

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

IN THE MATTER OF ADOPTING AN)	
INTERIM OFFICIAL CONTROL THAT)	ORDINANCE C-120-09
REGULATES THE USE OF PROPERTY)	PLG-021-09
WITHIN THE FREELAND NON-)	
MUNICIPAL URBAN GROWTH AREA)	

WHEREAS, on December 10, 2007 the Board of Island County Commissioners (“Board”) adopted Ordinance C-129-07 designating Freeland as a Non-Municipal Urban Growth Area (NMUGA) and incorporating the Freeland Sub Area Plan into the Island County Comprehensive Plan; and

WHEREAS, on February 11, 2008 the Board adopted findings of fact under Ordinance C-12-08 establishing the rationale for NMUGA designation and adoption of the Sub Area Plan, and creating an implementation schedule for carrying out the remaining phases of the sub area planning process; and

WHEREAS, the findings of fact establish the need and schedule for drafting and adopting development regulations that implement the goals and policies of the Freeland Sub Area Plan; and

WHEREAS, on May 19, 2008 the Board adopted Ordinance C-57-08 which established interim regulations that were a necessary temporary measure to eliminate the potential for new uses to be established that are classified as non-conforming under the Freeland Sub Area Plan; and

WHEREAS, on May 18, 2009 the Board adopted Ordinance C-51-09 which renewed the interim regulations established by C-57-08 finding that there continued to be a need to resolve inconsistencies between the Freeland Sub Area Plan and existing development regulations; and

WHEREAS, it has recently become apparent that in order to be in compliance with the Growth Management Act, there is a need to complete work on the remaining comprehensive plan elements for the Freeland Sub Area, as set for in RCW 36.70A.070; and

WHEREAS, at the September 16, 2009 work session, the Board reaffirmed the County commitment to complete the sub area planning process for the Freeland NMUGA; and

WHEREAS, in the intervening time period until such comprehensive plan elements are completed and adopted, inconsistencies between the uses allowed under the zoning designations currently in effect and the land use designations, policy, and goals established in the land use element of the Freeland Sub Area Plan will continue to exist; and

WHEREAS, the Board finds that these inconsistencies allow for establishment of new land uses under current land use regulations that will likely become non-conforming uses when the Freeland Sub Area Plan and implementing regulations go into full effect; and

WHEREAS, the Board finds that substantial deference shall be given to the Sub Area Plan in order to ensure that future development is consistent with the Plan; and

WHEREAS, the Board also finds that, consistent with the development policies in other urban growth areas, interim development should be allowed only after it is demonstrated that the activity will not preclude future urban growth, uses, and infrastructure; and

WHEREAS, RCW 36.70A.390 provides counties with the authority to renew an interim ordinance for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, pursuant to WAC 197-11-880, the County SEPA official has determined that this ordinance is exempt from SEPA review as an emergency ordinance; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that the Board declares that there continues to be a need for action to resolve inconsistencies between the Freeland Sub Area Plan land use element and the existing development regulations; declares an emergency, and hereby adopts interim amendments to Chapter 17.03 ICC, attached hereto as shown on Exhibits A, B, and C to ensure that future development approvals are not granted if they are inconsistent with the goals and policies of the Freeland Sub Area Plan. Material stricken through is deleted and material underlined is added.

BE IT FURTHER ORDAINED that uses allowed as shown on Exhibits A, B, and C shall also be subject to the provisions of ICC 17.03.080.

BE IT FURTHER ORDAINED that the Board adopts findings of fact, attached hereto as Exhibit D, that describe on-going efforts and progress for the completion of the comprehensive plan elements for the Freeland NMUGA, and creation and adoption of permanent land use regulations in Freeland.

BE IT FURTHER ORDAINED that these interim regulations shall remain in effect for a period of six months, or as soon as permanent rules are adopted, whichever occurs earlier.

ADOPTED this _____ day of _____, 2009 following public hearing.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Helen Price Johnson, Member

Angie Homola, Member

ATTEST:

Elaine Marlow
Clerk of the Board

Exhibit A

(Rural (R) Zone – ICC 17.03.060)

17.03.060 Rural (R) Zone

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

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

1. Accessory Uses and Buildings on Lots with Existing Permitted Uses;
2. Accessory Uses in uninhabitable Buildings less than eight hundred (800) square feet in size on Lots less than 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).

