

ORDINANCE ____ - 2008

**ORDINANCE ADOPTING AN ACTIVITY CENTER PLAN FOR ORCAS VILLAGE,
AMENDING THE COMPREHENSIVE PLAN AND OFFICIAL MAPS, ADOPTING
DEVELOPMENT REGULATIONS TO IMPLEMENT THE ORCAS VILLAGE PLAN,
AND AMENDING INTERIM REGULATIONS FOR ACTIVITY CENTERS**

BACKGROUND

- A. San Juan County has adopted a Comprehensive Plan, Development Code, and Official Maps pursuant to the Growth Management Act, Chapter 36.70A. RCW (“GMA”).
- B. RCW 36.70A.070(5)(d) authorizes counties to establish areas of more intensive rural development.
- C. Ordinance 11-2000 established Orcas Village as an area of more intensive rural development and fixed its boundaries.
- D. Section B.2.3.B of the San Juan County Comprehensive Plan, and San Juan County Code (SJCC) Sections 18.30.010(B), 18.30.030 (Table 3.1), 18.30.190, and 18.30.200 contain goals, policies, standards, requirements and interim regulations for areas of more intensive rural development.
- E. The County Council desires to adopt an activity center plan and development regulations for Orcas Village to replace the existing interim regulations and carry out San Juan County Comprehensive Plan Section B.2.3.B.6.
- F. Interim regulations for activity centers were not amended at the time the Olga Hamlet Plan was adopted. Some interim regulations applicable to other areas were inadvertently repealed when the Deer Harbor Plan was adopted while regulations no longer applicable remained. A purpose of this ordinance is to clarify the interim regulations in SJCC 18.30.200 and where they apply.

NOW, THEREFORE, BE IT ORDAINED by the County Council of San Juan County, Washington, as follows:

Section 1. Findings. The County Council makes the following findings:

- A. Orcas Village was identified in the 1998 San Juan County Comprehensive Plan as an Activity Center.
- B. Developing a plan for Orcas Village began with a group of concerned citizens hiring consultants to develop a proposal in 1999. The majority of the draft plans produced by the County since then have been based upon the recommendations of the consultant’s

1999 plan. Between 2000 and 2007 draft plans were developed by the County, however, none were adopted.

- C. A new round of public planning meetings to discuss the Orcas Village Plan began in May 2007. In total, eight evening meetings advertised and open to all were held between May 17th, 2007 and March 18th, 2008 in Westsound and Eastsound. Draft documents and reference materials were made available at the meetings and posted to the County's website. An online poll was created to allow the public to vote on potential land uses within the village and appropriate permit standards.
- D. As part of the public process, development standards and land use tables for Orcas Village were developed through public comment and input.
- E. There are currently approximately 38 houses in Orcas Village. There are currently approximately 81 residents of Orcas Village.
- F. The proposed ordinance will result in land use designations of approximately 12 acres of Orcas Village Commercial, 8 acres of Orcas Village Transportation, and 77 acres of Orcas Village Residential in Orcas Village.
- G. There is sufficient land in Orcas Village to meet residential needs through 2020.
- H. The GMA requires development or redevelopment within a Type 1 LAMIRD to be consistent with the character of the existing area.
- I. The volume of traffic at maximum buildout may reduce the LOS on Orcas Road from D to E.
- J. There is a Group A water system in the Village as well as stormwater drains, and a sewer system.
- K. There is insufficient parking/holding space for cars at periods of peak ferry travel, inconveniencing residents.
- L. The citizens that attended a public meeting on January 7, 2008, demonstrated a clear preference for 'Option C' of the WSF Preliminary Site Development Study dated February 23, 2006.
- M. Moving the boundaries of the urban shoreline environment to coincide with the upland commercial district designation is an administrative option allowed by SJCC 18.50.010(5).
- N. The required 60-day notice was delivered to the Washington State Dept. of Community, Trade and Economic Development on July 31, 2007 (ID # 11931).

