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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, t~~ 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, e~~ Once you have located your intended use, check the definition section for the definition of special terms, section 17.03.040.

3. ~~Third, e~~ 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 17.03.180. For properties within the Freeland NMUGA, refer to XXXX.

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, critical areas, and chapter 17.05 shoreline use regulations may impose special standards and in some cases limit uses otherwise allowed by the Zoning Code. For example, chapter 17.05 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.

**Comment [BF1]:** Still looking at if conditions for the NMUGA would be cleaner in 17.06 or just by editing 180...

**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.

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**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** is 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.

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

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**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.

**Blank wall** is a ground floor wall or portion of a ground floor wall over 10 feet in height has a horizontal length greater than 20 feet and does not include a transparent window or door. See ICC 17.06.330.C.4 for blank wall treatment standards within the Freeland NMUGA.

**Board** means the Board of Island County Commissioners.

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

**Build-to** refers to the location of the building façade on a lot, running parallel to the front property line without further setback, and thus ensuring a uniform (or more or less even) building façade line on the street. Where the build-to zone includes a range, then the building setbacks must be built within that 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.

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

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

**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.

**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).

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

**Facade** is 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.

**Floorplate** means the area of a single level in a structure.

**Family** means as used in this chapter, an individual, two (2) or more persons related by blood, marriage, adoption or similar legal relationship, or a group of not more than six (6) persons who need not be so related, plus domestic staff employed for services on the premises, living together as a single housekeeping unit in one (1) dwelling unit. The definition of family shall apply regardless of whether any member of such group receives outside services for mental, emotional, or physical disability.

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

**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.

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**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 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.

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**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).

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**Multi-family** means five (5) or more residential dwelling units in one (1) building or in building(s) joined by common walls. Multi-family housing does not include attached dwelling units in a PRD, duplexes, triplexes or fourplexes.

**Net project area** means all of the land area included within a development project excluding land dedicated for public streets, parks, stormwater facilities, critical areas, or other required areas.

**Non-residential** describes the use of a structure for commercial, institutional, light manufacturing or similar uses. Non-residential is not used to characterize agricultural/farm or forest uses.

**Non-residential areas** means specific areas established pursuant to RCW 36.70A.070 as areas of more intensive development. The Light Manufacturing and Airport Zones are used for these areas. Commonly referred to as a RAID.

Comment [BF2]: Need to edit this as well

**Non-residential use, low intensity** means non-residential uses that feature less than 10,000 square feet of gross floor area and do not feature outdoor storage areas along applicable property lines.

**Non-residential use, moderate intensity** means non-residential uses that feature 10,000-50,000 square feet of gross floor area and do not feature outdoor storage areas along applicable property lines.

**Non-residential use, high intensity** means non-residential uses that feature more than 50,000 square feet of gross floor area, feature outdoor storage areas along applicable property lines, or include industrial, utilities, or other similar uses that require additional screening to help mitigate visual impacts of the use on adjacent development.

**Nursing or convalescent home** means an establishment licensed by the state which provides full time care for three (3) or more chronically ill, aged or infirm persons. Such care shall not include surgical, obstetrical or acute illness services which are customarily provided in hospitals.

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**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 a fee. 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 space** is publicly accessible spaces that enliven the pedestrian environment by providing opportunities for outdoor dining, socializing, relaxing and provide visual amenities that can contribute to the character of the neighborhood. See section ICC 17.06.320.B.1.c for pedestrian-oriented open space design criteria.

**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.

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**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 and/or rear access to the outside.

**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** is 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** is 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.

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**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 stepping back or projecting forward of vertical walls of a building face, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure's continuous exterior walls. Vertical building modulation may be used to meet façade articulation standards set forth in ICC 17.06.330.C.1.

**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.

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**Yard, street side** means on a corner lot, a yard adjacent to a street between the front yard and the rear lot line measured at right angles from the side lot line to the nearest point of a building.

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

**Zoning atlas** <sup>[11]</sup> 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.

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**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)~~

~~F.E. **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.~~

~~G.E. **Prior approvals and pending applications for approval.**~~

- ~~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.~~

17.03.075 - Residential areas of more intensive rural development.