B. Permitted Uses in the Freeland Non-Municipal Urban Growth Area

How to use this chart: An N Indicates a Use that is Inconsistent with the Freeland Sub Area Plan and therefore Not Allowed; a Y indicates a Use that is consistent with the Freeland Sub Area Plan and therefore Allowed

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(An N Indicates a Use that is Inconsistent with the Freeland Sub Area Plan and therefore Not Allowed; a Y indicates a Use that is consistent with the Freeland Sub Area Plan and therefore Allowed)

	Commercial Land Use Categories					Residential Land Use Categories				Reserve	Recreation
	Business General	Business Office	Freeland Village	Indust.	Mixed Use	High Density	Medium Density	Low Density	Rural Estate		
Permitted Uses											
B & B room	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Farm Stand	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Boat Launch	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Forest Stand	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Fire Station - Small	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Home Occ.	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Agriculture	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Forestry	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Group Home <=6	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Day Care <=6	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Guest Cottage	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Minor Utilities	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Temporary Uses	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Single Family Res.	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Water Tanks - Small	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

BC. Conditional Uses

1. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:
 - a) Accessory Uses and uninhabitable Buildings 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;
 - b) Bed and Breakfast Inn;
 - c) Public/Community Boat Launch;
 - d) Campground and Recreation Vehicle Park which do not exceed three (3) sites per gross acre of the Parcel;
 - e) Communication Tower;
 - f) Equestrian Center as specified in ICC 17.03.180;
 - g) Group Home and Small Day Care Center (greater than six (6) but less than twelve (12) children or adults);
 - h) Fire Station (larger than two (2) bays or four thousand (4,000) square feet or larger of Gross Floor Area);
 - i) Home Industries as specified in ICC 17.03.180;
 - j) Kennel;
 - k) Major Utilities;
 - l) The processing of agricultural or forest products in Structures that are four thousand (4,000) square feet or larger of Gross Floor Area;
 - m) Storage Facility, Personal;
 - n) Small-scale Recreation Uses as specified in ICC 17.03.180;
 - o) Small-scale Tourist Use as specified in ICC 17.03.180;
 - p) Water Tanks (larger than a permitted use); and
 - q) Animal Shelters.
2. Uses allowed upon Site Plan approved pursuant to Chapter 16.15 ICC processed as Type III decisions and requiring a community meeting pursuant to Chapter 16.19 ICC, unless otherwise specified:
 - a) Church except that a community meeting is not required if seating capacity is no more than 150 or fewer persons or a 2,000 square foot assembly area is proposed;
 - b) Country Inn, except that a community meeting is not required if twenty (20) or less rooms are proposed;

- c) Covered Equestrian Center as specified in ICC 17.03.180;
- d) Essential Public Facilities;
- e) Gun Club and Shooting Range;
- f) Mobile/Manufactured Home Park;
- g) Private or Public School;
- h) Surface Mine;
- i) Home Industries as specified in ICC 17.03.180, except that a community meeting is not required;
- j) Small-scale Recreation Uses as specified in ICC 17.03.180; and
- k) Small-scale Tourist Use as specified in ICC 17.03.180.

D. Conditional Uses in the Freeland Non-Municipal Urban Growth Area

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(An N Indicates a Use that is Inconsistent with the Freeland Sub Area Plan and therefore Not Allowed; a Y indicates a Use that is consistent with the Freeland Sub Area Plan and therefore Allowed. Land Use Decision Type is the same as described in ICC 17.03.060.C.)

	Commercial Land Use Designations				Mixed Use	Residential Land Use Designations				Reserve	Recreation
	Business General	Business Office	Freeland Village	Indust.		High Density	Medium Density	Low Density	Rural Estate		
Conditional											
B & B Inn	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Campground	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>
RV Park	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>
Cell Tower	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Equestrian Center	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Group Home 7-12	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Day Care 7-12	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Fire Station - Large	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Home Industry	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Kennel	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>
Major Utility	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Storage	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Sm. Scale Tourist	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Sm. Scale Recreation	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Water Tanks - Large	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Animal Shelter	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>
Church	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>
Country Inn	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>

<u>Essential Public Fac.</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Gun Club or Range</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
<u>Mobile Home Park</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>School</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Surface Mine</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

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CE. 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.

