

Ordinance No. ___ - 2019**AMENDING THE SAN JUAN COUNTY COMPREHENSIVE PLAN OFFICIAL MAPS AND ADDING A NEW SECTION TO SECTION B, ELEMENT 2, LAND USE; ADOPTING A NEW LOPEZ VILLAGE SUBAREA PLAN INCLUDING A LAND USE PLAN, OFFICIAL MAP, GOALS AND POLICIES, AND AN IMPLEMENTATION PLAN; STANDARD PLANS, AND AMENDING SAN JUAN COUNTY CODE SECTIONS 18.20.010, 18.20.080, 18.20.120, 18.20.130, 18.20.140, 18.30.190, 18.30.210, 18.60.240 AND CHAPTER 18.30 TO INCLUDE DEVELOPMENT REGULATIONS FOR THE LOPEZ VILLAGE URBAN GROWTH AREA.****BACKGROUND**

- A.** Pursuant to the Growth Management Act ((GMA); Chapter 36.70A RCW), San Juan County (County) adopted the San Juan County Comprehensive Plan (Comprehensive Plan), official maps, and implementing development regulations in the Unified Development Code; Title 18 San Juan County Code (SJCC).
- B.** Ordinance 11-2000 established the interim Lopez Village Urban Growth Area (Lopez Village UGA). Ordinance 9-2005 designated the Lopez Village UGA boundary and after appeals, Ordinance 17-2008 established the current Lopez Village UGA boundary. All parcels in this UGA are designated Village Commercial.
- C.** Lopez Village residents did informal planning for years after the establishment of the UGA. In 2014, County Council appointed the Lopez Village Planning and Review Committee (LVPRC) and directed staff to assist the LVPRC in preparing a draft subarea plan and development regulations to implement the plan. The LVPRC met nearly bi-weekly for several years. All meetings included a public access period.
- D.** The Lopez Village Subarea Plan (LV Subarea Plan) is a detailed plan including official maps that are adopted as an Appendix to the Comprehensive Plan. The Comprehensive Plan official map that depicts Lopez Island must be updated to reference the Lopez Village Subarea Plan official map.
- E.** The LV Subarea Plan and official maps are consistent with but more specific than the Comprehensive Plan. Specific development regulations, standard plans and an implementation plan were developed to implement the LV Subarea Plan goals and policies.
- F.** The Comprehensive Plan contains goals and policies for the creation of new plans. The proposed LV Subarea Plan is consistent with the general goals and policies of the Comprehensive Plan as a whole and the specific provisions outlining the purpose of subarea plans.
- G.** The proposed amendments to the Comprehensive Plan are consistent with the provisions of WAC 365-196-445(2) that states:
- “A comprehensive plan may include, where appropriate, subarea plans. Subarea plans must be consistent with the comprehensive plan.”*
- H.** Section B, Element 2, Subsection 2.6, (Subarea plans) of the Comprehensive Plan states:
- “Subarea plans are intended to address the needs of specific geographic areas or the management of resources when they cannot be adequately addressed by the designations and provisions of this Plan.”*

1
2 By providing goals, policies and regulations that are addressed to the needs of a distinct
3 geographic area that cannot be adequately addressed by the general Comprehensive Plan,
4 the proposed LV Subarea Plan is consistent with this provision of the County's
5 Comprehensive Plan.
6

- 7 **I.** Section B, Element 2 of the Comprehensive Plan, Subsection 2.6.A (Goals and Policies- of Subarea
8 plans) states that the goal of the subsequent policies is:
9

10 *"To provide for the creation of detailed plans for village activity centers, specific*
11 *geographic areas, or for resources, in order to better address the unique needs*
12 *and interests of those areas, environments or functions."*
13

14 By addressing the unique needs and interests of the Lopez Village UGA, the proposed LV Subarea
15 Plan is consistent with this provision of the County's Comprehensive Plan.
16

- 17 **J.** SJCC 18.90.050 processes for the development of subarea plans was followed in the development
18 of the Lopez Village Subarea Plan.
19

- 20 **K.** The LVPRC met with staff between 2014 and 2018 to develop a draft LV Subarea Plan including
21 a vision, goals, policies and maps, development regulations, standard plans and an implementation
22 plan.
23

- 24 **L.** Public participation was early and continuously throughout the development of the draft plan and
25 implementing regulations. This included public review of multiple land use map alternatives.
26 Information about the draft proposals was disseminated through press releases, advertisements,
27 news flashes on the County's webpage, email notices, printed notifications and public notices. It
28 was also provided in an electronically accessible format on the County's webpages. Efforts to
29 inform and involve the public in the amendment process included the following activities:
30

- 31 I. September 8, 2014 - Lopez Community Center Board
32 II. September 9, 2014 - Peer Business Group 1
33 III. September 15, 2014 - Lopez Community Land Trust Board
34 IV. September 15, 2014 - Hospice and Home Support Board
35 V. September 16, 2014 - Lopez Chamber Board
36 VI. September 18, 2014 - Lopez Library Board
37 VII. September 18, 2014 - Lopez Solid Waste Disposal District Board
38 VIII. September 18, 2014 - Fisherman Bay Sewer District
39 IX. September 25, 2014 - LVPRC members visited 21 Lopez Village Businesses
40 X. September, 29, 2014 - Peer Business Group 2
41 XI. October 1, 2014 - Notices of the October 7 public meeting were sent to the community via
42 e-mails and post. Display ads were published in the Journal of the San Juan Islands and the
43 Islands Weekly. Notice was published on Lopez Rocks and posted at the South End Grocery,
44 Sunset Builders Supply, coffee shops in the Village, Library, Ferry Landing, Lopez Village
45 Market and Blossom Grocery, Vortex, Land Trust and Family Resource Center.
46 XII. October 2, 2014 - LVPRC Members visited 7 Village businesses.
47 XIII. October 7, 2014 - A public meeting was held at Lopez Center for Community and the Arts.
48 XIV. April 9, 2015 - A public meeting was held at the Lopez Center for the Community and the
49 Art regarding alternative land use districts, and revised drafts of the vision statement and
50 goals and policies.

- 1 XV. October 7, 2015 - LVPRC members presented information to ten Village organizations. They
2 went door-to-door to twenty-nine Village businesses to inform them of the project, supply
3 flyers, answer questions, and invite them to the public meeting.
- 4 XVI. November 10, 2015 - The LVPRC published a newspaper article in the Islanders Weekly
5 about the October 7th meeting.
- 6 XVII. February 12, 2018 - LVPRC members visited the Peer Group to notify them about upcoming
7 pop-up studio and open house.
- 8 XVIII. February 23, 2018 - A pop-up studio was held at Village Market.
- 9 XIX. A mini-poll was available on the project website from February 25 through April 19, 2018.
- 10 XX. March 7, 2018 - An open house was held at Lopez Center for Community and the Arts.
11 Notices of the March 7th public meeting were sent to the community via e-mails and post.
12 Display ads were published in the Journal of the San Juan Islands and The Islands Weekly
13 on February 21, 28 and March 7, 2018. Notice was published on Lopez Rocks and posted at
14 the South End Grocery, Sunset Builders Supply, coffee shops in the Village, Library, Ferry
15 Landing, Lopez Village Market and Blossom Grocery, Vortex, Land Trust and Family
16 Resource Center.
- 17
- 18 **M.** The SJC Planning Commission and County Council were regularly briefed on the status of the draft
19 LV Subarea Plan and implementing documents. On July 20, 2018, staff briefed the Planning
20 Commission and County Council at a joint briefing.
- 21
- 22 **N.** On July 27, 2018, the LVPRC recommended a draft LV Subarea Plan, draft amendments and
23 additions to SJCC Tile 18 development regulations, draft standard plans and a draft implementation
24 plan to County Council.
- 25
- 26 **O.** On August 8, 2018, notice about the potential adoption of the LV Subarea Plan and development
27 regulations was mailed to property owners in the Lopez Village UGA and within 300 feet of the
28 UGA per SJCC 18.90.030.
- 29
- 30 **P.** In compliance with the State Environmental Policy Act (SEPA), the environmental and nonproject
31 action SEPA checklists were completed and evaluated for the project. It was determined that the
32 proposals would be unlikely to create any significant adverse environmental impacts. A
33 Determination of Non-significance (DNS) was originally issued on August 14, 2018. The
34 newspaper failed to print the publication. The DNS was reissued on September 5, 2019, in the
35 Journal of the San Juan Islands and The San Juan Islander and the public comment period was
36 extended. The DNS and checklists were provided to federal, state and local agencies in accordance
37 with SJCC 18.80.050 and WAC 197-11-340. The Washington State Department of Ecology
38 published notice of the SEPA determination on their SEPA register under item No. 201804469.
- 39
- 40 **Q.** As required by RCW 36.70A.106, a 60-day notice regarding the potential adoption of amendments
41 to the Comprehensive Plan was provided to the Washington State Department of Commerce on
42 August 14, 2018. On the same day, Commerce acknowledged receipt of the notice that was
43 processed by the State under Material ID No. 25187.
- 44
- 45 **R.** County Council was briefed on the LVPRC's recommendation on August 17, 2018.
- 46
- 47 **S.** Notice of a September 21, 2018, joint public hearing with the Planning Commission and County
48 Council was published in the Journal of the San Juan Islands and the Islands Sounder on September
49 5, 2018 and the public hearing documents were made available on the project website.
- 50

- 1 **T.** The County Council and Planning Commission opened a properly noticed special meeting and joint
2 public hearing on Lopez Island on September 21, 2018.
3
- 4 **U.** The Planning Commission continued their portion of the hearing until October 26, 2018. At that
5 meeting they reopened the hearing, took public testimony and deliberated on the proposed LV
6 Subarea Plan, development regulations, standard plans and implementation plan. After making
7 some revisions in response to public comments, the Planning Commission recommended their
8 drafts be sent County Council for review.
9
- 10 **V.** The County Council continued their September 21, 2018, public hearing on November 26, 2018
11 and November 29, 2018.
12
- 13 **W.** Staff briefed the County Council on the Planning Commission's recommended draft LV Subarea
14 Plan, development regulations, standard plans and implementation plan on November 29, 2018.
15
- 16 **X.** County Council held work sessions on the proposed LV Subarea Plan and development regulations
17 on February 11 and 19, 2019 to identify alternatives for consideration.
18
- 19 **Y.** Notice of another April 16, 2019, County Council public hearing and special meeting on Lopez
20 Island was published in San Juan Journal and the Islands Sounder April 3, 2019. The notice
21 identified the proposed ordinance title and identified possible County Council alternatives and
22 changes to the draft Lopez Village Subarea Plan, official maps, development regulations, standard
23 plans and implementation plan. The meeting was also publicized on Lopez Rocks and meeting
24 flyers were posted at prominent public sites on the Island.
25
- 26 **Z.** The County Council held the special meeting and public hearing on the proposals at the Lopez
27 Center for the Community and the Arts on Lopez Island, WA on April 16, 2019.
28
- 29 **AA.** County Council continued the public hearing to XXXX, 2019, and made the following findings:
30
- 31 1. The proposed LV Subarea Plan is consistent with the provisions of RCW 36.70A.080(2)
32 (Optional elements) that states:
33
- 34 *"A comprehensive plan may include, where appropriate, subarea plans, each of*
35 *which is consistent with the comprehensive plan."*
36
- 37 2. The proposed amendments to the existing LV Subarea Plan is consistent with the provisions
38 of WAC 365-196-445(2) that states:
39
- 40 *"A comprehensive plan may include, where appropriate, subarea plans. Subarea*
41 *plans must be consistent with the comprehensive plan."*
42
- 43 3. The proposed LV Subarea Plan and implementing development regulations, "provides land use
44 and development goals, policies and regulations specific to the Lopez Village UGA" and is
45 therefore consistent with Section B, Element 2, Subsection 2.6.B(2) of the Comprehensive
46 Plan.
47
- 48 4. Section B, Element 2, Subsection 2.6, (Subarea plans) of the Comprehensive Plan states:
49

1 *“Subarea plans are intended to address the needs of specific geographic areas or*
 2 *the management of resources when they cannot be adequately addressed by the*
 3 *designations and provisions of this Plan.”*
 4

5 By providing goals, policies and regulations that are addressed to the needs of a distinct
 6 geographic area that cannot be adequately addressed by the general Comprehensive Plan, the
 7 proposed LV Subarea Plan is consistent with this provision of the County Comprehensive Plan.
 8

- 9 5. Section B, Element 2 of the Comprehensive Plan, Subsection 2.6.A (Goals and Policies- of
 10 Subarea plans) states that the goal of the subsequent policies is:

11 *“To provide for the creation of detailed plans for village activity centers, specific*
 12 *geographic areas, or for resources, in order to better address the unique needs*
 13 *and interests of those areas, environments or functions.”*
 14

15 By addressing the unique needs and interests of the Lopez Village UGA, the LV Subarea Plan
 16 is consistent with this provision of the County Comprehensive Plan.
 17
 18

- 19 6. The County Comprehensive Plan contains goals and policies for identified subarea plans as
 20 well as provisions for the creation of new plans. The proposed LV Subarea Plan is consistent
 21 with the general goals and policies of the Comprehensive plan as whole and the specific
 22 provisions outlining the purpose of subarea plans in general. The proposed amendments to an
 23 existing subarea plan are consistent with the specific requirements of RCW 36.70A.080(2) and
 24 WAC 365-96-445(2).
 25

- 26 7. By providing a plan that prevents uncoordinated and unplanned growth, the proposed LV
 27 Subarea Plan is consistent with RCW 36.70A.010 in the GMA. RCW 36.70A.010 legislative
 28 findings:
 29

30 *“The legislature finds that uncoordinated and unplanned growth, together with a*
 31 *lack of common goals expressing the public's interest in the conservation and the*
 32 *wise use of our lands, pose a threat to the environment, sustainable economic*
 33 *development, and the health, safety, and high quality of life enjoyed by residents*
 34 *of this state. It is in the public interest that citizens, communities, local*
 35 *governments, and the private sector cooperate and coordinate with one another in*
 36 *comprehensive land use planning.”*
 37

- 38 8. The GMA includes thirteen planning goals to guide the development of plans and regulations
 39 under RCW 36.70A.020. The following findings address the consistency of this proposal with
 40 the GMA goals.
 41

- 42 a. By maintaining the current urban densities and urban uses in an area where adequate
 43 services and facilities exist, the proposed amendments to the existing Subarea Plan
 44 clearly support and are consistent with GMA goal 1.
 45

46 *“(1) Urban growth. Encourage development in urban areas where*
 47 *adequate public facilities and services exist or can be provided in an*
 48 *efficient manner.”*
 49

- 1 b. The proposed LV Subarea Plan meets GMA goal 2 to reduce sprawl by maintaining the
2 current Urban Growth Area (UGA); directing urban uses and activities to locations
3 within that UGA; and maintaining rural densities outside the UGA.

4
5 *“(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped
6 land into sprawling, low-density development.”*

- 7
8 c. The proposed LV Subarea Plan is consistent with the GMA transportation planning goal
9 3 by designating a publicly owned parcel as a multi-modal transportation area.

10
11 *“(3) Transportation. Encourage efficient multimodal transportation
12 systems that are based on regional priorities and coordinated with county
13 and city comprehensive plans.”*

- 14
15 d. The proposed LV Subarea Plan is consistent with the GMA housing goal 4 of
16 encouraging affordable housing insofar as the Plan retains the current provisions for
17 density bonuses for affordable housing projects.

18
19 *“(4) Housing. Encourage the availability of affordable housing to all
20 economic segments of the population of this state, promote a variety of
21 residential densities and housing types, and encourage preservation of
22 existing housing stock.”*

- 23
24 e. The proposed LV Subarea Plan supports and implement GMA goal 5 of encouraging
25 economic development by clarifying which uses are allowed and the permit types within
26 the Lopez Village urban growth area. By clarifying uses and applicable development
27 standards, uncertainty is reduced and economic development is supported.

28
29 *“(5) Economic development. Encourage economic development
30 throughout the state that is consistent with adopted comprehensive plans,
31 promote economic opportunity for all citizens of this state, especially for
32 unemployed and for disadvantaged persons, promote the retention and
33 expansion of existing businesses and recruitment of new businesses,
34 recognize regional differences impacting economic development
35 opportunities, and encourage growth in areas experiencing insufficient
36 economic growth, all within the capacities of the state's natural resources,
37 public services, and public facilities.”*

- 38
39 f. The proposed LV Subarea Plan and development regulations support GMA goal 6, the
40 protection of private property rights, by providing clear development standards and
41 allowed uses for different land use designations within the subarea. Concise and clear
42 regulations reduce the possibility of arbitrary and discriminatory actions. The public
43 planning process, in which proposals are considered and vetted by the community, also
44 protect private property owners rights by ensuring that special interests do not control
45 the outcome of the process to the benefit of some and the detriment of others.

46
47 *“(6) Property rights. Private property shall not be taken for public use
48 without just compensation having been made. The property rights of
49 landowners shall be protected from arbitrary and discriminatory
50 actions.”*

- 1 g. The proposed LV Subarea Plan and development regulations reduce the number of
2 conditional use permits necessary for project development in Lopez Village urban
3 growth area thereby supporting the goal of increasing permit predictability in GMA goal
4 7:

5
6 *“(7) Permits. Applications for both state and local government permits
7 should be processed in a timely and fair manner to ensure predictability.”*
8

- 9 h. The LV Subarea Plan contains provisions promoting open space, recreation
10 opportunities and identifying important natural features. The proposed amendments
11 support the continued protection and utilization of these resources and implement GMA
12 goal 9.

13
14 *“(9) Open space and recreation. Retain open space, enhance recreational
15 opportunities, conserve fish and wildlife habitat, increase access to
16 natural resource lands and water, and develop parks and recreation
17 facilities.”*
18

- 19 i. By constraining sprawl and development that may be more intense within an approved
20 UGA, the Lopez Village Subarea Plan supports the implementation of GMA goal 10.

21
22 *“(10) Environment. Protect the environment and enhance the state's high
23 quality of life, including air and water quality, and the availability of
24 water.”*
25

- 26 j. The Lopez Village Subarea Plan was developed over an extended period that involved
27 numerous public meetings with the LVPRC, open houses and public hearings consistent
28 with GMA goal 11.

29
30 *“(11) Citizen participation and coordination. Encourage the involvement
31 of citizens in the planning process and ensure coordination between
32 communities and jurisdictions to reconcile conflicts.”*
33

- 34 k. By retaining the focus of development, public facilities and urban level services within
35 the current UGA, the proposed Lopez Village Subarea Plan supports GMA goal 12.

36
37 *“(12) Public facilities and services. Ensure that those public facilities and
38 services necessary to support development shall be adequate to serve the
39 development at the time the development is available for occupancy and
40 use without decreasing current service levels below locally established
41 minimum standards.”*
42

- 43 l. Through the continuation of appropriate land use regulation, the Lopez Village Subarea
44 Subarea Plan supports the implementation of GMA goal 13.

45
46 *“(13) Historic preservation. Identify and encourage the preservation of
47 lands, sites, and structures that have historical or archaeological
48 significance.”*
49

- 1 9. The proposed Lopez Village Subarea Plan is consistent with the provision for regulations for
2 specific geographic areas in the County in Section B, Element 2.1.B:

3
4 *“The subarea plan section, which contains goals and policies for the creation of*
5 *plans and regulations for specific geographic areas in the county when the needs*
6 *of those areas cannot be addressed by the land use provisions of this element.”*
7

- 8 10. After consideration of a land capacity analysis, amending the density and development options
9 within the Lopez Village UGA in the proposed Village Subarea Plan is consistent with and
10 supports the implementation of this general Comprehensive Plan policy in Section B, Element
11 2.2.A(4):

12
13 *“Direct high density residential and mixed use development into growth areas,*
14 *and into appropriate activity centers to prevent sprawl and relieve growth pressure*
15 *in the surrounding rural areas.”*
16

- 17 11. By increasing the density allowed in the Village Residential designation and development
18 options, the Lopez Village Subarea Plan is consistent with and supports the implementation of
19 this general Comprehensive Plan policy in Section B, Element 2.2.A(10):

20
21 *“Preserve the rural character of rural, resource, and conservancy lands by*
22 *providing for conservation design in new land divisions and allowing for limited*
23 *residential density bonuses in return for additional protection of open space*
24 *resources and natural resource functions.”*
25

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

28
29 **SECTION 1. Amendments to the Comprehensive Plan:**

30 The San Juan County Comprehensive Plan, Section B, Element 2, Land Use Element Subsection 2.6 is
31 amended to add a new Subsection 2.6.B.6 as shown on attached Exhibit A.

32
33 **SECTION 2. Amendments to the Comprehensive Plan Official Map:**

34
35 The San Juan County Comprehensive Plan, Official Map and Ord. 11-2016 § 2 is amended as shown on
36 attached Exhibit B.

37
38 **SECTION 3. Adoption of a Lopez Village Subarea Plan, a component of the**
39 **Comprehensive Plan:**

40
41 The San Juan County Comprehensive Plan, Section B, Element 2, Land Use Element is amended to add a
42 new Lopez Village Subarea Plan as shown on attached Exhibit C.
43
44
45
46

1 **Color code to strikeout / underlines: Red: Previous changes recommended by Planning Commission, Orange: Staff edits**
2 **to PC recommendation, Blue: County Council Alternatives**

3 **SECTION 4. SJCC 18.20.010 and Ord. 1-2016 § 67 are each amended to read as follows:**

4 “Abandon” means to terminate or remove a structure by an affirmative act, such as changing to a new use;
5 or to cease, terminate, or vacate a use or structure through nonaction.

