

Whidbey Environmental Action Network

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Feedback on the Draft Utilities and Capital Facilities Element: Progress, But With a Critical Consistency Gap

Please include these comments in the official public record regarding the 2025 Comprehensive Plan update. These comments are submitted pursuant to the public participation requirements of the Growth Management Act (RCW 36.70A). I request that these comments be included in the final record of adoption and that we be notified of all future hearings, work sessions, and final actions regarding this matter.

A comparison of the 2016 Island County Comprehensive Plan and the 2025 Draft Capital Facilities and Utilities Element shows significant strides in aligning policy language with modern environmental science and state mandates (e.g., HB 1220, HB 1181). However, a critical gap remains between high-level policy goals and the concrete, funded infrastructure plans required to implement them—particularly for Clinton and Freeland.

Successes: Improved Environmental & Policy Framework

The 2025 Draft demonstrates a clear evolution in its commitment to ecosystem health and integrated planning:

- **Integrated Planning:** Combining Utilities and Capital Facilities into Element 10 correctly recognizes utility management as the backbone of capital planning.
- **Stronger Environmental Standards:** Incorporating "Best Available Science" and "no-net-loss" requirements into critical area policies directly addresses top community concerns from the WEAN 2025 Survey (98.58% cited groundwater contamination; 92.9% cited habitat decline as key concerns).
- **Water Quality Focus:** New measures to protect aquifers and water quality respond to documented community concern about stream health.

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- **Innovation Exploration:** The County's RFP for "Innovative Wastewater Solutions" is a proactive step to identify alternatives for multi-family and supportive housing.

Looming Challenge: The Infrastructure "Consistency Gap"

Despite policy improvements, the draft faces a looming legal and practical challenge regarding internal consistency under the GMA:

- **Conceptual vs. Concrete Planning:** While the need for sewer alternatives in Clinton and Freeland is mentioned, the draft lacks specific, time-bound capital funding plans and a 6-year Capital Improvement Program (CIP) necessary for implementation. The lack of a funded CIP for wastewater in Freeland/Clinton creates a concurrency failure that will legally block the housing targets set in the Housing Element.
- **Housing Target Paradox:** The Housing Element sets targets of 8–12 units per acre for workforce housing. These densities are mathematically impossible to achieve safely on individual septic systems without risking catastrophic groundwater contamination—an issue already identified as serious by the County.
- **Stagnation Risks:** Without modern utility infrastructure, the Clinton LAMIRD and Freeland NMUGA cannot support required development, creating a legal inconsistency within the Plan.
- Failure to resolve this inconsistency risks **Concurrency Failure** under the GMA, which would require the County to deny building permits in Clinton and Freeland until the infrastructure is fully funded in the 6-year CIP.

Opportunities for Improvement on Key Issues:

Lead in Decentralized Wastewater Innovation

Island County can become a state leader by moving beyond traditional systems.

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Decentralized wastewater management protects "rural character" better than massive pipe-and-plant systems while being more affordable for a smaller tax base, but has to be modernized from our current single-household onsite septic system practices which have already shown themselves to be insufficient for protecting groundwater, surface water, and marine environments even under current population pressure.

We recommend policies to normalize and incentivize:

- **Alternative Toilets:** Normalize and streamline the use of incinerating or composting toilets to reduce nitrogen load and water consumption.
- **Graywater Diversion:** Create clear guidance and standards for graywater reuse, reducing burden on drainage fields and improving water recharge.
- **Green Infrastructure:** Integrate bio-swales and permeable surfaces into all new capital projects to protect sole-source aquifers.
- **Update Health Code:** Ensure that the Health Code is updated to align with these utility goals.

Waste Reduction & Circular Infrastructure – Capital Planning Required

1. County-Led Composting & Food Waste Diversion

The current draft lacks a capital plan for composting infrastructure, which is now a legal necessity.

- **State Law: Washington's Organics Management Law (HB 1799)** requires businesses to divert food waste (starting 2025; full threshold: 96 gallons/week by 2026).
- **Needed Action:** Include in Element 10 a 6-year CIP for a composting facility, or a clear policy for contracting these services. This ensures funding obligation under RCW 36.70A.070, moving it beyond an "aspirational" goal.

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2. Mandate Reuse and Resale Services

The management change at Island Recycling (to DTG Recycle) has drastically reduced community access to reusable goods.

