

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

|                                 |                    |
|---------------------------------|--------------------|
| IN THE MATTER OF AMENDING THE ) |                    |
| COMPREHENSIVE PLAN AND )        | ORDINANCE C-117-08 |
| CHAPTER 17.03 ICC, THE ISLAND ) | PLG-016-08         |
| COUNTY ZONING CODE REGARDING )  |                    |
| PARCELS BISECTED BY A PUBLIC )  |                    |
| <u>ROAD RIGHT-OF-WAY.</u> )     |                    |

**WHEREAS**, for decades Chapter 16.06 of Island County Code (ICC) and its predecessor Chapter 16.04A ICC exempted the division of land created by a public road right-of-way bisecting a parcel of property from the requirements of the subdivision ordinance; and

**WHEREAS**, a 2007 search of the Island County Assessor records reveals that there are approximately 50,580 parcels in Island County; and

**WHEREAS**, the 2007 records search reveals that 215 parcels (4/10 of 1% of the total number of lots) have been created since 1987 utilizing the public road right-of-way exemption from subdivision requirements; and

**WHEREAS**, of the 215 parcels created through that subdivision exemption 91 have been developed with a single family residence and 124 parcels remain undeveloped; and

**WHEREAS**, many of the parcels that were created through that subdivision exemption are no longer under the same ownership as the person who is responsible for dividing the land; and

**WHEREAS**, many of the remaining vacant parcels have been sold to people who believe that their parcel was legally created because the parcels were created using provisions contained in Island County Code; and

**WHEREAS**, the Board believes that it is not a threat to the environment or rural character to allow the remaining 124 vacant parcels to be developed within the range of permitted uses that are allowed in the underlying zoning designation provided that development is consistent with all applicable critical area, building, septic, water and other land use regulations; and

**WHEREAS**, the only standard that this ordinance exempts development of the 124 vacant parcels from is the minimum lot size and density requirements of the underlying zoning designation; and

**WHEREAS**, the 2007 records search reveals that there are approximately 319 parcels (6/10 of 1% of the total number of lots) that are bisected by a public road right-of-way that have yet to be segregated; and

**WHEREAS**, at the time the right-of-way was acquired, it is unlikely that property owners were compensated for the creation of the uneconomic remainders; and

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**WHEREAS**, the Board believes that it is not a threat to the environment or rural character to allow the remaining 319 parcels that are bisected by a public road right-of-way to be further divided provided that the division and future development are consistent with all applicable critical area, building, septic, water and other land use regulations; and

**WHEREAS**, the only standard that this ordinance exempts division and development of the 319 parcels from is the minimum lot size and density requirements of the underlying zoning designation; and

**WHEREAS**, division of parcels that are bisected by a public road right-of-way are not exempt from the subdivision requirements of Chapter 16.06 ICC; and

**WHEREAS**, when future public road rights-of-way are established that bisect a parcel, those parcels shall not be subject to the amendments outlined in this ordinance; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to the Comprehensive Plan and Chapter 17.03 ICC, relating to the ability to divide land that is bisected by a public road right-of-way, are not likely to have significant adverse environmental impacts beyond those that were considered in the EIS and other supporting environmental documents prepared for the 1998 Comprehensive Plan and Development Regulations; and

**WHEREAS**, the Island County Planning Commission considered the amendments and has recommended approval; **NOW, THEREFORE**,

**BE IT ORDAINED** that amendments to the Comprehensive Plan, attached hereto as Exhibit A, and to Chapter 17.03 ICC, attached hereto as Exhibit B, are adopted. Material stricken through is deleted and material underlined is added.

APPROVED AND ADOPTED this 10 day of NOVEMBER, 2008.



BOARD OF ISLAND COUNTY  
COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

John Dean  
John Dean, Chairman

Phillip Bakke  
Phillip Bakke, Member

Wm. L. McDowell  
Wm. L. McDowell, Member

ATTEST:

Elaine Marlow  
Elaine Marlow  
Clerk of the Board

APPROVED AS TO FORM: as to Exhibit B, the portion of the Ordinance codified, bearing my initials  
David L. Jamieson, Jr.  
DAVID L. JAMIESON, JR.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

11-10-08

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**Exhibit A**

**Amendments to the Comprehensive Plan**

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**(Page 124 – 133 Comprehensive Plan Rural Element Land Use Designation Policies)**

**Rural Center Designation (RC)**

**Goal:**

**Provide for the commercial, light manufacturing and higher density residential needs of the rural population wherein development exist in an attractive setting that is pedestrian oriented and served by public transit.**

**Policies:**

- A. Rural Centers are designated mixed-use areas of more intensive rural development with a non-expandable logical outer boundary.
- B. All uses within the Rural Center designation must comply with rural design guidelines to assure compatibility with adjacent uses.
- C. The Rural Center designation shall provide for appropriately categorized permitted and conditional uses that include accessory uses, churches, schools, banking and financial institutions, communication towers, day care centers, eating and drinking establishments, entertainment uses, essential public facilities, fire stations, government services, group homes, health care services, light manufacturing, mixed-uses, multi-family, office uses, overnight lodging, research and development uses, retail sales and services, storage, major utilities, minor utilities, veterinary clinics, warehouses, and water tanks.
- D. The preferred type of development shall include clustering of uses, whose compact design fosters a communal atmosphere or orientation.
- E. It is intended that Rural Center highway shopping and service centers be developed as a unit, and in a compact manner, in order to prevent highway sprawl.
- F. Rural Center development should have appropriate landscaping, screening, signing and shielded lighting to provide for rural compatibility.
- G. Structures located within the Rural Center designation should share water and any applicable waste water services with adjacent structures in the same designation.
- H. Mixed uses, residential and commercial, especially with living accommodations above or over business activities are encouraged.

