

DRAFT April 11, 2008

ORDINANCE ____ - 2008

ORDINANCE ADOPTING LAND USE AND DEVELOPMENT REGULATIONS
IMPLEMENTING THE ORCAS VILLAGE PLAN

[Recitals]

[Legislative findings]

Now therefore, be it ordained that the Land Use and Development Regulations Implementing the Orcas Village Plan are hereby adopted for codification in the San Juan County Code, as set forth in Exhibit A below.

[Signature blocks]

Attachment: Exhibit A - Full Text of Land Use and Development Regulations Implementing the Orcas Village Plan

DRAFT

1. TITLE
2. PURPOSE
3. RELATIONSHIP TO OV PLAN
4. RELATIONSHIP TO SMP
5. RELATIONSHIP TO CP
6. RELATIONSHIP TO UDC
7. LAND USE DISTRICTS
8. ALLOWABLE USES AND LAND USE PERMIT REQUIREMENTS
9. DEVELOPMENT STANDARDS

Section 1. Title.

Section 2. Purpose.

Section 3. Relationship to Orcas Village Plan. This code is to implement the goals, policies and objectives set out in the Orcas Village Plan, adopted by San Juan County Council **Ordinance** No. - 2008. It 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.

Section 4. Relationship to Shoreline Master Program. The Shoreline Master Program includes the policies of Element B, Section 3 of the Comprehensive Plan, the regulations in SJCC 18.50 and the procedures specified for shoreline use and development in SJCC 18.80. The Shoreline Master Program policies and regulations (including development standards) shall apply and regulate in the shoreline area (200 ft from the Ordinary High Water Mark) only when less restrictive than those in the Orcas Village Plan.

Following SJCC 18.10.050 (G), where this plan is more restrictive it supersedes the Unified Development Code and the regulations of the Shoreline Master Program. The policies of the Shoreline Master Program are not, however, superseded.

Concurrently with adoption of this Orcas Village Plan the shoreline environment designation boundaries are amended to conform the Urban shoreline environment with the Village Commercial District boundary

Section 5. Relationship to San Juan County Comprehensive Plan. Upon adoption of the Orcas Village Plan, the San Juan County Comprehensive Plan and the San Juan County Unified Development Code Title 18 shall be concurrently amended to be consistent with provisions of the Orcas Village Plan. All future amendments to this section of the San Juan County Code will follow the legislative procedures detailed in SJCC 18.90.020.

Section 6. Relationship to San Juan County Unified Development Code, SJCC Title 18. The regulations set forth in this section of the county code are in addition to those of SJCC Title 18, the Unified Development Code, and supersede the Unified Development Code for the use and development provisions specified for Orcas Village. All other provisions of the Unified Development Code apply to land use and development in Orcas Village as specified in Title 18.

Section 7. Land Use Districts. The Orcas Village Plan official map depicts three (3) land use districts for Orcas Village: Orcas Village Transportation Related, 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.

Section 8. Allowable Uses and Land Use Permit Requirements. The following Table 2 describes the land use permit requirements specified in Table 3 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.
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.

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

Commercial Land Uses

Land Use As Defined in SJCC UDC	Orcas Village Transportation Related	Orcas Village Commercial	Orcas Village Residential
Commercial			
Automotive Service and Repair	No	Cond	No
Bed & Breakfast Residence	No	No	Yes
Bed & Breakfast Inn	Yes	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	Cond
Personal and Professional Services	Yes	Yes	Yes
Residential Care Facilities, 1-8 people	No	No	Disc
Residential Care Facilities, 9-15 people	No	No	No
Retail Sales and Services	Yes	Yes	No
Transient Rental ⁽⁵⁾ of Residence or Guest House or Accessory Dwelling Unit	No	Cond	Cond ⁽⁵⁾
Warehouse, Mini Storage and Moving Storage Facilities	No	No	No
Unnamed Commercial Uses ⁽⁶⁾	Cond	Cond	Cond

Industrial Land Uses

Land Use as Defined in SJCC UDC	Orcas Village Transportation Related	Orcas Village Commercial	Orcas Village Residential
Industrial Uses			
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 Uses

