



ISLAND COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA BILL

MEETING DATE:

11/28/23

Agenda Item No 3

☒ CONSENT AGENDA

☐ REGULAR AGENDA

☐ PUBLIC HEARING/MTG

Resolution/Ordinance No:

C-79-23 PLG-003-23

DEPARTMENT: PLANNING AND COMMUNITY DEVELOPMENT

DIVISION: LONG RANGE PLANNING

STAFF CONTACT: John Lanier

DEPT. HEAD: Mary Engle, Director

AGENDA SUBJECT: Amendments to Chapter 17.03 of Island County Code – Rural Areas of Intensive Development (RAID) Uses

BACKGROUND/SUMMARY: WORK SESSION DATE: (If applicable) 10/18/2023

The Board of Island County Commissioners identified code updates to the Rural Service (RS) RAIDs to allow for more mixed-use residential as a priority and placed it on the work plan for Planning and Community Development in 2022. Updates include amendments to Island County Code (ICC) 17.03.035 – Use Tables, 17.03.140 – Mixed-Use and Non-Residential Areas of More Intensive Rural Development, and 17.03 Appendix A – Rural Areas of Intensive Development (RAID).

FISCAL IMPACT/FUNDING SOURCE: N/A

RECOMMENDED ACTION:

☒ Approve/Adopt

☐ Schedule Public Hearing/Meeting

☐ Continue Public Hearing/Meeting

☐ Information/Discussion

☐ Other (describe) _____

SUGGESTED MOTION:

Adopt Ordinance C-79-23 PLG-003-23 amending 17.03 ICC Development Regulations regarding RS RAIDs.

[BELOW TO BE COMPLETED BY CLERK OF BOARD]

BOCC ACTION:



APPROVED



DENIED



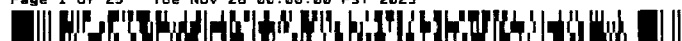
TABLED/DEFERRED/NO ACTION TAKEN



CONTINUED TO DATE: ____/____/____ TIME: _____



OTHER Copy to John 11/29
MR



BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING CHAPTER
17.03 ICC DEVELOPMENT REGULATIONS IN
SECTION 17.03.035 – USE TABLES,
SECTION 17.03.140 – RURAL SERVICE (RS)
ZONE, SECTION 17.03.155 – MIXED-USE
AND NON-RESIDENTIAL AREAS OF MORE
INTENSIVE RURAL DEVELOPMENT, and
SECTION 17.03 APPENDIX A. – RURAL
AREAS OF INTENSIVE DEVELOPMENT
(RAID).

ORDINANCE NO. C- 79 -23
PLG-003-23

WHEREAS, Island County conducts planning activities in accordance with Chapter 36.70 RCW, the Planning Enabling Act; and

WHEREAS, the planning process and the Island County Comprehensive Plan are further governed by Chapter 36.70A RCW, the Growth Management Act (GMA) and, specifically, RCW 36.70A.040 which requires the adoption of a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan; and

WHEREAS, the proposed amendments in this ordinance are consistent with Chapter 36.70 of the Revised Code of Washington (RCW) (The Planning Enabling Act) which provides that the County, by ordinance, may establish zoning classifications, within each of which, specific controls are identified, and which will regulate the use of buildings, structures, and land as between agriculture, industry, business, residence, and other purposes; and

WHEREAS, the proposed amendments in this ordinance are consistent with the provisions of Chapter 36.70A RCW - The Growth Management Act (GMA), which requires that development regulations be consistent with the adopted Comprehensive Plan; and

WHEREAS, the proposed amendments in this ordinance are consistent with the Housing Element of Island County's Comprehensive Plan, Goal 2, to promote the development of different housing types in appropriate locations where public transit and community services are readily available; and

WHEREAS, Island County Planning and Community Development (PCD) has proposed a Docket and Work Plan for 2022 to the Board of Island County Commissioners; and

WHEREAS, pursuant to this plan, the planning staff seeks to amend Chapter 17.03 ICC regarding the development regulations pertaining to Island County's Rural Service RAIDs (Rural Areas of Intensive Development); and

WHEREAS, this ordinance will amend land use regulations in the Rural Service RAID, including but not limited to, and generally described as the following:

- within a Rural Service RAID the gross square footage of the residential component of the parcel shall not exceed twice the gross square footage of the non-residential component;
- within a Rural Service RAID, a mixed use with a residential component, the minimum permitted density shall be two (2) dwelling units. Maximum residential density shall be the maximum permitted by County Health Department requirements.
- within a Rural Service RAID no residential unit shall exceed 1,200 square feet; and
- the height restriction within a Rural Service RAID shall be increased to thirty-five (35) feet.

WHEREAS, minor edits to Table 17.03.035.C. RAID Uses were made for consistency with ICC, and

WHEREAS, the "Midget Market" RAID on North Whidbey was renamed to the "Liberty Market" RAID, and

WHEREAS, a SEPA Determination of Non-Significance was issued for the project of amending the development regulations in Rural Service RAIDs using the optional process established by WAC 197-11-355, and

WHEREAS, where the project was publicly noticed and property owners within 300' of Rural Service RAIDs were notified of the proposed project on August 17, 2022, so that all comments could be heard and added to the record. Two comments were received and are attached hereto as Attachment Exhibit C; and

WHEREAS, the project was publicly noticed with a comment period held from September 7, 2022, through September 21, 2022; and

WHEREAS, the Island County Planning Commission held public hearings on September 26, 2022, and January 23, 2023, to review and deliberate on the proposed changes to Chapter 17.03 ICC related to Rural Service RAIDs and minor edits to the Use Table 17.03.035; and

