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**16.06.080 - ~~Reserved~~-Unit lot subdivisions.** A lot may be divided into separately owned unit lots and common areas, provided the following standards are met.

- A. Process. Unit lot subdivisions shall follow the application, review, and approval procedures for a short subdivision or subdivision, depending on the number of lots. Unit lot subdivisions follow the short subdivision process, found in ICC 16.06.050.C when the parent lot is divided into four (4) or fewer unit lots or the subdivision process, found in ICC 16.06.050.D when a parent lot is divided into five (5) or more lots.
- B. Applicability. A lot to be developed with middle housing or multiple attached or detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein.
- C. Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards found in Titles 16 and 17 ICC. For example, lot size, setbacks, and lot coverage are applied to the parent lot, not individual unit lots.
- D. Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.
- E. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.
- F. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.
- G. Notes shall be placed on the face of the plat or short plat as recorded with the county auditor to state the following:
  - 1. The title of the plat shall include the phrase "Unit Lot Subdivision."
  - 2. Approval of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.
- H. Effect of Preliminary Approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the County's reviewing departments. All development shall be subject to any conditions imposed by the County on the preliminary approval.
- I. Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision.
  - 1. Provided that land within a short subdivision that has been recorded within five (5) years immediately preceding, may be further divided only by subdivision, except that, when the short plat contains fewer than four (4) lots, the owner may file an alteration or new application within the five-year period to create up to a total of four (4) lots within the original short plat boundaries.

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## **16.17 Rural clusters and rural affordable clusters ~~Planned Residential Development~~**

### **16.17.010 Purpose.**

The purpose of this chapter is to establish a review process for certain types of residential development. The Rural clusters and rural affordable clusters ~~planned residential development (PRD)~~ ordinance will serve as an official control pursuant to Chapter 36.70 RCW; a development regulation pursuant to Chapter 36.70A RCW; and is designed for the following specific purposes:

- A. Produce a development which would be better than traditional lot-by-lot development, on either consolidated lots or unsubdivided property, through variety in design, placement of buildings, and use of open space, in order to capitalize on and preserve the special features of the individual site;
- B. Permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic, and desirable use of open space;
- C. Encourage the development of cluster housing, town houses, and other development concepts compatible with surrounding development and land uses;
- D. Leave more undisturbed open space and natural vegetation so that more rainwater drains into the soil for groundwater recharge, and there is a reduction in pollution, flooding, erosion, and drainage problems; ~~and~~
- E. Provide opportunity for affordable housing and/or permanent supportive housing in a rural setting; and
- FE. Protect rural character by:
  - 1. Containing or otherwise controlling rural development;
  - 2. Assuring visual compatibility with the surrounding rural area;
  - 3. Reducing the inappropriate conversion of rural zoned lands into large lots;
  - 4. Facilitating the protection of critical areas;
  - 5. Providing for wildlife and fish and wildlife habitat; and
  - 6. Reducing conflicts from residential uses with lands zoned ~~r~~Rural ~~a~~Agriculture, ~~r~~Rural ~~f~~Forest, or ~~e~~Commercial ~~a~~Agriculture.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-134-99 [PLG-041-99], November 23, 1999, vol. 44, p. 185)

### **16.17.020 Applicability.**

This chapter shall apply to any residential development in the ~~r~~Rural ~~a~~Agriculture, ~~r~~Rural ~~f~~Forest, or ~~e~~Commercial ~~a~~Agriculture zone where lots are to be clustered on a portion of the property or where allowed in the Freeland NMUGA pursuant to ~~e~~Chapter 17.06 ICC.

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~~A. — Type II decision. Any PRD where no more than four (4) dwelling units are proposed, shall be processed as a Type II decision pursuant to chapter 16.19. The proposed short subdivision (short platting) of land into four (4) or fewer lots shall be reviewed pursuant to chapter 16.06.~~

~~Each contiguous parcel in one (1) ownership shall constitute a separate parcel in determining whether a proposed PRD will be classified as a Type II or Type III decision. For five (5) years subsequent to the recording of a Type II PRD, further divisions of said property shall constitute an action requiring review as a Type III decision.~~

~~B. — Type III decision. Any PRD proposing five (5) or more dwelling units shall be processed pursuant to chapter 16.19 as a Type III decision. The proposed subdivision (long platting) of land into five (5) or more lots shall be reviewed pursuant to chapter 16.06.~~

~~C. —~~

Land division under ~~e~~Chapter 16.06 ICC may be processed separately or simultaneously with an application for rural cluster or rural affordable cluster ~~PRD~~ approval, provided that, when applications are processed simultaneously, a single fee shall be charged. Land division shall not be a requirement of a rural cluster or rural affordable cluster.

**Figure 1: Allowable Density**

<b><u>Rural cluster and rural affordable cluster allowable density</u></b>		
<u>Zoning</u>	<u>Rural Cluster</u>	<u>Rural Affordable Cluster</u>
<u>Rural</u>	<u>1 du per 2.5 acres</u>	<u>4 du per acre</u>
<u>Rural Agriculture</u>	<u>1 du per 5 acres</u>	<u>4 du per acre</u>
<u>Rural Forest</u>	<u>1 du per 5 acres</u>	<u>4 du per acre</u>
<u>Commercial Agriculture</u>	<u>1 du per 10 acres</u>	<u>Prohibited</u>
<u>Freeland NMUGA</u>	<u>8 du per acre</u>	<u>12 du per acre</u>

**Figure 2: Decision Types**

<b><u>Rural cluster and rural affordable cluster decision types<sup>1</sup></u></b>		
<u>Process</u>	<u>Type II</u>	<u>Type III</u>
<u>Rural Cluster</u>	<u>Up to four dwelling units</u>	<u>Five or more dwelling units</u>
<u>Rural Affordable Cluster</u>	<u>Up to twenty dwelling units</u>	<u>Twenty-one to twenty-four dwelling units</u>
<u>Rural Cluster – Subdivision<sup>2</sup></u>	<u>Resulting in up to four parcels</u>	<u>Resulting in five or more parcels</u>
<u>1 – Reviewed pursuant to Chapter 16.19 ICC</u>		
<u>2 – Reviewed pursuant to Chapter 16.06 ICC</u>		

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-45-88, June 20, 1988, vol. 28, p. 290; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

(Ord. No. C-49-19 [PLG-004-19], Exh. D, 6-18-2019)

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### 16.17.030 Definitions.

Unless expressly noted otherwise, words and phrases that appear in this chapter and are also used in ~~€~~ Title 16 or 17 ICC shall be given the meaning attributed to them in those titles. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory and the words "may" and "should" indicate a use of discretion in making a decision.

**Affordable housing** means attached or detached dwelling units serving as the primary residence for very low-, low-, and moderate-income households. The definition of income groups by household size shall be as most recently defined by the U.S. Department of Housing and Urban Development for Island County.

**Buffer** means a separation designed to absorb potential conflicts between differing land uses, or to protect critical areas or significant natural features. Generally, buffers shall be left in a natural state, or, if necessary, may be supplemented by landscaping and are used so that structures, uses, and roads, when site conditions permit, are screened from adjacent properties or public or private roads external to the rural cluster or rural affordable cluster ~~PRD~~. See Table 1.

**Clusters or cluster design** means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for open space including community area.

**Community area** means the area set aside for use by all residents of a subdivision or rural cluster or rural affordable cluster ~~PRD~~ including clubhouses, recreational facilities, common storage areas, well sites and sanitary facilities.

**Condominium** means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interest in the common elements is vested in the unit owners, and unless a declaration and a survey map and plans have been recorded. Condominiums must meet all provisions of Chapter 64.34 RCW.

**Dwelling unit** means any building, or portion thereof that includes provisions for sleeping, cooking, and sanitation, as required by Island County code. Dwelling units include site-built homes, mobile/manufactured homes, modular homes, tiny homes, or one unit in a duplex, triplex, fourplex or multifamily apartment.

**Mobile/manufactured home park** means a tract of land under the ownership or management of one (1) person, firm or corporation where three (3) or more spaces are provided solely for the placement of mobile/manufactured homes for residential purposes. A mobile/manufactured home park shall not include rural clusters or rural affordable clusters ~~PRDs~~ or subdivisions, recreational vehicle parks or the placement of mobile/manufactured homes as authorized through a temporary use permit.

**Multi-family** means five (5) or more residential dwelling units in one (1) building or in building(s) joined by common walls. Multi-family housing does not include attached dwelling units in a rural cluster or rural affordable cluster ~~PRD~~, duplexes, triplexes or fourplexes.

**Rural affordable cluster** means a clustered residential project providing affordable housing approved pursuant to Chapter 16.17 ICC. Higher densities are achieved in exchange for preserving

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open space. Additional density bonuses are available for rural affordable clusters to provide opportunities for a rural lifestyle for all residents of Island County. See also affordable housing.

**Rural cluster**~~Planned residential development (PRD)~~ means a clustered residential project approved ~~by the board~~ pursuant to Chapter 16.17 ICC. Higher densities are achieved in exchange for preserving open space. A rural cluster~~PRD~~ may include detached or attached dwelling units. See also rural affordable cluster.

**Screening** means a method of visually or acoustically shielding or obscuring one ~~(1)~~ form of land use from another by fencing, walls, berms, natural vegetation, landscaping, topography, or any combination thereof.

**Tiny home** means a site-built residence including provisions for sleeping, cooking, and sanitation with under 400 square feet of conditioned space not including any loft space.

(Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65)

~~Editor's note(s)—This section, as originally adopted, included a statement that capitalized words and phrases used to identify terms defined in this or other chapters. Because the capitalization convention was applied inconsistently throughout the Island County Code, and to be consistent with the conventions used by other state and local codes, defined terms are no longer capitalized in this Code. This change was authorized on February 26, 2015, pursuant to section 1.04.030.~~

#### **16.17.040 Application requirements.**

Except as provided in ~~section~~ICC 16.17.050, each application for approval of a rural cluster or rural affordable cluster ~~planned residential development~~ shall include the following information:

- A. A completed application in a format established by the County shall contain the following:
  1. Name, mailing address, and telephone number of the applicant, and if applicable, duly authorized representative;
  2. Assessor's tax account numbers of every parcel included within the proposal;
  3. Section, township, range, and quarter section;
  4. Signature(s) of the applicant(s);
  5. Legal description of the real property;
  6. Zoning classification;
  7. Approximate size (acreage or square feet) of the total property;
  8. If known by the applicant, date the parcel(s) were created as legal lot;
  9. If applicable, number of lots to be created;
  10. Proposed source of water supply from a public water system, including the name of the provider ~~if to be served by a public system~~;

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11. Proposed method of sewage disposal, including the name of the district with jurisdiction, if to be served by sanitary sewer;
  12. Such fees as set by the board;
  13. If applicable, certificate of transportation concurrency;
  14. Assessor's quarter section maps including the following information:
    - a. Subject property;
    - b. Contiguous properties in the same ownership;
    - c. All parcels within a 300-foot radius of the subject property; and
    - d. Names and mailing addresses of property owners of parcels referenced above.
  15. Copies of soil logs registered with the Island County Health Department as required by ~~e~~Chapter 8.07 ICC;
  16. If available, as-built drawings for existing septic systems;
  17. Documents that show means of legal access if the property does not abut a public road;
  18. Environmental checklist if required by ~~e~~Chapter 16.14C ICC and/or Chapter 197-11 WAC; and
  19. Reports and determinations that are required by Island County Critical Area ~~R~~regulations, under ~~e~~Chapter 17.02B ICC.
- B. A legible map drawn to scale that shall include or show the requirements listed below. Where location of a feature or structure is required, a site specific survey by a ~~registered~~Washington State licensed land surveyor ~~is encouraged but not shall be~~ required:
1. Location and approximate dimensions of boundaries of land proposed to be developed, showing the full extent of the parcels(s) upon which the proposed rural cluster or rural affordable cluster~~PRD~~ is located;
  2. All contiguous property in ownership of applicant;
  3. Location of proposed open space, community area and facilities~~recreation areas~~;
  4. Approximate location and dimensions of existing and proposed structures and other improvements, such as drainfields, wells, driveways, and fences;
  5. Approximate location of existing and any accesses proposed, to all lots. Include, if available, existing access permit numbers;
  6. Approximate location, width, and name of every recorded easement, right-of-way for public service or utilities, serving or affecting the subject property and existing and proposed public and private roads within or adjacent to the proposal;
  7. Approximate location of existing drainage patterns and systems;
  8. If applicable, nature and location of proposed temporary and permanent stormwater systems;
  9. Approximate location of existing and proposed utilities, ~~including well sites~~;
  10. Approximate location of all soil test holes;
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11. Approximate location and dimensions to appropriate map scale of the natural features of the site, including but not limited to:
    - a. Ravines and slopes greater than thirty-five (35) percent with tops and toe of slope identified;
    - b. Critical areas and their buffers on-site or off-site when they may affect the proposal; and
    - c. Shorelines and approximate line of ordinary high water mark.
  12. Title block on the lower right corner of the rural cluster or rural affordable cluster~~PRD~~ map to include:
    - a. Name, address, and telephone number of the applicant(s); and
    - b. Date of drawing.
  13. Legal description of the property proposed for the rural cluster or rural affordable cluster~~PRD~~;
  14. Legend that includes:
    - a. Site address if assigned and tax assessor parcel number of the property proposed for the rural cluster or rural affordable cluster~~PRD~~; and
    - b. Total approximate area of the site and approximate area of each proposed and existing parcel or lot.
  15. North arrow; and
  16. Engineering scale and bar scale (not larger than ~~1" = 20'~~ one (1) inch to twenty (20) feet or smaller than ~~1" = 200'~~ one (1) inch to one hundred (100) feet).
- C. A written statement of the general purposes of the project and an explanation of all features pertaining to use and other pertinent matters not readily identifiable in map form. Such explanatory text may specify uses permitted on the site and in particular the area to be designated community area, if any, or other necessary restrictions. Such text, as approved by the approving authority shall constitute a contractual limitation to those uses and standards otherwise provided for in the Island County Code;
- D. A general landscape plan, drawn to scale, showing open space including community area, significant landscape features and vegetation on the site, and the location and design of landscaped area, the types and sizes of trees and plant materials to be planted on the site, and other pertinent landscape features and irrigation systems required to maintain trees and plant materials.
- E. A visual analysis/representation to identify the effect of the proposed development on surrounding properties and uses;
- F. A conceptual plan showing location and design of roadway and community area lighting and rural cluster or rural affordable cluster~~PRD~~ signage.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13;



accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113)

(Ord. No. C-75-14 [PLG-006-14], Exh. D, 9-22-2014; Ord. No. C-86-17 [PLG-009-17], Exh. A, 8-15-2017)

#### **16.17.050 Modification of application requirements.**

The Planning Director may waive or modify any required portion of ~~section~~ICC 16.17.040 deemed unnecessary or redundant to the purposes of this chapter, or may establish any subset of ~~section~~ICC 16.17.040 as application requirements to adapt to specific and unique site conditions or to allow adjustment for projects of limited scale and impact; provided further that any interested party, at the public hearing on the proposal, may question whether sufficient information has been provided to address the review criteria of ~~section~~ICC 16.17.060.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65)

#### **16.17.060 General conditions of approval.**

No application for a rural cluster or rural affordable cluster~~PRD~~ shall be approved unless a specific finding is made that the proposal is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed rural cluster or rural affordable cluster~~PRD~~ shall not result in a significant adverse environmental impact that cannot be mitigated by reasonable mitigation measures.
- B. Rural clusters or rural affordable cluster~~PRDs~~ outside of the Freeland NMUGA will be adequately served by rural governmental services as defined by ~~e~~Chapter 17.03, will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area, and will not require in the future urban governmental services as that term is defined by ~~e~~Chapter 17.03 ICC or ~~e~~Chapter 17.06 ICC, as applicable.
- C. The subject site is physically suitable for the type, density and intensity of the use being proposed.
- D. For properties outside the Freeland NMUGA, the proposed use and its design provide a better opportunity to protect rural character as defined by ~~e~~Chapter 17.03 ICC than a traditional subdivision or short subdivision.
- E. Except for the designated open space and access road, proposals within the ~~r~~Rural ~~a~~Agriculture, Rural Forest, or ~~e~~Commercial aAgriculture zones shall not be located on prime agriculture soils or interfere with commercial agriculture or commercial forest use of the land.

In approving an application for a rural cluster or rural affordable cluster~~PRD~~, the decision-making authority may impose conditions to carry out the above criteria. Any such conditions shall be supported by a written finding and have a direct nexus to and be limited to those specific actions necessary to carry out these criteria.

(Ord. C-134-99 [PLG-041-99], November 23, 1999, vol. 44, p. 185)

(Ord. No. C-49-19 [PLG-004-19], Exh. D, 6-18-2019)

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**16.17.070 Specific criteria for approval.**

- A. No application for rural cluster or rural affordable cluster~~PRD~~ approval shall be approved unless it meets the requirements of this section. No development pursuant to an approved rural cluster or rural affordable cluster~~PRD~~ shall be undertaken unless it meets the requirements of ~~§~~Titles 8, 11, 13, 16, and 17 ICC.
1. Preservation of natural features.
    - a. Proposed structures, uses and roads shall be located to minimize disturbance to natural features by, for example, minimizing tree and soil removal.
    - b. Open space, in the amount required by ~~e~~Chapter 17.03 ICC or ~~e~~Chapter 17.06 ICC, as applicable, shall be clearly defined and protect natural features in the following order of importance or priority:
      - (i) First, include critical areas designated and regulated by ~~e~~Chapter 17.02B ICC;
      - (ii) Second, for ~~CA~~Commercial Agriculture and ~~RA~~Rural Agriculture zoned lands include areas of prime agricultural soils identified by NRCS;
      - (iii) Third, include areas useful for wildlife and fish and wildlife habitat; and
      - (iv) Fourth, include natural features, identified by the applicant, that are important to the overall design of the rural cluster or rural affordable cluster~~PRD~~.
      - (v) Fifth, include any buffer space as required in Table 1.
    - c. When site conditions permit, open space aggregation is encouraged into one (1) contiguous area. ~~and~~
    - d. Open space shall not include areas set aside for private yards.
  2. Relationship of proposed structures, uses, and roads to site and surrounding area.
    - a. Dwelling units shall be grouped in clusters with each dwelling unit having visual and/or physical access to open space.
    - b. No more than eight (8)~~six (6)~~ dwelling units shall be included in a cluster, however a rural affordable cluster may include up to twenty-five (25) dwelling units.
    - ~~c. A cluster shall be separated from other clusters by at least 200 feet of open space, except this requirement may be reduced if required to protect natural features or if the proposed separation provides a sight-obscuring buffer.~~
    - ~~c~~d. When natural vegetation exists, structures, uses and roads shall be located so they are screened from public roads and adjacent properties.
    - ~~d~~e. Placement of structures, uses, or roads on undisturbed, forested ridgelines should be sited to minimize tree and soil removal.
    - ~~e~~f. Lighting fixtures shall be shielded, hooded and oriented towards the ground so that direct rays of light from the lighting sources are not visible past the property boundaries. The maximum number of lighting fixtures should be adequate to light the use for safety, security, operations and visibility, appropriate to the type of use.
    - ~~f~~g. For rural clusters or rural affordable clusters~~PRDs~~ located adjacent to ~~RA, RF, CA, AP~~Rural Agriculture, Rural Forest, Commercial Agriculture, and Airport zoned lands or critical

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areas, the open space area shall be located between these lands or areas and proposed structures and uses.

3. Traffic and circulation.

- a. Vehicular access shall be designed and located to minimize interference with traffic flow on adjacent roads.
- b. Access points on the site shall not interfere with access to adjacent properties.
- c. Interior roads shall be designed to minimize conflicts between pedestrian and vehicular circulation.
- d. Interior roads and parking areas shall be designed so there are no conflicts between the maneuvering areas for the parking spaces and the major circulation through the sites.
- e. Driveways, roads and parking areas shall be designed so exiting vehicles are not required to back out into a public or private road that is external to the rural cluster or rural affordable cluster ~~PRD~~.
- f. When possible, provide two access points to the rural cluster or rural affordable cluster to assist with emergency operations, the second access point may be gated as long as the local fire district is provided with access (Knox box or similar).

4. Utility service. When feasible, electrical, telephone, and cable utility lines shall be installed underground.

5. ~~Recreational~~ Community facilities.

