

Island County 'Code Clean-up'

#	DATE	Code Section	COMMENTOR	COMMENTS & NOTES	House-keeping	Consistency	Policy	Resolution
0	7/6/2015	17.03.xxx	DW – ICPD	Refers to ICC 17.08.342, repealed July 4, 1776. (EXAMPLE)	x			
1	7/9/15	17.03.040	DW – ICPD	<p>Farm Housing – definition includes 'single-family dwellings' which are considered site-built. Provision allows density provisions 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 create multiple homes on one parcel, despite low-density limitations of ag zones.</p> <p>Provision is inconsistent with WAC 246-358/359.</p>		x	x	<p>If farm-worker housing is limited by density, then form of the housing is a moot point. If extra homes are intent of the code, the clarity is needed – policy call.</p> <p>Guest cottages, farm worker housing, accessory dwelling units are all methods to increase the residential density of rural parcels, but no provision exists in the code to actually allow the increase in per-parcel density.</p>
2	7/13/15	16.06.120.H	DW – ICPD	<p>Final Map (plats) – Two changes needed: Sub-section H.9 should not refer to address assignments, this section is contrary to addressing policy of 14.04A, wherein addresses are assigned <i>after</i> final plat approval, prior to building permit.</p> <p>Sub-section H needs a requirement to match 16.06.120.C, regarding covenants, codes, restrictions referenced on the face of the plat.</p>		x		Strike 16.06.120.C requirement for address on final plat.
3	7/15/15	16.13.080	DW – ICPD	Since the Examiner's secretary works for this Department, and is not a separate entity, this provision is impractical and should be changed.		x		No change needed.
4	7/15/15	16.13.150	DW – ICPD	County-wide zoning is in effect post-12/31/84 so this provision is superseded by local ordinance – reference to Comp Plan controlling in the interim period presents a conflict with GMHB rulings.	x			Strike 16.13.150
5	7/21/15	17.02.050(4.b.2&3)	HW-ICPD	Sec. 17.02.050(4.b.2) and (4.b.3) need to be reconciled. Sec. b.2 requires a 75-foot buffer for any lots created after Oct. 1 1998. Sec. 4.b.3 applies to lots created before Oct. 1, 1998 and refers to the required 75-foot buffer, which can be reduced to the required shoreline setback. Question: Is the 75-foot buffer required for lots created before Oct. 1, 1998? Does b.3 apply the buffer averaging provision only to lots created before Oct. 1, 1998?		x		
6	7/21/15	17.03.180t(8.b)	HW-ICPD	In provisions for special event centers – eliminate reference to EDU's, farm			x	

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			DW - ICPD	management plan (these seem to be outdated, may have been part of a code section which was repealed). DW: EDUs allow additional development units – as units are not specified for events center, this reference is inapplicable and should be removed – unless Board wishes to use the EDU provision and reference Event Centers.				
7	7/21/15	17.03.180(s)	HW-ICPD	There are two subsections numbered (4).	x			DM: Muni Code can make this change, and notes it in latest update.
8	7/21/15	17.03.180(F.3)	HW-ICPD DW – ICPD	EDU program/density bonus system - need definition of “prime agricultural soils” DW: If the EDU provision is to be retained, better definition of what constitutes a farm management plan would be helpful; and, reference the NRCS manual for definition of prime soils.		x		Make reference to NRCS soils manual.
9	7/21/15	17.03.180(L.4)	HW-ICPD	Requires Group Homes to comply with the standards for Home Occupations in ICC 17.03.180(k.2). Not all of the standards for home occupations are relevant to group homes.		x		
10	7/21/15	17.03.100(A.14)	HW-ICPD	Allows wineries as a Type 1 decision in the CA zone. 17.03.180T(1.d): this subsection states that wineries on parcels 10 acres or larger zoned Commercial Agriculture or Rural Agriculture may be allowed, processed as a Type II or Type III decision (the narrative for this section speaks to the Rural zone – why the reference to the CA or RA zones?).		x		
11	7/21/15	17.05.040	HW-ICPD	Defines “Substantial Development”. Refers to exemptions in 17.05.30 (should refer to 17.05.060).	x			
12	7/21/15	17.03.035	HW-ICPD	Use tables in 17.03.035 all refer to a 120-day permit review period for Type 1 and II permits. This has been confusing for the public, as the department intends much shorter turnaround periods for these permits. Can we list the shorter time periods, or just omit the review periods? DW: Code used to contain shorter time periods. Former Director urged the BICC to make them consistent with state law. Would support eliminating the per-type reference, in favor of a general reference to all land use permits, consistent with state statute.		x		
13	7/21/15	16.06.110(F.1)	HW-ICPD	16.06.110(F.1) provides five years for expiration of preliminary plat approval. However, the statute (RCW 58.17.140) provides different time periods depending on when preliminary plat approval was granted. Island County code should to reflect the statute, as the statute governs	x			

