands zoned park/open space, special review district, airport, or any other designation which does not allow for residential development. These parcels should be excluded from further analysis.

3. For each zoning designation, identify all undevelopable parcels (UP) Low Probability for Development (LPD) based on tax classification. Parcels which are publicly owned or tax exempt (parks, schools, churches etc.) should be considered undevelopable-LPD and excluded from further analysis.

4. For each zoning designation, calculate the development potential of all vacant parcels (VP). The development potential of vacant parcels is determined by dividing the parcel area required by the minimum lot size allowed in the zone, and rounding down, and applying the Vacant Parcels (VP) adjustment factor. For example, a 17 acre parcel in the
Rural zone could be divided into three five acre parcels \((17/5 = 3.4)\) and accommodate three dwelling units.

5. For each zoning designation calculate the development potential of all partially vacant parcels (PVP) by dividing the parcel area by the minimum lot size, rounding down and subtracting one to account for the existing dwelling unit. For example a 17 acre parcel in the Rural zone with an existing home on it could be divided into three five acre parcels and two additional homes could be constructed on the resulting parcels. \(<\!(17/5 = 3.4) - 1 = 2.4\!). Additionally, identify all the parcels that fall within are 2 and 3.5 times the minimum lot size or greater; discount a portion of these based on the sliding scale below provided in Section 2.5.

6. For each zoning designation determine the total development potential (TDP) by adding the results from steps four and five together. This step allows the total build-out capacity for each, non-RAID, rural zoning designation to be determined (in dwelling units).

7. As a final step, add the resulting TDP figures for each zoning designation together to determine the total development potential for areas outside of RAIDs and UGAs. Apply the critical area constraint factor and the Seasonal/Recreational (SR) adjustment factor to determine an appropriate amount of land to deduct from the development potential. This step will allow the total build-out capacity (TNC) of the rural area (excluding RAIDs) to be determined (in number of dwelling units).

8. In order to determine the number of people that can be accommodated, the dwelling unit totals from steps six or seven can be multiplied by the average household size for Island County with the Vacancy Rate (VR) adjustment factor applied. The average household size should be determined using the most recent census data available.

4. RAID ANALYSIS STEPS:

4.1 General Steps

1. Identify all parcels which are either located within a UGA or outside of a RAID. Exclude these parcels from further analysis.

2. For each zoning designation, identify all undevelopable parcels (UP) Low Probability for Development (LPD) based on tax classification. Parcels which are publicly owned or tax exempt (parks, schools, churches etc.) should be considered undevelopable LPD and excluded from further analysis.

3. Separate residential RAIDs from non-residential RAIDs by zoning designation. Residential RAID parcels should be analyzed separately from non-residential RAID parcels as described below.

4. Determine the critical area constraint factor for each RAID by combining all critical area GIS layers, calculating the number of acres constrained by critical areas within each RAID. The result is a critical area constraint factor for each RAID.

4.2 Determining the Capacity of Single Family Residential RAID Zones
1. For each residential RAID zoning designation calculate the development potential of all vacant parcels (VP). The development potential of vacant parcels is determined by dividing the parcel area by the minimum lot size allowed in the zone, and rounding down, and applying the Vacant Parcels (VP) adjustment factor.

2. For each residential RAID zoning designation calculate the development potential of all partially vacant parcels (PVP). For purposes of this analysis, a partially vacant parcel is a parcel that is at least two times as large as the minimum lot size allowed by the zone. Calculate the development potential of all partially vacant parcels (PVP) by dividing the parcel area by the minimum lot size allowed in the zone and rounding down and subtracting one in order to account for the existing dwelling unit. Additionally, identify all the parcels that fall within are 2 and 3.5 times the minimum lot size or greater, discount a portion of these based on the sliding scale below provided in Section 2.5.

3. For each residential RAID zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally, apply the critical area constraint factor and the Seasonal/Recreational (SR) adjustment factor and to determine deduct an appropriate amount of land to deduct from the development potential. This step allows the total net capacity (TNC) for each residential RAID zoning designation to be determined (in dwelling units).

4. Add the resulting TNC figures for each residential RAID zoning designation together to determine the total development potential for all residential RAID zones. This step will allow the total combined net capacity of residential RAID zones to be determined (in number dwelling units).

