



**ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT**

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**STAFF REPORT & RECOMMENDATION
TYPE III ZONING AMENDMENT – 130/21 ZAA - DALZELL**

I – PROJECT SUMMARY

Suzannah Dalzell, the property owner, is requesting a site-specific rezone of parcel R32922-482-0160. The subject property is currently in both the Rural (R) and Commercial Agriculture (CA) zone and the proposal is to rezone said property into the Rural Agriculture (RA) zone. The subject property consist of a 23-acre parcel with a single-family residence. The parcel is accessed by Maxwellton Rd, which has a Local Road Functional Classification of Secondary Arterial, and all adjacent parcels are zoned Rural (R) with the exception of one adjacent parcel to the north zoned Commercial Agriculture (CA).

II – PERMIT DATA

Permit Type	Type III
Permit Number	ZAA 130/21
Date of Complete Application	4/9/21
Recommendation	Approval with conditions
Approval Date	1/7/22
Applicant/Owner	Suzannah Dalzell
Agent	N/A

III – SITE DATA

Address	6098 Maxwellton Rd
Parcel Number(s)	R32922-482-0160
Parcel Area(s)	23 acres
Zone Designation	Rural (R) & Commercial Agriculture (CA)
RAID Designation	N/A
Plat	N/A
Allowable Density	(R) 1 DU per 5 acres & (CA) 1 DU per 20 acres
Critical Areas/Overlays	Wetlands, Streams, Steep Slopes, Flood Hazard Area, Within 100' of a well, Within 500' of Commercial Agriculture, Aviation Notify Area.
Shoreline Environment	N/A

IV – STAFF CONTACTS

Department	Name	Phone	Email
Planning	John Lanier	360-678-7811	j.lanier@islandcountywa.gov

V – REGULATORY COMPLIANCE

Regulatory Requirement	Complies (Y/N)	Comments
Land Use Standards – ICC 17.03.220	Yes	Meets criteria
Application/Decision Types, Permit Classifications, and Urban Growth Area/Joint Planning Area Procedures – ICC 16.19.040	Yes	Meets criteria
Subject Parcel meets Designation Criteria for Rural Agriculture in ICC 17.03.090.A	Yes	Meets criteria

VI – PUBLIC COMMENTS

Island County received no public comment during the public comment period of May 12, 2021 through May 26, 2021.

VII – FINDINGS

Only major issues, errors in the development proposal, and justification of conditions are discussed below. Staff finds that all other aspects of the proposed development are in compliance with applicable laws, rules, codes, and requirements.

1. Per WAC 197–11–800(12)(b), rezones are not exempt from a SEPA threshold determination. A SEPA environmental checklist has been submitted as a part of the application.
2. Per ICC 16.19.170.D site specific rezones shall be processed as a Type III application with the Hearing Examiner making a recommendation to the Board of Island County Commissioners (BOCC).
3. Per ICC 17.03.050.C.2, the official Island County Zoning Atlas shall be maintained by the Planning Director and shall be modified promptly to reflect amendments enacted by the County pursuant to the procedures established in ICC 16.19 and ICC 17.03. Thus, following this approval, the Planning Director will need to update the Island County Zoning Atlas to reflect the change approved herein.
4. The surrounding area is characterized by rural and residential uses. The subject parcel abuts ten parcels within the Rural zone, and one parcel in the Commercial Agriculture zone. The 5.1 acre Commercial Agriculture parcel to the north of the subject parcel is owned by a separate property owner, and is within the Agriculture Current Use Tax Program.

The subject parcel is currently split-zoned, with the western portion designated as Rural, and the eastern portion designated Commercial Agriculture. The entire property is heavily encumbered by

Maxwelton Creek (a mapped perennial fish bearing stream) and its associated bog wetlands. The landowner has requested that the above referenced parcel be rezoned from Rural and Commercial Agriculture to Rural Agriculture. The subject property is 23 acres and, and was previously classified under Island County's Current Use Agriculture program, but was withdrawn by a previous owner. There are two withdrawal requests recorded with the Island County Auditor, one requesting removal from the program due to wetland encumbrance, and the other for a voluntary withdrawal.