WHEREAS, on January 23, 2023, the Island County Planning Commission voted to recommend that the BOCC adopt revisions to Chapter 17.03 ICC; and



WHEREAS, the amendments to Chapter 17.03 ICC, recommended by the Island County Planning Commission, are attached hereto as Exhibit A, in which material to be deleted appears as strikethrough text, and material to be added appears as underlined text, and which includes corrections to non-substantive clerical errors; and

WHEREAS, the Planning Commission's signed Findings of Fact and Recommendation on Amendments to Chapter 17.03 ICC are attached hereto as Attachment Exhibit B and incorporated by reference in these recitals as if set forth fully herein,

NOW, THEREFORE,

IT IS HEREBY ORDAINED that the Board of Island County Commissioners amends the following subsection, section, table and Appendix of Chapter 17.03 ICC:

ICC 17.03.035.C, ICC 17.03.140, ICC 17.03.155A, and Chapter 17.03 ICC Appendix A as set forth in Exhibit A of this Ordinance; and

BE IT FURTHER ORDAINED that the revisions to Chapter 17.03 ICC shall have immediate effect.


ADOPTED this 28th day of November, 2023 following a public hearing.



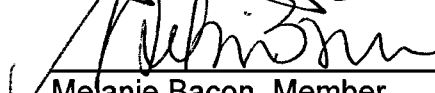
BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON



Janet St. Clair, Chair




Jill Johnson, Member



Melanie Bacon, Member


ATTEST:



Jennifer Roll,
Clerk of the Board



APPROVED AS TO FORM:



Gregory M. Banks
Prosecuting Attorney and
Island County Code Reviser



EXHIBIT A

Amendments to ICC 17.03

EXHIBIT B

**Findings of Fact and Recommendation on
Amendments to Chapter 17.03 ICC**



TITLE XVII – ZONING

Chapter 17.03 – Island County Zoning Code

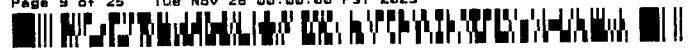
ICC 17.03.035.C is amended to read as follows:

C. Rural Areas of More Intensive Development (RAID) Use Table. Uses in the RAID zoning districts - Rural Residential (RR), Rural Center (RC), Rural Village (RV), Rural Service (RS), Camano Gateway Village (CGV), Airport (AP), and Light Manufacturing (LM) – shall be as shown in Table 17.03.035.C.

| Table 17.03.035.C. RAID Uses | | ZONING DISTRICT | | | | | | | ICC References | APZ | | |
|---|------------------|-------------------------|---------------------------|-------------------------|-------------------------------|---------------------|-------------------------|-------------------------|--------------------|---------------|-------|--------|
| Type I Permitted Use - Ministerial Decision | APZ Overlay | Rural Residential | Rural Center** | Rural Village | Camano Gateway Village**** | Rural Service*** | Light manufacturing* | Airport | | | | |
| Type II Conditional Use - Administrative Decision | Prohibited | | | | | | | | | | | |
| Type III Conditional Use - Quasi-Judicial Decision | May be Permitted | | | | | | | | | | | |
| Prohibited = X | * Not identified | | | | | | | | | | | |
| RESIDENTIAL USES | | RR | RC | RV | CGV | RS | LM | AP | See Also | CLEAR ZONE | APZ I | APZ II |
| Accessory Dwelling Unit, Attached and Detached | | P/I | | | | X | | | 17.03.180.1 | No | No | Yes |
| Accessory uses or buildings | | P/I ⁽¹⁾ | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | P/I C/II ⁽³⁾ | P/I | P/I | P/I C/II ⁽³⁾ | | No | Yes | Yes |
| Duplex, triplex or fourplex | | P/I | | | | | | | | | | |
| Group home | | P/I C/II ⁽⁴⁾ | P/I ^(2,6) C/II | P/I C/II ⁽³⁾ | | | | | 17.03.180.L(4),(5) | No | No | No |



| | | | | | | | | | | | |
|---|------|-----------------|------------------------|---------------------|---------------------------|--------------|--------------|--------------|------------|-------|----------|
| Mixed use | | P/I C/II (2, 6) | P/I (20) C/II (3) | P/I C/II (3, 5) | P/I (22) C/II (21, 22) | | | | No | No | No |
| Mobile homes | P/I | | | | | | 17.03.180.N | No | Yes | Yes | |
| Multi-family | | P/I C/II (2, 6) | | | | | | | | | |
| Single family | P/I | X | P/I C/II (3) | | | P/I C/II (2) | 17.03.180.O | No | Yes | Yes | |
| COMMERCIAL AND RECREATIONAL USES | RR | RC | RV | CGV | RS | LM | AP | See Also. . | CLEAR ZONE | APZ I | APZ II |
| Home occupation | P/I | | | | | | | 17.03.180.K | No | No | Yes |
| Airport facilities | | | | | | | P/I C/II (2) | | | | |
| Banking and financial services | | P/I C/II (2) | P/I C/II (3) | | | | | | No | No | Yes (12) |
| Bed and breakfast inn | C/II | | | | | | | 17.03.180.B | No | No | No |
| Bed and breakfast room | P/I | | | | | | | 17.03.180.J | No | No | Yes |
| Cultural center | | P/I C/II (2) | P/I (7) C/II (3, 7) | | | | | | No | No | No |
| Eating and drinking establishment | | P/I C/II (2) | P/I C/II (3) | P/I (8) C/II (3, 6) | P/I | | P/I C/II (2) | | No | No | No |
| Entertainment uses | | P/I C/II (2) | | | | | | | | | |
| Finance, real estate and banking services | | P/I C/II (2) | P/I C/II (3) | P/I C/II (3) | | | | | No | No | Yes (12) |
| Helipads | X | | | | | | | | | | |
| Junk and salvage yards | | X | | | | | C/II | 17.03.180.M | | | |
| Light manufacturing | | P/I C/II (2) | | | | P/I | P/I C/II (2) | | | | |
| Marijuana producer and/or processor | X | | | | P/I C/II | P/I C/II | P/I C/II | 17.03.180.BB | No | Yes | Yes |



