

ADDITIONAL DOCUMENTS  
WORK SESSION  
FEBRUARY 12, 2025

Item #1 - Add-On Prosecuting Attorney's Office

Item #2 - Draft Freeland Zoning update ICC 17.06.210

Item #3 - Freeland Zoning PowerPoint

Item #4 - Freeland Sewer Comp Plan PowerPoint



**ISLAND COUNTY PROSECUTING ATTORNEY**

**WORK SESSION AGENDA**

**MEETING DATE: 2/12/2025**

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**To: Melanie Bacon, Chair**  
**Board of Island County Commissioners**

**From: Greg Banks, Prosecuting Attorney**

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**Amount of time requested for agenda discussion. 5 minutes**

**ADD-ON**

**DIVISION: Administrative**

**Agenda Item No.: 1**

**Subject:** Resolution C-13-25 Authorizing the Commencement of Litigation to compel Tiffany Benson-Burton to bring subject property into compliance with Island County Code.

**Description:** The Prosecuting Attorney will discuss with the Board Resolution C-13-25 Authorizing the Commencement of Litigation to compel Tiffany Benson-Burton to bring subject property into compliance with Island County Code.

**Attachment: Resolution C-13-25**

**Request:** *(Check boxes that apply)*

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Move to Consent | <input type="checkbox"/> Move to Regular           |
| <input type="checkbox"/> None/Informational         | <input type="checkbox"/> Schedule a Public Hearing |
| <input type="checkbox"/> Signature Request          | <input type="checkbox"/> Other: _____              |

**IT Review:** Not Applicable

**Budget Review:** Not Applicable

**P.A. Review:** Complete

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF ENFORCEMENT  
OF THE ISLAND COUNTY COV  
185/21; and, CASE 278/21, TIFFANY  
BENSON-BURTON

RESOLUTION NO. C- 13 -25

**WHEREAS**, numerous violations of Island County Code ("ICC") have occurred at the address of 6875 Helena St., Clinton, Washington 98236, Assessor's Parcel No. S6330-00-00069-0, owned and occupied by TIFFANY BENSON-BURTON; and

**WHEREAS**, a civil citation has been issued by County officials, to wit: Citation No. 51401 under by Planning & Community Development case 185/21 alleging unlawful junk accumulation; and, Island County Public Health have assigned case # 278/21 concerning sewerage failure. Both matters were initiated to enforce compliance with laws governing the use of residential property; and,

**WHEREAS**, despite numerous demands by both the Island County Planning & Community Development and Island County Health Department of the owner and occupant of the subject address, TIFFANY BENSON-BURTON, to correct the violations by Island County Planning & Community Development and the Island County Health Department have been uncontested and ignored; and,

**WHEREAS**, the Board of Island County Commissioners concurs that the matter should be forwarded to the Island County Prosecuting Attorney for legal action, authorizing the Island County Prosecuting Attorney to commence litigation to compel TIFFANY BENSON-BURTON to bring the subject property into compliance with the Island County Code and state law, and seek and all other available remedies.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Board of Island County Commissioners hereby forwards enforcement notices including , the summary of which is attached hereto as Attachment A, to the Island County Prosecuting Attorney for legal action and authorizes the Island County Prosecuting Attorney, to commence litigation to compel TIFFANY BENSON-BURTON to bring the subject property into compliance with Island County Code and state law, and seek any or all other available remedies, which may include but are not limited to, recovery of costs of abatement, civil penalties as a special assessment on the property pursuant to RCW 36.32.120(10), litigation costs, attorneys' fees.

In the Matter of Enforcement of the Island County Code  
COV 185/21 and Case 278/21, Tiffany Benson Burton  
Resolution C- 13 -25

Dated this \_\_\_\_\_ day of February, 2025.

BOARD OF COUNTY COMMISSIONERS OF  
ISLAND COUNTY, WASHINGTON

\_\_\_\_\_  
Melanie Bacon, Chair

\_\_\_\_\_  
Janet St. Clair, Member

\_\_\_\_\_  
Jill Johnson, Member

ATTEST:

\_\_\_\_\_  
Jennifer Roll  
Clerk of the Board

# EXHIBIT A

## SUMMARY OF VIOLATIONS AT 6875 HELENA ST., CLINTON, WASHINGTON 98236

Island County has engaged in enforcement actions through both the Planning and Community Development Department and the Health Department in efforts to bring the subject property into compliance with the law. In doing so, it recognizes the property poses a serious health and safety risk.

The Planning and Community Development Department began enforcement in actions in 2021. These efforts were in response to neighbor complaints regarding massive junk around the property. Over the years since, there have been at least three to four cars strewn over the .44 acre parcel, a large accumulation of other junk, solid waste and miscellaneous debris strewn about the property. See pictures attached hereto. Enforcement staff has issued civil citations to which there was no response. Staff has confirmed that as of February 12, 2025, the status of this property remains in the same state of disrepair and constitutes an actionable Public Nuisance.