- O. A Notice of Adoption of Existing Environmental Documents was published on August 8, 2007, as the means for satisfying the requirements of the State Environmental Policy Act, Chapter 36.70C RCW.
- P. The public was provided notice and an opportunity to review and comment on the Orcas Village Plan, in conformance with Comprehensive Plan Section D.3, SJCC 18.90.010, SJCC 18.90.020, SJCC 18.80.050, RCW 36.32.120, and RCW 36.70.A.140.
- Q. The Orcas Village Plan was considered by the Planning Commission at a properly noticed public hearing held on April 18, 2008 and which hearing was continued to April 30, 2008.
- R. After considering the evidence in the record the Planning Commission issued findings and a recommendation to approve the Orcas Village plan with changes.
- S. A public hearing notice and summary of this ordinance were published in the County's official newspaper on July 30, 2008.
- T. A special public hearing notice and revised summary of this ordinance were published in the County's official newspaper on September 17, 2008.
- U. The Orcas Village Plan and associated amendments and additions to Title 18 of the San Juan County Code were considered by the County Council during a properly noticed public hearing held on August 12, 2008 which was continued to August 19, 2008; a third properly noticed public hearing was held on September 29, 2008.
- V. The Council concurs with the staff and Planning Commission analysis, conclusions and recommendations as presented in the staff reports and the Planning Commission Findings and Recommendations, but finds that additional Plan Changes are necessary to assure that the Plan meets the requirements of the Comprehensive Plan and County Code. These Plan changes are included in the September 29, 2008 version of the Orcas Village Plan, attached as Exhibit A.
- W. This amendment is adopted pursuant to RCW 36.70A.130(2)(a)(i).

Section 2. Official Map Amendment. The San Juan County Comprehensive Plan Official Maps are amended to reflect the Land Use District designations shown on Figure 1 of the Orcas Village Plan, a copy of which is attached as Exhibit A. The Director of the Community Development and Planning Department shall show the changes as indicated on the next publication of the Official Maps.

Section 3. Shoreline Master Program Official Map Amendment. The San Juan County Shoreline Master Program Official Map is amended to conform the Urban shoreline environment to the Village Commercial District Boundary as shown on Figure 1 of the Orcas Village Plan, a copy of which is attached as Exhibit A. The Director of the Community

Development and Planning Department shall show the changes as indicated on the next publication of the Official Maps.

Section 4. Orcas Village Plan. The Orcas Village Plan, attached as Exhibit A, is adopted.

Section 5. Comprehensive Plan Amendment. The San Juan County Comprehensive Plan Section B, Element 2, Section 2.5.F is amended to read as follows:

2.5.F. Village and Hamlet Activity Center Plans

Goal: To provide for location specific land use designations and development standards for areas designated as village and hamlet activity centers.

1. Incorporate the goals and policies of the Olga Hamlet Plan by this reference, as an overlay district and implement the Olga Hamlet Plan by adoption in its entirety as part of the Unified Development Code.

2. Incorporate the Orcas Village Plan by this reference and implement the plan through appropriate development regulations adopted as part of the the Unified Development Code.

NEW SECTION. Section 6. A new section is added to San Juan County Code Chapter 18.30 under the subchapter heading "Orcas Village Activity Center" to read as follows:

A. Purpose. The purpose of this subsection is to implement the goals, policies and objectives set out in the Orcas Village Plan as adopted by the San Juan County Council. This subsection applies to the land and shoreline area described on the Orcas Village Plan official map and establishes land use and development regulations specific to the Orcas Village planning area.

B. Relationship to Shoreline Master Program. The Shoreline Master Program includes the policies of Section B, Element 3 of the Comprehensive Plan; the regulations in SJCC 18.50; and the procedures specified for shoreline use and development in SJCC 18.80. Following SJCC 18.10.050(G), where the regulations in this subsection are more restrictive they supersede the Unified Development Code and the regulations of the Shoreline Master Program. However, the policies of the Shoreline Master Program are not superseded by this subsection.

C. Amendments. All future amendments to this section of the San Juan County Code will follow the legislative procedures detailed in SJCC 18.90.020.

D. Applicability. This subsection applies to all land and land use activity and to all structures and facilities within Orcas Village as shown on the official map.

E. Land Use Districts. The Orcas Village Plan official map depicts three (3) land use districts for Orcas Village: Orcas Village Transportation, Orcas Village Commercial and Orcas Village

Residential. The purposes for these districts are as set out in the Orcas Village Plan, Section 3.2.2.