6
7 “Abutting” means adjoining as defined herein, but will often have the added component of joining end to
8 end, or sharing an end border.

9
10 “Accessory Apartment, Accessory Dwelling Unit.” See “internal accessory dwelling unit (IADU).”

11
12 “Accessory dwelling unit (ADU)” means a living area that is accessory to the principal residence, located
13 on the same lot, and that provides for sleeping quarters, kitchen, and sanitation facilities. An ADU may be
14 internal, attached or detached.

15
16 “Accessory structure” means a structure detached from a principal building located on the same lot and
17 which is incidental and secondary to the principal building.

18
19 “Accessory use” means use of land or of a building or portion thereof incidental and subordinate to the
20 principal use or building and located on the same lot with the principal use.

21
22 “Acoustical engineer” means a professional engineer, licensed in Washington, with a degree in mechanical
23 engineering and membership in the Acoustical Society of America; or a professional engineer with
24 demonstrated education, accreditation and experience to perform and certify noise measurements, as
25 determined by the director.

26
27 “Activity centers” in San Juan County include villages, hamlets, residential activity centers, island centers,
28 and master planned resorts.

29
30 “Adaptive management” means a style of management which relies upon the best available information to
31 make decisions, but implements decisions with a strategy to obtain additional information. The decisions,
32 or their implementation, are then adapted, if necessary, based on the new information.

33
34 “Adequate” means acceptable but not excessive.

35
36 “Adequate capacity (adequate capital facilities)” means capital facilities and services that have the capacity
37 available to serve development at the time of occupancy or use without decreasing levels of service (LOS)
38 below the standards set forth in the Comprehensive Plan. “Adequate capacity” also includes a financial
39 commitment that is in place to complete the improvements, or noncapital strategies, necessary to provide a
40 specific level of service within six years. (See also “available capital facilities (available capacity),”
41 “concurrency,” “level of service (LOS),” and “noncapital alternative strategies.”)

42
43 “Adjoining” means being in physical contact, touching at some point or along a line, having a common
44 point or border, sharing a common boundary, being so joined or united to each other that no third object
45 intervenes.

46
47 “Administrator,” “planning director,” and “director” each mean the San Juan County community
48 development and planning department director or a designated representative.

49
50 “Adverse” means contrary to one’s interest or welfare; harmful or unfavorable circumstances.

1 “Adverse impacts” means a condition that creates, imposes, aggravates, or leads to inadequate, impractical,
2 unsafe, or unhealthy conditions on a site proposed for development or on off-site property or facilities.
3

4 “Affordable housing” means housing where the occupants pay no more than 30 percent of gross monthly
5 income for total housing costs, including the cost of property taxes and insurance for homeowners and
6 monthly utilities for owners and renters.
7

8 “Agricultural activities” means agricultural uses and practices defined in RCW 90.58.065.
9

10 “Agricultural commodity” means sheep, cattle, horses, goats, pigs, llamas, alpacas, or any other animal or
11 any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable, or animal product,
12 such as products qualifying as organic food products under Chapter 15.86 RCW and private sector cultured
13 aquatic products as defined in RCW 19.85.020 and other fish and fish products, either in their natural or
14 processed state, including bees and honey and Christmas trees but not including timber or timber products.
15

16 “Agricultural composting” means composting of agricultural waste as an integral component of a system
17 designed to improve soil health and recycling agricultural wastes. Agricultural composting is conducted on
18 lands used for farming and is an agricultural activity. Agricultural composting can include the collection of
19 off-site yard, landscape, or agricultural waste and other compostable materials to be processed into compost,
20 including sales or delivery of finished composted product. Such operation shall be accessory to the primary
21 agricultural activities of the farm operation and shall not generate traffic and/or noise uncommon to a farm
22 operation.
23

24 “Agricultural equipment and facilities” means equipment and facilities defined in RCW 90.58.065(2).
25

26 “Agricultural processing, retail, and visitor-serving facilities for products” means the commercial
27 processing (preparing for market, packing, and sales) of agricultural commodities, and the on-site facilities
28 for retail display and sale of such agricultural commodity products.
29

30 “Agricultural products” includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit,
31 berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas
32 trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within 20 years of
33 planting; and livestock including both the animals themselves and animal products such as meat, upland
34 finfish, poultry and poultry products, and dairy products (see RCW 90.58.065(2)).
35

36 “Agricultural resource lands” means lands that are primarily devoted to the commercial production of
37 horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay,
38 straw, turf, seed, livestock, or Christmas trees not subject to the excise tax imposed by RCW 84.33.100
39 through 84.33.140, and have long-term commercial significance for agricultural production (RCW
40 36.70A.030(2)). Agricultural resource lands is also a land use designation (AG) in the Comprehensive Plan.
41

42 “Agricultural sales” means the sales of agricultural products grown, raised or harvested in San Juan County,
43 including processed products whose defining ingredients are produced or harvested in the County.
44 Agricultural sales can include the sale of agricultural promotional materials which shall be accessory to the
45 sale of the primary agricultural products.
46

47 “Agricultural soils” means lands with USDA-San Juan County Soil Survey Class II, III, and IV soils or
48 other soil classes where the land is suitable for a particular agricultural use.
49

1 “Agricultural wastes” means wastes on farms resulting from the raising or growing of plants and animals
2 such as crop residue, manure and animal bedding, and carcasses of dead animals weighing each or
3 collectively in excess of 15 pounds.
4

5 “Agriculture, existing and ongoing” means any agricultural activity conducted on lands defined in RCW
6 84.34.020(2); agricultural use ceases when the area on which it is conducted is converted to a
7 nonagricultural use.
8

9 “Agritourism” means recreational, educational or agricultural-related activities that are accessory to the
10 agricultural activities of the farm operation.
11

12 “Aid to navigation” means any visual or electronic device airborne or on the surface which provides point-
13 to-point guidance information or position data to aircraft in flight.
14

15 “Aircraft accident safety zone” means an area of land that is designated in order to meet the land use
16 compatibility direction in RCW 36.70A.510 and 36.70.547 for general aviation airports and to implement
17 the health and safety and land use purposes of an airport overlay district, and is shown on the official maps
18 of the overlay district. Guidance for the delineation of these safety zones is provided by the Washington
19 State Department of Transportation, which can be modified in order to address local circumstances as part
20 of the adoption of individual airport overlay districts.
21

22 1. “Safety zone 1: Runway protection zone” is an area that has the same dimensions as the FAA runway
23 protection zone. It is a trapezoidally shaped area that extends from the outer boundaries of the primary
24 surface along the extended runway centerline. Where only a portion of the runway is declared as usable
25 (the remainder of the pavement being part of a paved “stopway”), as is the case at Orcas Island airport,
26 the measurements for the zone begin at the threshold line on the pavement which marks the end of the
27 declared usable runway surface.
28

29 2. “Safety zone 2: Inner safety zone” is an area that underlies the main departure/approach path. It
30 begins at the end of the runway protection zone (zone 1) and extends out along the extension of the
31 runway centerline.
32

33 3. “Safety zone 3: Inner turning zone” is an area where aircraft turn into the direct approach path, or
34 turn out of the departure path. The zone begins at the primary surface and extends out at 30 degrees
35 from both sides of the runway centerline. It connects to the centerline of the inner safety zone (zone 2)
36 with sweeping arcs.
37

38 4. “Safety zone 4: Outer safety zone” is an area that underlies the main departure/approach path, after
39 the inner turning zone (zone 3). It extends out from both sides of the extended runway centerline,
40 beginning at the outer edge of the inner turning zone (zone 3) and extending to the outer boundary of
41 zone 6 (or to outer boundary of the horizontal zone if zone 6 is not designated).
42

43 5. “Safety zone 5: Sideline safety zone/airport development zone” is an area that is immediately
44 adjacent to the airport and runway area. The standard zone begins at the primary surface, extending out
45 from the extended runway centerline and connecting at its ends to the inner turning zone (zone 3).
46

47 6. “Safety zone 6: Traffic pattern zone” is an area that encircles the other five safety zones. The standard
48 area consists of a long oval that is centered longitudinally on the runway, and which envelops the other
49 safety zones. The perimeter is constructed by swinging arcs from a point along the extended runway
50 centerline that is 500 feet from the edge of the primary surface. The arcs are connected by line segments

1 that are extended from the edge of safety zone 5. Zone 6 may or may not be designated for a given
2 airport overlay district.

3
4 “Airfield” means a privately owned area of land open to general or limited public use for aircraft operations.
5 An airfield may include related noncommercial services, aircraft maintenance, or fueling facilities.

6
7 “Airport” means an area of land or facility publicly owned and open to general public use for aircraft
8 operations, except any airfield or airstrip as defined herein. An airport may include related services and
9 facilities.

10
11 “Airport overlay district” means an overlay district which governs use of land in the vicinity and environs
12 of an airport and protects public safety in the area.

13
14 “Airstrip” means a privately owned area of land, closed to the public, and restricted to use by the owner for
15 noncommercial aircraft operations and, on an occasional basis, invited guests of the owner.

16
17 “Aliquot part” means a parcel of unplatted land which is described by record legal description as a fractional
18 portion of a section, excluding government lots.

19
20 “Allowable uses” means the land uses that are allowed under this title, divided into five categories, as
21 identified in SJCC 18.30.050 through 18.30.055 and Tables 18.30.030 and 18.30.040. These are uses
22 allowed outright (“Yes”), provisional (“Prov” or “P”), “P/C” (formerly referred to as discretionary) (“D”),
23 conditional (“C”), and plan amendment (“P.A.”) uses.

24
25 “Allowed outright use (“Yes” use)” means a use that is allowed outright within a land use designation, and
26 which does not require a project permit, and is identified in Tables 18.30.030 and 18.30.040 by the symbol
27 “Yes.” All “Yes” uses are subject to and must comply with all applicable development standards of this
28 title (see Chapter 18.60 SJCC and SJCC 18.80.070).

29
30 “Alteration, nonconforming structures” means any change or rearrangement in the supporting members of
31 existing buildings, such as bearing walls, columns, beams, girders, or interior partitions, as well as any
32 changes in doors, windows, means of egress or ingress or any enlargement to or diminution of a building
33 or structure, horizontally or vertically, or the moving of a building from one location to another. This
34 definition excludes normal repair and maintenance, such as painting or roof replacement, but includes more
35 substantial changes.

36
37 “Alteration, nonconforming use” means the expansion, modification or intensification of a use that does
38 not conform to the land use regulations of the UDC.

39
40 “Animal shelter (kennel)” means a commercial or nonprofit establishment in which animals other than
41 livestock are temporarily housed or boarded, groomed, bred, trained, treated, or sold.

42
43 “Antenna” means any apparatus designed for transmitting and/or receiving electromagnetic waves by
44 converting those waves from and to electrical current.

45
46 “Antenna array” means one or more antennas and their associated mounting hardware, feed lines, or other
47 appurtenances which share a common attachment device, such as a mounting frame or support structure.

48
49 “Appeal, closed-record” means an administrative appeal on the record to the board of County
50 commissioners, following an open-record hearing on a project permit application. A closed-record appeal

1 is on the record made before the decision maker with no or limited new evidence or information allowed to
2 be submitted and only appeal argument allowed (RCW 36.70B.020).

3
4 “Appeal, open-record” means a hearing, conducted by the hearing examiner, that creates the County’s
5 record through testimony and submittal of evidence and information, under procedures prescribed by the
6 County by ordinance or resolution when a timely appeal of the director’s decision on a project permit
7 application or a timely appeal of an administrative determination is filed.

8
9 “Applicant” means any person who files a permit application with the County and who is either the owner,
10 beneficial owner, contract purchaser, or authorized agent of such owner of the land on which the proposed
11 activity would be located.

12
13 “Approach surface” means the FAA imaginary surface that is the lower boundary of an airspace which
14 begins at the ends of the primary surface and extends upward and outward along the extended runway
15 centerline. The initial width of the surface coincides with the width of the primary surface, and expands
16 outward uniformly from the primary surface.

17
18 “Approach, transitional, horizontal, and conical surfaces” means the imaginary surfaces that relate to an
19 airport or airfield runway as defined in Federal Aviation Administration (FAA) regulations, 14 CFR Part
20 77, “Objects Affecting Navigable Airspace,” as amended, and as shown on the approach and clear zone
21 plan for an airport or airfield. They are so-called “imaginary” surfaces because, with the exception of the
22 runway, they cannot be seen.

23
24 “Approach, transitional, horizontal, and conical zones” means the zones which apply to the ground areas
25 immediately under a runway approach; transitional, horizontal, and conical surfaces as projected along a
26 vertical axis.

27
28 “Aquacultural equipment and facilities” includes, but is not limited to: (1) the following used in
29 aquacultural operations: equipment; machinery; constructed shelters, buildings, and ponds; water storage
30 facilities; water diversion, withdrawal, conveyance, and use equipment and facilities such as pumps, pipes,
31 canals, ditches, and drains; (2) farm residences and associated equipment, lands, and facilities; and (3)
32 roadside stands and on-farm markets for products (see RCW 90.58.065(2)).

33
34 “Aquacultural products” includes fish, shellfish, or other aquatic animals or plants.

35
36 “Aquaculture” means the culture or farming of fish, shellfish, or other aquatic plants and animals.
37 Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock
38 geoduck fishery (see WAC 173-26-020(6)).

39
40 “Aquaculture, noncommercial” means harvesting fish, shellfish or other aquatic animals and plants for
41 subsistence, recreational and personal consumption, scientific research or restoration activities.

42
43 “Aquaculture processing” means the commercial preparation of fish, shellfish or other aquatic animals and
44 plants for market including packaging and transportation.

45
46 “Aquatic designation” means all water bodies under the jurisdiction of the Shoreline Management Act of
47 1971 and within the boundaries of San Juan County, including the water surface together with the
48 underlying lands and the water column such as to bays, straits, harbors, coves, estuaries, tidelands,
49 shorelands, and lakes.

50
51 “Aquifer” means a body of permeable saturated rock material or soil capable of conducting ground water.

1 “Aquifer recharge areas” means lands through which precipitation and surface water infiltrate the soil and
2 are transmitted through rocks and soil to create ground water storage.

3 “Archaeological” means having to do with the scientific study of material remains of past human life and
4 activities.

5
6 “Archaeological site” means an area of ancestral human use such as middens, burial grounds, and
7 earthworks.

8
9 “Area” means the size of a parcel of land, as expressed in square feet or acres to two decimal places. When
10 a public road right-of-way lies within a tract of land otherwise in contiguous ownership, area within the
11 right-of-way may be included in gross area for the purpose of calculating maximum allowable density.
12 When public road right-of-way abuts a tract of land, area to the centerline may be included in the gross area
13 of the parcel for this purpose.

14
15 “Area, nominal” means the approximate area of a parcel of land, such as the aliquot part or the land area in
16 the assessor’s records.

17
18 “Area of more intensive rural development (AMIRD)” means a class of rural lands that includes village
19 and hamlet activity centers, residential activity centers, and island centers. AMIRDs were identified and
20 delineated according to the criteria in RCW 36.70A.070(5)(d). They consist of commercial, industrial,
21 residential, or mixed-use areas in which the kinds, intensities, or densities of use, or the capital facilities
22 and services available, exceed the levels normally associated with rural development. Thus, these areas
23 recognize and provide for existing compact rural development and uses, and allow for infill in the areas to
24 the level of existing patterns.

25
26 “Area of natural terrain obstruction” means an area where the natural land surface penetrates the FAA
27 imaginary surface.

28
29 “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent
30 (1%) or greater chance of flooding in any given year, as indicated on the flood insurance rate maps (FIRMs).

31
32 **Council Alternative: Select one definition for artisan and artisanal product**

33
34 “Artisan” means a skilled manual worker or artist who may use tools and/or machinery to pursue a particular
35 art or profession, such as traditional occupations such as wheelwrights, bakers, grillers, brewers,
36 upholsterers, cabinet makers, carpenters, journeymen, potters, distillers, engravers, weavers, sculptors,
37 masons, painters, photographers, fabricators, glasswrights, jewelers, goldsmiths, silversmiths,
38 coppersmiths, tailors, vintners and taxidermists.

39
40 “Artisan” means a skilled craftsperson, small-scale manufacturer, or artist who practices a trade or
41 handicraft and who creates artisanal products in limited quantities for sale, ~~applies within Lopez Village~~
42 urban-growth area (only applicable in Lopez Village).

43
44 “Artisan activities” means the creation and sales of artisan products.

45
46 “Artisanal product” means an item or product created through the work of an artisan that is generally
47 produced on a nonindustrial, small scale, or small batch basis, and is commonly hand-made using traditional
48 methods or skills.

49
50 “Artisanal product” means art, food, and other retail goods created by an artisan on a small-scale or batch
51 basis. Artisanal products are often made using traditional craft methods, tools and skills, or are

1 ~~manufactured on a small-scale using state of the art technology, applies within Lopez Village urban growth~~
2 ~~area (only applicable in Lopez Village urban growth area).~~

3 “Assembly facility” means a facility designed and used for the gathering of people, or in which they may
4 come together in a body, such as a meeting hall, community club or center, church, etc. (See also
5 “community club or facility” and “religious assembly facility.”)
6

7 “Assessor’s parcel number” means a geocoding number assigned by the assessor’s office for property tax
8 assessment purposes only.
9

10 “Associated wetland” means those wetlands that are in proximity to and either influence or are influenced
11 by tidal waters or a lake or stream that is subject to the Shoreline Management Act.
12

13 “At grade” means at ground level.
14

15 “Attached accessory dwelling unit (AADU)” means an ADU which is internal to or attached to the principal
16 residence by (1) a common wall, or (2) a continuous roof and exterior wall enclosures, or (3) a continuous
17 roof no less than six feet in width, the area of which is included in the living area of the ADU.
18

19 “Automotive fuel station” means any building, land area, or other premises used for the retail dispensing
20 or sales of vehicular fuels, but at which there is no servicing or repair of automobiles.
21

22 “Automotive repair station” means any building, land area, or other premises used for the retail servicing
23 or repair of automobiles, but at which there is no dispensing or sales of vehicular fuels.
24

25 “Automotive service station” means any building, land area, or other premises used for the retail dispensing
26 or sales of vehicular fuels and the servicing or repair of automobiles.
27

28 “Automobile wrecking and junk (or salvage) yards” means an outdoor area used for the wrecking, storage,
29 and recycling/salvage of wrecked or abandoned vehicles for scrap metal and/or parts. (See “junk yard or
30 salvage facility.”)
31

32 “Available capital facilities (available capacity)” means capital facilities or services that are in place
33 (“existing capacity”), or for which a financial commitment is in place to provide the facilities or services
34 within a specified time (“planned capacity”). “Available capacity” consists of existing plus planned
35 capacity. (See also “adequate capacity (adequate capital facilities),” “concurrency,” and “level of service
36 (LOS).”)
37

38 “Average grade level” means the average or the natural or existing topography of the portion of the lot,
39 parcel, or tract of real property which will be directly under the proposed building or structure. Calculation
40 of the average grade level is made by averaging the ground elevations at the midpoint of all exterior walls
41 of the proposed building or structure. In cases of structures to be built over the water, average grade level
42 is the elevation of the ordinary high water mark.
43

44 “Average tree height” means the mean height of existing trees within a 150-foot radius of the facility site.
45

46 “Average vehicular trips” means the average number of all vehicles entering or leaving a site during a
47 defined period.
48
49
50

SECTION 5. SJCC 18.20.080 and Ord. 1-2016 § 71 are each amended to read as follows:

“Habitat” means the place or type of site where a plant or animal naturally or normally lives and grows.

“Hamlet” means an activity center with high-density residential areas and a small commercial center that provides goods and services to surrounding rural residential, rural, and resource uses.

“Hangars” means covered areas and enclosed structures for housing and/or repairing aircraft.

“Hard structural shoreline stabilization measures” means shore erosion control structures and measures composed of hard surfaces, arranged with primarily linear and vertical or near-vertical faces that armor the shoreline and prevent erosion. These measures include bulkheads, rip-rap, groins, retaining walls and similar structures composed of materials such as boulders, gabions, dimensional lumber, and concrete.

“Hazard tree” means a tree that a certified arborist has determined has: (1) a high probability of falling due to a debilitating disease or a structural defect; and (2) potential for significant property damage or personal injury if it falls.

“Heavy equipment rental” means a site for the storage and retrieval of large pieces of machinery or large vehicles usually associated with construction available for the public’s use, which may include additional and complementary retail activities.

“Heavy industrial use” means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials; a use engaged in storage of, or manufacturing processes using flammable, hazardous or explosive materials.

“Height” means the vertical distance measured from the average existing grade beneath a structure or object along a plumb line to the highest point of a structure or object.

“Height of building” means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade; or
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (1) of this definition is more than 10 feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

“Height, shoreline” means the height of shoreline structures, measured from average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances are not used in calculating height, except where they obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, excluding temporary construction equipment (WAC 173-27-030).

“Helipads” means areas for the landing and take-off of rotary-wing aircraft, but not adequate for fixed-wing aircraft.

1 “Herbaceous balds and bluffs” means native plant areas located on shallow soils over bedrock, often on
2 steep, exposed slopes with few trees, which support grasses, herbaceous plants, dwarf shrubs, brittle prickly
3 pear cactus, mosses and lichens adapted for survival on shallow soils amid seasonally dry conditions. Trees
4 that may be present include Douglas fir, Pacific madrone, and Garry oak.

