



MEMORANDUM

REPORT DATE: January 5, 2023
TO: San Juan County Planning Commission
FROM: Sophia Cassam, Planner III *SC*
David Williams, Director
SUBJECT: Code Amendments Resulting from the 2036 Comprehensive Plan Update
MEETING DATE: January 20, 2023
ATTACHMENTS: A. Planning Commission Minutes from October 16, 2020

PURPOSE

To brief the Planning Commission on proposed development code amendments resulting from the 2036 Comprehensive Plan Update. At the February Planning Commission meeting there will be a public hearing to make a recommendation to the County Council on the proposed code amendments.

PUBLIC COMMENTS

Please send all public comments to compplancomments@sanjuanco.com. Please do not copy the County Council, Planning Commission members, or County Staff. Written public comments received by January 19 at 12pm will be provided to the County Council prior to the January 20 meeting. Please focus comments on the proposed code amendments discussed in this memo.

BACKGROUND

San Juan County adopted the 2036 Comprehensive Plan (*Plan*) Update on November 30, 2022. The *Plan* update included several policy changes that correspond directly with San Juan County Code (SJCC) Title 18 Unified Development Code (UDC). Table 1 below summarizes *Plan* policies amended during the update that require UDC changes. The UDC must be amended to align with the *Plan* before the *Plan* update goes into effect on April 1, 2023.

Table 1. Summary of *Plan* Update Code Amendments.

Topic	Plan Policy	SJCC
Mineral Resource Land Overlay (MRLO) commercial significance	Element 2, Section 2.4.c, Policy 1.i	18.35.015(A)(1)
Island Center	Element 2, Section 2.5.2, Policy 1.c	18.30.230

Cluster Developments: # of units, allowed square footage, and developer requirements	Element 5, Goal 7, Policy 4	18.60.230 (2.a), (5.b) and (6)
Affordable housing definition	Element 5, Goal 7, Policy 5	18.60.260(B) 18.20.010 "A" Definitions
Affordable housing for moderate income households	Element 5, Goal 7, Policy 3	18.60.260(G)
Allow existing schools in rural land use designations	No policy. Decision regarding land use review request 19-0005.	18.30.040 "Institutional Uses" Add new line for existing schools

The following sections provide background information and show relevant amendments to (1) the *Plan* update adopted on November 30, 2022, and (b) corresponding necessary development code amendments. Adopted *Plan* amendments and proposed code amendments are shown in ~~strikeout~~/underline.

MINERAL RESOURCE LAND OVERLAY (MRLO) DESIGNATION CRITERIA

The MRLO designation criteria were amended to allow the County to determine whether lands have commercial significance for mineral resources. WAC 365-190-070(1) states that counties must designate mineral resource lands as a county-wide process, with the exception of owner-initiated requests. Prior to the *Plan* update, the MRLO designation criteria were geared toward owner-initiated requests because criterion 1.i required applicants to submit a geologic and economic report prepared by a qualified professional to verify whether lands have commercial significance for mineral resources. The change to 1.i allows the County to make this determination, which is necessary when conducting a county-wide designation process. In the development code, the MRLO designation criteria are listed in SJCC 18.35.015(A)(1). The development code needs to be amended to reflect the change to the *Plan*.

Plan Text: Element 2, Section 2.4.c, Policy 1.i

(1) Upon application by a landowner, lands which are characterized by all of the following criteria may be designated as a Mineral Resource Land Overlay District (MRLO) on the Comprehensive Plan Official Maps:

- i. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional or the land has a legally established mining operation, and the County Council adopts findings that the land has commercial significance for mineral resources;
- ii. Current or future land use will not exceed a residential density of one dwelling unit per ten acres;
- iii. Are not within an Activity Center, Rural Residential, Natural or Conservancy designation or any Shoreline designation; and iv. Are not within a wetland or fish and wildlife habitat conservation area as defined in this Plan.

Code Amendment: SJCC 18.35.015(A)(1)

A. Designation Procedures. A mineral resource land overlay district may be applied based upon the following criteria, ~~only upon acceptance by the County of a complete application from a property owner and upon approval of a redesignation in accordance with SJCC 18.90.030.~~ Mineral resource lands of long-term commercial

significance are those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within 20 years and which are characterized by all of the following:

1. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional or the land has a legally established mining operation, and the County Council adopts findings that the land has commercial significance for mineral resources;
2. Current or future land use will not exceed a residential density of one dwelling unit per 10 acres;
3. Are not within an activity center, rural residential, natural or conservancy designation or any shoreline designation;
4. Are not within a regulated wetland or fish and wildlife habitat conservation area pursuant to SJCC 18.35.085 through 18.35.140.

ISLAND CENTER

Housing is allowed in a limited capacity the Island Center land use designation. One unit per parcel is allowed accessory to an established institutional, commercial, or industrial use. Prior to the *Plan* update, one unit was allowed accessory only to commercial and industrial uses. Institutional uses were added to the list to express that housing for school employees on school properties is an appropriate use in Island Center. Lopez Island schools are located in Island Center. SJCC 18.30.23.(C) should be amended to allow dwelling units accessory to institutional uses.

Plan Text:

Element 2, Section 2.5.2, Policy 1.c

Island Centers are generally characterized by existing general commercial and general industrial uses and may also include some rural commercial and rural industrial uses. These centers may be served by community water systems, but have only rural governmental services. Island Centers differ from other Activity Centers in that they generally do not have a high density residential component included within the center boundaries, and new residential development (except where accessory to institutional, commercial or industrial use) should be prohibited. The commercial and industrial uses located in these centers provide goods and services island-wide.