- **Needed Action:** Include a policy in Element 10 mandating that any future contracts for county-owned transfer/recycling sites must require a Public Reuse and Resale Center.
- **Contractual Requirement:** Future RFPs should score vendors on providing a safe, accessible area for diverting usable building materials, tools, and household items.

3. Integrate Recycling as a Core Utility

- **Accessibility:** Element 10 should identify means for curbside pickup or walkable drop-off locations in every population-dense area.
- **Expanded Diversion:** Formally include capital infrastructure for hard-to-recycle materials (e.g., Styrofoam, mattresses, aseptic packages, certain types of plastic) in long-term planning.

Recommendations for the 2025 Plan

To ensure the plan is legally defensible and practically achievable, add the following:

1. **Funded 6-Year CIP:** Identify specific funding sources (e.g., REET, grants, Utility Districts) and add these critical utility projects to the 6-Year Capital Improvement Schedule.
2. **Internal Consistency:** Explicitly link Element 10 to the Housing Element to demonstrate that planned infrastructure can support assigned growth, especially in Clinton and Freeland.

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3. **Mandatory Low-Impact Development (LID):** Formalize the requirement for LID and detailed drainage plans for all new construction to protect against wetland and beach loss.
4. **Formal Waste Diversion Capital Plans:** As stated above, place the finance plans for composting and reuse infrastructure within Element 10 to create a legal obligation to fund these programs under RCW 36.70A.070.

Implementation Clarity, Internal Consistency, and Factual Accuracy

The following table summarizes some identified issues, their locations within the document, and the resulting professional implications for planning and permitting.

Page / Policy	Issue Identified	Professional Summary / Implication
p. 6, 10.2.1	Use of "Level of Service" (LOS) outside transportation context	Lack of clear definition or metrics for LOS in utilities may create inconsistent application in permitting and planning.
p. 8, 10.3.1	Reliance on outdated Countywide Planning Policies	Policies referenced are acknowledged by staff as outdated, creating a weak foundation for current planning decisions.
p. 9, 10.4.2.1	Incorrect statement that Cascade Natural Gas is the only provider	Factual inaccuracy; multiple providers exist (e.g., Skagit Farmers' Supply, Corey

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		Oil). Reflects potential bias or insufficient research.
p. 9, 10.4.2	No discussion of reducing natural gas or transitioning to electric	Missed opportunity to align with state climate goals and promote electrification as a clean energy strategy.
p. 11-12	PSE and Whidbey Telecom sections resemble promotional content	Utility descriptions should be factual and balanced. Important resilience benefits (e.g., landline function during outages) are omitted.
p. 15, Map 1	Cellular antenna map incomplete and inaccurate	Map does not reflect known tower locations, reducing its utility for planning and gap analysis.
p. 16, CFU 1.3	Pedestrian/bike LOS not required for new development	Could shift burden of non-auto infrastructure to taxpayers rather than requiring developer contributions.
p. 17, CFU 1.4	"Category C" is circular and undefined	Defined as facilities not subject to concurrency, yet Policy 1.4 only applies standards if they are "required to be found adequate" for permits. Since the plan doesn't mandate adequacy for

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		these items, the LOS standards are effectively unenforceable, allowing infrastructure (like parks and solid waste) to degrade as population grows without a legal trigger for mitigation.
p. 29, CFU 4.3	"Essential public facilities" exceptions in Resource Lands/Critical Areas	Weakens protections; could incentivize inappropriate siting (e.g., detention centers in wetlands) without rigorous alternatives analysis.
p. 30, CFU 4.6	Rural forest zone not excluded from essential public facilities	Oversight; should be added to exclusions to protect forested rural character and ecological function.
p. 31, 6.1.2 & 6.1.3	"Interim means" and 200-ft connection rule for sewers in NMUGAs	Creates potential loopholes that may delay permanent sewer infrastructure, conflicting with density targets.
p. 32, CFU 7.3	Unclear directive: "buffer trees away from utility lines..."	Language is ambiguous; needs clarification regarding intent (e.g., root zone management or safety clearance).

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p. 32, CFU 7.5	Encouraging utilities on public land without clear criteria	Risks allowing utility use in critical areas or conflicting with other public land purposes.
p. 33, CFU 7.14	Water PUD framework lacking tight regulations	Without clear standards, could lead to inconsistent service quality and oversight.

Thank you for your consideration of these comments.