



## ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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### **TRANSMITTAL AND REPORT MEMORANDUM**

**DATE:** May 1<sup>st</sup>, 2009  
**TO:** Island County Planning Commission  
**REGARDING:** Amendment to Chapter 17.03.180.C ICC to Modify the Site Requirements for Personal Storage Facilities in the Rural (R) Zone  
**FROM:**

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### **INTRODUCTION TO PROPOSED AMENDMENT**

Island County Planning & Community Development has been directed by the Board of Island County Commissioners to re-evaluate the standards that govern personal storage facilities in the Rural zone. Personal Storage Facility proposals in the Rural (R) zone have historically received significant public comments and responses at public hearings and generally generate an appeal of a staff decision to the Hearing Examiner. Staff has evaluated each of the applications submitted for personal storage facilities in the Rural zone, visited each of the personal storage facilities that have been constructed, and conducted research on the impacts of personal storage facilities on surrounding properties. In reviewing comments on file, some of the most common concerns raised during the public comment period for Personal Storage Facilities are: the potential for an increase in crime, the effect on devaluing surrounding properties, increased traffic, and complaints that they are a commercial use that is not appropriate in the Rural zone. The Department believes that there are several approaches to addressing personal storage uses in the Rural zone. An obvious solution would be to strike them from the Comprehensive Plan and Island County Zoning Ordinance as an allowed use in the Rural zone which may be an option that the Planning Commission might choose to consider. However, staff has also prepared suggestions for the Planning Commission to consider for amending the current standards so that more stringent requirements regarding Personal Storage uses in the Rural zone can be applied (Exhibit A).

### **FINDINGS OF FACT**

The Planning & Community Development Department has found that proposed amendment(s) would fulfill requirements outlined in 16.26.060E.1-7 ICC as follows:

*Does the proposed amendment or revision maintain consistency with other Plan elements or Development Regulations. If not, are amendments or revisions to other Plan elements or regulations necessary to maintain consistency also under annual review by the Planning Commission and the Board;*

The proposed amendments do not conflict with any other Plan elements or Development Regulations established in Island County Code. The proposed amendments were designed to address concerns regarding building scale and crime issues that have been brought by public comment. None of the proposed amendments conflict with other Plan elements or Development Regulations.

*Do all applicable elements of the Comprehensive Plan support the proposed amendment or revisions;*

The proposed amendments maintain consistency with the Island County Comprehensive Plan and Development Regulations established in Island County Code 16.06 ICC. The amendments reflect changes to address crime prevention, screening, hours of operation, minimum lot size, and storm water management. None of these amendments conflicts with the Comprehensive Plan.

Striking 17.03.180.C ICC and Personal Storage uses in the from the Rural zone would conflict with the Island County Comprehensive Plan, as it specifically cites “storage facilities” under Policy E of the Rural Lands (R) Designation Policy, pg. 131. In the event that Personal Storage is stricken as prohibited in the Rural zone, an amendment to the Comprehensive Plan will need to be made adjusting this language. Other portions of the Comprehensive Plan do not specifically note that “storage facilities” should be placed in the Rural zone.

*Does the proposed amendment or revision more closely meet the goals, objectives and policies of the Comprehensive Plan;*

The proposed amendments have been developed by staff to more closely meet the goals, objectives, and policies of the Comprehensive Plan. Proposed personal storage facilities in the Rural zone tend to generate a significant number of public comments, appeals and concerned citizens at public hearings. The proposed amendments aim to prevent crime activity by requiring more monitoring and staff on-site during business hours. Staff’s research found that 911 calls doubled and/or tripled in some cases where storage facilities were constructed following approval. The proposed amendments require an on-site caretaker and video surveillance to deter crime activity. The increase in minimum lot size allows more space for building setbacks, an increased ability to use existing mature vegetation to screen the facility, and decreases the intensity of development on a given parcel.