Code Amendments:

SJCC 18.30.230 Residential development standards in island centers, rural industrial and rural commercial designations.

C. Residential Development Standard.

1. One dwelling unit per parcel is allowed.

a. The unit must be an accessory to a commercial, institutional, or industrial use, and must be located within or attached and subordinate to the commercial, institutional, or industrial structure.

b. Notwithstanding the definition of “dwelling unit” in SJCC 18.20.040, the dwelling unit may not include an accessory dwelling unit in addition to the main residence.

2. All other new residential development is prohibited.

RURAL RESIDENTIAL CLUSTER DEVELOPMENT

There are three changes that should be made to the Rural Residential Cluster Development code. Cluster developments are defined in SJCC 18.60.230 as follows:

A rural residential cluster development is a small cluster of residences and related structures intended to provide opportunities for affordable housing and small scale agriculture in rural areas. The standards and procedures provided [in the development code] are intended to ensure that such developments remain compatible with the rural, agricultural and natural character of rural and resource lands; prohibit suburban sprawl; and do not require urban-level services.

The changes are listed and explained below. The *Plan* text and proposed code amendments follow.

1. Increase the number of units allowed in a cluster development

Through the 2020 Annual Docket process, the County Council added docket request 20-0002 to the DCD work plan to be completed during the *Plan* update. In request 20-0002, an affordable housing non-profit, Homes for Islanders, requested that the County implement 2009 Housing Element policy 15, which states, “Provide for a limited number of small-scale rural residential cluster developments of no more than twelve dwelling units each.” This policy has never been implemented, but it was retained during the 2036 Comprehensive Plan Update and, therefore, the UDC should be amended to reflect the policy. The UDC currently allows eight units per cluster development.

2. Allow any interested party to develop a cluster if they can satisfy the development standards

The ownership requirements for rural residential cluster developments currently exclude private developers, except those in the business of affordable housing. The public has brought this issue to DCD’s attention in 2020 because it limits who can develop this form of affordable housing. All affordable housing developers must provide assurance of affordability. During the *Plan* update, the County Council adopted Goal 7, Policy 4 in the housing element, which states that the County may allow any nonprofit or private developer with a long-term stewardship plan to build cluster developments according to SJCC 18.60.230. Long-term and permanent affordability requirements are listed in SJCC 18.60.260(D) and (E). The Project Site and Unit Ownership standards in SJCC 18.60.230(2)(a) should be amended before the *Plan* update goes into effect.

3. Clarify square footage limitations

In docket request 20-0002, Homes for Islanders also requested that the Rural Residential Cluster Development regulations be amended to increase the allowable square footage per unit to 1,750 square feet to accommodate larger families. The current regulations state:

“The total enclosed floor area of structures including dwelling units and accessory structures shall not exceed 1,500 square feet per dwelling unit.”

It is unclear about whether size limitations apply per unit or if they are calculated as a mean across the entire development. On October 16, 2020, the Planning Commission recommended “that the average square footage of units be limited to 1,500 square feet on average with the maximum size of any

individual units limited to 2000 square feet” (Attachment A). The Planning Commission recommendation allows for some larger individual units without increasing the overall square footage allowance across the development. The recommendation also clarifies the code by clearly stating that 1,500 square feet is calculated as an average.

This proposed change in square footage requirements is not related to the *Plan* update (there is no policy requiring this change); however, the change is part of the amendments to SJCC 18.60.230 discussed in 2020-2021. It should be addressed at this time because SJCC 18.60.230 is being considered for amendment.

Plan Text:

Element 5, Goal 7, Policy 4

4. Allow nonprofits and private developers to develop small-scale rural residential clusters with long-term affordability restrictions and no more than twelve dwelling units each, within rural residential, rural farm forest, and Village, Hamlet and Residential Activity Centers. The Developer must have a long-term stewardship plan, other than the County, for monitoring resales.

Code Amendments:

2. Project Site and Unit Ownership.

a. The project site shall consist of the entirety of one or more legal lots of record, and shall be in a single ownership ~~by a public agency, or by a business or nonprofit corporation in the business of providing affordable housing.~~ Any portion of the site not sold for affordable housing shall remain in such ownership as part of the rural residential cluster development for the duration of the use.

3. Affordable Housing.

a. All residential units within a rural residential cluster must be affordable housing meeting the standards of SJCC 18.60.260.

b. Prior to issuance of any building permit for the project, the applicant shall grant a restrictive use easement for the site to San Juan County for the purpose of affordable housing development, subject to such conditions and limitations as the County may require.

c. The applicant shall submit a long-term stewardship plan for monitoring resales subject to approval by the director.

5. Maximum Allowable Residential Density and Number of Dwelling Units.

a. A rural residential cluster development shall not be subject to the density requirements of the land use district in which it is located, except for such requirements in which rural residential development is regulated by name.

b. A rural residential cluster development shall have a maximum density of two units per acre and a maximum of ~~eight~~ twelve dwelling units.

6. Allowed and Accessory Uses, and Accessory Structures. Only residential uses are allowed except as provided below. Accessory residential units are prohibited. Accessory uses shall be limited to those appropriate and necessary to residential and agricultural use, including the following:

a. Agricultural buildings for housing of animals, storage of agricultural equipment or products, maintenance of equipment used on the site, or processing of agricultural products grown on the site, if otherwise permitted in the district in which the project is located;

b. Structures for the on-site sale of products grown or manufactured on the site, not to exceed 500 square feet of floor area, if otherwise permitted in the district in which the project is located;

c. Common kitchen, meeting or recreation spaces for residents and their guests;

d. Offices for a nonprofit housing provider owning or operating the project, not to exceed 500 square feet of floor area.