- a. Clubhouses, beaches, swimming pools, exercise pathways, tennis courts, and other ~~special~~ active or passive recreation features are encouraged.
- b. When site conditions permit, recreational structures shall not be located adjacent to public or private roads that are external to the rural cluster or rural affordable cluster ~~PRD~~.

B. The above review criteria shall be in addition to any standards or requirements established by applicable state and county laws or ordinances. They are not intended to be absolute in nature or to discourage creativity, innovation or full use of the site. The approving authority shall have the authority to modify standards contained within criteria as may be found necessary. However, said modifications shall be made only to ensure that the proposal is adapted to any unique or special site feature and is compatible with surrounding land uses.

C. **Rural affordable clusters.** Purpose. A rural affordable cluster development is a small cluster of residences and related structures intended to provide opportunities for affordable housing in rural areas. In an effort to provide affordable housing opportunities in a rural setting, these codes have been crafted to protect the rural character. The standards and procedures provided below are intended to ensure that such developments remain compatible with the rural, agricultural, and natural character of rural and resource lands; prohibit suburban sprawl; and do not require urban-level services.

B. Applicability. An applicant intending to develop a rural affordable cluster must file a use permit application, subdivision or binding site plan application appropriate under Title 16 ICC.

C. Minimum standards.

1. Land use districts.

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- a. The rural affordable cluster may be located within any of the following land use districts: Rural, Rural Agriculture, or Rural Forest.
- b. A rural affordable cluster shall not be located in a municipal urban growth area nor in any of the following land use districts: Rural Residential, Rural Village, Rural Center, Rural Service, Camano Gateway Village, Airport, Light Industrial, or Commercial Agricultural district.
- c. The developed portion of a rural affordable cluster shall not be located in lands subject to the Shoreline Management Act or flood hazard areas.

2. Project site and unit ownership.

- a. The project site shall consist of the entirety of one or more legal lots of record, and shall be in a single ownership. Any portion of the site not sold for affordable housing shall remain in such ownership as part of the rural affordable cluster development for the duration of the use.
- b. Individual residential units may be rented, leased or sold, consistent with the purpose of this section.
- c. Further subdivision of the parcel or parcels shall be consistent with the purpose of this section.

3. Affordable housing.

- a. All residential units within a rural affordable cluster must be affordable housing meeting the standards of ICC 17.03.180.GG.
- b. Prior to issuance of any building permit for the project, the applicant shall grant an affordability covenant for the site to Island County for the purpose of affordable housing development, subject to such conditions and limitations as the County may require.

4. Site design.

- a. The site design of the rural affordable cluster development shall comply with the site design guidelines of ICC 16.17.070 and subsection (G) of this section.
- b. The site design of the project as a whole shall comply with the applicable dimensional standards of Table 1 – Buffer Width Requirements.

5. Maximum allowable residential density and number of dwelling units.

- a. A rural affordable cluster development shall not be subject to the density requirements of the land use district in which it is located, except for such requirements in which rural affordable cluster development is regulated by name.
- b. A rural affordable cluster development shall have a maximum density of four (4) units per acre and a maximum of twenty-four (24) dwelling units.
- c. A rural cluster development in the Freeland NMUGA shall have a maximum density of eight (8) units per acre. A rural affordable development in the Freeland NMUGA shall have a maximum density of twelve (12) units per acre.

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6. Allowed and accessory uses, and accessory structures. Only residential uses are allowed except as provided below. Accessory uses shall be limited to those appropriate and necessary to residential use, including the following:
- a. Common kitchen, meeting, and active or passive recreation areas for residents and their guests;
  - b. Bulk storage and parking for RVs, boats, trailers, etc. A bulk storage/parking area may be provided within a rural affordable cluster. Said parking area shall be separated from all other parking facilities, shall be provided with some means of security, and shall be visually screened with a vegetative buffer or fence. In no case shall anyone reside in a RV within a rural affordable cluster.
  - c. Offices for a nonprofit housing provider owning or operating the project, and/or providing onsite services, not to exceed 1,000 square feet of floor area.
7. Prohibited uses. The following uses shall be prohibited in a rural affordable cluster:
- a. Camping.
  - b. Overnight lodging, including bed and breakfast rooms and/or short term rentals.
  - c. Home industries.
  - d. Storage, mini-storage, and/or outdoor storage, including junk or junk vehicles, except for a bulk storage or parking area as allowed in ICC 16.17.070.C.6.b.
8. Square footage limitations for dwelling units and accessory structures.
- a. The net floor area per dwelling unit for the project shall not exceed 1,500 square feet.
  - b. No individual dwelling unit or accessory structure shall exceed 2,000 gross square feet.
9. Access to shorelines – common easements. A rural affordable cluster adjacent to water and subject to the jurisdiction of the Shoreline Master Program shall dedicate a common area for residents’ access to the shoreline area.
10. Water quality. Meet the requirements specified in Chapter 8.09 ICC.
11. Water quantity. Demonstrate adequate and available water to serve the development (see also ICC 8.09.055).
12. Stormwater management. Meet the requirements and standards of Title 11 ICC.
13. Open space and landscaped areas shall be designed as an integrated part of the rural affordable cluster rather than as an isolated element. A landscaping plan shall be prepared consistent with the requirements of and incorporating the development standards in ICC 17.03.180.P. Landscape screening shall be established along the perimeter, appropriate to the project and its surrounding environment per Table 1 – Buffer Width Requirements.

**TABLE 1 – Buffer Width Requirements**

<u>Site characteristics and surrounding development</u>	<u>Minimum buffer width</u>	<u>Minimum buffer width with reduction</u>	<u>Requirements for buffer width reduction</u>
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<a href="#">Buffer from exterior when site is primarily forested</a>	<a href="#">100 feet</a>	<a href="#">80 feet</a>	<a href="#">Sight-obscuring natural features serve as a visual buffer; or Additional landscape screening per ICC 17.03.180.P.3.</a>
<a href="#">Buffer from exterior when site is primarily meadow or pasture</a>	<a href="#">200 feet</a>	<a href="#">160 feet</a>	<a href="#">Sight-obscuring natural features serve as a visual buffer; or Additional landscape screening per ICC 17.03.180.P.3.</a>
<a href="#">Buffer from exterior when site is abutting a LAMIRD</a>	<a href="#">100 feet</a>	<a href="#">80 feet</a>	<a href="#">Sight-obscuring natural features serve as a visual buffer; or Additional landscape screening per ICC 17.03.180.P.3.</a>
<a href="#">Separation buffers between clusters</a>	<a href="#">150 feet</a>	<a href="#">100 feet</a>	<a href="#">Sight-obscuring natural features serve as a visual buffer; or Additional landscape screening per ICC 17.03.180.P.3.</a>

[14. Roads, streets, and access drives within and adjacent to the rural affordable cluster shall meet the requirements specified in ICC 16.17.070.A.3.](#)

[15. Parking shall be screened from view from public rights-of-way.](#)

[D. Limitation on number of rural affordable clusters. The number of rural affordable cluster developments outside of an NMUGA shall not exceed the following:](#)

[1. Not more than three rural affordable clusters per island in any one calendar year;](#)

[2. Not more than 100 dwelling units on any one island in any calendar decade.](#)

[3. Application requirements for rural affordable cluster developments shall be as found in ICC 16.17.040. The administrator may establish procedures for submitting applications for rural affordable cluster developments, and may establish criteria for competitive evaluation of such applications if more applications are received than may be approved for a given calendar year period. Such evaluation may consider the location of the proposed clusters in relation to identified housing need; the number of units provided; the availability of units to income groups and household types, including families with children, in greatest need of affordable housing; the current allocation of such clusters among the various islands; the design and location of the clusters for which applications are received; and the demonstrated ability of the applicant to perform based on financial and other factors. In developing such criteria and evaluating competing projects, the administrator shall consult with the housing advisory board.](#)

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F. Separation. A rural affordable cluster development outside of a NMUGA shall not be developed in such a way that any habitable structure is located within 1,200 feet of a habitable structure in a separate rural affordable cluster development.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-134-99 [PLG-041-99], November 23, 1999, vol. 44, p. 185)

(Ord. No. C-75-14 [PLG-006-14], Exh. D, 9-22-2014; Ord. No. C-86-17 [PLG-009-17], Exh. A, 8-15-2017; Ord. No. C-49-19 [PLG-004-19], Exh. D, 6-18-2019)

**16.17.080 Review process and approving authority.**

Applications for planned residential developments shall be processed pursuant to chapter 16.19.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

**16.17.090 Approval.**

Upon approval of a rural cluster or rural affordable cluster~~PRD~~, the approving authority shall affix his/their signature(s) in an appropriate place on the plan, along with a brief statement that the authority has granted approval of the rural cluster or rural affordable cluster~~PRD~~ referencing any conditions of approval, if any, and the date of approval.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

**16.17.100 Limitations and conditions.**

The approving authority shall have the authority to place on any rural cluster or rural affordable cluster~~PRD~~ granted approval, appropriate limitations and conditions to insure that the development is consistent with applicable ordinances, plans, and policies of Island County and to carry out the recommendations of the reviewing departments as applicable.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-58-91, March 11, 1991, vol. 32, p. 262; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

**16.17.110 Open space and community area.**

- A. All land proposed as open space must be established and conveyed by conservation easement under one (1) of the following options:

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1. It may be conveyed to a public agency or nonprofit that will agree to maintain the open space and any buildings, structures, or improvements which have been placed on it; or
  2. When no maintenance of the open space is required, it may be conveyed to all new owners in undivided joint ownership; or
  3. When maintenance of the open space is required and the applicant does not propose to remain responsible for maintenance, then a homeowners' association or similar organization shall be established by covenant for the maintenance of the open space. Membership in the association or organization, and dues or other assessment for maintenance purposes shall be mandatory.
- B. The open space must be subject to covenants approved by the county which restrict the open space to the uses specified in the rural cluster or rural affordable cluster~~PRD~~ application and which provide for the maintenance of the open space in a manner which assures its continuing use for the intended purpose.
- C. Open space may not be put to any use not specified in the application unless the rural cluster or rural affordable cluster~~PRD~~ has been amended by Island County to permit said use. However, no change of use so authorized may be considered as a waiver of any of the covenants limiting the use of open space, and all rights to enforce these covenants against any unpermitted use are expressly reserved by the county.
- D. A portion of any required open space area, not to exceed fifteen (15) percent of the total site area, ~~area~~ may be designated community area.
- E. Community area may be used for well sites, drain fields or recreational purposes. The uses authorized for the community areas must be appropriate to the scale and character of the ~~planned residential~~ development considering its location, size, density, expected population, topography, and the number and type of dwellings to be provided.
- F. Open space shall include a minimum of 45 percent of the gross site area except in designated resource lands, where 65 percent is required, and in the UGAs where 75 percent is required.
1. Required buffers per Table 1 – Buffer Width Requirements may be counted toward the open space calculation.
  2. Where practicable, open space tracts within a rural cluster or rural affordable cluster shall be located contiguous to designated open space tracts on adjacent properties.
  3. Open space shall be configured so that it is adjacent to or directly across the street from as many of the clustered lots as practical.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

#### **16.17.120 Dedications and reservations.**

Provision for open space, drainage ways, streets or roads may be made by dedicating land for public use, by reserving land for future public acquisition and development, or by conveying land or easements therein to nonprofit corporations for use by all or a limited segment of the public. All dedications and reservations shall be recited on the face of the rural cluster~~PRD~~ as well as incorporated in

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such documents as may be needed to reflect the assignment of interest. Dedications shall be required by the ~~e~~County only when the need for such dedication is supported by the site specific impacts of the proposed rural clusterPRD and/or uses allowed in the rural clusterPRD by ~~e~~Chapter 17.03 ICC or ~~e~~Chapter 17.06 ICC, as applicable. Refusal of the approving authority to accept a dedication shall not be grounds for disapproval of the rural clusterPRD.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65)

(Ord. No. C-49-19 [PLG-004-19], Exh. D, 6-18-2019)

**16.17.130 Development in conformity with rural clusterPRD.**

Where the approving authority approves a rural clusterPRD, any and all development and use of the land to which the rural clusterPRD pertains shall be in conformity with the rural clusterPRD as finally approved. Further, no development pursuant to an approved rural clusterPRD shall be undertaken without meeting the requirements of ~~t~~Titles 8, 11, 13, 16, and 17 ICC.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

**16.17.140 Rural cluster ~~PRD~~-amendments.**

An approved rural cluster~~planned residential development~~ may be amended by the same procedures provided under this chapter for the original rural clusterPRD approval. For purposes of this chapter, amendment shall include changes in building layout, type or size, changes to open space, community area, or improvements thereto, modifications of conditions of approval and changes in approved uses; provided, that changes that comply with all previously-imposed conditions of approval shall not require a rural clusterPRD amendment unless alterations in building layout, open space, community area, circulation, project phasing, building type or size are proposed, that may generate environmental impacts not considered in the previous rural clusterPRD approval.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65)

**16.17.150 Expiration of rural cluster and rural affordable clusterPRD approval.**

The approval of a rural cluster or rural affordable clusterPRD under this chapter is conditioned upon compliance with the conditions of approval, and any building permits obtained pursuant thereto being utilized within five (5) years after the effective date of said rural cluster or rural affordable clusterPRD approval. If the permit or permits are not utilized or construction work is not initiated within said time and carried on diligently in accordance with the conditions imposed by the county pursuant to rural cluster or rural affordable clusterPRD approval, the rural cluster or rural affordable clusterPRD shall

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become null and void and any approval, permit, or conditions granted thereby shall be deemed to have lapsed, provided that the five-year time period may be extended by the approval of a phasing plan.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Res. PLG-036-92, June 15, 1992, vol. 34, p. 148; amended by Ord. PLG-027-93, May 10, 1993, vol. 35, p. 386; amended by Ord. PLG-051-93, October 25, 1993, vol. 36, p. 241; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

**16.17.160 Penalties and enforcement.**

- A. Any [rural cluster or rural affordable cluster](#) ~~planned residential development~~ approved under this chapter and its requirements shall be legally enforceable on any subsequent purchaser or other person acquiring ownership of the land subject to the planned residential development or any lot, tract, or parcel of such land, as well as on the applicant(s) and owner(s) of the land who obtained planned residential development approval.
- B. Any violation of a [rural cluster or rural affordable cluster](#) ~~planned residential development~~ approved by Island County shall be considered a violation of ~~e~~Chapter 17.03 [ICC](#) or ~~e~~Chapter 17.06 [ICC](#), as applicable, and shall be subject to all of the remedies and penalties provided for in said chapter.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-90 [PLG-011-90], June 25, 1990, vol. 31, p. 249; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

(Ord. No. C-49-19 [PLG-004-19], Exh. D, 6-18-2019)

**16.17.170 Severability.**

If any provision or provisions of this chapter or its/their application to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision or provisions to other persons or circumstances shall not be affected. (Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205)

**16.17.180 Effective date.**

The amendments to this chapter shall take effect ~~December 1, 1998~~ [following approval and expiration of any associated appeal periods](#), and shall apply to new applications submitted on or after that date and to incomplete applications filed prior to that date.

(Ord. PD-84-19, November 26, 1984, effective December 31, 1984, vol. 23, p. 205; amended by Ord. C-87-98 [PLG-022-98], September 29, 1998, vol. 43, p. 13; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65)

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**16.26.030 Definitions**

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[Emergency means an unforeseen situation or event, the urgency of which precludes following the standard comprehensive plan amendment procedures found in this chapter.](#)

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### 16.25.050 General procedures.

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H. Emergency amendments. Public notice and an opportunity for public comment must precede the adoption of emergency amendments to the comprehensive plan. Provisions in RCW 36.70A.390 apply only to moratoria or interim development regulations. They do not apply to comprehensive plan amendments. If an emergency comprehensive plan amendment is necessary, Island County shall adopt a moratoria or interim zoning control. Island County will then consider the emergency comprehensive plan amendment concurrently with the consideration of permanent amendments and only after public notice and an opportunity for public comment.

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### 17.03.035 Use tables.

- A. **How to use these tables.** These tables are intended to assist you in identifying allowable uses within the zoning districts of Island County. These tables will also provide applicable information about permit types, land use decision types, and conditions and limitations for specific land uses at various levels of intensity. Table Components include:
- Permit Types, Conditional Uses, and Prohibited Uses
  - Decision Types
  - Footnotes and References
  - APZ Allowed Uses
1. **Permit Types:** This section represents all prescriptive uses allowed in one (1) or more zoning districts that have been adopted into the Island County Zoning Code. Each table will have a list of uses that intersect with each zoning district, outlining whether the use is permitted, requiring a type one (1) review process or conditional, requiring a Type II or Type III review process. You will notice that some uses are both permitted and conditional and still other uses are listed as both a Type II and a Type III decision. This means that land use standards other than zoning will dictate if and how the use may be established. For definitions see [section ICC 17.03.040](#).
  2. **Permitted Uses (P/I):** Uses labeled as "P/I" are reviewed as a Type I Ministerial decision pursuant to [Chapter 16.19 ICC](#).
  3. **Conditional Uses (C/II or C/III):** Uses labeled as "C/II or C/III" require a site plan approval pursuant to [Chapter 16.15 ICC](#) and are required to be processed as an Administrative (Type II) or Quasi-Judicial (Type III) decision pursuant to [Chapter 16.19 ICC](#). The land use standards that may govern the siting of the specific use which is found in [section ICC 17.03.180](#).
  4. **Prohibited Uses (x):** Uses expressly prohibited by this chapter are depicted with an "x". Urban Growth Areas: Expressly prohibited uses are not shown in the use table. These uses will remain listed within each the specific zoning district.
  5. **Decision Types:** In the consolidated tables, each permit type will have an associated decision type. The decision type refers to the type of review process required for a specific use. A detailed description of the land use decision process can be found in [Chapter 16.19 ICC](#).

**I = Type I permitted use**—Ministerial decision.

**II = Type II conditional use**—Administrative decision.

**III = Type III conditional use**—Hearing Examiner decision.

**IV = Type IV conditional use**—Requires Board of County Commissioners approval.

6. **Footnotes and References:** Each table has related Footnotes and References. These identify or reference any additional standards or conditions associated with a specific use. Standards can be limitations and/or thresholds that trigger requirements for higher levels of review. Conditions outline criteria that must be met in order for a specific use to be allowed in a certain zoning district.
  - a. Footnote: The table footnotes state any additional standard or condition for a particular use that is not found in any other section or chapter of this code. The number of a footnote will always correspond with a number in the table.
  - b. Reference: The reference column show relevant sections of code that contain additional standards or conditions for the use. The references will cite specific sections related to a specific use. These sections may outline limitations, threshold triggers for higher levels of review, and/or other additional criteria associated with the use.
7. **Aircraft Accident Potential Zone (APZ):** A section of each table is dedicated to uses allowed within the Accident Potential Zone (APZ). Within the APZ section there are three (3) separate zones: Clear Zone, APZ I, and APZ II. Within the consolidated land use tables each APZ zone will intersect with each of the listed uses showing if the use is allowed, not allowed or unlisted.
  - a. Allowed Uses: A use that is allowed in a specific section of the APZ will show a "Yes" at the intersection point of the use and the zone.
  - b. Not Allowed Uses: A use that is not allowed within a specific section of the APZ will show a "No" at the intersection of the use and the zone.
  - c. UGA APZ: The APZ table for the Urban Growth Area was not consolidated into the comprehensive use table, and can be found in the APZ land use standards ([section ICC 17.03.180.Z.2](#)).
8. **Unlisted Uses:**
  - a. All uses not explicitly allowed or explicitly prohibited will be considered an unlisted use. All unlisted uses should be classified into an allowed or not allowed use through a code interpretation pursuant to [section ICC 17.03.190](#).
  - b. APZ: Any use that has an asterisk under the APZ section is considered unlisted. These uses were not identified or considered at the time the Accident Potential Zone was adopted into Island County Code. Unlisted uses shall follow the zoning code interpretation process ([section ICC 17.03.190](#)) with consideration of the most recent AICUZ Study Update for Naval Air Station Whidbey Island's Ault Field and Outlying Landing Field Coupeville.

- B. **Rural Lands Use Table.** Uses in the Rural (R), Rural Agriculture (RA), Rural Forest (RF), Commercial Agriculture (CA), and Parks (PK) zoning districts shall be as shown in Table 17.03.035.B.

