



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
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DATE RECEIVED

Comprehensive Plan Text/SJC Code* Amendment Request

*San Juan County Code Titles 15, 16 & 18
(Annual Docket)

APPLICANT INFORMATION:			
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This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.

		
Signature	Printed Name	Date
Signature	Printed Name	Date

Please Describe the Proposed Amendments (attach additional pages if you need more space):

Please see Attachments:

1. Ordinance 2-1998 - Part 3 of 5 Section 6.4
2. SJCC 18.20.200 "Transfer of Development Rights"
3. SJCC 18.20.030 "Cluster Development"
4. SJCC 18.60.040 "Transfer of Development Rights"
5. RCW 36.70A.090



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Propose allowing the “Transfer of development rights” as reserved by Ord. 2-1998 Exh & 6.4 in SJCC 18.60.040, and further defined in SJCC 18.20.200 “T;” and allowed by RCW 36.70A.090 to promote open space within the UGA’s and the clustering of development. Both “clustering of development” and “transferring of development rights” is a policy within the goals and policies of the San Juan County Comprehensive plan: **Section B, Element 2 Land Use Ord. 11-2019**

2.2 General Goals and Policies of the Land Use Element

~ 2.2.A General Goals and Policies

(#6) “Investigate the development of a program to allow for the transfer of residential density from Rural and Resource Lands to Activity Centers and other approved receiving areas as appropriate to protect rural and resource lands. Transfer of residential density within Activity Centers should also be allowed.”

~2.2.F Natural Resource Conservation

(#6) “Develop voluntary, incentive-based, protection measures for natural resources including conservation easements, transfer and purchase of development rights programs, current use taxation, and public education programs.”

~2.2.I Open Space and Scenic Resources

(#1) “Protect open space and scenic resources identified in the County Open Space and Conservation Plan through implementation of a variety of conservation techniques including fee acquisition, conservation easements, incentives, overlay districts, purchase, retirement, or transfer of development rights, and education programs.”

~2.3.A Growth Areas

(#8) “New residential development in growth areas should include a full range of single- and multi-family housing types. New areas added to a growth area should permit minimum densities of 4 units per acre in order to support efficient public services and provide a full range of affordable housing opportunities in the future.”

(#9) “Open space design standards should be established to maintain the rural character at the borders of growth areas. Open space areas, in the form of squares, green spaces, and parks within growth areas, should be an integral part of these areas to provide settings for recreation and public gatherings, and to protect Critical Areas, scenic qualities, and historic features.”

(#13) “Establish development standards for planned unit developments (PUD) in growth areas to more effectively accomplish the goals and policies of this Plan and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. PUD standards should include provisions for a mixture of housing types and residential densities, and preservation of open space and natural features, as well as concurrency requirements to address impacts on transportation and other capital facilities and services.”



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2. San Juan County Code Title 15, Title 16 or Title 18 amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List code sections proposed for amendment.

Proposed Changes highlighted in Blue below:

18.20.010 “A”

“Area of Open Space” means the size of an open space parcel, tract, or lot expressed in square feet or acres to two decimal places and dedicated within a plat, or plat alteration, that transfers the residential density associated with the open space through dedication to the declarant, or a lot, or lots, within the plat in the furtherance of clustering of development.

18.20.200 “T”

“Transfer of Development Rights” means the transfer of the right to develop or build, expressed in dwelling units per acre, from an open space parcel, tract, or lot created through a plat, or plat alteration, and dedicated to one or all lots within the plat in the furtherance of clustering of development.

18.60.050 Density, dimension, and open space standards

(D.) Open Space

1. The “parcel area” of an open space tract, parcel, or lot will be transferred to one or more of the lots within a plat, or plat alteration increasing residential density to other lots in the plat for the furtherance of clustering of development.

18.70.060 Subdivision and short subdivision design and development standards.

(B) (2) Clustering

a. The “Area of Open Space” created through the subdivision process will allow the dedication and transfer of development rights to one or more lots within the plat for the furtherance of clustering of development and preservation of Open space.



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3. Why is the amendment being proposed?

Answer:

For the clustering of development and preservation of open space within UGA's. This allows developers to plat land and preserve a tract or parcel of land for "Open space" while transferring the density attributed to that open space to one or all of the remaining lots in the plat.

4. How is the proposed amendment consistent with the Growth Management Act (RCW 36.70A), Comprehensive Plan and development regulations?

5. **Answer:** See above it is in the furtherance of innovative land use techniques to cluster development and preserve open space within UGA's.

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

Answer:

Yes it affects all UGA's by allowing the clustering of development through SJC 18.70 Plats and Plat alterations.

6. Does this proposal increase population or employment capacity?

Answer:

It increases residential density on certain parcels or lots while preserving "open space" lots. It only transfers development potential from an open space lot to all or one other lot in the plat for the clustering of development.



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18.20.200 “T” definitions.

“Tank farm” means an area used for the commercial bulk storage of fuel in tanks.

“Temporary development activity” means, for the purpose of critical area regulations in this title, temporary uses or activities associated with development on a permitted active construction site. Temporary uses and activities include mobile contractor offices, equipment storage and storage yards, portable toilets, on-site equipment repair, on-site staging, and workshops.

