

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING  
THE ISLAND COUNTY CODE TO  
MAKE MINOR HOUSEKEEPING  
AMENDMENTS IDENTIFIED BY  
COUNTY STAFF

ORDINANCE NO. C-43 -16  
PLG-002-16

**WHEREAS**, the Board of Island County Commissioners (“Board”) directed its staff to review the Island County Code and identify minor housekeeping issues such as obsolete text, scrivener’s errors, minor inconsistencies, and introduce proposed amendments that would “clean up” the housekeeping items; and

**WHEREAS**, planning staff conducted a review and identified certain housekeeping items that could be improved upon with minor code amendments; and

**WHEREAS**, a code amendment proposal was prepared and introduced to the Island County Planning Commission for their review; and

**WHEREAS**, the Planning Commission held a public hearing on March 14, 2016 and after considering the public input, if any, recommended that the Board of Island County Commissioners adopt the proposal;

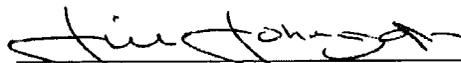
**NOW, THEREFORE,**

**IT IS HEREBY ORDAINED** by the Board of County Commissioners of Island County, Washington, that the amendments to the Island County Code attached hereto as Exhibit A amending Island County Code Chapters 16.06, 16.13 and 17.03 are hereby approved and adopted. Material underlined is added and material lined through is deleted. The Board of County Commissioners also adopts the Findings of Facts, attached herein as Exhibit B.

ADOPTED this 3rd day of May, 2016, and effective immediately.

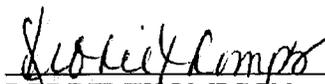
BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

  
RICHARD M. HANNOLD, Chair

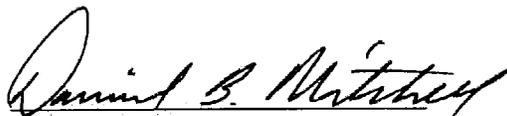
  
JILL JOHNSON, Member

  
HELEN PRICE JOHNSON, Member



ATTEST:   
DEBBIE THOMPSON  
Clerk of the Board

APPROVED AS TO FORM:

  
Daniel B. Mitchell  
Deputy Prosecuting Attorney  
& Island County Code Reviser

**EXHIBIT "A"**

**16.06.090 - Preliminary short subdivision approval.**

...  
F. Expiration of preliminary approval.

1. ~~The time limitation for submitting a final short plat for approval shall be the same as the time limitation for submitting a final plat for approval as set forth in ICC 16.06.110.F. Preliminary short subdivision approval shall expire if all requirements for final approval have not been fulfilled and the short plat approved and recorded within five (5) years of the date of the preliminary approval of the proposed project, or the first phase of such project if a project phasing schedule has been approved. Provided that any judicial appeal filed and accepted for review after preliminary approval shall automatically stay the time periods referenced above until a final decision on the appeal is rendered. The above five-year period shall also apply to all pending applications which have been granted preliminary approval as of the effective date of this chapter.~~

...  
**16.06.110 - Preliminary subdivision approval.**

...  
F. Expiration of preliminary approval.

1. ~~The time limitation for submitting a final plat for approval shall be the same as set forth in RCW 58.17.140(3). Preliminary subdivision approval shall expire if all requirements for final approval have not been fulfilled and the final plat approved and recorded within five (5) years of the date of the preliminary approval of the proposed project, or the first phase of such project, if a project phasing schedule has been approved. Provided that any judicial appeal filed and accepted for review after preliminary approval shall automatically stay the time periods referenced above until a final decision on the appeal is rendered. The above five-year period shall also apply to all pending applications which have been granted preliminary approval as of the effective date of this chapter.~~

...  
**16.06.120 - Application requirements for final approval.**

Application for final approval of a short subdivision or subdivision shall be made by submitting the original application together with all requirements as listed below.

A. Application form. . . .

...  
H. Final map. The final subdivision or short subdivision map shall be drawn based on a site specific survey as specified in section 16.06.110 in permanent black ink on one (1) or more sheets capable of reproduction, eighteen (18) inches by twenty-four (24) inches in size, and bearing the following information (unless specifically waived by the approving authority at the time of preliminary approval):

1. The legal description of the land contained in the land division;

- ...  
20. If applicable, any and all covenants, conditions, and restrictions intended to appear on the face of the plat or short plat.

...

