

EXHIBIT D
RELATED CODE REVISIONS
ICC Titles 11, 15, 16 & 17

TITLE 11
LAND
DEVELOPMENT
STANDARDS

Chapters
11.01 & 11.02

11.01.090
11.02.180

TITLE 15
UTILITIES

Chapter 15.03

15.03.020
15.03.070

TITLE 16
PLANNING &
SUBDIVISIONS

Chapters 16.06, 16.10,
16.15, 16.17, & 16.19

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Chapters 17.03

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Appendix B

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11.01.090 - Development standards.

General requirements and improvements.

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K. Pedestrian circulation.

1. **Requirements.** Sidewalks and/or surfaced walkways shall be constructed adjacent to and/or within a parcel being "developed" in an municipal urban growth area, non-municipal urban growth area, and in a rural area of intensive development where subcommunity plans have been adopted and so dictate, as provided for below:
 - a. All commercial/industrial development contiguous to highway, arterial, and collector streets.
 - b. Residential development—Contiguous to external highway, arterial, and collector streets. Internal pedestrian ways shall be provided in accordance with an approved plan to separate pedestrian and motor vehicular traffic.
2. **Trail and bikeway systems.** Consistent with the Island County Comprehensive Plan, Freeland Subarea Plan, and Island County Non-Motorized Trails Plan, trail and bicycle systems may be required to implement adopted plans.
3. **Construction standards.** Material and construction for sidewalks, trails, and bikeways adjacent to county roads shall conform with the standard specifications or approved alternatives.
4. **Construction.** Unless earlier installation is required by the Island County Engineer, required sidewalks shall be installed in conjunction with either the construction of an adjacent road or the construction of a building structure. That portion of any required sidewalks adjacent to any lot shall be constructed prior to issuance of a certificate of occupancy for a building constructed on such lot.

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M. Fire protection. All new subdivisions, ~~including~~ site plan segregations, developments, and buildings, shall be required to provide fire protection in accordance with requirements specified in chapter 13.03 [4], in addition to those required by the Uniform Building and Fire Code as adopted by Island County.

N. Direct access driveway/road approach requirements shall meet the following criteria:

1. Direct access driveway/roadway placement must be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:

Posted Speed Limit (mph)	Minimum Sight Distance (feet)
25	250—275
30	300—330

35	350—385
40	400—440
45	450—495
50	500—550
The longer distances reflect heavy truck traffic.	

2. The Business Village zoning district in the Freeland Non-Municipal Urban Growth Area (NMUGA) utilizes a build-to line. To accommodate the intent of the district to place all or a portion of the building on the property line, the Public Works Director may approve an alternate minimum sight distance triangle in the Business Village zoning district.
23. Driveway/roadway spacing on arterial and collector roads will be determined as a function of posted operating speeds. Spacing will be determined according to the following schedule:

Posted Speed Limit (mph)	Minimum Spacing (feet)
25	105
30	125
35	150
40	180
45	230
50	275

- a. These spacings are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation.
- b. Spacing will be measured from the midpoint of each driveway/roadway.
- c. In the event that a particular parcel lacks minimum sight distance by the above criteria, but safe sight distance is available, the Island County Engineer may grant an administrative variance.

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11.02.180 - Disclosure statement.

Pursuant to the requirements of this chapter, no person shall sell, lease, or offer for sale or lease any property within a geologically hazardous area that has been the subject of a geotechnical report required by this chapter, unless the prospective buyer or lessee has been given notice substantially as follows:

To: _____

The Property at _____ is located within [a] geologically hazardous area. Geologically hazardous areas include areas susceptible to the effects of erosion, sliding, earthquake, or other geologic events. They pose a threat to the health and safety of citizens when incompatible residential, commercial, industrial, or infrastructure development are

sited in areas of a hazard. Geologic hazards pose a risk to life, property, and resources when steep slopes are destabilized by inappropriate activities and development or when structures or facilities are sited in areas susceptible to natural or human-caused geologic events.

Some geologic hazards can be reduced or mitigated, but not eliminated by engineering, design, or modified construction practices so that risks to health and safety are acceptable. Island County has placed certain restrictions on development and use of geologically hazardous areas.

Before purchasing or leasing the above property, you should consult the Island County Zoning Ordinance chapter 17.03 or the Freeland Zoning Code Chapter 17.06 ICC, as applicable, the Island County Critical Area Ordinance ~~Chapter 17.02B ICC~~, the Island County Grading Ordinance ~~Chapter 11.02 ICC~~, and any previously issued permits/geotechnical reports to determine restrictions, if any, which have been placed on the subject property.

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15.03.020 - Definitions.

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Zoning classifications shall mean those classifications used in ~~chapter~~Title 17.03 ICC, ~~Island County Zoning Code~~.

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15.03.070 - System of charges.

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B. Rural and residential zones (R, RR, OH-R, UGA-L, and Freeland zoning district LD). Properties zoned rural and residential in the county are found to have a relatively standard area of impervious surface of approximately 5,000 square feet per parcel. Rates for residential parcels will be established through resolution of the Board of County Commissioners. The rate is based on a typical residential parcel of 2.5 acres with fifty (50) percent forest, fifty (50) percent lawn, and 5,000 square feet of impervious surface. The run-off calculation used for individual lots is the rational method as detailed in the 1998 King County Surface Water Design Manual.

C. Commercial and industrial (OH- I, OH-HSC, OH-PBP, OH-PIP, RC, RV, CGV, RS, LM, AP, and Freeland zoning districts MD, BV, BG, NM, ID). Properties zoned commercial or industrial generally do not have a standard area of impervious surface, and thus shall be charged based on a base fee equivalent to a residential parcel plus an impervious fee based on the approximate number of square feet of impervious surface on the individual commercial parcel in excess of 5,000 square feet. The number of square feet of impervious surface for commercial properties shall be determined in accordance with section 15.03.080.

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16.06.040 - Definitions.

Whenever the following words and phrases ~~that~~ appear in this chapter, ~~they~~ shall be given the meaning attributed to them by this section, ~~other chapters of title 16, or chapters contained in Title 17 ICC.~~
When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory and the word "may" indicates a use of discretion in making a decision.

Alteration means any change to the boundaries of lots within a recorded final short plat or final plat which does not qualify as a boundary line adjustment, lot combination, boundary line correction, withdrawal or vacation; any change in easements or areas dedicated to the public; or, any change in conditions of approval of such a plat.

Alteration of a critical area means as defined in chapter 17.02B, as may be amended.

Applicant means any person who files an application for land division who is either the person(s) identified in the assessor's records as the owner of property on which that proposed activity would be located; or the authorized agent of such a person.

Application means the information required to complete the review of a land division under this chapter as set forth in section 16.06.060.

Block means a group of lots, tracts, or parcels within well defined and fixed boundaries.

Boundary line adjustment means the adjustment of boundary lines between platted or unplatted lots or both, which creates no additional lot, or which creates no additional lot that contains insufficient area and dimension to meet minimum requirements for width and area for a building site. The combination of two (2) or more lots where no public dedication is modified, is a lot combination and is not a boundary line adjustment.

Certificate of title means a certificate from a title company identifying the record owner(s) of property and any person or entity having a legal interest in the property.

Contiguous means land adjoining and touching other property including lands separated from each other by private road or private right-of-way.

Critical areas means as defined in chapter 17.02B, as may be amended.

Dedication means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. Acceptance of a dedication by the county is evidenced by the recording of a final plat or short plat.

Facilities providing personal wireless services means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

Final plat means the final drawing of the subdivision and dedication prepared for filing of record with the Island County Auditor, and containing all elements and requirements set forth in this chapter.

Land division means the segregation of a parcel of land into smaller parcels or lots, including short subdivisions and subdivisions.