The ~~total~~ mean enclosed floor area of structures including dwelling units and accessory structures shall not exceed 1,500 square feet per dwelling unit. No dwelling unit and its accessory structures shall exceed 2,000 square feet.

AFFORDABLE HOUSING DEFINITION

Through the 2020 Annual Docket process, the County Council directed staff to ensure consistency between the definitions of affordable housing in various parts of the development code and *Plan*. During the *Plan* update, a policy was added to define affordable housing consistently with the definition in SJCC Chapter 2.27 Affordable Housing Program. In the UDC, the definition of affordable housing should be amended to match Chapter 2.27 and the *Plan*.

Plan Text:

Element 5, Goal 7, Policy 5

Ensure consistency between the County's definitions of affordable housing by considering housing costs for renters to include rent and utilities, or, for owners, to include the principal and interest on the mortgage plus property taxes and insurance (PITI).

Code Amendment:

18.20.010

"Affordable housing" means housing where the occupants pay no more than 30 percent of gross monthly household income for total housing costs, including the cost of property taxes and insurance for homeowners and monthly utilities for owners and renters on housing costs. Housing costs for renters are considered to include rent and utilities, or, for owners, to include the principal and interest on the mortgage plus property taxes and insurance (PITI). Utility costs include water, sewage disposal, electricity and/or gas for lighting, heating and cooking.

18.60.260(B)

B. Affordable housing is housing where the occupants pay no more than 30 percent of gross ~~monthly household income for total housing costs, including the cost of property taxes and insurance for homeowners and monthly utilities, excluding telephone, for owners and renters.~~ on housing costs. Housing costs for renters are considered to include rent and utilities, or, for owners, to include the principal and interest on the mortgage plus property taxes and insurance (PITI). Utility costs include water, sewage disposal, electricity and/or gas for lighting, heating and cooking. Except where further specified in the Comprehensive Plan and this code, “affordable housing” refers to such housing serving as the primary residence for very low-, low-, moderate- and middle-income households. The definition of income groups by household size shall be as most recently defined by the U.S. Department of Housing and Urban Development for San Juan County.

EXISTING SCHOOLS IN RURAL LANDS

Shaw Island School District requested to re-designate TPN 263322001000, a 0.99-acre parcel, from Natural (N) to a rural designation where “School, primary or secondary” is an allowed use. The Shaw Island school house was constructed in 1890. San Juan County Code (SJCC) 18.30.040 prohibits the institutional use “school, primary or secondary” in the N designation. As a result, the Shaw Island school is a nonconforming use and there are limitations to how the school can adapt to future circumstances.

Rather than changing the land use designation of this parcel, the County Council decided to make historic schools allowed outright in the N land use designation. The same change could be made to SJCC 18.30.040 for RFF to make the Waldron and Stuart island schools allowed outright. This change would reduce the regulatory requirements for these important public facilities and would allow them to make changes to the existing structures as each school as they adapt to future circumstances. In this way, the code would not hinder the provision of vital educational services for the Shaw, Stuart, and Waldron communities. These three schoolhouses are also important components of the built environment on their respective islands. Existing historic schools should be allowed outright in rural designations because of the important service they provide and the historic nature of the structures. Limiting the kind of schools allowed in these designations to only those existing before the amendment is adopted will prevent other new schools from locating in these designations without putting regulatory barriers in place for potential changes to the existing schools in the future.

Plan: no policy amendment. This change results from the Council’s decision regarding land use review request 19-0005.

Code Amendment:

Table 18.30.040 Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (Excerpt)

Land Use	RGU	RR	RFF	RI	RC	AG	FOR	C	N
School, primary and secondary	C	N	N	N	C	N	N	N	N
<u>Existing School, primary and secondary</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>Y</u>

NEXT STEPS

Table 1, below shows the tentative timeline for this code amendment process.

Table 1. Tentative Calendar for Code Updates Resulting from the 2036 Comp Plan Update

Step	Date (2023)
Planning Commission briefing	January 20
Planning Commission public hearing	February 17
County Council Briefing on Planning Commission recommendation	February 28
County Council public hearing	March 14
Comprehensive Plan update effective date	April 1



Approved as submitted at the November 20, 2020 PC Meeting.

SAN JUAN COUNTY PLANNING COMMISSION MEETING

MINUTES OF THE OCTOBER 16, 2020 MEETING

The meeting of the San Juan County Planning Commission was called to order by Chair, Camille Uhlir, at 8:38 a.m. in the County Council hearing room, Legislative Building, 55 Second Street, Friday Harbor, and San Juan Island.

Planning Commission

Members Present: Present in person: Camille Uhlir. By Skype: Tim Blanchard, Michael Pickett David Kane, Nick Knoellinger, and Dale Roundy.

Planning Commission

Members Excused: Steve Rubey

Department of Community

Development (DCD) Staff

Present: Present in person: Erika Shook, Director; and Lynda Guernsey, AS II. By Skype: Adam Zack, Planner III and Sophia Cassam, Planner I.

Administrative Items

Confirm Agenda – No changes to agenda.

Minutes of September 18, 2020

Moved by Tim Blanchard, seconded by Camille Uhlir, to approve the September 18, 2020 minutes as corrected. Corrections are strikeout-underline and are on page 2, first motion under the 6 yr. TIP heading, add an “s” to the word “project” and delete the “s” on the word “moves”. Michael Pickett – yes, David Kane – yes, Nick Knoellinger – abstain, Dale Roundy – yes, Tim Blanchard – yes, and Camille Uhlir – yes. Motion passed with five yes votes and one abstention (Knoellinger).