The Island County Health Department engaged in its own attempts to enforce compliance with legal standards applicable to sewage discharge, since as early as 2021. It too has been unsuccessful. Specifically, it sought to obtain compliance with the requirement that residential properties shall have a functioning on-site sewage facility. Such efforts included several demands that the property owner establish that there was such a functioning on-site sewer facility or septic system. The owner failed to do so. The property was ultimately “red tagged” in September of 2024, notifying the owner: “the property has been identified by Island County Public Health as an imminent health hazard due to improper discharge of human waste and improper disposal of solid waste,” and that it “is unlawful to inhabit a residence with a failed septic system.” Notwithstanding the foregoing, the residence remains occupied.

Staff has confirmed through Island County records and Land Title & Escrow of Oak Harbor, that Tiffany Benson-Burton is the sole owner and responsible party with respect to the nuisance(s) at the subject property. Since 2021, she has been sent certified letters, charged in court, informed of violations, held discussion with staff regarding the violations, admitted to violations in those discussions, and excused her non-compliance because of her work schedules.

Staff has confirmed that as of February 12, 2025, the status of this property remains in the same state of disrepair as describe above and depicted in pictures attached hereto. The property constitutes an actionable Public Nuisance and in the absence of judicial enforcement it is likely to remain in that same state.

In the Matter of Enforcement of the Island County Code  
COV 185/21 and Case 278/21, Tiffany Benson Burton  
Resolution C-13-25

▼ Property Image



### 17.06.210 Residential uses.

See sections 17.06.500—17.06.580 for site design and sections 17.06.600—17.06.670 for building design standards.

TABLE 17.06.210 RESIDENTIAL AND RESIDENTIAL ACCESSORY USES								
<div><div></div> = Type I permitted use</div> <div><div></div> = Type II conditional use</div> <div><div></div> = Type III conditional use</div>		Low Density Resident	Medium Density Resident	Business Village	Business General	Non- Resident ial	Light Industria _	
USE TYPE		LD	MD	BV	BG	NM	LI	RELATED CODE(S)
Single-Family	Single Family, detached (1 unit)	<div></div>	<div></div> (3)					For Mobile Homes, see ICC 17.06.320.B
	Duplex (2 units)	<div></div> (6,7)	<div></div> (3)	<div></div> (2)				
	Single Family, attached (3—4 units)	<div></div> (6,7)	<div></div> (3,8)	<div></div> (2)		<div></div> (3,5)		Townhomes: ICC 17.06.320.E
	Manufactured home park	<div></div>	<div></div>					ICC 17.06.320.C
Multi-Family	Cottage housing	<div></div> (6,7,8)	<div></div> (3)	<div></div> (2)				ICC 17.06.320.D
	Multi-Family (5+ units)	<div></div> (7)	<div></div> (3,8)	<div></div> (2,3,5)	<div></div> (2,3,5)	<div></div> (2,3,5)		Includes courtyard, villa, and/or bungalow apartments
	Mixed-Use Residential, small (1—4 units)		<div></div> (3,5,7,8)	<div></div> (3,8)	<div></div> (3)	<div></div> (3)		Includes live/work units
	Mixed-Use Residential (5+ units)			<div></div> (3,8)	<div></div> (3)	<div></div> (3)		
Group Quarters	Residential Care Home	<div></div> (1,3,9)	<div></div> (1,3,9)					Up to 6 clients: ICC 17.06.350.C
	Group Home/Adult Family Home	<div></div> (8,9)	<div></div> (8,9)	<div></div> (1,3,8,9)				ICC 17.06.350.C

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(Supp. No. 24, Update 1)

	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.
<b>NOTES:</b> (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, <a href="#">unless developed in conjunction with an employer for workforce housing</a> . (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, <a href="#">unless developed in conjunction with an employer for workforce housing</a> . 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 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 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.								

(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)