~~**Lot** means a fractional part of divided land created by short subdivision or subdivision.~~

~~**Lot combination** means the combination of two (2) or more lots where no public dedication is modified.~~

~~**Owner** means any person or persons having a legal right or interest including a fee owner, contract purchaser, mortgagor or mortgagee and beneficiary or grantor of a trust or deed of trust, but not including the grantee of an easement.~~

~~**Parcel** means a legal division or segregation of land, including a parcel established by the assessor and assigned a number for assessment purposes. Includes lots and tracts.~~

~~**Person** means an individual (regardless of relationship or legal capacity), limited liability company, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or other such affiliated ownership.~~

~~**Personal wireless services** means any federally licensed personal wireless service.~~

~~**Planning Department** means the Island County Department of Planning and Community Development.~~

~~**Planning Director** means the Director of the Department of Planning and Community Development or his or her designee.~~

~~**Preliminary plat** means a neat and approximate drawing of a proposed short subdivision or subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a short subdivision or subdivision.~~

~~**Road, private** means any easement, parcel, or right of way created to provide access that is not a public road.~~

~~**Road, public** means a road maintained by the State of Washington by a city or by Island County, regardless of whether right of way was acquired by deed, dedication or prescriptive easement.~~

~~**Short plat** means the map or representation of a short subdivision submitted for final approval and recording showing thereon the division of a tract or parcel into lots, blocks, streets, or other divisions.~~

~~**Short subdivision** means the division of land into four (4) or fewer lots, tracts or parcels for the purpose of development, sale, lease, transfer, gift, or other conveyance.~~

~~**Subdivision** means the division or redivision of land into five (5) or more lots, tracts or parcels for the purpose of development, sale, lease, transfer, gift or other conveyance.~~

~~**Tract** means a parcel of land which is created for purposes of common ownership and use by two (2) or more property owners, an association or government entity and is reserved for specifically designated functions. Tracts shall be lettered A, B, C, etc.~~

~~**Vacation** means the elimination of a subdivision or short subdivision or removal of lots or dedicated lands therefrom after recording of the final plat or short plat and after sale of any lots within the land division.~~

~~**Withdrawal** means the elimination of a subdivision or short subdivision after recording of the final plat or short plat before sale of any lots within the land division.~~

~~**Zone** means the zoning designation of a lot, tract or parcel based on the Island County Zoning Code, chapter 17.03.~~

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16.06.070 - Boundary line adjustments.

A. **Criteria for approval of a boundary line adjustment.** The Planning Director shall approve all complete boundary line adjustment applications for adjustments which are consistent with the following criteria:

1. The lots involved in the adjustment are contiguous legally created lots;
2. The proposed adjustment would not create any additional lot, tract or parcel and will not create a split-zoned parcel;
3. Except as provided in subsection A.8. below, the proposed adjustment would not create a lot of insufficient width or dimension to meet the minimum lot size required in the zone in which the lot(s) is/are located;
4. Except as provided in subsection A.8., the proposed adjustment would not cause an existing structure to fail to comply with required setbacks;
5. Except as provided in subsection A.8., the adjustment would not violate the conditions of another permit or approval issued by county;
6. Legal means of access to a public or private road is clearly provided for or waived by the applicant. Waiver shall be noted clearly on the face of the map approved by the Planning Director;
7. The applicant acknowledges in writing that compliance with all applicable county codes including those contained in titles 8, 11, 13 and 17 will be required before development of the modified lots is permitted. This statement shall be noted by the county clearly on the face of the map approved by the Planning Director.
8. Adjustment among existing lots. For adjustments among two (2) or more lots in which one (1) or more of the lots involved in the adjustment is smaller than the current zoning classification, the adjustment would allow a lot to more nearly conform to the lot size or setback requirements of chapter 17.03 chapter 17.06 for properties within the Freeland NMUGA or create more buildable lot configurations. For example, a smaller lot may be made larger by reducing the size of a larger lot so that, on balance, greater conformity is achieved.
9. The adjustment shall not result in the creation of a lot which lacks an adequate building site as defined in chapter 17.02B.

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16.10.010 - Elements adopted.

The following elements of the Island County Comprehensive Plan have been approved and certified by the Board of County Commissioners pursuant to Chapter 36.70 RCW and Chapter 36.70A RCW. The original documents are on file with the Island County Auditor, and copies may be obtained from the Island County Planning Department. The documents are too large to be reprinted verbatim in the Island County Code.

- A. ~~Policy plan and land use element—Island County Policy Plan/Land Use Element.~~ ^[5]
- B. ~~Economic Development Element. Water resources element—Island County Water Resources Element—Island County Ground Water Management Program—Ground water management program.~~
- C. ~~Shoreline management element—Island County Shoreline Management Master Program, 1975, approved and adopted by the Board of County Commissioners pursuant to the Shoreline Management Act of 1971 (SMA) on March 2, 1976, and approved by the Department of Ecology pursuant to the SMA as part of the state master program on June 25, 1976.~~
- D. ~~Housing element—Island County Housing Element.~~
- E. ~~Historic preservation element—Ebey's Landing National Historic Reserve Comprehensive Plan—Ebey's Landing National Historical Reserve Comprehensive Plan, October 15, 1979.~~
- F. ~~Natural lands resources element—Island County Natural Lands Plan.~~
- G. ~~Parks and recreation element—Island County Parks and Recreation Plan Update.~~
- H. ~~Transportation element—Island County Transportation Plan, Update—Island County Non-Motorized Trail Plan, and—Six-Year Road Program.~~ ^[6]
- I. ~~Utilities element—Island County Utilities Plan.~~
- J. ~~Capital facilities element—Island County Capital Facilities Plan and—Six-Year Capital Facilities Improvement Program.~~ ^[7]
- K. ~~Freeland Sub-Aarea Plan.~~

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16.15.080 - Criteria for approval.

A. No application for site plan review shall be approved unless it meets the requirements of this section. No development pursuant to an approved site plan shall be undertaken unless it meets the requirements of titles 8, 11, 13 and 17 pertaining to such development.

1. **Open space.** Provide open space in the amount required by chapter 17.03 or chapter 17.06, as applicable. The location, use and design shall meet the following standards:

- a. Include critical areas designated and regulated by chapter 17.02B; and
 - b. Include areas of prime soils identified by NRCS.
2. **Site lay-out.** The location of the development, parking, landscape screening and buffers shall meet the requirements of chapter 17.03 or chapter 17.06, as applicable and following standards:
- a. Locate development to minimize the amount of disturbance to natural features and landscape;
 - b. Development shall be located so as to minimize the amount of agricultural land loss and shall not be located on prime soils.
3. **Lighting.** Shall comply with the requirements of chapter 17.03 or chapter 17.06, as applicable.
4. **Building design.** Shall comply with the applicable non-residential design guidelines set forth in chapter 17.03 or chapter 17.06, as applicable, except that for essential public facilities the approving authority may waive design requirements as determined by the approving authority to be necessary and appropriate to the type and location of the essential public facility.
5. **Surface water drainage.** Shall meet the requirements of chapter 11.03 and special attention shall be given to proper site surface drainage so that site drainage will enhance groundwater recharge and not adversely affect downstream properties and the site.
6. **Utility services.** Wherever feasible, electric, telephone, and cable utility lines shall be underground.
7. **Advertising features.** The size, location, design, color, texture, lighting, and materials of all exterior signs and outdoor advertising structures or features shall be harmonious with the design of proposed and existing buildings and structures and surrounding properties and shall comply with the requirements of chapter 17.03 or chapter 17.06, as applicable.
8. **Traffic and circulation.** Shall comply with the requirements of chapter 17.03 or chapter 17.06, as applicable.

B. The above criteria shall be in addition to any standards or requirements established by applicable state and county laws or ordinances. They are not intended to be absolute in nature or to discourage creativity and innovation. The approving authority shall have the authority to modify the standards contained within these criteria when found necessary. However, said modifications shall be made only to ensure that the proposal is adapted to any unique or special site features and is compatible with surrounding land use; provided, that for proposals which require only administrative site plan approval, the Planning Director may waive and/or modify certain of the criteria for approval as appropriate to the limited scale and impact of the project.

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16.15.130 - Dedications and reservations.

Provision for open space, drainage ways, streets, or roads may be made by dedicating land for public use, by reserving land for future public acquisition and development, or by conveying land or easements therein to nonprofit corporations for use by all or a limited segment of the public. All dedications and reservations shall be recited on the face of the site plan, as well as incorporated in such documents as may be needed to reflect the assignment of interest. Dedications shall be required by the county only when the need for such dedication is supported by the site specific impacts of the proposed site plan and/or uses allowed in the site plan by chapter 17.03 or chapter 17.06, as applicable. Refusal of the approving authority to accept a dedication shall not be grounds for disapproval of the site plan.

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16.15.170 - Penalties and enforcement.

- A. Any site plan approved under this chapter and its requirements shall be legally enforceable on any subsequent purchaser or other person acquiring ownership of the land subject to the site plan, or any lots, tract, or parcels of such land, as well as on the applicant(s) and owner(s) of the land who obtained site plan approval.
- B. Any violation of a site plan approved by Island County shall be considered a violation of chapter 17.03 or chapter 17.06, as applicable, and shall be subject to all of the remedies and penalties provided for in said chapter.

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16.17.020 - Applicability.

This chapter shall apply to any residential development in the rural agriculture, rural forest, rural, or commercial agriculture zone where lots are to be clustered on a portion of the property or where allowed in the Freeland NMUGA pursuant to chapter 17.06.

- A. Type II decision. Any PRD where no more than four (4) dwelling units are proposed, shall be processed as a Type II decision pursuant to chapter 16.19. The proposed short subdivision (short-platting) of land into four (4) or fewer lots shall be reviewed pursuant to chapter 16.06.