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

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

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

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Exhibit B

(Rural Residential (RR) Zone – ICC 17.03.070)

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.

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

1. Accessory Uses and Buildings on Lots with Existing Permitted Uses;
2. Accessory Uses in uninhabitable Buildings less than eight-hundred (800) square feet 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);
13. Accessory Living Quarters; and
14. Group Home (no more than six (6) persons).

B. Permitted Uses in the Freeland Non-Municipal Urban Growth Area

How to use this chart: An N Indicates a Use that is Inconsistent with the Freeland Sub Area Plan and therefore Not Allowed; a Y indicates a Use that is consistent with the Freeland Sub Area Plan and therefore Allowed.

(An N Indicates a Use that is Inconsistent with the Freeland Sub Area Plan and therefore Not Allowed; a Y indicates a Use that is consistent with the Freeland Sub Area Plan and therefore Allowed)

	Commercial Land Use Designations					Residential Land Use Designations				Reserve	Recreation
	<u>Business General</u>	<u>Business Office</u>	<u>Freeland Village</u>	<u>Indust.</u>	<u>Mixed Use</u>	<u>High Density</u>	<u>Medium Density</u>	<u>Low Density</u>	<u>Rural Estate</u>		
<u>Permitted Uses</u>											
<u>B & B Room</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Home Occupation</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Agriculture</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Group Home <=6</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Day Care <=6</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Guest Cottage</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Minor Utilities</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Temporary Uses</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Single Family Res.</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Water Tanks - Small</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

BC. Conditional Uses (Processed as Type II Decisions). Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:

1. Bed and Breakfast Inn;
2. Public/Community Boat Launch;
3. Fire Station;
4. Water Tanks (larger than a permitted use);
5. Small Day Care Center (seven (7) to twelve (12) persons); and
6. Group Home (seven (7) to twelve (12) persons).

ED. Conditional Uses (Processed as Type III Decisions). Uses allowed upon Site Plan approved pursuant to Chapter 16.15 ICC processed as Type III decisions and requiring a community meeting, depending upon size, pursuant to Chapter 16.19 ICC:

1. 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;

E. Conditional Uses in the Freeland Non-Municipal Urban Growth Area

How to use this chart: An N Indicates a Use that is Inconsistent with the Freeland Sub Area Plan and therefore Not Allowed; a Y indicates a Use that is consistent with the Freeland Sub Area Plan and therefore Allowed.

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(An N Indicates a Use that is Inconsistent with the Freeland Sub Area Plan and therefore Not Allowed; a Y indicates a Use that is consistent with the Freeland Sub Area Plan and therefore Allowed. Land Use Decision Type is the same as described in ICC 17.03.070.C and D.)

	Commercial Land Use Designations				Mixed Use	Residential Land Use Designations				Reserve	Recreation
	Business General	Business Office	Freeland Village	Indust.		High Density	Medium Density	Low Density	Rural Estate		
Conditional											
<u>B & B Inn</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Boat Launch</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Group Home 7-12</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Day Care 7-12</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Fire Station</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
<u>Water Tanks - Large</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Church (Type III)</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>

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DF. Prohibited Uses

1. Helipads

EG. Designation Criteria and Areas. Areas with a predominant pattern of development and density Existing on July 1, 1990 that is greater than the Base Density permitted in the R zone may be designated RR when the criteria set forth below are met. The areas designated Rural Residential are listed in ICC 17.03.075 and depicted in the Zoning Atlas. Specific conditions can be found in Appendix A.

1. Subdivisions, Short Subdivisions and PRDs created prior to July 1, 1990;
 - a) with an average Lot size less than two and one-half (2.5) acres
 - b) that exceed ten (10) Lots with water system hook-ups
 - c) If created prior to 1966 must be at least forty percent (40%) developed and adjacent to higher density development.
2. Subdivisions and Short Subdivisions created after July 1, 1990 may be included that are adjacent to areas defined by designation criterion 1 and form a Logical Outer Boundary.
3. Parcels may be included that are adjacent to or between areas defined by designation criterion 1 and 2, considering the need to preserve the character of existing natural neighborhoods and communities; physical boundaries such as roads, land forms and contours and water bodies; the need to prevent abnormally irregular boundaries; and, to use approved water and sewer service systems so that low density sprawl is avoided.