5
6 “Herbaceous vegetation” means non-woody vascular plants.

7
8 “Historic camps” means, for the purposes of determining allowable uses, nonprofit recreational and
9 educational camping facilities owned by a nonprofit entity and in continuous operation since October 2,
10 1979.

11
12 “Historic educational and scientific facilities” means, for the purposes of determining allowable uses,
13 educational and scientific facilities in continuous operation since October 2, 1979.

14
15 “Historic resort” means, for the purposes of determining allowable uses, a resort established prior to and in
16 continuous operation since October 2, 1979.

17
18 “Historic site, structure or landmark” means a site, structure or building of outstanding archaeological,
19 historical or cultural significance. This is shown by its designation as such by the National or Washington
20 State Register of Historic Places or an adopted San Juan County Historic Preservation Plan, designation as
21 an historic landmark, or any such structure or feature for which the State Historic Preservation Officer has
22 made a determination of significance pursuant to Section 106 of the National Historic Preservation Act.

23
24 “Home occupation” means any commercial activity carried out by a resident of a single-family residence
25 and conducted as an incidental and accessory use of the residence.

26
27 “Horizontal surface” means the FAA imaginary surface that is the lower boundary of a horizontal airspace
28 that is located above the airport and forms an elongated oval above the runway.

29
30 “Hospitality commercial use” means restaurants and vacation rental establishments and associated guest
31 facilities available for short-term accommodation for a period not to exceed 30 days.

32
33 “Hostel” means a budget-oriented accommodation ~~for travelers and others~~ that is not located in a
34 residence allowing short-term stays of thirty (30) consecutive days or less: ~~where Bbeds are rented in~~
35 shared dormitory style rooms. ~~For every six (6) beds in a shared room, a hostel may rent one (1) room~~
36 ~~for private accommodation.~~ Hostels provide and common areas and communal facilities ~~are~~
37 provided. (Note: struck sentence moved to to regulations.)

38
39 “Hotel” means a hospitality commercial use containing three or more individually rented lodging units (in
40 one or more buildings), which provides sleeping accommodations, with or without meals or the facilities
41 for preparing meals, for travelers and transient guests, and which does not meet the definitions of “bed and
42 breakfast inn,” “bed and breakfast residence,” or “vacation rentals of a residence or an ADU.”

43
44 “Household” means one or more related or unrelated persons occupying a dwelling unit.

45
46 “Hydric soil” means soil that is saturated, flooded, or ponded long enough during the growing season to
47 develop anaerobic conditions in the upper part, as determined by following the methods described in the
48 currently accepted Federal Manual for Identifying and Delineating Jurisdictional Wetlands. San Juan
49 County soil map units that are dominantly comprised of hydric soils as identified in the Soil Survey of San
50 Juan County, Washington (USDA, 2009), are: Coveland loam, zero to five percent slopes; Coupeville loam,
51 zero to five percent slopes; Limepoint-Sholander complex, zero to eight percent slopes; Shalcar muck, zero

1 to two percent slopes; Semiahmoo muck, zero to two percent slopes; Coveland-Mitchellbay complex, two
2 to 15 percent slopes; Bazal-Mitchellbay complex, zero to five percent slopes; Orcas peat, zero to two
3 percent slopes; and Dugualla muck, zero to two percent slopes. Other soils not classified as hydric by the
4 Soil Conservation Service may still meet the hydric soil criteria.

5
6 “Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least
7 periodically deficient in oxygen as a result of excessive water content, as determined by following the
8 methods described in the currently accepted Federal Manual for Identifying and Delineating Jurisdictional
9 Wetlands.

10
11 **SECTION 6. SJCC 18.20.120 and Ord. 11-2017 § 29 are each amended to read as follows:**

12 Land Division. See “division of land.”

13
14 “Landslide hazard areas” means areas potentially subject to risk of mass movement due to a combination
15 of geologic, topographic, and hydrologic factors.

16
17 “Landward” means to or toward the land.

18
19 “Level of service (LOS)” means the number of units of capacity per unit of demand (e.g., trips, population,
20 school-age residents) or other appropriate measure of need sufficient to meet the standards for adequate
21 service set forth in the Comprehensive Plan. (See also “adequate capacity,” “available capacity,” and
22 “concurrency.”)

23
24 “Licensed carrier” means a carrier authorized by the FCC.

25
26 “Light industrial” means a use involving (1) basic processing and manufacturing of materials or products
27 predominantly from previously prepared materials; or (2) finished products or parts, including processing,
28 fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but
29 excluding basic processing of raw materials except food products.

30
31 “Limited area of more intensive rural development (LAMIRD)” means a class of rural lands that includes
32 village and hamlet activity centers, residential activity centers, and island centers. LAMIRDs were
33 identified and delineated according to the criteria in RCW 36.70A.070(5)(d). They consist of commercial,
34 industrial, residential, or mixed-use areas in which the kinds, intensities, or densities of use, or the capital
35 facilities and services available, exceed the levels normally associated with rural development. Thus, these
36 areas recognize and provide for existing compact rural development and uses, and allow for infill in the
37 areas to the level of existing patterns.

38
39 “Littoral drift” means the natural movement of sediment, particularly sand and gravel, along marine or lake
40 shorelines as a result of wave and wind action.

41
42 “Livestock” means cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other poultry, and
43 other like animals.

44
45 “Live aboard vessel” means a vessel currently registered with federal, state and local agencies that is used
46 primarily as a place of residence. A live aboard vessel has a seaworthy hull design that meets the U.S. Coast
47 Guard standards for floatation, safety equipment, fuel, and fuel, and electrical and ventilation systems. It is
48 capable of travel in open waters and waterborne movement in general. It has permanent equipment for water
49 travel, including a method for steering and propulsion, deck fittings, navigational equipment, and marine
50 hardware.

1 “Live-work building” means a building which contains ~~offices, studios, or other both~~ commercial uses
2 and a dwelling unit(s).

3
4 “Living area” means the internal space measured from the interior of the exterior walls, excluding decks,
5 overhangs, unenclosed porches or unheated enclosed porches, and the stairwell on one level of a two-story
6 structure.

7
8 “Logging” means the harvesting of timber.

9
10 “Log storage or transfer site” means any location established for the purpose of storing logs or holding logs
11 for transfer to another location. (See also “barge landing site.”)

12
13 “Long-term commercial significance” means lands with the growing capacity, productivity, soil
14 composition, and economic viability for long-term agricultural or silvicultural production.
15 Lot. See “parcel.”

16
17 “Lot coverage” means the surface area of a lot or lots within a single development which is occupied by
18 buildings, excluding roof overhangs and covered porches not used for sales, storage, or service.

19
20 “Lumber mill, portable” means portable equipment to mill, split, or otherwise process forest products.

21
22 “Lumber mill, stationary” means a permanently located facility or equipment used to process forest
23 products.

24 **SECTION 7. SJCC 18.20.130 and Ord. 1-2016 § 73 are each amended to read as follows:**

25 “Maintenance agreement” means a written agreement between parties to physically maintain a facility for
26 common use in a manner which conforms to standards of adequacy specified in such an agreement.

27
28 “Maintenance and Repair, Normal.”

- 29
30 1. “Normal maintenance” includes those acts to prevent a decline, lapse, or cessation from a lawfully
31 established condition.
32
33 2. “Normal repair” means to restore a development to a state comparable to its original condition
34 within a reasonable period after decay or partial destruction.
35

36 Normal maintenance and repair do not include maintenance and repair that causes substantial adverse
37 effects to shoreline resources or environment (WAC 173-27-040).

38
39 “Manufacturing” means the mechanical or chemical transformation of materials or substances into new
40 products, including the assembling of component parts, the creation of products, and the blending of
41 materials, such as lubricating oils, plastics, resins, or liquors.

42
43 “Marina” means a facility that provides wet moorage or dry storage, supplies, and services for pleasure
44 craft and some types of commercial craft. Boat-launching facilities may also be provided at a marina.

45
46 “Marine railway” means a set of rails running from the upland area into the water upon which a boat can
47 be launched.

48
49 “Market value” means value of land or structures as assessed by the San Juan County assessor’s office.

1 “Marsh” means a soft, wet area periodically or continuously flooded to a shallow depth, usually
2 characterized by a particular subclass (monocotyledons) of grasses, cattails, and other low plants.

3
4 “Master planned resort” means a self-contained and fully integrated planned unit development in a setting
5 of significant natural amenities, with primary focus on destination resort facilities consisting of short-term
6 visitor accommodations associated with a range of on-site indoor or outdoor recreational facilities.

7
8 “Material change” means a measurable change that has significance for existing or proposed development
9 or for the existing environment.

10
11 “Mean higher high water” or “MHHW” means the tidal elevation obtained by averaging each day’s highest
12 tide at a particular location over a period of 19 years. It is measured from the MLLW equals 0.0 tidal
13 elevation.

14
15 “Mean lower low water” or “MLLW” means the 0.0 tidal flat elevation. It is determined by averaging each
16 day’s lowest tide at a particular location over a period of nineteen (19) years. It is the tidal datum for vertical
17 tidal references in the saltwater area.

18
19 “Midden” means an area of ancestral human use that consists of an ancient refuse heap.

20
21 “Mine hazard” means an area of potential danger to persons or property due to past or present mineral
22 extraction operations.

23
24 “Mineral extraction” means the removal of naturally occurring materials from the earth for economic use.
25 Extraction materials include nonmetallic minerals such as sand, gravel, clay, coal, and various types of
26 stone.

27
28 “Mineral resource lands” means those lands from which the commercial extraction of minerals (sand,
29 gravel, rock, and other valuable aggregate or metallic substances) can be anticipated to have long-term
30 commercial significance.

31
32 “Mini-storage” means a structure or structures containing separate, individual, and private storage spaces
33 of varying sizes leased or rented individually for varying periods of time.

34
35 “Mitigation” means measures prescribed and implemented to avoid, minimize, lessen, or compensate for
36 adverse impacts.

37
38 “Mixed-use development” means a development **that includes two or more principal land uses with one**
39 **or more mixed-use structures. The mix of uses may be combined in a vertical mixed use building(s) or**
40 **combined in separate buildings located on one property and /or under unified control.**

41
42 “Mixed use structure” means a building containing residential and non-residential uses.

43
44 “Mobile food vending unit” means a portable **and temporary** food or drink service vehicle **that is readily**
45 **movable.**

46
47 “Mobile home” means a structure that is (1) designed to be transportable in one or more sections; (2) built
48 on a permanent chassis; (3) designed to be used as a dwelling unit, with or without permanent foundation;
49 and (4) connected to the required utilities, including plumbing, heating, septic, and electrical systems (RCW
50 43.22.340).

1 “Mobile home park” means a development with two or more improved pads or spaces with required
2 improvements and utilities designed to accommodate mobile homes, according to RCW 59.20.030(4).

3
4 “Monopole” means the type of antenna mount that is self-supporting with a single shaft, typically of wood,
5 steel or concrete, and is self-supporting without guy wires.

6
7 “Moorage” means any over-water facility for securing boats, including docks, piers, and mooring buoys,
8 but excluding anchorage and dry boat storage.

9
10 “Mooring buoy” means a buoy used for vessel moorage that meets federal and state standards, is located
11 waterward of the OHWM, and is permanently anchored to the sea or lake bed.

12
13 “Mooring float” means a stand-alone float used for vessel moorage that meets federal and state standards,
14 is located waterward of the OHWM, and is permanently secured to the sea or lake bed.

15
16 “Motel” See “hotel.”

17
18 “Motor home” means a motor vehicle originally designed, reconstructed, or permanently altered to provide
19 facilities for human habitation, which include lodging, cooking, and sewage disposal, and enclosed within
20 a solid body shell with the vehicle, but excluding a camper or similar unit constructed separately and affixed
21 to a motor vehicle (RCW 46.04.305).

22
23 **SECTION 8. SJCC 18.20.140 and Ord. 1-2016 § 74 are each amended to read as follows:**
24 **18.20.140 “N” Definitions.**

25
26 “National Register of Historic Places” means the official federal list, established by the National Historic
27 Preservation Act, of sites, districts, buildings, structures and objects significant in the nation’s history and
28 prehistory, or whose artistic or architectural value is unique.

29
30 “Native vegetation” means plant species which are indigenous to San Juan County.

31
32 “Natural designation” means the land use designation of the Comprehensive Plan that is designed to
33 preserve unusual or valuable natural resource systems by the regulation of all activities or uses which might
34 degrade or alter the natural characteristics which make these areas unusual or valuable.

35
36 “Natural designation (shoreline)” means the Shoreline Master Program designation designed to preserve
37 unusual or valuable natural resource systems by regulating all potential uses which might degrade or alter
38 the natural characteristics that make the area unusual or valuable.

39
40 “Natural or existing topography” means the topography of the lot, parcel, or tract of real property
41 immediately prior to any site preparation or grading, including excavation or filling.

42
43 “Natural system (shoreline)” means a group of related objects or forces existing in nature: for example, a
44 shore process corridor.

45
46 “Neighborhood enterprise” means a commercial or manufacturing activity conducted in whole or in part in
47 either **the resident’s** a single-family dwelling unit or in an accessory building, but is of a scale larger than
48 a cottage enterprise.

49
50 “Net use area” means the area used to calculate the required number of parking spaces for developments in
51 Eastsound as specified in Table 22. Net use area is the gross floor area excluding the following:

1 1. Circulation areas such as entries and weather vestibules, lobbies, hallways and corridors,
2 stairways, elevators and similar areas which do not have customer/patron uses other than for
3 circulation of people; and
4

5 2. Mechanical, custodial and storage areas such as mechanical rooms and chases/shafts,
6 electrical/utility rooms and vaults, toilets, custodial rooms, and areas used solely for storage.
7

8 “No net loss” means the requirement that development and vegetation removal not result in net harm in the
9 aggregate to the existing functions and values of the ecosystem that includes the adversely impacted or lost
10 critical areas. The no net loss standard in WAC 365-196-830 requires that where development regulations
11 allow harm to critical area functions and values, they must require compensatory mitigation of the harm
12 unless alternative means of protecting critical areas exist such as best management practices or a
13 combination of regulatory and nonregulatory programs.
14

15 “Noise” means any sound not occurring in the natural environment which causes or tends to cause an
16 adverse psychological or physiological effect on humans.
17

18 “Noise exposure forecast level” means the level of predicted noise exposure for areas within the vicinity of
19 an airport due to aircraft operations at some future date based on noise levels and duration at the time of
20 prediction.
21

22 “Noncapital alternative strategies” means programs, strategies, or methods that contribute to achieving and
23 maintaining adequate levels of service (as set forth in the Comprehensive Plan) for concurrency facilities
24 by means other than by constructing structural improvements. These strategies include but are not limited
25 to reduction of need or demand for a facility or service (as by education efforts or increased efficiency of
26 use), provision of a noncapital substitute, and use of alternative methods to provide capacity. (See also
27 “adequate capacity (adequate capital facilities),” “available capital facilities (available capacity),”
28 “concurrency,” and “level of service (LOS).”)
29

30 “Nonconforming” means an existing use, structure, site, or lot that conformed to the applicable codes in
31 effect on the date of its creation but that no longer complies because of changes in code requirements.
32 Nonconformity is different than and not to be confused with illegality (see “illegal use”). Legal
33 nonconforming lots, structures, and uses are commonly referred to as “grandfathered.”
34

35 “Nonconforming lot” means an existing lot that does not conform to the area, width, depth, or street frontage
36 regulations of the land use designation where it is located.
37

38 “Nonconforming structure” means an existing structure that does not conform to the dimensional
39 regulations, such as setback, height, lot coverage, density, and building configuration regulations of the
40 land use designation where it is located due to changes in code requirements. (See also “alteration,
41 nonconforming structures.”)
42

43 “Nonconforming use” means an existing use of a structure or of land that does not conform to the
44 regulations of the land use designation where the use exists due to changes in code requirements. (See also
45 “alteration, nonconforming use.”)
46

47 “Nonpoint-source” means the release of waste or other flows which occurs over a broad or undefined area.
48 Releases which can be described as confined to a small area, such as discharges from a pipe or conduit, are
49 referred to as “point-source discharges.” (See also “point-source discharge.”)
50

1 “Normal residential appurtenance, shoreline” means a structure or development that is necessarily
2 connected to the use and enjoyment of a single-family residence and which is expressly defined in WAC
3 173-27-040 and in Chapter 18.50 SJCC, for purposes of exemption from shoreline substantial development
4 permit requirements in accordance with WAC 173-27-040(g). Structures and activities considered normal
5 residential appurtenances include accessory dwelling units or other detached residential structures, garages,
6 sheds, decks attached to primary structures, private pedestrian pathways, stairways to access shorelines,
7 ramps, patios, fences, driveways, utilities, on-site sewage disposal systems, antennas, solar arrays, wind
8 power generators serving a single structure, satellite dishes, boat houses landward of the primary residential
9 structure served by marine railways that require a substantial development permit, official registered
10 historic structures, and grading which does not exceed 250 cubic yards and which does not involve
11 placement of fill in any wetland or waterward of the OHWM.
12

13 “Nursery” means lands or greenhouses used to raise flowers, shrubs, and plants for commercial purposes.
14

15 “Nursing home (long-term health care facility)” means a facility or residence that provides health or long-
16 term care services to residents, including nursing or other supportive or restorative health services, on a 24-
17 hour basis (RCW 43.190.020).

18 **SECTION 9. SJCC 18.30.190 and Ord. 25-2012 § 18 are each amended to read as follows:**

19 **18.30.190 Subarea plans.** (Reformatted – previous new F put in D for flow. Original D and E moved to E and F.)
20

21 Subarea plans provide goals, policies and may provide regulations which are consistent with but more
22 specific than the general provisions of the Comprehensive Plan and development code, ~~and~~. They are
23 developed ~~when necessary~~ to meet the needs of a particular geographic area or to manage a particular
24 resource. Chapter 18.90 SJCC includes procedures for creating and amending subarea plans. Adopted
25 subarea plans include:
26

27 **A.** The Eastsound subarea plan, Chapter ~~16.55~~ 18.30 Article VIII SJCC, and any amendments thereto.
28

29 **B.** The Shaw Island subarea plan, Chapter 16.45 SJCC, and any amendments thereto.
30

31 **C.** The Waldron Island Limited Development District subarea plan, Chapter 16.36 SJCC, and any
32 amendments thereto.
33

34 **D.** The Lopez Village subarea plan, and any amendments thereto. ~~The San Juan Islands Trust Lands~~
35 ~~Management Plan, adopted by the County (Ordinance No. 86-1986).~~
36

37 **E.** The San Juan Islands Trust Lands Management Plan, adopted by the County (Ordinance No. 86-1986).
38 ~~The San Juan County Open Space and Conservation Plan, adopted in 1991 (Ordinance No. 124-1991), and~~
39 ~~any amendments thereto.~~
40

41 **F.** The San Juan County Open Space and Conservation Plan, adopted in 1991 (Ordinance No. 124-1991),
42 and any amendments thereto.
43

44 **SECTION 10. SJCC 18.30.210 and Ord. 25-2012 § 21 are each amended to read as follows:**
45

46 **A.** Purpose. To provide controls for development of the Lopez Village urban growth area, the Lopez
47 Village growth reserve area and the Lopez marine center LAMIRD.
48

~~B. Standards for New and Substantially Altered Development. Chapter 18.30 SJCC Article IX contains specific development regulations and standards for All new development, and all substantial alterations within the boundaries of Lopez Village urban growth area. are subject to the development standards of SJCC 18.60.240~~

~~C. Lopez Village urban growth area Allowable and Prohibited Uses.~~

~~1. The village commercial (VC) designations provisions of in Tables 18.30.030 (SJCC 18.30.030) and 6.1 (SJCC 18.60.050) X of this ordinance shall apply to the entire Lopez Village urban growth area, except as modified by SJCC 18.60.220(D) for planned unit developments.~~

~~2. The following standards shall apply to the Lopez Village urban growth area:~~

~~a. 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.~~

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

~~c. Landscaping and Open Space. Include open or landscaped areas as listed in Table 6.1.~~

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

~~e. Shoreline Development. For areas within the shoreline jurisdiction, the applicable regulations of Chapter 18.50 SJCC shall apply.~~

~~D. Lopez Village urban growth area Densities, and Density Bonus for Affordable Housing and Water Conservation Measures.~~

~~1. Base Density. Single family residential development in the Lopez village residential designation may occur uUp to four dwelling units per acre.~~

~~a. All development subject to this section that is not served by the existing public sewage treatment system:~~

~~i. Must have sewer capability that meets the design specifications of the sewer district systems for later connection;~~

~~ii. Must connect to the established urban growth area water purveyor within one year of such service becoming available to the development.~~

~~b. All development subject to this section that is not served by an existing community Class A water system must connect to the community Class A water system within one year of such service becoming available to the development.~~

~~c. For all development subject to this section, the applicant must execute and record with the auditor a statement, binding on the owner, successors, heirs, and assigns, which provides that the owner will not object to the formation of a utility local improvement district for water or sewer.~~

~~d. Development and associated improvements and structures shall be located on the property so that they shall not preclude future potential development at a density of four units per acre or.~~

1 ~~e. Land divisions shall provide remainder lots that will allow an average density with the division~~
2 ~~of four units or greater.~~

