

# COMPREHENSIVE PLAN

## SECTION B, ELEMENT 2

### LAND USE

~~April 2010~~

*"Neighborhoods, hamlets, villages and towns are clearly defined so as to conserve agricultural, forest, mineral resource and environmentally sensitive lands. These areas provide for commerce and community activities without losing their small scale and attractive island ambiance. . . . Through innovative land use strategies, our citizens and institutions balance and protect private property rights, public rights, and our natural environment."*



## ELEMENT 2

### LAND USE

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## 2.1 INTRODUCTION

### 2.1.A Purpose

San Juan County is faced with a number of critical land use issues, perhaps the most critical being protection of the primarily *rural character* and natural environment of the islands while allowing for growth and *development* that maintains these characteristics and a healthy, diverse economy and populace. The Land Use Element of the *Comprehensive Plan*, guided by the county-wide Vision Statement, establishes the desired character, quality, and pattern of development for the physical environment of the county. It represents the policy plan for growth over the next twenty years. The goals and policies in this element direct future decisions on land use regulations, actions, procedures, and programs that will further implement the intent and purpose of the overall *Plan*.

### 2.1.B Land Use Concept

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

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

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

The Land Use Element consists of five major sections:

- The General Goals, which provide the overall goals and policies for all lands in the county.
- The Land Use Designations, which establish four principal land use classes with specific goals and policies for a number of designations within these classes:
  - Growth Areas, including Towns and Urban Growth Areas.
  - Activity Centers including Villages, Hamlets, Island Centers, and Residential Activity Centers, which are designated consistent with RCW 36.70A.070(5)(d) as *Limited Areas of More Intensive Rural Development* (LAMIRDs). Activity Centers also include Master Planned Resorts, which are designated consistent with RCW 36.70A.360 and .362.
  - Rural Lands including Rural General Use, Rural Farm-Forest, Rural Residential, Rural Industrial, Rural Commercial, Conservancy, and Natural.
  - Resource Lands including Agricultural and Forest lands.

- The Special Districts of Conservancy and Natural which include goals and policies for conservation of areas with valuable natural features.
- The Overlay Districts, which contain additional goals and policies for certain land areas and uses that warrant specific recognition and management, including Mineral Resource Lands, *Critical Areas*, Open Space Conservation, watershed management, and Airport Districts.
- The subarea plan section, which contains goals and policies for the creation of plans and regulations for specific geographic areas in the county when the needs of those areas cannot be addressed by the land use provisions of this element.

### **2.1.C Population and Residential Density**

Residential density is established on the County's Official Maps for each area of the County. The permitted density indicates the maximum number of dwelling units that may be constructed per acre of land, or conversely in rural areas, the minimum number of acres per dwelling unit. The maps of residential density do not establish a minimum parcel size; however, new land divisions may not establish a parcel pattern which would permit development of the area at a residential density greater than that provided for in the Official Maps, or create parcels smaller than those allowed by the UDC.

The patterns of development which have occurred in San Juan County have been greatly influenced by the residential densities established in the 1979 Comprehensive Plan. In many instances the densities have been voluntarily reduced by property owners through conservation easements with the San Juan Preservation Trust (a private, non-profit land trust). Also, density reduction is being achieved through purchase of conservation easements and land acquisition by the San Juan County Land Bank.

Some of the residential densities that were established in the 1979 *Comprehensive Plan* exceeded the density that is considered consistent with rural character by the Growth Management Hearings Boards established under Washington's Growth Management Act. In response to an order from the Western Washington Growth Management Hearings Board, this *Plan* establishes rural densities that allow fewer dwelling units than permitted by the 1979 plan in a number of areas. Existing parcels which were established under the greater densities of the 1979 plan may still be developed for residential use, but any further subdivision in these areas must meet the newly established density limits. *Plan* policies encourage the combination of existing lots in order to reduce the number of dwelling units that may be developed in rural areas where the existing parcel pattern would permit development at a density greater than that established by this *Plan* and the Official Maps.

Information on existing and future population are found in Appendix 1, *Population Projections, Buildout Analysis and Land Use Inventory*.

### **2.1.D Growth Management and Resource Protection**

To ensure that Critical Areas and rural resources are protected, and that urban governmental services will not be required outside of urban growth areas and LAMIRDs, in addition to the density changes there are also *Comprehensive Plan* policies that place limits on capital facility development in the rural areas, and establish UDC conservation subdivision standards and other site design and performance standards.