5. In order to determine the number of people which can be accommodated, the dwelling unit totals from steps three or four can be multiplied by the average household size for Island County, with the Vacancy Rate (VR) adjustment factor applied. The average household size should be determined using the most recent census data available.

4.3 Determining the Capacity of Multi-Family & Mixed-Use Residential RAID Zones

See UGA Multi-Family and Mixed-Use Residential instructions.

4.4 Determining Capacity of Non-Residential RAID Zones

1. For each non-residential RAID zoning designation identify all vacant parcels (VP). Once all of the vacant parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the non-residential development potential of all vacant parcels (in acres) for each non-residential RAID zoning designation.

2. For each non-residential RAID zoning designation identify all re-developable parcels (RP). A parcel should be considered re-developable if the parcel data indicates that the improvement value to land value ratio is less than 1:2. Once all of the re-developable parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the non-residential development potential of all re-developable parcels (in acres) for each non-residential RAID zoning designation. As a final step, deduct 50% in order to account for the re-development factor.
3. For each non-residential RAID zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the \( \text{Total Net Capacity (TNC)} \) for each non-residential RAID zoning designation to be determined (in acres).

4. Add the resulting TNC figures for each non-residential RAID zoning designation together to determine the total development potential for all non-residential RAID zones. This step will allow the total combined build-out capacity of non-residential RAID zones to be determined (in acres).

5. In order to determine the number of jobs which can be accommodated in Non-Residential RAID zones, the acreage totals from step four can be multiplied by the average industrial and commercial employment densities.

5. UGA ANALYSIS STEPS:

5.1 General Steps

1. Sort parcels by zoning or comprehensive plan designation using Assessor’s parcel data and/or any other applicable information. Zoning or comprehensive plan designation should be obtained from the jurisdiction to ensure the accuracy of information before beginning the analysis.

2. For each UGA, identify all the undevelopable-Low Probability for Development (LPD) parcels in each zoning designation. Undevelopable-LPD parcels should include land which is tax exempt (parks, schools, churches and public facilities). Parcels, located in developed tracts, used for stormwater drainage and landscaping should be identified and removed from the analysis. These parcels typically are a requirement of the site plan and are not available for redevelopment. Remove all condominiums and gas stations from the results. Condominiums may show up in the results due to the relatively low improvement to land value of any one unit, however, the aggregate improvement to land value generally makes condominiums unlikely to redevelopment. Gas stations often have a low improvement to property value because they generally have very limited facilities and expensive real estate; however they are highly unlikely to redevelop. These parcels should be excluded from further analysis.

3. For each UGA, compile all available critical area mapping information and merge these layers into a single layer to determine the total quantity of constrained acreage in each zoning designation. Calculate the percentage of land area within each UGA that is constrained by critical areas by comparing number of acres constrained by critical areas to the total number of acres in each UGA. This calculation will result in a critical area constraint factor for each UGA.

4. Based on available zoning or comprehensive plan information, sort all parcels into four groups as follows: (a) parcels zoned for single family home development (freestanding homes, townhomes, or other forms of individual lot development); (b) parcels zoned for multi-family or mixed-use residential development (apartments, condominiums, mobile home parks, and other forms of multi-unit per parcel development); (c) commercial and
mixed-use commercial zones; and (d) industrial zones. Each of these groups should then be analyzed separately as described below.

5.2 UGA Capacity - Single Family Zones

1. For each single-family zoning designation calculate the development potential of all vacant parcels (VP). The development potential of vacant parcels is determined by dividing the parcel area by the minimum lot size allowed in the zone, and rounding down, and applying the Vacant Parcels (VP) adjustment factor. When Planning Policies or Development Regulations specify both a minimum and maximum density, both should be calculated to produce a range. Developments since the adoption of the recent Development Regulations should be used to select the most likely density for expected development to achieve within this potential range.