3 ~~f. The following note shall be on the face of the plat of all subdivisions and short subdivisions~~
4 ~~and on all deeds filed as part of an exempt division:~~

5
6 ~~This land division is located within an urban growth area. This land division~~
7 ~~has been designed in a manner to allow the future redivision to achieve an~~
8 ~~average density of four homes per acre.~~

9
10 ~~g. Development applications are exempt from the requirements of subsections (D)(1)(d)~~
11 ~~through (f) of this section where:~~

12
13 ~~i. Commercial development is both within a land use designation that does not prohibit~~
14 ~~residential development or limits it to accessory use, and the area available for future~~
15 ~~development is less than 0.5 acres.~~

16
17 ~~ii. Residential development will achieve a residential density of four units per acre or greater.~~

18
19 ~~iii. Development is within a land use designation or density designations that has been~~
20 ~~indicated on the official maps as not require planning to maintain the potential to develop~~
21 ~~residential density of four units per acre or greater.~~

22
23 ~~2. Density Bonus. A density increase to a maximum of eight units per acre may be approved for a~~
24 ~~residential development in the Lopez Village UGA provided the following requirements are met:~~

25
26 ~~a. An application for a planned unit development as provided in SJCC 18.80.160 is required and~~
27 ~~the development satisfy the requirements of SJCC 18.60.220.~~

28
29 ~~b. A two unit per acre density bonus may be approved if water conservation features are included~~
30 ~~in the design of the project and the applicant can demonstrate that the water conservation features~~
31 ~~will reduce demand by 15 percent from the water purveyor's average annual usage for each~~
32 ~~equivalent residential unit.~~

33
34 ~~c. A two unit per acre density bonus may be approved if a minimum of two affordable housing~~
35 ~~units are provided, a three, unit per acre density bonus may be approved if a minimum of three~~
36 ~~affordable housing units are provided., or a four unit per acre density bonus many be approved if a~~
37 ~~minimum of four affordable housing units are provided. Affordable housing for this section shall~~
38 ~~means long term affordability for low and moderate income households as most recently defined~~
39 ~~by the U.S. Department of Housing and Urban Development and San Juan County. See SJCC~~
40 ~~18.60.240.~~

41
42 ~~d. The density bonus for affordable housing and the density bonus for water conservation may be~~
43 ~~combined to provide a density bonus of four per acre, which when combined with the underlying~~
44 ~~density of four units per acre would result in a maximum of eight dwelling units per acre.~~

45
46 **E. Resource Land Buffer.**

47
48 ~~1. A buffer area of at least 50 feet shall be maintained from the boundary of any property designated~~
49 ~~as agricultural resource land.~~

50 ~~2. No new structure shall be allowed within the buffer area that houses a residential occupancy, or a~~
51 ~~commercial occupancy which provides lodging or food service to visitors.~~

1 **DF.** Land Use Controls in the Lopez Village Growth Reserve Area.
2

3 1. The Lopez Village growth reserve area ~~shall~~ **must** follow the land use designation standards of the
4 rural farm forest (RFF) as listed in Table 18.30.040, Allowable and Prohibited Uses in Rural, Resource,
5 and Special Land Use Designations, which allows a current density of one unit per five acres except
6 that new development and associated improvements and structures shall be located on the property so
7 that they ~~shall~~ **must** not preclude future potential development as a density of four units per acre or
8 greater in the growth reserve area.
9

10 2. Land divisions ~~shall~~ **must** provide remainder lots that will allow an average density with the
11 division of four units per acre or greater.
12

13 3. The following note ~~shall~~ **must** be on the face of the plat of all subdivisions and short subdivisions
14 and on all deeds filed as part of an exempt division:
15

16 This land division is located within a growth reserve area. This land division has been
17 designed in a manner to allow the future redivision to achieve an average density of
18 four homes per acre.
19

20 **E G.** Marine Center LAMIRD. The Lopez area marine center LAMIRD (limited area of more intense rural
21 development) ~~shall~~ **must** be governed by the village commercial (VC) land use designation as listed in
22 SJCC 18.30.030, Table 18.30.030, Allowable and Prohibited Uses in Activity Center Land Use
23 Designations, and will allow a residential density of four dwelling units per acre.
24

25 **SECTION 11. SJCC 18.30.240 and Ord. 11-2000 § 5 are each amended to read as follows:**
26

27 **18.60.240 Standards for new and substantially altered development – Eastsound and Lopez Village**
28 **urban-growth areas.**
29

30 **A.** Applicability. All new development, and all substantial alterations, within the Eastsound urban growth
31 areas of Eastsound and Lopez Village.
32

33 **B.** General Regulations.
34

35 1. All development subject to this section that is not served by the existing public sewage treatment
36 system:
37

38 a. Must have sewer capability that meets the design specifications of the sewer district systems
39 for later connection; and

40 b. Must connect to the public system within one year of such service becoming available to the
41 development.
42

43 2. All development subject to this section that is not served by an existing community Class A water
44 system must connect to the community Class A water system within one year of such service becoming
45 available to the development.
46

47 3. For all development subject to this section the applicant must execute and record with the auditor a
48 statement, binding on the owner, successors, heirs, and assigns, which provides that the owner will not
49 object to the formation of a utility local improvement district for water or sewer.
50

1 4. Development and associated improvements and structures ~~shall~~ must be located on the property so
2 that they ~~shall~~ must not preclude future potential development at a density of four (4) units per acre or
3 greater.

4
5 5. Land divisions ~~shall~~ must provide remainder lots that will allow an average density with the division
6 of four units or greater.

7
8 6. The following note ~~shall~~ must be on the face of the plat of all subdivisions and short subdivisions,
9 and on all deeds filed as part of an exempt division:

10
11 This land division is located within an urban growth area. This land division has been
12 designed in a manner to allow the future redivision to achieve an average density of
13 four homes per acre.

14
15 7. Development applications are exempt from the requirements of subsections (B)(4) through (6) of
16 this section where:

17
18 a. Commercial development is both within a land use district that does not prohibit residential
19 development or limits it to accessory use, and the area available for future development is less than
20 0.5 acre.

21 b. Residential development will achieve a residential density of four units per acre or greater.

22
23 c. Development is within a land use district or density designation that has been indicated on the
24 official maps as not requiring planning to maintain the potential to develop residential densities of
25 four units per acre or greater.

26
27 **NEW SECTION. Section 12. A new section is added to SJCC Chapter 18.30 to read as**
28 **follows:**

29
30 **Article IX**
31 **Lopez Village Urban Growth Area**

32
33 **Applicability of Article IX.**

34
35 **A.** Article IX provides specific land use regulations and development standards for the Lopez Village
36 urban growth area which are intended to implement the goals and policies of the Lopez Village subarea
37 plan, a component of the San Juan County Comprehensive Plan.

38
39 **B.** Where subarea specific regulations or development standards are not established, applicable regulations
40 in SJCC Title 18 ~~shall~~ apply.

41
42 **C.** In cases of a conflict, the goals and policies of the Lopez subarea plan and specific regulations of Article
43 IX prevail.

44
45 **Lopez Village Planning Review Committee.**

46
47 **A.** The Lopez Village Planning Review Committee is established by the County council.

48
49 **B.** The Lopez Village Planning Review Committee ~~shall~~ must consist of five (5) members, all residents of
50 Lopez Island appointed by the County council for terms of three (3) years each so that terms of all members
51 do not coincide. Terms of 1 member ~~shall~~ must be for one (1) year from the date of adoption of the ordinance

1 codified in this chapter and the terms of 2 members ~~shall~~ **must** be for a period of two (2) years from the
 2 anniversary of the date of adoption and 2 for three (3) years from the anniversary of the date of adoption.

3
 4 **C.** The purpose of the Lopez Village Planning Review Committee is to advise the department, planning
 5 commission and the County council on land use and development matters affecting the Lopez Village urban
 6 growth area.

7
 8 **D.** The Lopez Village Planning Review Committee ~~shall~~ **must** have the authority to:

9
 10 1. Review the Lopez Village subarea plan and development regulations at least once every five (5)
 11 years from the date of adoption. The Lopez Village Planning Review Committee may recommend
 12 amendments following SJCC 18.90.050 to more effectively achieve the purposes and policies of the
 13 Lopez Village subarea plan.

14
 15 2. Provide early design guidance to persons proposing development in the Lopez Village urban
 16 growth area.

17
 18 3. Review and provide comments to the director on proposed development and project permit
 19 applications, and environmental determinations issued according to the State Environmental Policy Act
 20 for proposed developments in the Lopez Village urban growth area;

21
 22 4. Monitor applications and permits for development within Lopez Village urban growth area to
 23 enable effective implementation of the Lopez Village subarea plan;

24
 25 5. Hold regular meetings with County representatives and utility providers for the exchange of
 26 information about plans for the extension of services or improvements to facilities within Lopez Village
 27 subarea plan; and

28
 29 6. ~~The LVPRC may~~ **a** Address parking issues or may establish a parking subcommittee. Membership
 30 on the subcommittee is by appointment of the County council. The subcommittee is comprised of up
 31 to five (5) members: two (2) representing the general public; two (2) **Lopez Village Planning and**
 32 **Review Committee members**; and one (1) contributor to the fee-in-lieu parking fund, once available.
 33 The **LVPRC Lopez Village Planning and Review Committee** may advise the County council or the
 34 fund administrator on parking fund issues.

35
 36 7. Make recommendations to the director regarding the intent or meaning of the provisions of the
 37 **LVSP Lopez Village subarea plan** or development regulations affecting Lopez Village urban growth
 38 area; and

39
 40 8. Fulfill the above responsibilities or other responsibilities directed by County council in accordance
 41 with bylaws for conduct for committees adopted by the County council.

42
 43 **Lopez Village urban growth area densities, and density bonuses.**

44
 45 **A.** The base density in the Lopez village residential designation is up to six (6) dwelling units per acre. The
 46 village commercial designation has no base density.

47
 48 **B.** All development subject to this section that is not served by the existing public sewage treatment
 49 system:

1 1. Must have sewer capability that meets the design specifications of the sewer district systems for
2 later connection; and

3
4 2. Must connect to the established urban growth area ~~water sewer district purveyor~~ within one year of
5 such service becoming available to the development.
6

7 **C.** All development subject to this section that is not served by a designated community Class A water
8 system must connect to one within one year of such service becoming available to the development.
9

10 **D.** For all development subject to this section, the applicant must execute and record with the auditor a
11 statement, binding on the owner, successors, heirs, and assigns, which provides that the owner will not
12 object to the formation of a utility local improvement district for water or sewer.
13

14 **E.** Development and associated improvements and structures ~~shall~~ **must** be located on the property in the
15 village residential designation so that they ~~shall~~ **must** not preclude future potential development at a
16 minimum density of six (6) units per acre.
17

18 **F.** Land divisions in the village residential designation ~~shall~~ **must** provide remainder lots that will allow
19 an average density with the division of six (6) units per acre or greater. The following note ~~shall~~ **must** be
20 on the face of the plat of all subdivisions and short subdivisions and on all deeds filed as part of an exempt
21 division:
22

23 This land division is located within an urban growth area. This land division
24 has been designed in a manner to allow the future redivision to achieve an
25 average density of six homes per acre.
26

27 **G.** Development applications are exempt from the requirements of subsections (E) and (F) of this section
28 where:
29

30 1. Commercial development is within the village commercial designation.
31

32 2. Residential development will achieve a residential density of six (6) units per acre or greater in the
33 village residential designation.
34

35 3. Development is within the village commercial and village institutional designations that do not
36 require planning to maintain the potential to develop a residential density of six (6) units per acre or
37 greater.
38

39 **H.** A density increase of up to a maximum of twelve (12) units per acre may be approved for a residential
40 development in the village residential designation provided ~~the following requirements are met: 1.A~~ **an**
41 application for a planned unit development as provided in SJCC 18.80.160 is required and the development
42 satisfies the requirements of SJCC 18.60.220.
43

44 **I.** ~~2.~~ A two (2) unit per acre density bonus may be approved if water conservation features are included
45 in the design of the project and the applicant can demonstrate that the water conservation features will
46 reduce demand by fifteen (15) percent from the water purveyor's average annual usage for each
47 equivalent residential unit.
48

49 **J.** ~~3.~~ A two (2) unit per acre density bonus may be approved if a minimum of two (2) affordable housing
50 units are provided, a three (3), four (4), five (5) or six (6) unit per acre density bonus may be approved if a
51 minimum of three (3), four (4), five (5) or six (6) affordable housing units are provided. Affordable housing

1 for this section means perpetual affordability for low and moderate income households as most recently
2 defined by the U.S. Department of Housing and Urban Development. ~~See SJCC 18.60.240.~~ **Council**
3 **Alternative: Affordable housing for this section means perpetual affordability for households with**
4 **moderate income and below as defined by SJCC 2.27.020(C). See SJCC 18.60.240 260.**
5

6 **K.** The density bonus for affordable housing and the density bonus for water conservation may be
7 combined to provide a **maximum** density bonus of six (6) **units** per acre, which when combined with the
8 underlying density of six (6) units per acre would result in a maximum of twelve (12) **dwelling** units per
9 acre.

10
11 **Lopez Village urban growth area resource buffer.**

12
13 **A.** A resource buffer of at least fifty (50) feet ~~shall~~ **must** be maintained from the boundary of any property
14 designated on the official map as agricultural resource land.

15
16 **B.** New structures for a residential or commercial occupancy that provides lodging or food service to
17 visitors are not allowed within the resource buffer.

18
19 ~~**18.XX.XXX—Lopez Village urban growth area split land use designations.**~~

20
21 ~~**A.** If a lot has multiple land use designations, each separately designated portion of the lot may be~~
22 ~~developed, subdivided, or used consistent with the applicable use regulations for its designation; provided,~~
23 ~~that each separately designated portion of the lot meets all applicable San Juan County Code requirements.~~
24

25 ~~**B.** Subdivisions allowed under this section shall occur within or along the land use designation boundary~~
26 ~~line. They shall not result in lots with multiple land use designations.~~
27

28 **Allowed and prohibited uses in Lopez Village urban growth area.**

29
30 **A.** Allowable and prohibited uses in Lopez Village urban growth area are established in Table 18.30.XXX
31 below, except as modified by SJCC 18.60.220(D) for planned unit developments.
32
33
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1 **Table X Land use table – Lopez Village urban growth area land use designations.**

How to use this Table

This table displays Lopez Village urban growth area land use designations and classifies uses allowed and prohibited uses. The information in the table is modified by the table footnotes and the following bullets:

- A location may have a multiple designation; such as when the Shoreline Master Program (SMP) or another overlay district applies to the location. Shoreline jurisdiction designations use some of the same names as the uplands land use designations; however, where allowable uses differ between the uplands and shorelines designations, compliance with the SMP is also required.
- All regulations in this code apply to the uses and activities listed in these tables. To determine whether a particular use or activity can occur in a land use designation and location, all relevant regulations must be consulted in addition to this table.

Lopez Village urban growth area Land Use Designations

VC = Village commercial
VR = Village residential
VI = Village institutional

Categories of Uses

Y = Uses allowed outright (i.e., without a project permit), subject to applicable development standards. If a building or other construction permit is required, this use is subject to administrative consistency review; see SJCC 18.80.070.

P = Provisional use (a project permit) subject to the applicable development standards, public notice, and permit processing procedure.

P/C = After review of SJCC 18.80.090 and Table 8.2, the director will determine whether a provisional or conditional use permit will be required.

C = Conditional use (a project permit), subject to public notice and permit hearing procedure; see SJCC 18.80.100.

N = Uses that are prohibited.

Land Use	Lopez Village ^{1, 2, 3}		
	VC ¹⁴⁻¹³	VI	VR ¹³⁻¹²
Commercial Uses			
Animal shelters and kennels	P	N	N
Artisan activities	<u>P</u> <u>Y</u>	N	N
Auto fuel service stations and repair services	<u>P</u> <u>Y</u>	N	<u>N</u> <u>P</u>

Bed and breakfast inn	P	N	P/C
Bed and breakfast residence	<u>P</u> Y	N	P
<u>Brewery, distillery, wine and mead-making</u>	<u>P</u> or <u>Y</u>	<u>N</u>	<u>N</u>
Camping facilities	N	N	N
Family-d <u>Day</u> care (1- 12 <u>6</u> children)	Y	Y	C
Day care center (12 <u>7</u> or more children)	P	Y	N
Day care/ <u>health</u> , adult (1 – 8 adults)	Y	Y	C
<u>Family daycare provider – up to 12 children in the providers family living quarters</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Drinking establishment (No drive thru)	Y	N	N
Eating establishment (No drive thru)	Y	N	N
Hostel	Y	Y	C
Hotel/Motel	Y	N	N
Indoor entertainment facility ⁴	C	C	N
<u>Mobile food vending units</u> , temporary	Y	Y	N
Nursing homes (1-8 persons)	N <u>Y</u>	C <u>Y</u>	C <u>P</u>
Personal and professional services	Y	N <u>P</u>	N
Personal wireless service facilities, co-located on an existing, permitted stand-alone tower, or mounted to the surface of an existing structure	P	P	C ⁽¹⁰⁾
Personal wireless service facilities mounted on a building which meets the height standards of the land use designation, or facilities camouflaged or disguised as an allowable exemption to the height standard	P	P	C
Personal wireless service facilities, other	C	P	N
Resorts and camps, new	N	N	N
Retail sales and services	<u>Y</u> P	N	N
<u>Farmers Market</u>	<u>Y</u>	<u>Y</u>	<u>N</u>
Warehouse, mini-storage, and moving storage facilities	N	N	N

Unnamed commercial uses	C	N	N
Industrial Uses			
Bulk fuel storage facilities	N	N	N
Concrete and concrete batch plants	N	N	N
Construction yards	N	N	N
Feedlots	N	N	N
Garbage and solid waste transfer stations	N	N	N
Heavy equipment rental services	N	N	N
Heavy industrial	N	N	N
Light industrial	N	N	N
Light manufacturing that has no more impacts from vibrations, noise and odor than general office use	P	N	N
Lumber mills, stationary	N	N	N
Outdoor storage yards	N	N	N
Reclamation of mineral extraction sites	N	N	N
Recycling collection/processing	N	N	N
Recycling collection	P	N	N
Resource processing accessory to extraction operations	N	N	N
Mining and mineral extraction activities	N	N	N
Wholesale distribution outlet	N	N	N
Wrecking and salvage yards	N	N	N
Storage and treatment of sewerage, sludge and septage Note: duplicate, see utilities	N	N	N
Unnamed industrial uses note	N	N	N

Institutional Uses			
College or technical school/adult education	P	Y	N
Community club or community organization assembly facility	C Y	C Y	N
Emergency services	P	P	N
Government offices	P Y	P Y	N
Institutional camps	N	N P/C	N
Library	Y	Y	N
Museum	Y	Y	N
Post office	Y	Y	N
Religious assembly facility	P	Y	N
School, primary and secondary	Y	Y	N
Unnamed institutional uses	C	C	C
Recreational Uses			
Camping facilities in public parks	N	N	N
Indoor recreation facilities	P Y	C Y	N
Outdoor recreation development, low impact ⁵	P	P	C
Parks, low impact ⁵	P	P	C
Playing fields, low impact ⁵	N	N	N
Recreational vehicle parks	N	N	N
Outdoor shooting ranges	N	N	N
Unnamed recreational uses	C	C	C
Residential Uses^{7,6}			
Cottage enterprise	P Y	N	P
Alternative A August 3rd Version: Neighborhood enterprise	Y	N	C ^{15 14}
Alternative B: LVPRC and Planning Commission Recommendation for Council Hearing: Neighborhood enterprise	Y	N	C

Alternative C: Do not adopt the neighborhood enterprise definition, standards or listing in this land use table			
Farm worker accommodations	N	N	N
Farm – stay	N	N	N
Home occupation	Y	N	Y
Mobile home parks ⁽⁶⁾ Council Alternative	N	N	C
Multifamily residential units (3+ units) Council Alternative: (add foot note 15: for affordable housing projects)	Y	N ^{P15}	Y
Single-family residential unit, stand-alone	N	N	Y
Council Alternative: <u>Single-family residential (1 unit only) or accessory apartment (1 unit only), accessory to an allowable nonresidential use</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Two-family residential (duplex), stand-alone	N	N	Y
Live-work units ⁸⁻⁷	Y	N	N
Unnamed residential uses	C	N	C
Vacation rental of residence or accessory dwelling unit	Y	N	P
Council Alternative: delete Vacation rental in a commercial building	Y	N	N
Transportation Uses			
Airfields	N	N	N
Airports	N	N	N
Airstrips	N	N	N
Hangars	N	N	N
Helipads associated with a medical clinic	Y	Y ^N	N
Ferry terminal	C	N	N
Parking lots, commercial	N ^C	N	N
Parking structures	N	N	N

Streets, public	Y	Y	Y
Trails and paths, public	Y	Y	Y
Unnamed transportation uses	P/C	<u>P/C</u> Y	N
Utility Uses			
Commercial communication facilities ^{9.8}	C	N	N
Commercial power-generation facilities	C	N	N
Community sewerage treatment facilities	P/C	N	N
Category “A” joint use wireless facility ^{10.9}	P/C	Y <u>P/C</u>	P/C
Category “B” joint use wireless facility	P/C	P/C	P/C
Storage and treatment of sewerage, sludge and septage systems other than lagoons	<u>C</u> N	<u>C</u> N	C
Utility distribution lines	Y	Y	Y
Utility facilities	Y	Y	Y
Utility substations	N	N	N
Utility transmission lines	N	N	N
Water storage tanks, community	P/C	P/C	P/C
Water treatment facilities	N <u>C</u>	N <u>C</u>	N <u>C</u>
Desalination facilities	C	C	C
Unnamed utility uses	C	C	P/C
Agriculture and Forestry Uses			
Agricultural activities	Y	N <u>Y</u>	Y ¹⁰ <u>N</u>
Forest practices, ^{11.11} no processing	N	N	Y
Lumber mills, portable may be temporary	Y	N	P
Nurseries (retail only)	Y	N	N