# FREELAND CODE UPDATES

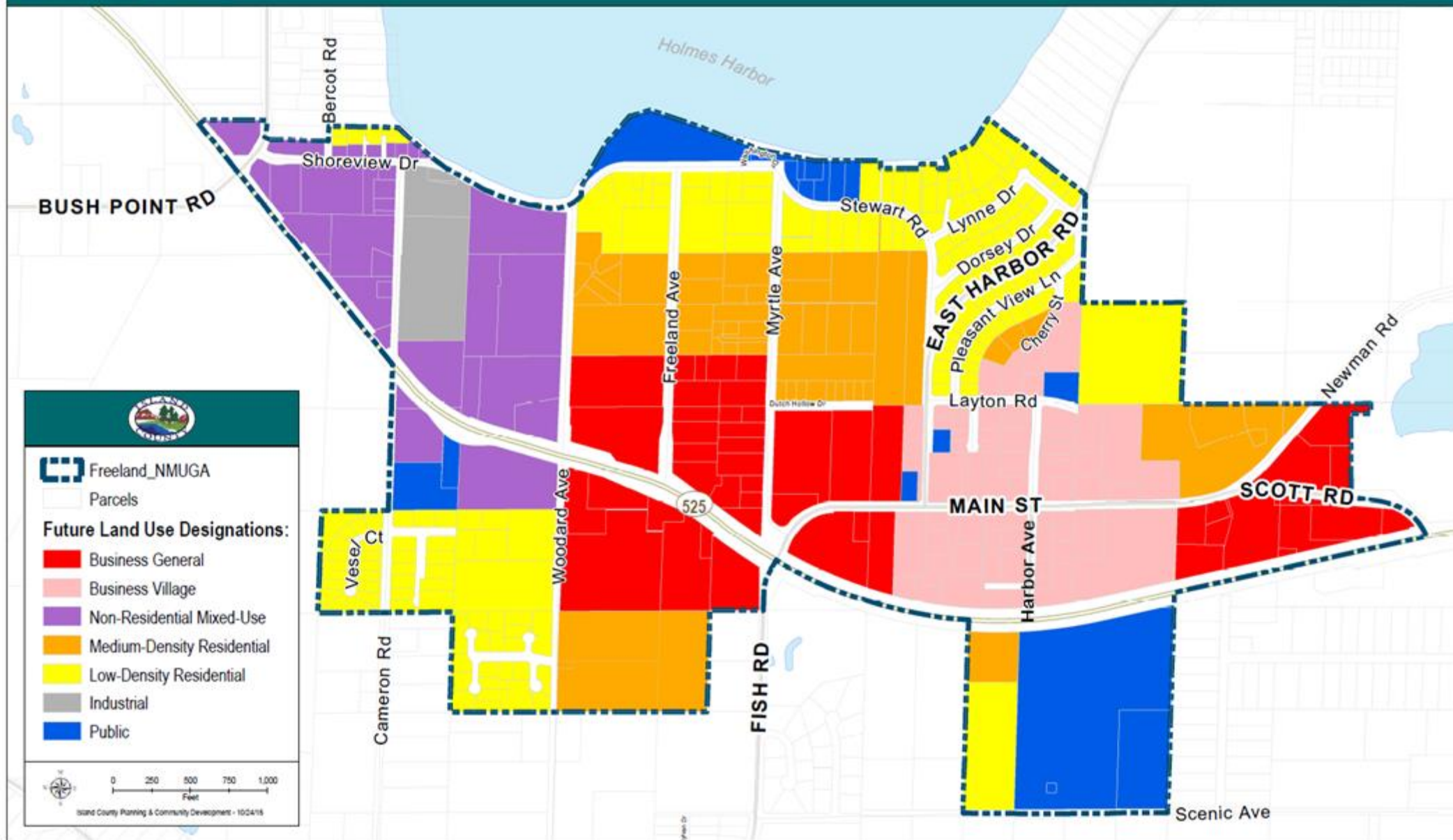


POTENTIAL UPDATES FOR CHAPTER 17.06 ICC

February 12, 2025

# Freeland Non-Municipal Urban Growth Area (NMUGA), Future Land Use Designations

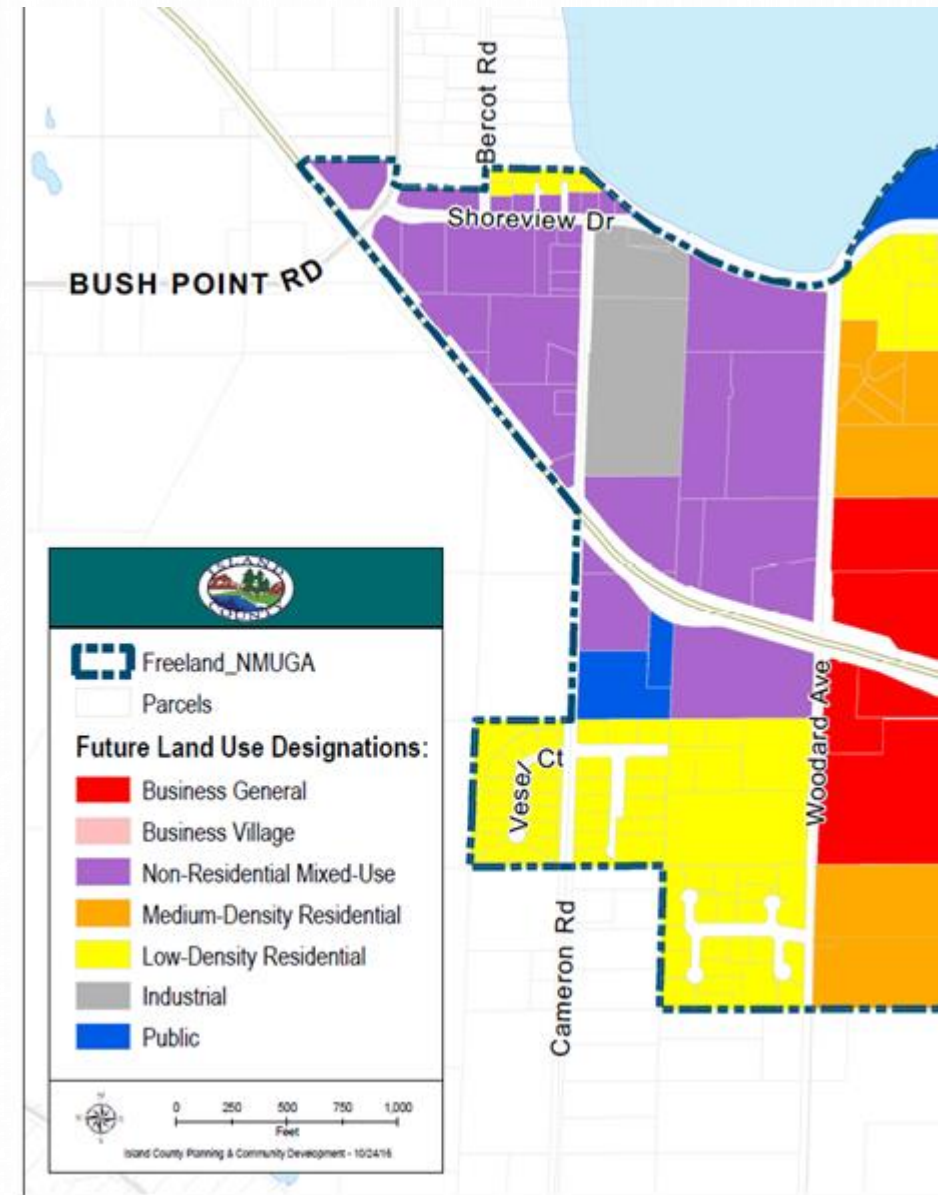
Freeland Subarea Plan - 2016 Update

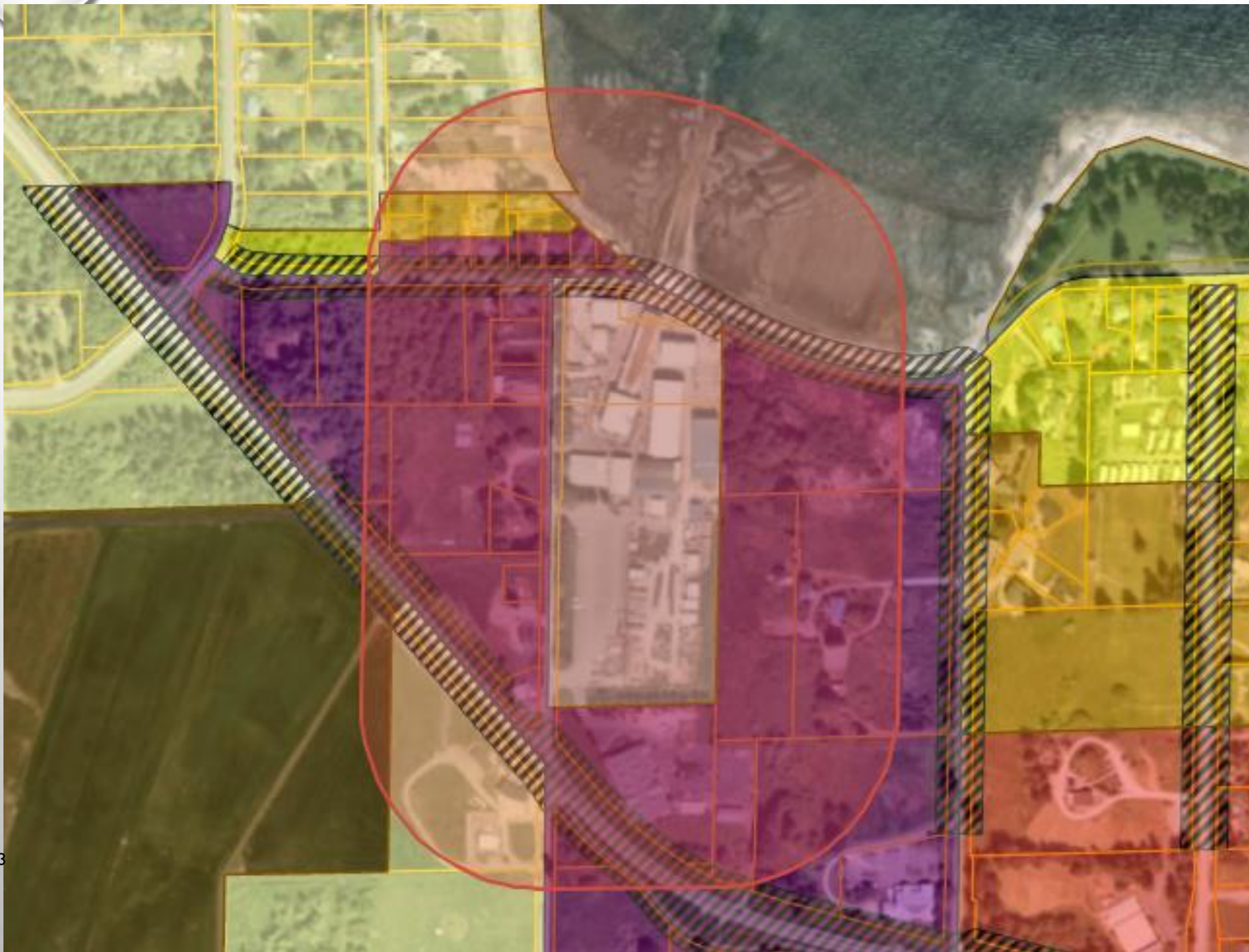


# Potential Code Updates

## Freeland Non-Municipal Urban Growth Area (NMUGA) Non-Residential Mixed-Use

- Allow for attached single family or multifamily housing development in the NM zone in limited circumstances in conjunction with an area employer
- Allow for housing development in the NM zone within 500' of the Light Industrial (LI) zone in conjunction with an area employer





February 2023

# Potential Code Updates

## Freeland NMUGA Business Village (BV)

- Allow for multi-family development as a stand-alone use in the BV zone when not along Main Street or Harbor Avenue
- Multi-family is a secondary (but not prohibited) use in the Subarea Plan (Section 1.4.2.4 – 2016 Freeland Subarea Plan as amended in 2019)

