

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING THE
ISLAND COUNTY ZONING ATLAS
FROM WATER TO RURAL ZONING
AND AMENDING THE
COMPREHENSIVE PLAN FUTURE
LAND USE MAP FROM WATER TO
RURAL LANDS FOR PARCELS R33221-
502-5080 AND R33221-520-4710

ORDINANCE NO. C-93-20;
PLG- 004 -20

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

WHEREAS, Island County is required to plan under chapter 36.70A RCW, the Growth Management Act (GMA); and

WHEREAS, RCW 36.70.720 allows for the adoption of zoning maps to control the areas covered by a comprehensive plan; and

WHEREAS, ICC 17.03.050.C.2 requires adoption and maintenance of an official zoning atlas; and

WHEREAS, on February 18, 1937 the State of Washington sold second class tidelands to private property owners; and

WHEREAS those second class tide lands are now parcels R33221-502-5080 and R33221-520-4710 (subject parcels); and

WHEREAS, the subject parcels were not provided a zoning designation until 2016 with Ordinance C-141-16, when they were inadvertently zoned Water; and

WHEREAS, the Water zone has been an established zone since prior to 1984 but was not reflected in the 1998 Zoning code (chapter 17.03 ICC, as amended); and

WHEREAS, in 2005 Island County applied the adjacent Rural zoning standards to parcel R33221-502-5080 for the purpose of approving a building permit for a new single-family residence; and

WHEREAS, on July 1, 2019, the current owner of the subject parcels, Scott R. Price, requested the Island County Planning Department rezone the subject parcels from Water to Rural zoning; and

WHEREAS, on November 5, 2019 the Island County Board of County Commissioners placed the requested Type IV rezoning of the subject parcels on the 2020 Annual Review Docket for Comprehensive Plan Amendments; and

WHEREAS, the Island County Planning Commission conducted a public hearing on Sept. 14, 2020, adopted Findings of Fact, and recommended approval of the Zoning Atlas amendment from Water to Rural zoning and the Comprehensive Plan Future Land Use Map from Water to Rural Lands for parcels R33221-502-5080 and R33221-520-4710; and

NOW, THEREFORE,

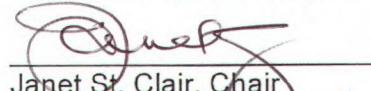
IT IS HEREBY RESOLVED that the Board of Island County Commissioners hereby adopts amendments to the Island County Comprehensive Plan Future Land Use map in accordance with chapter 16.26 ICC, as reflected in attached Exhibits A and B, and the Official Zoning Atlas in accordance with ICC 17.03.050.C.2., as reflected in attached Exhibits C and D, and hereby adopts the Findings of Fact attached hereto as Exhibit E.

BE IT FURTHER ORDAINED that revisions to the Island County Official Zoning Atlas and the Comprehensive Plan Future Land Use Map shall have immediate effect.

ADOPTED this 20th day of October, 2020.

Board of County Commissioners
Island County, Washington

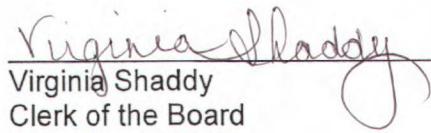



Janet St. Clair, Chair

Helen Price Johnson, Member


Jill Johnson, Member

ATTEST:


Virginia Shaddy
Clerk of the Board

APPROVED AS TO FORM:

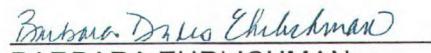
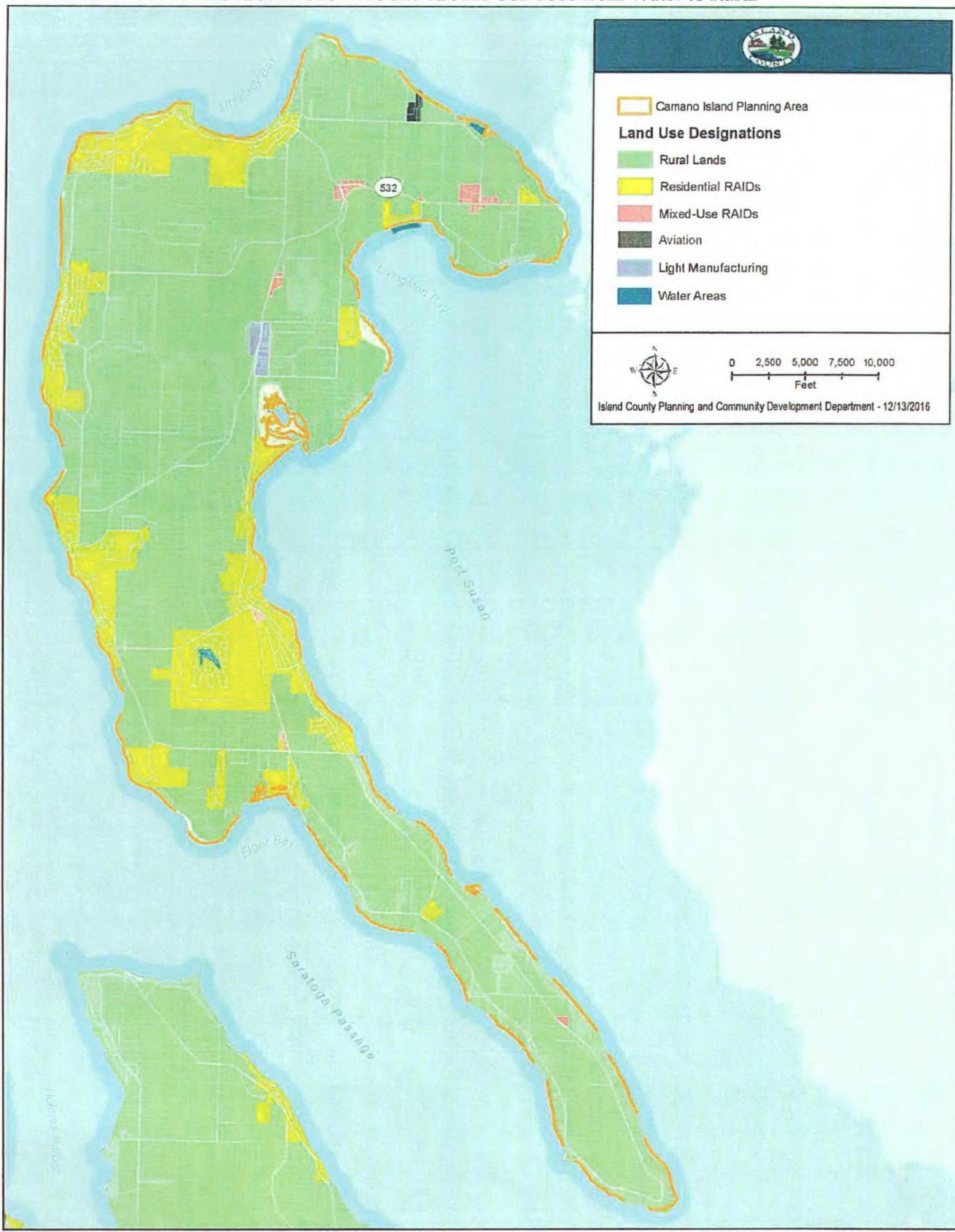

BARBARA EHRLICHMAN
Civil Deputy Prosecuting Attorney and
Island County Code Reviser

Exhibit A: Existing Land Use Map

Existing Land Use Map for Rezone of Parcels R33221-520-4710 and R33221-502-5080 from Water to Rural

