

ORDINANCE 11 - 2010

**AN ORDINANCE ESTABLISHING A FAIRGROUNDS OVERLAY DISTRICT AND
AMENDING THE SAN JUAN COUNTY COMPREHENSIVE PLAN LAND USE
ELEMENT AND OFFICIAL MAPS, AMENDING SAN JUAN COUNTY CODE
SECTION 18.30.080, AND ADDING A NEW SECTION TO
SAN JUAN COUNTY CODE CHAPTER 18.30**

BACKGROUND

- A. San Juan County has a Comprehensive Plan and Official Maps adopted pursuant to the Growth Management Act ("GMA"), RCW Chapter 36.70A.
- B. According to the San Juan County Comprehensive Plan Appendix 7, the San Juan County Fairgrounds is a capital facility, which is defined as physical structures or facilities owned or operated by a government entity which provides or supports a public service.
- C. When the fairgrounds use began at its present location, there were no land use regulations in place. The size of the fairgrounds was about 10 acres. As time went on, regulations began to be applied to different uses by different means. The current allowable uses of the original fairgrounds are permitted by conditional use permits, which were obtained prior to the Rural Residential land use designation for the fairgrounds in 1998. This designation caused the fairgrounds use to become a nonconforming, but legal, use.
- D. In 2005, the Fair Board acquired an additional 3.7 acres of adjoining land for fairgrounds use, which is also located in the Rural Residential land use district and has none of the legal nonconforming fairgrounds uses permitted on it.
- E. On February 28, 2006, the Community Development & Planning Department received an application from the Fair Board requesting a new overlay district for Fairgrounds use. The application included proposed amendments and additions to the Comprehensive Plan and Unified Development Code.
- F. The fairgrounds proposal would create a new overlay district in the Comprehensive Plan applicable to particular public property to allow fairgrounds uses to occur at the site.
- G. An environmental checklist was prepared by the applicant for the proposed amendments and additions to the Comprehensive Plan and Unified Development Code and a notice of Determination of Non-significance (DNS) was published on May 13, 2009, pursuant to WAC 197-11-350.
- H. The Planning Commission considered the amendments and additions at a duly advertised meeting on June 19, 2009, the discussion of which was continued to July 17, 2009.

*4-28-10 Scanned + Logged
Orig to proc
Copy CA CDPD
PA (2) binder*

I. After considering the proposal, the recommendations of the Community Development & Planning Department, and written and oral testimony received from the public, the Planning Commissioners deliberated and developed recommendations and findings for the proposed redesignation.

J. The County Council held a duly advertised public hearing on the redesignation on February 9, 2010, and April 27, 2010, and considered the evidence in the record.

K. The County Council makes the following findings:

1. The proposed amendments to Comprehensive Plan Section B, Element 2, Land Use would allow for the creation of a new overlay district for the fairgrounds, a use that warrants specific recognition and management because the fairgrounds is a county-wide community asset that supports a range of educational, recreational, social and economic uses.

2. The proposed amendment to the Unified Development Code, at San Juan County Code ("SJCC") 18.30.080 would add the San Juan County fairgrounds overlay district to the existing list of overlay districts.

3. The proposed addition to SJCC Chapter 18.30 lists the purpose, applicability, allowable uses, and general regulations for the San Juan County Fairgrounds Overlay District.

4. The public has been provided notice and opportunity to review and comment on the proposed amendments and additions and the environmental impact of their adoption. This meets the requirements of SJCC 18.90.030, RCW 36.32.120, RCW 36.70A.140 and RCW 90.58.120(2).

5. 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 changes are necessary to ensure that the ordinance is consistent with the Comprehensive Plan and the Growth Management Act. These changes are included in this ordinance.

6. This Ordinance is part of the 2009 annual docket of comprehensive plan and development code amendments, adoption of which is scheduled to occur in 2010.

7. After considering the evidence in the record, the County Council decided to approve this ordinance.

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

Section 1. Amendment to Comprehensive Plan Section B, Element 2.
Comprehensive Plan Section B, Element 2, subsection 2.1.B is amended to read as follows:

2.1.B Land Use Concept

The Land Use Element establishes a concept of how San Juan County should grow and develop while protecting its exceptional quality of life and natural environment and equitably sharing the public and private costs and benefits of growth. The concept establishes the overall direction for guiding residential, commercial, and industrial growth in a manner that protects public health and safety and private property rights while preserving rural character and our unique island atmosphere.