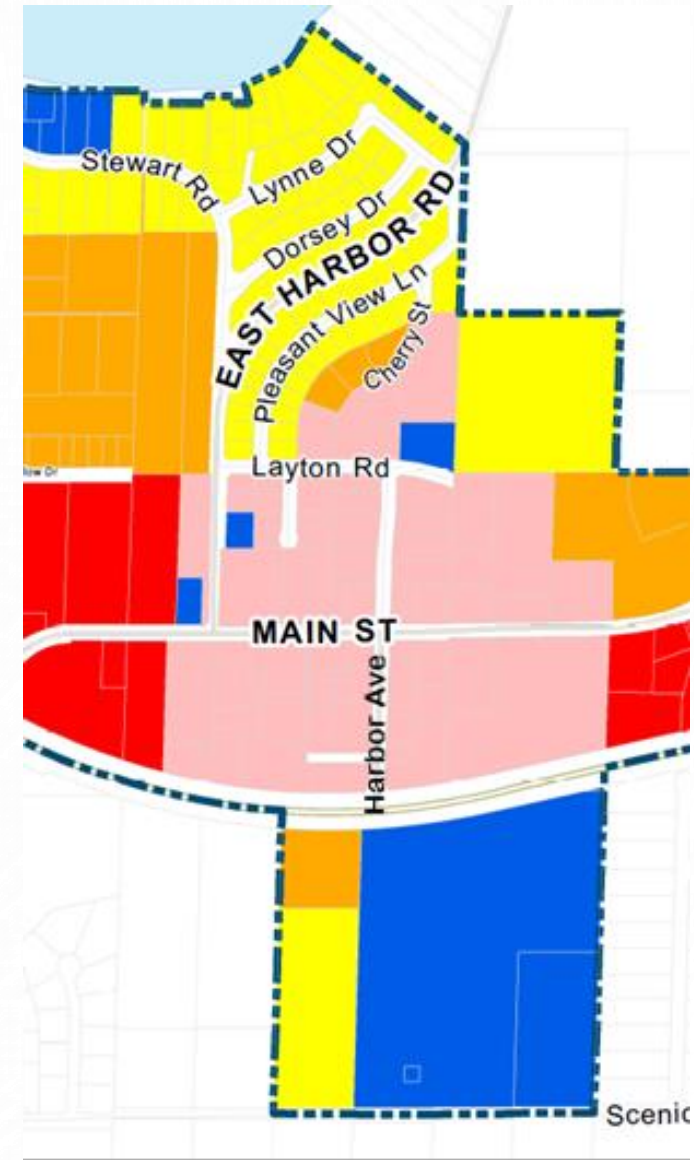


TABLE 17.06.210 RESIDENTIAL AND RESIDENTIAL ACCESSORY USES

<div> <div>I</div> = Type I permitted use  <div>II</div> = Type II conditional use  <div>III</div> = Type III conditional use </div>		Low Density Resident	Medium Density Resident	Business Village	Business General	Non- Resident ial	Light Industria	
USE TYPE		LD	MD	BV	BG	NM	LI	RELATED CODE(S)
Single-Family	Single Family, detached (1 unit)	I	II <sup>(3)</sup>					For Mobile Homes, see ICC 17.06.320.B
	Duplex (2 units)	II <sup>(6,7)</sup>	I <sup>(3)</sup>	I <sup>(2)</sup>				
	Single Family, attached (3—4 units)	II <sup>(6,7)</sup>	I <sup>(3,8)</sup>	I <sup>(2)</sup>		II <sup>(3,5)</sup>		Townhomes: ICC 17.06.320.E
	Manufactured home park	II	II					ICC 17.06.320.C
Multi-Family	Cottage housing	II <sup>(6,7,8)</sup>	I <sup>(3)</sup>	I <sup>(2)</sup>				ICC 17.06.320.D
	Multi-Family (5+ units)	II <sup>(7)</sup>	II <sup>(3,8)</sup>	II <sup>(2,3,5)</sup>	II <sup>(2,3,5)</sup>	II <sup>(2,3,5)</sup>		Includes courtyard, villa, and/or bungalow apartments