“Threshold determination” means the decision by the responsible official under the State Environmental Policy Act (SEPA) regarding the likelihood that a project or other “action” (WAC [197-11-704](#)) will have a probable significant adverse impact on an element of the environment.

“Tidelands” means land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

“Timber land” means land supporting or capable of supporting a stand of merchantable timber and which is not being developed or used for an activity which is incompatible with timber production.

“Trailer” means a structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

“Transfer of development rights (TDR)” means the transfer of the right to develop or build, expressed in dwelling units per acre, from land in one land use designation to land in another designation or from one property owner to another, where such a transfer is permitted.

“Transfer station” means a facility for the collection of solid waste from off site into a larger transfer container or vehicle for transfer to a permanent disposal site. (See “solid waste transfer station.”)

“Transient accommodations” means a commercial or residential use involving the rental of any structure or portion thereof for the purpose of providing lodging for periods less than 30 days.

“Transitional surface” means the FAA imaginary surface that is the lower boundary of an airspace which begins on either side of the primary surface and which slopes outward and upward to meet the horizontal surface above the airport. This surface is also connected to the approach surface at both ends of the runway.

“Transportation facilities” means roads, public pedestrian and bicycle trails, airports, airfields, public docks, ferries and related terminals, and parking areas.

“Tree line” means the line created by existing trees, at the trunk line, growing in a generally continuous line, as opposed to a line drawn between a few isolated trees.

SECTION 6 • DEVELOPMENT STANDARDS

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6.1 Applicability.

The development standards of Section 6 are designed to effect the goals and policies of the *Comprehensive Plan*, and apply to all development subject to this Code and within all land use districts except as specified below.

6.2 Water Supplies.

1. All development must conform to the standards set by Chapter 13 SJCC, Water Supplies, and must satisfy the policies of Element 4 of the *Comprehensive Plan* (Water Resources) regarding the availability and adequacy of the water resource, the protection of water quality,

and the control or avoidance of pollution, and conservation of water.

2. Each new use of land that requires potable or nonpotable water or any major new use of water unrelated to new land use (the collection of rainwater for nonpotable use is exempt from this requirement) and for which the County has approval authority, shall:

- a. Provide documented evidence of available and adequate water quantity and quality for the intended use. Water supply is available and adequate when:
 - (1) Data are developed which show that the source meets the Source Approval requirements of the Public Services Code (SJCC Sections 13.06.140 and .150);
 - (2) An alternative system for an individual water system meets the requirements of SJCC 13.06.140 and 13.06.160; or
 - (3) A water facility provider makes a concurrency determination (see Section 6.18) that it has sufficient capacity to provide the needs of the new use without lowering LOS standards below the minimum adequate level.

A determination by a non-County concurrency facility and service provider that there is adequate capacity available (see Section 6.18) does not necessarily reserve that capacity or guarantee that water will be delivered. Such reservations and guarantees may require the purchase of a membership or other action as defined by the service provider.

Short and long subdivisions must demonstrate actual connections and guarantees of service before final approval.

- b. Meet standards for water system design and employ all county-wide water conservation measures. Applications shall indicate all structural or operational measures included for the conservation of water.

6.3 Sewage Disposal.

All development must conform to the standards set by Title 13 SJCC, Sewage Disposal. Applicants for subdivision and binding site plan approvals shall demonstrate conformance for both the preliminary and final approvals.

A determination by a non-County concurrency facility and service provider that there is adequate capacity available (see Section 6.18) does not necessarily reserve that capacity or guarantee that sewage disposal service will be provided. Such reservations and guarantees may require the purchase of a membership or other action as defined by the service provider. Short and long subdivisions must demonstrate actual connections and guarantees of service before final approval.

6.4 Transfer of Development Rights.

[Reserved for Future Use]

6.5 Density, Dimension, and Open Space Standards.

1. **Purpose.** This section establishes 1) residential density requirements, 2) bulk, area, and dimensional standards, and 3) specific rules for all uses. These standards and rules are intended to provide flexibility in project design and to maintain privacy between adjacent uses.

2. **Development Standards.**

- a. Section 6.5 and Tables 6.1 and 6.2 contain general residential density and dimensional standards for four general land-use categories:

- (1) Activity Center land-use districts;
- (2) Rural land-use districts;
- (3) Resource land-use districts; and
- (4) Special land-use districts.

Limitations specific to a particular district are also specified.

- b. Additional rules and exceptions are set forth in Sections 6.6 through 6.19, *below*.

3. **Measurement Methods.** The following methods will be used to determine compliance with this Code:

- a. The "maximum density" for a parcel is calculated by dividing the parcel area by the total number of residential dwelling units allowed according to the density designation. Only whole density units may be used. (See UDC Section 7.1.4.)
- b. "Parcel area" or "lot area" is the total horizontal land area contained within the boundaries of a parcel.
- c. Setbacks from roads shall be measured from the margin line of the road right-of-way. This measurement shall be to a line parallel to and measured perpendicularly

“Class III beach” means a beach or shore having no dry backshore.