2. For each single-family zoning designation calculate the development potential of all partially vacant parcels (PVP). For purposes of this analysis, a partially vacant parcel is a parcel that is at least two times as large as the minimum lot size allowed by the zone. Calculate the development potential of all partially vacant parcels (PVP) by dividing the parcel area by the minimum lot size allowed in the zone and rounding down and subtracting one in order to account for the existing dwelling unit. When Planning Policies or Development Regulations specify both a minimum and maximum density, both should be calculated to produce a range. Additionally, identify all the parcels that fall within are 2 and 3.5 times the minimum lot size or greater; discount a portion of these based on the sliding scale below provided in Section 2.5 to account for parcels which are physically large enough to be subdivided, but which cannot be subdivided because of the placement of the existing housing unit on the parcel.

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<th>Criteria</th>
<th>Discount Factor</th>
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<tbody>
<tr>
<td>2.25 times the minimum lot size</td>
<td>75%</td>
</tr>
<tr>
<td>2.63 times the minimum lot size</td>
<td>50%</td>
</tr>
<tr>
<td>3.13.5 times the minimum lot size</td>
<td>25%</td>
</tr>
<tr>
<td>&gt;3.5 times the minimum lot size</td>
<td>0%</td>
</tr>
</tbody>
</table>

3. For each single-family zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next, determine the amount of land needed for public purposes and deduct this percentage from the TDP. Finally, apply the critical area constraint factor for the UGA and the Seasonal/Recreation (SR) adjustment factor to determine deduct an appropriate amount of land to deduct from the development potential. This step allows the Total Net eCapacity (TNC) for each single-family zoning designation in the UGA to be determined (in dwelling units).

4. Add the resulting TNC figures for each residential single-family zoning designation in the UGA together to determine the total development potential for all single-family zones in the UGA. The result of this step will be the total combined capacity of all single-family zones in the UGA (in number dwelling units).

5. In order to determine the number of people that can be accommodated in the UGA's single-family zones the dwelling unit totals from steps three or four can be multiplied by
the average household size for Island County, with the Vacancy Rate (VR) adjustment factor applied. The average household size should be determined using the most recent census data available.

5.3 UGA Capacity – Multi-Family and Mixed-Use Residential Zones

*Also used for RAID Capacity – Multi-Family and Mixed-Use Zones

1. Identify all vacant parcels zoned for multi-family and mixed-use residential development. Determine the development potential of these parcels by multiplying the acreage of the parcels by the density permitted in the zone and applying the Vacant Parcels (VP) adjustment factor. For zones with both a minimum and a maximum density, calculate the development potential at both the minimum allowed density and the maximum permitted density. Developments since the adoption of the most recent Development Regulations should be used to select the most likely density for expected development to achieve within this potential range.

2. For all areas designated for multi-family and mixed-use residential identify the parcels which can be redeveloped. In order to be re-developable, a parcel should have an improvement to land value ratio of less than 1.2. Determine the development potential of these parcels by multiplying the acreage of the parcels by the density permitted in the zone. As a final step, deduct 50% in order to account for the redevelopment factor. For zones with both a minimum and a maximum density calculate the development potential at both the minimum allowed density and the maximum permitted density.

3. For each multi-family and mixed-use residential zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally, apply the critical area constraint factor for the UGA and the Seasonal/Recreational (SR) adjustment factor and to determine deduct an appropriate amount of land to deduct from the development potential. This step allows the Total Net Capacity (TNC) for each multi-family and mixed-use residential zoning designation in the UGA to be determined (in dwelling units).

4. Add the resulting TNC figures for each multi-family and mixed-use residential zoning designation in the UGA together to determine the total development potential for all multi-family and mixed-use residential zones in the UGA. The result of this step will be the total combined capacity of all multi-family and mixed-use residential zones in the UGA (in dwelling units).

5. In order to determine the number of people that can be accommodated in the UGA’s multi-family and mixed-use residential zones, the dwelling unit totals from steps three or four can be multiplied by the average household size for Island County, with the Vacancy Rate (VR) adjustment factor applied. The average household size should be determined using the most recent census data available.

5.4 UGA Capacity – Commercial & Mixed-Use Commercial Zones

1. For each commercial or mixed-use commercial UGA zoning designation identify all vacant parcels (VP). Once all of the vacant parcels have been identified, calculate the
2. For each commercial or mixed-use commercial UGA designation identify all re-developable parcels (RP). A parcel should be considered re-developable if the parcel data indicates that the improvement value to land value ratio is less than 1:2. Once all of the re-developable parcels have been identified, calculate the total combined acreage of these parcels. As a final step, deduct 50% in order to account for the redevelopment factor. The result is the development potential of all re-developable parcels (in acres) for each commercial or mixed-use commercial UGA zoning designation.