Small-scale slaughterhouses	N	N	N
Unnamed agricultural and forestry uses	C	N	C

Notes:

1. All uses must be consistent with the goals and policies of the land use designation in which they are proposed to occur; the Land Use Element of the Comprehensive Plan, and the Lopez Village subarea plan.
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 Chapter 18.50 SJCC, as well as the applicable provisions and permit requirements indicated in this table. Please refer to Chapter 18.50 SJCC for specific use regulations and regulations by shoreline environment; see also SJCC 18.80.110 for shoreline permit requirements.
3. Overlay districts provide policies and regulations in addition to those of the underlying land use designations 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, the applicable provisions of the overlay district ~~shall~~ must prevail over any conflicting provisions of the UDC.
4. Indoor entertainment centers may not exceed six thousand (6,000) square feet.
5. Low impact facilities ~~shall~~ must not include stadium lighting, permanent goalposts, grandstands, concession stands, or artificial turf.
6. ~~This row is to be only used for the development of mobile home parks that will use additional density allotted through a transfer of development rights (TDR) program. Otherwise, a mobile home park must meet the requirements of the subdivision regulations of Chapter 18.70 SJCC. For a platted mobile home park, allowable uses are indicated by the row "Single Family Residential Unit."~~
7. Owners or persons responsible for any horse, sheep, swine, donkey, goat, or other grazing animal, ~~shall~~ must not allow the animal to go at large in any public road or place. Such animals may only be housed on lots that are five (5) acres or larger. Rooster ~~shall~~ must not be allowed in the Lopez Village urban growth area.
- ~~7.8.~~ 7.8. When associated with a mixed-use building, the residential unit or units must be located on the second floor to allow commercial development on the bottom floor, except that residences may be placed behind the commercial portion of the building on the first floor. The ratio of residential floor to commercial floor area allowed is fifty percent (50%).
- ~~8.9.~~ 8.9. To minimize commercial developments on lands designated village residential, wireless facilities other than joint use wireless facilities must be accessory to a legal conforming or nonconforming structure and cannot be the primary land use.
- ~~9.10.~~ 9.10. Though a project permit is not required, facilities are subject to the requirements for joint use wireless facilities in Chapter 18.40 SJCC.
- ~~10.11.~~ 10.11. Agricultural activities are allowed except for "agricultural processing, retail and visitor serving facilities for products" in the village residential designation.
- ~~11.12.~~ 11.12. Forest practices including timber harvesting, except for Class IV General are regulated by the Washington Department of Natural Resources (see SJCC 18.40.120 through 18.40.180).
- ~~12.13.~~ 12.13. In Lopez Community Land Trust planned developments, small-scale agricultural activities, commercial uses, home occupations, and cottage industries are allowed with the approval of the Land Trust administration.
- ~~13.14.~~ 13.14. Commercial businesses must be operated in a way that will prevent unreasonable disturbance to area residents and that complies with San Juan County Code. No use of the property ~~shall~~ must be made that produces unreasonable vibration, noise, dust, smoke, odor or electrical interference to the detriment of adjoining properties.

Note ~~14.15~~ only pertains to Neighborhood Enterprise Alternative A: 15. In the village residential designation, only properties identified by the following tax parcels are eligible for neighborhood enterprises:

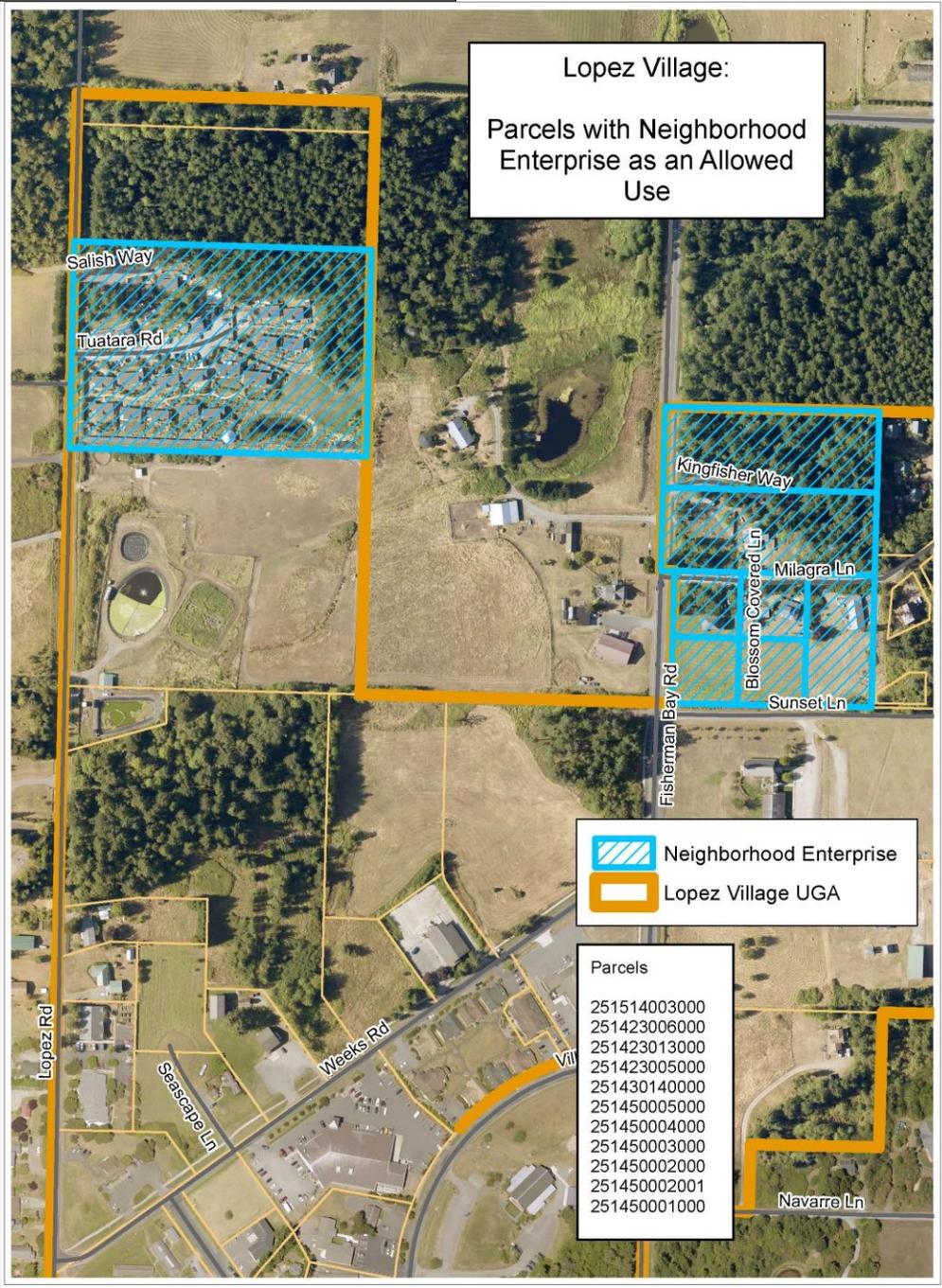
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9 **15 16. Multi-family housing in this designation is allowed only for affordable housing projects as**
10 **defined by SJCC 2.27.020(C).**

DRAFT

Neighborhood Enterprise Alternative A



0 140 280 560 840 Feet

Drawn By: Adam Zack
Drawn on: July 25, 2018

DRAFT

Document Path: N:\LAND USE\LONG RANGE PROJECTS\PCOMPL-14-0002 Lopez Village Plan\2017 DRAFT_PLAN_CODE_STANDARDS_MAPS\Draft Maps\GIS\Neighborhood_enterprise_parcel.mxd

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1 Lopez Village urban growth area setbacks and dimensional standards.
2

Table X Lopez Village urban growth area setbacks and dimensional standards.

Development Standard	Land Use Designation		
	Village Commercial	Village Institutional	Village Residential
Setbacks^{1 - 6}			
Front or Road ^{3,4,5}	Council Alternatives: <u>A. In Block A of the Lopez Village Association PUD: Maximum of five (5) feet ⁶</u> <u>B. Minimum of five (5) feet.</u>	Minimum of five (5) feet	Minimum of five (5) feet
Side	IRC or IBC* As applicable	IRC or IBC* As applicable	IRC or IBC* As applicable
Rear	Minimum of ten (10) feet	Minimum of ten (10) feet	Minimum of ten (10) feet
Rear - for Lopez Village Association Plat Block A and lots 21-23 in the village commercial designation	IRC or IBC* As applicable	NA	NA
Maximum Building Dimensions and Impervious Surface			
Maximum building footprint per building ^{7, 8, 9}	Six thousand (6,000) square feet <u>Eight thousand (8,000) square foot footprint</u> <u>No limit but must comply with the design standards in SJCC 18.XX.XXX</u>	Six thousand (6,000) square feet <u>Eight thousand (8,000) square foot footprint</u> <u>No limit but must comply with the design standards in SJCC 18.XX.XXX</u>	Three thousand (3,000) square feet
Height ¹⁰	Thirty-five (35) feet	Thirty-five (35) feet	Thirty-five (35) feet

Table X Lopez Village urban growth area setbacks and dimensional standards.

Development Standard	Land Use Designation		
	Village Commercial	Village Institutional	Village Residential
Maximum impervious surface ^{11, 12}	Sixty-five percent (65%)	Sixty-five percent (65%)	Forty percent (40%)

1 * IRC: International Residential Code. IBC: International Building Code

2 **Notes:**

- 3 1. Fences, are exempt from setback requirements, except when they impair sight lines at intersections, as determined
- 4 by the County engineer.
- 5 2. Setbacks do not apply to mailboxes, wells, pump houses, bus shelters, septic systems and drainfields, landscaping
- 6 (including berms), utility apparatus such as poles, wires, pedestals, manholes, water pipes, water valves and
- 7 vaults, at grade walkways, patios and driveways, and other items as approved by the administrator.
- 8 3. Setbacks from roads ~~shall~~ **must** be measured from the **edge of pavement margin line of the road right-of-way**.
- 9 This measurement ~~shall~~ **must** be to a line parallel to and measured perpendicularly from the appropriate line. Side
- 10 and rear setbacks are measured from the edge of the property in the same manner as street setbacks.
- 11 4. The maximum front or road setback may be reduced in village commercial district by the director after a
- 12 recommendation is received from the Lopez Village Planning Review Committee. The criteria for administrative
- 13 approval may include unique topographical circumstances, minimization of environmental or cultural resource
- 14 impacts, or greater compatibility with existing development and design features.
- 15 5. Road right-of-way setbacks may be waived, by the director after a recommendation is received from the County
- 16 engineer, when the presence of shoreline setbacks, property lines, topography, or other restrictions make it
- 17 unreasonable to construct a structure without encroaching into the road right-of-way setback.
- 18 6. Entry features such as sheltered entrances and covered decks and gathering spaces are exempt from this
- 19 requirement.
- 20 7. The building footprint will be determined by the horizontal area enclosed by the exterior wall line and contiguous
- 21 roofline excluding porches and decks that extend no more than ten (10) feet from the exterior wall line that is
- 22 closest to the average or natural grade.
- 23 8. Porches and decks that extend more than ten (10) feet from exterior wall line or exceed three hundred (300) square
- 24 feet cumulatively will be included in overall footprint except for those used as gathering spaces.
- 25 9. Footprints between four thousand and one (4,001) square feet and six thousand (6,000) square feet may be
- 26 approved with a conditional use permit. The Lopez Village Planning and Review Committee may make a
- 27 recommendation on the proposal to the director for inclusion in the staff report. **Council Alternative: delete**
- 28 **footnote 9**
- 29 10. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles,
- 30 skylights, communication sending and receiving devices, HVAC and similar equipment, and spires associated
- 31 with places of worship are exempt from height requirements.
- 32 11. Green roofs and pervious pavement will not be included in calculations of impervious surface for the purposes of
- 33 this table.
- 34 12. The maximum impervious surface requirement applies to all parcels in the Lopez Village urban growth area
- 35 except for the Lopez Village Association PUD Block A. Block A is allowed 100 percent full buildout.

36 **Fences.**

37
38 Fences in Lopez Village urban growth area may be up to eight (8) feet in height. Only the bottom three (3)

39 feet of the fence may be made of solid construction. The remainder of the fence should allow light and air

40 flow.

41
42
43

1 **Artisan activities.**

2
3 Artisan activities must:

4
5 **A.** Be conducted in buildings that are two thousand (2,000) square feet or less which offer retail sales;

6
7 **B.** Be located on, or developed to provide visual buffers such as landscape or fencing between outdoor
8 activities and roads, except for outdoor patios used for food and beverage service;

9
10 **C.** Not use equipment or material which produces unreasonable vibration, noise, dust, smoke, or electrical
11 interference to the detriment of adjoining property; and

12
13 **D.** Employ or contract with no more than the equivalent of six (6) full-time persons. No more than nine
14 (9) employees ~~shall~~ must be on site at one time.

15
16 **Hostels.**

17 **A.** The owner or lessee of the hostel ~~shall~~ must provide notice to the guests regarding rules of conduct and
18 their responsibility.

19
20 **B.** Owners of hostels must file a twenty-four (24)-hour contact phone number with the department and
21 county sheriff.

22
23 **C.** Hostels ~~shall~~ must provide bicycle parking facilities that comply with SJCC 18.60.130.

24
25 **D.** Hostels ~~shall~~ must utilize shared parking options when feasible as permitted by SJCC 18.XX.XXX
26 ~~section X of this ordinance.~~

27
28 **E.** Parking standards may be modified by the director upon approval of an alternative parking plan that
29 meets the needs of the hostel.

30
31 **F.** For every six (6) beds in a shared-room, a hostel may rent one (1) room for private accommodation.
32 Note: moved from definition because it is a regulation.

33
34 **Mobile food vending units. Planning Commission recommended version in red below:**

35
36 ~~**A.** Mobile food vending units are allowed on a property for a period not to exceed three (3) days per event
37 for a maximum of four (4) events per calendar year, except when located wholly or in part within shoreline
38 jurisdiction, they may be conducted only for a period not to exceed twenty four (24) hours per event and a
39 maximum of four (4) events per calendar year.~~

40
41 ~~**B.** Mobile food vending units are allowed to be located on private or public property. The written
42 permission of the property owner is required prior to set up.~~

43
44 ~~**C.** Mobile food vending units are not allowed to be located within fifty (50) feet of the main entrance of
45 an existing restaurant during its business hours unless the restaurant owner provides written permission to
46 the operator of the unit.~~

47
48 ~~**D.** Mobile food vending units must be placed at least five (5) feet from driveways, sidewalks, utility boxes,
49 accessibility ramps, and building entrances or exits.~~

1 Mobile food vending units:
2

3 A. Are allowed in the Village Commercial and Village Institutional designations in accordance with SJCC
4 18.XX.XXX (Note: Lopez Village land use table).
5

6 B. Area allowed as a temporary event in the Village Residential designation per SJCC 18.80.060.
7

8 C. May be located on private or public property except as prohibited by the street vending regulations in
9 Chapter 5.08 SJCC.
10

11 D. ~~Shall~~ Must comply with the County's food service health regulations in Chapter 8.04 SJCC and State
12 health regulations in Chapter 264-215 of the Washington Administrative Code.
13

14 E. Must be placed at least five (5) feet from driveways, sidewalks, utility boxes, accessibility ramps, and
15 building entrances or exits.
16

17 **Live/work units in the village commercial designation.**
18

19 *Live work/units are subject to the following:*
20

21 **A.** A mixed-use concept plan must be submitted to DCD prior to a required pre-application meeting.
22

23 **B.** Multiple live-work units may occur in one (1) structure.
24

25 **Neighborhood enterprise.**
26

27 The following standards apply to neighborhood enterprises:
28

29 **A.** The enterprise employs or contracts with no more than ten (10) persons on **site Council alternative:**
30 **at one time or in a 24 hour period. Question to be clarified.**
31

32 **B.** The neighborhood enterprise supplements the residential use of a dwelling unit or multi-family units.
33 The residential function of the dwelling units and property ~~shall must~~ be maintained. ~~The owners or operator~~
34 ~~of the neighborhood enterprise must reside on the parcel.~~ *Note: made C and section re-lettered.*
35

36 **C.** The owners or operator of the neighborhood enterprise must reside on the parcel.
37

38 **D.** A neighborhood enterprise may only operate ~~out of existing or new~~ in buildings that comply with the
39 most current construction codes (Chapter 15.04 SJCC).
40

41 ~~E. If one or more structures accessory to a single family residence or multi-family unit is used for the~~
42 ~~conduct of the neighborhood enterprise, ~~the~~ total use area in accessory structures devoted to ~~it~~ the~~
43 ~~neighborhood enterprise must shall~~ not exceed 2,500 square feet in area on parcels two acres or less in size,
44 except for existing accessory buildings constructed before (the effective date of this code).
45

46 **F.** Sales and services related to the neighborhood enterprise are allowed. Small scale exterior display of
47 goods for sale ~~shall be is~~ allowed in an area not to exceed four by six feet (4' x 6').
48 Drive through windows are not allowed.
49

1 **G.** Outdoor storage areas exceeding five hundred (500) square feet shall not be visible from adjacent
2 properties or rights-of-way. They must be visually screened by fencing, existing vegetation or landscaping
3 that complies with SJCC. 18.XX.XXX (*landscaping code*).
4

5 **H.** No more than two signs are allowed. ~~No-s~~Sign may not be: larger than two square feet, internally
6 illuminated, or made of reflective material.
7

8 **I.** The impacts of the neighborhood enterprise must not:
9

- 10 1. Increase the one-hour average background sound level by more than two (2) decibels at the property
11 boundary.
- 12 2. Generate traffic that would exceed: (note-reformatted with drop downs)
13 a. Twenty (20) round trips per day if the use is located on a local access road or a non-surfaced
14 minor collector road;
15 b. Fifty (50) round trips per day if located on a surfaced minor collector road; or
16 c. One hundred (100) round trips per day if located on and access is permitted from Fisherman Bay
17 Road.
18 3. Have visible parking spaces except from Fisherman Bay Road or other major collector. Parking
19 ~~shall~~ must otherwise be screened from view from adjoining properties by a “Type A” landscaping screen
20 in accordance with SJCC 18. XX.XXX (LV landscaping requirements) or visual fencing.
21
22
23
24

25 **J.** Applications for proposed neighborhood enterprises must include the following information in addition
26 to the general land use application requirements:
27

- 28 1. A complete project narrative that describes the business proposal including:
29 a. the size, scale and intensity relative to the residential development on the lot;
30 b. hours, days, times of operation;
31 c. the number of employees;
32 d. the number of anticipated vehicular trips per day;
33 e. the number of required parking spaces and how the proposal will meet those requirements;
34 f. the proposed ingress and egress;
35 g. location of proposed clearing, grading or vegetation removal;
36 h. the use of any existing buildings and the size;
37 i. location and use of any proposed structures;
38 j. provisions for storage, type, use;
39 k. description of and location of lighting and lighting requirements in SJCC 18.XX section X;
40 l. description and location of landscaping that meets the requirements in SJCC 18.XX section X; and
41 m. explanation of how the use will be located, designed and operated so as to not interfere with
42 neighboring properties.
43
44 2. Proposals to mitigate any neighborhood impacts.
45

46
47 **K.** The director may condition the permit to address possible adverse impacts associated with the
48 neighborhood enterprise.
49

1 L. The owner(s) of a neighborhood enterprise ~~shall~~ must certify compliance with the performance
2 standards in subsections (A) through (H) of this section, at the time the business commences, every five
3 years, and at the time of sale of the property. Written certification ~~shall~~ must be submitted to the department
4 in a format approved by the administrator that references the permit number.

5
6 **Signs.**

7
8 A. The following signs are exempt from the regulations contained in subsections B through D:

- 9
- 10 1. Signs required by law, and flags of national and state governments.
 - 11 2. “No Hunting” and “No Trespassing” signs smaller than two (2) square feet.
 - 12 3. Political signs. ~~that are erected no more than forty five (45) days prior to an election and are~~
13 ~~removed by the candidate or landowner no more than seventy two (72) hours following an election~~
14 ~~terminating candidacy. Political signs shall not exceed six (6) square feet in area.~~
 - 15 4. Special event signs for periods not to exceed thirty (30) total days in a calendar year in the village
16 commercial and village institutional designations.
 - 17 5. Public notice signs.
 - 18 6. Traffic signs and traffic control devices and signals.
 - 19 7. Temporary holiday decorations.
 - 20 8. One temporary construction sign of up to fifteen (15) square feet in area for a period not to exceed
21 twelve (12) consecutive months.
 - 22 9. House numbers.
 - 23 10. Temporary garage sale signs posted for a period ~~of~~ not to exceed four (4) days.