Each contiguous parcel in one (1) ownership shall constitute a separate parcel in determining whether a proposed PRD will be classified as a Type II or Type III decision. For five (5) years subsequent to the recording of a Type II PRD, further divisions of said property shall constitute an action requiring review as a Type III decision.

- B. Type III decision. Any PRD proposing five (5) or more dwelling units shall be processed pursuant to chapter 16.19 as a Type III decision. The proposed subdivision (long platting) of land into five (5) or more lots shall be reviewed pursuant to chapter 16.06.
- C. Land division under chapter 16.06 may be processed separately or simultaneously with an application for PRD approval, provided that, when applications are processed simultaneously, a single fee shall be charged.

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16.17.060 - General conditions of approval.

No application for a PRD shall be approved unless a specific finding is made that the proposal is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed PRD shall not result in a significant adverse environmental impact that cannot be mitigated by reasonable mitigation measures.
- B. The PRDs outside of the Freeland NMUGA will be adequately served by rural governmental services as defined by chapter 17.03, will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area, and will not require in the future urban governmental services as that term is defined by chapter 17.03 or chapter 17.06, as applicable.
- C. The subject site is physically suitable for the type, density and intensity of the use being proposed.
- D. For properties outside the Freeland NMUGA, the proposed use and its design provide a better opportunity to protect rural character as defined by chapter 17.03 than a traditional subdivision or short subdivision.
- E. Except for the designated open space and access road, proposals within the rural agriculture or commercial agriculture zones shall not be located on prime agriculture soils or interfere with commercial agriculture or commercial forest use of the land.

In approving an application for a PRD, the decision-making authority may impose conditions to carry out the above criteria. Any such conditions shall be supported by a written finding and have a direct nexus to and be limited to those specific actions necessary to carry out these criteria.

16.17.070 - Specific criteria for approval.

A. No application for PRD approval shall be approved unless it meets the requirements of this section. No development pursuant to an approved PRD shall be undertaken unless it meets the requirements of titles 8, 11, 13, 16 and 17.

- 1. Preservation of natural features.

- a. Proposed structures, uses and roads shall be located to minimize disturbance to natural features by, for example, minimizing tree and soil removal.
- b. Open space, in the amount required by chapter 17.03 or chapter 17.06, as applicable, shall be clearly defined and protect natural features in the following order of importance or priority:
 - (i) First, include critical areas designated and regulated by chapter 17.02B;
 - (ii) Second, for CA and RA zoned lands include areas of prime agricultural soils identified by NRCS;
 - (iii) Third, include areas useful for wildlife and fish and wildlife habitat; and
 - (iv) Fourth, include natural features, identified by the applicant, that are important to the overall design of the PRD.
- c. When site conditions permit, open space aggregation is encouraged into one (1) contiguous area and shall not include private yards.

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16.17.120 - Dedications and reservations.

Provision for open space, drainage ways, streets or roads may be made by dedicating land for public use, by reserving land for future public acquisition and development, or by conveying land or easements therein to nonprofit corporations for use by all or a limited segment of the public. All dedications and reservations shall be recited on the face of the PRD as well as incorporated in such documents as may be needed to reflect the assignment of interest. Dedications shall be required by the county only when the need for such dedication is supported by the site specific impacts of the proposed PRD and/or uses allowed in the PRD by chapter 17.03 or chapter 17.06, as applicable. Refusal of the approving authority to accept a dedication shall not be grounds for disapproval of the PRD.

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16.17.160 - Penalties and enforcement.

- A. Any planned residential development approved under this chapter and its requirements shall be legally enforceable on any subsequent purchaser or other person acquiring ownership of the land subject to the planned residential development or any lot, tract, or parcel of such land, as well as on the applicant(s) and owner(s) of the land who obtained planned residential development approval.
- B. Any violation of a planned residential development approved by Island County shall be considered a violation of chapter 17.03 or chapter 17.06, as applicable, and shall be subject to all of the remedies and penalties provided for in said chapter.

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16.19.040 - Application/decision types, permit classifications, and urban growth area/joint planning area procedures.

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B. **Permit classifications.** Land use decisions shall be categorized by application type as set forth in Table B.

**TABLE B
 Permit Classifications**

CODE CHAPTER	I	II	III	IV
Chapters 11.02, 11.03, 11.04, 14.01A, 16.06, 16.14, 16.15, 16.17, 17.02B, 17.03, 17.05A		Any otherwise Type I application/decision not exempt from SEPA threshold determinations		
Chapters 11.02, 11.03 and 11.04	Administrative determinations exempt from SEPA threshold determinations			
Chapter 14.01A	Building permits exempt from SEPA threshold determinations			
Chapter 15.02	Storm and surface water utility charges			
Chapter 15.03	Clean water utility rate adjustments and/or classification changes			
Chapter 16.06	Administrative determinations, boundary line adjustments Final subdivision and short subdivision decisions that are all exempt from SEPA threshold	Preliminary short subdivision decisions alterations, withdrawal or vacation of a short subdivision	Preliminary subdivision decisions alterations, withdrawal or vacation of a subdivision	

	determinations.			
Chapter 16.14C	SEPA categorical exemption decisions for Type 1 decisions	SEPA categorical exemption decisions and SEPA threshold determinations for Type II decisions	SEPA categorical exemption decisions and SEPA threshold determinations for Type III decisions	
Chapter 16.15	Administrative determinations exempt from SEPA threshold determinations	Administrative conditional uses (see chapters 16.15 and 17.03)	Quasi-judicial conditional uses (see chapters 16.15 and 17.03)	
Chapter 16.17	Administrative determinations exempt from SEPA threshold determinations	PRDs of 4 or less units	PRDs of 5 or more units	
Chapter 17.02B	Permitted use/reasonable use determinations Adaptive management orders Administrative determinations Single family on existing lot Wetland map corrections Rural stewardship plans Voluntary improvement plans that are all exempt from SEPA threshold determinations Exemption authorizations	Permitted use/reasonable use determinations Reasonable use compliance restoration plans Permitted alteration permits	Alterations of deepwater habitat or FWHCA permitted use/reasonable use determinations Base density exceptions Critical area variances	Designation of habitats or species of local importance
Chapter 17.03	Animal management plan RA, and RF rezones Temporary use approvals Permitted uses Farm (BMP) management plan that are all exempt from SEPA threshold determinations	Zoning Code interpretations Zoning variances Zoning setback reductions Certificates of zoning compliance Administrative conditional uses Enforcement orders	Quasi-judicial conditional use CA, RA and RF rezones Revocations of permits and approvals	Special review district approvals Zoning Code amendments Farm/EDU management plan approvals CA/RA/RF verifications Designation of existing master planned resorts

Chapter 17.05A	Shoreline exemptions Administrative determinations exempt from SEPA threshold determinations	Shoreline substantial development permits Shoreline CUP and variances	Shoreline permit approvals for quasi-judicial uses	Shoreline Master Program amendments
Chapter 17.06	<u>Permitted uses</u> <u>Design alternatives</u>	<u>Zoning Code interpretations</u> <u>Zoning variances</u> <u>Zoning setback reductions</u> <u>Certificates of zoning compliance</u> <u>Administrative conditional or secondary uses</u> <u>Enforcement orders</u>	<u>Quasi-judicial conditional use</u> <u>Revocations of permits and approvals</u>	<u>NMUGA Boundary adjustments and related rezoning</u>

C. **Urban growth area procedures.**

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3. **Town of Coupeville.** Reserved.

4. **Freeland NMUGA.**

- a. Any new non-residential development within Village Core zoning districts that is also within the sub-basin draining into Holmes Harbor shall contribute a pro-rata, "fair" share fee to complete the surface and stormwater improvements set forth in the Island County Stormwater and Flood Hazard Management Plan.
- b. For all non-residential development and residential development greater than one (1) single family residence per existing lot within the Freeland NMUGA boundaries as a condition of county approval, a development agreement must be executed in a form prescribed by the county. The development agreement must include provisions wherein the applicant agrees to participate on a fair pro-rata share basis in costs of future public facilities that are approved through the LID or ULID process.

16.19.050 - Community meeting—Intent and purpose.

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B. Unless otherwise specified in chapter 17.03 or chapter 17.06, as applicable, conditional land use proposals classified as Type III applications, except for home industries and surface mines on mineral lands that are designated by the county of long term commercial significance, that are proposed in the rural, rural agriculture, rural forest, and commercial agriculture zones, shall be subject to the community meeting requirements.

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17.03.030 - User guide.

