



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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~ MEMORANDUM ~

TO: Planning Commission

FROM: Hiller West, Community Development Director *AW*

DATE: June 6, 2016

SUBJECT: Proposed second tier amendments to Titles 16 and 17 of Island County Code

SECOND 'TIER' CODE AMENDMENTS

At the April 25th meeting, the Planning Commission reviewed a list of amendments to Titles 16 and 17 that have been proposed by staff, as a result of a code-cleanup exercise that began in mid-2015. The Planning Commission's consensus was to divide the list of amendments into three groups, categorized broadly on the issues. One category related to "lots" and issues having to do with lot sizes, setbacks, and lot design. The second group included amendments having to do generally with "housing". The third category was a more "miscellaneous" category, to include the remainder of the amendments. As the groupings of amendments are reviewed, there will be several workshops, a public hearing, and Planning Commission recommendation to the Board.

The first two groupings of proposed amendments have been reviewed. The third group of draft amendments ("miscellaneous" category) is proposed for discussion at the June 13th meeting. This group includes the following:

17.03.035 : 120-day permit review period
17.03.120 : RAID zoning designations
17.03.180.W.3.b : Setbacks on lots that are less than one acre in size
17.03.050.G.7 : Remove subsection with reference to transfer of development rights
17.03.040 : Farm Housing definition
17.03.060.C.5 : Reduced lot sizes for new lots in Rural zone
17.03.040 : Camping – definition

These amendments are discussed individually below:

17.03.035: 120-day permit review period

The use tables in this section refer to a 120-day permit review time period. However, there are many exceptions to this time period (see ICC 16.19.100), mostly taken from State statute. For Type I and II permits, the department strives to complete decisions in a shorter time frame. The current average in-house review time for all land use permits is 74 days. Rather than cite the 120-day time period, it may be more accurate to cite the statute (RCW 36.70B), also because the required review time period may change by State law. Staff recommendation is to cite the statute.

17.03.120: RAID zoning designations

While 17.03.120 appears to identify all of the allowed and prohibited uses for the RC zone, it refers to “areas with a predominant pattern of Mixed-Use development existing on July 1, 1990, which are listed in ICC 17.03.155 and depicted in the Zoning Atlas”. There are a number of more specific standards for each “mixed use raid” identified in Appendix A of the Zoning Code. For example, 17.03.120.c lists “any building greater than 50,000 square feet” as a prohibited use; however, appendix A indicates that in the Clinton RAID, buildings greater than 14,000 square feet are prohibited. Separate standards for each RAID should be listed (for clarity) in 17.03.120, with specific zoning designations for each RAID.

17.03.180.W.3.b Setbacks on lots that are one acre or less in size (within Coupeville Scenic Corridors).

For lots that are less than one (1) acre in size, within Coupeville Scenic Corridors, the setback may be reduced as necessary to allow reasonable economic use of the property, as a Type II Planning and Community Development Director decision, pursuant to Chapter 16.19. The setback shall not be reduced to less than twenty (20) feet unless it is necessary to achieve a reasonable economic use as defined in chapters 17.02, 17.02A, and 17.02B. There is no definition of “reasonable economic use” in the Island County code. The definition of “Reasonable Use” is: *“The Permitted or Conditional Use of a specific parcel of land which a person may be expected to conduct or maintain fairly and appropriately given the site specific conditions or characteristics of the Parcel and Uses allowed for all other properties within a similar zoning classification.”* The word “economic” could be deleted, or alternatively the Planning Commission may define the term “reasonable economic use”.

17.03.050.G.7 Remove this subsection as it refers to transfer of development rights

Reference to transfer of development rights should be eliminated, as the County does not administer a TDR program, or issue “certificates of development rights”. This is more of a “housekeeping” item.

17.03.040 Farm Housing definition

Definition of “farm housing” states the following: *“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 of the adults living in the home must make over fifty percent of his or her gross income from the farming operation or be a caretaker of the farm.”*

This definition includes single-family dwellings. As currently defined, it allows density standards of the zone to be exceeded, based on gross income of one individual living in the home, and no apparent limitation as to the number of farm-worker dwellings. This provision leads to a permanent dwelling being established based on temporary circumstances. Creates a “loop hole” for ag operators to establish multiple homes on one parcel, despite low-density limitations of ag zones. Provision is inconsistent with WAC 246-358/359. Staff recommendation is to stress the temporary nature of these dwellings in the definition, and that the unit shall be removed when its use as a farm dwelling is no longer viable.

17.03.060.C.5 Reduced lot sizes for new lots in Rural zone

This subsection provides that, in the Rural zone, *“variations of ten (10) percent in the five acre lot size may be allowed to account for special site features, unusual topography or similar factors that make strict adherence to minimum lot size impractical.”* There is no accounting for situations where the County or the State buys up ROW resulting in lot sizes now under the minimum. Lot area is defined in 17.03.040 as the “area within the lot lines”. In the 5-acre zone, for example, a 10-acre parcel that could normally be divided into 2 lots cannot, if ROW dedication for public road improvement is required and it reduces parent parcel to less than acres. Right-of-way dedication should not penalize the property owner. Staff recommendation is to include right-of-way dedicated as a result of a State or County requirement in the lot area for subdivision purposes.

17.03.040 Camping – definition

Camping is not allowed outside of campgrounds, which authorizes the use. However, there is no definition of camping, and this becomes an issue for code enforcement.

Websters dictionary defines "camp" as: "*a place with temporary accommodations of huts, tents, or other structures, typically used by soldiers, refugees, prisoners, or travelers.*" To camp is to: "*live for a time in a camp, tent, or camper, as when on vacation.*" Wikipedia defines "camping" as: "**Camping** is an elective outdoor recreational activity. Generally held, participants leave developed areas to spend time outdoors in more natural ones in pursuit of activities providing them enjoyment. To be regarded as "camping" a minimum of one night is spent outdoors, distinguishing it from day-tripping, picnicking, and other similarly short-term recreational activities. Camping can be enjoyed through all four seasons." Note that both the noun and the verb refer to the temporary nature of a camp, or camping. The act of "camping" takes place in temporary structures or accommodations. Staff recommendation is to include a definition of "camping" in the ICC 17.03.040.

Following the workshop discussion on June 13th, a public hearing will be scheduled at which all of the proposed amendments will be reviewed and testimony from the public will be considered. The Planning Commission may determine at that time to forward a recommendation to the Board, or continue the public hearing to the next meeting.

Please let me know if you have any questions.