3. For each commercial or mixed-use commercial UGA zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the total net capacity for each commercial or mixed-use commercial UGA zoning designation to be determined (in acres).

4. Add the resulting TNC figures for each commercial or mixed-use commercial UGA zoning designation together to determine the total development potential for all commercial or mixed-use UGA zones. This step will allow the total combined build-out capacity of commercial or mixed-use commercial UGA zones to be determined (in acres).

5. In order to determine the number of jobs which can be accommodated in commercial or mixed-use commercial UGA, the acreage totals from steps three or four can be multiplied by the average commercial employment density.

5.5 UGA Capacity – Industrial Zones

1. For each industrial UGA zoning designation identify all vacant parcels (VP). Once all of the vacant parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the development potential of all vacant parcels (in acres) for each industrial UGA zoning designation.

2. For each industrial UGA designation identify all re-developable parcels (RP). A parcel should be considered re-developable if the parcel data indicates that the improvement value to land value ratio is less than 1:2. Once all of the re-developable parcels have been identified, calculate the total combined acreage of these parcels. As a final step, deduct 50% in order to account for the redevelopment factor. The result is the development potential of all re-developable parcels (in acres) for each industrial UGA zoning designation.

3. For each industrial UGA zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the \( \text{Total Net Capacity (TNC)} \) for each industrial UGA zoning designation to be determined (in acres).
4. Add the resulting TNC figures for each industrial UGA zoning designation together to determine the total development potential for all industrial UGA zones. This step will allow the total combined build-out capacity of industrial UGA zones to be determined (in acres).

5. In order to determine the number of jobs which can be accommodated in commercial or mixed use UGA, the acreage totals from steps three or four can be multiplied by the average industrial employment density.
ORDINANCE NO. ___

An Ordinance of the City of Langley, Washington amending Langley Municipal Code 18.22.095(2)(f)and Ordinance No. 989 Providing For Severability, and Establishing an Effective Date

WHEREAS, the City Council of the City of Langley has reviewed the existing requirements regarding amplified music in commercial establishments abutting single family residential zones; and

WHEREAS, the City Council finds that there have been no problems or complaints from residents caused by amplified music in establishments abutting residential zoning and that adequate measures have been taken to reduce any negative impact on the peace, health, safety and welfare of residents of nearby areas including the devaluation of property and impacts to the quality of life of adjacent residents;

NOW, THEREFORE, be it ordained by the City Council of the City of Langley, Washington, as follows:

Section 1. Section 18.22.095 of the Langley Municipal Code is hereby amended to read as follows:

18.22.095—COMMERCIAL DEVELOPMENT ADJACENT TO SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

1. Purpose. The special standards set forth below for commercial development adjacent to properties zoned single-family residential serve the following purposes:

A. In adopting these regulations, the City Council finds that commercial establishments adjacent to residential neighborhoods and in particular those uses selling alcoholic beverages, within the City of Langley may present problems that negatively affect adjacent residential neighborhoods.

B. Problems which can result include, but are not limited to, crime, littering, loitering, public intoxication, disturbance of the peace, discouragement of more desirable and needed commercial uses, and other similar problems connected primarily with the regular congregation of persons around establishments engaged in the sale of alcoholic beverages for consumption on the premises.

C. The City Council further finds that the existence of such problems may create a serious and negative impact on the peace, health, safety and welfare of residents of nearby areas including the devaluation of property and negatively impacting the quality of life of adjacent residents.

D. These regulations are intended to ameliorate the types of problems identified above by restricting the location of establishments selling alcoholic beverages in relation to their adjacency to residential neighborhoods.

E. The conditional use permit process is a means to review the effects of establishments selling alcoholic beverages on adjacent residential uses on a case by case basis, and to prevent the undesirable impacts on the community stemming from such uses by the imposition of reasonable conditions upon the operation of such uses.

