

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF LAND USE
REGULATIONS; DECLARING AN
EMERGENCY; ADOPTING AN
IMMEDIATE EMERGENCY
MORATORIUM ON THE PROCESSING
OF LAND USE AND BUILDING
APPLICATIONS FOR AND
CONSTRUCTION IN MIXED-USE RAID
ZONES OF RURAL CENTER, RURAL
VILLAGE, AND CAMANO GATEWAY
VILLAGE; AND SETTING TWELVE
MONTHS AS THE EFFECTIVE PERIOD
OF THE MORATORIUM.

ORDINANCE NO. C-35-25
PLG-005-25

WHEREAS, the Board of Island County Commissioners (“the Board”) asked the Department of Planning and Community Development (PCD) to explore all options in seeking solutions to the County’s housing crisis as a part of the 2025 Comprehensive Plan Periodic Update; and

WHEREAS, through a series of focused discussions, PCD staff identified several approaches that could result in increases housing for people of all ages, abilities, and incomes. Key to these discussions was the Board’s direction to find ways to increase density in the County’s already dense areas, such as Mixed-Use RAID zones; and

WHEREAS, for the purposes of this document, “Mixed-Use RAID zones” include the Mixed-Use Rural Areas of More Intensive Development (RAID) zones in Island County zoning code named Rural Center, Rural Village, and Camano Gateway Village.

WHEREAS, PCD staff’s analysis of housing options indicated that many areas zoned Mixed-Use RAIDs have been significantly underdeveloped with densities much less than what’s intended in the Island County Comprehensive Plan. In many cases, these areas have been developed predominantly with lower density single family homes or with only commercial components; and

WHEREAS, changes to the Island County Code (ICC) to facilitate the uses envisioned for Mixed-Use RAID zones have the potential to not only result in a broader range of housing types, but to also advance the goals and policies of the Comprehensive Plan, including those related to affordable and context-sensitive housing and efficient land use; and

WHEREAS, staff are currently undertaking the 2025 Comprehensive Plan Periodic Update and associated Development Regulation updates, including updates for Mixed-Use RAID zones that will include increased housing density allowable uses, development regulations, and minimum/maximum densities; and

WHEREAS, during the 2025 Comprehensive Plan Periodic Update, RCW 36.70A.020(4) requires counties to “plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock”; and

WHEREAS, when reviewing the 2016 Comprehensive Plan Housing Element on March 13, 2024, the Board directed County staff to identify areas where density supporting housing across all income levels may be appropriately developed; and

WHEREAS, the County hired a consultant to analyze the current situation in all Mixed-Use RAIDs and propose land use and development regulation changes to support the 20-year planning period housing allocation; and

WHEREAS, on November 15, 2024, the consultant submitted a memo to the County outlining the proposed changes to the Mixed-Use RAIDs; and

WHEREAS, on December 18, 2024, staff presented an overview of the updates to the Mixed-Use RAID zones to the Board and Planning Commission and was directed to further identify the necessary changes to facilitate intended development in Mixed-Use RAID zones; and

WHEREAS, on April 9, 2025, staff presented a memo identifying necessary changes to facilitate a variety of residential densities across the County, including Mixed-Use RAID zones; and

WHEREAS, the Mixed-Use RAID Zone Development Regulation update will include amendments to the ICC, which are subject to a legislative process, including public hearings with the Planning Commission and the Board; and

WHEREAS, an emergency exists necessitating adoption of a moratorium concerning the processing of all land use and building applications and construction in Mixed-Use RAID zones in order to preserve opportunities for achieving new densities required to meet our housing targets for the comprehensive plan update; and

WHEREAS, a moratorium enacted under RCW 36.70A.390 is one way local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, RCW 36.70A.390 authorize the enactment of a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing as long as the public hearing is held within at least 60 days of its enactment; and

WHEREAS, RCW 36.70A.390 provides that “A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official

control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed 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 adoption of this moratorium ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act (SEPA) and future permanent zoning regulations will be reviewed in accordance with SEPA Rules; and

WHEREAS, the moratorium will provide the County with additional time to review and amend its land use regulations related to the establishments of minimum/maximum densities, allowed uses, and applicable development regulations in the Mixed-Use RAID zones; and

WHEREAS, the Board concludes that it has the authority to establish an emergency moratorium and that the County must adopt an emergency moratorium on the processing of all land use or building applications and construction in the County’s Mixed-Use RAID zones in order to preserve the status quo in the Mixed-Use RAID zones while it considers options for achieving the intended densities in these zones; and

WHEREAS, the Board enacted an emergency moratorium, with specific permitting and construction exemptions, on April 15, 2025 (Ordinance No. C-29-25), for which a public hearing was held on June 3, 2025, pursuant to RCW 36.70A.390; and

WHEREAS, the moratorium in Ord. C-29-25 did not include exemptions for emergency repairs and minor maintenance of commercial structures; and