**16.06.170 - Alterations, withdrawals and vacations.**

- A. Alterations. Land divisions may be altered in accordance with the following requirements and must meet the requirements of RCW 58.17.215, unless they are boundary line adjustments, lot combinations or boundary line corrections and can more readily and expeditiously be accomplished through the boundary line adjustment or correction process of this chapter:
1. A majority of all affected ownership interests within the originally recorded land division must be a party to the alteration application, or must express written agreement to the proposed alteration, including written agreement to accept ownership of any property, or to transfer or convey ownership of any property, which may be necessary as a result of the alteration. If the original land division was subject to restrictive covenants and the alteration would result in a violation of or require changes to those covenants, all affected ownership interests must agree in writing to terminate or alter the relevant covenants.
  2. Any conditions of approval contained in the original land division that are applicable to the alteration which have been relied upon in subsequent land development or land use planning decisions and which are still applicable at the time of application shall be incorporated in the alteration, unless such conditions are provided by other legal means at the time of approval of the alteration.
  3. In addition to notice requirements in RCW 58.17.215, procedures and requirements established by this chapter for land divisions shall be applicable to alteration requests, unless such alteration can otherwise be approved as a boundary line adjustment, lot combination, or boundary line correction. Alterations shall comply with applicable conditions of the original land division.
  4. Approval of any alteration which cannot otherwise be approved as a boundary line adjustment, lot combination or boundary line correction shall be approved as a Type II decision for short subdivisions and a Type III decision for subdivisions.

...

**16.13.100 - Powers.**

The examiner shall receive and examine available information, conduct public hearings and prepare a record thereof, and enter decisions as provided for herein.

...

- B. Appealable decisions (Type III). The decision of the examiner on the following matters shall be final unless such decision is appealed as provided in section 16.19.170, WAC 173-17-060 (shoreline civil penalties), or chapter 16.21 (shoreline administration); or is appealed in accordance with RCW 90.58.180 (Shorelines Hearings Board appeals):
1. Shoreline substantial development permit, conditional use, and variance permits when the underlying permit requires a hearing; rescission of such permits;
  2. Preliminary plat applications;
  3. Critical area alterations as provided in chapter 17.02;
  4. Site plan review for conditional uses classified as Type III decisions in chapters 17.03 and 16.19;
  5. Planned residential development applications for five (5) or more dwelling units;
  6. Civil penalties associated with shoreline cease and desist orders;

7. ~~Commercial agriculture zoning verifications;~~
87. Rezones classified Type III decisions by chapters 17.03 and 16.19; and
98. Critical area variance requests as provided in chapter 17.02B.

**~~16.13.150 - Transition.~~**

~~Until new county-wide zoning is enacted to replace the current interim zoning, or December 31, 1984, whichever date is earlier, the examiner, in his/her decisions and recommendations, shall be guided by the following criteria:~~

- ~~A. In case of conflict between the use of density designations in the optimal land use map and the text of the comprehensive plan, the text shall be controlling;~~
- ~~B. In case of conflict between the use or density designations in the optimal land use map and existing interim zoning, the optimal land use map shall be controlling;~~
- ~~C. In case of conflict between the comprehensive plan and any other development regulation of the county, the comprehensive plan shall be controlling; provided that, in all cases where the county seeks to maintain that a conflict exists, the county shall have the burden of demonstrating, to the satisfaction of the examiner, by clear and convincing evidence, that such conflict does in fact exist.~~

**17.03.100 - Commercial Agriculture (CA) Zone.**

- ~~H. Verification of Commercial Agriculture (CA) Zone classification. Parcels classified CA shall be converted to RA, processed as a technical Type IV amendment pursuant to chapter 16.19 with no county permit fee charged the owner if:
  - ~~1. Water rights are not available to the parcel and less than fifty (50) percent of the parcel contains prime soils; or~~
  - ~~2. The parcel contains less than twenty-five (25) percent prime soils; or~~
  - ~~3. The parcel is not farmable due to the critical area regulations contained in chapter 17.02; or~~
  - ~~4. The owner demonstrates that, as of June 2, 1999, the parcel did not meet the designation criteria set forth in subsection D. above.~~~~

~~For 180 days after the effective date of this amendment, if a property owner files a request for a technical amendment to be removed from the CA classification, the county shall, at no cost to the owner complete any necessary studies to verify the presence of prime soils. A technical amendment under this subsection may be processed simultaneously with a zoning amendment filed pursuant to section 17.03.220.~~

**17.03.120 - Rural Center (RC) Zone**

**C. Prohibited Uses**

1. Junk and salvage yards;
2. Single family dwelling units; and

3. Any building greater than 50,000 square feet of gross floor area, unless Appendix A is more restrictive in limiting building size within a particular Rural Center.