F. Allowable Uses and Land Use Permit Requirements. All development and use within Orcas Village shall conform to the Table of Permitted Land uses in the following Table, Table 1

Table 1⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾ Permitted and Prohibited Land Uses

Commercial Land Uses

Land Uses	Orcas Village Transportation ⁽⁶⁾	Orcas Village Commercial	Orcas Village Residential
Automotive Service and Repair	No	Cond	No
Bed & Breakfast Residence	No	No	Yes
Bed & Breakfast Inn	Cond	Yes	No
Day Care 1-6 Children	No	No	Disc
Day Care 7+ Children	No	No	No
Drinking Establishment	Cond	Yes	No
Eating Establishment	Cond	Yes	No
Hotel/Motel	No	Yes	No
Indoor Entertainment facility	No	No	No
Nursing Home	No	Cond	No
Personal and Professional Services	Cond	Yes	No
Personal Wireless ⁽⁷⁾ Communications service facilities at potentially suitable locations	Cond	Cond	No
Residential Care Facilities, 1-8 people	No	Cond	Disc
Residential Care Facilities, 9-15 people	No	Cond	No
Retail Sales and Services	Cond	Yes	No
Transient Rental of Residence or Guest House or Accessory Dwelling Unit	No	Cond	Cond
Warehouse, Mini Storage and Moving Storage Facilities	No	No	No
Unnamed Commercial Uses ⁽⁸⁾	Cond	Cond	Cond

Industrial Land Uses

Land Uses	Orcas Village Transportation	Orcas Village Commercial	Orcas Village Residential
Bulk Fuel Storage Facilities (For Retail)	Cond	Cond	No
Light Manufacturing	No	Disc	No
Storage and Treatment of Sewerage, Sludge and Septage-Alternative Systems	No	Cond	Cond
Storage and Treatment of Sewerage, Sludge and Septage- Lagoon Systems	No	No	No
Wholesale Distribution Outlet	No	No	No
Unnamed Industrial Uses	Cond	Cond	Cond

Residential Land Uses

Land Uses	Orcas Village Transportation	Orcas Village Commercial	Orcas Village Residential
Cottage Enterprise	No	Disc	Disc
Farm Labor Accommodations for persons employed in agricultural production on the premises	No	No	No
Farm Stay	No	No	No
Home Occupation	Cond	Yes	Yes
Mobile Home Parks	No	No	No
Multi-family Residential Units (3+units)	No	Prov	Prov
Planned Unit Development	No	Yes	Yes
Rural Residential Cluster Development	No	No	Yes
Single Family Residential Unit	No	No	Yes
Single Family Residential (1 unit only) or Accessory Apartment (1 unit only) only as an accessory to an allowable non-residential use	Yes	Yes	Yes
Two-Family Residential Unit	No	Prov	Prov
Unnamed Residential Uses	Cond	Cond	Cond

Public and Institutional Uses

Land Uses	Orcas Village Transportation	Orcas Village Commercial	Orcas Village Residential
College or Technical School/Adult Education Facility	No	No	No
Community Club or Community Organization Assembly Facility ⁽⁹⁾	Cond	Cond	Cond
Emergency Services	Yes	Yes	Yes
Government Offices	Cond	Cond	No
Institutional Camps	No	No	No
Library ⁽⁹⁾	No	Disc	Disc
Museum ⁽⁹⁾	No	Disc	Disc
Post Office	No	Yes	No
Religious Assembly Facility ⁽⁹⁾	Cond	Cond	Cond
School, Primary and Secondary	No	No	No
Unnamed Public and Institutional Uses ⁽⁹⁾	Cond	Cond	Cond

Recreational Uses

Land Uses	Orcas Village Transportation	Orcas Village Commercial	Orcas Village Residential
Camping Facilities in Public Parks	No	No	No
Indoor Recreation Facilities	No	No	No
Outdoor Recreation Developments	Cond	No	No
Parks	Cond	Prov	Cond
Playing Fields	Cond	No	No
Recreational Vehicle Parks	No	No	No
Outdoor Shooting Ranges	No	No	No
Unnamed Recreational Uses	Cond	Cond	Cond

Transportation Uses

Land Uses	Orcas Village Transportation	Orcas Village Commercial	Orcas Village Residential
Airfields	No	No	No
Airports	No	No	No
Airstrips	No	No	No
Hangers	No	No	No
Helipads	No	No	No
Ferry Terminal	Cond	Cond	No
Parking Lots, Ferry Commuter	Cond	Cond	Cond
Parking Lots, Commercial	Cond	Cond	No
Parking Structures	Cond	No	No
Streets, Public	Yes	Yes	Yes
Taxi and Community Pickup/Dropoff Services	Yes	Disc	Cond
Trails and Paths, Public	Yes	Yes	Yes
Unnamed Transportation Uses	Cond	Cond	Cond

