



Analysis of Island County Zoning and Development Regulations in the Ebey's Landing National Historical Reserve

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I. Introduction

The purpose of this report is to identify the relevant Island County zoning designations and development regulations applicable to the properties that comprise the Ebey's Landing National Historical Reserve, and to assess the extent to which these designations and regulations are consistent with the goals of the Reserve. This information will be used by the National Park Service in its planning for the Reserve.

Documents consulted in the preparation of this report include: the 1998 Island County Comprehensive Plan; applicable portions of the Island County Code, including ICC Chapter 17.03 Island County Zoning Code; ordinances adopted by the Island County Board of County Commissioners; and decisions of the Western Washington Growth Management Hearings Board. Information also has been gathered from the Comprehensive Plan for Ebey's Landing National Historical Reserve, Washington (National Park Service, May 1980) and the 2000 Washington State Yearbook (Public Sector Information, Inc., Eugene, OR), and from interviews (in person and by telephone) with the Island County Planning and Public Works Directors, and Ebey's Landing Trust Board staff.

II. Executive Summary

According to the Federal legislation establishing the Ebey's Landing National Historical Reserve, the purpose of the Reserve is "to preserve and protect a rural community which provides an unbroken historical record from nineteenth-century exploration and settlement in Puget Sound to the present time ...". The Comprehensive Plan for the Reserve (National Park Service, 1980) discusses the preservation and interpretation of the visual, historical, and cultural resources of the Reserve. The Plan includes objectives, prepared by the Ebey's Landing National Historical Reserve Planning Committee, for public use and development, historic and natural preservation, and private use subject to appropriate local ordinances.

Island County's zoning and development regulations vary in the degree to which they are consistent with, and supportive of, the purpose and objectives of the Reserve. The Rural zoning district, one of the predominant zoning districts in the Reserve, allows the subdivision of land into lots as small as five acres. Such a development pattern, were it to occur in an uncontrolled manner, would be inconsistent with the existing visual character of the Reserve. The County has adopted development standards (lot coverage limits, building setbacks, etc.) for the Rural zoning district; however, it is doubtful that such standards would mitigate the impact that development of the Rural zoned areas at a full five-acre density would have on the Reserve's visual resource. Similarly, though the County regulations encourage clustering of lots and houses through the use of the Planned Residential Development (PRD) process in the Rural zoning district, the regulations do not require use of the PRD process.

Another significant potential inconsistency between the County's zoning regulations and the Reserve's objectives is in the area of allowed uses. Many of the uses allowed in the zoning districts within the Reserve could be incompatible with the Reserve's objectives. Even the County's Commercial Agriculture (CA) district, arguably the most supportive of the Reserve's

goal of preserving the farming legacy of the area, allows minor utilities as a permitted use and communications towers as a conditional use.

One way to address the issues of development density, development pattern, and allowed uses would be through the adoption by the County of an overlay zone that encompassed some or all of the Reserve. The County could adopt special zoning restrictions and requirements applicable only in this overlay zone; for example, all land subdivision within this overlay district could be required to go through a PRD process with special, more restrictive PRD standards. Similarly, allowed uses could be restricted within this overlay zone. The advantage of this approach is that it would not affect the development standards, densities, or uses allowed in other parts of the County.

III. Island County – General Location and Population

Island County is located in the central Puget Sound area of Western Washington. It consists of Whidbey and Camano Islands. The county seat is Coupeville. Island County was established in 1853, prior to Washington State statehood.

The Island County Comprehensive Plan notes that the County's population growth has largely been fueled by in-migration of people from other sections of the state and the country. According to the Plan, the County's total population has risen from 19,638 in 1960, to 27,011 in 1970 (a 38% increase from 1960 to 1970), 44,048 in 1980 (a 63% increase from 1970 to 1980), and 60,196 in 1990 (a 37% increase from 1980 to 1990). (Island County Comprehensive Plan, Chapter I Overview, page 1-21.) The County's Central Whidbey Planning Area, which contains almost all of the Reserve, (A small portion of the Reserve at the northeast corner of Penn Cove is part of the North Whidbey Planning Area) in 1990 contained 14% of the County's total population, the same share as in 1980 and down from 16% in 1970. (North Whidbey, the Planning Area with the largest population, had approximately 57% of the total 1990 County population.) (Chapter I Overview, page 1-22.) The County estimates that the Central Whidbey Planning Area's share of the population will fall to 13% in 2000 and 12% in 2010 and 2020. (page 1-85) In 1990, approximately 83% of the Central Whidbey Planning Area's population was in unincorporated areas (i.e. under direct Island County jurisdiction in land use and related matters), while 18% [sic] was in the Town of Coupeville; the County projects that in 2020 the percent in the unincorporated portion of the Planning Area will rise to 86%. (page 1-88)

According to the 2000 Washington State Yearbook, Island County had an estimated 1999 population of 73,300 (State estimate). Approximately one-third of the County's residents live in one of the three incorporated jurisdictions: the Cities of Oak Harbor and Langley, and the Town of Coupeville.

IV. Island County Comprehensive Plan and Zoning Code

A. Background

Island County's first comprehensive plan, the General Plan, was adopted in 1964, followed by the adoption of an Interim Zoning Ordinance in 1966. The County completed updating the General Plan's cultural and natural systems inventories in 1974 (Phase I: Existing Conditions), and soon thereafter adopted amended planning policies (Phase II: Planning Policies). However, the County never amended its zoning ordinance or development regulations to be consistent with the more recently adopted policies. In 1984, the County adopted a new Planning and

Zoning Strategy along with implementing performance-based zoning and development regulations.