The amendments provide stricter standards relating to safety and size of personal storage facilities while still allowing their use, consistent with the Island County Comprehensive Plan. In reviewing the goals, objectives, and policies of the Comprehensive Plan, the proposed amendments serve to allow the personal storage facilities in the Rural zone, which is expressly permissible however; it scales back the design and includes security improvements to address public concerns that have been presented. Additionally, the amendments change personal storage in the Rural zone from a Type II decision to a Type III decision. This modification is

proposed for a number of reasons. Every personal storage facility that has been applied for has been appealed to the Hearing Examiner. Type II application fees are roughly half the cost of a Type III application. Appeals generate significant financial costs for Island County in terms of the time it takes staff to prepare written responses to the appeal statements, representation of the County before the Hearing Examiner, notification of the appeal in the local newspaper, administrative costs associated with setting up the Hearing Examiner's file/record, administrative costs associated with preparation of the minutes of a hearing, and the cost of paying the Hearing Examiner for his services. Since the cost of filing an appeal is only \$70 and the cost of an appeal hearing is several hundred, if not a couple thousand, dollars the Type III application fee would more fairly cover the cost of administering the review process.

*Is the proposed amendment or revision consistent with the county-wide planning policies;*

The proposed amendment has been found to be consistent with county-wide planning policies and does not conflict with any policies in place.

*Is the proposed amendment supported by adopted Findings of Fact and Legislative Intent;*

No legislation was found that refutes the purpose, intent, or application of the proposed amendments. Staff's proposal supports the adopted Findings of Fact and Legislative Intent established by the Island County Comprehensive Plan.

*Does the proposed amendment or revision comply with the requirements of the GMA; and*

The proposed amendments are consistent with requirements established by the GMA however, the GMA does not specifically cite that personal storage must be an allowed use for Rural zone properties. Amending our current requirements or prohibiting personal storage uses in the Rural zone would not conflict with GMA guidelines and both options will comply with the established requirements.

*Are the assumptions underlying the applicable portions of the Comprehensive Plan or Development Regulations no longer valid because new information is available which was not considered at the time the plan or regulation was adopted.*

The proposed amendments, or striking of section 17.03.180.C ICC, were initiated through notice of significant written and verbal public comments. These concerns were noticed in hindsight of adoption of the current code and issues regarding personal storage became more apparent as projects came to fruition.

## **ANALYSIS**

### **Background**

In 1999 the Board of Island County Commissioners amended Island County Code to allow personal storage facilities in the Rural zone. There were several reasons for this amendment. The decision to allow personal storage facilities came as part of a package of several amendments to the County's Comprehensive Plan and Development Regulations that were agreed upon through a negotiated settlement between Island County and the Citizen's Growth Management Coalition. The Coalition had

appealed the County's 1998 Comprehensive Plan and Development Regulations on numerous grounds. One of issues raised was the appropriateness of rural densities, uses, and standards. The Coalition and Island County agreed to negotiate rather than litigate. In exchange for a number of restrictions that enhanced rural character protection provisions the Coalition agreed to allow several types of small scale non-residential uses within the Rural zone. Examples of small scale non-residential uses include country inns, small scale recreation and tourist uses, and personal storage facilities. The Board of Commissioners sought inclusion of personal storage facilities as allowed uses because the total amount of commercial acreage in the County was very minimal (less than 1% of the land area). The Board felt that personal storage facilities (as well as other types of uses) would consume precious commercial land which would be better used for retail and office uses.

The proposed amendments to County code regarding Personal Storage Facilities in the Rural zone were developed by staff after reviewing public comments to proposed uses, previous land use decisions/appeals, and pertinent data. Some of the most common concerns about Personal Storage Facilities were the potential for an increase in crime, potential for devaluing surrounding properties, increased traffic, and complaints that they are a commercial use that is not appropriate in the Rural zone.

### **Crime**

Crime associated with Personal Storage Facilities was one of the most common concerns raised by the public through written comments and verbal testimony at hearings. Staff research concluded that although there was a rise in reported incidents following the establishment of these facilities, the increase did not necessarily mean that there was a significant increase in crime associated with personal storage facilities. Staff concluded that some enhancements can be made to County code to emphasize security. Staff chose four storage facilities that were permitted after 1998 and were within the Rural zone. Two of the facilities are located in North Whidbey, one is in South Whidbey, and one is on Camano Island. The *Law Incident Table* (Exhibit B) was provided by the Island County Sheriff's Office which documents 911 dispatch records. Upon receiving the data, staff eliminated incidents that were determined to be unrelated to criminal activities (these have been crossed out on the table) in relation to the presence of the personal storage facility in question. These include: motor vehicle accidents, public assistance, traffic violations, animals that had escaped, vehicle abandonment, and 911 hang-ups. Incidents that were also deemed to be for the same event were also crossed out as some crimes were repeated on the report. The majority of the incidents were burglary/commercial alarm or suspicious activity. Staff then compiled the filtered information into a spread sheet, (Exhibit C). An irregular increase in reported incidents can be seen following the establishment of the personal storage facilities which peaked in 2005. Following 2005, the reported incidents fell significantly and were less than half the 2005 numbers by 2007.