Utilities Uses

Land Uses	Orcas Village Transportation	Orcas Village Commercial	Orcas Village Residential
Commercial Power Generation Facilities ⁽¹⁰⁾	No	No	No
Community Sewerage Treatment Facilities	Cond	Cond	Cond
Utility Distribution Lines	Yes	Yes	Yes
Utility Facilities	Cond	Cond	Cond
Utility Substations	Cond	Cond	No
Utility Transmission Lines	Cond	Cond	Cond
Water Storage Tanks, Community	Yes	Disc	Disc
Water Treatment Facilities	Disc	Disc	Disc
Unnamed Utility Uses	Cond	Cond	Cond

Agriculture and Forestry Uses

Land Uses	Orcas Village Transportation	Orcas Village Commercial	Orcas Village Residential
Agricultural Processing, Retail and Visitor Serving Facilities for Products	Cond	Yes	No
Agricultural Uses and Activities	Cond	Yes	Yes
Forest Practices, No processing ⁽¹¹⁾	Cond	Yes	Yes
Lumber Mills, Portable (In use for no more than 48 hours, for personal use)	Cond	Yes	Yes
Nurseries	Cond	No	Disc
Retail Sales of Agricultural Products	Cond	Yes	Disc
Small Scale Slaughter Houses	No	No	No
Unnamed Agricultural and Forestry Uses	Cond	Cond	Cond

Notes:

1. All uses must be consistent with the purpose of the land use district in which they are proposed to occur. All land uses in all districts must meet the general regulations in SJCC 18.30.050 unless otherwise stated therein.
2. A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable provisions of Section 3 of the Comprehensive Plan and of SJCC Section 18.50, as well as the applicable provisions and permit requirements indicated in this table. Please refer to SJCC 18.50 for specific use regulations and regulations by shoreline environment; see also SJCC 18.80 for shoreline permit requirements.
3. Overlay districts and subarea plans provide policies and regulations in addition to those of the underlying land use districts for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district or within the jurisdiction of a subarea plan, the applicable provisions of the overlay district or subarea plan as provided in SJCC 18.30 shall prevail over any conflicting provisions of the UDC.
4. The assignment of allowed and prohibited uses may not directly or indirectly preclude the siting of “essential public facilities” (as designated in the Comprehensive Plan; see also the definition in SJCC 18.20) within the County. See Section 18.30.050(E).
5. Per Ordinance 25-2002, the shoreline east of the Orcas Village Commercial District is a Marine Protected Area with specific provisions regarding acceptable uses. Please see Ordinance 25-2002 for details.

6. Permit procurement will be dependent upon the delineation of the appropriate setbacks and screening requirements necessary to maintain the rural character and visual aesthetic of the village as detailed in section 2.7 of the Orcas Village plan. Site specific concerns, particularly those relating to traffic flow and visual impacts will be a central consideration in fashioning the appropriate conditions of the CUP.
7. Subject to the San Juan County Personal Wireless Communication Service Facilities Subarea Plan, SJCC 16.80.
8. Moorage facilities serving residential uses abutting the Orcas Village shoreline are subject to SJCC 18.50.190(G) and other applicable provisions of that section of the code and the policies of the Shoreline Master Program. Transient Moorage Facility is defined as an over the water facility for securing boats, including docks, piers and moorage buoys, which accommodate individual craft for no longer than twenty four (24) hours per visit and no more than twenty four (24) hours per calendar month. The existing Bay Head Marina may expand within but not beyond the existing boat basin, subject to the applicable regulations.
9. It is of primary importance that a traffic study and evaluation of the traffic impacts of this use on the Orcas Village Commercial district be carried out and considered as part of a Discretionary or Conditional Use Permit application, review, and implementation.
10. Home generation facilities exempted. Home generation facilities are not considered a utility use but rather a residential accessory use. Home generation facilities are defined as small scale, home oriented, wind, solar, biomass or geothermal based technologies that generate electricity from 100% renewable resources for the consumption of the property owner. The property owner may, within this provision, sell excess power.
11. Forest Practices (including timber harvesting), except for Class IV General (see SJCC 18.40), are regulated by the Washington Department of Natural Resources.

The following Table entitled Table 2, Explanation of Permit Procedures, describes the land use permit requirements specified above for the Orcas Village Land Use Districts.