Work on the current Island County Comprehensive Plan began shortly after passage of the Washington State Growth Management Act in 1990. The County prepared several drafts of the Plan for public review between 1994 and 1998. In September 1998, the County Planning Commission presented its recommended Comprehensive Plan to the Board of County Commissioners (BOCC). The BOCC held several additional public hearings, adopting the Plan on September 28, 1998.

Plan opponents, including the Whidbey Environmental Action Network (WEAN) and the Island County Citizens Growth Management Coalition, filed several appeals with the Western Washington Growth Management Hearings Board ("the Hearings Board"), challenging the timeliness and adequacy of the Plan and its implementing development regulations. One of the issues included in the challenges was the consistency with Growth Management Act requirements of the County's proposed five-acre density (one dwelling unit per five acres) in the Rural zone. After hearing these challenges, on October 12, 2000 the Hearings Board issued a Compliance Hearing Order validating the County's position on most of the remaining issues, including the five-acre density in the Rural zone.

B. Land Use and Zoning Designations

This report refers to two separate but closely related sets of Island County land use designations: "Future Land Use" designations, as shown on the "Future Land Use Map" of the Island County Comprehensive Plan; and "Zoning" as shown on the Island County Zoning Map. In Island County, the names of zones are identical to the names of corresponding land use designations. The County's own maps sometimes use these terms interchangeably. However, the Comprehensive Plan and the Zoning Code are separate, distinct documents. The Comprehensive Plan establishes the more general policy basis for the County's land use regulations; the Zoning Code contains these detailed regulations themselves. Because of the one-to-one correspondence between land use designations and zoning districts in Island County, these two sets of designations are discussed together in this report.

The "Future Land Use Plan Central Whidbey" (Island County Comprehensive Plan Element 1: Policy Plan and Land Use Element, Map L) illustrates the future land use / zoning designations for central Whidbey Island. According to the Plan, these designations "describe the future land use plan for Island County ... based on the major issues as identified in Chapter I, the existing land use analysis in Chapter II, and the goals and policies that will be used to guide and accommodate future growth as presented in Chapter IV." (Section III page 1-111.) The "Future Land Use Plan Central Whidbey" labels its designations as "proposed zoning."

The Reserve contains a mix of land use/zoning designations. In Ebey's Prairie, the predominant designation/zone is Commercial Agriculture. To the west of the Prairie (in and around Sunnyside Cemetery), there is a small area designated/zoned Rural. West of this are substantial areas designated/zoned Rural Agriculture and Rural Forest. There is another area designated/zoned Commercial Agriculture in the Crockett Prairie area, and several scattered areas designated/zoned Rural Forest north and east of Crockett Prairie. Aside from these areas, and the areas designated Park (Ebey's Landing, Fort Ebey, and Fort Casey State Parks) or Municipality (all areas within the Town of Coupeville municipal limits), and small areas of Rural Residential along the shores of Penn Cove, most of the land within the Reserve is

designated/zoned Rural or Rural Agriculture. The following is a summary of the densities currently allowed under Island County's development regulations for those zones present in the Reserve.

<u>Zone</u>	<u>Minimum Lot Size</u>	<u>% of County</u>
CA (Commercial Agriculture)	20 acres	4%
R (Rural)	5 acres	30%
RA (Rural Agriculture)	10 acres	18%
RF (Rural Forest)	10 acres	
PK (Park)	N/A	
RR (Rural Residential)	14,500 SF to 2.5 acres	8%

Commercial Agriculture (CA)

SUMMARY

Minimum Parcel Size: 20 acres

Base Density: 1 dwelling unit per 20 acres

Permitted and Conditional Uses: primarily agriculture and forestry-related; single-family homes, minor utilities, and wineries also permitted; conditional uses allowed through a special review process include communications towers, bed and breakfast inns, and recreational aerial activities

COMPREHENSIVE PLAN

Definition

Areas that meet the definition of RCW 36.70A.030(2): "land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long term commercial significance for agricultural production.

Goal

Reserve lands which because of their size, soil type, and active management are part of an essential land base to continued commercial agriculture, and assure their continued viability to serve as a resource for food, fiber, feed and forage.

Policies

- A. Minimum parcel size shall be 20 acres. Base density is one dwelling unit per 20 acres.
- B. Preference shall be given to PRD cluster development consisting of either attached or detached housing on parcels at least 20 acres in size in the event subdivision of land occurs, provided that at least 50% is allocated for permanent open space and there are no adverse impacts to critical areas or natural resource conservation areas.
- C. Upon adoption of this plan, Agricultural Resource landowners will be allocated Earned Development Units based on the time of commitment of their conservation easement in a Farm/Forest Management Plan. A schedule for the allocation of Earned Development Units shall be shown in the development regulations with a clear relationship between number of earned units and time of commitment of conservation easement.
- D. Earned development units may be used pursuant to an adopted Farm/Forest Development and Management Plan through land division or PRD with a minimum lot size of 1 acre, and a maximum lot size of 2.5 acres. The plan will cover such items as the general location of earned development units, identify action to strengthen the farm or forest unit, shall encompass the entire farm or forest unit, shall commit at least 75% of the farm or forest unit to commercial production for no less than 20 years, and must protect the most productive portions of the farm or forest unit and enhance commercial productivity. All uses allowed in the Rural land use designation shall be allowed in the remaining 25%. Earned development units may be used only on land that does not contain prime soils or is otherwise not suitable for farming. Earned development units may be located on the Farm unit or other Rural, Rural Agriculture, Rural Forest or Commercial Agriculture lands owned by the farm or forest operator provided that at least 75% of the Farm unit is kept in a conservation easement.
- E. Achieve agricultural preservation through:

1. Right-to-farm and forest measures which protect the right to pursue farm and forestry activities.
2. Support the continuation of preferential tax programs.
- F. Encourage an effective stewardship of the environment to conserve and protect Commercial Agriculture lands.
 1. Prevent or correct agricultural practices that produce non-point source pollution of surface and groundwater.
 2. Take measures to minimize adverse impacts of agricultural activities.
- G. Protect agricultural operations from incompatible uses by using measures including, but not limited to:
 1. Ensuring that uses on adjacent lands do not interfere with continuing agricultural good management practices on resource lands;
 2. Setbacks and buffer strips should be on land within the development unless an alternative is mutually agreed on by adjacent landowners; and
 3. Public education concerning resource activities and the common benefits derived from them.
- H. Protect and promote related development such as farmers markets and roadside stands, cooperative marketing, and value-added products, etc.
- I. Strengthen public disclosure of current adjacent agricultural activities by means of a "right to farm" notice on the deed, area maps, etc.
- J. Support the continued existence of agricultural lands by means of tax incentives or other appropriate financial aid or incentives.
- K. Coordinate agricultural land preservation policies with other jurisdictions, special districts and their respective programs.
- L. Coordinate agricultural land preservation policies with other County-wide Planning Policies through:
 1. Correlating agricultural land preservation policies with Urban Growth Area policies and with public facility and service provision policies to prevent the extension of urban services to areas intended for continued agricultural use;
 2. Ensuring that public facility and service extension, even if not directly serving the agricultural lands, do not stimulate the conversion of agricultural land or make its preservation and protection more difficult.
- M. In order to assure the rights of agricultural land owners and to provide them reasonable flexibility to modify classification of their land, owners of agricultural land may request change of agricultural lands classification under certain circumstances.
- N. Cooperative agricultural production and marketing will be encouraged.

ZONING

Purpose

The primary purpose of the Commercial Agriculture (CA) zone is to protect and encourage the long term Commercially productive Use of Island County's agricultural resource lands of long term Commercial significance that have been designated pursuant to RCW 36.70A.170. It is established to identify geographic areas where a combination of soil and topography allow Commercial farming practices to be conducted in an efficient and effective manner; to help maximize the productivity of the lands so classified; to protect farming operations from Interference by non-farmers; and to maintain agricultural land areas for Agriculture Use free from conflicting non-farm uses. Otherwise, the purposes of the zoning classification are the same as the RA zone.

Designation Criteria

Parcels that meet the following criteria qualify as resource Agricultural Land and shall be classified in the Commercial Agriculture classification:

1. The Lot, Tract or Parcel is at least twenty (20) acres in size or smaller contiguous lots owned by the same Owner that, in combination, are at least twenty (20) acres in size; and
2. At least twenty-five percent (25%) of the Lot, Tract or Parcel is composed of prime soils; and
3. The Lot, Tract or Parcel as of June 2, 1999, is classified in the open agriculture tax program or if withdrawn, all taxes, interest and penalties were not paid in full as of June 2, 1999; and
4. The Lot, Tract or Parcel is not located within a Drainage or Diking District or otherwise protected by dikes, UGA, RAID, State Park or owned by the Navy.

Permitted Uses

1. Accessory Uses;
2. All uses which are necessary to the production, harvesting, sale or processing of agricultural products or have the principal purpose of carrying out or facilitating the practice of farming and farm activities;
3. Bed and Breakfast Room;
4. Dwelling Units for farm workers employed by the farm operator;
5. Farm Produce Stand and Forest Products Stand;
6. The growing, harvesting, sale and managing of agricultural products including horticulture and Livestock;
7. The growing, harvesting, sale (including seasonal sales) 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;
8. Guest Cottage;
9. Home Occupation;
10. Minor Utilities;
11. Single Family Dwelling Unit;
12. Temporary Uses;
13. Water Tank;
14. Winery;
15. Farm equipment storage and repair facilities;
16. Veterinarian Clinic;
17. Day Care Nursery and Small Day Care Center (no more than six (6) persons); and
18. Accessory Living Quarters.

Conditional Uses

1. Communication Towers;
2. Home Industry;
3. Equestrian Center;
4. Small Day Care Center;
5. Bed and Breakfast Inn; and
6. Recreational Aerial Activities such as balloon rides, glider and parachute events.
7. Covered Equestrian Center; and
8. Home Industries.

ANALYSIS

Most of Ebey's Prairie and Crockett's Prairie are designated/zoned Commercial Agriculture (CA). The stated purpose of the CA zone is to "protect and encourage" commercial farming. In this respect it is the most appropriate of the County's land use designations to be applied to these parts of the Reserve. The 20-acre minimum lot area – the largest minimum lot area under current County zoning – provides reasonable protection against inappropriate subdivision and development. Smaller lots may be created only through a Planned Residential Development (PRD) process, which gives the County discretion to impose special approval conditions; an increase in overall density (additional units per acre) cannot be approved in the CA zone through the PRD process. Only 4 % of the County's land area is designated/zoned Commercial Agriculture.

