



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522 ■ from S. Whidbey (360) 321-5111
FAX: (360) 679-7306 ■ P. O. Box 5000, Coupeville, WA 98239-5000
Internet Home Page: <http://www.islandcounty.net/planning/>

Brandon Sweeza
(360) 678-7822

TRANSMITTAL AND REPORT MEMORANDUM

DATE: May 1st, 2009
TO: Island County Planning Commission
REGARDING: Amendment to ICC 16.06.030 & Chapter 17.03 ICC to Exempt Electric Utility Facilities from Property Segregation Pursuant to State Code RCW 58.17.040
FROM:

Brandon Sweeza for Keith Higman, Interim Director
Planner – Long Range

INTRODUCTION TO PROPOSED AMENDMENT

Every division of land for the purpose of development, lease, sale, gift, transfer of Ownership or other conveyance and every adjustment of property lines must proceed in compliance with Chapter 16.06 ICC Land Divisions and Dedications and meet the minimum lot size and density requirements of the underlying zoning designation as defined in Chapter 17.03 ICC. Island County Code ICC 16.06.030 titled “Applicability”, establishes when the Subdivision and Short Subdivision provisions of this chapter do not apply.

Island County Planning & Community Development is proposing to amend ICC 16.06.030 by adopting language taken directly from RCW 58.17.040 that applies to the construction and operation of consumer-owned or investor-owned electric utility facilities. The amendment will allow divisions of lands into lots or tracts that are less than 3 acres and used for housing unstaffed electric utility facilities the ability to subdivide or short subdivide without requiring the formal short plat or subdivision process. Applicants will be required to record an approved site plan

FINDINGS OF FACT

The Planning & Community Development Department processed the application as a Type IV decision, pursuant to Chapter 16.26 ICC. As such the standards of ICC 16.26.060(E) are addressed below:

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 amendment does not conflict with any other Plan elements or Development regulations established in Island County Code. The amendment serves to update Island County Code so that it is more consistent with the Revised Code of Washington (RCW).

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

The proposed amendment maintains consistency with the Island County Comprehensive Plan and Development Regulations established in Island County Code 16.06 ICC. Both the Island County Comprehensive Plan and Island County Code 16.06 were products of requirements established by the Growth Management Act in 37.70A RCW. The “Applicability” section of 16.06 ICC was developed in conjunction with 58.17.040 RCW which dictates Washington legal requirements and review processes of plats, subdivisions, and dedications. The language used to amend 16.06.030 ICC was lifted directly from relevant Washington state code. The addition of this language will further bring Island County Code into consistency with Washington state law.

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

The proposed amendment was taken verbatim directly from the Revised Code of Washington (RCW) and will be inserted into the applicable County Code. The Island County Comprehensive Plan was initiated by requirements established by the Growth Management Act (GMA), 36.70A RCW, to address growth issues. Adopting state regulations consistent with the Revised Code of Washington is supported by the Island County Comprehensive Plan.

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 codes in currently in place.

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

The proposed amendment has been lifted directly from the Revised Code of Washington (RCW).

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

The proposed amendments are consistent with the Revised Code of Washington which also regulates requirements established by the GMA.

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.

Staff could not determine why the proposed amendment was originally omitted Island County Code. The amendment serves to bring Island County Code into consistency with State law.

CONCLUSION & RECOMMENDATION

The proposed amendment was determined by staff to be in compliance with the Growth Management Act and the Island County Comprehensive Plan. Island County Ordinances and the Island County Comprehensive Plan are based on requirements established under the Growth Management Act. The Growth Management Act requires consistency with Chapter 58.17 RCW, the state subdivision statute. Therefore, amendments to Island County Code that have been lifted directly out Chapter 58.17 RCW are consistent with the Growth Management Act, the Island County Comprehensive Plan, and Island County Code.

The attached revision to ICC 16.06.030 and to Chapter 17.03 ICC are recommended for **Approval**.

- Enc: Exhibit A – Proposed Revisions to the Rural Zone
Exhibit B – Proposed Revisions to the Rural Residential Zone
Exhibit C – Proposed Revisions to the Rural Agriculture Zone
Exhibit D – Proposed Revisions to the Commercial Agriculture Zone
Exhibit E – Proposed Revisions to the Rural Forest Zone
Exhibit F – Proposed Revisions to the Subdivision Ordinance