| | | | | | | | | | | | |
|---|---------------------|-------------------------|-------------------------|---|------|-----|-------------------------|---------------------------|---------------|-------|--------|
| Marijuana retail | | C/II ⁽²⁾ | C/II ⁽³⁾ | C/II ⁽³⁾ | C/II | | | 17.03.180.BB | No | No | No |
| Mini storage | | P/I C/II ⁽²⁾ | | | | | | 17.03.180.C | No | Yes | Yes |
| Office uses | | P/I C/II ⁽²⁾ | | P/I C/II ⁽³⁾ | | | | | * | | |
| Overnight lodging | | P/I C/II ⁽²⁾ | | P/I ⁽²⁰⁾ C/II ^(3, 20) C/III ⁽²⁰⁾ | | | | 17.03.180.AA | * | | |
| Public/community boat launch | C/II | | | | | | | | No | Yes | Yes |
| Remote tasting room | | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | P/I C/II ⁽³⁾ | P/I | | P/I C/II ⁽²⁾ | | * | | |
| Research and development uses | | P/I C/II ⁽²⁾ | | | P/I | | P/I C/II ⁽²⁾ | | * | | |
| Retail sales and services | | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | P/I ⁽⁹⁾ C/II ^(3, 9, 10) | P/I | | | | No | No | No |
| Special event, rural commercial event | P/I ⁽¹¹⁾ | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | P/I C/II ⁽³⁾ | C/II | | P/I C/II ⁽²⁾ | 17.03.180.EE | * | | |
| Storage, outdoor and mini storage | | P/I C/II ⁽²⁾ | | | | P/I | P/I C/II ⁽²⁾ | 17.03.180.M | No | Yes | Yes |
| Temporary uses | P/I | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | P/I C/II ⁽³⁾ | | | P/I C/II ⁽²⁾ | 17.03.180.V, 17.03.200 | No | No | Yes |
| Veterinary clinic | | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | P/I C/II ⁽³⁾ | | | | | No | No | No |
| Warehouses | | P/I C/II ⁽²⁾ | | | | P/I | P/I C/II ⁽²⁾ | | * | | |
| AGRICULTURE AND FORESTRY USES | RR | RC | RV | CGV | RS | LM | AP | See Also | CLEAR ZONE | APZ I | APZ II |
| Agricultural products—Growing, harvesting, managing and selling | P/I | | | | | | | | Yes | Yes | Yes |
| Livestock husbandry (lots smaller than 2.5 acres require an AMP) | P/I | | | | | | | | No | Yes | Yes |
| Lumberyards | | | | P/I C/II ⁽³⁾ | | | | | * | | |



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|--|-----------------------|--------------------------|-------------------------|---|---------------------|--------------------------|-------------------------|----------------|------------|-------|---------------------|
| Winery, Cidery, Brewery, Distillery facilities | | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | P/I C/II ⁽³⁾ | P/I | | P/I C/II ⁽²⁾ | 17.03.180.DD | * | | |
| INSTITUTIONAL USES UTILITIES | RR | RC** | RV | CGV**** | RS** | LM | AP | See Also | CLEAR ZONE | APZ I | APZ II |
| Church | C/III ⁽¹²⁾ | P/I C/II ⁽²⁾ | | | | | | | No | No | No |
| Communication tower | P/I ⁽¹⁴⁾ | P/I ⁽¹⁴⁾ C/II | P/I ⁽¹⁴⁾ | P/I ⁽¹⁴⁾ | P/I ⁽¹⁴⁾ | P/I ⁽¹⁴⁾ C/II | P/I ⁽¹⁴⁾ | 17.03.180.L.8 | No | No | Yes |
| Day care centers | P/I | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | | P/I | | | 17.03.180.L.6 | No | No | No |
| Day care nursery (6 or fewer persons) | P/I | | | | | | | 17.03.180.L.4 | No | No | No |
| Essential public facilities | | C/III | C/III | X | | C/III | C/III | 17.03.180.CC | No | No | No |
| Fire station | C/II ⁽¹³⁾ | P/I C/II | P/I C/II | P/I C/II | | P/I C/II | P/I C/II | 17.03.180.L.9 | No | No | Yes |
| Government services | | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | P/I C/II ⁽³⁾ | | P/I | | | No | No | Yes ⁽¹⁵⁾ |
| Health care facilities | | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | P/I ⁽¹⁵⁾ C/II ^(3, 15) | | | | | No | No | No |
| Schools | P/I ⁽¹⁵⁾ | P/I C/II ⁽²⁾ | | | | | | | No | No | No |
| Small day care center (7 to 12 persons) | C/II | | | | | | | | No | No | No |
| Utilities (Major) | | C/III | C/III | X | | C/III | C/III | 17.03.180.A.11 | No | Yes | Yes |
| Utilities (Minor) | P/I | P/I C/II ⁽²⁾ | P/I C/II ⁽³⁾ | | | P/I | P/I C/II ⁽²⁾ | 17.03.180.A.11 | No | Yes | Yes |
| Water tank | P/I C/II | P/I | | | P/I | P/I | P/I | 17.03.180.L.3 | No | Yes | Yes |

* Use is currently not identified in the Accident Potential Zone 17.03.180.Z

** In the Rural Center Zone structures greater than 50,000 square feet gross floor area are prohibited

*** In the Rural Service Zone permitted uses are limited to 4,000 square feet gross floor area. The residential component of the mixed-use shall not be included in the 4,000 square feet of gross floor area. In no case shall the residential component have more than two (2) times the square footage of the non-residential uses.