Table 2. Explanation of Permit Procedures

Use Category	Permit Procedure
Yes	Allowed use. No use permit or review is required. Use, site plan, structures, and parking must meet the development and use standards of Table 4 and the provisions of the Unified Development Code.
Prov	Allowed use. A Provisional Use Permit is required. This is approved or denied administratively based on the development standards and performance standards in the UDC and any special conditions in the Orcas Village Plan. A public hearing is not required.
Disc	Allowed use. A Discretionary Use Permit is required. If impacts are found to be high they must be mitigated to medium or low according to UDC Table 8.2 or the Administrator will require a conditional use permit. As noted below, a conditional use permit requires a public hearing.
Cond	Conditionally allowed use. Because of the nature of the category of use, substantial limitations on the specific use and on the scale and nature of development may be required to ensure that the specific use proposed is appropriate in the Orcas Village environment. The use may be denied, or conditions may be imposed, based on appropriateness of the development and use to the size and location of the site; unique conditions of slope, drainage, access and the natural environment of the site; and compatibility with adjacent uses. A Conditional Use Permit (CUP) is required. A CUP requires a public hearing.
No	Use is not allowed.

G. Development Standards.

1. General Development Standards.

Land uses in Orcas Village are subject to the development standards of the Unified Development Code (SJCC Chapter 18.60), with the exception of the density, dimension, and open space standards in SJCC 18.60.050. Table 3 specifies the dimension and open space standards for building development in the Orcas Village Land Use Districts. Unless otherwise noted, the underlying maximum residential density throughout the village will remain 2 acres per unit.

Table 3, Orcas Village Development Standards

Development Standard	Orcas Village Transportation ⁽⁶⁾	Orcas Village Commercial	Orcas Village Residential
Minimum Setback ^(1,2,3,4) Front or Road (feet) ⁽⁵⁾ Rear or Side (feet)	10 ft 15 ft	10 ft 10 ft ⁽⁷⁾	10 ft 10 ft
Maximum Building Dimensions			
Building Footprint ⁽⁸⁾	2,000 sq ft	3,000 sq ft	3,000 sq ft
Building Floor Area ⁽⁹⁾ (sq ft)	4,000 sq ft	3,000 sq ft	4,000 sq ft
Height (ft) ^(10,11,12)	28 ft	28 ft	28 ft
Cumulative Building Floor Area Per Lot	12,000 sq ft	6,000 sq ft	4,000 sq ft
Minimum Lot Size	2 acres	½ acre	N.A. ⁽¹³⁾
Minimum required open space or landscaped area ⁽¹⁴⁾	10%	10%	30%

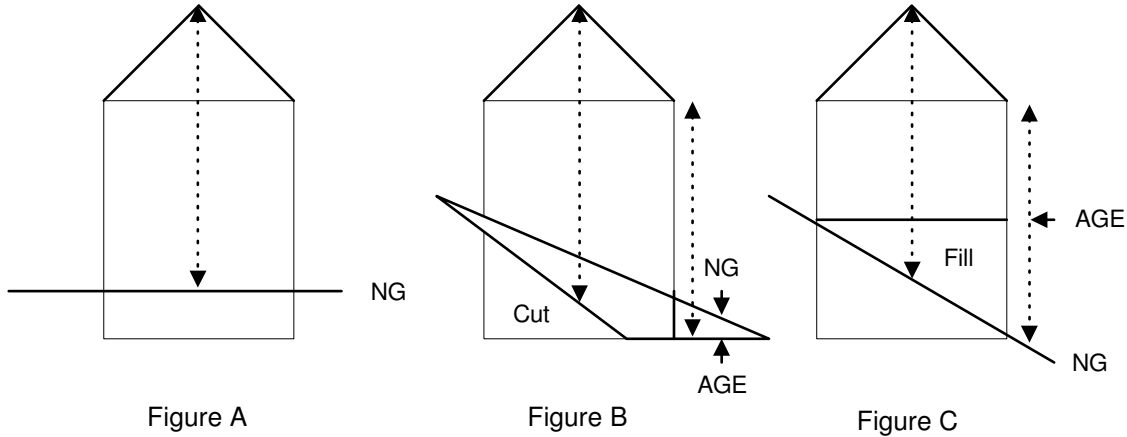
Abbreviations: N.A.: Not Applicable; sq ft: square feet; ft: feet.