- I. Site design within the Rural Center designation will facilitate pedestrian access through the use of common areas, public transit, extensive landscaping, clustering, small parks and a compact design.
- J. Rural Center parcels must consolidate access to the highway with adjacent Rural Center parcels in order to minimize disruption of highway traffic.
- K. Tax lots created by public right-of-way separation prior to January 24, 2007 in the Rural Center designation shall be considered lawfully established existing lots of record.
- L. For tax lots separated by a public road right-of-way which have not yet been segregated, it may be done provided it can be determined that the separation does not exist as a result of a prior land use action, e.g. boundary line adjustment, segregation, etc.
- M. Further subdivision or boundary line adjustment of tax lots created by right-of-way separation are required to conform to the standards of Chapter 16.06 ICC and Chapter 17.03 ICC.

### **Rural Village Designation (RV)**

#### **Goal:**

**Provide for the retail sale of convenience goods as well as personal and business services needed to support persons residing in the rural area.**

#### **Policies:**

- A. Rural Villages are designated mixed-use areas of more intensive rural development with a non-expandable logical outer boundary.
- B. All uses within the Rural Village designation must comply with rural design guidelines to assure compatibility with adjacent uses.
- C. The Rural Village designation shall provide for appropriately categorized permitted and conditional uses that include accessory uses, banking and financial institutions, day care centers, eating and drinking establishments, essential public facilities, fire stations, government services, health care services, mixed-uses, office uses, retail sales and services, single family residential, minor utilities, veterinary clinics, and water tanks.
- D. The preferred type of development shall include clustering of uses, whose compact design fosters a communal atmosphere or orientation.
- E. Mixed uses, residential and commercial, especially with living accommodations above or over business activities are encouraged.

- F. The designation is intended to facilitate pedestrian access by encouraging common areas, public transit, extensive landscaping, clustering, small parks, and a compact design in order to foster a communal atmosphere or orientation.
- G. Uses should be developed in a manner which protects environmental quality, rural character, special scenic features and important community amenities and values.
- H. Landscaping along street frontages will provide an harmonious transition to surrounding properties, respecting any special scenic features in the area.
- I. Rural Village properties should share common water and any applicable water waste disposal systems.
- J. Utilize local knowledge, experience and preferences of the rural community residents and business owners to establish the character of the Rural Village Areas.
- K. A proactive planning approach shall be used for access management onto State Highway. Possible consolidation of access points should be explored.
- L. Tax lots created by public right-of-way separation prior to January 24, 2007 in the Rural Village designation shall be considered lawfully established existing lots of record.
- M. For tax lots separated by a public road right-of-way which have not yet been segregated, it may be done provided it can be determined that the separation does not exist as a result of a prior land use action, e.g. boundary line adjustment, segregation, etc.
- N. Further subdivision or boundary line adjustment of tax lots created by public right-of-way separation are required to conform to the standards of Chapter 16.06 ICC and Chapter 17.03 ICC.

### **Light Manufacturing Designation (LM)**

#### **Goal:**

**Provide for light industry and manufacturing, assembling, fabrication, storage, wholesaling, distribution, auto repair/salvage and related activities that do not entail frequent visits of customers or clients where glare, noise, pollution, odor, open storage and similar undesirable affects are controlled, contained or screened so as not to detract from surrounding uses.**

**Policies:**

- A. Light Manufacturing lands are designated non-residential areas of more intensive rural development with a non-expandable logical outer boundary.
- B. The Light Manufacturing designation shall provide for appropriately categorized permitted and conditional uses that include accessory uses, communication towers, essential public facilities, fire stations, government services, light manufacturing, research and development uses, storage, major utilities, minor utilities, warehouses, and water tanks.
- C. Light Manufacturing developments shall be designed and built in a manner which will have minimal environmental and community impact, including low levels of air, light, noise, odor and water pollution. Environmental and community impacts shall be mitigated by the developer.
- D. Utilize local knowledge, experience and preferences of the rural community residents and business owners to establish the character of Light Manufacturing Areas.
- E. Cluster structures within Light Manufacturing Areas and provide adequate expansion space for a variety of compatible economic activities.
- F. Common arterial accesses and developed internal circulation systems will be required.
- G. Provide adequate buffers of landscaping, compatible land use and open space to protect surrounding land areas from the adverse effects of development.
- H. Protect existing Light Manufacturing areas from encroachment by incompatible land uses.
- I. A proactive planning approach shall be used for access management onto rights-of-way. Possible consolidation of access points should be explored.
- J. Tax lots created by public right-of-way separation prior to January 24, 2007 in the Light Manufacturing designation shall be considered lawfully established existing lots of record.
- K. For tax lots separated by a public road right-of-way which have not yet been segregated, it may be done provided it can be determined that the separation does not exist as a result of a prior land use action, e.g. boundary line adjustment, segregation, etc.
- L. Further subdivision or boundary line adjustment of tax lots created by public right-of-way separation are required to conform to the standards of Chapter 16.06 ICC and Chapter 17.03 ICC.