Some uses allowed in the CA zone, either as permitted or conditional uses, may be incompatible with the historic character of Reserve. Minor utilities, such as electrical distribution substations, are permitted outright. Bed and Breakfast Inns, communication towers, and hot-air balloon rides are allowed through a conditional use process. If these and similar uses were prohibited in CA within the boundaries of the Reserve, CA would be a more appropriate designation. This prohibition could be accomplished through the adoption by the County of an overlay zone consisting of all lands within the boundaries of the Reserve, with special use restrictions within this overlay zone.

Rural (R)

SUMMARY

Minimum Parcel Size: 5 acres

Base Density: 1 dwelling unit per 5 acres

Permitted and Conditional Uses: primarily agriculture and forestry-related; single-family homes, minor utilities also permitted; conditional uses allowed through a special review process include communications towers, bed and breakfast inns, campgrounds and RV parks, major utilities, storage facilities, mobile/manufactured home park, and surface mine.

COMPREHENSIVE PLAN

Definition

Rural areas of the County not otherwise designated or within UGAs, areas of more intensive rural development, Rural Agriculture, Rural Forest, or Commercial Agriculture

Goal

Maintain low residential densities to preserve rural character and to provide buffers between urban activities and agricultural and forest uses.

Policies

- A. Minimum parcel size is five acres. The base density is one dwelling unit per five acres.
- B. Lot size averaging shall be allowed for subdivision of parcels ten acres or greater in size, provided minimum and average parcel size and density thresholds are met as set forth in the development regulations.
- C. Preference shall be given for PRD cluster development consisting of either attached or detached housing in the event subdivision of land occurs. A density bonus should be granted proportional to the size of the PRD and the Open Space Ratio and there are no adverse impacts to critical areas or natural resources conservation areas. PRDs located in the unincorporated portion of a municipal Urban Growth Area shall be given a maximum 200% density bonus if lots are limited to 12,500 square feet, or the minimum required to meet health requirements. PRDs located outside the unincorporated portion of a municipal Urban Growth Area shall not be approved unless it can be determined affirmatively that the need for future urban services is precluded and that the PRD will provide a better opportunity to protect rural character than a traditional subdivision or short subdivision.
- D. Encourage diverse economic opportunities and uses compatible with and supportive of a rural way of life as outlines under the goals and policies in this chapter for Home Occupations and Home Industries in the Rural Area.
- E. The Rural designation shall provide for appropriately categorized permitted and conditional uses that include single family detached dwellings, accessory uses, agricultural or forest products processing agricultural products (growing, harvesting, managing and selling), bed and breakfast inns, bed and breakfast rooms, boat launches, campgrounds and recreation vehicle parks, churches, communications towers, country inns, day care centers, day care nurseries, small day care center, equestrian centers, essential public facilities, farm/forest produce stands, fire stations, forest products (growing, harvesting, managing and selling), group homes, guest cottages, gun clubs and shooting ranges, home industries, home occupations, kennels, livestock husbandry, major utilities, minor utilities, mobile homes, mobile/manufactured home parks, planned residential developments, schools, seasonal

sale of farm produce, small scale recreation uses, small scale tourist uses, storage facilities, surface mining, and water tanks.

- F. Residential development near designated Commercial Agriculture lands must be designed to minimize potential conflict and prevent unnecessary conversion of farm land.
- G. Minor or small scale agriculture activities are consistent with rural areas, support rural character, and should be protected and encouraged.
- H. All non-residential uses within the Rural designation must comply with rural design guidelines to assure compatibility with adjacent uses.
- I. All structures and uses within a PRD, except access roads, must be screened from the view of adjacent properties and public roadways.

ZONING

Purpose

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.

Permitted Uses

- 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 two and one-half (2.5) acres in size that do not have Existing permitting uses;
- 3. All Accessory Uses in uninhabitable Buildings on Lots two and one-half (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 two and one-half (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).

Conditional Uses

1. Accessory Uses and uninhabitable Buildings eight-hundred (800) square feet of Gross Floor Area or greater in size on Lots less than two and one-half (2.5) acres in size that do not have Existing Permitted Uses;
2. Bed and Breakfast Inn;
3. Public/Community Boat Launch;
4. Campground and Recreation Vehicle Park which do not exceed three (3) sites per gross acre of the Parcel;
5. Communication Tower;
6. Equestrian Center;
7. Group Home and Small Day Care Center (greater than six (6) but less than twelve (12) children or adults);
8. Fire Station (larger than two (2) bays or four thousand (4,000) square feet or larger of Gross Floor Area);
9. Home Industries;
10. Kennel;
11. Major Utilities;
12. The processing of agricultural or forest products in Structures that are four thousand (4,000) square feet or larger of Gross Floor Area;
13. Storage Facility, Personal;
14. Small-scale Recreation Uses;
15. Small-scale Tourist Use;
16. Water Tanks (larger than a permitted use); and
17. Animal Shelters.
18. Church;
19. Country Inn,;
20. Covered Equestrian Center;
21. Essential Public Facilities;
22. Gun Club and Shooting Range;
23. Mobile/Manufactured Home Park;
24. Private or Public School;

- 25. Surface Mine;
- 26. Home Industries
- 27. Small-scale Recreation Uses
- 28. Small-scale Tourist Use

ANALYSIS

“Rural” (R) is the most common land use designation/zone in the Reserve, as well as County-wide. The zone’s stated purpose is “to provide for a variety of rural lifestyles” throughout the County, through “limitations on density and uses.” Whether or not the zone imposes sufficiently stringent limitations on densities and uses to preserve the vaguely defined “rural lifestyle” has been a matter of much dispute County-wide, and certainly is a relevant question within the Reserve.