...

**17.03.180 - Land use standards.**

The land use standards contained in this section supplement the general land use regulations of this chapter and the specific development standards contained in other chapters of the Island County Code.

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**S. Site coverage and setbacks.**

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4. Building setbacks for the RC, RV, CGV, RS, LM and AP Zones.

...

- ~~4.~~{5.} Supplemental setback and height requirements.

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- ~~5.~~{6.} Sight distance setbacks.

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- ~~6.~~{7.} General exceptions to setback requirements:

...

- ~~7.~~{8.} Special shoreline setbacks.

...

**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:

...

5. In R and RR Zones, mobile/manufactured homes for relatives having a physical or mental infirmity.

- a. A mobile/manufactured home 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 shall be occupied by a family member or designated caregiver of the occupants of the primary dwelling unit;

...

**EXHIBIT "B"**

**Board Findings of Fact**

The Board of County Commissioners approves and incorporates in full the findings of fact of the Planning Commission attached as Attachment "A". The Planning Commission's findings attached here as Attachment "A" do not include the exhibits, if any, that were attached to the Planning Commission's findings of fact.



## ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

Dean Enell, Chair

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522, Ext. 7339 ■ from S. Whidbey (360) 321-5111, Ext. 7339 FAX: (360) 679-7306 ■ 1 NE 6<sup>th</sup> Street, P. O. Box 5000, Coupeville, WA 98239-5000. Internet Home Page: <http://www.islandcounty.net/planning/>

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~ MEMORANDUM ~

**To:** Board of Island County Commissioners

**From:** Island County Planning Commission

**RE:** Findings of Fact – Recommendation on Amendments to Titles 16 and 17 of the Island County Code; housekeeping amendments to the development regulations and standards.

**Date:** March 21, 2016

### Summary

The Community Development Department and Prosecuting Attorney's office have, over the last few months, assembled a list of proposed "housekeeping" amendments to the development regulations (Titles 16 and 17) of Island County Code, that are needed to correct minor housekeeping items, such as obsolete text, scrivener's errors, minor inconsistencies, and conflicting subsections. Some of these amendments have been discussed for years, others have more recently become necessary because of changes in State law or to Island County Code.

The Island County Planning Commission is forwarding to the Board of Island County Commissioners its recommendation of approval. The proposed amendments are attached here as Exhibit "A,"

### Findings

1. The Board of Island County Commissioners has directed its staff to review the Island County Code and identify minor housekeeping items such as obsolete text, scrivener's errors, minor inconsistencies, and introduce proposed amendments that would "clean up" the housekeeping items:

2. The Planning Commission finds that chapter 16.06 ICC contains the requirements for subdivision approval and alteration of approved subdivisions.
3. The Planning Commission finds that chapter 16.13 ICC contains the duties and powers of the Hearing Examiner.
4. The Planning Commission finds that chapter 17.03 ICC contains the standards for the various zones in Island County, including the Commercial Agriculture and Rural Center zoning districts, and the Land Use Standards .
5. The Planning Commission finds that adequate outreach to the local community and public was conducted by the Planning Department in accordance with ICC 16.26.080. There were no concerns raised by the public.
6. The Planning Commission finds that the proposed amendments to Titles 16 and 17 are exempt from threshold determination and EIS requirements under WAC 197-11-800(19) as procedural actions.
7. The Planning Commission conducted a public workshop regarding the proposed amendments on February 22, 2016 and a public hearing on March 14, 2016. There were no public comments in opposition to the proposed amendments.
8. The Planning Commission finds that the proposed amendments to chapters 16.06, 16.13, and 17.03 of Island County Code will enhance regulatory consistency, clarify the intent and meaning of the regulations, and reduce the potential for errors.
9. The Planning Commission finds that the proposed amendments to chapters 16.06, 16.13, and 17.03 of the Island County Code will enhance the Code's internal consistency and that the proposed amendments are consistent with the Island County Comprehensive Plan.

### Conclusion

The Island County Planning Commission has reviewed the proposed amendments to the development regulations in Titles 16 and 17 of Island County Code and recommends that the Board of Island County Commissioners adopt the proposed amendments.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this 3 day of 28, 2016 by,



Dean Enell,  
Chair, Island County Planning Commission

Attachments:

Exhibit "A" – Amendments to the Titles 16 and 17 of Island County Code