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				requirements for preliminary plat.				
14	7/23/15	17.03.060.C.5	DW – ICPD	<p>Provision has been used as the basis of policy to allow reduced lot sizes for newly created lots in the 5-acre (Rural) zone. Either language can be added to the Rural zone allowance for exception to density/lot size, or, a general provision added to the code to address minimum lot-size area, one that may include portions to be dedicated for public right-of-way, when ROW reduction reduces development capacity. Current definition of lot size does not include any accounting for situations where County or State buys up ROW, resulting in lot sizes now under the minimum lot size for purposes of re-division. Lot area is defined in 17.03.040 as the 'area within the lot lines'. For lot sizes near 5 acres, the impact of ROW dedication is not so much a physical limitation to development, but a numerical equation that results in lost opportunity that public transportation agencies must pay for – essentially a lot that will never be a lot. In the 5-acre zone, a 10 acre parcel that could normally be divided into 2 lots cannot, if ROW dedication for public road improvement reduces the parent parcel to 9.8 acres (for example).</p> <p>*Need to acknowledge that lot area to the center-line cannot include land donated on a plat (RCW 58.08.015).</p>			x	
15	7/23/15	16.06.170	DW – ICPD	Alterations, Withdrawals and Vacations – no reference to RCW 58.17.215 for the alteration of long subdivisions. Should we include such reference as the statutory provisions control on the application and hearing process?		x		
16	7/24/15	16.13.100 16.13.100.B	DW – ICPD	<p>Would it make more sense just to make a more blanket statement referring to decision-type, rather than list individual permits subject to appeal? Would that cover everything?</p> <p>Section B also refers to appeal of a Commercial Ag zoning verification (rezone to RA), identified in 17.03.100 as a 'technical Type IV process' – confusing, as all other Type IV actions are legislative. ICC 17.03.220 – the procedure for rezones, allows CA to RA rezone as a Type III process.</p>				
17	7/24/15	17.03 (several)	DW – ICPD	<p>Building height is regulated in each zone – Department <i>policy</i> currently establishes how to measure it. Would like to see this in code; best established in a single section focused on how to measure height, setbacks, distance to OHWM, etc.</p> <p>Height should be established with more consistency across zones of similar type (i.e. all commercial zone with same height, all industrial the same, etc.)</p>		x		
18	7/24/15	17.03.040	DW – ICPD	Lot Area – currently defined as 'the total land area within the lot lines'. This				

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				often includes private tidelands, which are not buildable, for the purposes of meeting minimum lot size. Suggest that for the purposes of calculating lot area, lands seaward of OHWM (those subject to the Shoreline Management Act) <u>not</u> be included in the calculation of lot size, as they are not buildable with conventional structures. Lots refer to land, not the seabed.		x		
19	7/24/15	17.03.040	DW – ICPD	<p>Lot Width – ‘means the average horizontal distance between 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 front and rear property lines measured in feet.’ This provision may result in lots that clearly do not meet the plain meaning of width but by the calculation method, do so (rectangle lots of 100’ in width that can be gerrymandered to result in 2 lots 60’ in width).</p> <p>Suggest: “Lot width” means the horizontal distance measured at the building setback line between the two (2) opposite side lot lines. Average lot width shall be the average of the front and rear lot lines, measured from the front and rear setback lines. For a corner lot, the lot width shall be the average distance of the narrower dimension of the lot.</p>		x		
20	7/28/15	16.06.070	DW – ICPD	<p>Expiration of boundary line adjustments. Currently, boundary line adjustments approvals become final upon recording. Some approved BLAs have not been recorded in a timely fashion, properties have been sold subsequent to the approval, but the boundary line remains the same between properties, now with one (or more) owners who were not part of the original application.</p> <p>BLAs are exempt from the platting statute, and subject to local review, but like land division, result in a new deed – hence the ‘complete before sale’ aspect of the land division statute is appropriate to apply to boundary line adjustments. Perhaps a criterion should be added (which would result in a condition of approval) that the BLA be recorded prior to sale. Adding an expiration to BLAs would also compel property owners who have initiated a Boundary Adjustment to complete and record the action.</p> <p>Whatcom and Benton Counties, Blaine, Camas, Kalama, Puyallup and several other jurisdictions expire boundary line adjustment approvals, ranging from 6 mos. – 2 years from date of approval.</p>		x		
21	7/28/15	17.03.040	DW – ICPD	<p>Winery – Definition requested by winery owners. Suggested definitions from winery owners include activities that are not related to wine production or sales (e.g. hosting weddings, concerts, other events).</p> <p>Whatcom County contains no definition of ‘winery’ – Ag definition includes</p>			x	