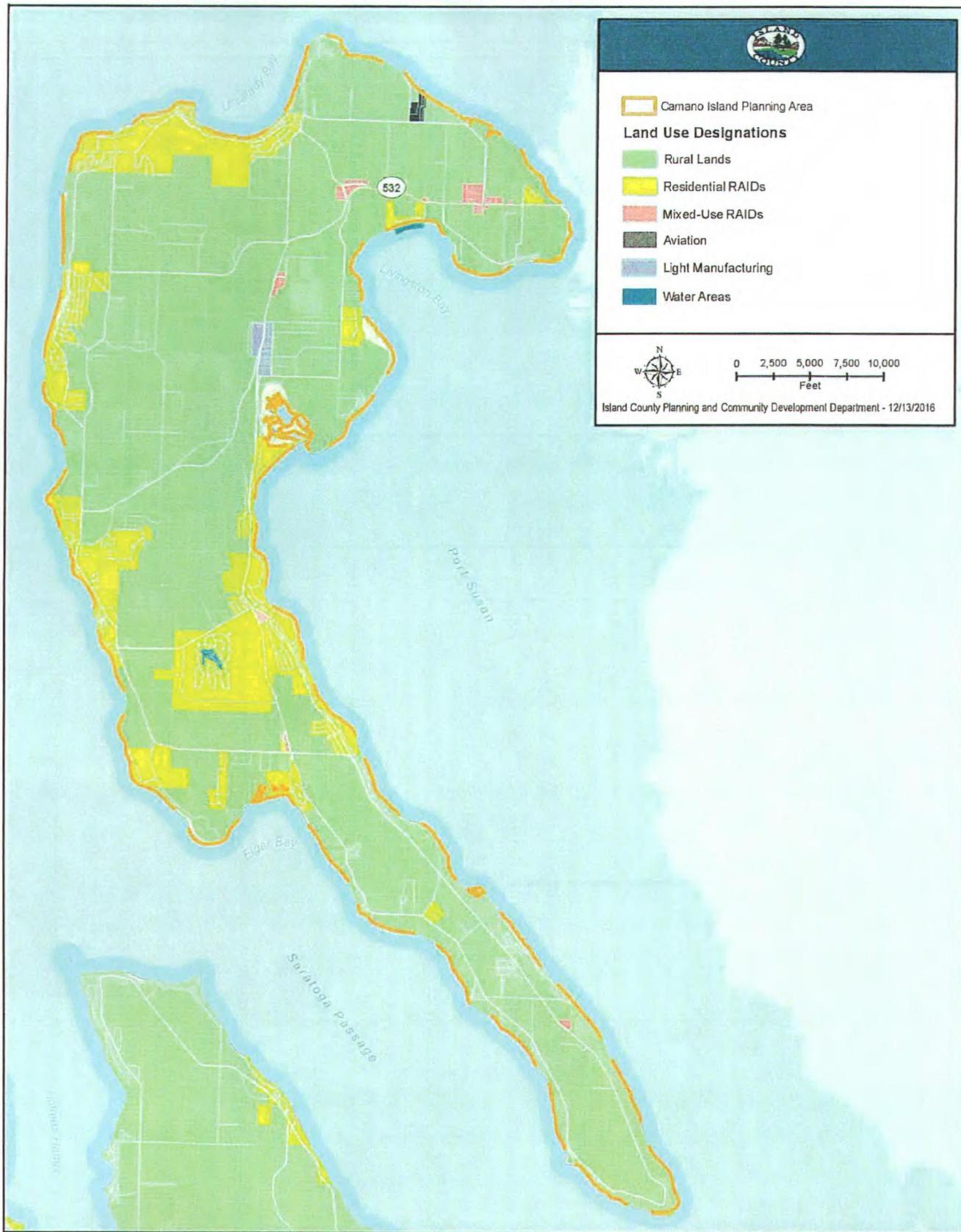


This map is intended to be used as a GUIDE. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any user of this map assumes all responsibility for use and agrees to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