**Rural Service Designation (RS)****Goal:**

**Provide for the identification of existing commercial activities associated with the provision of daily convenience goods and services for rural area populations.**

**Policies:**

- A. Rural Service lands are designated mixed-use areas of more intensive rural development with a non-expandable logical outer boundary.
- B. All uses within the Rural Service designation must comply with rural design guidelines to assure compatibility with adjacent uses.
- C. The Rural Service designation shall provide for appropriately categorized permitted and conditional uses that include accessory uses, day care centers, fire stations, mixed-uses, retail sales and services, and water tanks.
- D. Provide for the conditional expansion of existing businesses in a manner which protects environmental quality, rural character, special scenic features and important community amenities and values.
- E. Change in use would not be allowed at a greater intensity than the existing use.
- F. Utilize local knowledge, experience and preferences of the rural community residents and business owners to establish the character of Rural Service Areas.
- G. On a case by case basis, landscaping and other improvements shall be required for the change of use or expansion of existing use so that rural character is not adversely impacted.
- H. Lands may not be rezoned to the Rural Service land use designation.
- I. Mixed use buildings (living accommodations above or over business activities, are encouraged).
- J. Tax lots created by public right-of-way separation prior to January 24, 2007 in the Rural Service designation shall be considered lawfully established existing lots of record.
- K. For tax lots separated by a public road right-of-way which have not yet been segregated, it may be done provided it can be determined that the separation does not exist as a result of a prior land use action, e.g. boundary line adjustment, segregation, etc.

L. Further subdivision or boundary line adjustment of tax lots created by right-of-way separation are required to conform to the standards of Chapter 16.06 ICC and Chapter 17.03 ICC.

## Airport Designation (AP)

### Goal:

**Expand job opportunities for Island County residents by providing areas for light industrial<sup>1</sup> and manufacturing uses surrounding commercial airport facilities<sup>2</sup> and their existing uses.**

### Policies:

- A. Airport lands are designated non-residential areas of more intensive rural development with a non-expandable logical outer boundary.
- B. The Airport designation shall provide for appropriately categorized permitted and conditional uses that include accessory uses, airport facilities, airport support facilities, eating and drinking establishments, essential public facilities, fire stations, junkyard/salvage yards, light manufacturing, research and development uses, single family residential, storage uses, major utilities, minor utilities, warehouses, and water tanks.
- C. Uses shall be compatible with existing uses in Wes Lupien Air Park, Whidbey Air Park or Camano Island Air Field.
- D. Development shall be designed and built in a manner which will have minimal environmental and community impact. Environmental and community impacts shall be mitigated by the developer.
- E. Utilize local knowledge, experience and preferences of the rural community residents and business owners to establish the character of Airport Areas.
- F. Cluster structures within Airport areas and provide adequate expansion space for compatible economic activities.
- G. Common arterial accesses and developed internal circulation systems will be required.

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<sup>1</sup> Light manufacturing development includes manufacturing, assembly, fabrication, warehouses, and storage and distribution.

<sup>2</sup> Commercial airports are privately owned and intended for general use by the public.

- H. Site development standards shall be developed according to the needs of each site.
- I. Provide adequate buffers of landscaping, compatible land use and open space to protect surrounding land areas from the adverse effects of industrial development. Give particular attention to protecting critical lands, residential, rural and resource areas
- J. Protect existing Airport areas from encroachment by incompatible land uses.
- K. A proactive planning approach shall be used for access management onto rights-of-way. Possible consolidation of access points should be explored.
- L. Tax lots created by public right-of-way separation prior to January 24, 2007 in the Airport designation shall be considered lawfully established existing lots of record.
- M. For tax lots separated by a public road right-of-way which have not yet been segregated, it may be done provided it can be determined that the separation does not exist as a result of a prior land use action, e.g. boundary line adjustment, segregation, etc.
- N. Further subdivision or boundary line adjustment of tax lots created by right-of-way separation are required to conform to the standards of Chapter 16.06 ICC and Chapter 17.03 ICC.

### **Rural Residential Lands (RR)**

#### **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. Tax lots created by public right-of-way separation prior to January 24, 2007 in the Rural Residential designation shall be considered lawfully established existing lots of record and are not required to meet base density or the minimum lot size requirements.

E. For tax lots separated by a public road right-of-way which have not yet been segregated, it may be done provided it can be determined that the separation does not exist as a result of a prior land use action, e.g. boundary line adjustment, segregation, etc. All tax lots created thereafter shall be considered lawfully established existing lots of record even if the tax lot does not meet the base density or minimum lot size requirements.

F. Further subdivision of tax lots created by public right-of-way separation are required to conform to the standards of Chapter 16.06 ICC and Chapter 17.03 ICC.