**** In the Camano Gateway Village structures greater than 10,000 square feet are prohibited

Table Notes:

1) Including lots without existing permitted uses in the RR zone (structures limited to < 800 square feet on lots < 2.5 acres)

2) Any permitted use that exceeds 12,000 square feet gross floor area is a Type II Conditional Use

10) Sales of outdoor bulk goods such as bark, topsoil, and rock.

11) RRural residential is limited to Special Events per 17.03.180.EE

12) On RR Zoned property located within a Residential RAID contiguous to a Mixed Use RAID or Non-municipal UGA, except that a community meeting is not required if seating capacity is no more than 150 or fewer persons or a 2,000 square foot assembly area is



| | |
|--|--|
| <p>3) Any permitted use that exceeds 4,000 square feet gross floor area require a Type II Conditional Use</p> <p>4) Group homes (seven (7) to twelve (12) persons) 17.03.180.L(5)</p> <p>5) Any permitted use that exceeds 8 dwelling units</p> <p>6) No more than 6 dwelling units</p> <p>7) Including associated overnight lodging.</p> <p>8) Except that drive-through food service is prohibited</p> <p>9) Small scale retail sales and services such as boutiques, clothing stores, bakeries, ice cream shops, food markets, beauty salons, craft stores, and art galleries, except that convenience services such as gas stations, convenience stores, grocery stores and box stores are prohibited.</p> | <p>proposed.</p> <p>13) Always a Conditional use in the Rural Residential</p> <p>14) Limited to the standards for roof-mounted wireless communication antenna arrays found in 17.03.180.L.8.c</p> <p>15) Camano Gateway Village is limited to Small scale health care services</p> <p>16) Public and private (1 to 6 students) consolidate with schools</p> <p>17) Less than or equal to .22 Floor Area Ratio</p> <p>18) Less than or equal to .24 Floor Area Ratio</p> <p>19) With residential not to exceed eight (8) dwelling units per lot or parcel in a mixed-use building</p> <p>20) <u>Not to exceed 20 units per acre 1 to 8 units processed as a Type I Ministerial Use, 9 to 20 units processed as a Type II Conditional Use, 21 to 40 units processed as a Type III Conditional Use.</u></p> <p>21) <u>A dwelling unit shall not exceed 1,200 square feet gross floor area. A garage shall not be included in the 1,200 square feet gross floor area, but it shall not exceed 480 square feet gross floor area.</u></p> <p>22) <u>Minimum permitted density shall be two (2) dwelling units. Maximum residential density shall be the maximum permitted by County Health Department requirements</u></p> |
|--|--|



ICC 17.03.140 is amended to read as follows:

17.03.140 - Rural Service (RS) Zone.

The Rural Service (RS) Zone is applied to isolated existing mixed-use, retail or retail service businesses located in the Rural Zone that typically are not permitted or conditional uses in that zone. This zone permits a very limited range of mixed-use or non residential uses that provide convenience shopping and services to a localized geographic area. Mixed-use structures are encouraged. All uses within a Rural Service Zone must comply with land use standards, including non-residential, landscape and screening design guidelines set forth in section 17.03.180.

- A. Designation criteria and areas. Isolated mixed-use or non-residential uses on lots less than two and one-half (2.5) acres existing on July 1, 1990 may be designated RS. Specific areas are listed in section 17.03.155 and depicted in the zoning atlas. Specific conditions can be found in Appendix A.
- B. Lot/density. Lot size requirements shall be the minimum lot size required by County Health Department requirements but shall not exceed two and one-half (2.5) acres.
- C. Setbacks and height. Setback and height requirements shall be as follows:
 1. Setbacks—Minimum ten (10) feet.
 2. Height—~~One and one-half (1½) stories not to exceed twenty-five (25) including rooftop mechanical equipment. Two (2) stories not to exceed thirty-five (35) feet, excluding rooftop mechanical equipment, elevator shafts, features that are designed to hide roof top mechanical equipment, railings, umbrellas, vegetation or rooftop accessories that promote green roof technology, and the use of rooftop gathering space. Other exceptions to the height standard can be made for non-useable rooftop structures that enhance architectural creativity and preserve rural character.~~

...