Table 17.03.035.B. Rural Lands Uses		ZONING DISTRICT					ICC References	APZ		
Type I Permitted Use - Ministerial Decision	APZ Overlay	Rural	Rural Agriculture	Rural Forest	Commercial Agriculture	Parks				
Type II Conditional Use - Administrative Decision	Prohibited									
Type III Conditional Use - Quasi-Judicial Decision	May be Permitted									
Prohibited = X	* Not identified									
RESIDENTIAL USES		R	RA	RF	CA	PK	See Also...	CLEAR ZONE	APZ I	APZ II
Accessory dwelling unit, attached or detached		P/I	P/I	P/I	P/I		17.03.180.I	No	No	Yes
Accessory use or building		P/I <sup>(1)</sup> C/II <sup>(1,2)</sup>	P/I	P/I	P/I			No	Yes	Yes
Farm worker housing			P/I		P/I			No	No	Yes
Group home		P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>		17.03.180.L(4),(5)	No	No	No
Mobile/manufactured home(s)		P/I	P/I	P/I	P/I		17.03.180.N	No	Yes	Yes
Mobile/manufactured home park		C/III		C/III			17.03.180.O	No	No	No
Single family dwelling		P/I	P/I	P/I	P/I	P/I <sup>23</sup>		No	Yes	Yes
COMMERCIAL USES		R	RA	RF	CA	PK	See Also...	CLEAR ZONE	APZ I	APZ II
Home occupation		P/I	P/I	P/I	P/I		17.03.180.K	No	No	Yes
Home industries		C/II C/III <sup>(4)</sup>	C/II C/III <sup>(4)</sup>	C/II C/III <sup>(4)</sup>	C/II C/III <sup>(4)</sup>		17.03.180.J	No	No	Yes
Bed and breakfast inn		C/II	C/II	C/II	C/II		17.03.180.B	No	No	No
Bed and breakfast rooms		P/I	P/I	P/I	P/I		17.03.180.J	No	Yes	Yes
Buildings normally associated with low intensity park development						P/I <sup>(22)</sup>		*		
Campground and recreation vehicle park		C/II		C/II			17.03.180.T(4)	No	No	No
Community center						C/II		*		
Country inn		C/III <sup>(6)</sup>					17.03.180.D	No	No	No
Critical areas archaeological or historical education and/or interpretative areas						P/I C/II		*		

Equestrian center	C/II C/III <sup>(7)</sup>	C/II C/III <sup>(7)</sup>	C/II C/III <sup>(7)</sup>	C/II C/III <sup>(7)</sup>		17.03.180.T(5)	No	No	No
Facilities for the performance and teaching of arts and crafts					C/II		*		
Gun club and shooting range	C/III	C/III	C/III			17.03.180.T(6)	No	No	No
Marijuana processor	C/II	C/II	C/II	C/II		17.03.180.BB(2)	No	Yes	Yes
Marijuana producer	P/I C/II C/III	P/I C/II C/III	P/I C/II C/III	P/I C/II C/III		17.03.180.BB(1)	No	Yes	Yes
Mini storage	C/III					17.03.180.C	No	Yes	Yes
<b>PARKS AND SMALL-SCALE RECREATIONAL AND TOURIST USES</b>	<b>R</b>	<b>RA</b>	<b>RF</b>	<b>CA</b>	<b>PK</b>	<b>See Also...</b>	<b>CLEAR ZONE</b>	<b>APZ I</b>	<b>APZ II</b>
Public/community boat launch	C/II		C/II				No	Yes	Yes
Recreation area or use					P/I <sup>(24)</sup>		*		
Recreational aerial activities		C/II	C/II	C/II		17.03.180.T(7)	No	No	No
Rural event center	C/II C/III	C/II C/III	C/II C/III			17.03.180.EE	No	No	No
Rural Winery, Cidery, Distillery facilities	C/II C/III <sup>(16)</sup>	C/II C/III <sup>(16)</sup>		P/I C/II <sup>(16)</sup>		17.03.180.DD	No	No	No <sup>(19)</sup>
Small scale recreation and tourist uses	C/II C/III				C/II	17.03.180.T	No	No	No
Special Events, Rural Commercial Events	P/I C/II	P/I C/II	P/I C/II	P/I C/II	P/I C/II	17.03.180.EE	*		
Surface mining	C/III	C/III	C/III	X		17.03.180.U	No	Yes	Yes
Temporary uses	P/I	P/I	P/I	P/I		17.03.180.V	No	No	Yes
Unenclosed stadium					C/II		*		
<b>INSTITUTIONAL USES</b>	<b>R</b>	<b>RA</b>	<b>RF</b>	<b>CA</b>	<b>PK</b>	<b>See Also...</b>	<b>CLEAR ZONE</b>	<b>APZ I</b>	<b>APZ II</b>
Animal shelter	C/II	C/II	C/II			17.03.180.L(10)	No	No	Yes
Church	C/III <sup>(5)</sup>	C/III <sup>(5)</sup>	C/III <sup>(5)</sup>			17.03.180.L.1	No	No	No
Communication tower	C/II C/III	C/II C/III	C/II C/III	C/II C/III		17.03.180.L(8)	No	No	Yes
Day care center (small)		C/II	C/II	C/II		17.03.180.L(5)	No	No	No
Day care nursery (6 or fewer persons)	P/I	P/I	P/I	P/I		17.03.180.L(4)	No	No	No
<a href="#">Emergency Shelter</a>	<a href="#">P/II C/III<sup>28</sup></a>					<a href="#">17.03.180.HH</a>	No	No	No
Fire station	P/I C/II <sup>(8)</sup>					17.03.180.L(9)	No	No	Yes
Kennel	C/II <sup>(9)</sup>	C/II	C/II			17.03.180.L(10)	No	No	Yes
Libraries and museums					C/II		*		
Schools, public and private	P/I C/II C/III	P/I C/II C/III I	P/I C/II C/III	P/I C/II C/III		17.03.180.L(2)	No	No	No
Veterinarian clinic				P/I			No	No	No

AGRICULTURE AND FORESTRY USES	R	RA	RF	CA	PK	See Also...	CLEAR ZONE	APZ I	APZ II
Agricultural products—Growing, harvesting, managing, selling and processing	P/I <sup>(11)</sup> C/II <sup>(10,12)</sup>	P/I <sup>(12)</sup>	P/I <sup>(12)</sup>	P/I <sup>(12)</sup>			Yes <sup>(20)</sup>	Yes	Yes
Farm equipment storage and repair facilities				P/I			No	Yes	Yes
Farm or forest products stand	P/I	P/I <sup>(13)</sup>	P/I <sup>(13)</sup>	P/I <sup>(13)</sup>		17.03.180.H	No	No	Yes
Forest products—Growing, harvesting, managing, selling and processing	P/I <sup>(27)</sup> C/II <sup>(14)</sup>	P/I <sup>(12)</sup> (21)	P/I	P/I <sup>(15)</sup>			No	Yes	Yes
Livestock husbandry	P/I	P/I	P/I	P/I			No	Yes	Yes
Seasonal Farmers Market	P/I	P/I	P/I	P/I		17.03.180H	No	No	No
UTILITIES/GENERAL USES	R	RA	RF	CA	PK	See Also...	CLEAR ZONE	APZ I	APZ II
Essential public facilities	C/III	C/III		X		17.03.180.CC	No	No	No
Helipad	X						*		
Parking					P/I		*		
Utilities (Major and Minor)	P/I C/II <sup>(17)</sup>	P/I <sup>(18)</sup>	P/I <sup>(18)</sup>	P/I <sup>(18)</sup>			No	Yes	Yes
Water tank	P/I C/II <sup>(26)</sup>	P/I	P/I C/II	P/I		17.03.180.L.3	No	Yes	Yes
* Use is currently not identified in the Accident Potential Zone <a href="#">ICC</a> 17.03.180.Z. Exceptions: Through the conditional use process an applicant may review the AICUZ Study for Naval Air Station Whidbey Island's Ault Field and Outlying Landing Field Coupeville and provide an analysis of the compatibility of the proposed use.									
<b>Table Notes:</b>									
1) Accessory uses are allowed without existing permitted uses in the Rural <a href="#">Z</a> zone only 2) For uninhabitable structures greater than or equal to 800 square feet (gross floor area) in size on lots less than 2.5 acres in size that do not have existing permitted uses 3) Group homes (seven (7) to twelve (12) persons) 17.03.180.L(5) 4) Community meeting is not required 5) Community meeting is not required if seating capacity is less than or equal to 150 persons or a 2,000 square foot assembly area is proposed 6) Community meeting is not required if 20 rooms or less is proposed 7) Covered Equestrian centers 8) Larger than two bays or 4,000 square feet or larger (gross floor area) 9) Subject to the Standards of Home Industry <a href="#">ICC</a> 17.03.180.J and Institutional uses <a href="#">ICC</a> 17.03.180.L.10 10) Agricultural processing in structures that are 4,000 square feet or larger (gross floor area) 11) Including livestock, provided raising of large livestock on lots less than 2.5					15) Forest products processing not permitted in <a href="#">Rural Agriculture</a> or <a href="#">Commercial A Agriculture</a> zone 16) Structure area utilized to support winery, cidery and distillery manufacturing, production, sales, or tasting is ≥ 8,000 square feet (gross floor area) 17) Major Utilities require a conditional use and are only allowed in the Rural <a href="#">Z</a> zone 18) Major Utilities not allowed 19) Winery allowed in APZ II 20) Seasonal sale of produce and Agricultural processing are not allowed in the APZ Clear Zone 21) In accordance with Washington Forest Practices Act and regulations adopted pursuant thereto, including but not limited to: timber, Christmas trees, nursery stock, and floral vegetation 22) Example: Restrooms, picnic shelters, tool and equipment storage, and similar 23) Limited to use as a caretaker's residence 24) Example: ramps, docks, fishing piers, swimming docks and floats; Outdoor tennis and basketball, baseball, soccer, rugby courts for day use; Hiking, jogging, walking and bicycle paths; playgrounds 25) Interpretive centers require a conditional use permit				



acres in size requires approval of an animal management plan  
 12) Including Seasonal Sales  
 13) Farm Product Stands are limited to produce  
 14) Forest products processing in structures that are 4,000 square feet or larger (gross floor area)

26) Greater than or equal to 32 feet in diameter or height and if not cylindrical in shape, when surface area exceeds the ground area encompassed by a tank thirty-two (32) feet in diameter  
 27) In accordance with the Washington Forest Practices Act and regulations adopted pursuant thereto, including, but not limited to, timber, Christmas trees, nursery stock, and floral vegetation  
 28) Up to twelve individuals is a Type II, thirteen to thirty individuals is a Type III

- C. **Limited Areas of More Intensive Rural Development (LAMIRD) ~~Rural Areas of More Intensive Development (RAID)~~ Use Table.** Uses in the ~~LAMIRD~~ **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. LAMIR <del>RAID</del> Uses		ZONING DISTRICT							ICC References			
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	17.03.070	17.03.120	17.03.130	17.03.135	17.03.140	17.03.145	17.03.150				
RESIDENTIAL USES		RR	RC	RV	CGV	RS	LM	AP	See Also...	CLEAR ZONE	APZ I	APZ II
Accessory dwelling unit, attached and/or detached		P/I <sup>(23)</sup>				X			17.03.180.I	No	No	Yes

Accessory uses or buildings	P/I <sup>(1)</sup>	P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>	P/I	P/I	P/I C/II <sup>(3)</sup>		No	Yes	Yes
Co-living housing	<u>P/I</u>	<u>P/I</u>	<u>P/I</u>	<u>P/I</u>			X	17.03.180.FF	No	No	No
Duplex, triplex or fourplex	P/I	<u>P/I<sup>(22)</sup></u>	<u>P/I<sup>(22)</sup></u>	<u>P/I<sup>(22)</sup></u>	<u>P/I<sup>(22)</sup></u>		X		*		
Group home	P/I C/II <sup>(4)</sup>	P/I C/II <sup>(2,6)</sup>	P/I C/II <sup>(3)</sup>	<u>P/I C/II<sup>(3)</sup></u>				17.03.180.L(4),(5)	No	No	No
Mixed use		P/I C/II <sup>(2,6)</sup>	P/I <sup>(20)</sup> C/II <sup>(3)</sup>	P/I C/II <sup>(3,5)</sup>	P/I <sup>(21)</sup> C/II <sup>(21,22)</sup>				No	No	No
Mobile homes	P/I							17.03.180.N	No	Yes	Yes
Multi-family		P/I C/II <sup>(2,6)</sup>	<u>P/I C/II<sup>(3)</sup></u>	<u>P/I C/II<sup>(3)</sup></u>					*		
Single family	P/I	X	X <del>P/I C/II<sup>(3)</sup></del>	X	X		X <del>P/I C/II<sup>(2)</sup></del>	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 <sup>(2)</sup>		*		
Banking and financial services		P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>						No	No	Yes <sup>(17)</sup>
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 <sup>(2)</sup>	P/I <sup>(7)</sup> C/II <sup>(3,7)</sup>						No	No	No
Eating and drinking establishment		P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I <sup>(8)</sup> C/II <sup>(3,8)</sup>	P/I		P/I C/II <sup>(2)</sup>		No	No	No
Entertainment uses		P/I C/II <sup>(2)</sup>							*		
Finance, real estate and banking services		P/I C/II <sup>(2)</sup>	P/I C/II <sup>3</sup>	P/I C/II <sup>(3)</sup>					No	No	Yes <sup>(17)</sup>
Helipads	X						<u>P/I</u>		*		
Junk and salvage yards		X	X	X			C/II	17.03.180.M	*		
Light manufacturing		P/I C/II <sup>(2)</sup>				P/I	P/I C/II <sup>(2)</sup>		*		
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 <sup>(2)</sup>	C/II <sup>(3)</sup>	C/II <sup>(3)</sup>	C/II			17.03.180.BB	No	No	No
Mini storage	X	X <del>P/I C/II<sup>(2)</sup></del>	X	X	X			17.03.180.C	No	Yes	Yes
Office uses		P/I C/II <sup>(2)</sup>		P/I C/II <sup>(3)</sup>					*		
Overnight lodging		P/I C/II <sup>(20) (3)</sup> <u>C/III<sup>(20)</sup></u>	P/I <sup>(20)</sup> <u>C/II<sup>(20) (3)</sup></u> <u>C/III<sup>(20)</sup></u>	P/I <sup>(20)</sup> C/II <sup>(20) (3)</sup> C/III <sup>(20)</sup>				17.03.180.AA	*		

Public/community boat launch	C/II								No	Yes	Yes
Remote tasting room		P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>	P/I		P/I C/II <sup>(2)</sup>		*		
Research and development uses		P/I C/II <sup>(2)</sup>				P/I	P/I C/II <sup>(2)</sup>		*		
Retail sales and services		P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I <sup>(9)</sup> C/II <sup>(3,9,10)</sup>	P/I				No	No	No
Special event, rural commercial event	P/I <sup>(11)</sup>	P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>	C/II		P/I C/II <sup>(2)</sup>	17.03.180.EE	*		
Storage, outdoor and mini storage	X	X <del>P/I C/II<sup>(2)</sup></del>	X	X	X	P/I	P/I C/II <sup>(2)</sup>	17.03.180.M	No	Yes	Yes
Temporary uses	P/I	P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>			P/I C/II <sup>(2)</sup>	17.03.180.V, 17.03.200	No	No	Yes
Veterinary clinic		P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>					No	No	No
Warehouses	X	X <del>P/I C/II<sup>(2)</sup></del>	X	X	X	P/I	P/I C/II <sup>(2)</sup>		*		
<b>AGRICULTURE AND FORESTRY USES</b>	<b>RR</b>	<b>RC</b>	<b>RV</b>	<b>CGV</b>	<b>RS</b>	<b>LM</b>	<b>AP</b>	<b>See Also...</b>	<b>CLEAR ZONE</b>	<b>APZ I</b>	<b>APZ II</b>
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 <sup>(3)</sup>					*		
Winery, Cidery, Brewery, Distillery facilities		P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>	P/I		P/I C/II <sup>(2)</sup>	17.03.180.DD	*		
<b>INSTITUTIONAL USES UTILITIES</b>	<b>RR</b>	<b>RC**</b>	<b>RV</b>	<b>CGV****</b>	<b>RS***</b>	<b>LM</b>	<b>AP</b>	<b>See Also...</b>	<b>CLEAR ZONE</b>	<b>APZ I</b>	<b>APZ II</b>
Church	C/III <sup>(12)</sup>	P/I C/II <sup>(2)</sup>							No	No	No
Communication tower	P/I <sup>(14)</sup>	P/I <sup>(14)</sup> C/II	P/I <sup>(14)</sup>	P/I <sup>(14)</sup>	P/I <sup>(14)</sup>	P/I <sup>(14)</sup> C/II	P/I <sup>(14)</sup>	17.03.180.L.8	No	No	Yes
Day care centers	P/I	P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>	P/I			17.03.180.L.6	No	No	No
Day care nursery (6 or fewer persons)	P/I	P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>	P/I			17.03.180.L.4	No	No	No
<a href="#">Emergency Shelter</a>		P/I C/II C/III <sup>(20)</sup>	P/I C/II C/III <sup>(20)</sup>	P/I C/II C/III <sup>(20)</sup>				<a href="#">17.03.180.HH</a>	No	No	No
Essential public facilities		C/III	C/III	C/III <del>X</del>	C/III	C/III	C/III	17.03.180.CC	No	No	No
Fire station	C/II <sup>(13)</sup>	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 <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I C/II <sup>(3)</sup>		P/I			No	No	Yes <sup>(19)</sup>
Health care facilities		P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	P/I <sup>(14)</sup> C/II <sup>(3,15)</sup>					No	No	No
Schools	P/I <sup>(16)</sup>	P/I C/II <sup>(2)</sup>							No	No	No
Small day care center (7 to 12 persons)	C/II	P/I C/II <sup>(2)</sup>	P/I C/II <sup>(3)</sup>	<u>P/I C/II<sup>(3)</sup></u>	P/I				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 <sup>(2)</sup>	P/I C/II <sup>(3)</sup>			P/I	<u>P/I C/II<sup>(2)</sup></u>	17.03.180.A.11	No	Yes	Yes
Water tank	<u>P/I C/II</u>	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 ICC 17.03.180.Z

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

\*\*\* In the Rural Service Zzone 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 Rural Residential 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
- 3) Any permitted use that exceeds 4,000 square feet gross floor area require a Type II Conditional Use
- 4) Group homes (seven (7) to twelve (12) persons) 17.03.180.L(5)
- 5) Any permitted use that exceeds 8 dwelling units
- 6) No more than 6 dwelling units
- 7) Including associated overnight lodging.
- 8) Except that drive-through food service is prohibited
- 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.
- 10) Sales of outdoor bulk goods such as bark, topsoil, and rock.
- 11) Rural Residential is limited to Special Events per ICC 17.03.180.EE.
- 12) On Rural Residential zoned property located within a Residential LAMIRD contiguous to a Mixed-Use LAMIRD 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 proposed.
- 13) Always a Conditional use in the Rural Residential.
- 14) Limited to the standards for roof-mounted wireless communication antenna arrays found in ICC 17.03.180.L.8.c.
- 15) Camano Gateway Village is limited to small scale health care services
- 16) Public and private (one (1) to six (6) students) consolidate with schools
- 17) Less than or equal to .22 Floor Area Ratio
- 18) Less than or equal to .24 Floor Area Ratio
- 19) With residential not to exceed 8 dwelling units per lot or parcel in a mixed-use building
- 20) One (1) to eight (8) units processed as a Type 1 Ministerial Use, nine (9) to twenty (20) units processed as a Type II Conditional Use, twenty-one (21) to forty (40) units processed as a Type III Conditional Use.
- 21) 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.
- ~~22) Minimum permitted density shall be two (2) dwelling units. Maximum residential density shall be the maximum permitted by County Health Department requirements.~~
- 22) Existing non-conforming lots that do not meet the minimum lot size standard shall be allowed one duplex, triplex, or fourplex.
- 23) Two Attached and/or Detached Accessory Dwelling Units, or any combination thereof, are allowed per parcel.