The County’s retention of 5-acre density (one dwelling unit per five acres) in Rural-zoned areas was among the many issues appealed by plan opponents to the Western Washington Growth Management Hearings Board (“the Hearings Board”). On June 2, 1999, the Hearings Board issued a Final Decision and Order remanding 23 issues to the County for reconsideration; among these was the County’s reliance on 5-acre Rural density.

The challenges and the remand were based on the Growth Management Act (GMA) requirement that counties provide a variety of rural densities, and that they protect rural character. The GMA requires that all land not designated for urban growth, as Resource land (mineral, forest, or agricultural production), or as environmentally sensitive area, be designated Rural. Although the term “Rural character” is used in the GMA, it is not well defined and may not necessarily correspond with the specific “Rural character” found in places such as the Reserve.

In response to the Hearings Board decision, the County adopted amendments to the development regulations, incorporating additional development standards for Rural areas. At an August 4, 2000 hearing, the County presented these amendments, as well as arguments defending the retention of 5-acre Rural zoning. A majority of the Hearings Board found these arguments persuasive, and in an October 12 Compliance Hearing Order approved the retention of 5-acre Rural zoning.

The current Island County Code establishes a minimum 5-acre density for Rural designated land. It also imposes additional development standards for Rural designated lands, intended to help preserve the character of these rural areas. For example, the zoning code imposes a maximum 5% building coverage for parcels 5 acres or larger in size. It also establishes new setback requirements for Rural designated lots and parcels. Front setbacks range from a minimum of 20 or 30 feet for existing lots, to up to 100 feet for new lots or parcels fronting on arterial or collector roads or State highway (the prior front setbacks requirement was 20 or 30 feet for all lots). Side and rear setbacks for new parcels range from 5 feet for existing lots, to 50 feet for new ones (formerly all lots required only 5 feet of rear and side setback).

It is debatable whether or not these amendments, and the 5-acre zoning itself, offer adequate protection to the specific historic rural character present in the Reserve. The 5-acre minimum lot size (which can be further reduced through the Planned Residential Development process) is not compatible with historic development patterns in the reserve (although it may be consistent

with past County zoning in many of these areas), and could lead to a relatively intensive development pattern. Although Comprehensive Plan policies encourage the use of the PRD process when property owners subdivide land, the PRD process is not required. In addition, many of the uses permitted outright or allowed through a conditional use process are clearly inconsistent with the goals of the Reserve. Such uses include major and minor utilities, communications towers, and surface mines.

The Rural designation/zone would be more compatible with the goals of the Reserve if a larger minimum lot area were required within the Reserve, and if certain uses were prohibited within the Reserve. These restrictions could be imposed through the adoption by the County of an overlay zone consisting of all lands within the boundaries of the Reserve, with special density and use restrictions within this overlay zone. Whether or not larger minimum lot areas are required within the Reserve, all land subdivision within the Reserve should be required to go through the PRD process, so that the County has more discretion to require special approval conditions.

Rural Agriculture (RA)

SUMMARY

Minimum Parcel Size: 10 acres

Base Density: 1 dwelling unit per 10 acres

Permitted and Conditional Uses: primarily agriculture and forestry-related; single-family homes, minor utilities also permitted; conditional uses allowed through a special review process include communications towers, bed and breakfast inns, recreational aerial activities, gun club and shooting range, and surface mine.

COMPREHENSIVE PLAN

Definition

Lands where agricultural activities have been an important and valued use in the past, and will continue to be in the future, but do not meet the criteria for inclusion as lands of long-term commercial significance.

Goal

Create an area where rural agricultural activities are encouraged to occur with residential uses while preserving rural character and maintaining open space as the dominant characteristic.

Policies

- A. Minimum parcel size is 10 acres. Base density is one dwelling unit per 10 acres.
- B. Preference shall be given to PRD cluster development consisting of either attached or detached housing on parcels at least 10 acres in size in the event subdivision of land occurs provided that at least 50 % is allocated for permanent open space, of which no more than 15 % can be allocated to community area as defined in chapter 16.17ICC, and there are no adverse impacts to critical areas or natural resource conservation areas.
- C. Upon adoption of this plan, Rural Agriculture landowners will be allocated Earned Development Units based on the time of commitment of their conservation easement in a Farm/Forest Management Plan. A schedule for the allocation of Earned Development Units shall be shown in the development regulations with a clear relationship between the number of Earned units and the time of commitment of conservation easement.
- D. Earned Development Units may be use pursuant to an adopted Farm/Forest Development and Management Plan through boundary line adjustment, land division or PRD with a minimum lot size of 1 acre, and a maximum lot size of 2.5 acres. The plan will cover such items as the general location of earned development units, identify action to strengthen the farm or forest unit, shall encompass the entire farm or forest unit, shall commit at least 75% of the farm or forest unit to commercial production for no less than 10 years, and must protect the most productive portions of the farm or forest unit and enhance commercial productivity. All uses allowed in the Rural land use designation shall be allowed in the remaining 25%. Earned development units may be used only on land that does not contain prime soils or is otherwise not suitable for farming. Earned development units may be located on the Farm unit or other Rural, Rural Agriculture, Rural Forest or Commercial Agriculture lands owned by the farm or forest operator provided that at least 75% of the Farm unit is kept in a conservation easement.
- E. Right to farm and forest measures shall protect the right to pursue farm and forestry activities.