The land use concept guides San Juan County's efforts to achieve these ends by indicating where housing, shopping, community services, cultural facilities, and economic development activities should be encouraged, and where open space, rural areas, farmlands, and forested areas should be protected. It distinguishes between growth areas for urban levels of development, activity centers and other areas of more intensive rural development, rural areas, and resource lands, and places the emphasis for growth in areas where adequate public facilities and services can be provided in an efficient and economic manner.

Finally, the land use concept attempts to preserve open space, protect environmentally sensitive areas, maintain and improve the quality of air, water and land resources, and protect the historic and cultural character of the islands. The land use concept is based on the densities established under the 1979 *Comprehensive Plan* as revised in the year 2000, and focuses on the distribution and mix of land uses.

The Land Use Element consists of five major sections:

- The General Goals, which provide the overall goals and policies for all lands in the county.
- The Land Use Designations, which establish four principal land use classes with specific goals and policies for a number of designations within these classes:
 - Growth Areas, including Towns and Urban Growth Areas.
 - Activity Centers including Villages, Hamlets, Island Centers, and Residential Activity Centers, which are designated consistent with RCW 36.70A.070(5)(d) as *Areas of More Intensive Rural Development* (AMIRDs). Activity Centers also include Master Planned Resorts, which are designated consistent with RCW 36.70A.360 and .362.
 - Rural Lands including Rural General Use, Rural Farm Forest, Rural Residential, Rural Industrial, Rural Commercial, Conservancy, and Natural.
 - Resource Lands including Agricultural and Forest Lands.
 - The Special Districts of Conservancy and Natural which include goals and policies for conservation of areas with valuable natural features.
 - The Overlay Districts, which contain goals and policies for certain land areas and uses that warrant specific recognition and management, including Mineral Resource Lands, Environmentally Sensitive Areas, Open Space Conservation, Airport Districts, and the San Juan County Fairgrounds.

- The subarea plan section, which contains goals and policies for the creation of plans for specific geographic areas in the county when the needs of certain areas cannot be addressed by the land use provisions of this element.

Section 2. Amendment to Comprehensive Plan Section B, Element 2. Comprehensive Plan Section B, Element 2, Subsection 2.5 is hereby amended to include a new subsection 2.5.G to read as follows:

2.5.G San Juan County Fairgrounds

Goal: To ensure that the San Juan County Fairgrounds are accommodated appropriately within the land use concept of this Plan for the 20-year planning period and beyond.

Policies (2.5.G.1-4):

1. The Fairgrounds Overlay District is to allow land uses and developments at the fairgrounds property on San Juan Island in a manner which may not be otherwise allowed by the underlying land use district, so that the San Juan County Fairgrounds may continue to serve the county-wide community over the long term, in its present capacities and in the accommodation of future uses consistent with its continued management for public-service purposes.
2. Capital planning for fairgrounds facilities should be conducted in concert with the county capital budget cycles.
3. A master plan for the fairgrounds should be maintained by the San Juan County Fair Board, updated at least every six years, and submitted with each annual-year review cycle to the County Council for approval with the six-year capital budget.
4. The Planning Commission and the County Council shall review the development regulations applicable to the Fairgrounds Overlay District, including the list of allowable uses within the overlay district, at least as frequently as the required comprehensive plan updates pursuant to the GMA. The purpose of this review is to identify and adopt any appropriate modifications based on public comment from fairground neighbors or significant changes in the environment adjacent to the overlay district.

Section 3. Amendment to San Juan County Comprehensive Plan Official Maps. The San Juan County Comprehensive Plan Official Maps are amended as shown on attached Exhibit 1 to show the location of the Fairgrounds Overlay District. 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. Amendment to SJCC 18.30.080. SJCC 18.30.080 and Ordinance 26-2002 are each amended to read as follows:

18.30.080 Overlay districts--Purpose

Overlay districts provide regulations in addition to those of other sections in this code for certain land areas and for uses which warrant specific recognition and management. See the official maps for the location of the overlay districts. Except as otherwise provided in the specific overlay district regulation~~this SJCC 18.30.080 through 18.30.180~~, the provisions of an overlay districts shall prevail over any conflicting provisions of this code for the duration of the overlay district, subject to RCW Title 36. All other provisions of this code shall remain in full force and effect within the overlay district. The following types of overlay districts are provided by this code:

- A. Mineral resource lands (MRL);
- B. Environmentally sensitive areas (ESA);
- C. Open space conservation (OSC);
- D. Airport overlay district (AOD); and
- E. San Juan County Fairgrounds overlay district (FOD).