DCD Update – Erika Shook, Director

- 1. The Shoreline Master Program (SMP) came back from the Department of Ecology (DOE) with no changes. The County Council will adopt the SMP on October 27th and it will go back to DOE for final approval.
2. There will be a fee for the yearly Vacation Rental Certificate of Compliance applications starting in 2021. If you pay the fee online, it will be \$145 and if you pay with a paper application it will be \$160.
3. The Comprehensive Plan schedule is a work in progress but for November and December’s meetings at this point we will be finishing the land use issues (from the issues papers) and start talking about land use policies. In January and February, we will tentatively schedule map changes and perhaps have our first land use draft in March.

Erika Shook then responded to questions and comments from the Planning Commission.

Public Access Time – The following spoke:

Julienne Battalia, Community Rights San Juan Islands

Liz Lafferty, Community Rights San Juan Islands

Briefings about the San Juan County Comprehensive Plan 2036 Update Project:

Element B.2, Land Use and Rural, Natural Resource Lands Briefing – Adam Zack, Planner III

Adam Zack gave a presentation on state and local criteria for the designation of Natural Resource Lands and responded to questions and comments from the Planning Commission.

Element B.2, Land Use and Rural, Policy Issue: Rural Residential Cluster Development Briefing - Sophia Cassam, Planner I

Sophia Cassam gave a follow-up presentation responding to questions and issues that arose from the September Planning Commission meeting.

Additional discussion was held with the following affordable housing providers:

- Lisa Byers, Executive Director, OPAL Community Land Trust
- Sandy Bishop, Executive Director, Lopez Community Land Trust
- Justin Roche, Executive Director, Homes for Islanders

They each introduced themselves and gave a description of how their projects are operated. Each provider then responded to the questions brought up during the September Planning Commission meeting so the Planning Commission could get their perspective.

1. Should the number of units per cluster be increased from 8 to 12?

All three providers agreed with the idea of increasing the units from 8 to 12.

2. Should the limit on square footage per dwelling be increased?

All three providers were positive about increasing the square footage of the dwelling units as stated in slide 17 of the presentation, Issue Two, Option B (Attachment A to these minutes): Increase the maximum allowed sq. ft. for cluster dwellings to 2,000 sq. ft., including accessory structures.

3. Should the code be changed to allow anyone to build cluster developments?

The providers were open to this with the following criteria: long-term affordability is required, that a non-profit steward partner with the private developer, if a density bonus is offered by the County that there is guidance available for applicants, and that the affordability level be raised to 100,000 – 120,000.

4. Should the requirements for restrictive use easements be removed?

The concerns addressed by the providers on this issue were: that affordability is at risk if the easements are given up, and if restrictive easements are kept, then the affordability cap should be raised as previously stated.

5. What other challenges do you face when considering cluster development?

The challenges were land availability, more density in rural areas, development costs, finding areas you can put the infrastructure in and based on the infrastructure issue to find a parcel to make financially feasible.

6. What are the benefits of developing in rural areas as opposed to in UGAs?

The benefits given were affordability, more open space for kids to play, more development options, might be able to work where you live, cultural/geographic/economic diversity, and infrastructure can be cheaper than the utilities in the Town of Friday Harbor for instance.

The providers then responded to questions and comments from the Planning Commission. The Planning Commission thanked them all for attending virtually and for their input.

Sophia Cassam then went through the same issues with the Planning Commission for their recommendations.

Issues are listed in the slide presentation, Attachment A to these minutes.

Issue 1 and Issue 2:

By Consensus, the Planning Commission believes it is necessary to consider Issue 1 (number of units) and Issue 2 (square footage limitations) in the staff report regarding Rural Residential Cluster Development concurrently in the interest of balancing the goal of promoting affordable housing and our responsibility to protect rural character. Accordingly, by consensus the Planning Commission recommends that the number of units permitted in a Rural Residential Cluster Development be increased to 12, but that the square footage of units be limited to 1500 square feet on average with the maximum size of any individual units limited to 2000 square feet. The handling of accessory structures in this framework was left to be resolved at a subsequent meeting of the Planning Commission.

Issue 3:

Staff will return with more information on ownership requirements at the next meeting.

Issue 4:

This issue is tabled to next month for discussion. Staff will send link to proposal and option to the Planning Commission. Also, projected needs for affordable housing to go forward to the next meeting.

Element B.2 Land Use and Rural, Urban Growth Area Goals and Policies, Adam Zack, Planner III

Adam Zack gave a presentation on the preliminary draft of urban growth area goals and policies. He then went through the September 30th draft Element B.2 Land Use and Rural document as presented in the October 1, 2020 staff report regarding Urban Growth Areas. The Planning Commission was asked for their input.

Page 18 and 19, new Policy 3.

By Consensus, the Planning Commission accepts the new Policy 3 and its criteria.

Page 21, New Goal 2.

By Consensus, the Planning Commission accepts the new Goal 2.

Page 21, New Goal 2. Policies, Policy 1.

By Consensus, add the words "rural character of the" between the words "the" and "islands"; and add a comma and then the words "including but not limited to:" to the end of the sentence.

Page 21, New Goal 2. Policies, Policy 1.a.

By Consensus, delete the words "comparable in" and replace with the words "consistent with the"; delete the word "to" and replace with the word "of".

Page 21, New Goal 2. Policies, Policy 1.b.

By Consensus, accept b.

Page 21, New Goal 2. Policies, Policy 1.c.

By Consensus, accept c.

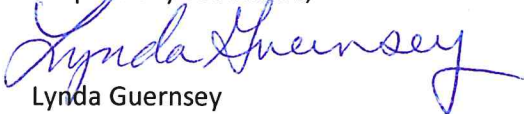
Page 21 and 22, New Goal 2. Policies, Policies

By Consensus, to leave place holders for more about the environment and pollution with corresponding policies.