- A. Three (3) different sections of the Zoning Code need to be consulted to understand what land use activity can be conducted in the county.
1. First, ~~turn~~ to the applicable zone classification. You will find both permitted and conditional uses. For properties within the Freeland NMUGA, refer to chapter 17.06 for permitted and conditional uses.
 2. Second, ~~once~~ you have located your intended use, check the definition section for the definition of special terms, ~~section ICC 17.03.040.~~
 3. Third, ~~check~~ to see if special conditions or land use standards are applicable to the use. You will find these standards in the land use standards section, ~~section ICC 17.03.180.~~ For properties within the Freeland NMUGA, refer to the standards in ICC 17.06.300-350.
 - a. If you find no special standards for a listed use, then none are expressly required by this Zoning Code.
 - b. Though not typically used, site specific conditions may be imposed to address impacts of a proposal.
 - c. Other chapters of ~~title~~ 17 may also require compliance.
 - (i) Chapters 17.02, 17.02A, and 17.02B ICC, critical areas, and Chapter 17.05 ICC shoreline use regulations, may impose special standards and in some cases limit uses otherwise allowed by the Zoning Code. For example, Chapter 17.05 ICC provides for and establishes standards for some specific shoreline uses.
 - (ii) Other titles of the Island County Code may also need to be consulted as well, such as Health (title 8), Land development standards (title 11), Public works (title 13), Buildings and construction (title 14) and Planning and subdivisions (title 16).
- B. A user may wish to consult the Island County Comprehensive Plan and the Freeland Subarea Plan to understand the applicable goals and policies. Under state law, the Zoning Code must be consistent with, and implement the comprehensive plan. Therefore, if a conflict between the plan and the Zoning Code arises, the plan will control. Any other conflict will be resolved by applying the more stringent Code standard.
- C. Three (3) summary charts are included in this chapter listing uses covered expressly by the Zoning Code: section 17.03.035A, Agricultural and forest uses; section 17.03.035B, Rural uses; and section 17.03.035C, Rural non-residential uses. Do not assume, because a use is not listed that it is prohibited. Through Code interpretation, section 17.03.190, the Planning Director is authorized to determine the appropriate classification for uses not listed expressly in the Zoning Code.

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17.03.040 - Definitions.

Unless expressly noted otherwise, words and phrases that appear in this chapter shall be given the meaning attributed to them by this section, other chapters of title 17, or chapters contained in title 16. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory and the words "may" and "should" indicate a use of discretion in making a decision. Unless otherwise noted, the words and phrases defined in this section shall apply, unless a more specific definition is provided in another title or chapter of Island County Code.

...

Alley means any way or thoroughfare shown on the face of a recorded subdivision which provides alternate access to a lot.

Alteration, boundary line means any change to the boundaries of lots within a recorded final short plat or final plat which does not qualify as a boundary line adjustment, lot combination, boundary line correction, withdrawal or vacation; any change in easements or areas dedicated to the public; or, any change in conditions of approval of such a plat.

Alteration of a critical area means as defined in Chapter 17.02B ICC, as such chapters may be amended.

Animal shelter means a facility which is operated to shelter, rescue, and find homes for homeless animals and to educate the community on humane and responsible animal care.

Applicant means any person who files an application subject to review under Titles 16 or 17 ICC ~~this chapter~~ who is either the person(s) identified in the assessor's records as the owner of the property on which the proposed activity would be located or the authorized agent of such person.

Application means the information required to complete the review of a land use permit.

...

Area-wide rezone means the rezoning of lots under separate ownership or non-contiguous lots.

Art Studio means establishment for the preparation, display, and sale of artwork, jewelry, furniture, sculpture, pottery, and related items or the practice, instruction, or performance of the fine arts such as, but not limited to, vocal or instrumental music, dance, or writing.

Articulation means an emphasis of architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. See ICC 17.06.330.C.1 for articulation standards within the Freeland NMUGA.

Articulation interval means the measure of articulation; the distance before architectural elements repeat. See ICC 17.06.330.C.1 for articulation standards within the Freeland NMUGA.

Artifact means a usually simple object showing human workmanship or modification, including, but not limited to, a tool, ornament, and by-products of tool-making.

Artisan Workshop means an establishment for the creation of individually crafted artwork, jewelry, furniture, sculpture, pottery, and related items. Includes limited small-scale light manufacturing such as stone work or welding for sculpture, furnaces for glass blowing, kilns for pottery, or similar activities and the related storage of necessary raw materials. May include an art studio use within the workshop.

Attached describes dwelling units that share a common roof or are joined by a common roof.

...

Bed and breakfast room means overnight tourist lodging facilities functioning as an accessory use to a detached single family dwelling unit providing sleeping accommodations in not more than two (2) guest rooms or one (1) attached or detached guest cottage.

Block means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

Board means the Board of Island County Commissioners.

Boundary line adjustment means the adjustment of boundary lines between platted or unplatted lots or both, which creates no additional lot, or which creates no additional lot that contains insufficient area and

dimension to meet minimum requirements for width and area for a building site. The combination of two (2) or more lots where no public dedication is modified, is a lot combination and is not a boundary line adjustment.

Box sign means a sign enclosed by a case with internal illumination and plastic facing. The plastic facing shall utilize a solid dark colored background with light colored lettering.

...

Building means any structure used or intended for supporting or sheltering any use or occupancy (UBC definition).

Build-to line refers to the location of the building façade on a lot, running parallel to the front property line without further setback. The line at which the building frontage must sit.

Build-to percentage means the percentage of the building façade/frontage that must be built at the build-to line.

Bungalow Court means a building type with a grouping of three or more detached buildings arranged to share a courtyard with pedestrian access to the buildings from the courtyard and fronting street(s). The courtyard is intended to be an outdoor room that can be seen from the public realm. Each building may accommodate up to four dwellings or non-residential uses in either a live-work configuration or as solely commercial/retail space facing the primary street, as allowed by the zone.

Camping means erecting a tent or shelter or arranging bedding or other for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.

Centerline of roadway means the centerline of the road or street is the as-built center of a road or street.

Certificate of title means a certificate from a title company identifying the record owner(s) of property and any person or entity having a legal interest in the property.

Channel lighting means a sign where each letter is an individual sign and each letter is internally illuminated.

Character means the special physical characteristics of a structure or area that set it apart from its surroundings and contributes to its individuality. The image and perception of a community as defined by its built environment, streetscapes, landscaping, natural features and open spaces, and types and size of housing and how those elements relate to the public realm.

Church or building of worship means a building or buildings intended for religious worship including ancillary activity and improvements such as religious education, assembly rooms, kitchen, reading room, recreation hall and may include a residence for church staff. This definition does not include schools devoted primarily to nonreligious education.

...

Communication tower means any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or mono-pole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers.

Communication, small cell means a wireless communication antenna that is three (3) cubic feet or less space with associated equipment of twenty-eight (28) cubic feet or less. Small cell structures are defined by FCC rule 1.1312(e)(2) as it exists or is amended (at publication of this ordinance, defined as fifty feet (50') or less in

height and no more than ten percent (10%) higher than its existing height or that of adjacent structures). [Note: Small cell is also commonly referred to as 5G wireless technology.]

Community area means the area set aside for use by all residents of a subdivision or PRD including clubhouses, recreational facilities, common storage areas, well sites and sanitary facilities.

...

Contiguous means land adjoining and touching other property including lands separated from each other by private road or private right-of-way.

Cottage housing means a multi-family housing style with one or more clusters of small housing units arranged in and around a common open space. Units are typically detached, but may have two attached units.

Country inn means overnight tourist lodging facilities providing sleeping accommodations in a rural area, with not more than forty (40) guest rooms. Related ancillary uses may include ~~with~~ restaurant and conference facilities for up to seventy-five (75) participants.

Courtyard apartment or courtyard building means a structure where the building is designed to give the appearance of a large house comprised of attached units arranged to share one or more courtyards, where the building will typically be built to the outermost allowed boundaries (minimum setback or at the build-to line) with internally defined courtyards. Pedestrian access to the building's entrances is from the courtyard and/or fronting street(s). The courtyard is intended to be an outdoor room that can be seen from the adjacent public realm. Courtyard buildings may accommodate multi-family and/or non-residential uses in either a live-work configuration or as solely commercial/retail space facing the primary street, as allowed by the zoning district.

Covered open air walkways means a roofed open passage that provides pedestrian connection between individual structures, which may include features such as pillars, posts and railings, but shall not contain walls, with the exception of primarily transparent walls for weather protection (e.g., glass or plexi-glass).

Cultural center means cultural centers include but are not limited to art galleries, archeological center, libraries, museums, musical and live theater.

Cutoff light fixture means an outdoor light fixture shielded in such a manner that all (100%) light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane (90°).

Day care means a facility maintained under public or private auspices and licensed by the state for the purpose of providing care, assistance and/or training for persons (children or adults) not related to the caregiver. The care is provided for less than twenty-four (24) hours during one (1) day.

...

Day care nursery means family-home care provided for up to six (6) persons not related to the caregiver. A day care nursery is considered to be a home occupation and must meet the standards for home occupation.

Dedication means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. Acceptance of a dedication by the county is evidenced by the recording of a final plat or short plat.