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				<p>viticulture. Skagit County would deem the vineyard a farm and winery an agricultural processing facility – other uses to promote 'local agricultural products' on site are deemed an Ag accessory use. Kitsap County includes viticulture and wineries in definition of Ag uses. Chelan includes 'places of public or private assembly' in definition of winery.</p>				
22	8/12/15	17.03.040	Planning staff	<p>Camping – Requested to have a definition. Look for ZCI on this issue. Camping is only referenced in Health code and Greenbank Farm.</p> <p>DW: Not sure this is needed – what is the permitting problem? Is the issue to define it so we enforce against when it occurs? (Camping is not allowed outside of campgrounds, which authorizes the use).</p>	x			
23	8/25/15	17.03	Planning staff	<p>Accessory Dwelling Units – listed as a Type I use in several zones with guest cottage inclusive in the definition, and allowing additional 'dwelling units', inconsistent with zoning densities. With the Allowance for Accessory Uses and Buildings on lots in addition to SFRs, you essentially double the density on any given lot.</p>				
24	8/25/15	17.03.180.V	Planning staff	<p>17.03.180.V.4 allows temporary mobile homes in the R and RR zones, and appears to restrict them to single-wides, for 6 months. Section V.5 allows temporary 'medical hardship' mobiles, does not restrict to single-wides, and permit is good for a year, with renewal allowed for on-going medical condition. County is required to give applicants not less than 30 days notice.</p> <p>DW: Not sure what the issue is here?</p>				
25	8/25/15	17.03.040	Planning staff	<p>Clarity in definitions or use tables on using SFRs for vacation rentals. They often pose impacts to neighbors (used as weekend 'party houses') – no current permitting system. BCC is asking for this to be regulated, some type of permit system or blanket provision that clarifies what impacts are to be regulated.</p>			x	
26	8/25/15	17.03.040 & 17.03.180.K	Planning staff	<p>Classes of specialized instruction are listed as example of a school – and also listed as a home occupation, but not a home industry. Industries are usually the more intensive uses – but classes that allow 10 students per class and seemingly no limit on the number of classes, are more intensive than most other home occs.</p>		x		
27	8/25/15	17.03.060	Planning staff	<p>Kennels are a Conditional Use in the R zone, but allowed as a Home Industry, which actually has more restrictions because of the on-site residency requirement. Animal control would like to see more stringent regulation of puppy mills, home breeders. Control officer cites Snohomish County code as good example.</p>		x		