Adjournment


Moved by Michael Pickett, seconded by David Kane, to adjourn the meeting at 2:30 p.m. and the motion passed unanimously. The next meeting of the Planning Commission is scheduled for Friday, November 20, 2020, at 8:30 a.m. in the County Council hearing room, Legislative Building, 55 Second Street, Friday Harbor, San Juan Island.

Respectfully submitted,


Lynda Guernsey

Attachment A: Slide Presentation for Rural Cluster Development

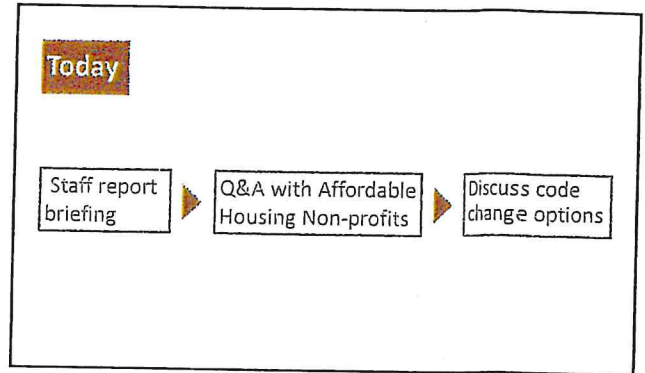
Attachment B: September 30, 2020 Draft Element B.2 Land Use and Rural, Section 2.3.A Urban Growth Areas, Pages 18-22.



Rural Residential Cluster Development

Follow-up Discussion and Q&A with Affordable Housing Non-Profits
 Planning Commission, October 16, 2020
 Sophia Cassam, DCD, Planner I

1



2

Cluster Development Issues

Discussed at September 18, 2020 PC meeting

1. Limits to the number of units in a cluster development
2. Limits to the size of cluster development structures
3. Cluster development ownership requirements
4. Assurance of affordability requirements

3

Staff Follow-up on PC questions

- # of cluster developments in the County
- Are vacation rentals allowed in cluster developments?
- Existing requirements are most current
- How is building setbacks enforced?
- How do cluster development standards and design standards protect rural character?


4

Cluster Developments in SJC

Leeward Cove (completed 2006)



Rocky Bay (completed 2007)



Beaverton Valley Rd. Roche Harbor Rd.

Source: San Juan County GIS

5

Use as Vacation Rentals

- Regulations do not prohibit cluster developments from having a certain number of units
- Cluster developments are not subject to the same restrictions as other types of developments
- Units are not subject to the same restrictions as other types of units because they are not subject to the same restrictions as other types of units
- Some affordable housing developers are looking for ways to use the existing regulations to their advantage

Planning Commission could recommend prohibiting vacation rentals in cluster developments

6

How does SJCC ensure requirements are met over time?

See full site in Attachment A In Staff Report

7

How does SJCC ensure requirements are met over time?

Section 10.3 Affordable Housing Requirement. This development was made possible with a special density bonus for affordable housing. In order to insure that the housing remains affordable, the County will hold a restrictive use easement for fifty (50) years as follows:

All homes in Rocky Bay shall be exclusively for affordable housing, the homes will be small, not to exceed 1460 gross square feet in area, of modest and economical design and limited amenities, with limited yard space. The home owners will be jointly responsible for road, water and sewer services facilities. No additions or expansion of the units is permitted. The purchase of all units shall be restricted to families demonstrating to San Juan County or a third party approved by San Juan County that they have an annual income not exceeding moderate income based on the median income for San Juan County as defined by HUD for the year of sale. Accessory dwelling units are prohibited.

8

How is building square footage counted?

SJCC 18.60.230(C)(6) states: "The total enclosed floor area of structures including dwelling units and accessory structures shall not exceed 1,500 square feet per dwelling unit."

How should this apply?

9

How is building square footage counted?

Option A: Dwelling units (including associated accessory structures) shall not exceed 1,500 square feet each.

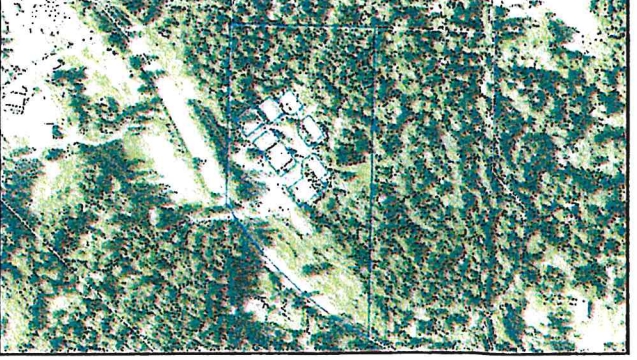
Option B: The average square footage per dwelling (including associated accessory structures) shall not exceed 1,500 square feet across the development.

10

How do cluster development standards protect rural character?

Design Standards (SJCC 18.60.230(G)(1), (8), (2))	Other development standards
1. Cluster development shall be limited to a maximum of 10 units per acre.	1. Maximum density shall not exceed 10 units per acre.
2. The minimum lot size shall be 1/4 acre.	2. Minimum lot size shall be 1/4 acre.
3. The minimum lot size shall be 1/4 acre.	3. Minimum lot size shall be 1/4 acre.
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9. The minimum lot size shall be 1/4 acre.	9. Minimum lot size shall be 1/4 acre.
10. The minimum lot size shall be 1/4 acre.	10. Minimum lot size shall be 1/4 acre.