D-G. 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-H. Lot size averaging shall be allowed for subdivision provided the base density threshold is met.

F-I. 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 and selling), bed and breakfast inns, bed and breakfast rooms, boat launches, day care nurseries, fire stations, guest cottages, home occupations, livestock husbandry, minor utilities, mobile homes, and water tanks.

G-J. All non-residential uses within the Rural Residential designation must comply with rural design guidelines to assure compatibility with adjacent uses.

H-K. Raising of large livestock shall be provided for conditioned on the approval of an Animal Management Plan.

I-L. A proactive planning approach shall be used for access management onto State Highway. Possible consolidation of access points should be explored.

## Rural Lands (R)

### Goal:

**Maintain low residential densities to preserve rural character and to provide buffers between urban activities and agricultural and forestry 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. Tax lots created by public right-of-way separation prior to January 24, 2007 in the Rural Lands designation shall be considered lawfully established existing lots of record and are not required to meet base density or the minimum lot size requirements.
- D. For tax lots separated by a public road right-of-way which have not yet been segregated, it may be done provided it can be determined that the separation does not exist as a result of a prior land use action, e.g. boundary line adjustment, segregation, etc. All tax lots created thereafter shall be considered lawfully established existing lots of record even if the tax lot does not meet the base density or minimum lot size requirements.
- E. Further subdivision of tax lots created by public right-of-way separation are required to conform to the standards of Chapter 16.06 ICC and Chapter 17.03 ICC.
- ~~C-F.~~ Preference shall be given to 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 resource 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-G. Encourage diverse economic opportunities and uses compatible with and supportive of a rural way of life as outlined under the goals and policies in this chapter for *Home Occupations and Home Industries in the Rural Area*.

E-H. 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, communication 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-I. Residential development near designated Commercial Agriculture lands must be designed to minimize potential conflict and prevent unnecessary conversion of farm land.

G-J. Minor or small scale agriculture activities are consistent with rural areas, support rural character, and should be protected and encouraged.

H-K. All non-residential uses within the Rural designation must comply with rural design guidelines to assure compatibility with adjacent uses.

I-L. All structures and uses within a PRD, except access roads, must be screened from the view of adjacent properties and public roadways.

## Rural Forest Lands (RF)

### Goal:

**Create an area where rural forestry 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. Tax lots created by public right-of-way separation prior to January 24, 2007 in the Rural Forest designation shall be considered lawfully established existing lots of record and are not required to meet base density or the minimum lot size requirements.
- C. For tax lots separated by a public road right-of-way which have not yet been segregated, it may be done provided it can be determined that the separation does not exist as a result of a prior land use action, e.g. boundary line adjustment, segregation, etc. All tax lots created thereafter shall be considered lawfully established existing lots of record even if the tax lot does not meet the base density or minimum lot size requirements.
- D. Further subdivision of tax lots created by public right-of-way separation are required to conform to the standards of Chapter 16.06 ICC and Chapter 17.03 ICC.
- B-E. 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. 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-F. Right-to-farm and forest measures shall protect the right to pursue farm and forestry activities.
- D-G. 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-H. Measures shall be used to support silviculture industries.
- F-I. Encourage the conservation of lands suitable for forestry use and support forestry as an activity valued in the County.
- G-J. Cluster development or encourage low intensity uses to minimize site clearing and maintain future forestry use options.

- ~~H.K.~~ Encourage forestry landowners to retain their lands in timber production and to utilize tax incentive programs.
- ~~I.L.~~ Support innovative public and private programs that provide foresters incentives to stay on the land.
- ~~J.M.~~ Encourage selective clearing and logging, as opposed to clearcutting, if forest harvesting is done in the Ebey's Landing National Historical Reserve.
- ~~K.N.~~ 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.O.~~ All structures and uses within a PRD, except access roads, must be screened from the view of adjacent properties and public roadways.

## Rural Agriculture Lands (RA)

### 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. Tax lots created by public right-of-way separation prior to January 24, 2007 in the Rural Agriculture designation shall be considered lawfully established existing lots of record and are not required to meet base density or the minimum lot size requirements.
- C. For tax lots separated by a public road right-of-way which have not yet been segregated, it may be done provided it can be determined that the separation does not exist as a result of a prior land use action, e.g. boundary line adjustment, segregation. All tax lots created thereafter shall be considered lawfully established existing lots of record even if the tax lot does not meet the base density or minimum lot size requirements.

- D. Further subdivision of tax lots created by public right-of-way separation are required to conform to the standards of Chapter 16.06 ICC and Chapter 17.03 ICC.
- B.E. 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, and there are no adverse impacts to critical areas or natural resource lands.
- C.F. Earned development units may be used pursuant to an adopted Commercial Agriculture Farm Development and Management Plan through boundary line adjustment, land division or PRD with a maximum residential lot size of 1.0 acres. No PRD density bonus shall be given to PRDs created as part of a Farm Plan.
- D.G. Right-to-farm and forest measures shall protect the right to pursue farm and forestry activities.
- E.H. 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.
- F.I. Measures shall be used to support roadside stands or farmers' markets which may help farmers who wish to directly market products to nearby residential areas.
- G.J. Encourage the conservation of lands suitable for agricultural use and support farming as an activity valued in the County.
- H.K. Cooperative agricultural production and marketing will be encouraged.
- I.L. Encourage agricultural landowners to retain their lands in agricultural production and to utilize tax incentive programs.
- J.M. Support innovative public and private programs that provide farmers incentives to stay on the land.
- K.N. Reclassification to Rural Zoning should be allowed when the owner demonstrates reasonable agricultural use can no longer be made of the property.