Notes:

1. 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 from the appropriate line. Side and rear setbacks are measured from the edge of the property in the same manner as street setbacks. Also, see note 10, below.
2. Fences are exempt from setback requirements, except when they impair sight lines at intersections, as determined by the County Engineer.
3. Setbacks do not apply to mail boxes, wells, pump houses, bus shelters, septic systems and drainfields, landscaping (including berms), utility apparatus such as poles, wires, pedestals, manholes, water pipes, water valves and vaults, and other items as approved by the administrator.
4. Road right-of-way setbacks may be waived, at the discretion of the County Engineer, when the presence of shoreline setbacks, property lines, topography or other restrictions make it unreasonable to construct a structure without encroaching into the road right-of-way setback., except as modified by Table 3, note 6.
5. Road setbacks from Orcas Road, west of the ferry landing, shall include a buffer of natural vegetation and grade. This buffer shall be at least 10 feet wide on the waterward side of Orcas Road, where possible, and shall extend to the top of the slope on the landward side of Orcas Road, except as modified by Table 3, note 6.
6. The following standards apply to new and expanded development in the Transportation District . Any variance from these standards shall be granted only upon demonstrating compliance with the process and criteria in SJCC 18.80.100:
 - a. Buildings shall not be located closer than 30 lineal ft to the footprint of an adjacent building.
 - b. A minimum 75 ft buffer of natural vegetation shall be provided along the east side of Orcas Road, adjacent to the Transportation District as measured from the margin line of the road

right-of-way. The buffer shall be maintained in such a manner as to minimize the visual impact of the onsite development.

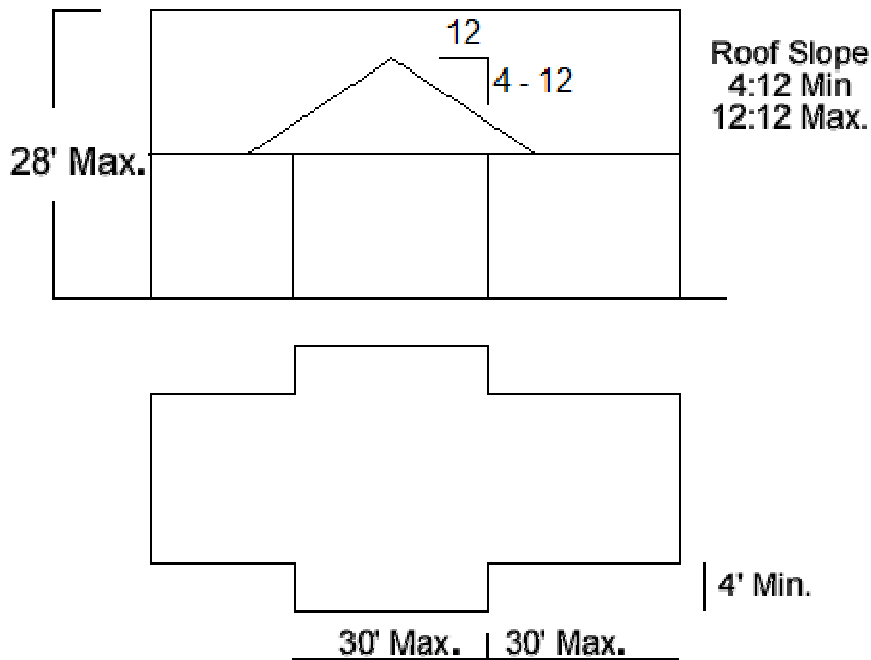
7. The minimum side and rear setbacks shall be 10 feet.
 8. Building Footprint will be determined by the horizontal area enclosed by the exterior wall line and contiguous roofline excluding porches and decks that extend no more than 10 feet from the exterior wall line that is closest to the average or natural grade. Porches and decks that extend more than 10 feet from exterior wall line or exceed 300 sq ft cumulatively will be included in overall footprint.
 9. Building Floor Area: will be determined by the entire horizontal area enclosed by the exterior wall line and contiguous roofline excluding porches and decks that extend no more than 10 feet from exterior wall line. Porches and decks that extend more than 10 feet from exterior wall line or exceed 300 sq ft cumulatively will be included in overall floor area.
 10. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, skylights, communication sending and receiving devices, HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements.
 11. Structures used for the storage of materials for agricultural activities are exempt from maximum building height requirements.
 12. A height bonus allowing a maximum height of 32 feet will be granted for those buildings with a minimum roof pitch of 6:12.
 13. Residential development is limited to one (1) residential unit per two (2) acres, unless the development is part of an approved rural residential cluster or PUD. Accessory Dwelling Units are not included in this calculation. This density limitation does not preclude development on an existing residential lot platted prior to the adoption of Ordinance 11-2000.
 14. Open space must be maintained in its natural condition, in agriculture or forestry use, or landscaped according to SJCC 18.60.160
2. Building Height Measurement. No structure shall exceed 28 feet above grade, measured as described in the illustration below. However, a height bonus allowing a maximum height of 32 feet will be granted for those buildings with a minimum roof pitch of 6:12. Structure height limit measurement methods are as follows:
- a. Where the natural grade remains unchanged the structure height shall be measured as by a plumb line from every point on the roof to the natural grade (NG). Natural grade shall mean the existing grade prior to any human modification. See Figure A, below.
 - b. Where the natural grade has been cut at any point around the structure footprint, the structure height shall be measured as by a plumb line from every point on the roof to the altered grade elevation (AGE). See Figure B, below.
 - c. Where fill material has been added to the natural grade, the structure height shall be measured as by a plumb line from every point on the roof to the natural grade, regardless height of fill See Figure C, below.