11



12

Today's Guests

Homes for Islanders:
Justin Roche

OPAL Community Land Trust:
Lisa Byers

Lopez Community Land Trust:
Sandy Bishop

13

Questions

- Why should the number of units per cluster be increased from 8 to 12?
- Why should the limit on square footage per dwelling be increased?
- Should the code be changed to allow *anyone* to build cluster developments?
- Why should the requirement for restrictive use easements be removed?
- What other challenges do you face when considering cluster developments?
- What are the benefits of developing in rural areas as opposed to in UGAs?

14

Code change options discussion

1. Limits to the number of units in a cluster development
2. Limits to the size of cluster development structures
3. Cluster development ownership requirements
4. Assurance of affordability requirements

15

Issue One: Limits to the number of units allowed

Option A: Update SJCC 18.60.230(C)(5)(b) to allow a maximum of twelve dwelling units in rural residential clusters

Option B: No change

16

Issue Two: Limits to the size of structures

A: increase the maximum allowed sq. ft. for cluster dwellings to 1,750 sq. ft., not including accessory structures. [Homes for Islanders request]

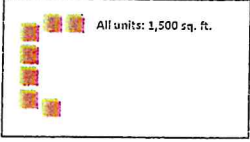
B: increase the maximum allowed sq. ft. for cluster dwellings to 2,000 sq. ft., including accessory structures.

C: No Change

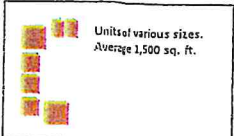
17

How is building square footage counted?

Option A: Dwelling units (including associated accessory structures) shall not exceed 1,500 square feet each.



Option B: The average square footage per dwelling (including associated accessory structures) shall not exceed 1,500 square feet across the development.



18

Issue Three: Ownership requirements

- A: Allow any developer to build cluster developments according to the standards in SJCC 18.60.230
- B: No change

19

Issue Four: Assurance of Affordability

- A: Amend the cluster development code to require developers to demonstrate assurance of affordability by some but not all the options listed in the affordable housing code.
- B: No Change

20

SJCC 18.60.260

D. Long-Term Affordability. In order to qualify as affordable housing, housing must provide assurance of affordability to applicable income groups for at least 50 years for ownership housing and 20 years for rental housing by one or more of the following methods:

1. Applicable income groups and characteristics of the housing are defined by the housing developer.
2. Applicable income groups and characteristics are defined by the county, the authority of the County Commission, the Board of County Commissioners, or the Board of County Commissioners.
3. The county, the authority of the County Commission, the Board of County Commissioners, or the Board of County Commissioners.

Housing which because of its site, location, amenities, restrictions on development or use, or other characteristics, has been specifically determined by resolution of the board of County commissioners to be affordable.

E. Permanently Affordable Housing. In order to qualify as permanently affordable housing, housing must provide assurance of affordability to applicable income groups for at least 99 years by one or more of the following methods:

1. Applicable income groups and characteristics of the housing are defined by the housing developer.
2. Applicable income groups and characteristics are defined by the county, the authority of the County Commission, the Board of County Commissioners, or the Board of County Commissioners.
3. The county, the authority of the County Commission, the Board of County Commissioners, or the Board of County Commissioners.

Housing which because of its site, location, amenities, restrictions on development or use, or other characteristics, has been specifically determined by resolution of the board of County commissioners to be permanently affordable.

21

1 **2.3.A Urban Growth Areas**
2

3 **Goal 1:** To recognize and provide for areas of compact urban development that includes urban-levels
4 of uses and intensities which offer diverse employment opportunities, a variety of residential densities
5 and housing types which will eventually achieve urban-level densities in most locations, general
6 commercial, general industrial, institutional, recreational, and community uses in a concentrated,
7 development pattern that includes urban-level and uses and intensities of use.
8

9 **Policy:**

- 10
11 1. Establish different urban growth areas, each of which has a mix of land uses with housing, businesses,
12 and services appropriate to its character, size, and location, as described in a. and b., below.
13

14 **Types of Urban Growth Areas**

15
16 a. **Towns** are incorporated Urban Growth Areas with a full range of urban facilities and services,
17 including high-density residential, general commercial, and general industrial uses, schools, and
18 neighborhood and community parks. Towns offer a variety of housing types and are pedestrian-
19 oriented with compact development patterns. They have municipal sewage treatment facilities,
20 municipal water systems and provide other urban governmental services. Towns are
21 incorporated.
22

23 b. **Unincorporated Urban Growth Areas (UGAs)** are: 1)

24
25 i. adjacent to incorporated towns, are or can be served by municipal water systems and municipal
26 sewage treatment facilities, and contain or are appropriate for a mixture of uses including general
27 commercial and general industrial and high density residential. All or a portion of these areas may
28 be annexed into a town within the twenty year planning time frame; or
29

30 2) ii. are non-municipal urban growth areas i.e, they provide community sewage treatment facilities
31 and community water systems services at non-rural or urban levels of service, and provide some
32 other services similar to towns but have no incorporated core. The UGAs provide a variety of
33 housing types and residential densities, some of which are at urban-level densities, with the
34 remainder conditioned during land division to not preclude future upzoning. The UGAs are
35 pedestrian-oriented with a compact village core.
36

- 37 2. **Urban Growth Areas** should be designated on the Comprehensive Plan Official Maps where existing
38 or proposed uses and services will meet the above definitions. Urban Growth Areas designated on
39 the Comprehensive Plan Official Maps are identified in Table 14, below.
40

41 **Table 14. Summary of Urban Growth Areas.**

Location	Designation
Friday Harbor	Town
Friday Harbor Urban Growth Area	Urban Growth Area
Eastsound	Urban Growth Area
Lopez Village	Urban Growth Area

