

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.~~ 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.

Comment [BF1]:
Looking to consolidate definitions lists.

Cross reference to be updated once we determine how extensively we are going to combine lists

~~**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 chapters 17.02, 17.02A, or 17.02B, as such chapters 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 chapters 17.02, 17.02A, or 17.02B, as such chapters 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.
- B. **Approval of a boundary line adjustment.** The Planning Director shall affix an official stamp or statement to the map stating that the adjustment is consistent with this section. The approved boundary line adjustment application, map, and legal descriptions shall be recorded with the Island County Auditor within six (6) months of approval or the boundary line adjustment application approval shall expire. If the lots involved in the adjustment are in separate ownership, proper transfer of title of the property shall be recorded. The boundary line adjustment becomes final upon recording.

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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. ^[6]
- 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—Six-Year Road Program.~~ ^[6]
- I. ~~Utilities element—Island County Utilities Plan.~~
- J. ~~Capital facilities element—Island County Capital Facilities Plan—Six-Year Capital Facilities Improvement Program.~~ ^[7]
- K. ~~Freeland Sub-Area 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 chapters ~~17.02, 17.02A, and~~ 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 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 17.06, as applicable.
 4. **Building design.** Shall comply with the applicable non-residential design guidelines set forth in chapter 17.03 or 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 17.06, as applicable.
 8. **Traffic and circulation.** Shall comply with the requirements of chapter 17.03 or 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 chapters.

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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.
- C. The subject site is physically suitable for the type, density and intensity of the use being proposed.
- D. ~~For properties outside of 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.

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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 chapters ~~17.02, 17.02A, and 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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Comment [BF2]: How does this work in Freeland?

For properties within the Freeland NMUGA, the PRD will not adversely impact the pedestrian orientation character of the NMUGA. ??

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 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 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, 17.02, 17.02A, 17.02B, 17.03, 17.05		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	
Chapters 17.02, 17.02A, and 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	Zoning Code interpretations Zoning variances Zoning setback reductions Certificates of zoning compliance Administrative conditional uses	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

	from SEPA threshold determinations	Enforcement orders		verifications Designation of existing master planned resorts
Chapter 17.05	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	Permitted Uses Certificates of zoning compliance	Administrative Conditional or Secondary Uses, Zoning Code interpretations Zoning variances Zoning setback reductions Enforcement orders	Quasi-judicial conditional use Rezones Revocations of permits and approvals	NMUGA boundary adjustment and related rezoning

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.](#)

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Comment [BF3]: Moved from the section that was struck in Appendix A -

16.19.050 - Community meeting—Intent and purpose.

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- | B. Unless otherwise specified in chapter 17.03 or 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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