Ord. No. C-18-22, as adopted on May 3, 2022, included clerical and numbering errors in Table 17.03.035.C - ~~LAMIRDRAID~~ Uses. The list of Table Notes in the last row of the ~~LAMIRDRAID~~ Uses Table had been renumbered in Ord. No. C-18-22 because Note 5 was stricken and Notes 6 - 21 were renumbered. The corresponding references to those Table Notes in the operative cells in the ~~LAMIRDRAID~~ Uses Table were erroneously not renumbered. The Code Reviser, pursuant to authority granted in ICC 1.04.030, has renumbered the references in the cells of the table to correspond to the appropriate and intended Table Notes.

- D. **Municipal Urban Growth Areas Use Table.** Uses for properties in the Oak Harbor and Langley Urban Growth Areas, but not incorporated into the city limits, shall be as shown in Table 17.03.035.D; properties in the Oak Harbor Residential (OH-R), Oak Harbor Industrial (OH-I), Oak Harbor Highway Service Commercial (OH-HSC), Oak Harbor Planned Business Park (OH-PBP), Oak Harbor Planned Industrial Park (OH-PIP), and UGA Langley (UGA-L) zoning districts For uses inside the Freeland Non-Municipal Urban Growth Area, see [eChapter 17.06 ICC](#).

Table 17.03.035.D. UGA Uses		ZONING DISTRICT						ICC References	APZ
Type I Permitted Use - Ministerial Decision	APZ Overlay	Oak Harbor UGA					Langley UGA		
Type II Conditional Use - Administrative Decision	See ICC 17.03.180.Z.3	Residential	Industrial	Highway Service Commercial	Planned Business Park	Planned Industrial Park			
Type III Conditional Use - Quasi-Judicial Decision									
Prohibited = X									
		17.03.081	17.03.082	17.03.083	17.03.084	17.03.086	17.03.085		
RESIDENTIAL USES		OH-R	OH-I	OH-HSC	OH-PBP	OH-PIP	UGA-L	See Also...	ICC 17.03.180.Z.2
Accessory uses or buildings		P/I	P/I <sup>(16)</sup>	P/I C/II <sup>(1)</sup>	C/II	C/II	P/I		
Adult family home							P/I		
<a href="#">Co-living housing</a>		<a href="#">P/I</a>					<a href="#">P/I</a>		
Foster homes		C/II					P/I		
Group home		C/III					C/III	17.03.180.L(4),(5)	
<del>Guest cottage or a</del> Accessory dwelling units <sup>17</sup>		P/I					P/I	17.03.180.I	
Senior retirement facility		C/III					C/III		

Single family detached dwellings	P/I					P/I		
<b>INSTITUTIONAL USES</b>	<b>OH-R</b>	<b>OH-I</b>	<b>OH-HSC</b>	<b>OH-PBP</b>	<b>OH-PIP</b>	<b>UGA-L</b>	<b>See Also...</b>	<b>ICC 17.03.180.Z.2</b>
Churches	C/III					C/III	17.03.180.L.1	
Day care centers	C/III					C/III	17.03.180.L	
Day care nursery	P/I					P/I	17.03.180.L(4)	
<a href="#">Emergency Shelters</a>					<a href="#">C/II</a>		<a href="#">17.03.180.HH</a>	
Fire station	<a href="#">C/II</a>					<a href="#">C/II</a>	17.03.180.L(9)	
Governmental services			<a href="#">P/I C/II<sup>1</sup></a>					
Gun club and shooting range					<a href="#">C/II</a>		17.03.180.T(6)	
Libraries and museums	C/III					C/III		
Nursing homes	C/III					C/III		
Overnight lodging					<a href="#">C/II</a>			
Private or public schools	C/III					C/III	17.03.180.L(2)	
<b>COMMERCIAL, MANUFACTURING AND INDUSTRIAL USES</b>	<b>OH-R</b>	<b>OH-I</b>	<b>OH-HSC</b>	<b>OH-PBP</b>	<b>OH-PIP</b>	<b>UGA-L</b>	<b>See Also...</b>	<b>ICC 17.03.180.Z.2</b>
Home occupation	<a href="#">P/I<sup>(7)</sup></a>					<a href="#">P/I<sup>(7)</sup></a>	17.03.180.K	
Assembly, manufacture, packaging, compounding or treatment of articles or merchandise				<a href="#">C/II<sup>(2)</sup></a>	<a href="#">C/II<sup>(2)</sup></a>			
Assembly, manufacture, rebuilding, compounding, processing, preparation, or treatment		<a href="#">P/I<sup>(3)</sup> (16)</a>						
Auto repair					<a href="#">C/II<sup>(4)</sup></a>			
Automobile sales and service			<a href="#">P/I<sup>(5)</sup> C/II<sup>(1,5)</sup></a>					
Bed and breakfast inn	<a href="#">C/II</a>					<a href="#">C/II</a>	17.03.180.B	
Bed and breakfast room	<a href="#">P/I</a>					<a href="#">P/I</a>	17.03.180.J	
Bedding, carpet and pillow manufacture, cleaning and renovating		<a href="#">P/I<sup>(16)</sup></a>						
Boat sales and boat repair			<a href="#">P/I C/II<sup>(1)</sup></a>					
Bottling and processing of non- alcoholic beverages		<a href="#">P/I<sup>(6)</sup> (16)</a>						

Canning, processing and freezing of fruit and vegetables		P/I <sup>(16)</sup>						
Cement and asphalt plants		C/III						
Cold storage plants		P/I <sup>(16)</sup>						
Drive-in banks			P/I C/II <sup>(1)</sup>					
Electroplating		C/III						
Feed and seed store, retail or wholesale					C/II			
Food and drug processing		P/I <sup>(16)</sup>						
Lumber yard					C/II			
Machine, welding, or metal working shop		P/I <sup>(9)</sup> (16)						
Manufacture and assembly of light and small items made from previously prepared materials		P/I <sup>(10)</sup> (16)						
Manufacture or processing of non-durable goods		C/III <sup>(11)</sup>						
Manufacturing, processing and packaging				C/II <sup>(15)</sup>	C/II <sup>(15)</sup>			
Marijuana producer		P/I <sup>(16)</sup>					17.03.180.BB	
Marijuana producer and/or processor		C/II C/III			C/II		17.03.180.BB	
Marine craft, equipment and supply sales, and repair and service of small craft					C/II			
Metal fabrication and boiler or tank works		C/III						
Mixing plants for concrete or paving material		C/III						
Nursery and landscape material including greenhouses					C/II			
Off-site hazardous waste treatment and storage facilities		C/III <sup>(12)</sup>						
Organizational Headquarters and/or administrative offices				C/II	C/II			
Oxygen manufacture and/or storage		C/III						
Plumbing shop					C/II			



Printing, publishing and book binding				C/II	C/II			
Private club, lodge, convent, social or recreational building or community assembly hall					C/II <sup>(13)</sup>			
Produce stand		C/III						
Real estate sales and governmental services			P/I C/II <sup>(1)</sup>					
Restaurants			P/I C/II <sup>(1)</sup>					
Retail sales and services		P/I <sup>(16)</sup>			C/II			
Rodenticide, insecticide and pesticide mixing plants		C/III						
Scientific research, testing and experimental development laboratories				C/II	C/II			
Self-storage warehouse			P/I C/II <sup>(1)</sup>					
Sign shop					C/II			
Social service facilities						C/III		
Storage, outdoor and mini storage		P/I <sup>(16)</sup>			C/II			
Temporary uses	P/I				C/II	P/I		
Tire retreading		C/III						
Training facilities					C/II			
Upholstery shop					C/II			
Vocational and technical schools					C/II			
Warehousing and distribution centers		P/I <sup>(16)</sup>			C/II			
Woodworking shop		P/I <sup>(16)</sup>						
<b>UTILITIES AND ESSENTIAL PUBLIC FACILITIES</b>	<b>OH-R</b>	<b>OH-I</b>	<b>OH-HSC</b>	<b>OH-PBP</b>	<b>OH-PIP</b>	<b>UGA-L</b>	<b>See Also...</b>	<b>ICC 17.03.180.Z.2</b>
Major utilities and essential public facilities			C/III		C/II		17.03.180.CC	
Minor utilities	P/I	P/I <sup>(16)</sup>			C/II	P/I		
Water tanks	C/II				C/II		17.03.180.L.3	
<b>PROHIBITED USES</b>	<b>17.03.081.A</b>	<b>17.03.082.A</b>	<b>17.03.083.A</b>	<b>17.03.084.B</b>	<b>17.03.086.B</b>	<b>17.03.085.A</b>		<b>ICC 17.03.180.Z.2</b>

**Table Notes:**

- |   |   |
|---|---|
| <p>1) Any permitted use that exceeds 12,000 square feet of gross floor area may be allowed upon site plan approval processed as a Type II decision pursuant to <a href="#">eChapter 16.19</a>.</p> <p>2) From the following previously prepared materials: cloth, glass, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, wood (excluding sawmills, lumber mills and planning mills), paint, clay, sand, rubber</p> <p>3) Of such articles or products as: batteries, bottles, mattresses, furniture, tools, hardware, and paper products, but not the manufacture of paper itself</p> <p>4) Of all kinds, including body and fender work, provided there shall be no wrecking, junking, dismantling, or salvaging operations</p> <p>5) Including service stations</p> <p>6) The production of which is devoid of fumes, noxious odors, or waste products</p> <p>7) Occupying no more than twenty-five (25) percent of the gross floor area or a maximum of 600 square feet in a detached single family dwelling unit</p> <p>8) Retail or wholesale, including building supplies, hardware, and related items</p> | <p>9) But not including punch presses, drop hammers, or other noise and vibration producing equipment</p> <p>10) Includes operations which do not create noise, smoke, odor, vibration or other objectionable nuisances to the extent that they are detrimental to surrounding uses</p> <p>11) Goods such as: chemical and allied products, petroleum products, fertilizers, but excluding explosives and ammonia</p> <p>12) Provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210</p> <p>13) Except those having a chief activity carried on for monetary gain</p> <p>14) Including but not limited to music, dance, martial arts, photography, health clubs</p> <p>15) Food, pharmaceuticals, toiletries, cosmetics, optical goods, scientific instruments and equipment, and precision instruments and equipment</p> <p>16) Shall not exceed 12,000 square feet to gross floor area per lot, tract or parcel and shall be processed as a Type I decision pursuant to <a href="#">eChapter 16.19 ICC</a>.</p> <p><a href="#">17) Two Attached and/or Detached Accessory Dwelling Units, or any combination thereof, are allowed per parcel.</a></p> |
|---|---|

(Ord. No. C-53-19 [PLG-005-19], Exh. A, 6-25-2019; Ord. No. C-93-19 [PLG-011-19], Exh. A, 10-8-2019; Ord. No. C-18-22 [PLG-002-21], Exh. A, 5-3-2022; Ord. No. C-79-23 [PLG-003-23], Exh. A, 11-28-2023)

Ord. No. C-53-19 [PLG-005-19], Exh. A, adopted June 25, 2019, enacted new provisions to read as herein set out and repealed former [§§ICC 17.03.035.A—17.03.035.E](#), which pertained to permitted and conditional uses in the Rural Agriculture and Commercial Agriculture [Z](#)zones; Rural Forest [Z](#)zone; Rural Residential [Z](#)zone; Rural [Z](#)zone; Rural Center, Rural Village, and Rural Service [Z](#)zones. See the Code Comparative Table for a complete derivation.

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### 17.03.040 Definitions

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**Accessory dwelling unit (ADU), attached** means separate living quarters contained within, sharing a wall with, or connected by covered breezeway no longer than 20 feet in length to, the primary residence which include provisions for sleeping, cooking (including an oven, range, or stovetop), and sanitation. An attached ADU is subject to the requirements and conditions provided in ~~section~~ICC 17.03.180.

...

**Accessory dwelling unit (ADU), Detached** means a dwelling unit, situated on the same parcel as a single family dwelling; and shares a common access point with the single family dwelling ~~and which cannot be segregated or separately sold, transferred, given, or otherwise conveyed unless the lot is of sufficient size to meet base density and other County Code requirements.~~ Detached ADUs do not include recreational vehicles, travel trailers, park model homes, or tiny homes on wheels. A detached ADU is subject to the requirements and conditions provided in ~~section~~ICC 17.03.180.

...

**Affordable housing** means attached or detached dwelling units ~~committed by recorded affordability covenant to allow renters or owners with a median income less than eighty (80) percent of Island County median income, as established by the U.S. Census, to spend no more than thirty (30) percent of gross income on housing costs.~~ serving as the primary residence for very low-, low-, and moderate-income households. The definition of income groups by household size shall be as most recently defined by the U.S. Department of Housing and Urban Development for Island County.

...

**Co-living housing** means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building.

...

**Condominium** means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interest in the common elements is vested in the unit owners, and unless a declaration and a survey map and plans have been recorded. Condominiums must meet all provisions of Chapter 64.34 RCW.

...

**Cottage housing** means a development of smaller detached homes that share common areas.

...

**Courtyard apartment** means attached dwelling units arranged on two or three sides of a yard or court.

...

**Dwelling unit** means any building, or portion thereof that includes provisions for sleeping, cooking, and sanitation, as required by Island County code. Dwelling units include site-built homes, mobile/manufactured homes, modular homes, tiny homes, or one unit in a duplex, triplex, fourplex or multifamily apartment.

...

**Emergency housing** means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

**Emergency shelter** means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide

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overnight accommodations. Emergency shelters may include overnight shelters which provide safe and dry conditions which save lives.

...

**Lot, parent** means a lot which is subdivided into unit lots through the unit lot subdivision process. See also lot, unit and unit lot subdivision.

...

**Lot, unit** means a lot created from a parent lot and approved through the unit lot subdivision process. See also lot, parent, and unit lot subdivision.

...

**Middle housing** means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, townhouses, stacked flats, courtyard apartments, and/or cottage housing.

...

**Permanent supportive housing** means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.

...

**Short-term rental** means a type of lodging, that is not a hotel or motel, in which a dwelling unit, or portion of a dwelling unit, that is offered or provided to a guest(s) by the owner of the dwelling unit or portion of the dwelling unit for a fee for fewer than 30 consecutive nights.

...

**Stacked flat** means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

...

**Recreational vehicle** means any over-the-road trailer, pickup camper, or other wheeled mobile unit, with or without motive power, which is designed or converted for temporary human occupancy and licensed or eligible to be licensed as either a motor home, recreational trailer, camper, or other mobile unit by the State of Washington, Department of Licensing, or similar units eligible to be licensed by another state. Recreational vehicles are not permanent dwelling units.

...

**Religious organization** means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

...

**Tiny home** means a site-built residence including provisions for sleeping, cooking, and sanitation with under 400 square feet of conditioned space not including any loft space.

...

**Transitional housing** means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

...

**Unit lot subdivision** means the division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process. See also lot, unit and lot, parent.

...

### **17.03.050 Zoning classifications and overlays.**

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...

17.03.050.F **Prior approvals and pending applications for approval.**

...

3. **Applications granted preliminary approval.** All site plan, [rural cluster or rural affordable cluster](#)~~PRD~~, and NR Floating Zone applications granted preliminary approval prior to the effective date of this chapter, shall be granted final approval, if final approval is required, upon compliance with conditions of preliminary approval and shall comply with ~~unamended~~<sup>T</sup>Titles 11 and 16 [ICC](#).

...

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**17.03.060 Rural**

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17.03.060.B. **Lot/density.** Lot/density requirements shall be as follows:

...

3. For lots, tracts or parcels twenty (20) acres or larger in size the base density may be increased as specified in ~~section~~<sup>ICC</sup> 17.03.180.E. through the approval of a [rural cluster or rural affordable cluster](#)~~PRD~~ pursuant to ~~Chapter~~<sup>16.17</sup> [ICC](#), with fractional units rounded upward to the next whole number.
4. For a [rural cluster or rural affordable cluster](#)~~PRD~~ located within the unincorporated portion of an urban growth area, the base density may be increased up to 200 percent, [except in the case of a rural affordable cluster, where density shall conform to the standards found in ICC 16.17.020.](#)
- ...

17.03.060.D. **Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, silos, communication sending and receiving devices, [roof mounted solar arrays](#), HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.

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**17.03.070 Rural Residential**

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17.03.070.A. 1. Subdivisions, short subdivisions and [rural clusters or rural affordable clusters, formerly referred to as](#) PRDs, created prior to July 1, 1990:

...

17.03.070.D. **Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, silos, communication sending and receiving devices, [roof mounted solar arrays](#), HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.

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**17.03.072 – Parks (PK) Zone.**

...

17.03.072.D. **Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, parapet walls, ADA required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, [and roof mounted solar arrays](#) shall not be included in the thirty-five (35) feet.

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**17.03.080 – Urban growth areas (UGAs).**

...

2. All permitted or conditional uses allowed in the Rural ~~Z~~zone are authorized except the platting of parcels twenty (20) acres or larger for residential use shall occur only through the approval of a [rural cluster or rural affordable cluster](#)~~PRD~~ pursuant to ~~e~~Chapter 16.17 [ICC](#). For such [rural cluster or rural affordable cluster](#)~~PRD~~ approvals, the following special standards are applicable:
- a. Lot size shall not exceed 12,500 square feet or the minimum lot size required by County Health Department requirements.
  - b. The standard density bonus shall be increased from 100 percent to 200 percent.
  - c. The required open space will be treated as an urban reserve and may be developed at the density permitted by a city or town after annexation or at the densities permitted by the potential zone upon provision of municipal water and sewer services. Prior to transfer of title of any parcel or lot created by the [rural cluster or rural affordable cluster](#)~~PRD~~, the use of open space as urban reserve shall be disclosed to all purchasers of properties within the [rural cluster or rural affordable cluster](#)~~PRD~~.

...

**17.03.090 Rural Agriculture**

...

...

**17.03.090.B Lot/density.** Lot or density requirements shall be as follows:

...

2. For a [rural cluster or rural affordable cluster](#)~~PRD~~ ten (10) acres or larger in size, the minimum lot size may be modified to an average density of one (1) dwelling unit per ten (10) gross acres of site area.
3. Earned development units may be used, lot size may be decreased and density may be increased pursuant to an adopted management plan by boundary line adjustment, short subdivision, subdivision or [rural cluster or rural affordable cluster](#)~~PRD~~.
6. For lots created pursuant to this section, a notation advising of the lot creation in compliance with ~~e~~Chapter 16.25 [ICC](#) will be recorded and placed on the face of the boundary line adjustment, short plat, plat, or [rural cluster or rural affordable cluster](#)~~PRD~~.

...

**17.03.090.C.3.** For permitted or conditional uses adjacent to lands classified AP or a surface mining operation:

- a. The setback requirements of this section may be increased to ensure that such uses do not interfere with permitted uses allowed in the ~~AP~~[Airport](#) ~~Z~~zone or a surface mining operation; and
- b. A notation shall be placed on the face of any plat, short plat, [rural cluster or rural affordable cluster](#)~~PRD~~ or building permit(s) and included in documents of conveyance and any recorded covenants as provided in ~~e~~Chapter 16.25 [ICC](#).

...

**17.03.090.D. Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and

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poles, water tanks, skylights, silos, communication sending and receiving devices, [roof mounted solar arrays](#), HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.

...

### **17.03.100 Commercial Agriculture**

...

**17.03.100.B Lot/density.** Lot or density requirements shall be as follows:

...

2. For a [rural cluster or rural affordable cluster](#)~~PRD~~ twenty (20) acres or larger in size, the minimum lot size may be modified to an average density of one (1) dwelling unit per ten (10) gross acres of site area.

3. Earned development units may be used, lot size may be decreased and density may be increased pursuant to an adopted management plan by boundary line adjustment, short subdivision, subdivision or [rural cluster or rural affordable cluster](#)~~PRD~~.

6. For lots created pursuant to this section, a notation advising of the lot creation in compliance with ~~e~~Chapter 16.25 [ICC](#) will be recorded and placed on the face of the boundary line adjustment, short plat, plat, or [rural cluster or rural affordable cluster](#)~~PRD~~.

...

17.03.100.C.3. For permitted or conditional uses adjacent to lands classified AP or a surface mining operation:

a. The setback requirements of this section may be increased to ensure that such uses do not interfere with permitted uses allowed in the ~~AP~~[Airport Z](#) zone or a surface mining operation; and

b. A notation shall be placed on the face of any plat, short plat, [rural cluster or rural affordable cluster](#)~~PRD~~ or building permit(s) and included in documents of conveyance and any recorded covenants as provided in ~~e~~Chapter 16.25 [ICC](#).