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31
32 B. Exterior signs in all Lopez Village urban growth area designations must not: ~~are subject to the~~
33 ~~following:~~

- 34
35
36
37 ~~1. Neon signs, signs that are illuminated from within, and signs or portions of signs that move, flash,~~
38 ~~or are otherwise animated are prohibited.~~
- 39
40 ~~2. Revolving signs, moored balloons, or other floating signs tethered to the ground or structure, signs~~
41 ~~with kinetic components, and digital or LED lighted signs are prohibited.~~
- 42
43 ~~3. Only indirect or bare bulb lighting sources that do not produce glare may be used to illuminate~~
44 ~~signs. All illumination shall be steady and stationary. Internal illumination shall not be used.~~
- 45 1. Be illuminated from within; include digital, LED or neon components. Indirect or bare-bulb
46 lighting sources that do not produce glare may be used to illuminate signs; and
 - 47 2. Include moving, flashing parts, or moored balloons or other floating components tethered to the
48 ground or structure
- 49
50

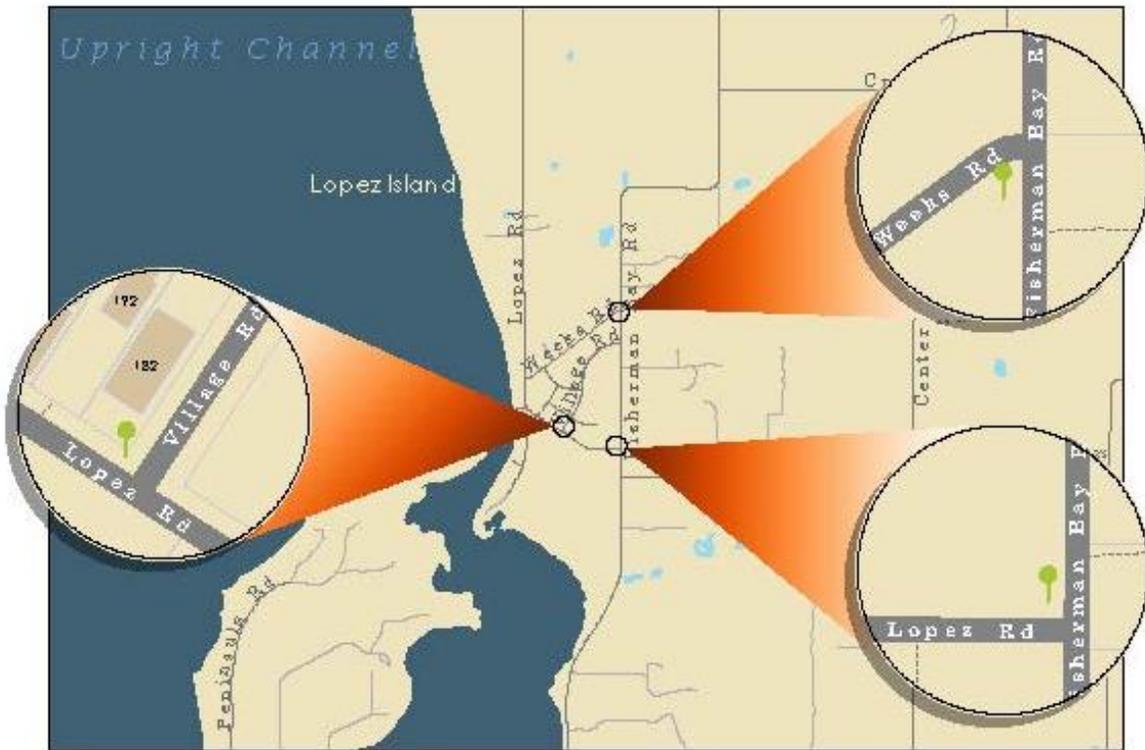
1 ~~3.—Permanent signs must be made of durable materials.~~

2
3 C. The following general sign regulations apply to signs in the village commercial and village institutional
4 designations:

- 5
6 1. Signs must be related to a business, service, or event ~~or~~ within Lopez Village urban growth area.
7
8 2. Except for multi-tenant properties regulated by subsection (11) below, each building or land use
9 activity ~~will be~~ is allowed three (3) signs. A sign face area of up to forty-five (45) square feet is allowed.
10
11 3. The maximum size of any sign in village commercial and institutional designations is fifteen (15)
12 square feet.
13
14 4. Signs must be oriented toward pedestrian trails or abutting roads.
15
16 5. Window signs ~~shall not be~~ made of opaque materials that obscure views into and out of the window
17 are prohibited.
18
19 6. Awnings and canopies with letters, wording, or symbols, and/or those covered with translucent
20 material are considered signs. Signs on awnings and canopies must be on the valance, the portion
21 parallel to the window. Internal illumination of awnings and canopies is ~~not permitted~~ are prohibited
22 except ~~when if~~ concealed in a way to provide directional light needed to illuminate sidewalks or
23 storefronts.
24
25 7. Projecting signs must be mounted perpendicularly to a building or column and allow eight (8) feet
26 of overhead clearance above public walkways. ~~They~~ Projecting signs may be ~~no larger than~~ up to six
27 (6) square feet.
28
29 8. ~~No s~~ Signs mounted on a building ~~shall~~ must not extend above or beyond the eave, rake, or parapet
30 of the wall on which it is mounted.
31
32 9. Wall mounted signs must not project more than six (6) inches from the building wall. The size of
33 signs painted on buildings ~~shall~~ must be measured by the smallest polygon enclosing the letters and
34 symbols of the sign.
35
36 10. One (1) of the three (3) signs allowed in subsection (C)(2) above may be a freestanding sign. One
37 freestanding sign no taller than six (6) feet is permitted per lot. Freestanding signs must be placed near
38 the public right-of-way where feasible and may not obstruct pedestrian pathways.
39
40 11. On multi-tenant properties, a master signage plan ~~shall~~ must be developed for review by the director
41 and Lopez Village Planning and Review Committee (~~LVPRC~~). If used, a multi-tenant sign ~~shall~~ must
42 group signage for the tenants in a single unified design. The multi-tenant sign ~~shall~~ must count towards
43 one (1) of two (2) signs allowed per tenant. A multi-tenant sign may be up to fifteen (15) square feet.
44 Other tenant signs may be up to six (6) square feet. The master signage design ~~shall~~ must be submitted
45 to the director who will forward the plan to the ~~LVPRC~~ Lopez Village Planning and Review Committee
46 for a review and recommendation. ~~The director shall make the decision based on a review of size, scale~~
47 ~~and location of the proposal.~~
48
49 12. Off-premise signs are prohibited, except as allowed below:
50

- a. Temporary off-premise, outdoor commercial signs such as A-frame sandwich boards are permitted for a maximum of five (5) consecutive days on designated sign pads in the public right-of-way at the following intersections:
 - i. Southwest corner of Weeks and Fisherman Bay roads;
 - ii. Northwest corner of Lopez and Fisherman Bay roads; and
 - iii. Northwest corner of Lopez and Village roads.

Figure X. Permitted locations for outdoor commercial signs.



- b. Directional signs are allowed in Lopez Village urban growth area if they are:
Note- re-done for cohesiveness / succinctness, implementation practicality.
 - ~~i. Provide direction to geographical places (e.g., Spencer Spit). They may only be placed at intersections and may be no larger than four (4) inches by twenty four (24) inches (4" x 24") unless they are part of an island wide sign program and receive written approval by the director and County engineer who may approve signs up to six (6) inches by forty two (42) inches after evaluating locational and site specific circumstances.~~
 - ~~ii. Provide direction to other major public destinations (e.g., and post offices). They may be up to four (4) inches by twenty four (24) inches (4" x 24") and are permitted at intersections subject to a review by the director, LVPRC, and County engineer. The proponent must demonstrate that a sign or signs are necessary due to unusual circumstances.~~

1 ~~iii. For approval under subsections (12)(a) and (b) above, a letter of request must be~~
2 ~~submitted to the director that identifies the sign purpose, size, and intersection(s) where signs~~
3 ~~are proposed, as well as any special circumstances that make the sign necessary.~~

4
5 i. Up to four (4) inches by twenty-four (24) inches (4" x 24") and

6
7 A. Are allowed only at intersections to provide direction to geographical places (e.g.,
8 Spencer Spit) or

9
10 B. Provide direction to other public destinations (e.g., and post offices) and are
11 allowed to be placed at intersections.

12
13 ii. Up to six (6) inches by forty-two inches (6" x 42") if located in a public park or County
14 land bank preserve.

15
16 iii. Part of an island-wide sign program approved by the director ~~County council or County~~
17 engineer.

18
19 D. When permitted, signs in the village residential designation ~~shall~~ **must** comply with the following:

20
21 1. One (1) sign up to two (2) square feet is permitted to advertise or identify a home occupation,
22 neighborhood enterprise, or cottage industry. It may not be internally illuminated or made of reflective
23 materials.

24
25 2. The sign may be mounted on the residence or freestanding. Freestanding signs may not be placed
26 higher than three (3) feet above grade.

27
28 E. Deviations from these sign regulations may be permitted subject to the following:

29
30 1. A written proposal ~~is~~ **must be** submitted to the director that identifies the code section proposed to
31 be varied, the purpose and need for the deviation including any geographical, topographical, or existing
32 development conditions that support a change.

33
34 2. The director will forward the proposal to the Lopez Village Planning and Review Committee for a
35 review and a recommendation to the director.

36
37 3. The director will consider the ~~LVPRC~~ Lopez Village Planning and Review Committee's
38 recommendation and make a decision regarding the proposal after considering site and development
39 circumstances.

40
41 **Lighting.**

42
43 A. The basis for these lighting regulations is the low ambient lighting standards, LZ1 from the *2011 Joint*
44 *IDA-OES Model Lighting Ordinance* (MLO). Lighting allowances are based on lumens, a unit of measure
45 used to quantify the amount of light produced by a lamp (the source of optical radiation; i.e. lamp, bulb,
46 tube, etc.), or emitted from a lighting fixture.

47
48 B. These regulations are intended to:

- 1 1. Permit the use of outdoor lighting that does not exceed minimum levels recommended for night-
2 time safety, utility, security, productivity, enjoyment and commerce;
- 3
- 4 2. Minimize adverse off-site impacts such as light trespass, glare and obtrusive light;
- 5
- 6 3. Minimize light pollution, reduce sky glow and improve stargazing;
- 7
- 8 4. Protect wildlife from the adverse effects of night lighting; and
- 9
- 10 5. Conserve energy and resources.

11
12 **C.** Any lighting term not described in this section or defined in Chapter 18.20 SJCC may be found in the
13 MLO.

14
15 **D.** The following are prohibited within Lopez Village:

- 16
- 17 1. Lighting in which any single lighting fixture exceeds twenty thousand (20,000) lumens or the total
18 lighting load of all fixtures exceeds one hundred sixty thousand (160,000) lumens;
- 19
- 20 2. Aerial lasers;
- 21
- 22 3. Searchlights and spotlights;
- 23
- 24 4. Landscape lighting; and
- 25
- 26 5. Shielded directional flood lighting.

27
28 **E.** The following general lighting standards apply in the Lopez Village urban growth area:

- 29
- 30 1. All outdoor lighting ~~shall~~ must be installed in conformance with this section, and applicable
31 sections of the County's construction and electrical codes.
- 32
- 33 2. Exterior lighting ~~shall~~ must be limited to the maximum lumens allowed for each site and ~~shall~~ must
34 be fully shielded. All light emitted must be projected below the horizontal plane through the lowest
35 light-emitting part of the fixture.
- 36
- 37 3. Exterior lighting ~~shall~~ must be directed downward and away from adjoining properties, public
38 rights-of-way, and natural and wildlife habitats. Direct glare and reflection must be contained within
39 the boundaries of the parcel.
- 40
- 41 4. No lighting ~~shall~~ must blink or flash.
- 42
- 43 5. All sources of radiation from lamps, bulbs, tubes, etc. are to be rated at no more than three thousand
44 (3,000) kelvin, the sources' temperature rating.
- 45
- 46 6. Lighting installed in parking areas ~~shall~~ must be designed so that the light source is not visible from
47 adjacent property. Direct cutoff lights are recommended.
- 48

1 **F.** The total allowed site lumens for all commercial, institutional, mixed-use, or multiple-family residential
2 developments with common outdoor areas such as parking or garden areas ~~shall~~ must be determined by one
3 of the following methods, as appropriate:
4

5 1. The parking space method may be used for properties having up to ten (10) parking spaces Using
6 this method, the site is allowed four hundred and ninety (490) lumens for each parking space, or
7

8 2. The hardscape area method may be used for all sites. Using this method, 1.25 lumens are allowed
9 per square foot of hardscape. Hardscape includes parking lots, drives, entrances, curbs, ramps, stairs,
10 steps, medians, walkways and nonvegetated landscaping improvements and that are ten (10) feet or less
11 in width. Additional lumens beyond the base allowance are allowed for the following:
12

13 a. Four thousand (4,000) lumens per installed fuel pump at a service station; and
14

15 b. Up to six hundred (600) square feet of lumens at intersections of site driveways and public
16 roads calculated on one and one quarter (1.25) lumens per square foot.
17

18 **G.** Lighting for residential properties including multiple family residential properties without common
19 areas ~~shall~~ must be fully shielded and ~~shall~~ must not exceed one thousand two hundred sixty (1,260) lumens
20 for each fixture (i.e. the total lumens of each lamp times the number of lamps in a lighting fixture).
21 Exceptions and limitations are as follows:
22

23 1. One partly shielded or unshielded lighting fixture not exceeding four hundred twenty (420) lumens
24 is allowed at the main entry.
25

26 2. Lighting installed with a vacancy sensor, where the sensor extinguishes the light no more than
27 fifteen (15) minutes after the area is vacated.
28

29 **H.** Automatic switching controls ~~shall~~ must be required in all new lighting fixtures to extinguish lighting
30 when sufficient daylight is available. Outdoor lighting shall be reduced by at least thirty percent (30%), or
31 lighting ~~shall~~ must be extinguished by 7:00 p.m. between November 1 and March 15, and 9:00 pm between
32 March 16 and October 31. Lighting reductions are not required for the following:
33

34 1. Code required lighting for steps, stairs, walkways, and residential building entrances;
35

36 2. Motion activated lighting;
37

38 3. Lighting governed by a specific development or project permit in which times of operation are
39 specifically identified; and
40

41 4. Other uses determined by the director where lighting levels must be maintained for safety.
42

43 **I.** Outdoor lighting installed after the effective date of this ordinance including replacement of bulbs ~~shall~~
44 must comply with this section unless it is exempted below:
45

46 1. Lighting within a public right-of-way or easement for the purpose of illuminating roads or trails;
47

48 2. Repairs to existing lighting fixtures for a period of up to ten (10) years after the date of adoption of
49 this ordinance;
50

1 3. Temporary lighting for theatrical, television, performance areas and construction sites, and
2 temporary seasonal lighting with individual lamps less than ten (10) watts and seventy (70) lumens.
3 Temporary lighting **shall must** only be installed and operated for a period not to exceed sixty (60) day.
4 After sixty (60) days, the lighting **shall must** be completely removed and not operated again for at least
5 thirty (30) days;

6
7 4. Lighting used during an emergency; and

8
9 5. Lighting required by state or federal law.

10
11 **J.** Whenever there is a new use of a property in the village commercial and institutional designations, all
12 outdoor lighting on the property **shall must** be brought into compliance with these regulations prior to the
13 occupation of the changed use.

14
15 **K.** If a major addition to a use or structure occurs on a property in the village commercial or institutional
16 designations, lighting for the entire use or structure **shall must** comply with the requirements of this section.
17 For purposes of this section, major additions include:

18
19 1. The addition of twenty-five percent (25%) *or more of additional dwelling units*, gross floor area,
20 seating capacity, or parking spaces, in a single addition, or in cumulative additions that occur after the
21 effective date of this Ordinance, or

22
23 2. The addition, modification or replacement of twenty-five percent (25%) or more of outdoor lighting
24 fixtures in a single addition, or in cumulative additions that occur after the effective date of this
25 ordinance.

26
27 **Landscaping.**

28
29 **Council Alternative: Break the landscaping code into into separate sections to make it easier to use:**

- 30
31
32
33
34
35
 - **Applicability**
 - **Landscaping - when required**
 - **Landscape plan requirements**
 - **Prohibited and allowed trees**
 - **Required planting mixtures**

36 **A.** The landscaping standards in this section apply to all new development in the Lopez Village urban
37 growth area except:

38
39 1. Individual single family or duplex dwelling units;

40
41 2. Interior remodeling; and

42
43 3. Expansion of an existing use with twenty-five percent (25%) or less additional useable floor area.

44
45 **B.** The landscaping requirements in SJCC 18.60.160 **shall must** not apply in the Lopez Village urban
46 growth area.

47
48 **C.** Landscape plans **shall must** be consistent with the goals and policies in the Lopez Village urban growth
49 area subarea plan. A landscape plan must be submitted with a project or development permit when
50 landscaping is required by this title. The landscape plan must be drawn on the same base map as the

1 development plans and have a minimum scale of one (1) inch = 30 feet (1" = 30'). The plan must include
2 a narrative identifying the overall design concept and water conservation measures. It must demonstrate
3 compliance with the requirements of this section and the goals and policies of the Lopez Village subarea
4 plan. The landscape plan must depict:

- 5
- 6 1. Property lines;
- 7 2. Existing or proposed structures, driveways, parking lots, fences, and retaining walls or other
8 impervious surfaces;
- 9 3. Natural or manmade water features or bodies;
- 10 4. Designated recreational or other open space areas;
- 11 5. The acreage of the total landscape area;
- 12 6. All existing trees, vegetation, hydro zones and other landscape materials to be retained or removed
13 ~~and labeled as such.~~
- 14 7. All proposed trees, vegetation, hydro zones and other landscape materials ~~labeled as such.~~ (See
15 Table X. Trees and vegetation allowed in Lopez Village urban growth area).
- 16
- 17 8. Identification of any hazard trees proposed to be removed. A hazard tree worksheet and
18 photographs must be attached to the landscape plan that include the name, contact information and
19 license number of the certified arborist that confirmed that the tree meets the definition of "hazard tree"
20 in SJCC 18.20.080.
- 21
- 22 9. Improvements or landscaping plans for areas where trees are proposed to be removed beyond those
23 needed for driveways, buildings, and views.
- 24
- 25 10. If trees are to be relocated, the following should also be depicted: (a) The current location of each
26 tree to be relocated (b) Proposed location of each relocated tree;
- 27
- 28 11. A legend including a separate key in table format that:
 - 29
 - 30 a. Identifies the types of plants, trees and vegetation for existing and proposed landscaping and
31 with numbering for each tree and hedgerow;
 - 32
 - 33 b. Identifies heritage or canopy trees;
 - 34
 - 35 c. Provides the diameter at breast height (at four and one-half (4.5) feet above the ground) and
36 canopy diameter or square footage of each tree; and
 - 37
 - 38 d. Identification of trees to be removed or to be relocated.
 - 39
- 40 12. All structural measures included for water conservation and a description of a water system that
41 meets SJCC 18.60.020.
- 42

43 **D.** Applicants are encouraged to present their project and landscape plans to the **Lopez Village Planning**
44 **and Review Committee** prior to permit application. The Lopez Village Planning and Review Committee
45 will make a recommendation on the landscape plan to the director once a permit has been submitted. They
46 may recommend that the landscape plan be reviewed, or prepared by a qualified professional if the applicant
47 proposes modifications to the landscaping **plan regulations** or finds that it is inconsistent with the **goals and**
48 **policies of the** Lopez Village subarea plan. For the purposes of this section a "qualified professional" means
49 a person with training and experience in landscape architecture or a related field, or a certified arborist, ~~in~~
50 ~~a related field. The qualified professional must have with~~ at least three (3) years of related work experience.

1 **E.** Required landscaping must be installed no later than three (3) months after issuance of a certificate of
2 occupancy for the project or project phase. The decision-maker may extend this time-frame to allow
3 landscaping installation during the next appropriate planting season.
4

5 **F.** If the landscaping is not installed and inspected prior to occupancy, a financial guarantee and associated
6 agreement is required that meets meet the requirements of Chapter 18.80 SJCC, prior to issuance of the
7 certificate of occupancy or establishment of the use. The financial guarantee and associated agreement ~~shall~~
8 **must** cover a period of no less than six (6) months after the planting or transplanting of vegetation to insure
9 proper installation, establishment, and maintenance. The director may extend this time-period to one (1)
10 year if necessary to cover a planting and growing season.
11

12 **G.** The director may authorize modifications to the landscaping requirements of this section that meet the
13 intent of the Lopez Village urban growth area subarea plan to:
14

- 15 1. Provide consideration of physical circumstances such as site topography and soils;
- 16 2. Allow alternative plants and trees that accomplish the purposes of the type of landscaping required;
- 17 3. Conserve water through xeriscaping; and
- 18 4. Provide flexibility in the size of initial plantings.
19
20
21
22

23 A written request for a landscaping modification must be submitted to the director. The director's decision
24 must include written findings.
25

26 **H.** A written request to modify the landscaping requirements of the Lopez Village standard detail plans
27 may be submitted to the director. The director and County engineer may modify the landscaping
28 requirements on the standard detail plans upon good cause such as a physical constraint. ~~The director's~~
29 ~~decision must include written findings.~~
30

31 **I.** Landscaping and its support systems must be maintained for the life of the project. Vegetation must not
32 extend over walkways or driveways below a height of eight (8) feet above grade. Maintenance must
33 include:
34

- 35 1. Pruning and trimming of all landscape materials to maintain a healthy growing condition or to
36 prevent primary limb failure;
37
- 38 2. Replacement of dead, diseased, damaged, or missing plantings within three (3) months or during
39 the next planting season if the loss does not occur in a planting season. Dead, diseased, or damaged
40 trees specifically retained to provide wildlife habitat are exempt; and
41
- 42 3. Removal of trash and debris.
43

44 **J.** Water systems for landscaping ~~shall~~ **must** meet the requirements of SJCC18.60.020.
45

46 **K.** Species listed on a Washington state or County noxious weed list are prohibited. Additional prohibited
47 species are established in Table X below.
48
49
50

1 **Table X. Prohibited trees and vegetation in Lopez Village urban growth area.**

Scientific Name	Common Name	Reason
Ailanthus altissima	Tree of Heaven	San Juan County Class C Noxious Weed
Calocedrus decurrens	Incense Cedar	Alternate host for Gymnosporangium libocedri (Pacific Coast Pear Rust)
Crataegus monogyna	English Hawthorn	San Juan County Class C Noxious Weed Susceptible to Emerald Ash Borer
Fraxinus spp.*	Ash	
Ilex aquifolium	English Holly	San Juan County unregulated plant of concern
Juniperus spp.*	Juniper	Alternate host for Gymnosporangium sabiniae (Pear Trellis Rust)
Prunus laurocerasus	English Laurel	San Juan County unregulated plant of concern
Quercus palustris	Pin Oak	High maintenance due to low branching, not suitable for alkaline soils.
Sorbus spp.*	Mountain Ash	High disease susceptibility

2 *spp + species all species in a given genus.

