



Island County Planning and Community Development

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Memo

To: Board of Island County Commissioners
From: Josh Pitts, Long-Range Planner
Island County Planning & Community Development
Date: July 1, 2022
Subject: Rural Service zone – Tyee Grocery RAID
Parcel# R33014-369-2330

Summary

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Background

The Board of Island County Commissioners has identified **zoning code clean-up** as a priority and has placed it on the work plan for 2022. One of the code cleanups that the Planning and Community Development team has been tasked with is [ICC 17.03.035 table C](#), specifically in reference to **Rural Service Zone Tyee Grocery RAID**.

Tyee Grocery RAID is a 9.81-acre parcel on Camano Island that is zoned Rural Service (RS). Jim and Lori Deanne, the property owners, would like to further develop the parcel by adding five additional residential units. Island County Municipal Code states that permitted uses in **Rural Service Zones are limited to 4,000 square feet of gross floor area ([ICC 17.03.035.C***](#))**. Currently, the Tyee Grocery RAID parcel consists of two commercial units (the first 1,800 ft² and the second 2,200 ft²) and one residential unit (1,400 ft²). Thus, the ability to further develop their parcel is hindered by maximum the gross square footage allowed within Rural Service zones.

After a review of [Ordinance No. C-53-19](#) it appears that a section of code stating “The residential component of the mixed use shall not be included in the 4,000 square foot size limit”, was not included in the code update that created the tables found in 17.03.035.C.

Rural Service Zone RAIDs

Rural Service Zone is Island County’s smallest limited area of more intensive rural development ([RCW 36.70A.070\(5\)\(d\)](#)). At the State level, these are commonly referred to as LAMIRDs. Island County, on the other hand, refers to these types of designations as Rural Areas of Intense Development (RAID). RAIDs are not



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technically land use designations but rather were used to form logical outer boundaries to preexisting rural development to minimize and contain existing areas of more intensive rural use. As of July 1, 1990, the Revised Code of Washington (RCW) [36.70A.070\(5\)\(d\)\(iv\)](#) stipulates that a county shall adopt measures to minimize and contain the existing areas of more intensive uses. Detailed administrative code regarding LAMIRDs can be found in [WAC 365-196-425\(6\)](#).

According to [ICC 17.03.140](#), “The Rural Service (RS) Zone is applied to isolated existing mixed-use, retail or retail service businesses located in the Rural 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.” Generally speaking, Island County’s Rural Service zones primarily consist of a service station/mini-mart, and maybe a single-family residence, such as Bailey’s Corner in Clinton.

Island County’s goal regarding RAIDs is to support the preservation of the character of existing neighborhoods and communities through adopted goals, policies, and regulations. The main objective of a LAMIRD is to minimize and contain areas to prevent sprawl. Development or redevelopment is allowed and encouraged if the LAMIRDs **maintain existing character**.

Ordinance No. C-53-19

On June 25, 2019, the Island County Board of County Commissioners adopted amendments to Chapter 17.03 ICC ([Ordinance No. C-53-19](#)). According to the Island County Planning Commission *Finding of Fact and Legislative Intent*, the objective was to migrate four separate sections of ICC into one consolidated table to clearly denote applicable zones and conditions. In doing so, **use code was not to become more restricted and that changes were only made when needed to resolve conflicts or inconsistencies between the four sections**.

Previous to the amendment, Chapter 17.03.140.A.3 stated “Mixed-use (with residential not to exceed six (6) dwelling units per lot or parcel in a mixed-use building. The residential component of the mixed-use shall not be included in the 4,000 square foot size limit).” It is the staff’s belief that this was unintentional.

Findings & Conclusion

Staff finds that the amendments to Chapter 17.03 to simplify what uses are permitted in County zoning districts were not consistent with the existing regulations and that **an error occurred when migrating sections of ICC into one consolidated table**.

While the staff agrees that the Rural Service zone should be able to accommodate residential development, we also believe it would be irresponsible of the County to allow for residential density that would only be limited by the ability to comply with public health standards (i.e. septic). Additionally, since these RAIDs were established



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to acknowledge a service, Island County should also seek to maintain that unique feature and character that only exists in nine other locations across the County. Of the eleven original Rural Service zones, two cease to exist, Ulstalady Store on Camano and Maxwellton Store on Whidbey. And finally, to be consistent with other Rural Service RAIDs, we do not think it necessary to require that services and residential be in a mixed-use building.

Island County Planning and Community Development staff hereby **recommend that the zoning regulations (ICC 17.03.035.C***) regarding Rural Service zones be amended to (re)incorporate regulations** that stipulate:

*** In the Rural Service Zone permitted uses are limited to 4,000 square feet of 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 square footage than the non-residential uses.