

DRAFT – 3/27/08

Ordinance No. _____ - 2008

Ordinance to Amend Ordinance 26-2007 Regarding the Definition of Research and Educational Facilities in the Deer Harbor Hamlet to Comply with Orders of the Growth Management Hearings Board

WHEREAS, on July 17, 2007, Ordinance 26-2007 was adopted to establish a Deer Harbor Hamlet Plan (“Plan”) and development regulations and amend the Official Land Use Maps of San Juan County; and

WHEREAS, on March 24, 2008, the Growth Board ruled in its Final Decision and Order (“Order”) that an inconsistency exists between the Plan, the land use tables, and the definition of Environmental, Agricultural, Marine, Forestry, Aquacultural Research and Education Facilities (“Research and Education Facilities”) such that Ordinance 26-2007 does not comply with the Growth Management Act; and

WHEREAS, the Growth Board’s Order states:

The Ordinance, Section 10, Table 2, and Section 14.E are parts of the County’s development code that are inconsistent so do not enable consistent implementation of the Plan

; and

WHEREAS, the County desires to take a narrow approach to the Growth Board’s Order and bring Ordinance 26-2007 into compliance with the Growth Management Act; and

WHEREAS, on _____, 2008, the Planning Commission held a public hearing on the proposed ordinance; and

WHEREAS, on _____, 2008, notice of a Council public hearing was published in the official newspapers; and

WHEREAS, on _____, 2008, the Council held a public hearing on this matter.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

Section 1. San Juan County Ordinance 26-2007 Section 14 is hereby amended to read as follows:

A New Section shall be added to Title 18 of the San Juan County Code to read as follows:

A. Definitions

Purpose: These definitions are solely to be used when examining proposed developments within the Deer Harbor Hamlet.

B. Building Foot Print 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, up to a maximum of 250 square feet of deck or porch space, that is closest to the average grade. Porches and decks that extend more than 10 feet from exterior wall line, or exceed 250 square feet will be included in overall footprint.

C. 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 up to a maximum of 250 square feet of deck or porch space. Porches and decks that extend more than 10 feet from exterior wall line, or exceed 250 square feet will be included in overall footprint.

D. Classes: Classes are distinct from schools as they are not tied to specific buildings and may occur informally within residences as either a cottage industry or home based business and are not limited with regard to number of students.

E. Environmental, Agricultural, Marine, Forestry, Aquacultural Research and Education Facilities: Structures used for research, development and education of Environmental, Agricultural, Marine and Forestry practices which are intended to restore and/or enhance the ecology of Deer Harbor and San Juan County. ~~These facilities must provide centralized and communal living amenities and may not be located on parcels of less than 20 acres.~~ In the Hamlet Residential (HR) district, such facilities may not be located on parcels smaller than 20 acres.

F. Height: To be determined as follows: Regardless of roof slope, the maximum height shall be twenty six (26) feet to the highest point of a structure where the height is measured from the average of the existing predevelopment grade as determined from the center of the perimeter exterior walls of the proposed structure. No more than two (2) stories are permitted.

H. Lot Coverage: Lot Coverage is measured by the percentage of the total area of a lot or lots within a single development occupied by all structures, excluding roof overhangs and covered porches not used for sales, storage or service.

I. Roof Pitch. The minimum permitted roof pitch in Deer Harbor is 4:12.

J. School: An institution for the instruction of academic disciplines, specific skills or trade related activities. The allowed activities are limited to traditional primary and middle school curricula, Computer Use Training, Tai Chi, Taekwondo, Yoga, Sailing, Kayaking and other activities of a similar nature and impact. The institution can not host more than 20 students at one time. Building design and size must meet the standards laid out in Section 4.3 of the Deer Harbor Hamlet Plan (2007) as well as other applicable performance standards detailed in SJCC 18.40.

K. Story: The complete horizontal division of a building above grade consisting of all rooms, corridors and staircases between adjacent floors.

Section 2. 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 3. 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 4. Effective Date.

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

ADOPTED this ____ day of _____ 2008.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

By: _____

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
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Bob Myhr, Member
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