## Commercial Agriculture (CA)

### 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. Owners should be able to "opt-in" with parcels as small as 5 acres.
- B. Tax lots created by public right-of-way separation prior to January 24, 2007 in the Commercial Agriculture designation shall be considered lawfully established existing lots of record and are not required to meet base density or the minimum lot size requirements.
- C. For tax lots separated by a public road right-of-way which have not yet been segregated, it may be done provided it can be determined that the separation does not exist as a result of a prior land use action, e.g. boundary line adjustment, segregation, etc. All tax lots created thereafter shall be considered lawfully established existing lots of record even if the tax lot does not meet the base density or minimum lot size requirements.
- D. Further subdivision of tax lots created by right-of-way separation are required to conform to the standards of Chapter 16.06 ICC and Chapter 17.03 ICC.
- ~~B.E.~~ Upon adoption of a Commercial Agriculture Farm Management Plan, Agricultural Resource landowners will be allocated Earned Development Units based on the size of their conservation easement. 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 the size of conservation easement. Earned Development Units (EDU's) should be able to be used for both residential and non-residential uses.
- ~~C.F.~~ Earned development units may be used pursuant to an adopted Farm/Forest Development and Management Plan through land division or PRD with a maximum lot size of 1.0 acres. No PRD density bonus may be combined with EDU's but EDU use may result in a 100% density bonus. The Plan will cover such items as the general location of earned development units, identify action to strengthen the farm or forest unit, shall commit at least 85% of the Parcel to a conservation easement in perpetuity, and must protect the most productive portions of the farm or forest unit and enhance commercial productivity. Certain uses allowed in the Rural land use designation shall be allowed in the remaining 15%. Earned development units may be used only on

land that does not contain prime soils. Earned development units may be located on the Farm unit outside the conservation easement or other Rural, Rural Agriculture, Rural Forest or Commercial Agriculture lands owned by the farm or forest operator provided that at least 85% of the Parcel is kept in a conservation easement.

D.G. The Commercial Agriculture designation shall provide for appropriately categorized permitted and conditional uses that include accessory uses, agricultural products (growing, harvesting, managing, processing and sale), bed and breakfast rooms, communication towers, equestrian centers, 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, and water tanks.

E.H. 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.I. 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.J. 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.K. Protect and promote related development such as farmers markets and roadside stands, cooperative marketing, and value-added products, etc.

I.L. Strengthen public disclosure of current adjacent agricultural activities by means of a "right to farm" notice on the deed, area maps, etc.

J.M. Support the continued existence of agricultural lands by means of tax incentives or other appropriate financial aid or incentives.

K.N. Coordinate agricultural land preservation policies with other jurisdictions, special districts and their respective programs.

L.O. 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.P. 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.Q. Cooperative agricultural production and marketing will be encouraged.

O.R. Reclassification to Rural Agricultural Zoning should be allowed when the owner demonstrates reasonable agricultural use can no longer be made of the property.

*(Page 156 Comprehensive Plan General Land Use Policies)***Public Road Right-of-Way Segregation****Goal:**

**Establish standards and limitations for the reasonable and orderly development and use of parcels, tracts and lots that are bisected by a public road right-of-way or that have previously been segregated because of the presence of a public road right-of-way.**

**Policies:**

- A. Parcels, tracts and lots that were created as a result of the presence of a public road right-of-way prior to January 24, 2007 were done so using valid provisions of county code and are therefore considered legal lots of record.
- B. Parcels, tracts and lots created by public road right-of-way segregation are legal lots of record that are not subject to the minimum lot size and density requirements for the underlying zoning designation.
- C. There remains parcels, tracts and lots that are bisected by a public road right-of-way which existed prior to January 24, 2007 that have not yet been segregated. These parcels, tracts or lots may be segregated provided the following:
1. The public right-of-way was in existence on January 24, 2007.
  2. No prior segregations, boundary line adjustments, subdivisions, or lot combinations caused the public road right-of-way to bisect the parcel, tract or lot.
  3. No prior lot line adjustments have caused the segregation to result in sub-standard lots or exceedances in base density.
- D. Parcels, tracts or lots created through the public right-of-way segregation after January 24, 2007 are not subject to the minimum lot size and density standards of the underlying zoning designation.
- E. Any further subdivisions or boundary line adjustments must conform to the standards of Chapter 16.06 ICC and 17.03 ICC.

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**Exhibit B**

**Amendments to Chapter 17.03 ICC**

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**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.