- 42
43 3. Designate new lands as unincorporated urban growth areas only if they meet the following
44 criteria:
45

- a. The land is developed with or characterized by urban growth.
 - i. Urban growth refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands.
 - ii. Characterized by urban growth refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.
- b. A range of governmental facilities and services presently exists or can be economically and efficiently provided at urban levels of service in a timely manner. These services include sewer, water, storm drainage, transportation improvements, fire and law enforcement protection, and parks and recreation.
- c. The area has a physical connection to an existing UGA.
- d. Additional urban growth area is needed to accommodate forecasted urban growth based on a land capacity analysis and population forecast.
- f. The area does not have long-term commercial significance for agricultural, mineral, or forest products.
- g. Establishing new urban development in the area will not conflict with activities on nearby designated natural resource lands.
- h. Parcels that may not meet any of the criteria described in (a) through (g) above can be included to provide logical boundaries to the urban growth area and to avoid small areas of conflicting land uses amid urban lands. Similarly, parcels that meet some or all the criteria described in (a) through (g) above may be excluded to provide logical boundaries to the urban growth area and to avoid conflict with existing land uses.

34. ~~Locate new urban-level residential, general commercial and general industrial uses, and urban-level facilities and services should be located only in urban growth areas, except as explicitly provided by this Plan and in compliance with the GMA, in order to avoid incompatible land uses and protect the character and values of the rural areas. Rural industries and heavy industrial types of activities will generally be located in Island Center activity centers and the Rural Industrial areas (see Rural areas, below).~~ Note: Edit last sentence and move to general rural goals and policies: Allow the location of rural industries and heavy industrial types of activities in Island Center activity centers and Rural Industrial areas.

45. Consider the local knowledge, experience, and preferences of community residents, in addition to the directives of the GMA and this Plan, when establishing the type, size, character, and boundaries of an urban growth area, deciding appropriate uses and their location, determining community infrastructure requirements, and establishing standards and design guidelines to protect and retain important features which the community values.

56. ~~Adopt subarea plans or location-specific designations and standards for urban growth areas should be adopted to guide land use and development in these areas. including identification of Residential,~~

1 commercial, industrial, and open space and park areas ~~should be identified in each growth area~~. Land
2 use districts and development standards for subareas should be consistent with GMA direction to
3 develop compact urban areas and to retain and enhance community character and values. ~~Critical~~
4 ~~Areas within growth areas should be preserved and enhanced.~~

5
6 ~~67. Ensure that~~ Land use districts, densities and standards for urban growth areas ~~should be~~ are
7 consistent with GMA direction to develop compact urban areas and for most areas to ultimately
8 achieve urban-level densities. Densities and development should be phased so as to be compatible in
9 the near term with existing development patterns. Standards ~~also be developed to prohibit~~
10 new development during the phasing period that would physically preclude eventual higher densities.

11
12 ~~78. Require that~~ All new development in urban growth areas ~~should be connected to and served by~~
13 urban services ~~public or private community water and sewage treatment systems~~. Long-range sewer
14 and water system plans should be developed or updated by the utility providers in cooperation with
15 the ~~County~~ so that the plans are consistent with the growth projections, land use regulations, and
16 subdivision patterns in each area.

17
18 ~~89. Encourage~~ New residential development in urban growth areas ~~should to~~ include a full range of
19 single- and multi-family housing types. New areas added to an urban growth area should permit
20 minimum densities of 4 units per acre ~~in order to support efficient public services and provide a full~~
21 range of affordable housing opportunities in the future.

22
23 ~~910. Establish~~ Open space design standards ~~should be established~~ to maintain the rural character at the
24 borders of urban growth areas. Open space areas, in the form of squares, green spaces, and parks
25 within ~~growth areas~~ UGAs, should be an integral part of these areas to provide settings for recreation
26 and public gatherings, and to protect ~~Critical~~ Areas, scenic qualities, and historic features.

27
28 ~~101. The County should investigate~~ Evaluate the storm drainage impacts of current and future
29 development for each urban growth area, and develop additional design and building standards for
30 land development ~~projects~~, and capital projects, and establishment of a utility if ~~appropriate,~~ needed
31 to control storm water runoff and associated impacts.

32
33 ~~121. The Town of Friday Harbor and the County should~~ prepare and maintain an Urban Growth
34 Area Management Agreement in accordance with the San Juan County and Town of Friday Harbor
35 Joint Planning Policyies ~~adopted in 1992, as amended~~ in Appendix 3 of this Plan.

36
37 ~~132. Design~~ Urban Growth Areas (UGAs) ~~should be designed~~ to accommodate fifty percent (50%) of
38 the ~~twenty-year~~ population growth projected for the island where the UGA is located ~~during the~~
39 ~~twenty-year planning period~~. Development of urban areas should be encouraged consistent with
40 smart growth principles. The Town, County, and utility providers should jointly explore infrastructure
41 planning, construction and financing options for necessary capital improvements. Potential financing
42 options include developer agreements, utility local improvement districts, grants, service area
43 agreements, and impact fees.

44
45 ~~143. Establish~~ development standards for planned unit developments (PUD) in urban growth areas to
46 more effectively accomplish the goals and policies of this *Plan* and allow flexibility in site planning for
47 sites characterized by special features of geography, topography, size and shape. ~~PUD standards~~
48 ~~should include provisions for a mixture of housing types and residential densities, and preservation of~~
49 ~~open space and natural features, as well as concurrency requirements to address impacts on~~
50 ~~transportation and other capital facilities and services.~~

51
52 **Note: 14 is addressed in the Lopez Village Subarea Plan**

1 14. An adaptive management program regarding seawater intrusion into the Lopez Village UGA water
2 supply is hereby established to evaluate whether existing regulatory and non-regulatory actions with
3 regard to seawater intrusion are protecting the quality and quantity of groundwater used for public
4 water supplies in the Lopez Village UGA. This program is intended to supplement the County's existing
5 water quality protections in San Juan County Code Chapter 8.06.