Land Use as Defined in SJCC UDC	Orcas Village Transportation Related	Orcas Village Commercial	Orcas Village Residential
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	Yes	Yes	Yes
Mobile Home Parks	No	No	No
Multi-family Residential Units (3+units)	No	Prov	Prov
Planned Unit Development	Yes	Yes	Yes
Rural Residential Cluster Development	Cond	Cond	Yes
Single Family Residential Unit	No	No	Yes
Single Family Residential (1 unit only) or Accessory Apartment (1 unit only) accessory only 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 Use as Defined in SJCC UDC	Orcas Village Transportation Related	Orcas Village Commercial	Orcas Village Residential
Public and Institutional Uses			
College or Technical School/Adult Education Facility	No	No	No
Community Club or Community Organization Assembly Facility	Cond	Cond	Cond
Emergency Services	Yes	Yes	Yes
Government Offices	Yes	Cond	No
Institutional Camps	No	No	No
Library	No	Disc	Disc
Museum	No	Disc	Disc
Post Office	No	Yes	No
Religious Assembly Facility	Cond	No	Cond
School, primary and secondary	No	No	No
Unnamed Public and Institutional Uses	Cond	Cond	Cond

Recreational Uses

Land Use as Defined in SJCC UDC	Orcas Village Transportation Related	Orcas Village Commercial	Orcas Village Residential
Recreational Uses			
Camping Facilities in public parks	No	No	No
Indoor Recreation Facilities	No	No	No
Outdoor Recreation Developments	Prov	No	No
Parks	Prov	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 Use as Defined in SJCC UDC	Orcas Village Transportation Related	Orcas Village Commercial	Orcas Village Residential
Transportation Uses			
Airfields	No	No	No
Airports	No	No	No
Airstrips	No	No	No
Hangers	No	No	No
Helipads	Cond	No	No
Ferry Terminal	Prov	Cond	No
Parking Lots, Ferry Commuter	Yes	Cond	Cond
Parking Lots, Commercial	Yes	Cond	Cond
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
Transient Moorage, Public	Cond	Cond	No
Unnamed Transportation Uses	Cond	Cond	Cond

Utilities Uses

Land Use as Defined by SJCC UDC	Orcas Village Transportation Related	Orcas Village Commercial	Orcas Village Residential
Utilities Uses			
Commercial Communications Towers ⁽⁸⁾	Yes	Yes	Yes
Commercial Power Generation Facilities	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	Cond	Cond

Water Treatment Facilities	Cond	Cond	Cond
Unnamed Utility Uses	Cond	Cond	Cond

Agriculture and Forestry Uses

Land Use as Defined by SJCC UDC	Orcas Village Transportation Related	Orcas Village Commercial	Orcas Village Residential
Agriculture and Forestry Uses			
Agricultural Processing, Retail and Visitor Serving Facilities for Products	No	No	No
Agricultural Uses and Activities	No	No	Yes
Forest Practices, No processing ⁽⁷⁾	Yes	Prov	No
Lumber Mills, Portable (Onsite for no more than 48 hours for personal use)	Yes	Yes	Yes
Nurseries	Prov	No	No
Retail Sales of Agricultural Products	Cond	Cond	Cond
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; cf. the Land Use Element of the Comprehensive Plan. 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 18.30.050E.
5. In all Activity Center land-use districts the transient rental of a residence or guest house may be allowed by Provisional (“Provisional”) permit only if the owner or lessee demonstrates that the residence or guest house in question was used for transient rental on or before June 1, 1997; otherwise, a conditional use (“C”) permit is required. After internal land-use district boundaries are adopted for an Activity Center, this provision will apply to VR and HR districts but not to the Activity Center in general.
6. 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.
7. Forest Practices (including timber harvesting), except for Class IV General (see SJCC 18.40), are regulated by the Washington Department of Natural Resources.
8. Subject to the San Juan County Personal Wireless Service Facility Subarea Plan, SJCC16.80.

Section 9. Development Standards.

9.1. General Development Standards.

Land uses in Orcas Village are subject to the development standards of the Unified Development Code (SJCC Chapter 18) except where more restrictive standards are set by this plan as outlined below or in Table 4, Orcas Village Development Standards.

Table 4 specifies the setback and dimensional standards for building development in the Orcas Village Land Use Districts. Unless otherwise noted, the underlying residential density throughout the village will remain 2 acres per unit.

Table 4 Orcas Village Development Standards

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

Abbreviations:

N.A.: Not Applicable; sq ft: square 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.
5. The minimum side and rear setbacks shall be 10 feet.

6. 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.
7. 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.
8. Structures used for the storage of materials for agricultural activities are exempt from maximum building height requirements.
9. Open space must be maintained in its natural condition, in agriculture or forestry use, or landscaped according to SJCC 18.60.160.
10. Road setbacks from Orcas Road, west of the ferry landing, shall include a buffer of natural vegetation and grade of at least 10 feet on the west where possible and to the top of the slope on the east.
11. 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 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.
12. Transportation Related commercial activities, on TPN262111011, excluding parking, cannot exceed a cumulative floor area of 12,000 sq ft. subject to all development standards, i.e. Building size cannot exceed 4000 sq ft and may not be closer than 30 lineal ft to the footprint of an adjacent building
13. A height bonus allowing a maximum height of 32 ft will be granted for those buildings with a minimum roof pitch of 6:12.
14. Residential development is limited to one (1) residential unit per lot, unless part of an approved rural residential cluster or approved PUD or an Accessory Dwelling Unit either present at the time of adoption or developed subject to the regulations, policies and restrictions of Ordinance 7-2006 and Ordinance 12-2007.