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

1. Minimum Lot size shall be five (5) acres. Base Density shall be one (1) Dwelling Unit per five (5) gross acres.
2. Lot size averaging may be permitted for Subdivisions or Short Subdivisions, that are ten (10) acres or larger in size, provided that no Lot may be less than two and one-half (2½) acres in size; no more than three (3) Lots may be created that are less than five (5) acres in size; and the average Base Density for the subdivision or Short Subdivision is not less than one (1) Dwelling Unit per five (5) gross acres.
3. For Lots, Tracts or Parcels twenty (20) acres or larger in size the Base Density may be increased as specified in ICC 17.03.180.E through the approval of a PRD pursuant to Chapter 16.17 ICC, with fractional units rounded upward to the next whole number.
4. 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%).
5. For Lots legally created prior to or after effective date of this Chapter, variations of ten (10) percent in the five (5) 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.
6. 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 ten (10) acres in size, may be divided so each Dwelling Unit is on a separate Lot.
7. Parcels previously segregated as a result of the presence of a Public Road right-of-way shall be exempt from minimum Lot size and density requirements.
8. A Parcel that is separated by a Public Road right-of-way and was not previously segregated by Public Road right-of-way separation, may still be segregated without meeting minimum Lot size or density standards provided the following:
  - a) The Public Road right-of-way was in existence on January 24, 2007.
  - b) No prior segregations, boundary line adjustments, Subdivisions, or Lot combinations have caused the Public Road right-of-way to bisect the Parcel, Tract or Lot.

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- c) No prior Lot line adjustments have caused the segregation to result in sub-standard Lot sizes or exceedances of Base Density.

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#### 17.03.070 Rural Residential (RR) Zone

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.

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F. **Lot/Density.** Lot/Density requirements shall be as follows:

1. Base Density, shall be the average of Existing densities contained within the boundaries of the named area, as set forth in ICC 17.03.075.
2. Minimum Lot size shall be: as set forth in ICC 17.03.075 or the minimum Lot size required by County health requirements, whichever is larger. A Parcel that contains a Guest Cottage may not be subdivided into a lot less than one acre in size nor shall the boundary line of said Parcel be adjusted to reduce the lot size below one acre in size.
3. Lot size averaging may be permitted for Subdivisions or Short Subdivisions provided that the average density shall not exceed the Base Density established pursuant to subsection 1. above and the Lot size shall not be less than the Lot size required by County health requirements.
4. Parcels previously segregated as a result of the presence of a Public Road right-of-way shall be exempt from minimum Lot size and density requirements.
5. A Parcel that is separated by a Public Road right-of-way and was not previously segregated by Public Road right-of-way separation, may still be segregated without meeting minimum Lot size or density standards provided the following:
  - a) The Public Road right-of-way was in existence on January 24, 2007.
  - b) No prior segregations, boundary line adjustments, Subdivisions, or Lot combinations have caused the Public Road right-of-way to bisect the Parcel, Tract or Lot.
  - c) No prior Lot line adjustments have caused the segregation to result in sub-standard Lot sizes or exceedances of Base Density.

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**17.03.090 Rural Agriculture (RA) Zone**

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.

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**D. Lot/Density.** Lot or 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 of site area.
2. For a PRD ten (10) acres or larger in size, the minimum Lot size may be modified to an average density of one (1) Dwelling Unit per ten (10) gross acres of site area.
3. Earned Development Units may be used, Lot Size may be decreased and Density may be increased pursuant to an adopted Management Plan by boundary line adjustment, Short Subdivision, Subdivision or PRD.
4. For legally created Existing Lots, each Lot may be sold, leased or transferred. Provided that, said Lot, if it still meets the designation criteria set forth in ICC 17.03.090.C, said Lot shall continue to be used for RA Permitted or Conditional Uses.
5. The Lot size limitation set forth above shall not apply when:
  - a) the new Lot is to be sold, exchanged or transferred through a boundary line adjustment pursuant to Chapter 16.06 ICC to an adjacent RF, CA or RA property Owner who will continue to maintain Permitted and Conditional Uses; or
  - b) an Existing Lot is proposed to be modified through a boundary line adjustment and will not subsequently be further modified in size or used in combination with unregulated subdivision such that new Lots are created that are less than the required minimum lot size.
6. For Lots created pursuant to this section, a notation advising of the Lot creation in compliance with Chapter 16.25 ICC will be recorded and placed on the face of the boundary line adjustment, short plat, plat, or PRD.
7. Parcels previously segregated as a result of the presence of a Public Road right-of-way shall be exempt from minimum Lot size and density requirements.

  
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8. A Parcel that is separated by a Public Road right-of-way and was not previously segregated by Public Road right-of-way separation, may still be segregated without meeting minimum Lot size or density standards provided the following:

- a) The Public Road right-of-way was in existence on January 24, 2007.
- b) No prior segregations, boundary line adjustments, Subdivisions, or Lot combinations have caused the Public Road right-of-way to bisect the Parcel, Tract or Lot.
- c) No prior Lot line adjustments have caused the segregation to result in sub- standard Lot sizes or exceedances of Base Density.

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**17.03.100 Commercial Agriculture (CA) Zone**

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.

....

