



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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~ MEMORANDUM ~

TO: Planning Commission

FROM: Hiller West, Community Development Director

DATE: July 11, 2016

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

SECOND 'TIER' CODE AMENDMENTS - BACKGROUND

At the June 12th meeting, the Planning Commission finalized its review of the 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 hold a final workshop in July, at which it would have the opportunity to review again the entire list and determine whether any of the listed amendments should be deferred to a later point in time (i.e. "parking lot") due to a need for further discussion.

The list of proposed amendments is attached, in matrix form. The amendments will be reviewed briefly at the July 25th meeting, along with the staff recommendations. Following this discussion, a public hearing can be scheduled in August to allow for public input.

The proposed amendments are listed sequentially below.

Code Section	Description
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<u>17.03.040</u>	<u>Farm Housing definition</u>
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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. 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. In discussion at a previous workshop, the Planning Commission consensus appeared to be to defer further discussion of this proposed amendment to a future date, when input from the farming community and affected parties could be more fully considered.

17.03.180(F.3) EDU program/density bonus system

Needs definition of “prime agricultural soils”. Staff recommendation: make reference to the definition in the NRCS soils manual.

17.03.180(L.4) Group Homes

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. Recommendation: select the standards for Home Occupations that should apply. See subsection 17.03.180(K).

17.03.100(A.14) Wineries in the CA and RA zones

Allows wineries as a Type 1 decision in the CA zone. However, sec. 17.03.180T(1.d): states that wineries on parcels 10 acres or larger zoned Commercial Agriculture or Rural Agriculture may be allowed, processed as a Type II or III decision. Recommendation: the review process for wineries should be consistent in agricultural zones. The Type I process should apply, unless environmental (SEPA) review is necessary.

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.

17.03.060.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 (several sections) **Building Height**

Building height is regulated in each zone – department policy currently establishes how to measure it. This is sometimes confusing. Recommendation: establish that height measurement shall be as established in the building code.

17.03.040 **Lot area**

Currently defined as “the total land area within the lot lines”. This often includes private tidelands, which are not buildable, for the purposes of meeting minimum lot size. Recommendation: for the purposes of calculating lot area, lands seaward of the OHWM would not be included in the calculation of lot size, as they are not buildable.

16.06.070 **Expiration of boundary line adjustments**

Currently, boundary line adjustment approvals become final upon recording. Some approved BLA’s have not been recorded in a timely fashion, properties have sold subsequent to the approval, but without having been recorded the boundary line(s) remains the same between properties, now with one or more owners who were not a part of the original application. Recommendation: require that boundary line adjustments be recorded within six(6) months of final approval.

17.03.040 **Definition of “Winery”**

Whatcom County has no definition of ‘winery’ – Ag definition includes 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

17.03.180(T) Small scale recreation and tourist uses

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, the reference to the Rural zone in the preamble should be stricken.

16.13.110.E Hearing Examiner jurisdiction

This subsection provides that the Hearing Examiner shall have no jurisdiction over Type I decisions. Ordinance C-47-16, adopted on 5/24/16, amended Island County's administrative appeals process and provided for appeals of Type I decisions to be heard by the Hearing Examiner. Subsection E should be stricken.

17.03.180.T(5) Equestrian Centers

Breeding and rental of horses should be revised to "breeding or rental of horses". It is not necessary for an equestrian center to do both.

Title 17 Expiration of permits

The code needs language providing for expiration of permit applications if there has been no action by the applicant within a certain period of time. Recommendation: provide for expiration of applications after one year of inaction.

17.03.120 Rural Center (RC) zone

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. Recommendation: create a matrix of the various RAID's and the specific standards and zoning that apply to each.

17.03.050 .G.7 Transfer of Development Rights

The reference to Transfer of Development Rights should be eliminated, as Island County does not administer a TDR program, or issue "certificates of development rights". Recommendation: eliminate reference to TDR program. Should a TDR program be created in the future, it can be placed in a separate chapter.