...

17.03.100.D. **Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, silos, communication sending and receiving devices, [roof mounted solar arrays](#), HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.

...

### **17.03.110 Rural Forest**

...

**17.03.100.B Lot/density.** Lot or density requirements shall be as follows:

...

2. For lots, tracts or parcels twenty (20) acres or larger in size the base density may be increased as specified in ~~section~~[ICC](#) 17.03.180.E. through the approval of a [rural cluster or rural affordable cluster](#)~~PRD~~ pursuant to ~~e~~Chapter 16.17 [ICC](#) with fractional units rounded upward to the next whole number.

...



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5. For lots created pursuant to this section, a notation advising of the lot creation in compliance with ~~e~~Chapter 16.25 ICC will be recorded and placed on the face of the boundary line adjustment, short plat, plat, or rural cluster or rural affordable cluster~~PRD~~.

...

17.03.110.C.3. For permitted or conditional uses adjacent to lands classified AP or a surface mining operation:

- a. The setback requirements of this section may be increased to ensure that such uses do not interfere with permitted uses allowed in the ~~AP~~Airport Zzone or a surface mining operation; and
- b. A notation shall be placed on the face of any plat, short plat, rural cluster or rural affordable cluster~~PRD~~ or building permit(s) and included in documents of conveyance and any recorded covenants as provided in ~~e~~Chapter 16.25 ICC.

...

17.03.110.D. **Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, silos, communication sending and receiving devices, roof mounted solar arrays, HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.

...

### **17.03.120 Rural Center (RC) Zone.<sup>‡</sup>**

The Rural Center (RC) Zzone is applied to existing areas of intense non-residential and mixed-use development and encompasses the logical outer boundary of the existing pattern of development.

This zone permits a range of commercial, light manufacturing and multi-family uses that serve a broad geographic area. Mixed-use structures are encouraged. All uses within a rural center must comply with land use standards, including non-residential design landscape and screening guidelines set forth in ICC 17.03.180.P. ~~Rural areas of more intense development (RAID)~~Limited Areas of More Intensive Rural Development (LAMIRDs) must also comply with the table ~~in Appendix A~~ establishing specific standards for each ~~RAID~~LAMIRD, ~~found listed~~ in Appendix A. In certain instances, the specific ~~RAID~~LAMIRD standards are more restrictive than general zoning standards. **(See Appendix A at the end of ~~e~~Chapter 17.03 ICC.)**

- A. **Designation criteria and areas.** Areas with a predominant pattern of mixed-use development existing on July 1, 1990, may be designated RC when all of criteria set forth below are met. Specific areas are listed in ~~section~~ICC 17.03.155 and depicted in the zoning atlas. Specific conditions can be found in Appendix A:
  1. Parcels served by an approved public water system; and
  2. Contain multi-family residential and non-residential uses legally established prior to July 1, 1990; and
  3. In combination with other parcels, are ~~at least~~ forty (40) acres or larger in size; and

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<sup>‡</sup>Editor's note(s)— See the Interim Official Control for the Freeland Non-Municipal Urban Growth Area, Ordinance C-31-10 [PLG 001-10], April 26, 2010, for permitted uses, conditional uses, and prohibited uses in the Freeland Non-Municipal Urban Growth Area.

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4. Parcels that are adjacent to or between areas defined by designation criteria No. 2 that establish a logical outer boundary for the RC ~~Z~~zone.
- B. **Lot/density.** Lot [size](#) and density requirements shall be as follows:
1. Minimum lot size shall be ~~the minimum lot size required by County Health Department requirements~~ [one-half \(0.5\) acre](#).
  2. Maximum ~~residential~~ density shall be ~~the maximum permitted by County Health Department requirements~~ [eight \(8\) dwelling units per acre. Minimum density shall be four \(4\) dwelling units per acre.](#)
  3. [For affordable housing developments, up to twelve \(12\) dwelling units per acre may be allowed.](#)
  4. [Overnight lodging shall not exceed forty \(40\) rooms per parcel.](#)
  5. [On existing non-conforming lots that do not meet the minimum lot size, one duplex, triplex, or fourplex shall be allowed.](#)
- C. **Setbacks and height.** Setback and height requirements shall be as follows:
1. Front yard setback—None. See ~~section~~[ICC](#) 17.03.180.S.
  2. Side and rear yard setback—Minimum ten (10) feet.
  3. Height—Three (3) stories not to exceed forty (40) feet, excluding rooftop mechanical equipment, [elevator shafts, roof mounted solar arrays, features that are designed to hide roof top mechanical equipment, railings, umbrellas, vegetation or roof top accessories that promote green roof technology and the use of roof top gathering space. Other exceptions to the height standard can be made for non-useable roof top structures that enhance architectural creativity and preserve rural character.](#)
- D. **Utilities.**
1. [The following stormwater standards shall be met:](#)
    - a. [All stormwater shall be collected and treated on site using low impact development best management practices when feasible \(i.e., rain gardens\), as outlined in Chapter 11.03 ICC, Stormwater and surface water, and the Low Impact Development Technical Guidance Manual for Puget Sound, as they currently exist or are hereafter amended. Where the Island County Engineer has determined on-site soil conditions are incompatible for absorption, mitigation measures for alternative treatment systems may be approved by the county engineer in compliance with current Island County Code; and](#)
    - b. [The post-development volume and rate of stormwater runoff shall not exceed the pre-development volume and rate of stormwater runoff;](#)
  2. [The source of potable water shall be evaluated pursuant to the requirements of Title 8 ICC and the requirements of Washington State Statute.](#)
  3. [Where utilities such as stormwater detention ponds or drain fields are proposed to be located off-site, for the parcel where the utility is proposed, public notice shall be provided in the same manner as the associated development proposal. If the proposed commercial activity has not yet been noticed, or the application has not yet been submitted, the proposed off-site drain field shall be considered a Type II decision pursuant to Chapter 16.19 ICC. The non-residential landscaping standards outlined in ICC 17.03.180.P for non-residential uses shall be applied consistent with the underlying zoning classification of the proposed off-site utility, and shall also include an associated](#)
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[maintenance plan that includes provisions that ensure the long term success of landscaping.](#)

(Ord. C-123-98 [PLG-037-98], September 29, 1998, vol. 43, p. 6; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-63-99 (CD-01-99), June 21, 1999, vol. 43, p. 338; amended by Ord. C-125-99 [PLG-031-99], December 6, 1999, vol. 44, p. 207; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 446; amended by Ord. C-117-08 [PLG-016-08], November 10, 2008, vol. 2008, p. 387; amended by Ord. C-97-09 [PLG-014-09], September 14, 2009, vol. 2009, p. 415; amended by Ord. C-157-09, January 4, 2010, vol. 2010, p. 2)

(Ord. No. C-40-14 [PLG-002-14], Exh. A, 5-5-2014; Ord. No. C-44-16[PLG-003-16], Exh. A, 5-3-2016; Ord. No. C-12-17 [PLG-001-17], Exh. A, 2-7-2017; Ord. No. C-86-18[PLG-005-18], Exh. A, 9-4-2018; Ord. No. C-127-18[PLG-008-18], Exh. A, 12-11-2018; Ord. No. C-53-19 [PLG-005-19], Exh. A, 6-25-2019)

### **17.03.130 Rural Village (RV) Zone.**

The Rural Village (RV) ~~Z~~zone is applied to existing areas of mixed-use or intense non-residential or commercial development and encompasses the logical outer boundary of the existing pattern of mixed-use or non-residential development located on a state highway or county arterial. This zone permits a range of commercial services that are limited in scale, intensity and size that typically serve a localized geographic area. Mixed-use structures are encouraged. All uses within a Rural Village must comply with land use standards, including non-residential design, landscape and screening guidelines set forth in [sectionICC 17.03.180](#).

- A. **Designation criteria and areas.** Areas with a predominant pattern of mixed-use or non-residential development existing on July 1, 1990 may be designated RV when all of the following criteria set forth are met. Specific areas are listed in [sectionICC 17.03.155](#) and depicted in the zoning atlas. Specific conditions can be found in Appendix A.
1. Parcels served by an approved public-~~or private~~-water system; and
  2. Contain predominantly non-residential or mixed-uses legally established prior to July 1, 1990; and
  3. In combination are five (5) acres or larger in size; and
  4. Parcels that are adjacent to or between areas defined by designation criteria No. 2 that establish a logical outer boundary for the RV ~~Z~~zone; and
  5. The designation shall primarily be located on the periphery of residential neighborhoods; and
  6. Areas are generally located along highways, major arterials and collector roads.
- B. **Lot/density.** Lot size [and density requirements](#) shall be ~~the minimum lot size required by County Health Department requirements.~~ [as follows:](#)
1. [Minimum lot size shall be one-half \(0.5\) acre.](#)
  2. [Maximum density shall be eight \(8\) dwelling units per acre. Minimum density shall be four \(4\) dwelling units per acre.](#)
  3. [For affordable housing developments, up to twelve \(12\) dwelling units per acre may be allowed.](#)
  4. [Overnight lodging shall not exceed forty \(40\) rooms per parcel.](#)

- 
5. On existing non-conforming lots that do not meet the minimum lot size, one duplex, triplex, or fourplex shall be allowed.

C. **Setback and height.** Setback and height requirements shall be as follows:

1. Front yard setback—Maximum fifty (50) feet.
2. Side and rear yard setback—Minimum ten (10) feet.
3. Height—~~Two (2)~~Three (3) stories not to exceed ~~thirty (30)~~forty (40) feet excluding rooftop mechanical equipment, elevator shafts, roof mounted solar arrays, features that are designed to hide roof top mechanical equipment, railings, umbrellas, vegetation or roof top accessories that promote green roof technology and the use of roof top gathering space. Other exceptions to the height standard can be made for non-useable roof top structures that enhance architectural creativity and preserve rural character.

D. **Utilities.**

1. The following stormwater standards shall be met:
  - a. All stormwater shall be collected and treated on site using low impact development best management practices when feasible (i.e., rain gardens), as outlined in Chapter 11.03 ICC, Stormwater and surface water, and the Low Impact Development Technical Guidance Manual for Puget Sound, as they currently exist or are hereafter amended. Where the Island County Engineer has determined on-site soil conditions are incompatible for absorption, mitigation measures for alternative treatment systems may be approved by the county engineer in compliance with current Island County Code; and
  - b. The post-development volume and rate of stormwater runoff shall not exceed the pre-development volume and rate of stormwater runoff;
2. The source of potable water shall be evaluated pursuant to the requirements of Title 8 ICC and the requirements of Washington State Statute.
3. Where utilities such as stormwater detention ponds or drain fields are proposed to be located off-site, for the parcel where the utility is proposed, public notice shall be provided in the same manner as the associated development proposal. If the proposed commercial activity has not yet been noticed, or the application has not yet been submitted, the proposed off-site drain field shall be considered a Type II decision pursuant to Chapter 16.19 ICC. The non-residential landscaping standards outlined in ICC 17.03.180.P for non-residential uses shall be applied consistent with the underlying zoning classification of the proposed off-site utility, and shall also include an associated maintenance plan that includes provisions that ensure the long term success of landscaping.

(Ord. C-123-98 [PLG-037-98], September 29, 1998, vol. 43, p. 6; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-125-99 [PLG-031-99], December 6, 1999, vol. 44, p. 207; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 446; amended by Ord. C-117-08 [PLG-016-08], November 10, 2008, vol. 2008, p. 387; amended by Ord. C-97-09 [PLG-014-09], September 14, 2009, vol. 2009, p. 415)

(Ord. No. C-40-14 [PLG-002-14], Exh. A, 5-5-2014; Ord. C-140-16 [PLG-012-16], Exh. A, 12-13-2016; Ord. No. C-86-18 [PLG-005-18], Exh. A, 9-4-2018; Ord. No. C-127-18 [PLG-008-18], Exh. A, 12-11-2018; Ord. No. C-53-19 [PLG-005-19], Exh. A, 6-25-2019)

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### 17.03.135 Camano Gateway Village (CGV) Zone.

The Camano Gateway Village (CGV) ~~Z~~zone is applied to the Camano Gateway and Terry's Corner existing areas of mixed use, non-residential or commercial development. This zone permits a range of uses that are limited in scale, intensity and size that provide commercial services to local residents and uses that support local commerce.

- A. **Designation criteria.** Areas with a predominant pattern of mixed use or non-residential development existing on July 1, 1990 may be designated CGV when all of the following criteria are met. (Specific areas are listed in ~~section~~[ICC 17.03.155](#) and depicted in the zoning atlas):
1. Parcels served by an approved public~~-or-private~~ water system;
  2. Contain predominantly non-residential uses legally established prior to July 1, 1990;
  3. In combination are five (5) acres or larger in size;
  4. Parcels that are adjacent to or between areas defined by designation criterion No. 2 that establish a logical outer boundary for the CGV ~~Z~~zone; and
  5. Existing areas of clustered commercial development that are located along the [State Route 532](#) corridor to Camano Island.
- B. **Lot/density/intensity.**
1. The minimum lot size ~~in the CGV Zone is 21,780 square feet (~~[shall be one-half \(0.5\)-acre](#)~~);~~ however, residential units that are part of a mixed use development may create lot sizes that allow each unit to be on its own separate parcel, e.g., zero (0) lot line.
  2. ~~Mixed-use development~~[Maximum density](#) shall ~~not exceed a density of three (3~~ [be eight \(8\)](#)~~) dwelling units per acre. Minimum density shall be four (4) dwelling units per acre.~~
  3. [For affordable housing developments, up to twelve \(12\) dwelling units per acre may be allowed.](#)
  - ~~34.~~ Overnight lodging shall not exceed ~~twentyfour (24)~~ [\(240\)](#) rooms per ~~acre~~[parcel](#).
  - ~~45.~~ Individual structures shall not exceed 10,000 square feet of gross floor area, except for fire stations and overnight lodging.
  - ~~56.~~ Multiple structures and multiple permitted and conditional uses may be allowed on a single parcel.
  - ~~4.~~ [On existing non-conforming lots that do not meet the minimum lot size, one duplex, triplex, or fourplex shall be allowed.](#)
- C. **Setbacks and height.**
1. Front yard setback—Maximum fifty (50) feet and minimum ten (10) feet from public roads. Structures with a ten-foot front yard setback shall be limited to eighty (80) percent of the lot width, exclusive of required side yard setbacks. Exceptions to setback standards can be made for parking if a plan is proposed that can preserve the unique natural beauty and character of the county by meeting the parking standards listed in ~~section~~[ICC 17.03.180.Q](#).
  2. Side and rear yard setback—Minimum ten (10) feet.
  3. Structures that are located on the same parcel must be separated by a minimum of twenty-five (25) feet except that:
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- a. Individual structures may be connected via covered open air walkways, provided that two-story structures may not be connected on both stories on the same side; and
  - b. Covered open air walkways may provide pedestrian connection between individual structures irrespective of whether they are on the same parcels and do not have to meet any of the property line setback requirements.
4. Height—~~Two (2)~~ Three (3) stories not to exceed ~~thirty-five (35)~~ forty (40) feet, excluding roof top mechanical equipment, elevator shafts, roof mounted solar arrays, features that are designed to hide roof top mechanical equipment, railings, umbrellas, vegetation or roof top accessories that promote green roof technology and the use of roof top gathering space. Other exceptions to the height standard can be made for non-useable roof top structures that enhance architectural creativity and preserve rural character.

**D. Utilities.**

1. The following stormwater standards shall be met:
  - a. All stormwater shall be collected and treated on site using low impact development best management practices when feasible (i.e., rain gardens), as outlined in Chapter 11.03 ICC, Stormwater and surface water, and the Low Impact Development Technical Guidance Manual for Puget Sound, as they currently exist or are hereafter amended. Where the Island County Engineer has determined on-site soil conditions are incompatible for absorption, mitigation measures for alternative treatment systems may be approved by the county engineer in compliance with current Island County Code; and
  - b. The post-development volume and rate of stormwater runoff shall not exceed the pre-development volume and rate of stormwater runoff;
2. The source of potable water shall be evaluated pursuant to the requirements of Title 8 ICC and the requirements of Washington State Statute. ~~Environmental review shall incorporate consideration of the impacts associated with drawing potable water from an off-site location and distributing it to a different site. This evaluation shall include impacts that may be associated with drawing from one (1) aquifer and distributing in another aquifer or drawing water within one (1) watershed and distributing in a different watershed.~~
3. Where utilities such as stormwater detention ponds or drain fields are proposed to be located off-site, for the parcel where the utility is proposed, public notice shall be provided in the same manner as the associated development proposal. If the proposed commercial activity has not yet been noticed, or the application has not yet been submitted, the proposed off-site drain field shall be considered a Type II decision pursuant to Chapter 16.19 ICC. The non-residential landscaping standards outlined in section ICC 17.03.180.P for non-residential uses shall be applied consistent with the underlying zoning classification of the proposed off-site utility, and shall also include an associated maintenance plan that includes provisions that ensure the long term success of landscaping.

(Ord. C-102-09 [PLG-015-09], September 22, 2009, vol. 2009, p. 436)

(Ord. No. C-40-14 [PLG-002-14], Exh. A, 5-5-2014; Ord. C-140-16 [PLG-012-16], Exh. A, 12-13-2016; Ord. No. C-86-18 [PLG-005-18], Exh. A, 9-4-2018; Ord. No. C-127-18 [PLG-008-18], Exh. A, 12-11-2018; Ord. No. C-53-19 [PLG-005-19], Exh. A, 6-25-2019)

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### 17.03.140 Rural Service (RS) Zone.

The Rural Service (RS) ~~Z~~zone is applied to isolated existing mixed-use, retail or retail service businesses located in the Rural ~~Z~~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 ~~Z~~zone must comply with land use standards, including non-residential, landscape and screening design guidelines set forth in ~~section~~[ICC](#) 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~~[ICC](#) 17.03.155 and depicted in the zoning atlas. Specific conditions can be found in Appendix A.
- B. **Lot/density.** Lot size [and density](#) requirements shall be ~~the minimum lot size required by County Health Department requirements but shall not exceed two and one-half (2.5) acres as follows.~~
  - 1. [Minimum lot size shall be one-half \(0.5\) acre.](#)
  - 2. [Maximum density shall be eight \(8\) dwelling units per acre. Minimum density shall be four \(4\) dwelling units per acre.](#)
  - 3. [For affordable housing developments, up to twelve \(12\) dwelling units per acre may be allowed.](#)
  - 4. [On existing non-conforming lots that do not meet the minimum lot size, one duplex, triplex, or fourplex shall be allowed.](#)
- C. **Setbacks and height.** Setback and height requirements shall be as follows:
  - 1. Setbacks—Minimum ten (10) feet.
  - 2. Height—~~Two (2)~~[Three \(3\)](#) stories not to exceed ~~thirty-five (35)~~[forty \(40\)](#) feet, excluding rooftop mechanical equipment, [roof mounted solar arrays](#), 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.

#### D. Utilities.

- 1. [The following stormwater standards shall be met:](#)
  - a. [All stormwater shall be collected and treated on site using low impact development best management practices when feasible \(i.e., rain gardens\), as outlined in Chapter 11.03 ICC, Stormwater and surface water, and the Low Impact Development Technical Guidance Manual for Puget Sound, as they currently exist or are hereafter amended. Where the Island County Engineer has determined on-site soil conditions are incompatible for absorption, mitigation measures for alternative treatment systems may be approved by the county engineer in compliance with current Island County Code; and](#)
  - b. [The post-development volume and rate of stormwater runoff shall not exceed the pre-development volume and rate of stormwater runoff;](#)
- 2. [The source of potable water shall be evaluated pursuant to the requirements of Title 8 ICC and the requirements of Washington State Statute.](#)



3. Where utilities such as stormwater detention ponds or drain fields are proposed to be located off-site, for the parcel where the utility is proposed, public notice shall be provided in the same manner as the associated development proposal. If the proposed commercial activity has not yet been noticed, or the application has not yet been submitted, the proposed off-site drain field shall be considered a Type II decision pursuant to Chapter 16.19 ICC. The non-residential landscaping standards outlined in ICC 17.03.180.P for non-residential uses shall be applied consistent with the underlying zoning classification of the proposed off-site utility, and shall also include an associated maintenance plan that includes provisions that ensure the long term success of landscaping.