6
7 a. ~~Benchmarks.~~ The program uses June 2002 well data and the groundwater model described
8 in the June 2003 Lopez Village Groundwater Model Report ("2003 Report") prepared by
9 Pacific Groundwater Group as a benchmark. The 2003 Report is hereby incorporated into the
10 Comprehensive Plan by reference.

11 b. ~~Monitoring network.~~ A well monitoring network of eleven wells has been established in and
12 around Lopez Village in partnership with the Washington State Department of Ecology. Data
13 loggers have been installed on these wells and will measure elevation and static level at least
14 hourly. Additionally, manual samples will be taken at least twice a year from the wells for
15 chemical analysis. The analysis will test for alkalinity, calcium, chloride, conductivity, fluoride,
16 magnesium, nitrate, potassium, sodium, and sulfate.

17 c. ~~Review by County Hydrogeologist.~~ A County Hydrogeologist will review and analyze data
18 collected by the monitoring network by December 31, 2008, and annually thereafter. The
19 review will include:

20
21 i. ~~Analysis of the collected data and comparison to the projections regarding pumpage and~~
22 ~~water levels in the model developed in the 2003 Report.~~

23 ii. ~~Modification to the model in the 2003 Report if it is not simulating aquifer conditions~~
24 ~~correctly or if more accurate indicators of seawater intrusion are developed and can feasibly~~
25 ~~be integrated into the model.~~

26 iii. ~~Analysis of the aquifer capacity compared to growth projections.~~

27 d. ~~Thresholds.~~ Degradation of the aquifer will be considered to occur if the County
28 Hydrogeologist determines that there is a greater impact on seawater intrusion than
29 predicted in the groundwater model. If more accurate indicators of seawater intrusion or
30 other degradation are developed and integrated into the model, such indicators will be used
31 to measure degradation in future analyses.

32 e. ~~Response to degradation of water quality.~~ If degradation occurs, the County will immediately
33 take appropriate action to cease the issuance of building permits in the Lopez Village UGA.
34 The County will not resume issuing building permits in the Lopez Village UGA until such time
35 as action which will prevent further seawater intrusion has been identified and implemented.
36 (Ord. 40-2008)

37
38 **Goal 2: Preserve community character in unincorporated urban growth areas.**

39
40 **Policies**

41
42 **1. Development within urban growth areas should be of a scale and intensity appropriate to the rural**
43 **character of the islands, including but not limited to:**

44
45 a. New buildings should be comparable consistent with the in size and height to of existing
46 buildings;

47
48 b. Large buildings, long blank walls and large expanses of concrete should be avoided;

49
50 c. Design of buildings and site layout should incorporate open spaces and scenic views;
51

1 d. The night sky should remain dark and free of light-pollution; and

2
3 e. [address environment/pollution]

4
5 f. [industrial issues]

6
7 g. Urban growth areas are centered on walkable, commercial cores.

8
9 2. Establish street design standards for Eastsound and Lopez Village unincorporated UGAs to ensure
10 improvements to the streetscape are consistent with community character.

11
12 3. Establish lighting standards for unincorporated UGAs that preserve the dark night sky.

13
14 4. Establish dimensional standards for new urban development that are consistent with the existing
15 scale of development inside unincorporated UGAs.

16
17 5. Encourage infrastructure to support walking and bicycling within the unincorporated UGA commercial
18 cores.

19
20 **2.3.B Activity Centers (including Limited Areas of More Intensive Rural Development) Moved To Rural**
21 **Element**

22
23 ~~Goal: To recognize existing centers of activity areas of more intense rural development, which offer~~
24 ~~diverse employment opportunities, a variety of residential densities and housing types, general~~
25 ~~commercial, general industrial, institutional, recreational, and community uses in a concentrated,~~
26 ~~development pattern.~~

27
28 **Policy:**

29
30 ~~1. Establish different types of activity centers, each of which has a mix of land uses with housing,~~
31 ~~businesses, and services appropriate to its character, size, and location, as described in a-d, below.~~

32
33 ~~Identify and delineate activity centers that are Limited Areas of More Intensive Rural~~
34 ~~Development (LAMIRDs) according to the criteria in RCW 36.70A.070(5)(d). LAMIRDs consist of~~
35 ~~existing (as of 1990, commercial, industrial, or residential areas in which the kinds, intensities, or~~
36 ~~densities of use, or the capital facilities and services that exceed the levels normally associated with~~
37 ~~rural development. Such areas allow for the continuance of the existing areas and uses, and for infill~~
38 ~~in the areas to the level of existing patterns; however, the areas must be minimized and contained,~~
39 ~~with logical outer boundaries defined predominantly by the built environment, and may not extend~~
40 ~~beyond the existing area or use.~~

41
42 ~~Also establish Master Planned Resort Activity Centers, according to the criteria in RCW 36.70A.360~~
43 ~~and 362.~~

44
45 **Types of Activity Centers**

46
47 ~~a. Village Activity Centers have only rural governmental services and are not incorporated. They~~
48 ~~provide a limited variety of residential densities, and are pedestrian-oriented with a compact~~
49 ~~village core. They provide some intensive uses and services (including community sewage~~
50 ~~treatment facilities and community water systems), but are not considered capable of or~~
51 ~~appropriate for urban-level development or expansion at this time, only for infill.~~
52