ICC 17.03.155A is amended to read as follows:

17.03.155 – Mixed-use and non-residential areas of more intensive rural development

17.03.155A
Mixed Use Areas of More Intensive Rural Development

| General Name | Zone |
|-------------------------------|-------------------|
| Rural Center (RAID) | section 17.03.120 |
| 1. Bayview | |
| 2. Clinton | |
| 3. Ken's Korner | |
| Rural Village (RAID) | section 17.03.130 |
| 1. Camano Country Club [10] | |
| 3. Camano Plaza | |
| 4. Coronet Bay | |
| 5. Deception Pass | |
| 6. Elger Bay | |
| 7. Greenbank | |
| Camano Gateway Village (RAID) | section 17.03.135 |
| 1. Camano Gateway | |

2. Terry's Corner

Rural Service (RAID)

section 17.03.140

1. Bailey's Store
2. Camano Marine
3. ~~Huntington's Grocery~~ Ebey's Bowl
4. ~~Midget Market~~ Huntington's Grocery
5. ~~Maxwellton Store~~ Liberty Market
6. Old San de Fuca Store
7. Second Chance Thrift and Bike Shops (Camano)
8. Soundview Shopper
9. Tyee Grocery and Art Antiques
10. Utsalady Store

NOTE:

1. See Appendix A for special conditions that may apply to specific mixed use RAIDs. See Appendix B for illustrations of non-residential design guidelines. Appendix "B", "Urban Growth Areas, Transition Areas and Joint Planning Areas," may be obtained from the Island County Planning Department.
2. Specific logical outer boundaries are established in the Island County Zoning Atlas and shown in Appendix A.

...

Chapter 17.03 ICC, Appendix A is amended as follows:

Appendix A. Rural Areas of Intensive Development (RAID)¹

| RAID | ZONING | STANDARDS |
|---------|--------|---|
| Clinton | | 1. For all property within the RR Zone, the base density shall not exceed three (3) dwelling units per acre. |
| | | 2. For all land divisions and residential development greater than one (1) single family residence per existing 14,500-square foot lot or smaller the lot layout, location of streets, other improvements and building sites shall not preclude future urban development. The application for development |

¹Ord. No. C-12-17 [PLG-001-17], Exh. A, 2-7-2017, repealed former Appendix A and enacted new provisions as herein set out. Former Appendix A pertained to RAID and Rural Service Zone specific conditions, and derived from Ord. No. C-123-98 [PLG-037-98], adopted Sept. 29, 1998, vol. 43, p. 6; Res. No. C-133-98 [PLG-043-98], adopted Oct. 19, 1998, vol. 43, p. 38; Interim Ord. No. C-119-99 [PLG-032-99], adopted Nov. 8, 1999, vol. 44, p. 110; Ord. No. C-62-00 [PLG-015-00], adopted July 17, 2000, vol. 44, p. 469; Ord. No. C-104-00 [PLG-032-00], adopted Nov. 6, 2000, vol. 45, p. 64; and Ord. No. C-117-00 [PLG-033-00], adopted Dec. 11, 2000, vol. 45, p. 114.

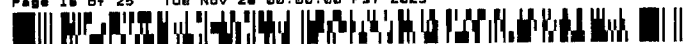


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| | | must be accompanied by a site plan showing ultimate development of the lot or parcel at a density of at least four (4) dwelling units per acre. |
| | | 3. For all development in the Rural Center (RC) Zone no building may exceed 14,000 square feet of gross floor area and multifamily uses shall not exceed twelve (12) units per acre. |
| | | 4. For all non-residential development and residential development greater than one (1) single family residence per existing lot within the Clinton RAID boundaries as a condition of county approval, a development agreement must be executed in a form prescribed by the county. The development agreement must include provisions wherein the applicant agrees to participate on a fair pro-rata share basis in costs of future public facilities that are approved through the LID or ULID process. |
| Coronet Bay | | Overnight lodging will be allowed as a permitted use. |
| Holmes Harbor | | 1. The maximum number of dwelling units permitted in Holmes Harbor shall not exceed the equivalent unit capacity established in the general comprehensive sewer plan approved by Island County. |
| | | 2. Any new development, at a base density of up to three (3) dwelling units/acre, including development on existing lots, shall mitigate or arrange for the mitigation of the development's surface water impacts by contributing a pro rata, "fair" share fee to complete the improvements set forth in the Island County Comprehensive Stormwater and Flood Hazard Management Plan. |
| | | 3. No further subdivision of the following assessor's parcel numbers shall be allowed: R22903-501-4580, R22903-459-4580, R22903-435-4480, R22903-422-4480, R22903-412-4480, R22903-400-4480 and R22903-366-4480. |
| Mutiny Sands | | For those parcels north of the plat of Mutiny Sands, defined on the north by Bush Point Road and on the east by Mutiny Bay Road, a density of one (1) dwelling unit per three (3) acres shall be applicable. |
| Ken's Corner | Rural Center | See [section] 17.03.120 |
| Camano Country Club | Rural Village | See [section] 17.03.130 |
| Camano Plaza | Rural Village | See [section] 17.03.130 |
| Deception Pass | Rural Village | See [section] 17.03.130 |
| Elger Bay | Rural Village | See [section] 17.03.130 |
| Greenbank | Rural Village | See [section] 17.03.130 |
| Bayview | Rural Center | See [section] 17.03.120 |
| Camano Gateway | Camano Gateway Village | See [section] 17.03.135 |
| Terry's Corner | Camano Gateway Village | See [section] 17.03.135 |



| | | |
|--|---------------|-------------------------|
| Bailey's Store | Rural Service | See [section] 17.03.140 |
| Camano Marine | Rural Service | See [section] 17.03.140 |
| Huntington's Grocery <u>Ebey's Bowl</u> | Rural Service | See [section] 17.03.140 |
| Midget Market <u>Huntington's Grocery</u> | Rural Service | See [section] 17.03.140 |
| Maxwelton Store <u>Liberty Market</u> | Rural Service | See [section] 17.03.140 |
| Old San de Fuca store | Rural Service | See [section] 17.03.140 |
| Second Chance Thrift (Camano) | Rural Service | See [section] 17.03.140 |
| Soundview Shopper | Rural Service | See [section] 17.03.140 |
| Tyee Grocery | Rural Service | See [section] 17.03.140 |
| Utsalady Store | Rural Service | See [section] 17.03.140 |

(Ord. No. C-12-17 [PLG-001-17], Exh. A, 2-7-2017; Ord. No. C-49-19 [PLG-004-19], Exh. D, 6-18-2019)



I am attaching the ordinance that we discussed earlier regarding the section of code 17.03.140.A.3. being left out of the migration to the new use tables that were established in 17.03.35. I've highlighted key aspects of the ordinance that pertain to this particular code and the code update in general (pg. 1, 13, 45, 54, 55, 56).