Exhibit B: Proposed Land Use Map

Proposed Land Use Map

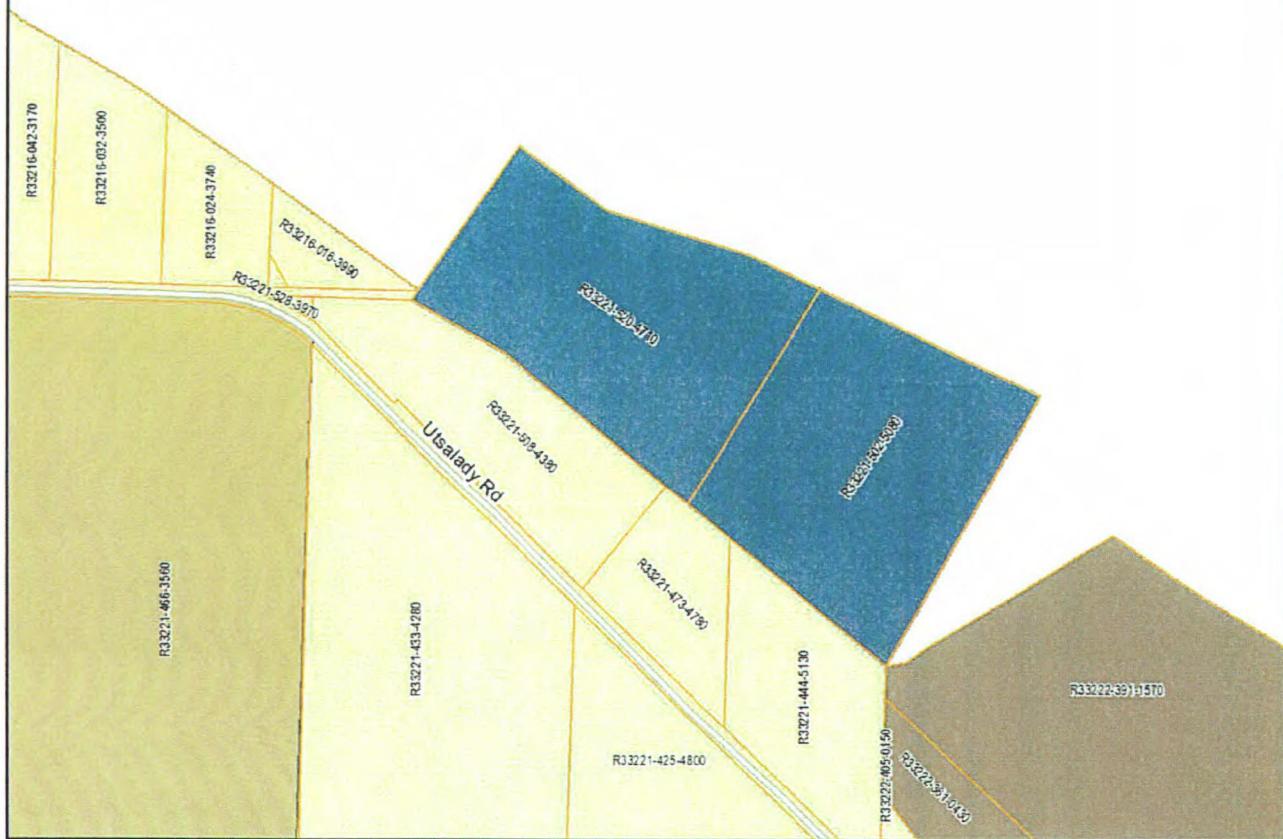
for Rezone of Parcels R33221-520-4710 and R33221-502-5080 from Water to Rural



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Exhibit C: Existing Zone Map