“Clearing” means the destruction or removal of vegetation, roots, or topsoil materials by hand or mechanical means.

“Cluster development” means the massing of development on one or more parts of a property.

“Co-applicant” means all persons or entities joining with an applicant in an application for a project or development permit, including the owners of the subject property and any tenants proposing to conduct a development or activity subject to a permit.

“Coastal high hazard areas” means the areas within any areas of special flood hazard that are subject to high velocity waters, including but not limited to storm surge or tsunamis.

“Co-location” means the shared use of a building, tower or telecommunication mount or site by more than one licensed carrier. Additionally, to satisfy the definition of “co-location” on a wireless tower, the mounting of a new proposed antenna must not: (1) increase the approved height of the wireless tower by more than the minimal amount required by Section 6409 of the Middle Class Tax Relief Act (2012) by more than 10 percent; or (2) involve the installation of more than four new equipment cabinets or one new equipment shelter to serve the wireless tower; or (3) involve adding an appurtenance to the body of the wireless tower that would protrude from the edge of the wireless tower more than 20 feet; or (4) involve excavation outside the current wireless tower site, defined as the current boundaries of the leased or owned property surrounding the wireless tower and any access or utility easements currently related to the site; or (5) interfere with the camouflage or disguise of the wireless tower.

“Commercial communication facilities” means a facility for the broadcast of signals for television, HDTV, and commercial radio stations and refers to the lease area and easements, all towers, antennas, mounts, transmission cables, equipment shelters or cabinets and any other installation to facilitate the broadcast of radio and television. Personal wireless service facilities and joint-use wireless facilities are not “commercial communication facilities.”

“Commercial composting” means the collection of off-site or public drop-off of yard, landscape, agricultural wastes and other compostable materials to be processed into compost, including sales, pick-up or delivery of finished composted products.

“Commercial mobile radio services” or “CMRS” means any of several technologies using radio signals at various frequencies to send and receive voice, data and video.

“Commercial recreational facility” means a place designed and equipped for the conduct of sports and leisure-time activities which is operated as a business and open to the public for a fee (see “indoor recreational facilities”).

Chapter 18.60

DEVELOPMENT STANDARDS

Sections:

18.60.010 **Applicability.**

18.60.020 **Water supplies.**

18.60.030 **Wastewater disposal.**

18.60.040 **Transfer of development rights.**

18.60.050 **Density, dimension, and open space standards.**

18.60.060 **Clearing and grading standards.**

18.60.070 **Storm drainage standards.**

18.60.080 **Roads – Generally.**

18.60.090 **Roads – Public roads.**

18.60.100 **Roads – Private roads.**

18.60.110 **Pedestrian circulation.**

18.60.120 **Parking.**

18.60.130 **Bicycle parking standards.**

18.60.140 **Off-street loading space requirements.**

18.60.150 **Utility service lines and facilities – General regulations.**

18.60.160 **Landscaping.**

18.60.170 **Lighting.**

18.60.180 **Home occupations.**

18.60.190 **Master planned resort development.**

18.60.200 **Concurrency.**

Short and long subdivisions must demonstrate actual connections and guarantees of service before final approval.

2. Meet standards for water system design and employ all County-wide water conservation measures. Applications shall indicate all structural or operational measures included for the conservation of water. (Ord. 12-2001 § 6; Ord. 2-1998 Exh. B § 6.2)

18.60.030 Wastewater disposal.

All development must conform to the standards set by SJCC Title [8](#), Health and Safety. Applicants for subdivision and binding site plan approvals shall demonstrate conformance for both the preliminary and final approvals.

Commercial, industrial, public, and institutional facilities that generate nonresidential and/or industrial wastewater shall be served by an appropriate wastewater treatment system or facility approved by the agency with jurisdiction.

A determination by a non-County concurrency facility and service provider that there is adequate capacity available (see SJCC [18.60.200](#)) does not necessarily reserve that capacity or guarantee that sewage disposal service will be provided. Such reservations and guarantees may require the purchase of a membership or other action as defined by the service provider. Short and long subdivisions must demonstrate actual connections and guarantees of service before final approval.

Maintenance, operation, and repair of on-site sewage disposal systems are governed by Chapter [8.16](#) SJCC. (Ord. 52-2008 § 11; Ord. 15-2005 § 3; Ord. 12-2001 § 6; Ord. 2-1998 Exh. B § 6.3)

18.60.040 Transfer of development rights.

[Reserved.] (Ord. 2-1998 Exh. B § 6.4)

18.60.050 Density, dimension, and open space standards.

A. Purpose. This section establishes (1) residential density requirements, (2) bulk, area, and dimensional standards, and (3) specific rules for all uses. These standards and rules are intended to provide flexibility in project design and to maintain privacy between adjacent uses.

B. Development Standards.

1. This section and Tables 6.1 and 6.2 contain general residential density and dimensional standards for four general land use categories:

a. Activity center land use districts;

b. Rural land use districts;

RCW 36.70A.090

Comprehensive plans—Innovative techniques.

A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights.

[1990 1st ex.s. c 17 § 9.]