Distillery means an establishment licensed under RCW 66.24.140 (distillery) and RCW 66.24.145 (craft distillery) in accordance with standards set forth in Title 66 RCW. Such facilities may include additional product-related uses such as orchards, cellars or similar product-storage areas, tasting rooms, and sales as authorized by state law, and sales of merchandise related to products available for tours and tastings.

...

External lot means a lot to which an access easement is attached.

Façade means the exterior wall of a building that is set along a frontage line. It consists of the entire building front or street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

Facilities providing personal wireless services means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

...

Farm or forest unit means lots, tracts or parcels of land that are actively managed in agricultural or forest uses and that are in one (1) contiguous ownership.

Farm worker housing means residential structures which are required for farm operators, employees, or family members of the operator or owner who are employed on the farm. These structures may be mobile homes, dormitories, or single-family dwellings. One (1) of the adults living in the home must make over fifty (50) percent of his or her gross income from the farming operation or be a caretaker of the farm.

Farm produce stand and forest products stand means a building or structure which is used for the primary purpose of selling farm produce, forest products or hand made products, but which may also be used for the sale of other farm or forest related goods and certain food service products.

...

Feedstock means organic material used in the composting process, which may include yard waste, animal waste, municipal solid waste, other specialty wastes, which are grouped into four (4) categories referenced below.

Type 1 feedstocks means source separated yard and garden wastes, wood wastes, agriculture crop residues, wax-coated cardboard, pre-consumer vegetative food wastes, other similar source separated materials that the Island County Health Department determines to have a comparable low level of risk in hazardous substances, human pathogens, and physical contaminants.

Type 2 feedstocks means manure and bedding from herbivorous animals that the Island County Health Department determines to have a comparable low level of risk in hazardous substances and physical contaminants when compared to Type 1 feedstock.

Type 3 feedstocks means source separated food wastes or other similar source-separated materials that the Island County Health Department determines to have a comparable low level of risk in hazardous substances and physical contaminants, but are likely to have high levels of human pathogens.

Type 4 feedstocks means mixed municipal solid wastes, post collection separated or processed solid wastes, industrial solid wastes, industrial biological treatment sludges, or other similar compostable materials that the Island County Health Department determines to have a comparable high level of risk in hazardous substances, human pathogens and physical contaminants.

Final plat means the final drawing of the subdivision and dedication prepared for filing of record with the Island County Auditor, and containing all elements and requirements set forth in this chapter.

Floor area ratio (FAR) means the ratio between the gross floor area and the square feet of the parcel or lot area.

Food processing means the preparation, processing, canning and/or packaging of food products for human consumption. Examples of activities included are bakeries, dairy product processing, fruit and vegetable canning, and miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants. Does not include rendering plants and facilities that slaughter animals.

Food truck means a licensed vehicle from which food is sold at temporary sites. Workers work inside the food truck but the public stays outside. A food truck is no more than 8.5 feet wide and has at least one of the following: an electrical system, a water or drain system, or a propane gas system. A food truck with attached trailer hitch, trailer, or other extension (i.e. for a bar-b-que or grill) must not exceed forty (40) feet in length.

Food truck court means any lot, or part of a lot, that is used primarily for more than one food truck to operate.

Footcandle (FC) or (VFC) means a unit of measurement that shows the quantity of light received on a surface, and defined as one lumen per square foot of area illuminated. Footcandle or FC is a general term for all types of illumination, while vertical footcandles (VFC) refers only to illumination being produced on a vertical surface (facade of a building) or passing over a property line (spill light/light trespass). Footcandles shall be measured by a photometer.

Forest use means the current use of land for the primary purpose of growing, harvesting, managing and sale of forest products in accordance with the Washington Forest Practices Act (Chapter 76.09 RCW) and regulations adopted pursuant thereto. See Agricultural/farm use.

...

Fourplex means a dwelling unit, or portion thereof, designed for occupancy by four (4) families living independently of each other, doing their own cooking and containing four (4) dwelling units. Such dwelling units have a common roof or the dwelling units are joined by a common roof.

Frontage means the area between a building façade and the vehicular lanes, inclusive of its built and planted components.

Full cutoff light fixture means an outdoor light fixture shielded in such a manner that all (100%) light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane (90°) and where and the luminous intensity at or above a vertical angle of 80° does not exceed 10%.

Full visual screen means the use of any combination of landscaping, wall, and/or fence where the materials chosen, and placement of those materials, intended to exclude visual contact between uses and to create a strong impression of spatial separation during all seasons of the year. The screening shall be considered to be a full view visual screen at maturity if there are no openings greater than one square foot and no less than 80% opacity per eight (8) linear feet of screening from the ground to a height of at least six feet [note: 100% opacity is a complete blockage of all visibility through an object, such as through a solid masonry wall].

Government services means administrative, clerical, or public contact offices of a government agency, public or private utility, including postal facilities, together with storage and maintenance of vehicles and equipment.

...

Home occupation means a business activity or use of a small scale which is incidental to and secondary to the residential use and is conducted on the parcel or within the dwelling unit or an accessory structure owned by the operator of the home occupation.

Hotel or Motel means an overnight lodging establishment containing seven or more guest rooms in which lodging is offered for compensation. Related ancillary uses may include, but shall not be limited to, conference facilities and meeting rooms, restaurants and banquet facilities, and recreational facilities such as a swimming pool, spa, and fitness center.

Impervious surface means a surface area that prevents or impedes infiltration of water into the soil mantle; retards the infiltration of water into the soil mantle such that it causes water to run off the surface in greater quantities or at a greater rate of flow than under natural conditions. Common impervious surfaces include roof

tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled surfaces. Open, uncovered retention/detention facilities are not considered impervious surfaces.

Impervious surface ratio means a measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

Infiltration means the downward movement or seepage of water from the surface to the subsoil and/or groundwater. The infiltration rate is expressed in terms of inches per hour.

Infiltration facility means a structure or area that allows stormwater runoff to gradually seep into the ground (e.g. pervious pavement, pervious pavers, rain gardens, water resource zones, French drains, seepage pits, infiltration basins, dry wells, perforated pipes).

Institutional describes the use of a structure to provide public services such as churches, schools, daycare/group homes, utilities and fire stations. Generally, institutional uses are owned and/or operated by a public or non-profit agency.

...

Kennel means the boarding, breeding, keeping or training places or the keeping or raising of five (5) or more household pets, at least six (6) months of age, which are owned by persons other than the owner of the property, may be permitted as a home industry. A kennel shall not include animal hospitals or veterinary clinics.

Land division means the segregation of a parcel of land into smaller parcels or lots, including short subdivisions and subdivisions.

Landscaping means any combination of living plants, such as trees, shrubs, vines, ground grass, natural substances such as rock, stone, bark chips or shavings, and structural features, including, but not limited to, fountains, reflecting pools, outdoor art work, and benches.

...

Livestock, large means livestock including horses, cows, alpacas, ostrich, emu, llamas, goats, sheep and buffalo.

Livestock, small means types of goats and horses commonly referred to as pygmy, dwarf, or miniature, typically weighing less than 150 pounds and all domestic or barnyard poultry.

Live-Work Unit means a mixed-use building type integrating a housing unit and working space, occupied and utilized by a single household, in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity. There is an internal connection between the housing unit and the work space. The housing unit includes a complete kitchen space and sanitary facilities in compliance with the Building Code and the working space is reserved for, and regularly used by, one or more occupants of the unit.

Logical outer boundary means a term described in RCW 36.70A.070 and used by Island County to define the permanent outer limit of the Rural Residential, Rural Center, Rural Village, Rural Service, Light Manufacturing and Airport Zones.

...

Lot means a fractional part of divided lands having fixed boundaries and being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels, including existing tracts or parcels. Lot as used in this chapter shall include both a standard section subdivision and also the corresponding equivalent fractional part of a section, for example, 1/128 of a section shall also mean five (5) acres.

Lot area/lot size means the total land area within the lot lines. Gross lot area shall include any land area required to be dedicated for public right-of-way or public open space, and/or donated for such purposes. Tidelands (land seaward of the ordinary high tide line), whether privately or publicly owned, shall not be included in the calculation of lot area. However, privately owned shorelands (non-tidal) should be included in such calculation.

Lot combination means the combination of two (2) or more lots where no public dedication is modified.

Lot, corner means a lot abutting on two (2) or more streets, other than an alley, at their intersections.

...

Lot width means the average horizontal distance between the side lot or parcel lines, calculated by dividing the lot area measured in square feet by the length of the lot (i.e., the distance between the front and rear property lines measured in feet).

Lumen is the unit used to measure the total amount of light that is produced by a light source/lamp. All light sources reduce in lumen output the longer that they are operated. "Initial lumens" is a term defined as the amount of light output from a lamp when it is new. "Mean lumens" is a term defined as the average lumen output of a lamp over its life, and is the lumen value utilized in the proper design of lighting systems. A lumen is a unit of standard measurement used to describe how much light is contained in a certain area.