**E. Lot/Density**

- 1. Minimum Lot size shall be twenty (20) acres. Base Density shall be one (1) Dwelling Unit per twenty (20) acres of gross site area.
- 2. For a PRD twenty (20) acres or larger in size, the minimum Lot size may be modified to an average density of one (1) Dwelling Unit per twenty (20) gross acres of site area.
- 3. Earned Development Units may be used, Lot Size may be decreased and Density may be increased pursuant to an adopted Management Plan by boundary line adjustment, Short Subdivision, Subdivision or PRD.
- 4. For legally created Existing Lots, each Lot may be sold, leased or transferred. Provided that, if it still meets designation criteria set forth in ICC 17.03.100.D, said Lot shall continue to be used for CA Permitted or Conditional Uses.
- 5. The Lot size limitation set forth above shall not apply when:
  - a) the new Lot is to be sold, exchanged or transferred through boundary line

  
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adjustment pursuant to Chapter 16.06 ICC to an adjacent RF, CA or RA property Owner who will continue to maintain Permitted or Conditional Uses; or

- b) an Existing Lot is proposed to be modified through a boundary line adjustment and will not subsequently be further modified in size or used in combination with unregulated subdivision such that new Lots are created that are less than the required minimum lot size.
6. For Lots created pursuant to this section, a notation advising of the Lot creation in compliance with Chapter 16.25 ICC will be recorded and placed on the face of the boundary line adjustment, short plat, plat, or PRD.
7. Parcels previously segregated as a result of the presence of a Public Road right-of-way shall be exempt from minimum Lot size and density requirements.
8. A Parcel that is separated by a Public Road right-of-way and was not previously segregated by Public Road right-of-way separation may still be segregated without meeting minimum Lot size or density standards provided the following:
- a) The Public Road right-of-way was in existence on January 24, 2007.
  - b) No prior segregations, boundary line adjustments, Subdivisions, or Lot combinations have caused the Public Road right-of-way to bisect the Parcel, Tract or Lot.
  - c) No prior Lot line adjustments have caused the segregation to result in sub-standard Lot sizes or exceedances in Base Density.

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#### 17.03.110 Rural Forest (RF) Zone

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. Secondly, 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.

....

D. **Lot/Density.** Lot requirements shall be as follows:

- 1. Minimum Tract or Parcel size shall be ten (10) acres. Base Density shall be one (1) Dwelling Unit per ten (10) gross acres of site.

  
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2. For Lots, Tracts or Parcels twenty (20) acres or larger in size the Base Density may be increased as specified in ICC 17.03.180.E through the approval of a PRD pursuant to Chapter 16.17 ICC with fractional units rounded upward to the next whole number.
3. For legally created Existing Lots, each Lot, may be sold or transferred. Provided that, if it still meets the designation criteria set forth in ICC 17.03.110.C, said Lot shall continue to be used for RF Permitted or Conditional Uses.
4. The Lot size limitation set forth above shall not apply when:
  - a) the new Lot is to be sold, exchanged or transferred through boundary line adjustment pursuant to Chapter 16.06 ICC to an adjacent RF, CA or RA property Owner who will continue to maintain Permitted or Conditional Uses; or
  - b) an Existing Lot is proposed to be modified through a boundary line adjustment and will not subsequently be further modified in size or used in combination with unregulated subdivision such that new Lots are created that are less than the required minimum lot size.
5. For Lots created pursuant to this section, a notation advising of the Lot creation in compliance with Chapter 16.25 ICC will be recorded and placed on the face of the boundary line adjustment, short plat, plat, or PRD.
6. Parcels previously segregated as a result of the presence of a Public Road right-of-way shall be exempt from minimum Lot size and density requirements.
7. A Parcel that is separated by a Public Road right-of-way and was not previously segregated by Public Road right-of-way separation may still be segregated without meeting minimum Lot size or density standards provided the following:
  - a) The Public Road right-of-way was in existence on January 24, 2007.
  - b) No prior segregations, boundary line adjustments, Subdivisions, or Lot combinations have caused the Public Road right-of-way to bisect the Parcel, Tract or Lot.
  - c) No prior Lot line adjustments have caused the segregation to result in sub-standard Lot sizes or exceedances in Base Density.

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**17.03.120 Rural Center (RC) Zone**

The Rural Center (RC) Zone is applied to Existing areas of intense Non-Residential and Mixed-Use development and encompasses the Logical Outer Boundary of the Existing pattern of development. This Zone permits a range of Commercial, Light Manufacturing and Multi-family

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Uses that serve a broad geographic area. Mixed-Use Structures are encouraged. All Uses within a Rural Center must comply with Land Use Standards, including Non-Residential design landscape and screening guidelines set forth in ICC 17.03.180.O.

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

1. Minimum Lot size shall be the minimum Lot size required by County Health Department requirements.
2. Maximum residential density shall be the maximum permitted by County Health Department requirements.
3. Parcels previously segregated as a result of the presence of a Public Road right-of-way shall be exempt from minimum Lot size and density requirements.
4. A Parcel that is separated by a Public Road right-of-way and was not previously segregated by Public Road right-of-way separation may still be segregated without meeting minimum Lot size or density standards provided the following:
  - a) The Public Road right-of-way was in existence on January 24, 2007.
  - b) No prior segregations, boundary line adjustments, Subdivisions, or Lot combinations have caused the Public Road right-of-way to bisect the Parcel, Tract or Lot.
  - c) No prior Lot line adjustments have caused the segregation to result in sub-standard Lot sizes or exceedances in Base Density.