2. Special Standards
A. **Scope.** These standards apply to all commercial development proposed adjacent to a single-family residential zoning district regardless of the underlying zoning district for the proposed commercial development.

B. Taverns, cocktail lounges and any establishment that is entirely restricted to those 21 and over are prohibited as a principal use. Age-restricted areas within licensed premises shall be allowed only as authorized below. Restaurants must meet food service requirements of the Washington State Liquor Control Board.

C. All premises licensed to sell alcohol for on-site consumption shall require a conditional use permit to establish, modify or expand the existing use. For hotels/motels/inns that contain a licensed premise, conditional use permit approval is only required to establish, modify or expand the licensed service area.

D. With a conditional use permit, an age-restricted lounge may be allowed as a secondary use within licensed premises. The size of the lounge shall be limited to 500 square feet of the customer service area (exclusive of service areas, but inclusive of the lounge area) for establishments that contain up to 2,500 square feet of customer service area. For establishments exceeding 2,500 square feet of customer service area, the lounge shall not exceed 25% of the customer service area. The principal use shall not be age-restricted at any time unless associated with a special events permit as authorized below and in compliance with the Washington State Liquor Control board laws.

E. All licensed premises are subject to a 30’ buffer from all property lines adjacent to a single family residential zoning district, as measured from the common property line to the nearest point of the licensed premises (e.g., exterior wall, or any outside seating associated with the licensed premises) including all gross square footage associated with the establishment. The conditional use permit may include a requirement that the buffer area be landscaped to minimize adverse impacts on the adjacent residential area including impacts caused by changes in topography between the residential and commercial zones. Pre-existing uses that do not meet the buffer distance requirement may expand with a conditional use permit provided that the expansion meets all applicable requirements including setback and buffer requirements and does not encroach further towards the common boundary with any single-family residential zoning district. The city may allow, with conditional use permit approval, minor expansions within the buffer that do not expand customer service areas. Such expansions may include kitchen, bathroom or storage space.

F. Live amplified music is prohibited without a special events permit issued by the City Council. No exterior live amplified music shall be permitted. In order to obtain a special events permit, the applicant shall be required to demonstrate to the satisfaction of the City Council reasonable temporary or permanent means used to attenuate noise impacts to adjacent residential properties. A maximum of six twelve special live amplified music permits may be issued in a calendar year. Live music in a non-age restricted dining area shall require approval of the Washington State Liquor Control Board and a copy must be provided to the City prior to approval. Amplified live music associated with a special events permit shall cease at 10:00 p.m. Sunday through Thursday nights and 11:00 p.m. on Friday and Saturday nights. On New Year’s Eve, such amplified live music must cease by 1:00 a.m.

G. **Setbacks:** A standard setback of 15’ is required from all single family zoning district boundaries. The setbacks may be reduced to those required in the underlying zoning district with a Conditional Use Permit and following approval of the Design Review Board.
H. **Location of parking**: Parking shall be located on the side of the property opposite from the residential zoning or in the rear of the property. If the parking is in the rear of the property, screening is required to buffer the parking area from the residential property.

I. **Building design**: Building development shall be compatible in scale and character with the residential buildings in the vicinity. New or expanded buildings must include noise attenuation that addresses all potential noise impacts, including, but not limited to live music. Outside seating should only be allowed on the side of a building opposite the residential zone.

J. **Special Conditional Use Standards** – In addition to the required conditional use permit findings set forth in LMC 18.28.044 the following findings must also be made as part of any conditional use permit approval under this section:

The establishment has adequately mitigated impacts through the design and operation of the licensed premises on the surrounding residential neighborhood including, but not limited to, screening, location of parking, design and locations of entrances and exits, design and location of outdoor seating and service areas, noise emanating from the establishment including building infrastructure, and other measures to minimize noise impacts from customers leaving the establishment.

**Section 2. Severability.** If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 3. Effective Date.** This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

**PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON**, and approved by the Mayor at a regular meeting held this ___ day of __________________, 2017.

________________________________________
Tim Callison, Mayor

ATTEST:

________________________________________
Debbie L. Mahler, Director of Finance/City Clerk

APPROVED AS TO FORM:

________________________________________
Michael R. Kenyon, City Attorney