3. Roof Pitch and Massing

- a. Roof pitches shall not be less than 4 in12.
- b. Continuous walls of buildings in excess of 30 feet and fronting on a public street shall be broken with an offset of at least four feet for every 30 feet. Roof planes shall have corresponding offsets. See Figure D, below.

Figure D - Roof Pitch and Massing



4. Building Materials. Exterior wall surfaces shall be ship lap horizontal siding, shingles, vertical or horizontal tongue and groove siding, board and batten siding, or rough sawn textured panels with applied battens. However, other materials may be used for surface area which does not exceed 10 percent of the total wall surface area of the building, for decorative detail.

Section 7. SJCC 18.30.200. San Juan County Code Section 18.30.200 and Ordinance 26-2007 are each amended to read as follows:

18.30.200 Interim controls in village and hamlet activity centers.

A. Purpose. To provide temporary controls for the development of certain activity centers, for which location-specific designations and standards have not yet been developed, until such designations and standards are adopted.

B. Applicability. This section shall apply to residential, commercial and industrial development within the rural activity center boundaries shown on the activity center official maps for the following: Westsound and Doe Bay.

C. Standards.

1. Building Height. Building height shall not exceed 30 feet unless more than one taller building exists in the activity center, in which case the height standards in Chapter 18.60 SJCC shall apply. Unless specified elsewhere in this section, building height shall be as determined as per height standards in SJCC 18.50.330 for residential shoreline properties, or per SJCC 18.60.050 for nonshoreline properties.

2. Building Scale. The construction of any commercial or industrial building or buildings which exceed 5,000 square feet in gross usable area within any structure, or cumulatively on a single parcel, is prohibited. No multifamily residential building, or complex of residential buildings on a single parcel, shall include more than three dwelling units.

3. Use. Commercial and industrial uses are allowed subject to the provisions of this section and Table 3.1 in SJCC 18.30.030. Other uses are subject to the provisions of Table 3.1 in SJCC 18.30.030. No industrial use shall be established prior to the adoption of a village or hamlet industrial designation and map for the affected activity center. However, the expansion of an existing industrial use allowed by Table 3.1 in SJCC 18.30.030 is allowable.

4. Landscaping and Open Space. Include open or landscaped areas as listed in Table 6.1, SJCC 18.60.050, Density, dimension, and open space standards.

5. Moorage Structures. Moorage structures in the village and hamlet activity centers are regulated as per SJCC 18.50.190.

~~B.—D. Density Bonus for Affordable Housing in the Bonus Density Residential Districts in Olga and the Doe Bay Hamlet Activity Centers. The locations of this these bonus density district is districts are shown on the official maps. Within this each district:~~

~~1. The base allowable residential density of the bonus density districts in Olga hamlet shall be one dwelling unit per two acres. The maximum allowable residential density with the affordable housing bonus shall be two dwelling units per acre.~~

~~2.1.~~ The base allowable residential density of the bonus density district in Doe Bay hamlet shall be one dwelling unit per five acres. The maximum allowable residential density with the affordable housing bonus shall be two dwelling units per acre.