General Name	Base Density du/ac.	Minimum Lot Size in Acres or Square Feet
<b>CAMANO ISLAND</b>		
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
<b>NORTH WHIDBEY</b>		
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
<b>CENTRAL WHIDBEY</b>		
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
<b>SOUTH WHIDBEY</b>		
Sunlight Beach	3	14,500 s.f.
Clinton (See Note 1 below)	3	14,500 s.f.
Deer Lake	2	0.5
<del>Freeland (See Note 1 below)</del>	<del>3</del>	<del>14,500 s.f.</del>
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. <sup>151</sup>
- 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:
  - | 4a. Lot size shall not exceed 12,500 square feet or the minimum lot size required by County Health Department requirements.
  - | 2b. The standard density bonus shall be increased from 100 percent to 200 percent.
  - | 3c. 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
<b>Rural Center (RAID)</b>	<b>section 17.03.120</b>
1. Bayview	
2. Clinton	
<del>3. Freeland</del>	
4. Ken's Korner	
<b>Rural Village (RAID)</b>	<b>section 17.03.130</b>
1. Camano Country Club <sup>171</sup>	
3. Camano Plaza	
4. Coronet Bay	
5. Deception Pass	
6. Elger Bay	
7. Greenbank	
<b>Camano Gateway Village (RAID)</b>	<b>section 17.03.135</b>
1. Camano Gateway	
2. Terry's Corner	
<b>Rural Service (RAID)</b>	<b>section 17.03.140</b>
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. Tye 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.
- B. **Application requirements.** The application shall contain those requirements set forth in section 17.03.190.B.3.a. and d., and:
  - 1. A description of the specific modification from the terms of the chapter required; and
  - 2. A description of the reasons for the variance.
- C. **Review process.** The review process for variances shall be the review process set forth in chapter 16.19 for Type II decisions and for Type III decisions for height variances and critical areas variances issued pursuant to the provisions of chapter 17.02B.
- 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.

**Comment [BF3]:**  
Do we want to keep the rest of this as is, or edit for Freeland properties – like the setback or height variances?

**Comment [BF4]:** Depending on how we edit conditions for Freeland properties, need to potentially add a section to this reference

- 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:
    - (i) Any variation in height does not adversely impact the surrounding community. The following factors shall be considered:
      - (1) Visual compatibility with the surrounding area;
      - (2) Solar access of adjacent structures;
      - (3) View obstruction;
      - (4) Fire and safety;
      - (5) Roadway and intersection sight distance;
      - (6) Land forms and natural resources;
        - (a) While forested land is a natural resource that can conceal structures thereby eliminating any impact on the surrounding community, consideration shall be given to the fact that timber can be removed from the site.
        - (b) Structures that require a variance in height must fit within the existing natural landscape/viewscape and/or within the existing built environment.
    - (ii) The pre-development grade of the site severely restricts the ability to conform with the applicable height standard, or
    - (iii) A variation in height, combined with a significant increase in other standards set forth in this chapter, will enhance the compatibility of uses and views enjoyed by adjoining and potentially affected parcels. For example, a variation in height, coupled with an increased side yard setback may provide greater view potential for an adjoining lot by creating more open space in between structures. This standard shall only be utilized by parcels that meet the following criteria:
      - (1) For those lots that are located entirely or partially within 200 feet of the shoreline and that are less than 100 feet wide, a variation in height may be permitted in conjunction with increased side yard setbacks as follows:

Increased Setback Required on all Sideyards	Allowed Variation in Height
7 feet to all sideyards	1 foot added to height
9 feet to all sideyards	2 feet added to height
11 feet to all sideyards	3 feet added to height
13 feet to all sideyards	4 feet added to height

**Comment [BF5]:**  
 Would this conflict or help with the view overlay for Freeland lots?

15 feet to all sideyards	5 feet added to height
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(2) For those lots that are zoned Rural and do not meet the criteria set forth in subsection (1) of this section, a variation in height may be permitted in conjunction with sideyard setbacks as follows:

Increased Setback Required on all Property Lines	Allowed Variation in Height
20-foot setback on all property lines	1 foot added to height
35-foot setback on all property lines	2 feet added to height
50-foot setback on all property lines	3 feet added to height
65-foot setback on all property lines	4 feet added to height
80-foot setback on all property lines	5 feet added to height

- (iv) Under no circumstance shall a residential structure be granted a variance that exceeds forty (40) feet in height.
- (v) Variances for residential structures shall only be granted if the roof is peaked with pitch not less than 4:12.

**b. For commercial structures:**

- (i) A variance shall only be granted upon demonstration that there is a compelling economic need for exceeding the height standard, and
- (ii) A variance shall only be granted upon a finding that the benefits of allowing an increase in height exceed any negative impacts that may result, and
- (iii) A variance shall only be granted upon a finding that there will be a long-term economic benefit and/or significant expansion of the employment base.

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

**Comment [BF6]:**

Do we want to add a section here for mixed-use structures related to a variance in height as a part of an adopted affordable housing program – or just in the Business Village for Freeland?

For Freeland, proposed BV:  
 -increase no more than 10’ (1 additional floor)  
 -additional floor must be stepped back a min. xx ft  
 -additional open space or types of open space may be required

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.

- c. For all uses:
  - (i) The granting of any site coverage variance must provide for a harmonious transition between surrounding uses.
  - (ii) The granting of any site coverage variance for impervious surface shall only be allowed if it can be demonstrated that the post-development rate of surface water does not exceed the existing rate of pre-development surface water runoff.
  - (iii) A site coverage variance for impervious surface must consider innovative technologies that improve on-site infiltration of surface water.
  - (iv) A site coverage variance for impervious surface shall only be permitted if it can be demonstrated that the variation will not result in degradation of the surrounding community and the overall rural character.
- d. The granting of any site coverage variance for open space is prohibited.

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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.

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