(Ord. C-123-98 [PLG-037-98], September 29, 1998, vol. 43, p. 6; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-137-99 [PLG-046-99], November 15, 1999, vol. 44, p. 131; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 446; amended by Ord. C-117-08 [PLG-016-08], November 10, 2008, vol. 2008, p. 387; amended by Ord. C-97-09 [PLG-014-09], September 14, 2009, vol. 2009, p. 415)

(Ord. No. C-40-14 [PLG-002-14], Exh. A, 5-5-2014; Ord. No. C-86-18[PLG-005-18], Exh. A, 9-4-2018; Ord. No. C-127-18[PLG-008-18], Exh. A, 12-11-2018; Ord. No. C-53-19 [PLG-005-19], Exh. A, 6-25-2019; Ord. No. C-79-23 [PLG-003-23], Exh. A, 11-28-2023)

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#### **17.03.180 Land use standards**

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#### **17.03.180.E Density bonus system.**

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2. Bonus densities are as follows:

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Zone	Maximum Density Bonus	Minimum Open Space Ratio
Rural		
<u>Rural cluster</u> <del>Parcels under 20 acres</del>	<u>1 dwelling unit per 2.5 acres</u> <del>100%</del>	<del>30</del> <u>45</u> %
<u>Rural affordable cluster</u> <del>Parcels 20 up to 40 acres</del>	<u>4 dwelling units per acre</u> <del>100%</del>	<del>65</del> <u>45</u> %

Parcels 40 up to 80 acres	125%	80%
Parcels over 80 acres	None	30%
UGA rural cluster or rural affordable cluster PRD Bonus	200%	75%*
Shoreline Restoration rural cluster or rural affordable cluster PRD Bonus	[Reserved]	
<b>Rural AG, Commercial AG</b>		
Rural cluster Standard PRD Bonus	1 dwelling unit per 5 acres None	5065%
Rural affordable cluster	4 dwelling units per acre	65% in Rural Ag Prohibited in Commercial Ag
<b>Rural Forest</b>		
Rural cluster Parcels 20 acres up to 80 acres	1 dwelling unit per 5 acres 100%	85%
Rural affordable cluster Parcels over 80 acres	4 dwelling units per acre None	5065%
<b>Commercial Agriculture</b>		
Rural cluster	1 dwelling unit per 10 acres	65%
<b>Freeland NMUGA</b>		
Rural cluster	8 dwelling units per acre	
Rural affordable cluster	12 dwelling units per acre	
<b>Rural Residential</b>		
Shoreline Restoration rural cluster or rural affordable cluster PRD Bonus	[Reserved]	

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\* Note the [rural cluster or rural affordable cluster](#)~~PRD~~ open space is treated as an urban reserved.

3. In acting on a request for bonus densities, the director or hearing examiner, as appropriate, may, in order to ensure protection of critical areas and [Rural Agriculture](#), [Rural Forest](#), [Commercial Agriculture](#) and [Airport](#)~~P~~ lands, require the clusters to be located away from such critical areas and lands or may increase buffers around the critical areas and lands.
4. The use of density bonuses is authorized through the approval of a [rural cluster or rural affordable cluster](#)~~PRD~~ pursuant to [Chapter 16.17 ICC](#). Specific open space and site lay-out standards are established in that chapter. See also [section ICC 17.03.180.RS](#) for site coverage requirements when density bonuses are used.
5. The [rural cluster or rural affordable cluster](#)~~PRD~~ bonus density will be calculated based on the size in acres of the open space area committed in a perpetual conservation easement with fractional units rounded upward.

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#### **17.3.180.I Accessory dwelling units (ADUs), attached and detached.**

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~~1. A detached ADU or an attached ADU may be established in the Rural, Rural Residential, Rural Agriculture, Rural Forest, and Commercial Agriculture Zones.~~

~~2. No more than one (1) ADU, attached or detached, shall be allowed per single family dwelling unit.~~

##### 1. General Provisions

a. Attached and detached ADUs may be established in the Rural, Rural Residential, Rural Agriculture, Rural Forest, and Commercial Agriculture zones, and in Residential Limited Areas of More Intensive Rural Development (Residential LAMIRDs), and in all zones that allow single family dwelling units in an Urban Growth Area (UGA).

b. Where a second ADU is allowed per single family dwelling unit, the ADUs may be provided as follows:

(i) Either or both ADUs may be attached or detached.

(ii) Two detached ADUs may be located in one structure.

c. Existing structures, including but not limited to detached garages, may be converted into ADUs regardless of conformance to setback and lot coverage standards.

~~3.~~ d. Addresses for ADUs shall be assigned in accordance with [section ICC 14.04A.120.I](#).

~~4.~~ e. All ADUs are subject to applicable Health Department standards for potable water verification and sewage disposal per Chapters 8.09 and 8.07D [ICC](#).

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5.f. The applicant must apply for a building permit for an ADU to be established as a legal use. All ADUs shall comply with applicable building, fire, and health and safety codes.

g. ADUs may be conveyed as a condominium.

h. A detached ADU in an UGA may be sited at a lot line that abuts a public alley.

i. In the Rural, Rural Agriculture, Rural Forest, and Commercial Agriculture zones:

(i) a permit application for an ADU must be in the name of the owner of the lot or parcel.

(ii) No home occupation or home industry shall be permitted for the residents of the ADU.

## 2. Number of ADUs allowed

a. In UGAs and Residential LAMIRDs, two (2) ADUs per single family dwelling unit shall be allowed.

b. In the Rural, Rural Agriculture, and Rural Forest zones no more than one (1) ADU, attached or detached, shall be allowed per single family dwelling unit, except a second ADU per single family dwelling unit shall be allowed subject to the following:

(i) The second ADU is a rental unit affordable to and reserved for households at 80% Area Median Income (AMI) and is subject to an agreement approved by the Director specifying the housing shall serve income eligible households for a minimum period of 5 years. The monthly rent, including basic utilities, shall not exceed 30 percent of 80 percent of AMI.

(ii) Prior to issuance of the first building permit for a project, the applicant shall execute and record with the Island County Clerk a declaration in a form acceptable to the Director that shall commit the applicant to satisfy the conditions to establish a second ADU and the housing owner shall submit a report to the Director that documents how the affordable housing meets the terms of the recorded agreement.

(iii) ADUs permitted pursuant to the affordable provisions of subsection 2b(i) shall not be used as a short-term rental for the life of the project.

c. In the Rural, Rural Agriculture, and Rural Forest zones no more than thirty-five (35) building permits for detached ADUs shall be issued by the county each calendar year, except as follows:

(i) An additional 25 building permits may be issued each calendar year when subsection 2b is met. The additional allowance for building permits shall be available for the first and second detached ADU on the lot provided the detached ADU meets subsection 2b.

(ii) In the event that 25 building permits are not issued as allowed in subsection 2.c(i) in the previous calendar year, the remainder of the 25 building permits may be added to the current year.

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(iii) For purposes of counting issued permits for detached ADUs, detached structures containing two ADUs are counted as one permit toward the applicable limit(s).

~~6. 3.~~ Detached ADU. ~~In order to encourage the provision of a variety of housing options, a detached ADU~~ Detached ADUs may be established as a permitted use in the Rural, Rural Residential, Rural Agriculture, Rural Forest, and Commercial Agriculture Zone s, subject to the following criteria:

~~a. No more than one (1) ADU, attached or detached, shall be allowed per single family dwelling unit.~~

~~b. A permit application for an attached or detached ADU must be in the name of the owner of the lot or parcel.~~

~~c. a.~~ No individual shall receive more than one (1) detached ADU permit per calendar year not to include consultants or agents acting on the behalf of individuals, except where two (2) ADUs are allowed in subsections 2 a and b individuals may receive two (2) detached ADU permits per calendar year.

~~d. b.~~ A detached ADU shall not exceed 1,200 square feet of gross floor area.

~~e. c.~~ A detached ADU must share a common access, from the public right-of-way, with the single family dwelling to which it is an accessory dwelling.

~~f. No home occupation or home industry shall be permitted for the residents of the detached ADU.~~

~~g. Detached ADUs cannot be segregated or separately sold, transferred, given or otherwise conveyed unless the lot is of sufficient size to meet base density and other County Code requirements.~~

~~h. No more than thirty five (35) building permits for detached ADUs shall be issued by the county each calendar year for properties located outside of urban growth areas~~

~~i. d.~~ The detached ADU area shall be calculated pursuant to the description provided for in the definition of gross floor area located in section ICC 17.03.040. However, when measuring gross floor area for a detached ADU, garage/shop space that is not living space shall not be counted in the overall floor area calculation. Internal access to any garage/shop space may be permitted provided any future conversions shall comply with the adopted detached ADU requirements.

~~j. e.~~ A detached ADU is allowed within PRDs rural clusters and rural affordable clusters, provided all the criteria of section ICC 17.03.180.I.6 ~~is~~are met.

~~k. f.~~ The detached ADU must be setback no more than ~~100~~150 feet from the primary residence, or be located where the environmental impact is the least, and maintain the rural character, except that this standard shall not apply to a Rural Residential zone in a UGA.

~~7. 5.~~ Attached ADU. ~~In order to encourage the provision of a variety of housing options, attached~~ Attached ADUs may be established as a permitted use in the Rural, Rural Residential, Rural Agriculture, Rural Forest, and Commercial Agriculture Zone s, subject to the following criteria:

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~~a. No more than one (1) ADU, attached or detached, shall be allowed per single family dwelling unit~~

~~b. No home occupation or home industry shall be permitted for the residents of the attached ADU;~~

~~c.~~ a. An attached ADU shall be no greater than ~~1,000~~ 1,200 interior square feet;

~~d.~~ b. An attached ADU may be created through:

(i) Internal conversion within an existing single family dwelling;

(ii) The addition of new square footage to the existing single family dwelling; or

(iii) Inclusion in the development plans for, or as part of, the construction of a new single-family dwelling unit.

~~e.~~ c. An attached ADU may have an internal access connection provided between the main dwelling and the ADU.

~~f.~~ d. An attached ADU is allowed within a ~~PRD~~ rural cluster or rural affordable cluster, provided all the criteria of ~~section ICC~~ 17.03.180.I.7 ~~is~~ are met.

~~g. Attached ADUs cannot be segregated or separately sold, transferred, given or otherwise conveyed unless the lot is of sufficient size to meet base density and other County Code requirements.~~

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**17.03.180.L Institutional uses.**

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17.03.180.L.7 ~~Utilities. (Reserved)~~ Emergency shelter.

a. Emergency shelters in the Rural zone.

(i) Up to twelve (12) units is a Type II Conditional Use

(ii) Thirteen (13) to thirty (30) units is a Type III Conditional Use

b. Emergency shelters in LAMIRDs. Emergency shelters shall be permitted as follows:

(i) Up to eight (8) units is a Type I process

(ii) Nine (9) to twenty (20) units is a Type II Conditional Use

(iii) Twenty-one (21) to thirty (30) units is a Type III Conditional Use

c. Emergency shelter requirements.

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- (i) Type III Conditional Use approval shall be subject to the criteria for Class B essential public facilities per ICC 17.03.180.CC.
  - (ii) Parcels 2.5 acres or greater in size shall be preferred for emergency shelters with 13-30 units. For parcels less than 2.5 acres in size, justification shall be provided which demonstrates how neighboring properties shall not be affected by noise, lighting, glare, unsightly structures or parking areas, or other nuisances.
  - (iii) All emergency shelters located farther than a half mile from a municipal UGA shall provide a location alternatives analysis consistent with the provisions of ICC 17.03.180.CC.3.c. As a part of that analysis, applicants shall document how the shelter's function or service area is best served by a location outside of the UGA.
  - (iv) Emergency shelters in the Rural zone or a LAMIRD shall not be permitted if the extension of public sewer service is required. Emergency shelters must be designed so that onsite sewage disposal systems are adequate to support the facility.
  - (v) Emergency shelters shall be served by a public water system.
  - (vi) Emergency shelters shall take primary access, in order of priority, off a county arterial, county collector road, or state highway. An access permit may be required.
  - (vii) Emergency shelters shall not be located within any Aircraft Accident Potential Zone Overlay; to include Clear Zone, APZ I, and APZ II.
  - (viii) Food service for guests and staff of the shelter is permitted in conjunction with an emergency shelter. Food service shall conform with the provisions of Title 8 ICC for health, welfare, and sanitation. Sale of food is prohibited except as part of an approved restaurant.
  - (ix) All emergency shelters shall be subject to the following Island County Code provisions:
    - (1) Lighting, site coverage, and non-residential design and screening guidelines set forth in ICC 17.03.180;
    - (2) The provisions of Title 8 ICC for the service of potable water, sewage disposal, solid waste handling, and food service;
    - (3) The provisions of Title 11 ICC for land development, clearing and grading, stormwater and surface water, and transportation concurrency;
    - (4) Where applicable, the provisions of Title 13 ICC for water system and fire flow standards; and
    - (5) The provisions of Title 14 ICC for building and construction.
  - (x) Review of applications for emergency shelter shall also address:
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- (1) Transportation of the guests to and from the site;
- (2) Hours of operation;
- (3) Staffing of the facility;
- (4) Proximity of the shelter to services for the guests;
- (5) Noise management; and
- (6) Management of complaints from neighboring residents and/or businesses.

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#### **17.03.180.N Mobile/manufactured homes.**

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- ~~1.a(i) The mobile/manufactured home shall be of double or multi-sectioned construction, provided that a single-wide mobile/manufactured home shall be allowed within an existing mobile/manufactured home park and/or as a replacement to an existing single-wide unit which was legally installed on the same individual lot;~~
- (i)~~(ii)~~ Roof pitch shall be not less than a two and one-half (2.5) foot rise for each twelve (12) feet of horizontal run; and
- (ii)~~(iii)~~ Roof construction shall be of non-reflective materials.

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#### **17.03.180.S. Site coverage and setbacks.**

1. Site coverage. Lot or parcel site coverage is established by a ratio percentage based on the gross site area of the property. Specific coverage ratios are as follows:

**Site Coverage Ratios**

	<b>All Residential uses in the <u>Rural Z</u>zone including Accessory Residential Uses</b>	<b>Rural <u>Cluster or Rural Affordable Cluster</u><del>PRD</del></b>	<b>Rural Center Uses</b>	<b>Rural Village Uses</b>	<b>Camano Gateway Village Uses</b>	<b>All <u>Non-Residential</u> or Institutional Uses in the <u>Rural</u>, <u>Rural Agriculture</u>, <u>Rural Forest</u>, <u>Commercial Agriculture Z</u>zones</b>
a. Maximum Impervious		25-50% <del>*</del>	80%	70%	20% above total	25% for parcels 5 acres or less in size.

	All Residential uses in the Rural Zzone including Accessory Residential Uses	Rural <u>Cluster or Rural Affordable Cluster</u> PRD	Rural Center Uses	Rural Village Uses	Camano Gateway Village Uses	All <u>Non-Residential</u> or Institutional Uses in the Rural, Rural Agriculture, Rural Forest, Commercial Agriculture Zzones
Surface Ratio (% of Gross Site Area)					Building Coverage	10% for parcels greater than 5 acres in size
b. Minimum Open Space Ratio (% of Gross Site Area)		<del>30</del> 45-75% <sup>[12]</sup>	20%	20%	20%	50%
c. Maximum Building Coverage of Gross Site Area	5% for parcels 5 acres or larger in size	N/A	80%	50%	50%	10%

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17.03.180.S.7.d. Projections from buildings.

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(iii) Additions to exterior walls necessary to increase insulation value shall be allowed to extend eight inches into any required yard setback on existing buildings.

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- V. **Temporary uses.** The following temporary uses may be conducted upon temporary use approval. Each use shall meet the requirements of this chapter and the following standards:
1. In all zones except Rural Service and Light Manufacturing seasonal farmer's markets are subject to the following conditions:
    - a. All uses shall be confined to the dates specified in the certificate of temporary use;
    - b. Hours and duration of operation shall be confined to those specified in the certificate;
    - c. The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within thirty (30) days after the closing event. A cash bond, the sum of which is to be determined by the county engineer, or a signed contract

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with a disposal firm, shall be required as part of the application for a certificate of temporary use when determined necessary by the county engineer or Planning Director to ensure that the premises will be cleared of all debris during and after the event;

- d. Public parking for the exclusive use of the facility shall be provided, and an adequate driveway to the parking area subject to approval of the county engineer shall be maintained. The parking area shall be maintained in a dust-free manner. It shall be the responsibility of the applicant to provide all necessary traffic and parking control attendants in a manner approved by the Island County Sheriff's Office;
  - e. Traffic control required by the Island County Sheriff's Office, the State Patrol, or WSDOT shall be arranged by the applicant;
  - f. A cash bond, the sum of which is to be determined by the county engineer, may be required to insure the repair of any damage to any public right-of-way as a result of the event;
  - g. Adequate sanitation facilities shall be provided by the applicant; and
  - h. Structures for seasonal farmer's markets are subject to the building design standards of this chapter for [Non-Residential](#) structures in the [Rural](#), [Rural Residential](#), [Rural Agriculture](#), [Rural Forest](#), and [Commercial Agriculture Zzone](#) s.
- 2. In all zones except Rural Residential, Christmas tree sales for a maximum period of forty-five (45) days, subject also to [Chapter 5.12](#).
  - 3. In all zones, contractor's office and construction equipment sheds where incidental to a construction project. The office or shed shall not contain sleeping or cooking accommodations and shall be removed at a time specified by the Planning Department, unless said permit is renewed by the Planning Director.
  - 4. In [Rural](#) and [Rural Residential Zzone](#) s, a temporary residence including a single-wide mobile/manufactured home [or recreational vehicle](#) may be authorized:
    - a. When fire or natural disaster has rendered a dwelling unit unfit for human habitation; or
    - b. During rehabilitation or remodeling of a dwelling unit or construction of a new dwelling unit;
      - (i) For a period not to exceed six (6) months. Provided that in the event of circumstances beyond the control of the owner, the Planning Director may extend the use for a period or periods not to exceed six (6) months. Application for the extension shall be made at least fifteen (15) days prior to expiration of the certificate of temporary use;
      - (ii) The temporary structure shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated dwelling unit; and
      - (iii) Mobile/manufactured homes shall meet the requirements of [section ICC 17.01.180.N.2](#). but shall not be placed on a permanent foundation and shall not be subject to [section ICC 17.03.180.N.1](#).
- c. [A recreational vehicle can be authorized for up to one \(1\) calendar year as a temporary residence, with extensions available on a case-by-case basis for](#)

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individuals actively working with a government provider to secure permanent housing;

- (i) Water, sewer, and electrical utilities shall be provided for the recreational vehicle;
- (ii) A life-safety inspection is required prior to occupancy;
- (iii) The recreational vehicle shall cease to be used as a residence by the expiration of the permit, unless the permit has been renewed in conformance with this section; and
- (iv) Nothing in this section is meant to prevent the lawful storage of an unoccupied recreational vehicle on a residential lot.

5. In Rural and Rural Residential, mobile/manufactured homes or recreational vehicle for ~~relatives~~persons having with a physical or mental infirmity.
- a. A mobile/manufactured home or recreational vehicle may be temporarily used by an infirm person incapable of maintaining a residence on a separate property, or by one (1) or more individuals caring for the infirm person;
  - b. The mobile/manufactured home or recreational vehicle shall be occupied by a family member or designated caregiver of the occupants of the primary dwelling unit;
  - c. A medical doctor, licensed by the State of Washington, shall state in writing that the infirm person is not physically or mentally capable of maintaining a separate residence;
  - d. The infirmity must be due to physical or mental impairment. Financial hardship conditions, child care, and other convenience arrangements not relating to physical and mental impairment are not considered an infirm condition for which a permit can be issued;
  - e. The mobile/manufactured home or recreational vehicle shall conform to all Island County ordinance requirements except requirements of the zone and except for ~~sections~~ICC 17.03.180.N.1.a., c. and d.;
    - (i) Water, sewer, and electrical utilities shall be provided; and
    - (ii) A life-safety inspection is required for recreational vehicles prior to occupancy.
  - f. The applicant shall agree to remove the mobile/manufactured home or recreational vehicle within forty-five (45) days after the unit has ceased to be used by the person for which the permit was issued. In any event, the mobile/manufactured home or recreational vehicle shall be removed from the premises by the day of the expiration of the permit, unless the permit has been renewed in conformance with this chapter; and
  - g. A temporary ~~mobile/manufactured home~~residence certificate is valid for one (1) year after the date of issuance and must be renewed on an annual basis. The Planning Department shall give the applicant not less than thirty (30) calendar days written notice of the pending expiration of the permit, advising that a renewal will be required. Failure to receive notification of pending expiration does not constitute an extension of time for the permit. A renewal permit shall not be granted until the applicant submits a certificate of infirmity from a Washington State licensed medical

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doctor which addresses ~~section~~ICC 17.03.180.V.5.c. and d. and until it is determined that all requirements of this chapter have been met.