- F. The Rural Agriculture designation shall provide for appropriately categorized permitted and conditional uses that are compatible with the surrounding area and include accessory uses, agricultural products (growing, harvesting, managing, processing and sale), bed and breakfast rooms, communication towers, equestrian centers, essential public facilities, farm/forest produce stands, farm worker dwellings, forest products (growing, harvesting, managing, processing and sale), guest cottages, gun clubs and shooting ranges, home industries, home occupations, kennels, minor utilities, planned residential developments, seasonal sale of farm produce, single family dwellings, surface mining, and water tanks.
- G. Measures shall be used to support roadside stands or farmers' markets which may help farmers who wish to directly market produce to nearby residential areas.
- H. Encourage the conservation of lands suitable for agricultural use and support farming as an activity valued in the County.
- I. Cooperative agricultural production and marketing will be encouraged.
- J. Encourage agricultural landowners to retain their lands in agricultural production and to utilize tax incentive programs.
- K. Support innovative public and private programs that provide farmers incentives to stay on the land.

ZONING

Purpose

"The primary purpose of the Rural Agriculture (RA) zone is to protect and encourage the long term productive Use of Island County's agricultural land resources of local importance. It is established to identify geographic areas where Commercial farming practices can be conducted in an efficient and effective manner; and to help maximize the productivity of the lands so classified. Secondly, lands classified RA provide scenic Open Space, wildlife habitat and watershed management to the extent such Use is consistent with the primary purposes of the Zone.

Permitted Uses

1. Accessory Uses;
2. All uses which are necessary to the production, harvesting, sale or processing of agricultural products or have the principal purpose of carrying out or facilitating the practice of farming;
3. Bed and Breakfast Room;
4. Dwelling Units for farm workers employed by the farm operator;
5. Farm Produce Stand and Forest Products Stand;
6. The growing, harvesting, sale and managing of agricultural products including horticulture and Livestock;
7. The growing, harvesting, sale (including seasonal sales) 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;
8. Guest Cottage;
9. Home Occupation;
10. Minor Utilities;

11. Single Family Dwelling Unit;
12. Temporary Uses;
13. Water Tanks;
14. Day Care Nursery (no more than six (6) persons);
15. Group Home (no more than six (6) persons); and
16. Accessory Living Quarters.

Provided that any Permitted Use shall be disapproved upon finding that it will interfere with efficient management or productivity of Agricultural Uses.

Conditional Uses

1. Communication Towers;
2. Equestrian Center;
3. Home Industry;
4. Kennels;
5. Bed and Breakfast Inn;
6. Small Day Care Center;
7. Recreational Aerial Activities.
8. Gun Club and Shooting Range;
9. Surface Mine;
10. 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;
11. Covered Equestrian Center;
12. Home Industries.
13. Earned Development Units after approval by the Board of a Commercial Agriculture Farm Management

ANALYSIS

The Rural Agriculture (RA) designation/zone is used throughout the Reserve, including lands immediately adjacent to Ebey's Prairie and Crockett's Prairie.

The RA zone's stated purpose in the Island County Zoning Code is "to protect and encourage the long term productive use of ... agricultural land resources of local importance. ... Secondly, lands classified RA provide scenic Open Space, wildlife habitat and watershed management ... consistent with the primary purposes of the Zone." The 10-acre minimum lot area is only minimally consistent with the character of the Reserve, and could lead to a development pattern that detracts from the Reserve's visual quality. Although the County gives "preference" to the use of the PRD process when subdividing land, the County does not require the PRD process. Although the County offers incentives (in the form of Earned Development Units) for the continuation of farm and forestry-related uses, a wide range of other uses are allowed as permitted or conditional uses. Some of these other uses, such as minor utilities, communications towers, bed and breakfast inns, hot air balloon rides, gun clubs and shooting ranges, and surface mines, are not compatible with the character and goals of the Reserve.

The County's Comprehensive Plan policies also call for the County to "encourage" or "support" agriculturally-compatible activities such as roadside stands or farmers' markets, cooperative agricultural production and marketing, and other "innovative public and private programs that provide farmers incentives to stay on the land." It is not clear what, if anything, the County currently is doing to implement these policies.

The RA designation/zone would be more compatible with the goals of the Reserve if a larger minimum lot area were required within the Reserve, and if certain uses were prohibited within the Reserve. These restrictions could be imposed through the adoption by the County of an overlay zone consisting of all lands within the boundaries of the Reserve, with special density and use restrictions within this overlay zone. Whether or not larger minimum lot areas are required within the Reserve, all land subdivision within the Reserve should be required to go through the PRD process, so that the County has more discretion to require special approval conditions.

Rural Forest (RF)

SUMMARY

Minimum Parcel Size: 10 acres

Base Density: 1 dwelling unit per 10 acres

Permitted and Conditional Uses: Primarily forestry-related; single-family homes, minor utilities also permitted; conditional uses allowed through a special review process include communications towers, bed and breakfast inns, campgrounds and RV parks, recreational aerial activities, gun club and shooting range, major utilities, and surface mines.

COMPREHENSIVE PLAN

Definition

Lands where forestry activities have been an important and valued use in the past, and will continue to be in the future, but do not meet the criteria for inclusion as lands of long-term commercial significance.