Here is the [link](#) to the Planning Commission meeting that will be taking place later today, June 27th at 2:00 p.m. that you can join either in person or via Starleaf.

<https://www.islandcountywa.gov/Planning/Documents/PlanningCommission/6.27.22%20files/PC%20AGENDA%206.27.22.pdf>

Have a great day,

Josh

<image001.png>

Joshua Pitts
Long Range Planner
Planning

Email: J.Pitts@islandcountywa.gov | Office: +1(360)678-7817
1 NE 6th St., PO Box 5000, Coupeville, WA 98239

Email is subject to public disclosure requirements per RCW 42.56



Island County Planning and Community Development

P.O. Box 5000, Coupeville, WA 98239
Ph: Whidbey 360-679-7339 | Camano 360-387-3443 | Fax: 360-679-7306
Email: PlanningDept@islandcountywa.gov | www.islandcountywa.gov

~ FINDINGS OF FACT AND LEGISLATIVE INTENT ~

To: Board of Island County Commissioners
From: Island County Planning Commission
Date: September 26, 2022
Subject: 17.03 Amendments - RAID Uses

SUMMARY/BACKGROUND

The Board of Island County Commissioners (BOCC) has identified code updates to the Rural Service RAID (Rural Areas of Intensive Development) as a priority and has placed it on the work plan for Planning and Community Development in 2022. Goals for this project include the following:

- To identify ways that would permit more residential development within Island County's Rural Service RAID; and
- To address allowable land uses and associated conditions:
 - Section 17.03.035 - Use Tables;
 - Section 17.03.140 – Rural Service (RS) Zone; and
 - Section 17.03 Appendix A. – Rural Areas of Intensive Development (RAID)

Proposed changes and DRAFT documents have been provided at Planning Commission and BOCC sessions throughout July and August of 2022.

The planning staff has made every effort to ensure the proposed development regulations are consistent with Chapter 36.70A of the Revised Code of Washington (RCW) (The Planning Enabling Act) which provides the county, by ordinance, may establish classification, within each of which, specific controls are identified, and which will regulate the use of buildings, structures, and land as between agriculture, industry, business, residence, and other purposes.

RURAL SERVICE ZONE RAIDs

Rural Service areas are Island County's smallest Rural Areas of Intensive Development (RAID). According to Island County Code (ICC) 17.03.140, "The Rural Service (RS) Zone is applied to isolated existing mixed-use, retail or retail service businesses located in the Rural Zone that typically are not permitted or conditional uses in that zone. This zone permits a very limited range of mixed-use or non-residential uses that provide convenience shopping and services to a localized geographic area. Mixed-use structures are encouraged."

ORDINANCE NO. C-53-19

On June 25, 2019, the Island County Board of County Commissioners adopted amendments to 17.03 ICC (Ordinance No. C-53-19). According to the Island County Planning Commission *Finding of Fact and Legislative Intent*, the objective was to migrate four separate sections of ICC into one consolidated table to clearly denote applicable zones and conditions. In doing so, use code was not to become more restricted and that changes were only made when needed to resolve conflicts or inconsistencies between the four sections.

Previous to the amendment, ICC 17.03.140.A.3 stated “Mixed-use (with residential not to exceed six (6) dwelling units per lot or parcel in a mixed-use building. The residential component of the mixed-use shall not be included in the 4,000 square foot size limit).” It is the planning staff’s belief that this line of code was unintentionally left out during the migration process.

Other minor amendments have been made to Table 17.03.035.C RAID Uses to correct errors with the numbering of footnotes that occurred during the migration to a Use Table under Ordinance No. C-53-19. One footnote was added, as it was referenced in the table but did not exist, explaining the permitting path for Overnight Lodging in the Camano Gateway Village zone.

A final change to the name of a Non-residential RAID was also made renaming the “Midget Market” RAID to the “Liberty Market” RAID. The owners have been notified and have no objections.

FINDINGS OF FACT

1. Island County Planning and Community Development have proposed a Docket and Work Plan for 2022 to the Board of Island County Commissioners.
2. Pursuant to this plan, the planning staff seeks to amend 17.03 ICC regarding the development regulations pertaining to Island County’s Rural Service RAIDs.
3. The Planning Commission finds that the amendments to 17.03 ICC to simplify what uses are permitted in County zoning districts were not consistent with the existing regulations and that an error occurred when migrating sections of Island County code into one consolidated table.
4. The Planning Commission finds that the proposed amendments are consistent with the provisions of Chapter 36.70A RCW which requires that development regulations be consistent with the adopted Comprehensive Plan.
5. The Planning Commission finds that Rural Service RAIDs are an adequate space to absorb residential development to mitigate sprawl and preserve the County’s rural character while maintaining the function and essence of Rural Service RAIDs.
6. The Planning Commission finds that within a Rural Service RAID the gross square footage of the residential component of the parcel shall not exceed twice the gross square footage of the non-residential component.
7. The Planning Commission finds that no parcel within a Rural Service RAID shall exceed more than six (6) residential units per parcel.
8. The Planning Commission finds that within a Rural Service RAID no residential unit shall exceed 1,200 square feet.