~~3.2.~~ Dwelling units above the base density will be allowed only for a development that provides a minimum of 25 percent of the proposed residential units (base units plus bonus units) as affordable housing as specified in SJCC 18.60.260.

~~4.3.~~ The number of dwelling units permitted in a development providing a minimum of 25 percent of the proposed residential units as affordable housing is the lesser of:

- a. The number of dwelling units allowed by the base allowable residential density, plus 1.5 times the number of affordable housing units provided, rounded down to whole units; and
- b. The number of dwelling units allowed by the maximum allowable residential density shown on the official maps.

~~C. Resource Land Buffer in the Deer Harbor Hamlet Activity Center. The location of this buffer area is shown on the official maps.~~

- ~~1. A buffer area of at least 50 feet shall be maintained from the boundary of any property designated as forest resource land.~~
- ~~2. No new structure shall be allowed within the buffer area that houses a residential occupancy or a commercial occupancy which provides lodging or food service to visitors.~~

~~D. E. Review.~~ The level of application review shall be as specified in Table 3.1 in SJCC 18.30.030. In village and hamlet activity centers, the Residential column shall be used to determine whether a residential use is allowed and what permit level is required; for all other proposed uses, the Commercial column shall be used. Industrial uses are limited by the provisions of this section.

~~E. F. Sunset.~~ The interim controls of this section will end for a given activity center named in subsection (B) of this section when the location-specific designations and standards are adopted by the ~~board of County commissioners~~County Council.

~~F. Additional Interim Regulations for Olga Hamlet.~~ The following additional regulations for Olga Hamlet shall apply in accordance with subsection (H) of this section. If any portion of the following regulations for Olga Hamlet is found to be inconsistent with any other provision of this code, the more restrictive provision shall control.

- ~~1. Building Dimensions and Setbacks.~~

a. ~~Building height for new or modified development shall be no greater than 25 feet, excepting that building height for properties fronting on Olga Road and south of Olga Park Lane shall be no greater than 22 feet above existing grade, as measured using the definition of "height of building" in SJCC 18.20.080.~~

b. ~~Residential development on a legal parcel lot area can contain a maximum square footage of living area as indicated on Table 3.7.~~

Table 3.7 Lot area and living area size.

Lot Area of Legal Parcel	Maximum Floor Area of All Living Area
6,000 square feet or less	1,500 square feet
6,001 to 10,000 square feet	25% of parcel area
10,001 to 43,560 square feet	2,500 square feet
Greater than 1-acre	3,000 square feet; 3,500 square feet on property with accessory dwelling unit

c. ~~New construction shall be set back a minimum of 42 feet as measured from the centerline of Olga Road.~~

d. ~~Existing structures that do not conform to standards set forth in this subsection (I) may be modified or reconstructed in the same location; provided, that the degree of nonconformity is not increased.~~

~~2. Roof Pitch. The primary roof pitch for structures in the Olga Road Historic District must be gabled with a rise:run ratio of at least 5:12 and not greater than 12:12. Dormers within the primary roof pitch shall have a rise:run ratio of no less than 2:12 and be set back a minimum of two feet from the end walls and one foot from the drip edge.~~

Section 8. Savings Clause.

This ordinance shall not affect any pending suit or proceeding; or any rights acquired; or liability or obligation incurred under the sections amended or repealed; nor shall it affect any proceeding instituted under those sections. All rights and obligations existing prior to adoption of this ordinance shall continue in full force and effect.

Section 9. Severability.

If any provision of this ordinance or its application to any person is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected. Remaining sections of the ordinance shall be interpreted to give effect to the spirit of

the ordinance prior to removal of the portions declared invalid.

Section 10. Effective Date.

This ordinance shall take effect and be in full force and effect ten days after adoption by the County Council.

Section 11. Codification.

Section 6 and Section 7 shall be codified.

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ADOPTED this ____ day of _____ 2008.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

By: _____
Ann Larson - Clerk
Date:

REVIEWED BY COUNTY
ADMINISTRATOR

Pete Rose Date:

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

By: _____
Date:

Howard Rosenfeld, Chair
District 3, Friday Harbor

Gene Knapp, Vice-Chair
District 5, Orcas East

Kevin M. M. Ranker, Member
District 1, San Juan South

Rich Peterson, Member
District 2, San Juan North

Alan Lichter, Member
District 4, Orcas West/Waldron

Bob Myhr, Member
District 6, Lopez/Shaw