9.2 Building Height Measurement.

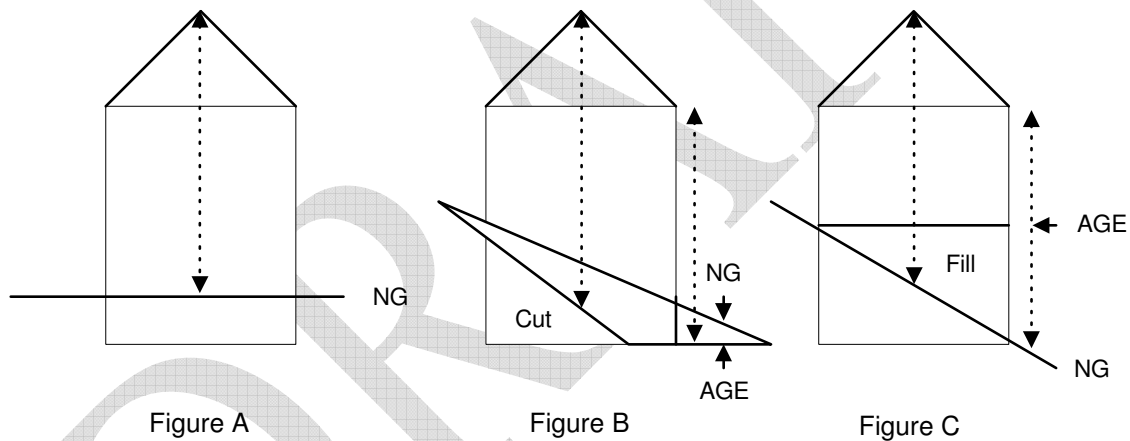
No structure shall exceed 28 feet¹ above grade, measured as described in Figure 1, below.

Figure 1 - Structure height limits - measurement methods.

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 1-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 1-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 1-C, below.



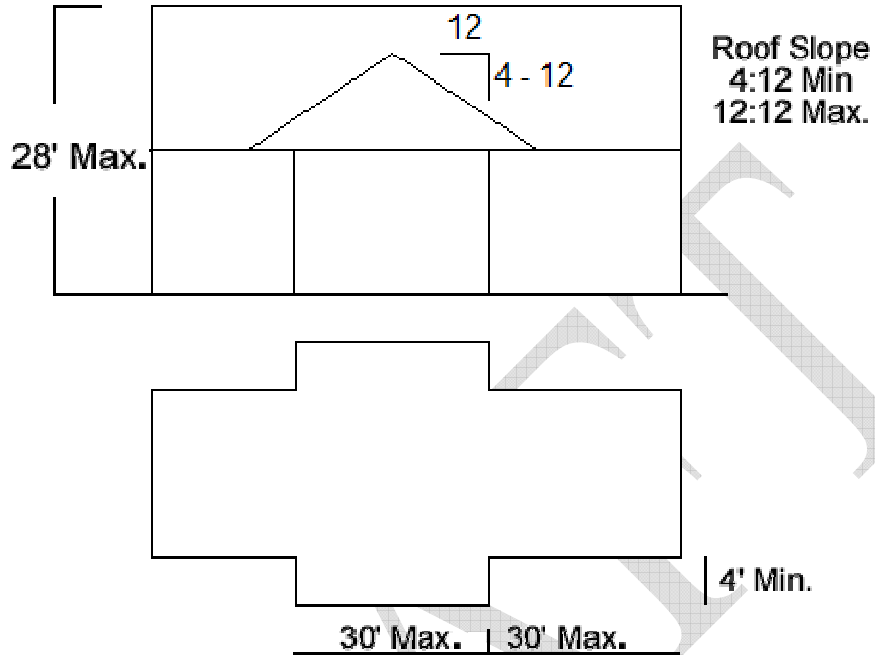
9.3 Roof Pitch and Massing

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 2, below.

¹ A height bonus allowing a maximum height of 32ft will be granted for those buildings with a minimum roof pitch of 6:12.

Figure 2 - Roof Pitch and Massing



9.4 Building Materials.

Exterior wall surfaces shall be ship lap horizontal siding, cedar 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.