NEW SECTION Section 5. A new section is added to San Juan County Code Chapter 18.30 Article III under the subchapter heading San Juan County Fairgrounds Overlay District to read as follows:

- A. Purpose.** The purpose of this section is to implement the policies of the Comprehensive Plan for the San Juan Island Fairgrounds Overlay District. The Fairgrounds Overlay District is to allow land uses and developments at the fairgrounds property on San Juan Island in a manner that may not be otherwise allowed by the underlying land use district so that the San Juan County Fair may continue to serve the county-wide community over the long term, in its present capacities and in the accommodation of future uses consistent with its continued management for public-service purposes.
- B. Applicability.** These regulations apply to all areas within the Fairgrounds Overlay District as depicted on the official maps.
- C. Allowable Uses.** Allowable uses of the fairgrounds include the annual county fair activities and events, and non-fair uses including the following: recreational activities; use of fairgrounds facilities for meetings, workshops and classes; horse shows and horse events; garden shows and farmers' markets including administrative space for the farmers' markets; agricultural and horticultural facilities; trade exhibitions and conventions; dances, concerts, and children's and youth programs; tent and RV camping during the fair and during other events at the fairgrounds, and as otherwise allowed by this subsection; and other unnamed uses which are similar, as determined by the Fair and Events Manager, subject to the provisions of this subsection.
- D. General Regulations.**
 - 1. Parking.**
 - a. At least four hundred parking spaces shall be provided on-site and/or off-site during the county fair. Off-site spaces shall be provided by binding agreement(s) with the owners of the off-site location(s).

b. Parking for all other fairgrounds uses shall be provided on-site.

2. Camping.

- a. RV and tent camping for exhibitors, commercial vendors, workers and entertainers shall be allowed during the fair and during contracted dates of other major events, but in no case shall exceed a duration of eight days.
- b. RV and tent camping spaces shall be allowed to be used at the fairgrounds to accommodate visitors to events on San Juan Island not occurring at the fairgrounds and not exceeding a duration of ten days. Any such camping uses shall be subject to written agreements with the sponsor of the event being accommodated with fairgrounds camping sites.
- c. Tent camping spaces may be rented at any time for a period not to exceed ten days, provided that tent camping spaces shall be used only by persons associated with a group camping arrangement with the fairgrounds manager.
- d. Eight RV hookups may be made available at any time for a period not to exceed ten days, whether or not the RV campers are attending events on San Juan Island.
- e. No new RV hookups shall be permitted but existing hookups may be relocated within the fairgrounds.

3. Development Standards to Limit Off-site Impacts.

- a. Outdoor events at the fairgrounds shall be limited to the hours of 7:30 a.m. to midnight.
- b. New structures and camping sites shall be set back at least 20 feet from Argyle Avenue, Dougherty Lane, and Mayer Way.

Section 6. 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 7. 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 8. Effective Date. This ordinance shall take effect ten working days after adoption.

Section 9. Codification.

Section 4 and Section 5 shall be codified.

//
//

ADOPTED this 27th day of April 2010.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