Based upon the numbers provided by the Sheriff's Office, staff is proposing additional requirements pertaining to security under ICC 17.03.180.C, which regulates Personal Storage in the Rural zone. This includes: requiring security cameras, security fencing with a controlled access gate, a 24-hr onsite caretaker, and limited hours of operation. We are requiring the addition of a 24-hr onsite caretaker with a residence so that there is constant human presence on site which will deter criminal activity. New required hours of operation were also included so that the facility is closed between midnight and 6 a.m, when burglary and theft crimes are more likely to take place. These new guidelines have been developed to address security concerns and deter the types of crimes that were identified to be associated with personal storage facilities following staff's research. Staff did not propose motion sensed lighting because of the negative impact that this can have on surrounding properties.

### **Property Values**

Additional public concerns associated with personal storage facilities included the potential for devaluing surrounding property values within the vicinity. Staff requested data from the Island County Assessor's office regarding property sales from 1998 to present for all properties within an approximately ¼ mile radius from each personal storage facility (Exhibit D); the same properties used in the crime study. In all cases, both developed and undeveloped properties consistently rose in value following the approval and installation of the personal storage facilities in question. Following review of the provided information and discussions with the Assessor's office, staff determined that personal storage facilities have little, if no effect, on surrounding property values.

### **Traffic**

A number of public comments suggested that smaller, quieter streets will be adversely impacted if they are allowed to be used for accessing personal storage facilities. Current code requires that personal storage facilities be accessed from county collectors, arterials or the State Highway. Staff is proposing to eliminate the option for these facilities to access off of a county collector so that primary access is limited to arterials roads or the State Highway. This amendment will reduce traffic disturbances to residential areas by limiting traffic to main roads. Existing regulations are already in place that require evaluation of the ability of the road to handle additional capacity created by a project, the location of the access point based on speed limit and sight distance in order to ensure safe ingress and egress from a site, and whether or not mitigating conditions or improvements are necessary to serve the site, e.g. traffic signals, widened shoulders, center turn lanes, etc.

### **Aesthetics**

The County has not received many complaints regarding the appearance or size of these facilities which suggests that design regulations have been well received. The County's design regulations require that personal storage facilities appear agricultural in nature, be painted with appropriate colors, be screened, and that individual buildings be relatively small in order to reduce massing and bulk. The allowed square footage of these facilities is already modest, 17,000 sq/ft for parcels less than 10 acres and 25,000 sq/ft for parcels greater than 10 acres. Staff is recommending larger setbacks be required for these facilities in order to push them further away from roads and properties and allow for greater screening opportunities. This will also move these facilities into the center of the property which will be more conducive to the rural character of the County and allow for greater opportunities for surface water runoff to be addressed through on site infiltration.

Personal Storage Facilities are included in the Island County Comprehensive Plan; however they are not required by the Growth Management Act to be allowed in the Rural zone. Although staff has provided proposed amendments, it is also noted that Planning Commission can also prohibit Personal Storage Facilities from the Rural zone by striking their use. This option should be considered as well as the submitted amendments.

## **CONCLUSION & RECOMMENDATION**

Personal storage uses in the Rural zone have been a controversial land use issue for Island County. These amendments were developed upon researching public comments, State law, and issues relating Planning staff's process. Staff believes that the proposed amendments would be a significant

improvement over the current standards. However, it is staff's opinion that as long as they are allowed in the Rural zone they will continue to generate controversy wherever they are proposed to be located.

Enc: Exhibit A - Proposed revision to 17.03.180.C ICC

Exhibit B - Law Incident Table (Island County Sheriff's Office 911 Report Log)

Exhibit C - Reported Crime Totals Table

Exhibit D – Property Valuation (Island County Office of the Assessor)