9. The Planning Commission finds that to be more consistent with other zones and RAIDs within Island County, the height restriction in Rural Service RAIDs shall be increased to thirty-five (35) feet.
10. The Planning Commission finds that minor amendments are necessary to align Table 17.03.035.C with county code.
11. The Planning Commission finds that the “Midget Market” RAID will be renamed the “Liberty Market” RAID.
12. A SEPA Determination of Non-significance was issued using the optional process established by WAC 197-11-355.
13. The project was publicly noticed with a comment period held from September 7, 2022, through September 21, 2022. Neighbors within 300’ of Rural Service RAIDs were notified of the proposed project on August 17, 2022, so that all comments could be heard and added to the record. Two comments were received.

CONCLUSION

The Island County Planning Commission has reviewed the proposed changes to Island County Code 17.03 and hereby recommends that the Board of County Commissioners adopt an ordinance to incorporate the proposed amendments, attached hereto as Attachment A into Island County Code.

Respectfully submitted through the Island County Planning Department to the Board of Island County commissioners, pursuant to RCW 36.70.430, this 23 day of JAN, 2023 by,



Steve Schwalbe
Chair, Island County Planning Commission



EXHIBIT C

Public Comment



From: Gretchen Luxenberg
To: Joshua Pitts
Subject: Island County Rural Service Zones proposed changes
Date: Monday, August 29, 2022 6:40:37 PM

***** This email is from outside the Island County network. Please use caution when clicking on links, opening attachments, or replying. *****

Hello Josh,

Please consider the following comments for the above proposed changes as they apply to the Rural Service Zones within Ebey's Landing NHR.

Island County is seeking to change the zoning regulations for two areas within the National Historical Reserve. The one in San de Fuca doesn't concern me as the historical integrity and character of that area has been compromised over the past several decades due to insensitive infill and development. San de Fuca no longer has the "feel" of a little village along the Penn Cove shoreline like it did when the Reserve was first created. Despite a handful of contributing buildings in the area the context has been lost for these places and sprawl has prevailed.

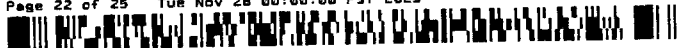
The other rural service area, however, is located where the Ebey Bowl still stands, and in Ebey's Prairie, the heart of the Reserve. This acreage retains its rural character and is surrounded by protected agricultural lands through the efforts and funding of both the American taxpayer and the Whidbey Camano Land Trust (scenic and conservation easements). To suggest that this area could have upwards of six dwelling units, and up to 1200 square feet per unit, and not have adverse effects on the integrity of the cultural landscape, is misguided thinking and a troubling precedent.

There are no housing developments in this area. There are single homes with outbuildings farther east on Terry Road and are not groupings or clusters of houses. They are farm complexes with outbuildings and retain their rural, open character. To place upwards of 6 houses in this small acreage will appear out of place and truly be insensitive. It will look like suburban sprawl. The County is charged with preserving and protecting the open spaces of the Reserve and this does not move that mission forward. Any new residential developments at the Ebey bowl need sensitive design to appear as though it has followed the pattern of development that is seen elsewhere on Terry Road (east) for residential development. Six houses is simply too much. The density for additional housing should be considered for where the old garage that stood on the NE corner of South Main and Terry Roads, a contributing structure that was allowed to be demolished. The Reserve lost an important part of its historical narrative when that structure came down, but this becomes the appropriate location for more dense development in Prairie Center, a place where new denser housing, should be permitted. Any development in the Ebey Bowl area will be visible from the main hwy as one approaches Main street, another reason not to allow the higher rooflines for the (possibly) 6 houses that could be built at the Ebey Bowl property. The County should take into consideration the views to and across these protected lands so decisions and changes to zoning and development regulations do not have adverse effects on the very lands it is charged with preserving. This means taking into consideration the views from main roads, side roads, overlooks, to and across the lands within the Reserve when considering changes to density and zoning and increasing height for new buildings. You cannot just look at maps and think the proposals will not have visual, aesthetic and other impacts, direct and indirect.

In summary, I am against the proposed increase in height for new buildings coming into the area of the Ebey Bowl and against such a dense housing proposal in same area.

thank you for your consideration.

Gretchen Luxenberg
Freeland, WA



Rcv'd Island County

NOTICE of APPLICATION with SEPA

AUG 26 2022

Island County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS). The optional DNS process established by WAC 197-11-355 is being used. **The public comment period as described below may be the only opportunity to comment on the environmental impacts of the following proposal.**

File: Rural Service zoning code update, **Applicant:** Island County, **Location:** Island County Rural Service zones

Proposal: Island County Planning & Community Development (PCD) seeks to change the zoning regulations for Rural Service zones with no change to Comprehensive Plan designation. As part of the 2022 work plan, Island County Planning is proposing to change the zoning regulations within Rural Service zones. This update is to clarify ambiguous and unclear language in the current code. The update is proposing to increase the allowed gross square footage of residential use to two times the gross square footage of non-residential use (4,000 gross square feet). The parcels will be limited to six dwelling units, each not permitted to exceed 1,200 square feet. Additionally, Island County Planning is proposing increasing the maximum height from twenty-five feet to thirty-five feet. A total of ten Rural Service zones exist in Island County. Rural Service zones average two and one-half acres.

Staff Contact: Josh Pitts, j.pitts@islandcountywa.gov

Island County regulations under ICC 17.02B (Critical Areas), Title XI (Land Development Standards) & other applicable regulations are used to review & condition development to protect critical areas affected by this proposal. The proposal may include mitigation & the project review process may incorporate or require mitigation measures regardless of whether an EIS is required.