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#### 17.03.130 Rural Village (RV) Zone

The Rural Village (RV) Zone is applied to Existing areas of Mixed-Use or intense Non-Residential or Commercial development and encompasses the Logical Outer Boundary of the Existing pattern of Mixed-Use or Non-Residential development located on a State highway or County arterial. This Zone permits a range of Commercial services that are limited in scale, intensity and size that typically serve a localized geographic area. Mixed-Use Structures are encouraged. All Uses within a Rural Village must comply with Land Use Standards, including Non-Residential design, landscape and screening guidelines set forth in ICC 17.03.180.

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E. **Lot/Density.** Lot size requirements shall be the minimum Lot size required by County Health Department requirements.

1. Parcels previously segregated as a result of the presence of a Public Road right-of-way shall be exempt from minimum Lot size and density requirements.

  
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2. A parcel that is separated by a Public Road right-of-way and was not previously segregated by Public Road right-of-way separation may still be segregated without meeting minimum Lot size or density standards provided the following:

- a) The Public Road right-of-way was in existence on January 24, 2007.
- b) No prior segregations, boundary line adjustments, Subdivisions, or Lot combinations have caused the Public Road right-of-way to bisect the Parcel, Tract or Lot.
- c) No prior Lot line adjustments have caused the segregation to result in sub-standard Lot sizes or exceedances in Base Density.

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**17.03.140 Rural Service (RS) Zone**

The Rural Service (RS) Zone is applied to isolated Existing Mixed-Use, Retail or Retail Service businesses located in the Rural Zone that typically are not Permitted or Conditional Uses in that zone. This Zone permits a very limited range of Mixed-Use or Non Residential Uses that provide convenience shopping and services to a localized geographic area. Mixed-Use Structures are encouraged. All uses within a Rural Service Zone must comply with Land Use Standards, including Non-Residential, landscape and screening design guidelines set forth in ICC 17.03.180.

....

E. **Lot/Density.** Lot size requirements shall be the minimum Lot size required by County Health Department requirements but shall not exceed two and one-half (2.5) acres.

1. Parcels previously segregated as a result of the presence of a Public Road right-of-way shall be exempt from minimum Lot size and density requirements.

2. A Parcel that is separated by a Public Road right-of-way and was not previously segregated by Public Road right-of-way separation may still be segregated without meeting minimum Lot size or density standards provided the following:

- a) The Public Road right-of-way was in existence on January 24, 2007.
- b) No prior segregations, boundary line adjustments, Subdivisions, or Lot combinations have caused the Public Road right-of-way to bisect the Parcel, Tract or Lot.
- c) No prior Lot line adjustments have caused the segregation to result in sub-standard Lot sizes or exceedances in Base Density.

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**17.03.145 Light Manufacturing (LM) Zone**

The Light Manufacturing Zone is applied to existing areas of Non-Residential use that do not meet the designation criteria for the RC, RV or RS zones. The Camano Annex and SR 20 (South of Coupeville) industrial area are both designated LM Zones. All Uses within the LM Zone must comply with Land Use Standards set forth in ICC 17.03.180.

....

E. **Lot/Density.** Lot size requirements shall be the minimum lot size required by County Health Department requirements.

1. Parcels previously segregated as a result of the presence of a Public Road right-of-way shall be exempt form minimum Lot size and density requirements.
2. A Parcel that is separated by a Public Road right-of-way and was not previously segregated by Public Road right-of-way separation may still be segregated without meeting minimum Lot size or density standards provided the following:
  - a) The Public Road right-of-way was in existence on January 24, 2007.
  - b) No prior segregations, boundary line adjustments, Subdivisions, or Lot combinations have caused the Public Road right-of-way to bisect the Parcel, Tract or Lot.
  - c) No prior Lot line adjustments have caused the segregation to result in sub-standard Lot sizes or exceedances in Base Density.

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**17.03.150 Airport (AP) Zone**

The Airport (AP) Zone is applied to Existing non-military Airports. This zone allows Airport related uses and other Non-Residential uses that are Compatible with Airport operations. The Airport, aviation support activities and accessory uses are treated as Essential Public Facilities. All Uses within the AP Zone must comply with Land Use Standards set forth in ICC 17.03.180.

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E. **Lot/Density.** Lot size requirements shall be the minimum Lot size required by County Health Department requirements.


1. Parcels previously segregated as a result of the presence of a Public Road right-of-way shall be exempt from minimum Lot size and density requirements.

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11-10-08

PLG-016-08, C-117-08  
Public Road Right-of-Way Exemption

2. A Parcel that is separated by a Public Road right-of-way and was not previously segregated by Public Road right-of-way separation may still be segregated without meeting minimum Lot size or density standards provided the following:
- a) The Public Road right-of-way was in existence on January 24, 2007.
  - b) No prior segregations, boundary line adjustments, Subdivisions, or Lot combinations have caused the Public Road right-of-way to bisect the Parcel, Tract or Lot.
  - c) No prior Lot line adjustments have caused the segregation to result in sub-standard Lot sizes or exceedances in Base Density.

  
11/4/08