Manufactured home means a single-family dwelling unit built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also:

- Includes plumbing, heating, air conditioning, and electrical systems;
- Is built on a permanent chassis; and
- Can be transported in one (1) or more sections with each section at least eight (8) feet wide and forty (40) feet long when transported; or when installed on the site is 320 square feet or greater (see RCW 46.04.302).

...

Mining waste means accumulations of waste material and overburden placed on the land surface, whether above or below water.

Mixed use means a development involving a combination of residential and non-residential uses with multiple functions within the same building (either stacked units and/or shared walls) or in multiple buildings on a single lot (integrated by building design, adjacency, site plan/layout, and circulation patterns). It may or may not include a residential component. Typically, a mixed use structure may have non-residential uses at street level with residential uses on the second floor.

Mixed use area means specific areas established pursuant to RCW 36.70A.070 ⁽¹⁰⁾ as areas of more intensive development. The Rural Center, Rural Village and Rural Service Zone are used for these areas. Commonly referred to as a RAID.

Mobile home means a factory-built dwelling unit built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

Mobile/manufactured home park means a tract of land under the ownership or management of one (1) person, firm or corporation where three (3) or more spaces are provided solely for the placement of

mobile/manufactured homes for residential purposes. A mobile/ manufactured home park shall not include PRDs or subdivisions, recreational vehicle parks or the placement of mobile/manufactured homes as authorized through a temporary use permit.

Modular housing means a dwelling unit, other than a manufactured home, constructed on-site composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Modular housing meets all of the following requirements: is designed only for erection or installation on a site-built permanent foundation; is not designed to be moved once erected or installed; and is designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a state or local modular building code recognized as generally equivalent to building codes for site-built housing. For land use purposes, a modular dwelling unit is considered the same as a site-built dwelling unit.

Mono-pole means a self supported structure composed of a single spire used to support telecommunication equipment.

...

Park trailer or park model trailer means a recreational travel trailer designed to be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. The trailer's gross area shall not exceed 400 square feet when in the setup mode. Park trailer or park model trailer excludes a mobile home and is not a dwelling unit.

Parking Facility - Public or Commercial means a parking lot or structure operated by the County, a local improvement district, or a private entity providing parking for public or private patrons. Does not include towing impound and storage facilities.

Parking Structure means a building containing two or more stories of parking.

Parks Zone means the zoning classification applied to certain designated lands intended for public service and recreational activities.

Passive use park means a park featuring passive recreation pursuits such as interpretive programs and trail systems which take advantage of geological, biological or scenic resources located within the park, but not including recreational facilities such as swimming pools, gyms and playing fields.

Pedestrian-oriented means a built environment that caters to--and is designed around--the pedestrian experience. Design elements have an emphasis primarily on the sidewalk, how a building relates to the sidewalk (building frontage), and on pedestrian access to the site and building, rather than on auto access and parking areas. The density, layout, and infrastructure encourages walking and biking, including short setbacks, front porches, sidewalks, and pathways. The scale and relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element, is designed taking into account the perceptions and walking speed of a typical pedestrian.

Pedestrian-oriented open space (PED) means publicly accessible spaces that enliven the pedestrian environment by providing opportunities for outdoor dining, socializing, and/or relaxing, and that provide visual amenities that can contribute to the character of the neighborhood.

Pedestrian pathway or passage means a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and/or connect rear parking areas to building frontages and are free from vehicular traffic.

Permitted use means a use or structure allowed by right in a zone subject to the limitations and standards of this chapter. Permitted uses are classified as ministerial decisions under chapter 16.19.

Person means an individual (regardless of relationship or legal capacity), limited liability company, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or other such affiliated ownership.

Personal wireless services means any federally licensed personal wireless service.

Planned residential development (PRD) means a cluster residential project approved by the board pursuant to chapter 16.17. A PRD may include detached or attached dwelling units.

Planning Department means the Island County Department of Planning and Community Development.

Planning Director means the Planning Director of Island County, Washington, or his or her authorized representative.

Preliminary plat means a neat and approximate drawing of a proposed short subdivision or subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a short subdivision or subdivision.

Prohibited use means a use that is expressly prohibited by this chapter. Unlisted uses will be classified through Code interpretations (section 17.03.190) and are not necessarily prohibited.

Public realm means outdoor areas of the built environment intended to be accessible to, and used by, the general public. It comprises the streets, sidewalks, open spaces, and other outdoor places that do not require permission to access.

RAID means an area of more intensive rural development established pursuant to RCW 36.70A.070. See also the definitions of "Mixed use non-residential and residential areas."

...

Setback means the required minimum horizontal distance between every structure and the lot lines and/or centerline of any abutting road.

Short plat means the map or representation of a short subdivision submitted for final approval and recording showing thereon the division of a tract or parcel into lots, blocks, streets, or other divisions.

Short subdivision means the division of land into four (4) or fewer lots, tracts or parcels for the purpose of development, sale, lease, transfer, gift, or other conveyance, approved pursuant to chapter 16.06, often referred to as a "short plat".

...

Site-specific rezone means the rezoning of contiguous lots under the same ownership

Small cell technology means a short-range mobile phone communications technology consisting of low-powered radio access nodes or base stations that operate in a spectrum range of 10 meters to 2 kilometers. The term small cell includes femtocells (primarily residential/neighborhood uses), picocells (primarily used for businesses), and microcells (primarily used for outdoors or public spaces).

Small scale means of a size or intensity which has minor impacts on the surrounding area and which makes minor demands on existing public facilities and services.

...

Specialty instructional facility means a facility of education not intended for K-12 education, instead primarily devoted to some other form of education. These facilities can be two (2) different scales, home occupation or commercial business. Examples of a specialty instructional facility as a home occupation include an

art studio that provides lessons or small group (fewer than ten (10) people per session) musical instrument instruction or language classes. Examples of a specialty instructional facility as a commercial business include martial arts schools, satellite centers of a community college, or driving instruction.

Step-back means a change in upper story building height at a specified distance behind the setback line, with the building height determined by zoning district or zoning overlay (e.g. view corridor overlay).

Storage, outdoor means an outdoor area used for the storage of tools, equipment, vehicles and materials, including construction contractor storage yards. Outdoor storage associated with retail uses such as lumber, building supplies and topsoil are considered accessory retail uses allowed in zones that permit retail sales and services.

...

Tourist use, small-scale means an isolated use that relies on a rural location or setting and complies with the land use standards set forth in section 17.03.180.

Townhouse a row of three or more attached single family dwellings. Each unit has its own front entryway.

Tract means a parcel of land which is created for purposes of common ownership and use by two (2) or more property owners, an association or government entity and is reserved for specifically designated functions. Tracts shall be lettered A, B, C, etc.

Transom window means a window or series of windows placed above a beam separating a door and/or storefront windows. Transom windows are often placed above a canopy or marquee to emit extra daylight into a commercial space.

Trellis means a frame supporting open latticework used as a screen or a support for growing vines or plants.

Triplex means a dwelling unit, or portion thereof, designed for occupancy by three (3) families living independently of each other, doing their own cooking and containing three (3) dwelling units. Such dwelling units have a common roof or the dwelling units are joined by a common roof.

...

Utilities, minor means public facilities that serve a localized geographic area of the county. Minor utilities include utility facilities that are necessary to support established uses and involve only minor structures such as, telephone switching facilities, electrical distribution substations, electrical and gas distribution lines and pumphouses. Minor utilities do not include throughput transmission facilities or communication tower.

Vacation means the elimination of a subdivision or short subdivision or removal of lots or dedicated lands therefrom after recording of the final plat or short plat and after sale of any lots within the land division.

Vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles and motorcycles. The term does not include devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks.

Vermicomposting means the controlled and managed process by which live worms convert organic residues into dark, fertile, granular excrement.

Veterinary clinic means a facility operated by a veterinarian, who is licensed by the State of Washington, for the prevention, cure, or alleviation of disease and injury in animals.

Vertical building modulation refers to the recess or projection of vertical walls of a building face and roofline, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure's continuous exterior walls..

Villa apartment means a multi-family building with the appearance of a large house, containing up to eight (8) units. The building has a central lobby that provides access to each individual unit. On-site open space is provided through individual patios in addition to the rear yard.

Warehouse means a building or portion of a building used for short-term storage in preparation for rerouting or reshipment, or used in connection with an industrial activity, where incoming and outgoing shipments are a continuing operation or a building or portion of a building used for long-term storage of items where incoming and outgoing traffic is intermittent and which requires minimal employee activity.

Water resource zone means an area of a site that is designed as a stormwater infiltration facility.

Whip antenna means an antenna that is cylindrical in shape up to twenty (20) feet in height.

...

Wireless communication support structure means a structure specifically designed to support a wireless communication antenna array. This may include a mono-pole structure, lattice structure or building.