WHEREAS, commercial property owners should be allowed to make emergency repairs and perform minor maintenance activities, where doing so will not undermine the purpose of this moratorium to preserve opportunities for achieving new densities required to meet housing targets for the comprehensive plan update; and

WHEREAS, limited exemptions applicable to residential structures, and mobile or manufactured homes, and for like-for-like replacement of single family residences destroyed by catastrophic causes, as provided in Ord. C-29-25, ought to be allowed; and

WHEREAS, the County is authorized to enact interim zoning codes and moratoria, pursuant to its police power under Wash. Const. Art. XI, Sec. 11, and explicit authority under RCW 36.70A.390; and

WHEREAS, adoption of this moratorium, after a public hearing, makes the prior emergency moratorium in Ord. C-29-25 redundant and unnecessary; and

WHEREAS, the Board adopts the foregoing recitals as its findings of facts justifying the adoption of this ordinance; and **NOW, THEREFORE**,

IT IS HEREBY ORDAINED by the Board of Island County Commissioners:

Section 1. Findings of Fact. The Board adopts the above “WHEREAS” recitals as findings of fact in support of its action as required by RCW 36.70A.390.

Section 2. Purpose. The purpose of this moratorium is to allow the County adequate time to draft new regulations for Mixed-Use RAID zones that may include affordable housing density bonuses, allowable uses, development regulations, and minimum/maximum densities.

Section 3. Moratorium Imposed. The Board hereby establishes an immediate moratorium on the acceptance, processing, review, or issuance of any land use or building application or permit for the construction, use change, or land divisions in all Mixed-Use RAID zoned areas unless in compliance with this ordinance, and for the duration specified herein.

Exceptions to this moratorium include:

1. Additions, repairs, remodels, or other alterations that do not result in a cumulative increase of 50% or greater of the market value of the structure before the start of construction of the improvement to existing, lawfully constructed, residential structures; or
2. Applications or permits to replace in-kind, repair, maintain, or otherwise improve an existing mobile home or manufactured home; or
3. The reconstruction of a single-family residence or commercial building on a like-for-like basis when destroyed or damaged by earthquake, flood, fire, vehicular collision, or similar accidental cause; or
4. Land use or building applications or permits that are deemed complete or have received approval by the effective date of this moratorium; or
5. Building applications, permits, or construction for emergency repairs and like-for-like tenant improvements within the existing footprint of lawfully constructed commercial structures, where such applications, permits, or construction projects do not impair opportunities for achieving new densities through zoning code amendments required to meet housing targets for the comprehensive plan update.

Section 4. Applicability. This moratorium shall apply to the use of land within areas which have been designated by ICC 17.03.155 as a Mixed-Use RAID within the Rural Center, Rural Village, and Camano Gateway Village zones, and as identified in EXHIBIT A.

Section 5. Duration of Moratorium. This moratorium shall be in effect for one year from the date Ord. C-29-25 became effective (April 15, 2025), and terminates on April 14, 2026, unless an ordinance is adopted amending the Island County Code and rescinding the moratorium before April 14, 2026, or unless it is renewed for one or more six-month periods, as allowed by RCW 36.70A.390.

Section 6. Work Plan. During the moratorium period, County staff will study the issues concerning the nature of the Mixed-Use RAID zones and will include that work in the ongoing legislative review process for the 2025 Comprehensive Plan Periodic Update. Staff will prepare a draft ordinance with appropriate revisions to the County's land use regulations, perform SEPA review of the draft ordinance, and conduct a public review process for the amendments, which includes public hearings before the County's Planning Commission and Board.

Section 7. Declaration of Emergency. The Board hereby declares an emergency exists necessitating that this ordinance take effect immediately and that this moratorium ordinance must be imposed as an emergency measure to prevent development that would result in densities incompatible with those established for Mixed-Use RAID zones, and to prevent the submission of applications to the County that might vest incompatible development rights for an indefinite period of time.

Section 8. Effective Date. This ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority of the entire membership of the Board.

Section 9. Conflict with Other ICC Provisions. If the provisions of this moratorium are found to be inconsistent with other provisions of the Island County Code, this moratorium shall control.

Section 10. Severability. If any section, sentence, clause, or phrase of this moratorium ordinance shall be held unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this moratorium ordinance.

Section 11. Repeal of Ordinance C-29-25. By adoption of this ordinance, the Board hereby repeals Island County Ordinance C-29-25 (PLG-003-25) effective immediately upon passage by a majority of the Board.

ADOPTED this _____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Melanie Bacon, Chair


Janet St. Clair, Member

Jill Johnson, Member

ATTEST:

Jennifer Roll,
Clerk of the Board

APPROVED AS TO FORM:



Gregory M. Banks
Prosecuting Attorney and
Island County Code Reviser

June 12, 2025

EXHIBIT A