FH. 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.

GI. Setbacks and Lot Dimensions. Unless otherwise provided in this Chapter, Setback requirements shall be as follows:

1. Setbacks for single family Detached Dwelling Units, Mobile/Manufactured Homes, and Accessory Buildings are specified in ICC 17.03.180.S.
 2. Minimum Lot Width shall be sixty (60) feet.
 3. For permitted or Conditional Uses adjacent to lands classified RA, CA, RF, AP or a Surface Mining operation:
 - a) The Setback requirements of this section may be increased to ensure that such uses do not Interfere with Permitted Uses allowed in the RA, CA, RF, AP zone or a Surface Mining operation; and
 - b) A notation shall be placed on the face of any plat, short plat, PRD or building permit(s) and included in documents of conveyance and any recorded covenants as provided in Chapter 16.25 ICC.
- HJ. Height.** Maximum building height shall not exceed thirty-five (35) feet. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, silos, communication sending and receiving devices, HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.

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Exhibit C

(Rural Center (RC) Zone – ICC 17.03.120)

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 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.

A. **Permitted Uses.** Permitted Uses shall not exceed 12,000 square feet of gross floor area or eight (8) Dwelling/living units per Lot, Tract or Parcel and shall be processed as Type I decisions pursuant to Chapter 16.19 ICC.

1. Accessory Uses;
2. Banking and Financial Services;
3. Churches and Schools;
4. Cultural Center;
5. Day Care Centers;
6. Eating and Drinking Establishments;
7. Entertainment Uses;
8. Fire Station;
9. Governmental Services;
10. Group Home;
11. Health Care Services;
12. Light Manufacturing Uses;
13. Minor Utilities;
14. Mixed-Use;
15. Multi-family housing;
16. Office including Research and Development Uses;
17. Overnight Lodging;
18. Retail Sales and Services;
19. Storage, Personal and Outdoor;
20. Temporary Uses;
21. Veterinary Clinics;

- 22. Warehouses; and
- 23. Water Tanks.

B. Permitted Uses in the Freeland Non-Municipal Urban Growth Area

How to use this chart: An N Indicates a Use that is Inconsistent with the Freeland Sub Area Plan and therefore Not Allowed; a Y indicates a Use that is consistent with the Freeland Sub Area Plan and therefore Allowed.

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(An N Indicates a Use that is Inconsistent with the Freeland Sub Area Plan and therefore Not Allowed; a Y indicates a Use that is consistent with the Freeland Sub Area Plan and therefore Allowed)

	Commercial Land Use Designations					Residential Land Use Designations				Reserve	Recreation
	Business General	Business Office	Freeland Village	Indust.	Mixed Use	High Density	Medium Density	Low Density	Rural Estate		
Permitted Uses											
Banking & Financial	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Churches	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Schools	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Cultural Center	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Day Care Center	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Eating & Drinking Est.	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Entertainment Uses	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Fire Station	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Gov't Services	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Group Home	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Health Care Svcs.	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Lt. Man.	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Minor Utilities	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Mixed Use	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Multi-Family	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>
Office	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
R&D	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Overnight Lodging	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Retail Sales &	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>

<u>Services</u>											
<u>Storage</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Temporary Uses</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Vet. Clinics</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
<u>Warehouses</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Water Tanks</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

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BC. Conditional Uses

1. Any Permitted Use that exceeds 12,000 square feet of Gross Floor Area or eight (8) Dwelling/living units may be allowed upon Site Plan approval processed as a Type II decision pursuant to Chapter 16.19 ICC.
2. Communication Towers may be allowed upon Site Plan approval processed as a Type II decision pursuant to Chapter 16.19 ICC.
3. Major Utilities and Essential Public Facilities may be allowed upon Site Plan approval processed as a Type III decision pursuant to Chapter 16.19 ICC.