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**17.03.180.W. Scenic corridors.** The purpose of the scenic corridor standards is to establish the general design guidelines for aesthetic improvements on the main entrance roadways to a city/town/non-municipal urban growth area. Existing significant trees and understory vegetation should be preserved that can be incorporated into the landscape design of development proposed along the designated scenic corridors. These standards are intended to result in development that provides a visual buffer between development and the road, and maintains a continuity of the city's/town's/non-municipal urban growth area design concepts and preserves existing natural vegetation.

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- b. A minimum buffer/cutting preserve of thirty-five (35) feet in Rural Residential areas and in fifty (50) feet in Rural, Rural Forest, and Rural Agricultural areas shall be provided outside of the right-of-way on private or public property in conjunction with building permits for new structures, Class IV forest practices permits, conversion option harvest permits, short subdivisions, subdivisions, ~~PRDs~~, and Type II and Type III conditional uses. [See ICC 16.17.070 Table 1 for minimum buffers for rural clusters or rural affordable clusters.](#)

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Y. **Existing master planned resorts.** Through the Type IV decision process, existing master planned resorts may be designated provided that future development and specific uses have been approved through the adoption of a master plan. The purpose and intent of the master plan is to provide long term protection to environmentally, historically, and archaeologically significant lands, while allowing uses, activities, and development that will enhance, conserve, or highlight these features of significance. This section is established for the purpose of allowing existing master planned resorts to be recognized in the Island County Code thereby enabling existing resorts to carry out future development plans. In the absence of this section ~~of County Code~~, uses that now qualify as an existing master planned resort were regulated under the provisions of the underlying zoning designation. Uses that qualify as an existing master planned resort do not conform to the underlying zoning designation and would therefore be subject to the existing uses section of this chapter found in ~~section~~ICC 17.03.230. The urban nature of existing master planned resorts as defined by RCW 36.70A.362 was not acknowledged or accommodated before the establishment of this section.

1. Existing master planned resorts must adhere to the standards defined in RCW 36.70A.362.
  - a. The master plan must show that the land is better suited, and has more long term importance, for the existing resort than for the commercial harvesting of timber or agricultural production, if located on land that would otherwise be designated as forest land or agricultural land under RCW ~~36.70.110 and~~ 36.70A.170.
  - b. A resort that was in existence on July 1, 1990, and that met the definition of an existing master planned resort at that time. The resort is developed, in whole or in part, as a significantly self contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities.

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- c. An existing resort may include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort.
  - d. No new urban or suburban land uses shall be allowed in the surrounding vicinity of the existing resort, except in areas otherwise designated for urban growth under RCW 36.70A.110 and 36.70A.362.
  - e. The master plan for the existing master planned resort shall be consistent with standards, requirements, and provisions of [eChapter 17.02B ICC](#).
  - f. On-site and off-site infrastructure impacts shall be fully considered and mitigated.
  - g. The county may allocate a portion of its twenty-year population projection, prepared by the office of financial management, to the master planned resort corresponding to the projected number of permanent residents within the master planned resort.
2. A master plan shall demonstrate how the existing resort meets the requirements of [section ICC 17.03.180.GY.1](#). and include the following:
- a. An inventory of the existing structures and land uses on the property where the proposed existing master planned resort exists.
  - b. The goals that the owner(s) of the facility has for the existing master planned resort, including:
    - (i) The owner's vision statement for the resort;
    - (ii) The owner's future development goals and plans for the resort, including a [statement narrative](#) on how the development goals and plans meet the vision statement for the resort.
  - c. A comprehensive discussion of any planned upgrades or additions to existing structures on the property.
  - d. A comprehensive discussion of any planned expansion of existing land uses on the property.
  - e. A comprehensive discussion of any new structures or land uses planned for the property. New structures and land uses shall be indicated on a site plan of the property.
  - f. A site plan using the criteria of [eChapter 16.15 ICC](#).
  - g. A phasing plan that describes anticipated time frames for future expansions and/or redevelopment.
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- h. A resource management plan that outlines management strategies for timber or agricultural lands and sensitive or threatened species as identified in [eChapter 17.02B ICC](#).
3. A resort seeking status as an existing master planned resort must have at least fifty (50) acres within the planning area.
4. Approval of a master plan in no way shall be interpreted as final approval for a specific project. New structures and land uses, or changes to existing structures and land uses that are approved through the master plan must still follow the appropriate permit process and comply with all Island County development regulations in the Island County Code.
5. Permitted uses within the existing master planned resort are for the purpose of serving the users of the resort. All existing and proposed uses shall be set forth in the master plan. Uses that support the operations of the facility that are required per RCW 36.70A.362, such as infrastructure necessary for the support and/or mitigation of the on-site and off-site impacts of the existing master planned resort, are implicitly allowed and do not require specific approval through this subsection. Examples of permitted uses within a master plan include the following:
- a. Staff housing;
  - b. Retreat housing;
  - c. Group housing;
  - d. Multi-use building;
  - e. Cabin;
  - f. Classroom;
  - g. Meeting space;
  - h. Recreation building;
  - i. Cafeteria;
  - j. Teaching laboratory;
  - k. Offices;
  - l. Storage;
  - m. Bathhouse;
  - n. Restrooms;
  - o. Swimming pool;
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- p. Sports fields;
  - q. Sports courts;
  - r. Campground;
  - s. Picnicking areas;
  - t. Amphitheater;
  - u. Trails;
  - v. Scenic viewpoints;
  - w. Interpretive shelter;
  - x. Parking;
  - y. Water tower, not to exceed forty (40) feet in height.
6. The following shall be considered conditional uses and processed as a Type II decision:
- a. Any use or structure that exceeds the thresholds defined in the master plan, but is below the thresholds that trigger a master plan amendment per [section ICC 17.03.180.GY.8.](#);
  - b. Any use that is not specifically listed as a permitted use in the master plan but is consistent with the goals and policies of the master plan and will have no significant environmental impacts;
7. Existing master planned resorts that fall within the Ebey's Landing Historical Reserve must comply with the special development requirements set forth in [eChapter ~~16.18 and~~ 17.04A ICC](#);
8. Amendments to the master plan. The following variations to the approved master plan shall be processed as annual review amendments pursuant to [eChapter 16.26 ICC](#);
- a. A variation that exceeds fifty (50) percent of the gross square-footage of any building approved in the master plan;
  - b. Any structure that is not specifically identified in the master plan and that is not consistent with the goals and policies of the approved master plan;
  - c. A variation that exceeds ten (10) percent of the aggregate gross square-footage of all buildings approved in the master plan;
  - d. A variation that exceeds ten (10) percent of the aggregate gross square-footage of all impervious surfaces approved in the master plan;
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- e. Any use that is not specifically listed as a permitted use in the master plan which would not be consistent with the goals and policies of the master plan;
  - f. Removal of timber in areas not identified in the master plan, except for timber identified by a certified arborist as diseased, dead or a threat to an approved structure or improvement;
  - g. Changes in use, addition of new uses or other actions that generate significant traffic impacts not previously addressed in the master plan;
  - h. Changes to the boundaries of the facility; and
  - i. Any other type of amendment to the master plan.
9. Site development and use standards. The following site development and use standards, as provided in the master plan, shall apply to all development within an existing master planned resort:
- a. Building architectural style and envelope standards;
  - b. Street and road standards;
  - c. Parking standards;
  - d. Tree retention standards;
  - e. Buffer and use separation standards;
  - f. Setback and height limits;
  - g. Site coverage and development standards;
  - h. View preservation standards; and
  - i. Utility standards.
10. Variances. Variances from the standards established in the master plan may be granted pursuant to the variance process provided in this chapter.
11. Any use for which a definition already exists in this chapter shall not be designated as an existing master planned resort. For example, country inns are already defined within this chapter and therefore may not be designated as an existing master planned resort. This chapter is intended to support significantly self contained and integrated development that include short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries as per section 17.03.180.T., that until the establishment of this section have not been fully recognized or supported by the Island County Code or comprehensive plan.
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12. Existing master planned resorts shall not be located in the [Rural Center](#), [Rural Village](#), [Rural Service](#), [Light Manufacturing](#), [AirportP](#), or [Rural Residential Z](#)zones.

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**17.03.180.Z. Aircraft Accident Potential Zone.** The primary purpose of the Aircraft Accident Potential Zone (APZ) Overlay is to promote the public health, safety, and general welfare by minimizing the hazards incident to development in the immediate vicinity of aircraft paths of arrival and departure associated with NAS Whidbey.

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17.03.180.Z.2.d. No [rural clusters or rural affordable clusters](#)~~PRDs~~ shall occur within the Clear Zone, APZ-I or APZ-II.

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***Editor's note**— For a Rural [zoned rural cluster or rural affordable cluster](#)~~PRD~~, the Impervious Surface Ratio is ~~25~~-50% and Open Space Ratio is ~~50~~~~45~~-75%~~-if a density bonus is used~~. See [ICC 17.03.180.E](#), Density Bonus System. The Open Space Ratio does not apply to a [rural cluster or rural affordable cluster](#)~~PRD~~ that uses EDUs in the [Rural Agriculture](#), [Rural Forest](#) or [Commercial Agriculture Z](#)zones. For a [rural cluster or rural affordable cluster](#)~~PRD~~ in a UGA, the Impervious Surface Ratio is 25% and the Open Space Ratio is 75%.*

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#### [FF. Co-living housing](#)

1. [Co-living housing may be established in any residential zone in a UGA, non-municipal UGA, and in Rural Residential, Rural Center, Rural Village, and Camano Gateway Village zones subject to the following:](#)
  - a. [In Rural Residential zones co-living housing shall meet the standards for single family homes.](#)
  - b. [In all other zones co-living shall meet the standards for multifamily housing.](#)
  - c. [Parking for co-living housing is required at .25 spaces per sleeping unit.](#)
  - d. [In zones where density limits apply, a sleeping unit in co-living housing shall count as one-quarter of a dwelling unit for purposes of calculating dwelling unit density.](#)
  - e. [If applicable, a sleeping unit in co-living housing shall count as one-half of a dwelling unit for purposes of calculating fees for sewer connections, unless the county makes a finding, based on facts, that the connection fees should exceed the one-half threshold.](#)
2. [Co-living housing is subject to applicable Health Department standards for potable water verification and sewage disposal per Chapters 8.09 and 8.07D ICC.](#)
3. [The permit applicant shall apply for a building permit for co-living housing to be established as a legal use in a new structure or when converting a structure existing as of \(date of adoption\). Co-living housing shall comply with applicable building, fire, and health and safety codes.](#)

#### [GG – Affordable housing.](#)

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1. Purpose. The purpose of this section is to set forth the conditions under which housing may qualify as affordable housing for the purpose of density bonuses or other provisions of the comprehensive plan or Island County Code.
  2. Except where further specified in the comprehensive plan and this code, "affordable housing" refers to attached and detached dwelling units serving as the primary residence for very low-, low-, and moderate-income households. The definition of income groups by household size shall be as most recently defined by the U.S. Department of Housing and Urban Development for Island County.
  3. To qualify as affordable to a particular income group and family size, housing shall provide long-term affordability as defined below, and shall have an appropriate size and amenities and have a sufficient number of bedrooms to meet the needs for that family size as determined by the director, using appropriate information from the building code, the U.S. Department of Housing and Urban Development and the Washington State Department of Commerce.
  4. Long-Term Affordability. In order to qualify as affordable housing, housing must provide assurance of affordability to applicable income groups for at least 50 years for ownership housing and 40 years for rental housing by one or more of the following methods:
    - a. Ownership of land or land and structures by a public agency or nonprofit housing provider;
    - b. Granting of a restrictive use easement in a form specified by the County for the portions of the site encompassing the affordable units to Island County for the purpose of affordable housing development;
    - c. In the case of rental housing only, the units are subject to a contract with a housing provider which assures their affordability for a minimum of 40 years; or
    - d. Housing which because of its size, location, amenities, restrictions on development or use, or other characteristics, has been specifically determined by resolution of the County council to be affordable.
  5. Permanently Affordable Housing. In order to qualify as permanently affordable housing, housing must provide assurance of affordability to applicable income groups for at least 99 years by one or more of the following methods:
    - a. Ownership of land or land and structures by a public agency or nonprofit housing provider with assurance of affordability for at least 99 years;
    - b. Granting of an affordability covenant in a form specified by the County for the portions of the site encompassing the affordable units to Island County for the purpose of affordable housing development;
    - c. Housing which because of its size, location, amenities, restrictions on development or use, or other characteristics, has been specifically determined by resolution of the County council to be permanently affordable.
  6. Concurrent Development. Affordable housing units must be developed prior to or at the same time as other allowed residential units in any project granted a density bonus for affordable housing.
  7. Limitation on Credit for Affordable Moderate-Income Housing. No more than 50 percent of the dwelling units counted as affordable housing or permanently affordable housing
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[for the purpose of obtaining a density bonus, use permit, or other special privilege reserved for affordable housing in any project may be for moderate-income households.](#)

8. [Short term rentals are prohibited in any development that receives bonus density for affordable housing.](#)

### 17.03.190 – Code Interpretation.

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17.03.190.B.d. A general site plan drawn to a scale of not less than one (1) inch to twenty (20) feet and not greater than one (1) inch to [one hundred \(100\)](#) feet showing building envelopes, access, circulation (both vehicle and pedestrian), and open space or an application for site plan approval pursuant to ~~Chapter~~ 16.15 [ICC](#) or [rural cluster or rural affordable cluster](#)~~PRD~~ approval pursuant to ~~Chapter~~ 16.17 [ICC](#); and

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### 17.03.220 – Zoning amendments.

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An application for a zoning amendment shall be processed pursuant to this section except that properties within the Freeland NMUGA shall be processed pursuant to ~~Chapter~~ 17.06 [ICC](#).

- A. **Purpose.** This chapter provides for zoning classifications with broad latitude provided for uses within each zone. This section provides a process to apply for individual parcel zoning reclassifications when such zoning amendments are compliant with the Comprehensive Plan or Subarea Plan. Rezone requests that are area-wide in character or that are site-specific but not compliant with the Comprehensive Plan or Subarea Plan must be processed through the Comprehensive Plan amendment process pursuant to ~~Chapter~~ 16.26 [ICC](#).
- B. **Application requirements.** The application shall contain those requirements set forth in ~~section~~ 17.03.190.B.3.a. [ICC](#) and:
1. A description of the specific proposed amendment; and
  2. A description of the reasons for the amendment.
- C. **Review process.** The review process for site-specific zoning amendments that are compliant with the Comprehensive Plan or a Subarea Plan shall be as set forth below. All other zoning amendments shall only occur once per year on an annual basis and shall be processed as a Comprehensive Plan amendment, pursuant to ~~Chapter~~ 16.26 [ICC](#).
1. Zoning reclassifications that are compliant with the Comprehensive Plan and occur within the land use designation "Rural Lands", as established in the Comprehensive Plan Future Land Use map, [except for Commercial Agriculture zoned lands which require a comprehensive plan amendment](#), shall be processed as a Type III application and processed pursuant to ~~section~~ 16.19.170 [ICC](#):
    - a. Rural ~~(R)~~.
    - b. Rural Forest ~~(RF)~~.
    - c. Rural Agriculture ~~(RA)~~.
    - d. Commercial Agriculture ~~(CA)~~.
    - e. Parks ~~(P)~~.
  2. Zoning reclassification that are compliant with the Comprehensive Plan and occur within the land use designation "Mixed-Use RAIDS", as established in the Comprehensive Plan Land Use map, shall be processed as a Type III application and processed pursuant to ~~chapter~~ 16.19.170 [ICC](#):
    - a. Rural Center ~~(RC)~~.
    - b. Rural Village ~~(RV)~~.
    - c. Rural Service ~~(RS)~~.
    - d. Camano Gateway Village ~~(CGV)~~.

Proposed Zone															
		Airport	Camano Gateway Village	Commercial Agriculture	Light Manufacturing	Parks	Rural	Rural Agriculture	Rural Center	Rural Forest	Rural Residential	Rural Service	Rural Village	Special Review District	Urban Holding
Current Property's Zone	Airport	-	X	CPA	CPA	CPA	CPA	CPA	CPA	CPA	X	CPA	CPA	CPA	CPA
	Camano Gateway Village	CPA	-	CPA	CPA	CPA	CPA	CPA	III	CPA	X	III	III	CPA	CPA
	Commercial Agriculture	X	X	-	X	HHCPA	HHCPA	HHCPA	X	HHCPA	X	X	X	CPA	CPA
	Light Manufacturing	CPA	X	CPA	-	CPA	CPA	CPA	CPA	CPA	X	CPA	CPA	CPA	CPA
	Parks	X	X	III	X	-	III	III	X	III	X	X	X	CPA	CPA
	Rural	X	X	III	X	III	-	III	X	III	X	X	X	CPA	CPA
	Rural Agriculture	X	X	III	X	III	III	-	X	III	X	X	X	CPA	CPA
	Rural Center	CPA	III	CPA	CPA	CPA	CPA	CPA	-	CPA	X	III	III	CPA	CPA

<b>Rural Forest</b>	X	X	III	X	III	III	III	X	-	X	X	X	CPA	CPA
<b>Rural Residential</b>	X	X	X	X	CPA	CPA	CPA	X	CPA	-	X	X	CPA	CPA
<b>Rural Service</b>	CPA	III	CPA	CPA	CPA	CPA	CPA	III	CPA	X	-	III	CPA	CPA
<b>Rural Village</b>	CPA	III	CPA	CPA	CPA	CPA	CPA	III	CPA	X	III	-	CPA	CPA
<b>Special Review District</b>	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	-	CPA
<b>Urban Holding</b>	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	CPA	-

III—Type III application pursuant to ~~section~~ 16.19.170 [ICC](#)

CPA—Comprehensive Plan Amendment, processed pursuant to ~~e~~Chapter 16.26 [ICC](#)

X—Prohibited



- D. **Standards.** Standards for zoning amendments associated with resource lands are set forth below. All zoning amendment standards are also set by the designation criteria listed under each applicable zone.
1. Reclassification from [Rural Forest](#) to [Rural](#) shall be granted if requested by the owner when the owner cannot make reasonable economic use of the parcel for commercial forestry, considering all relevant factors. Provided, that the determination of whether the owner can make reasonable economic use of the parcel for commercial forestry shall not involve consideration of the personal circumstances of any particular owner. Provided further, that reclassification from RF to R shall not be granted when the inability to make reasonable economic use of the parcel for commercial forestry is due to the action or inaction of the owner.
  2. Reclassification from [Rural](#) to [Rural A](#) or [Rural Forest](#) shall be granted if requested by the owner and the parcel is twenty (20) acres (ten (10) acres for [Rural Agriculture](#)) or larger in size upon finding that the uses allowed in the proposed classification will be compatible with surrounding permitted uses.
  3. Reclassification from [Rural](#), [Rural Agriculture](#) or [Rural Forest](#) to [Commercial Agriculture](#) shall be granted if requested by the owner and the parcel is ten (10) acres or larger in size, and the parcel classified in the open agriculture tax program or the owner demonstrates the parcel is eligible to be included in the open agriculture tax program.
  4. Reclassification from [Rural](#), [Rural Agriculture](#) or [Rural Forest](#) to [Commercial Agriculture](#) shall be granted if requested by the owner and the parcel is five (5) acres or larger in size and meets the standards set forth in subsection 3. above.
  5. Reclassification from [Commercial Agriculture](#) to [Rural Agriculture](#) for lands not included in a farm management plan and RA to R shall be granted if requested by the owner upon finding that the owner cannot make reasonable agricultural use of the property if classified [Commercial Agriculture](#) or [Rural Agriculture](#), considering the factor contained in WAC 365-190-050 and where the inability to make commercial farm use of the property is not due to action or inaction of the owner. Factual information provided by the owner shall be given substantial weight. [Commercial Agriculture zoned properties are considered agricultural resource lands and shall require a comprehensive plan amendment for zone changes.](#)

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## Chapter 17.06 Freeland Zoning Code

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### 17.06.150 – Setback encroachments and height exceptions.