PUBLIC COMMENTS: must be received by 4:30 p.m. on **August 31, 2022**; mail to Island County Planning Department, PO Box 5000, Coupeville WA 98239; deliver to 1 NE 6th Street, Coupeville; or to 121 N. East Camano Drive, Camano Island; or FAX (360) 679-7306.

PUBLIC HEARING DATE: Sept 26, 2022, 2PM.

To request notice of hearings or receive a copy of the decision or information on appeals, contact us at the above address.

I'D LIKE TO KNOW IF THE LOCATION FOR THE PUBLIC HEARING IS AT THE PLANNING COMMISSION OFFICE & I'D LIKE TO RECEIVE A COPY OF THE DECISION. ^{QUESTION AND} MY CONCERN IS THAT, ALTHOUGH I AGREE THIS MAY BE NECESSARY FOR INCREASED ISLAND POPULATION, WHAT MEASURES ARE BEING TAKEN TO COORDINATE WITH OTHER ISLAND & STATE AGENCIES TO MITIGATE INCREASED TRAFFIC ISSUES. IT'S GOTTEN WORSE AND IS OUT OF CONTROL!

M. LEE WOODFIN
LEE.WOODFIN@GMAIL.COM
26224 STATE RT. 20
COUPEVILLE, WA. 98239

CELL# 206-321-7910

THANK YOU,
M. Lee Woodfin

ATTACHMENT
Page 23 of 25
Event Date: Tue Nov 28 00:00:00 PST 2023
Tue Nov 28 00:00:00 PST 2023

From: Jim Deanne
To: John Lanier
Subject: Re: Ordinance No. C-53-19
Date: Monday, December 19, 2022 1:20:00 PM

John,

Thank you! Anything to standardize helps reduce waste and cost to build.

Jim Deanne
206-459-8401

Please excuse the brevity of this message and any typographical errors. Sent from my iPhone

On Dec 19, 2022, at 12:13 PM, John Lanier <J.Lanier@islandcountywa.gov> wrote:

Hi Jim,
No promises, of course, but I will look into it.

Best regards,
John Lanier
Long Range Planner
Island County Planning & Community Development
1 NE 6th Street, PO Box 5000
Coupeville, WA 98239
Phone: 360.678.7811
www.IslandCountyWA.gov

Email is subject to public disclosure requirements per RCW 42.56

From: Jim Deanne <JDeanne@msn.com>
Sent: Monday, December 19, 2022 11:31 AM
To: John Lanier <J.Lanier@islandcountywa.gov>
Subject: Re: Ordinance No. C-53-19

John,

Thank you for the update. Any chance of having garage size adjusted to 480sf to allow for a 20'x24' footprint which will enable a 16' door with 4' Braced Wall Panels on either side of the door using traditional framing for shear? It would reduce engineering/construction expense and allow for 2 cars in a garage which will be important as we move to fully electric vehicles in the future (warming/defrosting up an vehicle greatly reduces range).

Thank you,

Jim Deanne
206-459-8401

Please excuse the brevity of this message and any typographical errors. Sent from my iPhone

On Dec 19, 2022, at 11:13 AM, John Lanier <J.Lanier@islandcountywa.gov> wrote:

Hi Jim,
I just want to keep you updated. Legal wants to see this go back to the Planning Commission one last time. This should be on January 23, then back to the Board for final approval, I'm figuring by March. I just found out, and want to keep you in the loop.

Best regards,
John Lanier
Long Range Planner
Island County Planning & Community Development
1 NE 6th Street, PO Box 5000
Coupeville, WA 98239
Phone: 360.678.7811
www.IslandCountyWA.gov

Email is subject to public disclosure requirements per RCW 42.56



From: Jim Deanne <jDeanne@msn.com>
Sent: Friday, December 16, 2022 9:58 AM
To: John Lanier <j.Lanier@islandcountywa.gov>
Subject: Re: Ordinance No. C-53-19

Thanks John!

I hope you and yours have a great holiday season.

Jim Deanne
206-459-8401

Please excuse the brevity of this message and any typographical errors. Sent from my iPhone

On Dec 16, 2022, at 9:50 AM, John Lanier <j.Lanier@islandcountywa.gov> wrote:

Hi Jim,
I received your email, and will get that draft ordinance to you by the end of next week. If anything happens, I will let you know.

Best regards,
John Lanier
Long Range Planner
Island County Planning & Community Development
1 NE 6th Street, PO Box 5000
Coupeville, WA 98239
Phone: 360.678.7811
www.IslandCountyWA.gov

Email is subject to public disclosure requirements per RCW 42.56

From: Jim Deanne <jDeanne@msn.com>
Sent: Friday, December 16, 2022 9:48 AM
To: John Lanier <j.Lanier@islandcountywa.gov>
Subject: FW: Ordinance No. C-53-19

John,

Please send me an updated version of the ordinance at your convenience.

Thank you,

I'm using Adobe Acrobat.

You can view and comment on "2 Ordinance No. C-53-19 Hightlyeeighted.pdf" at:
<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:df3f2165-bf06-4e65-941a-815e2937a0aa>

Jim Deanne
General Manager
Tyee Farms LLC
Direct: 425-365-4307
Mobile: 206-459-8401

From: Joshua Pitts <j.Pitts@islandcountywa.gov>
Sent: Monday, June 27, 2022 9:56 AM
To: jdeanne@msn.com
Subject: Ordinance No. C-53-19

Hi Jim,