Goal

Create an area where rural forest activities are encouraged to occur with residential uses while preserving the rural character and maintaining open space as the dominant characteristic. Maintain low residential densities to preserve rural character and to provide buffers between urban activities and agricultural and forest uses.

Policies

- A. Minimum parcel size is 10 acres. Base density is one dwelling unit per 10 acres.
- B. Preference will be given to PRD cluster development consisting of either attached or detached housing on parcels at least 20 acres in size in the event subdivision of land occurs. A density bonus should be granted proportional to the size of the PRD and the Open Space Ratio, and there are no adverse impacts to critical areas or natural resource lands. PRDs located outside the unincorporated portion of a municipal Urban Growth Area shall not be approved unless it can be determined affirmatively that the need for future urban services is precluded and that the PRD will provide a better opportunity to protect rural character than a traditional subdivision or short subdivision.
- C. Right-to-farm and forest measures shall protect the right to pursue farm and forestry activities.
- D. The Rural Forest designation shall provide for appropriately categorized permitted and conditional uses that are compatible with the surrounding area and include accessory uses, bed and breakfast rooms, boat launches, campgrounds and recreation vehicle parks, communication towers, equestrian centers, essential public facilities, farm/forest produce stands, forest products (growing, harvesting, managing, processing and sale), guest cottages, gun clubs and shooting ranges, home industries, home occupations, kennels, minor utilities, planned residential developments, single family dwellings, surface mining, and water tanks.
- E. Measures shall be used to support silviculture industries.
- F. Encourage the conservation of lands suitable for forestry use and support forestry as an activity valued in the County.
- G. Cluster development or encourage low intensity uses to minimize site clearing and maintain future forestry use options.

- H. Encourage forestry landowners to retain their lands in timber production and to utilize tax incentive programs.
- I. Support innovative public and private programs that provide foresters incentives to stay on the land.
- J. Encourage selective clearing and logging, as opposed to clear-cutting, if forest harvesting is done in the Ebey's Landing National Historical Reserve.
- K. Reclassification from RF to R shall be granted if requested by the owner when the owner cannot make reasonable economic use of the parcel for commercial forestry, considering all relevant factors. Provided, that the determination of whether the owner can make reasonable economic use of the parcel for commercial forestry shall not involve consideration of the personal circumstances of any particular owner.
- L. All structures and uses within a PRD, except access roads, must be screened from the view of adjacent properties and public roadways.

ZONING

Purpose

The primary purpose of the Rural Forest (RF) zone is to protect and encourage the long term productive Use of Island County's forest land resources of local Significance. It is established to identify geographical areas where Commercial Forest management practices can be conducted in an efficient manner; and to help maximize the productivity of the land so classified.

Secondarily, lands classified RF provide recreation opportunities, scenic Open Space, wildlife habitat and watershed management to the extent such Use is consistent with the primary purposes of the Zone.

Permitted Uses

- 1. Accessory Uses;
- 2. All uses and activities necessary to the production of forest products and/or the harvesting and processing of timber or which have the principal purpose of carrying out or facilitating forestry;
- 3. Bed and Breakfast Room;
- 4. Farm Produce Stand and Forest Products Stand;
- 5. 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;
- 6. Guest Cottage;
- 7. Home Occupation;
- 8. Livestock husbandry;
- 9. Minor Utilities;
- 10. Single Family Dwelling Unit;
- 11. Temporary Uses;
- 12. Water Tank;
- 13. Day Care Nursery (no more than six (6) persons);
- 14. Group Home (no more than six (6) persons); and

15. Accessory Living Quarters.

Provided that any Permitted Use shall be disapproved upon finding that it will Interfere with efficient management or productivity of forest management uses.

Conditional Uses

1. Public Boat Launch;
2. Campground and Recreation Vehicle Park which do not exceed three sites per gross acre of the site area;
3. Communication Towers;
4. Equestrian Center;
5. Home Industry;
6. Kennel;
7. Bed and Breakfast Inn;
8. Small Day Care Center; and
9. Recreational Aerial Activities.
10. Gun Club and Shooting Range;
11. Surface Mine;
12. Covered Equestrian Center;
13. Churches 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; and
14. Home Industries.

ANALYSIS

The Rural Forest (RF) designation/zone is used in several areas in the Reserve, including lands immediately west of Ebey's Prairie. The RF zone's stated purpose in the Island County Zoning Code is "to protect and encourage the long term productive use of Island County's forest land resources of local ... Secondly, lands classified RF provide recreation opportunities, scenic Open Space, wildlife habitat and watershed management ... consistent with the primary purposes of the Zone."

The County has not identified any forest resource lands (i.e. forestry lands of long-term commercial significance) in Island County; therefore, the County has no lands designated or zoned Commercial Forest.

The 10-acre minimum lot area is only minimally consistent with the character of the Reserve, and could lead to a development pattern that detracts from the Reserve's visual quality. Although the County gives "preference" to the use of the PRD process when subdividing land, the County does not require the PRD process. If the PRD process is used, the property owner can receive a density bonus that could result in additional houses being built.

The County's Comprehensive Plan policies call for the County to "encourage" forestry landowners to retain their lands in timber production, and calls for the conservation of lands suitable for forestry use, it is not clear what, if anything, the County currently is doing to implement these policies. Similarly, although the County has adopted a Comprehensive Plan

policy calling for the County to “encourage selective clearing and logging, as opposed to clear-cutting, if forest harvesting is done in the Ebey’s Landing National Historical Reserve,” it is not clear how this policy would be implemented or enforced.