5. Per ICC 17.03.220.D.2, reclassification from R to RA shall be granted if requested by the owner and the parcel is twenty (20) acres (ten (10) acres for RA) or larger in size upon finding that the uses allowed in the proposed classification will be compatible with surrounding permitted uses, considering all relevant factors. Per ICC 17.03.220.D.5, reclassification from CA to RA for lands not included in a farm management plan shall be granted if requested by the owner upon finding that the owner cannot make reasonable agricultural use of the property if classified CA or RA, 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.

The applicant has supplied a narrative stating that they cannot make reasonable economic use of their parcel for commercial agriculture due to the small size of the parcel, and the encumbrance that Maxwelton Creek and its associated wetlands have on the majority of the parcel area.

6. This application meets the minimum requirements set forth in ICC 17.03.220.D.1 for rezones and it is compatible with surrounding uses. A change to Rural will not enable the landowner to conduct uses that are not already permitted or that are incompatible with surrounding uses.
7. Pursuant to ICC 17.03.220 a request to rezone a property from Rural and Commercial Agriculture to Rural Agriculture is processed as a Type III application with a recommendation to the BOCC pursuant to ICC 16.19.180. This process requires a community meeting and a public comment period. According to the application, a community meeting was held on March 9, 2021. Five members of the public were in attendance. A notice sign was posted by the Applicant on May 4, 2021 and the public notice period for public comment was May 12, 2021 to May 26 2021. No public comment was received.
8. Pursuant to ICC 17.03.220.E: *After county action on an application, no new application for reclassification of the same property may be considered for one (1) year from the date of action.*

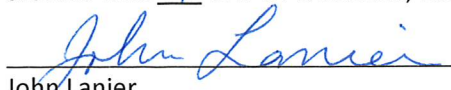
VIII – SEPA THRESHOLD DETERMINATION

Pursuant to WAC 197-11-340, Island County has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with Island County. This information, and the entire project file, is available for review by the public upon request.

Note: SEPA Threshold Determinations may be appealed by following the instructions outlined below.

SEPA RESPONSIBLE OFFICIAL: Jonathan Lange, Assistant Director

SIGNED THIS 19 DAY OF JANUARY, 2022



John Lanier
Senior Planner

On behalf of

Jonathan Lange, Assistant Director, Island County Planning and Community Development
P.O. Box 5000, Coupeville, WA 98239-5000

IX – RECOMMENDATION

Based upon the above review, Island County staff concludes the proposed ZAA 130/21 is consistent with all applicable zoning, land use, and environmental regulations; and hereby, makes the recommendation to approve Zoning Amendment application ZAA 130/21 from Rural and Commercial Agriculture zoning to Rural Agriculture subject to the following conditions of approval:

X – CONDITIONS OF APPROVAL

1. This decision is not final until the expiration of the appeal period noted below. If this decision is appealed, this decision is not final until the conclusion of all appeal proceedings.
2. The conditions of approval identified in this decision are subject to change if any information provided by the applicant or their authorized representative is found to be inaccurate.
3. This approval is limited to the rezoning of parcel R32922-482-0160 from Rural (R) and Commercial Agriculture (CA) to Rural Agriculture (RA). No other proposals are permitted by this decision.
4. Any future development or use of this property will adhere to the standards outlined in ICC 17.03.090.

XI – APPEALS

Final decisions of the hearing examiner on a Type III decision shall be a final land use decision. Such final decision may be appealed as provided by state law, to either the Superior Court or to an appropriate administrative agency, if applicable. Such Type III decisions include, but are not limited to Site plan review for conditional uses classified as Type III decisions in chapters 17.03 and 16.19.

SIGNED THIS 19 DAY OF JANUARY, 2022

John Lamer

Attachments:

Site Map
Zoning Atlas Map