By: Ingrid Gabriel
Ingrid Gabriel – Clerk
Date: 4-27-2010

REVIEWED BY COUNTY
ADMINISTRATOR

Pete Rose
Pete Rose Date: 4-21-10

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

By: Randall K. Gaylord
Date: 4/21/10

Richard Fralick
Richard Fralick, Chair
District 4, Orcas West/Waldron

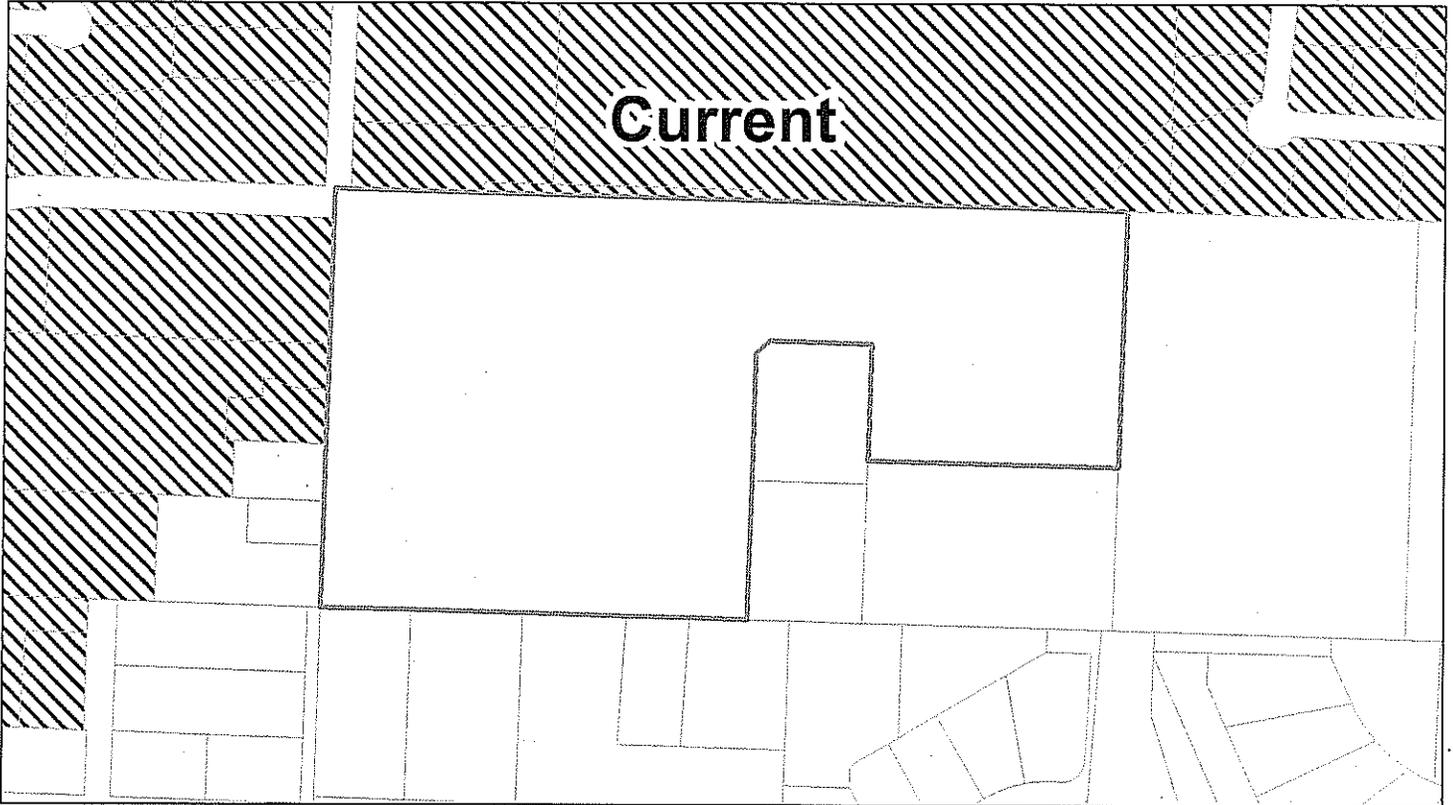
Lovel Pratt
Lovel Pratt, Vice-Chair
District 1, San Juan South

Richard Peterson
Richard Peterson, Member
District 2, San Juan North

Howard Rosenfeld
Howard Rosenfeld, Member
District 3, Friday Harbor

Gene Knapp
Gene Knapp, Member
District 5, Orcas East

Bob Myhr
Bob Myhr, Member
District 6, Lopez/Shaw



Legend

-  Fairgrounds Overlay District
-  Friday Harbor Incorporated UGA
-  Rural Residential

This map is a graphic representation derived from San Juan County's Geographic Information System. It is designed and intended for reference only, and is not guaranteed to survey accuracy. This map is based on the best information available as of the publication date.