3
4 **L.** Existing vegetation that meets the landscaping standards in this section may be used to meet
5 landscaping requirements even if they are not identified in *Item Q R Table X*.

6
7 **M.** Soil planting types and depth **shall must** be sufficient for tree and vegetation planting. Landscaping
8 must maintain ground stability.

9
10 **N.** Per Figure X Lopez Village tree planting plan and street tree schedule in subsection BB below and
11 except in view corridors specified in the map below, hedgerows and shade canopies must be preserved or
12 replanted to provide land use transitions and compliment the streetscape.

13
14 **O.** New development must retain heritage trees (trees fifty (50) years or older) identified in the Lopez
15 Village subarea plan **on Map 2** unless they are deemed hazard trees and a tree removal plan is approved by
16 the department. **Council Alternative: Delete Heritage Tree provision.**

17
18 **P.** Trees may be spaced at irregular intervals to accommodate safe sight lines for driveways and
19 intersections.

20
21 **Q.** Landscaping **shall may** include the following as appropriate for the specific project:

- 22
23 1. A mix of evergreen and deciduous plants to maintain year-round color and interest;
24
25 2. On-site natural objects such as rocks, boulders and tree stumps;
26
27 3. Shrubs, grasses and other non-tree vegetation; and
28
29 4. Seating areas and public art.

30
31 **R.** Table X provides a list of trees and vegetation permitted in Lopez Village.

1
2

Council Alternative: Make these recommended trees.

Table X. Trees and vegetation allowed in Lopez Village urban growth area.

Scientific name	Common Name	Evergreen Deciduous	Size	Mature Height	Drought Tolerant	Phytore- mediation
<i>Arbutus menziesii</i>	Pacific madrona	Evergreen	Large tree		Yes	
<i>Pinus contorta</i>	Shore pine	Evergreen	Large tree	50 feet	Yes	
<i>Quercus garryana</i>	Garry oak	Deciduous	Large tree		Yes	
<i>Acer glabrum</i>	Douglas maple	Deciduous	Medium tree		Yes	
<i>Amelanchier alnifolia</i>	Serviceberry	Deciduous	Medium tree		Yes	
<i>Malus fusca</i>	Pacific crabapple	Deciduous	Medium tree		Yes	
<i>Oemelaria cerasiformis</i>	Indian plum	Deciduous	Small tree			
<i>Cornus serica</i>	Red twig dogwood	Deciduous	Shrub			
<i>Gautheria shallon</i>	Salal	Evergreen	Shrub		Yes	
<i>Lonicera involucrata</i>	Black twinberry	Deciduous	Shrub			
<i>Philadelphus lewisii</i>	Mock orange	Deciduous	Shrub			
<i>Ribes sanguinaria</i>	Red flowering currant	Deciduous	Shrub		Yes	
<i>Rubus parviflorus</i>	Thimbleberry	Deciduous	Shrub		Yes	
<i>Symphoricarpos albus</i>	Snowberry	Deciduous	Shrub		Yes	
<i>Achillea millefolium</i>	Yarrow	Deciduous	Groundcover		Yes	Yes
<i>Armeria maritima</i>	Sea thrift	Evergreen	Groundcover		Yes	
<i>Athyrium filix-femina</i>	Lady fern	Deciduous	Groundcover			
<i>Blechnum spicant</i>	Deer fern	Evergreen	Groundcover			
<i>Cerastium arvense</i>	Field chickweed	Deciduous	Groundcover			Yes
<i>Claytonia perfoliata</i>	Miner's lettuce	Deciduous	Groundcover			Yes
<i>Clinopodium douglasii</i>	Yerba buena	Deciduous	Groundcover		Yes	
<i>Danthonia californica</i>	California oatgrass	Deciduous	Groundcover		Yes	
<i>Dryopteris expansa</i>	Shield fern	Deciduous	Groundcover			
<i>Eriophyllum lanatum</i>	Oregon sunshine	Deciduous	Groundcover		Yes	
<i>Festuca rubra</i>	Red fescue	Deciduous	Groundcover		Yes	Yes
<i>Fragaria chiloensis</i>	Beach strawberry	Evergreen	Groundcover		Yes	
<i>Heuchera micrantha</i>	Small flowered alumroot	Deciduous	Groundcover		Yes	
<i>Leymus mollis</i>	Dune rye	Deciduous	Groundcover		Yes	
<i>Linnea borealis</i>	Twin flower	Deciduous	Groundcover		Yes	
<i>Maianthemum dilatatum</i>	Wild lily-of-the-valley	Deciduous	Groundcover			
<i>Maianthemum racemosa</i>	Star flowered Solomon's seal	Deciduous	Groundcover			
<i>Polystichum minutum</i>	Sword fern	Evergreen	Groundcover			
<i>Prunella vulgaris</i>	Selfheal	Deciduous	Groundcover		Yes	
<i>Sedum lanceolata</i>	Narrowleaved stonecrop	Evergreen	Groundcover		Yes	
<i>Sedum spathulifolium</i>	Broadleaved stonecrop	Evergreen	Groundcover		Yes	
<i>Tellima grandiflora</i>	Fringe cup	Deciduous	Groundcover		Yes	
<i>Viola adunca</i>	Spring violet	Deciduous	Groundcover			Yes

Scientific name	Common Name	Evergreen Deciduous	Size	Mature Height	Drought Tolerant	Phytore- mediation
<i>Viola sempervivens</i>	Evergreen violet	Evergreen	Groundcover			Yes
<i>Araucaria araucana</i>	Monkey puzzle	Evergreen	Large tree			
<i>Cercidiphyllum japonicum</i>	Katsura	Deciduous	Large tree			
<i>Liquidambar styraciflua</i>	American sweet gum	Deciduous	Large tree			Yes
<i>Magnolia sp.</i>	Magnolia	Evergreen Deciduous	Large tree			
<i>Quercus rural</i>	Red oak	Deciduous	Large tree			
<i>Davidia involucrata</i>	Dove tree	Deciduous	Medium tree			
<i>Rhamnus persiana</i>	Cascara	Deciduous	Medium tree			
<i>Acer circinatum</i>	Vine maple	Deciduous	Small tree			
<i>Acer griseum</i>	Paperbark maple	Deciduous	Small tree			
<i>Cornus nutallii</i>	Pacific dogwood	Deciduous	Small tree			
<i>Arbutus unedo</i>	Strawberry tree	Evergreen	Shrub		Yes	
<i>Berberis sp.</i>	Barberry	Deciduous	Shrub			
<i>Choisya ternata</i>	Mexican orange	Evergreen	Shrub			
<i>Cistus sp.</i>	Rock rose	Deciduous	Shrub			
<i>Garrya elliptica</i>	Silk tassel	Evergreen	Shrub			
<i>Mahonia sp.</i>	Oregon grape	Deciduous	Shrub			
<i>Myrica californica</i>	Pacific wax myrtle	Evergreen	Shrub			
<i>Paxistima myrinites</i>	Mountain lover	Evergreen	Shrub			
<i>Physocarpus capitatus</i>	Pacific ninebark	Deciduous	Shrub			
<i>Pieris japonica</i>	Pieris	Evergreen	Shrub			
<i>Rhododendron macrophyllum</i>	Pacific rhododendron	Evergreen	Shrub			
<i>Sarcococca sp.</i>	Sweet box	Deciduous	Shrub			
<i>Vaccinium ovatum</i>	Evergreen huckleberry	Evergreen	Shrub			
<i>Adiantum aleuticum</i>	Maidenhair fern	Deciduous	Groundcover			
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick	Evergreen	Groundcover			
<i>Asarum canadense</i>	Wild ginger	Deciduous	Groundcover			
<i>Bergenia sp.</i>	Bergenia	Evergreen	Groundcover			
<i>Calmagrostis sp.</i>	Reed grass	Deciduous	Groundcover			
<i>Carex sp.</i>	Sedge	Evergreen	Groundcover			
<i>Cornus unalaschensis</i>	Bunchberry	Deciduous	Groundcover			

Scientific name	Common Name	Evergreen Deciduous	Size	Mature Height	Drought Tolerant	Phytore- mediation
<i>Dicentra formosa</i>	Pacific bleeding heart	Deciduous	Groundcover			
<i>Elymus canadensis</i>	Canadian wild rye	Deciduous	Groundcover			Yes
<i>Epimedium sp.</i>	Barrenwort	Deciduous	Groundcover			
<i>Miscanthus sp.</i>	Maidengrass	Deciduous	Groundcover			
<i>Polygonatum sp.</i>	Solomon's seal	Deciduous	Groundcover			
<i>Streptopus amplexifolius</i>	Twisted stalk	Deciduous	Groundcover			
<i>Vancouveria hexandra</i>	Inside-out flower	Deciduous	Groundcover			
<i>Acer rubrum</i>	Red maple	Deciduous	Large tree			Yes
<i>Acer saccharum</i> "Commemoration"	Commemoration sugar maple	Deciduous	Large tree	50 feet	Yes	
<i>Aesculus hippocastanum</i>	Horse chestnut	Deciduous	Large tree			
<i>Betula pendula</i>	European white birch	Deciduous	Large tree			Yes
<i>Corylus columa</i>	Turkish filbert	Deciduous	Large tree	60 feet	Yes	
<i>Zelkova serrata</i> "Green Vase"	Green Vase Zelkova	Deciduous	Large tree	45 feet	Yes	
<i>Betula papyfera</i>	Paper birch	Deciduous	Medium tree			
<i>Cornus</i> "Eddie's white Wonder"	Eddie's White Wonder dogwood	Deciduous	Medium tree	30 feet	Yes	
<i>Tilia cordata</i> "Chancole"	Chancellor linden	Deciduous	Medium tree	35 feet	Yes	
<i>Arbutus</i> "Marina"	Strawberry tree	Evergreen	Small tree	25 feet	Yes	
<i>Malus</i> "Adirondack"	Adirondak crabapple	Deciduous	Small tree	20 feet	Yes	
<i>Malus</i> "Golden Raindrops"	Golden Raindrops crabapple	Deciduous	Small tree	20 feet	Yes	
<i>Allium schoenoprasum</i>	Chives	Deciduous	Groundcover			Yes

- 1
2 **S.** Screening landscaping **must** provides a five (5) foot high visual barrier at full growth. Any use or
3 development that requires a Type A landscape screen under SJCC 18.60.160, must provide landscape
4 screening that complies with the following:
5
6 1. Landscaping must consist of a mix of evergreen groundcovers, trees and shrubs;
7
8 2. Shrubs **shall must** be at least two (2) feet tall at the time of planting;
9
10 3. If shrubs (or hedges) are to provide the majority of the screen, **shall they must** have a minimum
11 height of five (5) feet at maturity;
12
13 4. Trees **shall must** be at least three (3) feet tall at the time of planting and all plants **shall must** be
14 spaced so as to grow together within three (3) years of planting to achieve a sight-obscuring screen of
15 at least 80 percent (80%) opacity; and
16

1 5. The screening ~~shall must~~ be at least five (5) feet deep ~~enough~~ to provide the required screening.
2 Existing vegetation, walls, fences or grading (maximum slope three (3) to one (1) may be incorporated
3 into the design of the screen ~~if they contribute to the intent of this requirement.~~
4

5 **T.** Landscaping buffers provide a separation, but not a visual barrier. Any use or development that requires
6 a Type B or C landscape screen in accordance with SJCC 18.60.160, must provide a landscape buffer unless
7 a more specific provision is established in this section. When landscaped buffers are specified, landscaping
8 ~~shall must~~ consist of a mix of evergreen and deciduous groundcovers, trees and shrubs that are chosen and
9 spaced to cover the buffer area within three (3) years of planting.
10

11 **U.** Above-ground utility facilities or structures excluding distribution and transmission corridors, located
12 outside of a public right-of way ~~shall must~~ be surrounded by full visual screening on all sides. The
13 landscaping ~~shall must~~ be tall enough at full growth to screen the ~~equipment utility facilities or structures.~~
14

15 **V.** Commercial, institutional and shared refuse containers ~~shall must~~ be surrounded by full visual
16 screening. A combination of landscaping and fencing may be used to obtain the visual screening.
17

18 **W.** New commercial, institutional, or multiple-family residential developments located adjacent to a
19 village residential designation or multiple-family residential development must include fifteen (15) feet of
20 filtered "Type B" screening landscaping in accordance with SJCC 18.60.160 to visually separate the
21 proposed use and designation or development.
22

23 **X.** Parking lots with five (5) or more stalls fronting on a public road require screening landscaping to
24 ~~soften the visual impact of the parking lot and~~ provide a separation, but not a visual barrier ~~to soften the~~
25 ~~visual impact of the parking lot.~~ Landscape buffers required along public roads ~~shall must~~ only consist of
26 groundcovers, shrubs and deciduous trees identified in Table X. Additional requirements for these parking
27 lots include:
28

29 ~~1. The screening shall provide a visual barrier between the parking lot and road to soften the visual~~
30 ~~impact of parking areas, not create a completely opaque vegetative screen.~~
31

32 ~~2~~ Permanent curbs or structural barriers are required to protect the plantings from vehicle overhang.
33

34 ~~2.~~ ~~3.~~ Parking lot landscaping ~~shall must~~ consist of a mix of evergreen and deciduous groundcovers,
35 trees and shrubs that are chosen and spaced to cover the buffer area within three (3) years of planting.
36

37 ~~3.~~ ~~4.~~ A minimum of five (5) feet between the edge of the right-of-way and the parking lot ~~shall must~~
38 include extensive landscaping consisting of trees, shrubs and plants to soften the visual impact of the
39 parking.
40

41 ~~4.~~ ~~5.~~ Landscape buffers ~~shall must~~ be eight (8) feet wide for the length required. Deciduous trees ~~shall~~
42 ~~must~~ have a minimum trunk diameter of one and one-half (1.5) inches at planting and be spaced so that
43 branches will touch after ten (10) years of normal growth.
44

45 ~~5.~~ ~~6.~~ Landscape buffers abutting public roads ~~shall must~~ include at least one (1) tree for every thirty
46 (30) feet of lineal road frontage. Existing vegetation, walls, fences or grading (maximum slope three
47 (3) to one (1) ~~may~~) may be incorporated into the design of the buffer if they contribute to the intent of
48 this requirement.
49

1 Y. Residential developments with common parking lots ~~shall~~ must provide planting areas ~~at the rate~~ of
2 twenty (20) square feet per parking stall.

3
4 1. Commercial, industrial, or institutional developments, ~~shall~~ must include:

5 a. Twenty (20) square feet per parking stall when five (5) to ~~fifteen~~ (15) parking stalls are
6 provided; and

7 b. Twenty-five (25) square feet per parking stall when sixteen (16) or more parking stalls are
8 provided.

9
10
11 2. Trees ~~shall~~ must be provided and distributed throughout the parking area ~~at a rate of~~ as follows:

12 a. One (1) tree for every five (5) parking stalls for a commercial development; and

13 b. One (1) tree for every 10 (10) parking stalls for residential or institutional development.

14
15
16 3. The maximum distance between any parking stall and landscaping ~~shall~~ must be seventy-five (75)
17 feet.

18
19
20
21 Z. Landscaping is required for parking installed in the public right-of-way. Landscaped areas ~~shall~~ must
22 be provided every five (5) stalls along forty-five (45) and ninety (90) degree angled public parking stalls
23 and every four (4) stalls along parallel parking stalls consistent with the standard ~~detail~~ plans approved by
24 the County engineer. Applicants must select street tree species from Map 2 Tree Planting Plan.

25
26 AA. The street trees identified in Table X below may be used in the public right-of-way as scheduled in
27 Map 2 Tree Planting Plan in the Lopez Village Plan.

28
29 **Table X. Street trees allowed in the public right of way.**

Scientific Name	Common Name	Location	Typology	Mature Height	Spread	Minimum Planting Space	Plant Under Wires
Acer circinatum	Vine Maple	Weeks Road	Deciduous	25'	25'	5'	Yes
Acer saccharum	Commemoration Sugar	Fisherman Bay Road	Deciduous	50'	35'	6'	No
Arbutus 'Marina'	Strawberry Tree	Village Road	Broadleaf	25'	20'	5'	Yes
Betula papyrifera	Paper Birch	Fisherman Bay Road	Deciduous	50'	35'	5'	No
Malus 'Adirondack'	Adirondack Columnar Crabapple	Eads Lane Tower Drive Village Road	Deciduous	20'	10'	5'	Yes
Malus 'Golden Raindrops'	Golden Raindrops Crabapple	Eads Lane Tower Drive Village Road	Deciduous	20'	20'	10'	Yes

Scientific Name	Common Name	Location	Typology	Mature Height	Spread	Minimum Planting Space	Plant Under Wires
Rhamnus purshiana	Cascara	Eads Lane	Deciduous	30'	20'	5'	Yes
Zelkova serrata 'Green Vase'	Green Vase Zelkova	Village Road Replaces Ash on Lopez Road	Deciduous	45'	40'	6'	No

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BB. Applicants must comply with the street tree plan provided in ~~Figure X below~~ [Map 2 in the Lopez Village Plan.](#)

Road and driveway standards.

Parking Alternative A: Strikeout Version

~~A. Except as modified by this section, the public road standards in SJCC18.60.090 and private road standards in SJCC18.60.100 shall apply within the Lopez Village urban growth area.~~

~~B. Unless there is no feasible alternative, shared driveway access to more than one (1) property is required.~~

~~C. On-street parking requirements in the Lopez Village parking entitlement area depicted in Figure X are addressed in section X of this ordinance (Lopez Village parking requirements).~~

~~D. In the village commercial and institutional designations, property owners shall install road improvements when required by subsection E below or agree to install them under specific conditions. Such conditions shall be established during permitting by the director in coordination with the county engineer. Required improvements are depicted on the Lopez Village connectivity plan in the Lopez Village subarea plan and the standard plans adopted by the County for Lopez Village urban growth area;~~

~~E. Public road frontage improvements are required when property adjoining a public road is proposed to be subdivided or developed and:~~

- ~~1. The proposal will increase traffic volumes by more than fifty percent (50%);~~
- ~~2. The proposed development requires substantial improvements (those that have a market value of at least \$ 75,000. The market value shall include the total cost of all improvements such as electrical, mechanical, plumbing, and structural changes to a building or facility within any twelve (12) month period or single development permit application that amount to 50 percent (50%) or more of the value of the building or facility. The assessor's fair market value or a current appraisal by a qualified professional may be used to determine the current value; and~~
- ~~3. The development is one of the following:

 - ~~a. Development of a parking lot on a vacant parcel;~~
 - ~~b. An expansion of the existing use area by twenty five percent (25%); Change of use of a property such as subdivision or of an existing building's construction code occupancy class to another;~~
 - ~~c. An addition to an existing building's square footage by twenty five percent (25%); or~~~~

1 ~~d. Construction of a new building.~~

2
3 **F. The following developments do not require public road frontage improvements:**

- 4
5 1. ~~Interior remodels with no change in footprint that are not substantial improvements as defined~~
6 ~~in subsection E above;~~
7 2. ~~Interior remodels that do not involve a change in occupancy; and~~
8 3. ~~A change of use occurs that does not increase the traffic volumes by more than fifty percent~~
9 ~~(50%).~~

10
11 **G. When public road frontage improvements are required and sufficient right of way exists, the County**
12 **will provide improvements depicted on the standard plans adopted by the county for Lopez Village urban**
13 **growth area when such work is scheduled on public works' six year transportation improvement program.**

14
15 **H. To ensure consistent street alignment, the property owner must coordinate with the county engineer to**
16 **obtain construction elevations and grades to be used in project construction drawings for improvements**
17 **required in subsection D above. Construction plans for frontage improvements must be approved by the**
18 **county engineer prior to construction.**

19
20 **I. As a part of any agreement to install any improvements required in subsection D above at a future date,**
21 **the property owner shall agree to participate in a road improvement project for the entire road when it is**
22 **upgraded by the county. The county engineer may waive or defer the requirement to install improvements**
23 **at a future date if the property owner demonstrates that the requirement is not feasible due to unique**
24 **topographical or existing development characteristics, or improvements would provide no public benefit.**
25 **The waiver or deferment request shall be in writing and must explain why the request is necessary. The**
26 **decision must be in writing and include findings.**

27
28 **J. The Lopez Village standard plans approved by the County engineer shall be used to construct public**
29 **road frontage improvements in Lopez Village urban growth area.**

30
31 **K. Property owners may request a modification of the Lopez Village urban growth area standard plans by**
32 **submitting a request in writing to the department. The County engineer may recommend a modification of**
33 **the standard plans for public or private roads. The decision shall include findings demonstrating the need**
34 **and rationale for the modification.**

35
36 **L. Proposed modifications, revisions or additions to Lopez Village urban growth area standard plans shall**
37 **be presented to the department and Lopez Village Planning and Review Committee for review and comment**
38 **prior to approval by the County engineer and council.**

39
40 **M. The current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual may**
41 **be used to determine the number of trips.**

42
43 **Council Alternative B:**

44 **Road and driveway standards.**

45 **A. Except as modified by this section, the public road standards in SJCC18.60.090 and private road**
46 **standards in SJCC18.60.100 shall apply within the Lopez Village urban growth area.**

47
48 **B. The County engineer shall determine the public road frontage improvements required after**
49 **review of the traffic study required by SJCC 18.60.090(6).**

1
2 1. All development(s), which will affect the service level, safety or operational efficiency of the
3 County public road system in Lopez Village, are responsible to mitigate said impact. The
4 responsibilities of the developer are to be determined by the County before development
5 approval. The responsibilities depend on the condition of the impacted road system, which is
6 described by the level of service (LOS) and defined in the current edition of the Highway Capacity
7 Manual. All improvements shall be made in accordance with the Lopez Village urban growth
8 area standards.