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28	8/25/15	16.06.050.E & 16.06.080.B		Code allows lot combos without review, leading to lots that cross streets, irregular shape to utilize additional land area while creating small building envelopes in close proximity to one another. No reference to platted lots (combining lots a plat alteration?).		x	x	
29	8/25/15	16.06.170	DW – ICPD	Plat alteration definition should include that of the exterior boundary of a subdivision or short plat which does not qualify as a correction. Old subdivision plats are being used as land division devices on properties never contemplated in the original plat, as an old subdivision with sub-standard lots 'moves' over the land to occupy new ground, establishing smaller lots where adjacent landowners did not anticipate them, or have a chance to comment or appeal as with a normal land division plat.			x	
30	8/25/15	16.06	Planning staff	Staff objects to new short plats within existing long plats, citing this is not the correct vehicle, and further land division should be a long plat alteration. DW: Disagree. Statute allows 'replat' of properties, and if taking place beyond the 5-year limitation, short plat is the correct tool. Section 16.06.040 could probably use a definition of replat to clarify the circumstances which distinguish it from a plat alteration.		x		
31	8/25/15	17.03.040	Planning staff	Definition of 'applicant' should refer to land use or land division, not limited to 'land division' only. See staff definition, which includes owners and authorized agents.	x			
32	8/25/15	17.03.180.S.4	Planning staff	Two Section 4s in this code section – needs renumbering. Then check elsewhere in code for references to #4 where it should be the new #5. Such as 17.03.210.D.1.e which refers to 17.03.180.S.4.	x			
33	8/25/15	17.03.180.T.1	DW – ICPD	Preamble of this section refers to the Rural zone, but it goes on to list uses in other zones as examples. Since this section refers to uses, and specifically calls out zones for some, preamble reference should be stricken.	x			
34	9/3/15	16.13.110.E	MB	Allowance for Hearing Examiner to rule on Type I decision appeals.		x		Recommend adding: "... except as set forth in 16.19.190.A."
35	9/3/15	17.03.180T(5)	Planning staff	Suggest amendment to language re: Equestrian Centers: "... breeding <u>or</u> rental of horses..."	x			Revise: Strike and, replace with <u>or</u> .
36	9/3/15	Chp. 17	Planning staff	Code could use language to 'expire' permits if no action by applicant in a certain period of time.			x	DW: Permits can be denied if applicant does not 'fix' the deficiencies that prevent approval. Code language re: permits

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								that are 'stuck' would make it easier to expire them, but 'automatic' language may not be appropriate or apply to all cases.
37	10/6/15	17.03.120	BJ – ICPD	<p>While 17.03120 appears to identify all of the allowed and prohibited uses for the RC zone, there are in fact 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 with no qualifiers, asterisks, or exceptions; however, appendix A indicates that in the Clinton RAID, buildings greater than 14,000 square feet are prohibited.</p> <p>If we are going to have separate standards for each RAID, we should either list them in code as exceptions, or modify the code to include specific zoning designations for each RAID – currently the additional regulations are listed in the <i>designation criteria</i> of RC – a section that shouldn't be in the established zone anyway, but in the Comp Plan – that is how zones are established.</p>	x	x		
38	10/6/15	17.03.050.G	DW – ICPD	Inconsistent application of vesting in the individual sections of 'G' should be consolidated to establish a clear threshold of vesting to changes in the Code.		x		
39	10/6/15	17.03.050.G.7	DW – ICPD	Reference to Transfer of Development Rights should be eliminated, as the County does not administer a TDR program, or issue 'certificates of development rights'.	x			
40	10/6/15	14.04A.140	DW – ICPD DM – P.A. Office	The Addressing Board is currently designated as an appeals board in ICC 14.04A.140. The Addressing Board is not currently listed as a County Committee; there should be a determination as to whether or not the Addressing Board is still the desired entity to hear appeals as provided in ICC 14.04A.140. If the answer is yes, then there does not need to be code clean-up but rather action on the part of the County Commissioners to add the Addressing Board to its list of Committees and make sure there are current appointments to such board. However, if the Examiner or other entity should hear such appeals, or appeals should simply be directed to the Board of County Commissioners, then the code would need to be cleaned up to reflect that change.		x	x	
41	10/6/15	17.03.180.W.3.b.	Planning staff	For lots less than one (1) acre in size, 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 use as defined in chapters 17.02 , 17.02A , and 17.02B .	x	x		

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				2 issues: 1) 'Reasonable use' defined in code – reasonable ' <i>economic</i> ' use is not. 2) 'Reasonable use' is in three different sections of code – once a common definition is agreed upon, there should be a single reference.				
42	10/6/15	17.02	DW – ICPD	<p>Plant and animal list, including Habitats of Local Importance. The HIL list was adopted by ordinance C-78-00 – it is not clear what the other species represent (the <i>definitive</i> federal list of Endangered, Threatened and Sensitive species found in Island County?). Not sure when invasive non-native plants are on the list.</p> <p>Depending on what purpose this serves, the list should be granted some acknowledgement in the code, and be assigned a code section.</p>	x			