

**Island County Ordinance No. C-29-00**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY,  
WASHINGTON**

IN THE MATTER OF AMENDING CHAPTER 17.03 ICC, TO COMPLY WITH THE ORDER OF THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD RELATING TO THE RURAL ZONE

**WHEREAS**, various parties filed petitions with the Western Washington Growth Management Hearings Board ("Western Board") to review Island County's adopted GMA Comprehensive Plan ("Comp Plan") and Development Regulations; and

**WHEREAS**, the Western Board entered its Final Decision and Order on June 2, 1999; and

**WHEREAS**, the Western Board found prospectively certain provisions of the Rural Zone invalid if interim regulations were not adopted by August 10, 1999, and therefore replacement regulations are needed to govern land use in the Rural Zone; and

**WHEREAS**, in 1998, the County completed environmental review under Chapter 43.21C RCW (SEPA) on its Comp Plan and Development Regulations including Rural Zone; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.03 ICC relating to the Rural Zone, needed on an interim basis to comply with the Order of the Western Growth Board are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comp Plan and Development Regulations; and

**WHEREAS**, RCW 36.70A.390 authorizes the County to adopt interim regulations at any time so long as a public hearing is held within sixty (60) days of enactment; and

**WHEREAS**, through Ordinance C-75-99, Island County adopted amendments relating to land in the Rural Zone to comply with the Order of the Growth Board; and

**WHEREAS**, by the terms of C-75-99, these regulations remain in effect for six (6) months; and

**WHEREAS**, through Ordinance C-160-99, Island County adopted a four (4) month extension to C-75-99; and

**WHEREAS**, further action is needed to extend these regulations in order to allow time to adopt permanent regulations and a determination that these new regulations comply with the Growth Management Act; **NOW, THEREFORE**,

**BE IT HEREBY ORDAINED** in order to comply with the June 2, 1999 Final Decision and Order of the Western Washington Growth Management Hearings Board, the Board of Island County Commissioners hereby adopts the proposed amendments to Chapter 17.03 ICC, attached hereto as Exhibit A, establishing interim regulations relating to the lands classified in the Rural Zone and the Findings and Legislative Intent attached hereto as Exhibit B. Material stricken through is deleted and material underlined is added.

**BE IT FURTHER ORDAINED** that these amendments to Chapter 17.03 ICC shall remain in effect for six (6) months or until it is determined that permanent changes are not needed to the five (5) acre minimum lot size for the Rural Zone to comply with the Growth Management Act.

Reviewed this 20th day of March, 2000 and set for public hearing at 3:30 PM on the 5<sup>th</sup> day of April, 2000.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

William F. Thorn, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

APPROVED AND ADOPTED this 5<sup>th</sup> day of April, 2000 following public hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

William F. Thorn, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

APPROVED AS TO FORM:

DAVID L. JAMIESON, JR.

Deputy Prosecuting Attorney

& Island County Code Reviser

## **EXHIBIT A**

### **ICC 17.03.060 Rural (R) Zone**

The Rural Zone is the principal land Use classification for Island County. Limitations on density and uses are designed to provide for a variety of rural lifestyles and to ensure Compatible uses.

A. **Permitted Uses.** Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Accessory Uses and Buildings on Lots with Existing Permitted Uses;
2. Accessory Uses in uninhabitable Buildings less than eight hundred (800) square feet in size on Lots less than 2.5 acres in size that do not have Existing permitting uses;
3. All Accessory Uses in uninhabitable Buildings on Lots 2.5 acres in size or larger that do not have Existing Permitted Uses;
4. Bed and Breakfast Room;
5. Farm or Forest Products Stand;
6. Fire Station (two (2) bays or smaller or less than four thousand (4,000) square feet) of Gross Floor Area;
7. Home Occupation;
8. The growing, harvesting, sale and managing of agricultural products including horticulture and Livestock, provided raising of Large Livestock on Lots less than 2.5 acres in size requires approval of an Animal Management Plan;
9. The growing, harvesting, sale and managing of forest products or any forest crop, in accordance with the Washington Forest Practices Act and regulations adopted pursuant thereto, including, but not limited to, timber, Christmas trees, nursery stock, and floral vegetation;
10. Group Home (no more than six (6) persons);

11. Day Care Nursery (no more than six (6) persons);
12. Guest Cottage;
13. Minor Utilities;
14. Temporary Uses;
15. The processing of agricultural or forest products in Structures that are less than four thousand (4,000) square feet of Gross Floor Area;
16. Seasonal sale of farm produce, with any associated Structures subject to the accessory building requirements stated herein and Signage requirements set pursuant to ICC 17.03.180;
17. Single Family Dwelling Unit;
18. Accessory Living Quarters; and
19. Water Tanks (thirty-two (32) feet or smaller in diameter or height and if not cylindrical in shape, then the surface area shall not exceed the ground area encompassed by a tank thirty-two (32) feet in diameter).