9
10 2. ~~In all cases,~~ the responsibility of the developer is to construct frontage road improvements
11 and, where applicable, dedication of the required rights-of-way for public roads adjoining the
12 property. Other responsibilities include such roadway elements as sight distance, roadway width,
13 surface condition, and other structural/functional elements that must be improved to assure that
14 following development the road will function at the prescribed LOS. If the LOS falls below LOS
15 identified in the SJC Comprehensive Plan, the developer is to must mitigate direct impacts of the
16 development on public streets and intersections.

17
18 3. A building permit will only be issued when all funding mechanisms necessary to improve the
19 road condition(s) for required road improvements are committed. Occupancy of the
20 development may only occur after the required road improvements are completed.

21 4. Required roadway improvements may include traveled way or shoulder widening, addition of
22 turn lanes, structural roadway repairs, signalization, sign installation, lighting, and/or bicycle
23 and pedestrian facility installation or improvements. Additionally, a voluntary contribution to
24 scheduled programs may be mutually agreed upon between the developer and the County
25 engineer.

26 C. The following Lopez Village standard plans approved by the County engineer shall must be used
27 to construct public road frontage improvements in Lopez Village urban growth area:
28

<u>STANDARD PLAN NO.</u>	<u>DESCRIPTION</u>	<u>NOTES</u>
<u>911</u>	<u>Typical Street Sections</u>	<u>No parking and parallel parking</u>
<u>912</u>	<u>Typical Street Sections</u>	<u>45 angle parking and main arterial</u>
<u>913(a) and (b)</u>	<u>Parking Layout</u>	
<u>914</u>	<u>Pedestrian Crossing Layout</u>	<u>With crosswalks</u>
<u>915</u>	<u>Streetscape Details</u>	<u>With driveway</u>
<u>916</u>	<u>Pedestrian Path</u>	<u>Specifications</u>
<u>917</u>	<u>Pedestrian Bridge Requirements</u>	<u>Material Concepts</u>

29
30 D. Property owners may request a modification of the Lopez Village urban growth area standard
31 plans by submitting a request in writing to the department. The County engineer may recommend a
32 modification of the standard plans for public or private roads. The decision shall must include
33 findings demonstrating the need and rationale for the modification.

34
35 E. Proposed modifications, revisions or additions to Lopez Village urban growth area standard-plans
36 shall must be presented to the department and Lopez Village Planning and Review Committee for
37 review and comment prior to approval by the County engineer and council.

1 **F. Unless there is no feasible alternative, shared driveway access to more than one (1) property is**
2 **required.**

3
4 **Council Parking Alternative C (Recommended by County Engineer)**

5
6 **A. Except as modified by this section, the public road standards in SJCC18.60.090 and private road**
7 **standards in SJCC18.60.100 shall apply within the Lopez Village urban growth area.**

8
9 **B. The following Lopez Village standard plans approved by the County engineer shall must be used**
10 **to construct public road frontage improvements in the Lopez Village urban growth area:**

<u>STANDARD PLAN NO.</u>	<u>DESCRIPTION</u>	<u>NOTES</u>
<u>911</u>	<u>Typical Street Sections</u>	<u>No parking and parallel parking</u>
<u>912</u>	<u>Typical Street Sections</u>	<u>45 angle parking and main arterial</u>

11
12
13 **C. The County council may adjust the Lopez Village standard plans by adopting an improvement**
14 **plan for a specific street.**

15
16 **Pedestrian circulation.**

17
18 **A.** All subdivisions shall must provide easements and paths that connect to adjacent paths shown in
19 adopted County plans for public trails.

20
21 **B.** Pedestrian paths in the village commercial and village institutional designations shall must be designed
22 and constructed in accordance with the Lopez Village standard plans.

23
24 **Parking in Lopez Village Association Plat parking entitlement area.**

25
26 **A.** Lots identified in the parking entitlement area depicted in Figure X below and Column VIII of Exhibit
27 B of AFN 92184514 (Lopez Village Association Plat Block A and lots 21-23) have on-street parking
28 entitlements. No additional on-street parking spaces are required for development or project permits in this
29 area.

30
31 **B.** Exhibit C of AFN 92179998 regarding parking space requirements by use shall does not apply to
32 development or uses in the parking entitlement area.

33
34 **C.** Transfer of on-street parking right entitlements parking area shall must be processed in accordance with
35 Exhibit D of AFN 92179998.

36
37 **D.** The County will maintain the public roads and provide the total number of parking spaces indicated in
38 Exhibit B of AFN ~~92179998~~ 2001 030501 for the Lopez Village Association Plat Block A and lots 21-23
39 in the parking entitlement area ~~depicted below:~~ depicted on Map 8 in the Lopez Village Plan.

40
41 **Council Parking Alternatives:**

- 42
- 43 **▪ Do not establish parking credits, register, fund, land bank, and processes**
- 44 **▪ Do not require parking in road frontage improvements until County-wide standards are**
- 45 **developed.**

1 **Lopez Village parking requirements.**
2

3 **A.** The parking requirements in SJCC18.60.120 ~~shall do~~ not apply to parking in Lopez Village except as
4 required by this section.
5

6 **B.** At the time of application for a development, building, or occupancy permit if no building permit is
7 required, a parking layout plan ~~shall must~~ be submitted to the department for review consistent with the
8 requirements of this section.
9

10 **C.** All private parking areas ~~shall must~~ provide adequate space for turning or maneuvering without using
11 public rights-of-way for internal circulation.
12

13 **D.** Driveways that provide ingress and egress between off-street parking areas and abutting streets ~~shall~~
14 ~~must~~ be constructed in accordance with the SJCC 18.XX.XXX (Lopez Village road and driveway
15 standards) and the standard plans adopted for the Lopez Village urban growth area.
16

17 **E.** If lighting is provided in parking areas, it ~~shall must~~ be in accordance with ~~SJCC 18.XX.XXX section~~
18 ~~X of this ordinance~~ (Note: lighting)
19

20 **F.** Accessible parking spaces and access for physically handicapped persons ~~shall must~~ be provided in
21 accordance with Section 7503 of the regulations adopted pursuant to Chapter 19.27 RCW, State
22 Building Code, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Handicapped.
23

24 **G.** Parking spaces designed and dedicated for alternative forms of transportation may be substituted for
25 required parking spaces. A minimum of ten (10) parking spaces must be provided before an alternative
26 parking space may be used. The following substitutions are allowed:
27

- 28 1. Parking for three (3) motorcycles equals one (1) vehicle space. One (1) such substitute space is
29 allowed;
- 30 2. A bicycle rack for eight (8) bicycles equals one (1) vehicle space. Two (2) such substitute spaces
31 are allowed; and
- 32 3. A hitching post with adequate space for four (4) horses equals one (1) vehicle space. One
33 such substitute space is allowed.
34
35
36

37 **H.** Parking for residential units ~~shall must~~ be provided as follows:
38

- 39 1. One (1) parking space for each dwelling unit of one thousand (1,000) square feet or less, and
- 40 2. Two (2) parking spaces for all dwelling units greater than one thousand (1,000) square feet.
41
42

43 **I.** Parking spaces for all nonresidential uses permitted in the village residential designation ~~shall must~~ be
44 located on the same lot that they are required to serve.
45

46 **J.** Except for residential units and excluding the requirements for other residential uses such as cottage
47 enterprise, vacation rental, etc. the number of required on-site parking spaces ~~shall must~~ be determined
48 using SJCC 18.60.120(B) and Table 6.4. The minimum parking space dimensions for public road frontage
49 are in the standard plans adopted by the County ~~in SJCC XX.XX.XXX~~ for Lopez Village urban growth
50 area or in SJCC 18.60.120(A)(8) and Table 6.5 for private parking spaces.

1 **K.** Commercial and institutional development ~~shall~~ **must** provide on-site parking at a rate of one (1) space
2 per employee per shift plus the accessible spaces required by subsection F of this section. In addition,
3 property owners must provide the number of parking spaces otherwise required by SJCC 18.160.120 Table
4 6.4 for commercial and institutional uses such as spaces per square footage. Parking must be provided in
5 road frontage improvements when they are required. Other required parking spaces may be met by:

- 6
- 7 1. Building the spaces on-site;
- 8 2. Providing shared parking per subsection S below;
- 9 3. Contributing funds or dedicating land to the Lopez Village parking fund described in subsection
10 S(1); or
- 11 4. Dedicating land to a parking land bank described in subsection S(2).
- 12

13 **L.** ~~Except for parking lots proposed in permanently affordable housing projects, A~~ all uncovered on-site
14 parking lots of five (5) or more spaces in the village commercial and institutional designations ~~shall~~ **must**
15 be designed and installed using pervious surfaces.

16

17 **M.** New on-site parking lots of five (5) spaces or more ~~shall~~ **must** be placed away from public roads and
18 behind buildings unless an eight (8)-foot-wide landscaped buffer is provided according to the
19 requirements of ~~SJCC 18.XX.XXX section X of this ordinance.~~ *(Note: landscaping)*

20

21 **N.** Parking lots including the landscape buffer ~~shall~~ **must** be located twenty (20) feet from road edge of
22 pavement and ~~shall~~ **must** not occupy more than fifty (50) percent of the frontage of any public road.

23

24 **O.** An additional eighteen (18) inches more than the minimum width requirement ~~shall~~ **must** be provided
25 for on-site parking spaces that abut a landscaped area on the sides of the vehicle to provide a place to
26 step other than the landscaped area.

27

28 **P.** Wheel stops are required where a parked vehicle would encroach on an adjacent property, rights-of-
29 way, landscaped areas, or pedestrian access or circulation areas.

30

31 **Q.** On-site parking for commercial and mixed-use developments located northwest of Weeks Road ~~shall~~
32 **must** be located north of the development. Screening ~~shall~~ **must** be provided in accordance with ~~section~~
33 ~~X SJCC XX.XX.XXX~~ of this ordinance (landscaping).

34

35 **R.** On-street parking ~~shall~~ **must** conform to the standard plans adopted in ~~SJCC XX.XX.XXX~~ by the
36 county for Lopez Village urban growth area.

37

38 ~~Q.~~ **S** Required off-street parking areas located within the jurisdiction of the Shoreline Master Program
39 ~~shall~~ **must** comply with SJCC Chapter 18.50 and 18.60.120 Tables 6.4 and 6.5.

40

41 ~~R.~~ **T.** Shared parking is encouraged in Lopez Village urban growth area. When proposed, a shared parking
42 agreement ~~shall~~ **must** be submitted to the department with the application and it ~~shall~~ **must** be:

- 43
- 44 1. Be based upon the hours of operation for each use that ~~does~~ not overlap more than one-half hour;
- 45
- 46 2. Be located within one thousand (1,000) feet of the property lines of the property it will serve;
- 47
- 48 3. Require signage for shared parking lots ~~which shall~~ **must** be no larger than four (4) square feet ~~that~~
49 ~~is and~~ visibly posted in the parking lots; and
- 50

51 **4. U.** Applications will ~~B~~e processed and authorized by the department as follows:

1 ~~1.~~ ~~a.~~ The property owner ~~shall~~ must provide written lease(s), license(s), agreement(s), or fee
2 arrangement(s) for the shared parking for review by the ~~administrator~~ director for compliance with
3 this section;

4
5 ~~2.~~ ~~b.~~ If approved, a condition of approval ~~shall~~ must require that the lease(s), license(s),
6 agreement(s), or fee arrangement(s) ~~shall~~ must be recorded as a deed restriction on the title of all
7 applicable properties by the property owners. A copy of the recording ~~shall~~ must be submitted to
8 the department referencing the permit number; and
9

10 ~~3.~~ ~~c.~~ The deed restrictions may not be revoked or modified without written authorization by the
11 administrator.
12

13 ~~S.~~ V. In lieu of constructing the required commercial or institutional on-site parking spaces identified in
14 K above at the time of development, parking requirements may be reduced to two-thirds (2/3) of the
15 number of required stalls. The parking requirement may be satisfied by one of the following options:
16

17 1. Making a contribution to the Lopez Village urban growth area parking fund per SJCC
18 18.XX.XXX prior to development; or
19

20 2. Dedicating land to the Lopez Village parking land bank. The amount of land dedicated for
21 future public parking will be based on the number of stalls required in this subsection.
22

23 **Parking credits and register. Council Alternative: Strike subsection**
24

25 **A.** The department will establish and maintain a parking credit register to track contributions to the parking
26 fund and parking land bank.
27

28 **B.** If right-of-way is dedicated to the county for the purpose of constructing one on-street public parking
29 stall, the property owner ~~shall~~ must receive credit for one and one-half (1.5) parking stalls.
30

31 **C.** Property owners may contribute money or land to the Lopez Village parking fund or parking land bank
32 in advance of the actual current need or requirement to provide on-site parking. Such contributions will be
33 noted in the parking register maintained by the department as a parking credit for the owner.
34

35 **D.** Property owners may convey, pool, or share their accrued parking credits with those of other Lopez
36 Village urban growth area property owners and apply them to fulfill parking requirements for future
37 development.
38

39 **Lopez Village parking fund and parking land bank. Council Alternative: Strike subsection**
40

41 **A.** A Lopez Village parking fund and parking land bank are to be created and administered by the County
42 council or their designee for the Lopez Village urban growth area.
43

44 **B.** The Lopez Village parking fund and parking land bank ~~shall~~ must be administered for the planning,
45 acquisition, design, development, financing, construction, repair, management and maintenance of on-site
46 public parking areas. These areas must be located in the village commercial or institutional designation.
47 Project priorities may be recommended by the LVPRC Lopez Village Planning and Review Committee
48 and/or a Lopez Village parking subcommittee, and established by County council.
49
50

1 C. The Lopez Village parking fund and parking land bank administrator is authorized to accept monetary
2 contributions and donations of land or easements in lieu of the number of required parking spaces for project
3 or development permits. The administrator may also maintain a parking improvement fund to manage the
4 funds collected for the purpose of developing public parking lots in Lopez Village.

5
6 D. County council may direct money or dedicate land into the parking fund and parking land bank to be
7 used for fund purposes.

8
9 E. After receiving the recommendations of the ~~LVPRC Lopez Village Planning and Review Committee~~,
10 and parking fund and parking land bank administrator, the County council ~~shall~~ must establish and regularly
11 review the parking space fee to keep it current with existing costs. The fee ~~shall~~ must be based on the
12 average cost of providing a parking space in the village commercial designation and ~~shall~~ must include a
13 specified amount for repair and maintenance of a parking space. Parking fee rates may be established by
14 County council resolution.

15
16 F. The parking fund and parking land bank administrator ~~shall~~ must develop an amortization plan for
17 payments from property owners who make monetary contributions in lieu of providing on-site parking. The
18 County council or parking fund and parking land bank administrator may record any financing and
19 amortization plans as a lien against the subject property in a manner prescribed by law.

20
21 **In lieu parking fees and dedications of land and easements. Council Alternative: Strike subsection**

22
23 A. In lieu of providing required on-site parking spaces, an applicant may pay in-lieu parking fees to the
24 county as follows:

25
26 For development located within the village commercial and institutional designations, an applicant may file
27 a written request to the director for a waiver of all or part of the on-site parking requirements required by
28 ~~SJCC 18.XX.XXX section X of this ordinance~~ and SJCC 18.60.120 Table 6.4. If the director waives these
29 requirements, the applicant must contribute to the Lopez Village urban growth area parking or parking land
30 bank fund in accordance with subsection X of this section. Payment of in-lieu fees:

- 31
32 a. Is based on the number of required parking spaces;
- 33
34 b. Parking in-lieu fees will be assessed based on the following formula:
- 35
36 i. Multiply the required number of private parking stalls by two-thirds (2/3) to obtain the
37 number of required public stalls;
- 38
39 ii. Multiply the required number of public stalls by the in-lieu parking fee established by the
40 county to determine the total in lieu parking fees; and
- 41
42 iii. Partial space credits will be rounded to the nearest whole number;
- 43
44 c. Payment of in-lieu parking fees must be made prior to permit issuance or development; and
- 45
46 d. A property owner who dedicates land or easements in lieu of a monetary contribution or
47 provision of on-site parking will receive parking credits based upon the formula established in
48 subsection A(1)(b) of this section or the appraised value of the land in the County assessor's
49 valuation.
- 50
51

1 **Off-street loading requirements.**

2
3 The off-street loading requirements in SJCC18.60.140 do not apply may be used as guidelines.

4
5 **Bicycle parking standards.**

6
7 **A.** All bicycle parking and storage shall must be located in safe, visible areas that do not impede pedestrian
8 or vehicle traffic flow. Bicycle parking areas shall must be visible from the building entrance or indicated
9 by directional signs. They may be located within one thousand (1,000) feet of the subject property.

10
11 **B.** Bicycle racks shall must be placed a sufficient distance from walls and other barriers so all useable
12 sides of the racks are accessible. Bicycle racks must be securely anchored to the ground or wall and
13 designed to allow either a bicycle frame or wheels to be locked to the structure.

14
15 **C.** The parking fund and parking land bank administrator shall must develop an amortization plan for
16 payments from property owners who make monetary contributions in lieu of providing on-site parking. The
17 County council or parking fund and parking land bank administrator may record any financing and
18 amortization plans as a lien against the subject property in a manner prescribed by law.

19
20 **Exterior Construction Materials.**

21
22 Copper is prohibited as an exterior construction material.

23
24 **SECTION 13.** The standard plans referenced in the added road and driveway section are
25 shown on Exhibit D.

26
27 **SECTION 14.** The Lopez Village Subarea Plan implementation plan shown on Exhibit E
28 may be regularly updated.

29
30 **SECTION 15.** Savings Clause. This ordinance does not affect any pending suit or proceeding;
31 or any rights acquired; or liability or obligation incurred under the sections
32 amended or repealed; nor shall it affect any proceeding instituted under those
33 sections. All rights and obligations existing prior to adoption of this ordinance
34 shall continue in full force and effect.

35
36 **SECTION 16.** Severability. If any provision of this ordinance or its application to any person is
37 held invalid, the remainder of this ordinance and the application to other persons
38 or circumstances shall not be affected. Remaining sections of the ordinance shall
39 be interpreted to give effect to the spirit of the ordinance prior to removal of the
portions declared invalid.

40
41 **SECTION 17.** Publication of Notice of Adoption: A notice of adoption of this ordinance will be
published pursuant to RCW 36.70A-290(2).

42 **SECTION 18.** Effective Date.

43 This Ordinance is effective on the 10th working day after adoption.

44 **SECTION 19.** Codification.

45 Sections 4 through 12 of this ordinance shall be codified.

1 ADOPTED this ____ day of _____ 2019.

2
3

4 ATTEST: Clerk of the Council

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

5
6
7 _____

8 Ingrid Gabriel, Clerk Date

9

Jamie Stephens, Chair
District 3

10
11

12 REVIEWED BY COUNTY MANAGER

13
14
15 _____

16 _____
17 Michael J. Thomas Date

Rick Hughes, Vice-Chair
District 2

18

19 RANDALL K. GAYLORD

20 APPROVED AS TO FORM ONLY

21

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23 By: _____

Bill Watson, Member
District 1

24 _____
Date

25 **Exhibit A:** San Juan County Comprehensive Plan, Section B, Element 2, Land Use Element

26 **Exhibit B:** San Juan County Comprehensive Plan Official Map sheet for Lopez Island

27 **Exhibit C:** Lopez Village Subarea Plan: Lopez Village Plan for the Vital Place at the Heart of Lopez
28 Island

29 **Exhibit D:** Standard Plans for Lopez Village UGA

30 **Exhibit E:** Lopez Village Subarea Plan Implementation Plan