Withdrawal means the elimination of a subdivision or short subdivision after recording of the final plat or short plat before sale of any lots within the land division.

Yard means an open space, other than a court, on the lot on which a building is situated lying between the front, rear, or side wall of a building and the nearest lot line.

...

Zone means the zoning designation of a lot, parcel, or tract shown in the Island County Zoning Atlas.

Zoning atlas ^[11] means the official maps that depict the zone classifications established by the Zoning Code and the Freeland Zoning Code. The zoning atlas is maintained by the Planning Director.

17.03.050 - Zoning classifications and overlays.

A. **Establishment.** Island County is hereby divided into zoning classifications of such number and character as are necessary to achieve compatible land uses within each zone and implement the comprehensive plan. For purposes of this chapter, zoning classifications shall be as follows: Rural (R), Rural Residential (RR), Rural Agriculture (RA), Commercial Agriculture (CA), Rural Forest (RF), Rural Center (RC), Rural Village (RV), Rural Service (RS), Airport (AP), Light Manufacturing (LM) and Special Review District (SD). Zoning classifications for the Freeland Non-Municipal Urban Growth Area are established in ICC 17.06.100.

...

~~E. **Transition from 1985 zoning classifications.**~~

- ~~1. Rural Residential. All properties classified Rural Residential will be classified Rural with the following exceptions:
 - ~~a. Properties meeting the new designation criteria for Rural Agriculture, Commercial Agriculture or Rural Forestry will be classified in these zones;~~
 - ~~b. Properties meeting the new designation criteria for Rural Residential will be classified in the Rural Residential Zone.~~
 - ~~c. All other Rural Residential properties meeting designation criteria for other zones will be classified in such zone, depending on location.~~~~

- ~~2. Residential. All properties classified Residential will be classified Rural Residential only if they meet the new designation criteria for the Rural Residential Zone. All other existing Residential properties meeting designation criteria for other zones will be classified in such zone, depending on location.~~
- ~~3. Non-Residential. All properties zoned non-residential will be classified Rural Center, Rural Village, Rural Service, Light Manufacturing or Airport if they meet the new designation criteria. Otherwise, if developed they will be classified Rural Service or treated as existing uses in the Rural Residential or Rural Zones. Undeveloped Non-Residential properties located outside the new Mixed Use or Non-Residential Zones referred to above, will be classified Rural, Rural Forest, Special Review District or Rural Residential depending on the location of the property.~~
- ~~4. Agriculture or Forest Management. All properties classified Agriculture or Forest Management that do not meet the new designation criteria for Rural Agriculture, Commercial Agriculture or Rural Forestry will be classified Rural or if the property meets the designation criteria for other zones it will be classified in such zone, depending on location.~~
- ~~5. Prior approvals. (Reserved)~~

FE. Conflict resolution. If any provision of this chapter conflicts with any other provision of this chapter or any other ordinance adopted by the Island County Board of Commissioners, the more stringent requirement, regulation, restriction standard or limitation shall apply.

GF. Prior approvals and pending applications for approval.

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- 4. Approved projects.** Both projects and applications for site plan or NR Floating Zones granted final approval prior to the effective date shall comply with all conditions of approval, even if such conditions conflict with chapter 17.03 or 17.06, as applicable, or titles 11 and 16 as amended.
- 5. Pending applications.** At the request of the applicant, pending applications covered by subsection G.2. or 3., may be reviewed under chapter 17.03 or 17.06, as applicable, so long as the application complies with titles 11 and 16 as amended.
- 6. Contract rezones and conditional uses.** Existing buildings and existing uses established based on contract rezones or conditional use approval granted prior to January 1, 1985, shall comply with the provisions of section 17.03.230, ~~Existing uses~~ or 17.06.250. All other contract rezones and conditional uses shall comply with chapter 17.03 or 17.06, as applicable.

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17.03.072 - Parks (PK) Zone.

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A. Permitted uses. Processed as Type I decisions pursuant to chapter 16.19 ICC.

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7. Public boat launching ramps, docks, fishing piers, swimming docks and floats;
8. Hiking, jogging, walking, equestrian, and bicycle paths;
9. Outdoor tennis and basketball courts, baseball, soccer, ~~rugby courts~~ and football fields for day use; and
10. Events deemed a Type I decision in section 17.03.180.EE.

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17.03.075 - Residential areas of more intensive rural development.

General Name	Base Density du/ac.	Minimum Lot Size in Acres or Square Feet
CAMANO ISLAND		
Camano	2	0.5
Country Club	2	0.5
Elger Bay	1	1.0
Idlewood	2	0.5
Land's Hill	2	0.5
Livingston Bay	2	0.5
Livingston Bay Heights	1	1.0
Lost Lake	0.4	2.5
Madrona	2	0.5
Parklane	1	1.0
Saratoga Shores	1	1.0
Utsalady	2	0.5
NORTH WHIDBEY		
Bonnie View	2	0.5
Coronet Bay	2	0.5
Dugualla Bay Heights	2	0.5
Mariner's Cove	2	0.5
Penn Cove	2	0.5
Seaview	2	0.5
Sunrise Hills	2	0.5
West Beach	2	0.5
CENTRAL WHIDBEY		
Admiral's Cove	3	14,500 s.f.
Beachcomber	2	0.5
Crockett Lake	1	1.0
Harrington Lagoon	1	1.0
Honeymoon Lake	2	0.5

Ledgewood	2	0.5
Race Lagoon	1	1.0
Rolling Hills	2	0.5
Shangri-La	3	14,500 s.f.
Snakelum Point	1	1.0
Teronda West	2	0.5
SOUTH WHIDBEY		
Sunlight Beach	3	14,500 s.f.
Clinton (See Note 1 below)	3	14,500 s.f.
Deer Lake	2	0.5
Freeland (See Note 1 below)	3	14,500 s.f.
Goss Lake	1	1.0
Holmes Harbor (See Note 1 below)	3	14,500 s.f.
Lone Lake	2	0.5
Menlo	2	0.5
Mutiny Sands (See Note 1 below)	2	0.5
Sandy Point	2	0.5
Saratoga	2	0.5
Useless Bay	3	14,500 s.f.
West Deer Lake	1	1.0
NOTE:		
1. See Appendix A for special conditions that may apply to specific residential areas of more intensive rural development.		
2. Specific logical outer boundaries are established in the Island County Zoning Atlas.		
3. Minimum lot size may be reduced through lot size averaging. See section 17.03.070.E.		

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17.03.080 - Urban growth areas (UGAs).

- A. As required by RCW 36.70A.110, and as provided for in countywide planning policies, urban growth areas and joint planning areas have been established with Oak Harbor, Coupeville and Langley and a non-municipal urban growth area (NMUGA) and a future planning area has been established at Freeland. These areas are depicted in the zoning atlas and Appendix B. ^[15]
- B. Municipal land use designations shall be shown in the zoning atlas as potential zones and these UGAs shall be referred to as municipal UGAs.

C. For unincorporated land within a municipal UGA, specific development regulations for the UGA will be established by interlocal agreement between the county and each municipality. Until these agreements are adopted the following regulations shall apply into unincorporated land within municipal UGAs.

- A1. On lots and parcels under twenty (20) acres, a land division or building permit application for residential uses may be made so long as the lot layout, location of streets, other improvements and building sites do not preclude future development consistent with the applicable potential zone. The application must be accompanied by a site plan showing ultimate development of the lot or parcel.
- B2. All permitted or conditional uses allowed in the Rural Zone are authorized except the platting of parcels twenty (20) acres or larger for residential use shall occur only through the approval of a PRD pursuant to chapter 16.17. For such PRD approvals, the following special standards are applicable:
 - ~~1~~a. Lot size shall not exceed 12,500 square feet or the minimum lot size required by County Health Department requirements.
 - ~~2~~b. The standard density bonus shall be increased from 100 percent to 200 percent.
 - ~~3~~c. The required open space will be treated as an urban reserve and may be developed at the density permitted by a city or town after annexation or at the densities permitted by the potential zone upon provision of municipal water and sewer services. Prior to transfer of title of any parcel or lot created by the PRD, the use of open space as urban reserve shall be disclosed to all purchasers of properties within the PRD.