	Mixed-Use Residential, small (1—4 units)		II <sup>(3,5,7,8)</sup>	II <sup>(3,8)</sup>	II <sup>(3)</sup>	II <sup>(3)</sup>		Includes live/work units
	Mixed-Use Residential (5+ units)			II <sup>(3,8)</sup>	II <sup>(3)</sup>	II <sup>(3)</sup>		
Group Quarters	Residential Care Home	II <sup>(1,3,9)</sup>	II <sup>(1,3,9)</sup>					Up to 6 clients: ICC 17.06.350.C
	Group Home/Adult Family Home	II <sup>(8,9)</sup>	II <sup>(8,9)</sup>	II <sup>(1,3,8,9)</sup>				ICC 17.06.350.C

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	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:

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(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.

# Next Steps

- Send to PC for public hearing and recommendation on code updates.
- 60-day review at Commerce.
- Return to the Board for final approval.



# QUESTIONS?





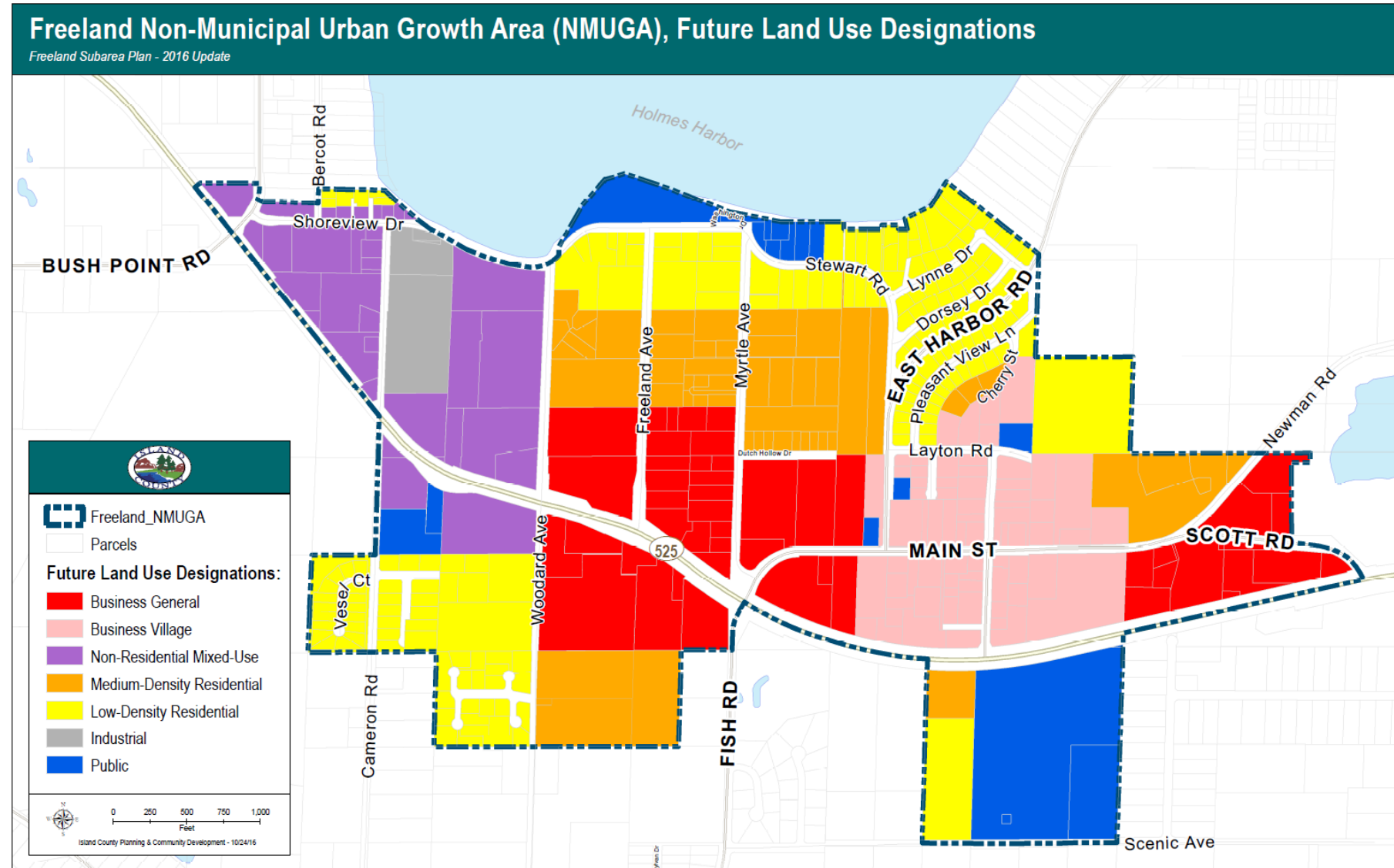
# **Freeland Sewer Learnings 2025 Comprehensive Plan**