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[17.06.150.B.7.f.Additions to exterior walls necessary to increase insulation value shall be allowed to extend eight inches into any required yard setback on existing buildings.](#)

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### 17.03.290 - Effective date.

The amendments to this chapter shall take effect ~~on December 1, 1998~~ [following Board approval after the 60 day public notice of adoption, or upon issuance of the Growth Management Hearing Board's final order if appealed,](#) and shall apply to new applications submitted on or after that date and to incomplete applications filed prior to that date.

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## Appendix B. - Urban growth areas and joint planning areas.

Urban Growth Areas and Joint Planning Areas maps for Oak Harbor, Coupeville, Langley, and Freeland can be found in the Island County Comprehensive Plan.  
[www.IslandCountyWA.gov/Planning/Pages/CompPlan.aspx209/Comprehensive-Plan](http://www.IslandCountyWA.gov/Planning/Pages/CompPlan.aspx209/Comprehensive-Plan)

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## ~~Appendix C. – Illustrative non-residential design guidelines.<sup>146</sup>~~

~~Footnotes:~~

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~~(16)~~

~~Editor's note~~ See editor's note to Appendix B.

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## **17.06.320 - Additional standards for residential building types.**

### **A. Attached and Detached ADUs.**

1. ~~No more than one (1) ADU, attached or detached,~~ Two ADUs are allowed per single family dwelling unit, the ADUs may be provided as follows:

a. Either or both ADUs may be attached or detached.

b. Two detached ADUs may be located in one structure.

2. Existing structures, including but not limited to detached garages, may be converted into ADUs regardless of conformance to setback and lot coverage standards.

3. ADUs may be conveyed as a condominium.

~~2.4.~~ Vehicle access and parking.

a. One (1) on-site parking space is required for the attached or detached ADU. The Planning Director may consider approval of on-street parking to meet this requirement in the following circumstances:

(i) Required parking cannot be provided on-site, due to site constraints, and the on-site requirement would preclude the addition of an attached or detached ADU; and

(ii) On-street parking is available in front of the lot; and

(iii) The proposed on-street parking location would not impede safe pedestrian or vehicle travel in the right-of-way and/or to the residence.

b. For front or side yard access, the attached or detached ADU must share a common driveway with the dwelling to which it is an accessory dwelling. A unit may be accessed off of an alleyway.

~~3.5.~~ The attached or detached ADU is subject to applicable Public Health standards for water and sewage disposal (~~§~~ Title 8 ICC).

~~4.6.~~ Open space requirements are determined by the primary structure on the building. No additional private open space is required for an attached or detached ADU.

~~5.7.~~ Detached ADU.

a. A permit application for detached ADU must be in the name of the owner of the lot or parcel.

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b. A detached ADU shall not exceed 1,200 square feet of gross floor area. When measuring gross floor area for a detached ADU, any associated garage/shop space that is not living space shall not be counted in the overall floor area calculation. ~~In no case shall the building footprint of the detached ADU exceed the footprint of the main structure.~~

c. The property owner must apply for a building permit for a detached ADU. A detached ADU shall comply with applicable building, fire, health, and safety codes.

~~d. A detached ADU cannot be segregated or separately sold, transferred, given or otherwise conveyed unless the proposed new lot is of sufficient size to meet minimum lot size, base density, and other County Code requirements.~~

d. A detached ADU may be sited at a lot line that abuts a public alley.

e. A detached ADU does not need to provide a frontage type per ~~section~~ICC 17.06.430. A porch or stoops is encouraged for a detached ADU that faces and is visible to the right-of-way.

~~6.8.~~ 6.8. Attached ADU. ~~In order to encourage the provision of more housing options, attached~~ Attached ADUs may be established, subject to the following criteria.

~~a. No home occupation or home industry shall be permitted for the residents of the attached ADU.~~

~~b.a.~~ b.a. An attached ADU shall be no greater than ~~1,000~~1,200 square feet.

~~c.b.~~ c.b. An attached ADU may be created through:

(i) Internal conversion within an existing single family dwelling;

(ii) The addition of new square footage to the existing single family dwelling;  
or

(iii) Inclusion in the development plans for, or as part of, the construction of a new single-family dwelling unit.

~~d. An Attached ADU shall be located within an owner-occupied primary residence.~~

~~e.c.~~ e.c. If an attached ADU extends beyond the footprint of the principal SF dwelling, it must be consistent with the architectural style, materials, and color(s) of the principal residence.

## **B. Mobile/manufactured homes.**

1. Mobile/manufactured homes in all zones shall meet all of the standards and requirements of the State of Washington, Island County (~~e~~Chapter 8.03A ICC), and any other applicable government regulations in effect at the time of installation. The mobile/manufactured home shall bear an insignia issued by a state or federal regulatory agency indicating that the mobile/manufactured home complies with all applicable construction standards of the U.S.

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Department of Housing and Urban Development or that it passed a state systems inspection at the time it was constructed or has since passed a state alteration/fire safety inspection.

2. The ~~size~~, construction, siting, and other features of the mobile/manufactured home shall be compatible with the surrounding residential properties by meeting the following minimum standards:

~~a. The mobile/manufactured home shall be of double or multi-sectioned construction, provided that a single wide mobile/manufactured home shall be allowed within an existing mobile/manufactured home park and/or as a replacement to an existing single wide unit which was legally installed on the same individual lot;~~

~~b.a.~~ Roof pitch shall be not less than a two and one-half (2.5) foot rise for each twelve (12) feet of horizontal run; and

~~e.b.~~ Roof construction shall be of non-reflective materials.

c. Mobile/manufactured homes shall be set on a permanent foundation when installed as a permanent residence.

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### **17.06.350 - Institutional uses.**

Institutional uses may be approved as permitted or conditional uses as specifically enumerated in the applicable zone. Provisions shall be made for multi-modal access including transit access or transit stops, and shall include provisions for non-motorized access to the development as appropriate for the nature and scale of the project. An institutional use shall meet the requirements of this chapter and the following standards.

#### **A. Churches or similar buildings of worship.**

1. A site plan must be approved pursuant to ~~e~~Chapter 16.15 ICC.

2. Such buildings are not subject to the community meeting requirements of ~~section~~ICC 16.19.050.

3. Such buildings shall take primary access, in order of priority, off a county arterial, county collector road highway, or state highway.

4. Such buildings shall comply with the non-residential rural design, landscape, open space, screening, buffering, signage, parking, and lighting standards set forth in this chapter.

5. Buildings of worship in the Low Density Residential district are limited to a seating capacity of no more than 150 or a 2,000-square foot assembly area.

6. Accessory uses.

(i) One (1) single family dwelling located on the site that is used in conjunction with the building of worship shall be considered an accessory structure and comply with the provisions governing residential uses of the zone in which it is located.

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(ii) Meeting facilities/places of worship may include functionally related internal facilities such as kitchens, multi-purpose rooms, and offices. Places of worship may establish schools, day care centers, and on-site social programs such as, but not limited to, health care clinics, food banks, and safe parking programs. Such programs may be in the primary or in an accessory structure.

(iii) Accessory uses, except accessory dwelling units, which are regulated pursuant to ICC 17.06.320, must be not-for-profit.

(iv) The sum of all primary and accessory structures may not exceed the site coverage and impervious surface limitations of the underlying zoning district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building.

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#### I. Emergency shelter.

a. Emergency shelters must be designed so that onsite sewage disposal systems are adequate to support the facility, and must be connected to a public sewage system when available.

b. Emergency shelters must be served by a public water system.

c. Emergency shelters must take primary access, in order of priority, off a county arterial, county collector road, or state highway. An access permit may be required.

d. Food service for guests and staff of the shelter is permitted in conjunction with an emergency shelter. Food service shall conform with the provisions of Title 8 ICC for health, welfare, and sanitation. Sale of food is prohibited except as part of an approved restaurant.

f. All emergency shelters shall be subject to the following Island County Code provisions:

(i) Lighting, site coverage, and non-residential design and screening guidelines set forth in ICC 17.06.500;

(ii) The provisions of Title 8 ICC for the service of potable water, sewage disposal, solid waste handling, and food service;

(iii) The provisions of Title 11 ICC for land development, clearing and grading, stormwater and surface water, and transportation concurrency;

(iv) Where applicable, the provisions of Title 13 ICC for water system and fire flow standards; and

(v) The provisions of Title 14 ICC for building and construction.

g. Review of applications for emergency shelter shall also address:

(i) Transportation of the guests to and from the site;

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- (ii) [Hours of operation;](#)
- (iii) [Staffing of the facility;](#)
- (iv) [Proximity of the shelter to services for the guests;](#)
- (v) [Noise management; and](#)
- (vi) [Management of complaints from neighboring residents and/or businesses.](#)

## [J. Co-living housing](#)

1. [Co-living housing may be established in any residential zone in the Freeland NMUGA subject to the following:](#)
  - a. [In the Low Density Residential zone co-living housing shall meet the standards for the single family use type.](#)
  - b. [In all other zones co-living shall meet the standards for multifamily housing.](#)
  - c. [Parking for co-living housing is required at .25 spaces per sleeping unit.](#)
  - d. [In zones where density limits apply, a sleeping unit in co-living housing shall count as one-quarter of a dwelling unit for purposes of calculating dwelling unit density.](#)
  - e. [If applicable, a sleeping unit in co-living housing shall count as one-half of a dwelling unit for purposes of calculating fees for sewer connections, unless the county makes a finding, based on facts, that the connection fees should exceed the one-half threshold.](#)
2. [Co-living housing is subject to applicable Health Department standards for potable water verification and sewage disposal per Chapters 8.09 and 8.07D ICC.](#)
3. [The permit applicant shall apply for a building permit for co-living housing to be established as a legal use in a new structure or when converting a structure existing as of \(date of adoption\). Co-living housing shall comply with applicable building, fire, and health and safety codes.](#)

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## **17.06.210 Residential uses.**

See [sectionsICC 17.06.500—17.06.580](#) for site design and [sectionsICC 17.06.600—17.06.670](#) for building design standards.

<b>TABLE 17.06.210 RESIDENTIAL AND RESIDENTIAL ACCESSORY USES</b>							
<div> <div></div> = Type I permitted use           <div></div> = Type II conditional use           <div></div> = Type III conditional use         </div>	Low Density Residential	Medium Density Residential	Business Village	Business General	Non-Residential	Light Industrial	
<b>USE TYPE</b>	<b>LD</b>	<b>MD</b>	<b>BV</b>	<b>BG</b>	<b>NM</b>	<b>LI</b>	<b>RELATED CODE(S)</b>

Single-Family	Single Family, detached (1 unit)	I	II (3)					For Mobile Homes, see ICC 17.06.320.B
	Duplex, <a href="#">Triplex</a> , <a href="#">Fourplex</a> (2 units)	II (6,7)	I (3)	I (2)				
	Single Family, attached (3—4 units)	II (6,7)	I (3,8)	I (2)		II (3,5)		Townhomes: ICC 17.06.320.E
	Manufactured home park	II	II					ICC 17.06.320.C
	<a href="#">Co-living housing</a>	II	II (3,8)					<a href="#">ICC 17.06.350.J</a>
Multi-Family	Cottage housing	II (6,7,8)	I (3)	I (2)				ICC 17.06.320.D
	Multi-Family (5+ units)	II (7)	II (3,8)	II (2,3)	II (2,3,5)	II (2,3,5)		Includes courtyard, villa, and/or bungalow apartments
	Mixed-Use Residential, small (1—4 units)		II (3,5,7,8)	II (3,8)	II (3)	II (3)		Includes live/work units
	Mixed-Use Residential (5+ units)			II (3,8)	II (3)	II (3)		
Group Quarters	Residential Care Home	II (1,3,9)	II (1,3,9)					Up to 6 clients: ICC 17.06.350.C
	Group Home/Adult Family Home	II (8,9)	II (8,9)	II (1,3,8,9)				ICC 17.06.350.C
	Assisted Living/Nursing Home	II (3,7,9)	II (9)	II (1,3,8,9)				
Accessory Uses and Structures	Attached ADU	I (1)	I (1)	I (1)				ICC 17.06.320.A
	Detached ADU	I (1)	I (1)	I (1,5)				ICC 17.06.320.A
	Home Occupation	I or II (1)	I or II (1)	I or II (1)	II (1)	II (1)		ICC 17.06.310.A
	Home Industry	II (1,8)	II (1,8)	II (1)	II (1)	II (1)		ICC 17.06.310.B
	Accessory structures	I (1)	I (1)	I (1)	I (1)	I (1)	I (1)	Garage, shed, shop, etc.

**NOTES:**

- (1) May be allowed as an accessory use only, subject to ICC 17.06.300—17.06.350.  
(2) Not allowed on Main Street or Harbor Avenue frontages.  
(3) Not allowed within 500 feet of Industrial (LI) district, unless developed in conjunction with an employer for workforce housing.  
(4) Not allowed within 300 feet of a residential district (LD or MD) or existing residential use.  
(5) May be allowed as a component of a mixed-use development if fully integrated and the commercial component is developed at the same time as, or before, the residential; prohibited as a stand-alone



use, unless developed in conjunction with an employer for workforce housing. Mixed-use may be attached units or with residential in a separate building. In no case shall residential component have more square footage than the non-residential uses.

(6) May be allowed as a component of a cluster development, under the [rural cluster and rural affordable cluster PRD](#) provisions in [Chapter 16.17 ICC](#).

(7) May be allowed as a transitional use under the provisions of ICC 17.06.205.

(8) Type II approval if SEPA required (per [Chapters 43.21C RCW](#) and [197-11 WAC](#)), Type I approval if SEPA Exempt.

(9) Number of bedrooms shall be limited by the septic/sewer capacity.

(Ord. No. C-49-19 [PLG-004-19], Exh. C, 6-18-2019; Ord. No. C-18-22 [PLG-002-21], Exh. A, 5-3-2022; Ord. No. C-46-25, Exh. A, 8-26-2025)

### 17.06.220 Non-residential uses.

See also [section ICC 17.06.305](#) for general standards, [sections ICC 17.06.500—17.06.580](#) for site design standards, and [sections ICC 17.06.600—17.06.670](#) for building design standards.

TABLE 17.06.220 NON-RESIDENTIAL USES							
		Low Density Residential	Medium Density Residential	Business Professional	Business General	Non-Residential	Light Industrial
USE TYPE		LD	MD	BV	BG	NM	LI
Lodging	Bed and Breakfast Room	I (1,3,9)	I (1,3,9)	I (1,9)			1—2 guest rooms - ICC 17.06.330.A.1
	Bed and Breakfast Inn		II (3,7,9)	II (5,9)			3 to 6 guest rooms - ICC 17.06.330.A.2
	Emergency Shelter/ Transitional Housing		II/III (3,5,9)	II (5,9)	II (3,9)	II (3,9)	In MD district:  Type II if <4,000 sf Type III if ≥ 4,000 sf
	Hotel/Motel			III (9)	III (3,9)	III (3,9)	7 or more guest rooms - ICC 17.06.330.C
Office	Flex Office			II (8)	II (8)	II (8)	II (8)
	Health Care Facilities		II (7)	II (8)	II (8)	II (8)	II (8)
	Office Building		II (7)	II (8)	II (8)	II	II

Services	Banks/Financial Institutions			II	II	II		
	Cultural Centers		II (7)	II	II	II	II	
	Day Care Center, Small	(1)	II	II				ICC 17.06.350.C
	Day Care Center		II (3,7)	II	II (3)	II (3)		ICC 17.06.350.C
	Dry Cleaners				II	II	II	
	Fuel Service				II	II		ICC 17.06.340.G
	Churches/Schools	III	III	II	II	II	II	ICC 17.06.350
	Police/Fire Station	III	III	III	II	II	II	ICC 17.06.350.D
	Kennels and animal shelters					III (4)	II (4)	ICC 17.06.350.E
Food Service	Restaurant, no Drive-Thru		II (7)	II	II	II		
	Restaurant, w/Drive-Thru				II			ICC 17.06.540.D.5
	Commercial Kitchen (Stand-Alone)				II (7)	II	II	
	Coffee Shops		II (7)	II	II	II		w/ or w/o Drive-Thru
	Farm Stand or Push Cart			I (2,7)	I (2)	I (2)		
	Food Truck			II	I (2)	I (2)		ICC 17.06.340.E
	Food Truck Court>			II	II	II		ICC 17.06.340.F
	Farmers Market			II (7)	II	II		
	Grocery Store			II (7)	II	II		
Retail	Artist Studio		II 7	I (2,8)	I (2,8)	I (2,8)		Non-habitable space
	Garden Center/Lumber Yard					II	II	
	Marijuana, Retail Sales				III (10)	III (10)		ICC 17.03.180.BB
	Retail Sales and Services		II (7)	II	II	II		Type III if ≥12,000 sf
Entertainment	Bar/Nightclub/Remote Tasting Room			II	II	II		
	Assembly/Event Center				II	II	II	Type III if ≥8,000 sf
	Events							Not allowed in LD & MD

								Districts; ICC 17.06.340.D
	Outdoor Auditorium				II	II		
	Community Center/Library/ Museum			II	II	II		
	Health Club/Gymnasium			II	II	II	II	
	Amusement, Indoor			II	II	II	II	Type III if ≥500 sf
	Amusement, Outdoor					II	II	Type III if ≥1,000 sf; ICC 17.06.340.A
	Theatre, Live			II	II	II		
	Water-Dependent Uses (Marina, Launch)					III	III	Per SMP - Chapter 17.05A ICC
Manufacturing/Industrial	Artisan Workshop			II	I (2,8)	I (2,8)		ICC 17.06.340.B
	Automotive Repair				II (7)	II	II	
	Boat Building, Repair, and Related Industry						III	
	Food Processing				II (8)	I (8)	I (8)	
	Winery/Cidery/Brewery/Distillery/Coffee Roaster			I (2,8)	I (8)	I (8)	I (8)	
	Light Manufacturing					II	II	
	Research and Development					II	II	
	Storage, Commercial or Mini-Storage						II	ICC 17.06.340.I
	Storage, Outdoor							ICC 17.06.340.J
	Warehousing and Distribution Centers					II	II	
Utilities	Communications, Small Cell	II (1)	II (1)	II (1)	II (1)	II (1)	II (1)	
	Communications Tower				III	III	III	ICC 17.03.180.L.8
	Essential Public Facilities				III	III	III	ICC 16.19.060
	Major Utilities					III	III	
	Minor Utilities				III	III	III	

	Water Tank							ICC 17.06.350.H
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**NOTES:**

- (1) May be allowed as an accessory use only, subject to ICC 17.06.300—17.06.350.
- (2) Not allowed on Main Street or Harbor Avenue frontages.
- (3) Not allowed within 500 feet of Industrial (LI) district.
- (4) Not allowed within 300 feet of a residential district (LD or MD) or an existing residential use.
- (5) May be allowed as a component of a mixed-use development (separate building or attached) if fully integrated and the commercial component is developed at the same time as, or before, the residential; prohibited as a stand-alone use. Mixed-use may be attached units or with residential in a separate building. In no case shall residential component have more square footage than the non-residential uses.
- (6) May be allowed as a component of a cluster development, under the ~~PRD~~[rural cluster or rural affordable cluster](#) provisions in ~~e~~Chapter 16.17 ICC.
- (7) May be allowed as a transitional use under the provisions of ICC 17.06.205.
- (8) Type II approval if SEPA required (per Chapter 43.21C RCW and 197-11 WAC), Type I approval if SEPA Exempt.
- (9) Number of bedrooms shall be limited by the septic/sewer capacity.
- (10) Per RCW 69.50.331, not allowed within 1,000 feet of an elementary or secondary school; playground; recreation center or facility; child care center; public park; public transit center; library; or any game arcade (where admission is not restricted to persons age twenty-one (21) or older).

(Ord. No. C-49-19 [PLG-004-19], Exh. C, 6-18-2019)

Editor's note – All references to Planned Residential Development (PRD) will be updated to Rural Cluster/Rural Affordable Cluster, and Rural Area of More Intensive Development (RAID) will be updated to Limited Area of More Intensive Development (LAMIRD) in all titles of Island County Code at time of adoption.