Additionally, the County allows a wide range of other uses as permitted or conditional uses. Some of these other uses, such as minor utilities, communications towers, bed and breakfast inns, hot air balloon rides, gun clubs and shooting ranges, surface mines, and RV parks, are not compatible with the character and goals of the Reserve.

The RF designation/zone would be more compatible with the goals of the Reserve if a larger minimum lot area were required within the Reserve, and if certain uses were prohibited within the Reserve. These restrictions could be imposed through the adoption by the County of an overlay zone consisting of all lands within the boundaries of the Reserve, with special density and use restrictions within this overlay zone. Whether or not larger minimum lot areas are required within the Reserve, all land subdivision within the Reserve should be required to go through the PRD process, so that the County has more discretion to require special approval conditions. However, the County should eliminate or strictly limit the amount of density bonus which a property owner can obtain through the PRD process.

Rural Residential Lands (RR)

SUMMARY

Minimum Parcel Size: 14,500 square feet – 2.5 acres

Base Density: varies

Permitted and Conditional Uses: primarily agriculture and forestry-related; single-family dwellings, duplexes, triplexes, fourplexes, accessory living quarters, minor utilities also permitted; conditional uses allowed through a special review process include bed and breakfast inns.

COMPREHENSIVE PLAN

Definition

Lands located within defined boundaries of residential areas of more intensive rural development that are intended for infill development and limited subdivision at the prevailing residential density in the defined area.

Goal

Provide for the infill, development, or redevelopment of existing residential areas which have been identified as residential areas of more intensive rural development pursuant to RCW 36.70A.070(5)(d).

Policies

- A. Infill development is permitted on existing platted lots.
- B. Base density is either 3, 2, 1, or 0.4 dwelling units per acre as determined in item C.
- C. Subdivision of Rural Residential (RR) parcels shall be allowed at the average existing parcel size of all existing parcels 5 acres or smaller within each area of more intensive rural development, provided that for those areas with an average parcel size less than 14,500 square feet, the minimum parcel size shall be 14, 500 square feet or the minimum required by County health requirements, whichever is greater. The allowable minimum parcel size for each area of more intensive development shall be either 14,500 square feet, 0.5 acres, 1 acre, or 2.5 acres, however, potential subdivision may be limited by applicable shorelines regulations, critical areas regulations, County health requirements, public facility limitations, and other land use or zoning limitations. The minimum parcel size for each area of more intensive rural development shall not change over time and shall be indicated in the development regulations.
- D. Rural Residential areas with established sewer districts at the time of adoption of this plan will be capable of subdivision and development at 3 dwelling units per acre only if remedial action is taken to address any storm drainage problems associated with existing development. Further, these areas may subdivide and develop at up to 6 dwelling units per acre if a long-term storm drainage plan is developed with an implementation schedule approved by the County.
- E. Lot size averaging shall be allowed for subdivision provided the base density threshold is met.
- F. The Rural Residential designation shall provide for appropriately categorized permitted and conditional uses that include single family detached dwellings, duplexes, triplexes, fourplexes, accessory uses, agricultural products (growing, harvesting, managing, processing and sale), bed and breakfast inns, bed and breakfast rooms, boat launches, day

care nurseries, fire stations, home occupations, livestock husbandry, minor utilities, mobile homes, and water tanks.

- G. All non-residential uses within the Rural Residential designation must comply with rural design guidelines to assure compatibility with adjacent uses.
- H. Raising of large livestock shall be provided for conditioned on the approval of an Animal Management Plan.
- I. A proactive planning approach shall be used for access management onto State Highway. Possible consolidation of access points should be explored.

ZONING

Purpose

The purpose of the Rural Residential Zone is to define the Logical Outer Boundary of a pattern of development and density that is more intensive than the density permitted in the R zone.

Permitted Uses

- 1. Accessory Uses and Buildings on Lots with Existing Permitted Uses;
- 2. Accessory Uses in uninhabitable Buildings less than eight-hundred (800) square feet of Gross Floor Area in size on Lots less than two and one-half (2.5) acres in size that do not have Existing Permitted 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. Day Care Nursery (no more than six (6) persons);
- 6. Home Occupation;
- 7. Guest Cottage on parcels one (1) acre or greater in size;
- 8. The growing, harvesting, sale and managing of agricultural products including horticulture and livestock provided raising of Large Livestock on Lots less than two and one-half (2.5) acres in size requires approval of an Animal Management Plan;
- 9. Minor Utilities;
- 10. Single Family Dwelling Unit, Duplex, Triplex and Fourplex;
- 11. Temporary Uses;
- 12. 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 32 feet in diameter); and,
- 13. Accessory Living Quarters.

Conditional Uses

- 1. Bed and Breakfast Inn;
- 2. Public/Community Boat Launch;
- 3. Fire Station; and
- 4. Water Tanks (larger than a permitted use).

5. Churches on RR Zone property located within a Residential RAID contiguous to a Mixed Use RAID or Non-municipal UGA, 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;

ANALYSIS

The Rural Residential (RR) designation/zone is used in several scattered areas of the Reserve, primarily along the shores of Penn Cove. The RR zone's stated purpose in the Island County Zoning Code is "to define the logical outer boundary of a pattern of development and density that is more intensive than the density permitted in the R zone." As such, it is meant to be used adjacent to incorporated areas, or other areas of existing more intensive development.

Because of the limited area and isolated location of the RR lands, the higher densities allowed in these areas should not have a significant impact on the Reserve.