**February 12, 2025**

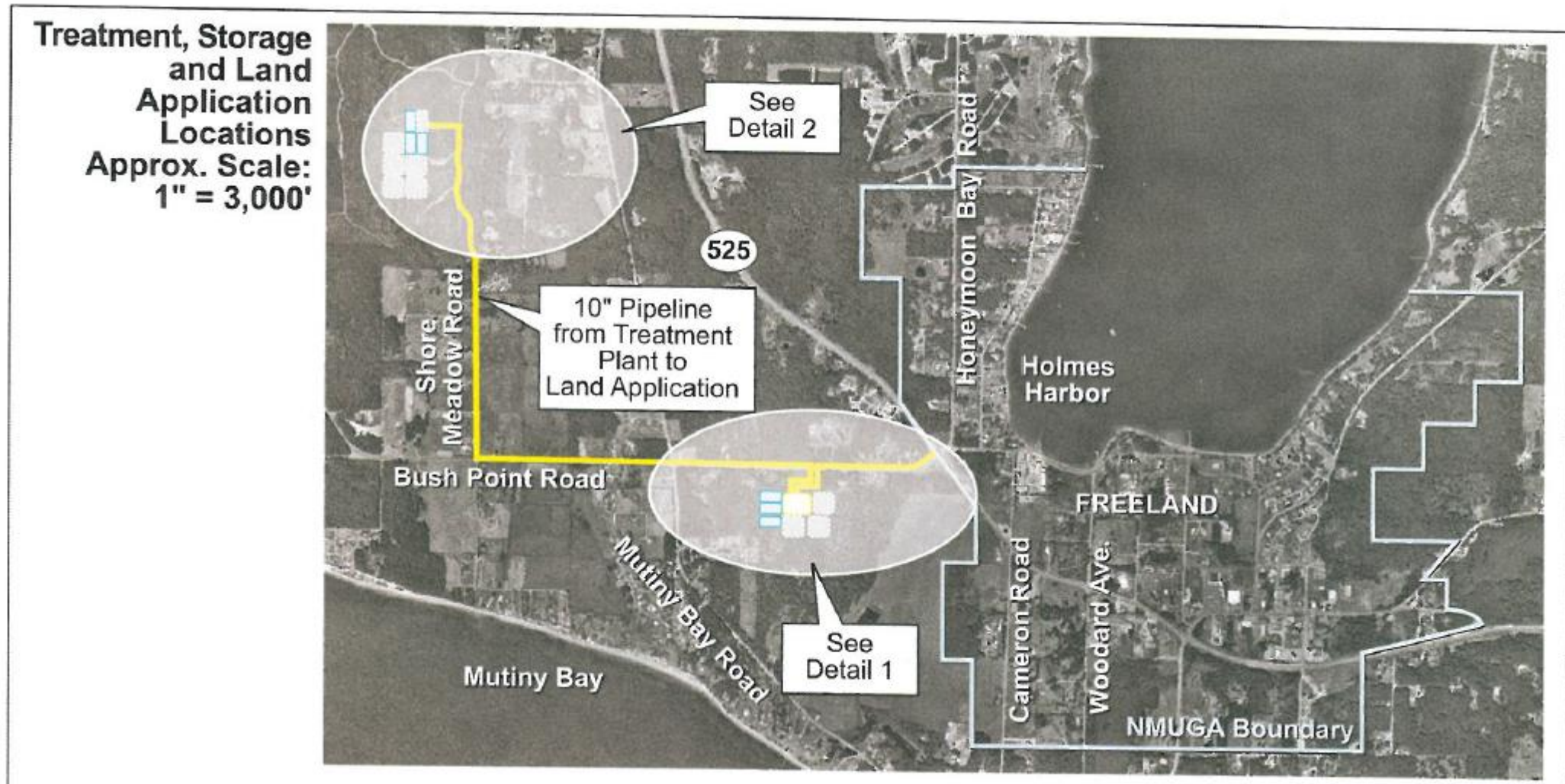
# Area Map of Freeland



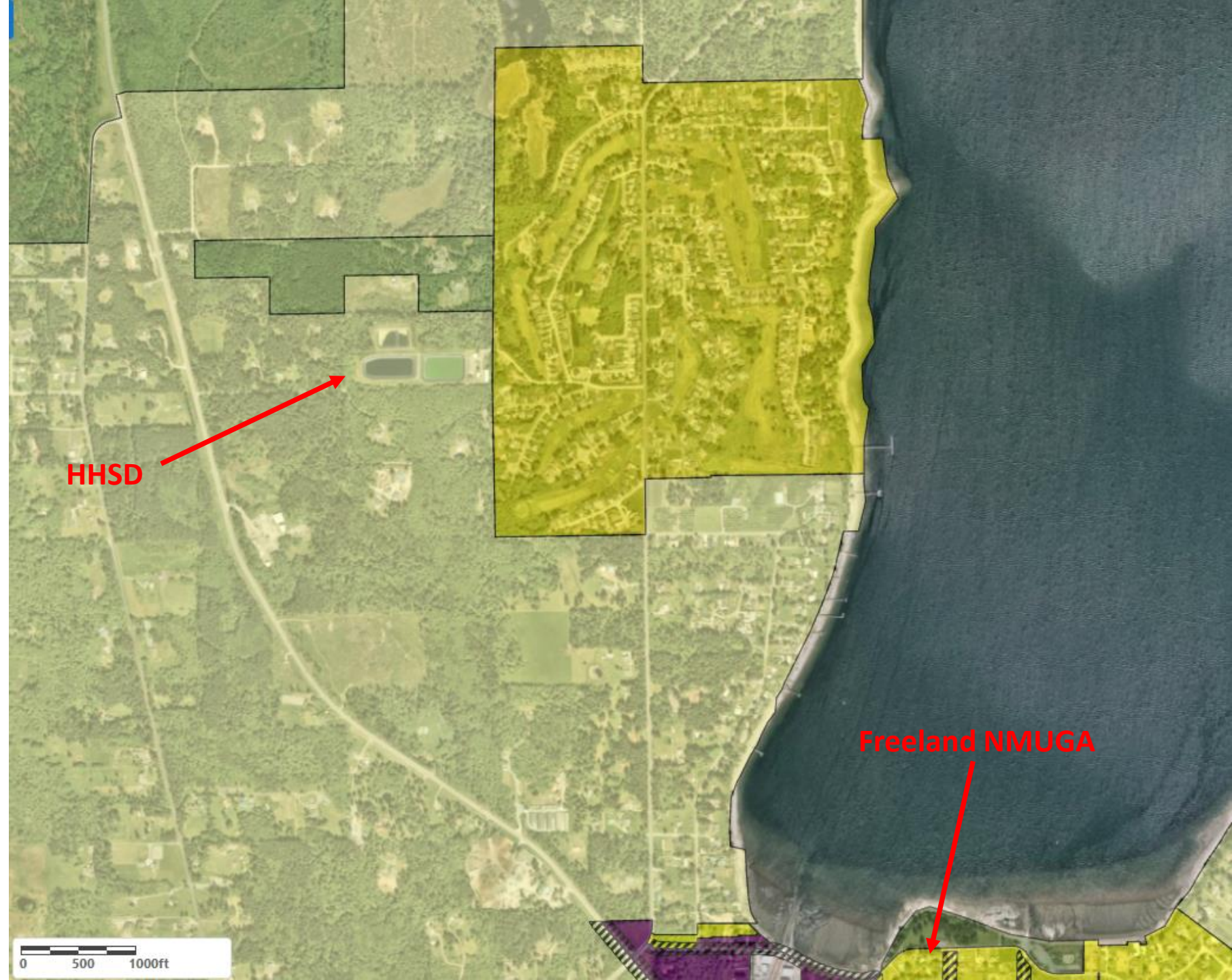
# Current Freeland NMUGA



# Previous FWSD Sewer Plan



# Holmes Harbor Sewer District



# Freeland Wetlands





# Questions?

Long Range Planning

[CompPlan@islandcountywa.gov](mailto:CompPlan@islandcountywa.gov)

[www.islandcounty2045.com](http://www.islandcounty2045.com)