Zoning Atlas - Section 661



Zone Adopted

December 13, 2016
Ordinance C-141-16

0 200 400 600 800 Feet

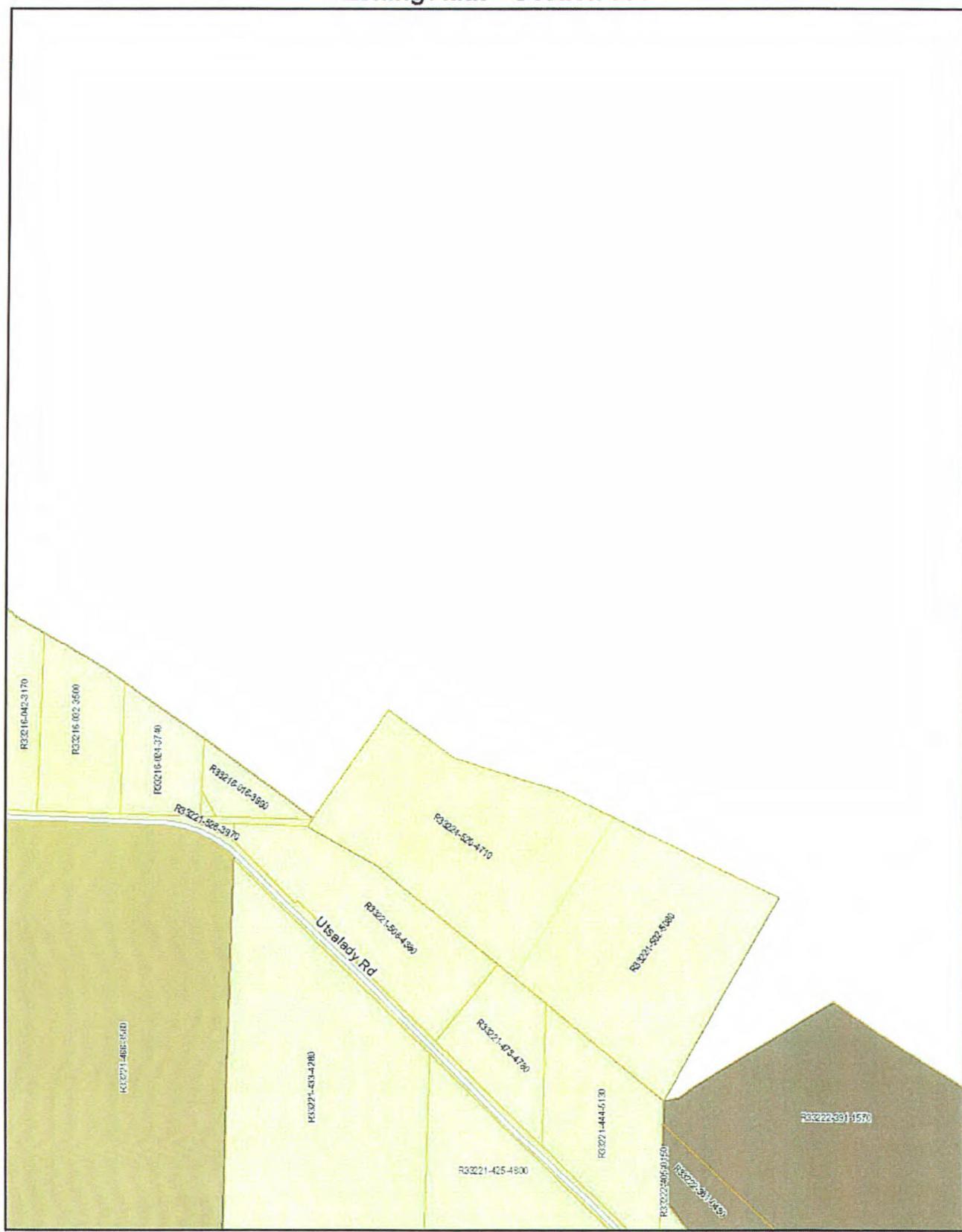


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Exhibit D: Proposed Zone Map

Zoning Atlas - Section 661



Zone Adopted

December 13, 2016
Ordinance C-141-16

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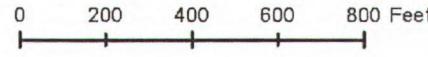


Exhibit E

The Board of Island County Commissioners approves of and incorporates, in full, the Findings of Fact of the Planning Commission, attached hereto as Attachment 1 to Exhibit E.



**ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT
ISLAND COUNTY PLANNING COMMISSION**

Darin Hand, Chairperson

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~ FINDINGS OF FACT AND LEGISLATIVE INTENT ~

TO: Board of Island County Commissioners

FROM: Island County Planning Commission

DATE: September 14, 2020

REGARDING: Amending the Island County Zoning Atlas from Water to Rural zoning and amending the Comprehensive Plan Future Land Use Map from Water to Rural Lands for parcels R33221-502-5080 and R33221-520-4710

SUMMARY/BACKGROUND

During the 2016 update, a mapping error zoned the parcels R33221-502-5080 and R33221-520-4710 to Water. As shown in the 1999 atlas, the parcels did not have previous zoning designations. In 2005, Island County applied adjacent Rural zoning standards to parcel R33221-502-5080 for the purpose of approving a building permit for a new single-family residence. The following changes are proposed:

1. Amend the Island County Official Zoning Atlas to rezone parcels R33221-502-5080 and R33221-520-4710 from Water to Rural zoning.
2. Amend the Island County Comprehensive Plan Future Land Use Map to amend the designation on parcels R33221-502-5080 and R33221-520-4710 from Water to Rural Lands.

On November 5, 2019 the Island County Board of County Commissioners placed the requested Type IV rezoning of the subject parcels on the 2020 Annual Review Docket for Comprehensive Plan.

FINDINGS AND CONCLUSIONS

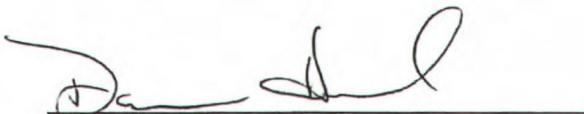
1. Island County conducts planning activities in accordance with Chapter 36.70 of the Revised Code of Washington (RCW), the Planning Enabling Act.
2. The planning process and the Island County Comprehensive Plan are further governed by RCW 36.70A, the Growth Management Act. (GMA).
3. RCW 36.70.720 allows for the adoption of zoning maps to control the areas covered by a comprehensive plan.
4. ICC 17.03.050.C.2 requires adoption and maintenance of an official zoning atlas.
5. On February 18, 1937 the State of Washington sold certain second class tide lands to private property owners.
6. Those certain second class tide lands are now parcels R33221-502-5080 and R33221-520-4710 (subject parcels).
7. The subject parcels were not provided a zoning designation until 2016 with Ordinance C-141-16, when they were inadvertently zoned Water.
8. Water zone has been an established zone since prior to 1984 but the 1998 Zoning code (chapter 17.03 ICC) does not contain code citations for Water zoning.
9. In 2005 Island County applied adjacent Rural zoning standards to parcel R33221-502-5080 for the purpose of approving a building permit for a new single-family residence.
10. July 1, 2019, the current owner of the subject parcels, Scott R. Price, requested the Island County Planning Department rezone the subject parcels from Water to Rural zoning.
11. November 5, 2019 the Island County Board of County Commissioners placed the requested Type IV rezoning of the subject parcels on the 2020 Annual Review Docket for Comprehensive Plan Amendments
12. On August 5, 2020, the draft amendments were transmitted to the Department of Commerce for review/notice as required by Chapter 26.70A RCW.
13. Pursuant to ICC 17.14C.180 and Washington Administrative Code Sections 197-11-800, Island County, acting as Lead Agency, issued a SEPA DNS on August 5, 2020.
14. The Planning Commission finds the proposed amendments are consistent with the development activities in the area and on the subject parcels.
15. The Planning Commission finds that the subject parcels meet Goal 9 of the Land Use Element of the Island County Comprehensive Plan for designated Rural Lands. Which is to, "maintain low residential densities to preserve rural character and provide buffers between urban activities and agricultural & forestry uses."

16. Island County Planning staff conducted a site visit on May 29, 2020 and noted possible wetland and stream conditions onsite. Any further development that may impact the critical areas or their buffers would require review under Island County Code 17.02B the Critical Areas Ordinance.

CONCLUSION

The Island County Planning Commission has reviewed and held a public hearing on the proposed changes to the Zoning Atlas Map and Future Land Use Map, and hereby recommends that the Board of County Commissioners adopt an ordinance to incorporate the proposed amendments, enclosed hereto as Exhibits A, B, C, and D.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, this 14th day of September, 2020 by,



Darin Hand
Chair, Island County Planning Commission

Enclosures:

- Exhibit "A" - Existing Land Use Map
- Exhibit "B"- Proposed Land Use Map
- Exhibit "C"- Existing Zone Map
- Exhibit "D"- Proposed Zone Map