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17.03.155A Mixed Use Areas of More Intensive Rural Development

General Name	Zone
Rural Center (RAID)	section 17.03.120
1. Bayview	
2. Clinton	
3. Freeland	
43. Ken's Korner	
Rural Village (RAID)	section 17.03.130
1. Camano Country Club ^[17]	
3. Camano Plaza	
4. Coronet Bay	
5. Deception Pass	
6. Elger Bay	
7. Greenbank	
Camano Gateway Village (RAID)	section 17.03.135
1. Camano Gateway	
2. Terry's Corner	
Rural Service (RAID)	section 17.03.140
1. Bailey's Store	
2. Camano Marine	
3. Huntington's Grocery	
4. Midget Market	
5. Maxwellton Store	
6. Old San de Fuca Store	
7. Second Chance Thrift and Bike Shops (Camano)	
8. Soundview Shopper	
9. Tyee Grocery and Art Antiques	
10. Utsalady Store	
NOTE:	
1. See Appendix A for special conditions that may apply to specific mixed use RAIDs. See Appendix B for illustrations of non-residential design guidelines. Appendix "B", "Urban Growth Areas, Transition Areas and Joint Planning Areas," may be obtained from the Island County Planning Department.	
2. Specific logical outer boundaries are established in the Island County Zoning Atlas and shown in Appendix A.	

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17.03.210 - Variances.

The Planning Director may authorize variances from the standards of this chapter and chapter 17.06 pursuant to this section.

- A. **Purpose.** The purpose of this section is to allow the county to consider requests to vary or adapt the strict application of any of the following provisions of this chapter:
1. Setback requirements of this chapter or chapter 17.06, as applicable.
 2. Parking, signage and site coverage requirements of section 17.03.180 or chapter 17.06, as applicable.
 3. Height requirements of this chapter or chapter 17.06, as applicable.
 4. Tract or parcel size requirements when:
 - a. The parcel to be divided was legally established prior to the effective date of this chapter or chapter 17.06, as applicable; and
 - b. Use of the lot(s) to be created will comply with all terms and conditions of this chapter or chapter 17.06, as applicable, (other than lot size or setback) and will comply with other pertinent requirements of the Island County Code.
 5. A variance may be appropriate where a lot is exceptionally narrow or shallow or contains unusual topographic conditions, but only when strict application would result in peculiar, exceptional and undue hardship on the owner of such property.
 6. Site coverage ratios may be varied the minimum necessary to ensure the provision of adequate emergency services for the area proposed to be served.
 7. The performance and dimensional standards of chapter 17.02B.

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- D. **Standards.** No variance shall be granted unless the county makes findings of fact showing that the following circumstances exist:
1. For all variance requests, the applicant demonstrates, and the county finds that:
 - a. The granting of the variance shall be consistent with the purpose and intent of this chapter and conditions shall be imposed to ensure compatibility with surrounding permitted uses.
 - b. The granting of the variance will not permit the establishment of any use which is prohibited by this chapter.
 - c. The granting of the variance will not impair or substantially diminish property values of surrounding neighborhood properties.
 - d. The granting of the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands or buildings in the same zoning classification.
 - e. Any variation in setback and/or height is established based upon the factors set forth in section 17.03.180.S.4 or chapter 17.06, as applicable.

- f. The granting of the variance shall not knowingly harm, destroy, injure, damage, or deface any archaeological resource.
- 2. For variance requests allowed pursuant to [subsections] A.1, A.2 parking and signage requirements, A.4, A.5 or A.6 of this section, the applicant demonstrates, and the county finds that:
 - a. ~~_____~~ The granting of the variance must be necessary for the reasonable use of the land or building and the variance as granted by the county is the minimum variance that will accomplish this purpose. The findings shall fully set forth the circumstances by which this chapter would deprive the applicant of a reasonable use of his land. Mere loss in value shall not justify a variance.
- 3. For variance requests allowed pursuant to [subsection] A.3 of this section, the applicant demonstrates, and the county finds that:
 - a. For residential structures:
 - ...
 - (v) Variances for residential structures shall only be granted if the roof is peaked with pitch not less than 4:12.
 - (vi) In no case shall a variance be allowed to the View Corridor setback in ICC 17.06.150.
 - ...
- 4. A site coverage variance is limited in that it can only be granted one (1) time. It is not the intent of this provision to allow for repeated variance requests and approvals which allow for the incremental expansion of uses. For variance requests allowed pursuant to [subsection] A.2, site coverage requirement of section 17.03.180 or section 17.06.100, as applicable, the applicant demonstrates, and the county finds that:
 - a. **For existing uses:**
 - (i) The variance is necessary to allow an existing use that already exceeds a site coverage standard to modify, expand or reconstruct pursuant to section 17.03.210. Existing uses may be allowed to exceed site coverage ratios by a factor of up to twenty-five (25) percent of the existing coverage ratio.
 - (ii) To the extent that is feasible, other standards such as the open space ratio, setbacks and buffers, landscaping and screening, etc. shall be increased.
 - b. **For new uses:**
 - (i) The granting of any site coverage variance for building coverage shall only be allowed when the open space ratio is increased by a minimum factor of fifty (50) percent (e.g. square feet of open space that is required pursuant to section 17.03.180.S.x.5 or 17.06.330.B, as applicable).
 - (ii) For site coverage variance to be granted, other standards that minimize the impact on surrounding properties shall be increased and applied. Standards that should be considered include significantly larger setbacks and buffers, more robust landscaping, increased levels of screening and other standards. The goal of significantly increasing other land use standards is to ensure that impacts to the surrounding community do not exceed impacts that would have occurred had the

project been constructed in strict conformance with the site coverage standards in section 17.03.180.S or 17.06.100, as applicable.

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17.03.220 - Zoning amendments.

An application for a zoning amendment shall be processed pursuant to this section except that properties within the Freeland NMUGA shall be processed pursuant to chapter 17.06.

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17.03.230 - Existing uses.

The Planning Director shall act upon applications for certificates of zoning compliance pursuant to the terms and conditions of this section except that properties within the Freeland NMUGA are subject to standards pursuant to chapter 17.06.250.

- A. Purpose. This section provides a simple and expeditious process for establishing, upon request of a property owner, that a lot, use or structure lawfully existed prior to the effective date of this ~~chapter~~ title or any of its amendments which would otherwise cause the lot, use, or structure to be out of compliance with this title. In addition, this section establishes the terms and conditions for continuing existing uses, structures and lots which were lawfully established prior to the effective date of this ~~chapter~~ title or any of its amendments which would otherwise cause the lot, use, or structure to be out of compliance with this title and to allow existing businesses and uses to continue to operate even though the use is no longer permitted in the zone in which the use is located.
- B. Application requirements. The application shall contain those requirements set forth in sections 17.03.190.B.3.a. and b. and:

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Appendix A. - Rural Areas of Intensive Development (RAID)

RAID	ZONING	STANDARDS
Clinton		1. For all property within the RR Zone, the base density shall not exceed three (3) dwelling units per acre.
		2. For all land divisions and residential development greater than one (1) single family residence per existing 14,500-square foot lot or smaller the lot layout, location of streets, other improvements and building sites shall not preclude future urban development. The application for development must be accompanied by a site plan showing ultimate development of the lot or parcel at a density of at least four (4) dwelling units per acre.
		3. For all development in the Rural Center (RC) Zone no building may exceed 14,000 square feet of gross floor area and multifamily uses shall not exceed twelve (12) units per acre.
		4. For all non-residential development and residential development greater than one (1) single family residence per existing lot within the Clinton RAID boundaries as a condition of county approval, a development agreement must be executed in a form prescribed by the county. The development agreement must include provisions wherein the applicant agrees to participate on a fair pro-rata share basis in costs of future public facilities that are approved through the LID or ULID process.
Freeland		1. The special setback standards contained in section 17.03.060.D. shall apply to all new uses approved within 500 feet of the Nichols Brothers Boatbuilding Facility.
		2. Any new non-residential development within the RC Zone that is also within the sub-basin draining into Holmes Harbor shall contribute a pro-rata, "fair" share fee to complete the surface and stormwater improvements set forth in the Island County Stormwater and Flood Hazard Management Plan.
		3. For all other property within the RR Zone, the base density shall not exceed three (3) dwelling units per acre.
		4. For all land division and residential development greater than one (1) single family residence per existing 14,500-square foot lot or smaller the lot layout, location of streets, other improvements and building sites shall not preclude future urban development. The application for development must be accompanied by a

		site plan showing ultimate development of the lot or parcel at a density of at least four (4) dwelling units per acre.
		5. For all development in the Rural Center (RC) Zone no building may exceed 27,000 square feet of gross floor area and multifamily uses shall not exceed fourteen (14) units per acre.
		6. For all non-residential development and residential development greater than one (1) single family residence per existing lot within the Freeland RAID boundaries as a condition of county approval, a development agreement must be executed in a form prescribed by the county. The development agreement must include provisions wherein the applicant agrees to participate on a fair pro-rata share basis in costs of future public facilities that are approved through the LID or ULID process.
Coronet Bay		Overnight lodging will be allowed as a permitted use.

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APPENDIX B

**Urban Growth Areas and Joint Planning Areas maps
for Oak Harbor, Coupeville ~~and~~ Langley, and Freeland can be found
in the Island County Comprehensive Plan.**

www.IslandCountyWA.gov/Planning/Pages/CompPlan.aspx