D. Conditional Uses in the Freeland Non-Municipal Urban Growth Area

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	Commercial Land Use Designations				Residential Land Use Designations					Reserve	Recreation
	<u>Business General</u>	<u>Business Office</u>	<u>Freeland Village</u>	<u>Indust.</u>	<u>Mixed Use</u>	<u>High Density</u>	<u>Medium Density</u>	<u>Low Density</u>	<u>Rural Estate</u>		
<u>Conditional Uses</u>											
Cell Towers	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Major Utilities	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Essential Public Fac.	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

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EE. Prohibited Uses

1. Junk and Salvage Yards;
2. Single Family Dwelling Units; and
3. Any Building greater than 50,000 square feet of Gross Floor Area.

F. Prohibited Uses in the Freeland Non-Municipal Urban Growth Area

How to use this chart: Because this chart refers to Prohibited Uses an N means that the Use is Not Allowed; a Y means that the use is classified as Allowed.

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(Because this chart refers to Prohibited Uses an N means that the Use is Not Allowed; a Y means that the use is classified as Allowed.)

	Commercial Land Use Designations				Residential Land Use Designations						
	<u>Business General</u>	<u>Business Office</u>	<u>Freeland Village</u>	<u>Indust.</u>	<u>Mixed Use</u>	<u>High Density</u>	<u>Medium Density</u>	<u>Low Density</u>	<u>Rural Estate</u>	<u>Reserve</u>	<u>Recreation</u>
<u>List of Prohibited Uses in the RC Zone</u>											
<u>Junk & Salvage Yard</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Single Family Dwelling</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>

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DG. Designation Criteria and Areas. Areas with a predominant pattern of Mixed-Use development Existing on July 1, 1990 may be designated RC when all of criteria set forth below are met. Specific areas are listed in ICC 17.03.155 and depicted in the Zoning Atlas. Specific conditions can be found in Appendix A:

1. Parcels served by an approved public water system; and
2. Contain multi-family residential and non-residential uses legally established prior to July 1, 1990; and
3. In combination with other Parcels, are at least forty (40) acres or larger in size; and
4. Parcels that are adjacent to or between areas defined by designation criteria No. 2 that establish a Logical Outer Boundary for the RC zone.

EH. 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.

FI. Setbacks and Height. Setback and height requirements shall be as follows:

1. Front Yard Setback - none. See ICC 17.03.180.S.
2. Side and Rear Yard Setback - minimum ten (10) feet.
3. Height - three (3) stories not to exceed forty (40) feet, excluding rooftop mechanical equipment.

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Exhibit D

(Findings of Fact)

Finding of Fact

1. Ordinance C-57-08 was adopted on May 19, 2008. The ordinance established interim regulations that were to be in effect for 12 months.
2. Ordinance C-51-09 was adopted on May 18, 2009 and renewed the interim regulations established in ordinance C-57-08 for a period of 6 months.
3. RCW 36.70A.130 establishes the procedures for amending Comprehensive Plans. RCW 36.70A.130(2) requires that amendments be considered once per year. This statute lists specific examples that may be considered more frequently than once per year. Development Regulations that implement a Comprehensive Plan are not included in this list.
4. Chapter 16.26 ICC is the local ordinance that defines the procedures and timeframes for amending the Comprehensive Plan and Development Regulations. This is the ordinance that implements the requirements of RCW 36.70A.130.
5. ICC 16.26.060 establishes the procedures for placing an item on the County's Annual Review Docket. Pursuant to ICC 13.26.060.D the Annual Review Docket is reviewed and established by April 1st of each year.
6. Because Ordinance C-57-08 was adopted after April 1, 2008 it was too late to consider as part of the County's 2008 Annual Review Docket.
7. On February 27, 2009 the Board of Commissioners agreed to place Freeland Development Regulations on the 2009 Annual Review Docket. It is the intent that these regulations will permanently replace the interim regulations.
8. On March 18, 2009, a group of local citizens in Freeland convened to discuss a strategy for developing a proposal that will be transmitted to the Planning Commission for consideration. The first phase of this project focused on developing regulations for Freeland's downtown business core. This group met on 13 occasions with the support of the Planning Department, and is nearing completion of the development regulations for the Business Village and Business General zones.
9. During this process it became apparent that the adoption of development regulations, which would replace the Interim Regulations, could not occur prior to the adoption of the remaining Growth Management Act required comprehensive plan elements.
10. On September 16, 2009 during work session the BICC agreed to move forward on the generation of the remaining comprehensive plan elements. This effort is to start immediately to be ready for the 2010 and 2011 Annual Review Dockets.