## **B. Conditional Uses**

1. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:
  - a) Accessory Uses and uninhabitable Buildings 800 square feet of Gross Floor Area or greater in size on Lots less than 2.5 acres in size that do not have Existing Permitted Uses;
  - b) Bed and Breakfast Inn;
  - c) Public/Community Boat Launch;
  - d) Campground and Recreation Vehicle Park which do not exceed three (3) sites per gross acre of the Parcel;
  - e) Communication Tower;
  - f) Equestrian Center as specified in ICC 17.03.180;
  - g) Group Home and Small Day Care Center (greater than six (6) but less than twelve (12) children or adults);

- h) Fire Station (larger than two (2) bays or 4,000 square feet or larger of Gross Floor Area);
- i) Home Industries as specified in ICC 17.03.180;
- j) Kennel;
- k) Major Utilities;
- l) The processing of agricultural or forest products in Structures that are four thousand (4,000) square feet or larger of Gross Floor Area;
- m) Storage Facility, Personal;
- n) Small-scale Recreation Uses as specified in ICC 17.03.180;
- o) Small-scale Tourist Use as specified in ICC 17.03.180;
- p) Water Tanks (larger than a permitted use); and
- q) Animal Shelters.

2. Uses allowed upon Site Plan approved pursuant to Chapter 16.15 ICC processed as Type III decisions and requiring a community meeting pursuant to Chapter 16.19 ICC, unless otherwise specified:

- a) Church except that a community meeting is not required if seating capacity is no more than 150 or fewer persons or a 2,000 square foot assembly area is proposed;
- b) Country Inn, except that a community meeting is not required if 20 or less rooms are proposed;
- c) Covered Equestrian Center as specified in ICC 17.03.180;
- d) Essential Public Facilities;
- e) Gun Club and Shooting Range;
- f) Mobile/Manufactured Home Park;
- g) Private or Public School;
- h) Surface Mine;
- i) Home Industries as specified in ICC 17.03.180, except that a community meeting is not required;

- j) Small-scale Recreation Uses as specified in ICC 17.03.180; and
- k) Small-scale Tourist Use as specified in ICC 17.03.180.

**C. Lot/Density.** Lot/density requirements shall be as follows:

1. Minimum Lot size shall be ten (10) acres. Base Density shall be one (1) Dwelling Unit per ten (10) gross acres.
2. For Lots, Tracts or Parcels twenty (20) acres or larger in size the Base Density may be increased as specified in ICC 17.03.180E through the approval of a PRD pursuant to Chapter 16.17 ICC with fractional units rounded upward to the next whole number.
3. For a PRD located within the unincorporated portion of an Urban Growth Area, the Base Density may be increased up to two-hundred percent (200%).
4. For Lots legally created prior to or after effective date of this Chapter, variations of ten (10) percent in the ten (10) 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.
5. Existing Lots with more than one (1) Existing Single Family Dwelling Unit legally established prior to the effective date of this Chapter, that are under twenty (20) acres in size, may be divided so each Dwelling Unit is on a separate Lot.

**D. Setbacks.** Unless otherwise provided in this Chapter, Setback requirements shall be as follows:

1. Setbacks for single family detached Dwelling Units, Mobile/Manufactured Homes and Accessory Buildings are specified in ICC 17.03.180.S.
2. For a PRD or Site Plan, the Setback may be modified by the approving authority in its action on the PRD application, pursuant to ICC 17.03.180.S.
3. For permitted or Conditional Uses adjacent to lands classified RA, CA, RF, AP or a Surface Mining operation:
  - a) The Setback requirements of this section may be increased to ensure that such uses do not Interfere with Permitted Uses allowed in the RA, CA, RF, AP zone or a Surface Mining operation; and
  - b) A notation shall be placed on the face of any plat, short plat, PRD or building permit(s) and included in documents of conveyance and any recorded covenants as provided in Chapter 16.25 ICC.

E. **Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, silos, communication sending and receiving devices, HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.

## **EXHIBIT B**

### **FINDINGS AND LEGISLATIVE INTENT**

1. The Western Washington Growth Management Hearings Board entered a Final Decision and Order on June 2, 1999, directing the County to adopt interim regulations that limit the minimum lot size in the Rural Zone to ten (10) acres.
2. Through Ordinance C-75-99, the County adopted this limitation for six (6) months and then extended this limitation through Ordinance C-160-99 for an additional four (4) months.
3. Ordinances C-135-99, C-03-00 and C-30-00 will adopt permanent amendments that address the Board's Order regarding a variety of rural densities in the Rural Area. However, the amendments in C-03-00 and C-30-00 will not take effect until it is determined that no further change in the five (5) acre minimum lot size in the Rural Zone is needed to comply with the GMA.
4. To ensure that the County complies with the June 2 Order of the Western Board, the interim regulation needs to be continued until the above-referenced determination is made.