## **2.2 GENERAL GOAL AND POLICIES OF THE LAND USE ELEMENT**

This section of the Land Use Element establishes the overall goal and policies for how the county will try to achieve the Vision and identifies a number of general goals and policies for a broad range of issues which may apply to all land classes in the County.

## 2.2.A General Goal and Policies

### General Goal:

To provide for the orderly use of San Juan County land, shorelines and water areas and to protect and maintain the natural beauty and resources of the islands, maintain the present rural, residential, agricultural atmosphere, respect the natural environment and processes, recognize the marine orientation of the County, and to regulate development in a manner which will protect both the rights of private landowners and the interests of the public.

### General Policies:

1. Balance the public's interest in the management of community growth and its associated impacts, with the protection of individual property rights through adoption of a coordinated set of goals, policies and regulations to guide future development in the County.
2. Recognize and support the right of property owners to maintain and replace legal, non-conforming uses and structures.
3. Consider site capabilities and existing development patterns when determining the appropriate locations and intensities of various uses of the land.
4. Direct high density residential and mixed use development into growth areas, and into appropriate activity centers to prevent sprawl and relieve growth pressure in the surrounding rural areas.
5. Implement the goals and policies of this *Plan* by adopting a land-use designation map and a set of development regulations and enforcement procedures.
6. Investigate the development of a program to allow for the transfer of residential density from Rural and Resource Lands to Activity Centers and other approved receiving areas as appropriate to protect rural and resource lands. Transfer of residential density within Activity Centers should also be allowed.
7. Implement the Vision Statement goals of preserving rural character and limited natural resources by means of voluntary, incentive-based programs, and other strategies, to reduce the currently allowable maximum number of residential structures in rural areas in a manner that is fair and equitable for the affected property owners, and by establishing strategies that encourage property owners to keep parcels whole and to preserve open space.
8. Residential densities specified on the Official Maps indicate the maximum allowable density for any given parcel.
9. Recognize that the maximum allowable density applied to land by designation on the Official Maps reflects the general intent of this *Plan* for residential development and should be allowed unless maximum density would exceed site capabilities or unless it would not comply with other applicable County land use regulations. For purposes of this *Plan*, site capabilities or conditions which may indicate a density lower than the specified maximum include, but are not limited to:
  - a. Suitability of soils to sustain individual or community sewage disposal systems.
  - b. Quality and quantity of water available to serve the proposed development.
  - c. The presence Geologically Hazardous Areas, Frequently Flooded Areas, Wetlands, or Fish and Wildlife Habitat Conservation Areas which would either be materially harmed or which would result in hazards to life and property as a result of development at maximum density.

10. Preserve the rural character of rural, resource, and conservancy lands by providing for conservation design in new land divisions and allowing for limited residential density bonuses in return for additional protection of open space resources and natural resource functions.
11. Manage runoff to prevent flooding and property damage, promote groundwater recharge and protect the quality and quantity of ground and surface water in accordance with the Water Element of this Plan. In conformance with RCW 36.70A.070(1), a description of existing flooding, drainage, and water quality problems will be developed and included as an appendix to this Plan.
12. *Vacation rental* (short-term, *i.e.*, of less than thirty days) of a principal, single-family residential unit or an ADU should be subject to standards similar to those for hospitality commercial establishments but should be classified as a residential use for purposes of land use regulation.
13. Future review and revision of the Land Use Element, its land-use designations, and the Official Maps should be based in part on the sufficiency of capital facilities as provided in the Capital Facilities Element and six-year plan, review of development patterns, projected needs, the availability and adequacy of water resources, the ability to control and mitigate the impacts of development, and the retention and protection of resource lands, special districts, critical areas, and water quality.

## **2.2.B Economy**

Goal: To support a broad-based, diversified, stable, year-round economy which provides a range of goods, services and employment opportunities serving the needs of County residents, while safeguarding the rural, residential, agricultural, and marine nature of the County.

Policies:

1. Provide a predictable development atmosphere for the local economy through the formulation of clearly defined land use designations, regulations and standards.
2. Allow the establishment of *home occupations* and *cottage enterprises* with appropriate performance standards.
3. Retain *resource-based activities* by:
  - a. Conserving agricultural, forest, and mineral resource lands;
  - b. Encouraging forest land owners to use best management practices and sustainable harvesting techniques;
  - c. Allowing resource-based processing and commercial activities to locate on resource lands and in some rural areas; and
  - d. Allowing the storage of personal commercial fishing vessels and related equipment incidental to a personal residential use throughout the county.
4. Ensure that new commercial, industrial, and institutional uses are consistent and compatible with the islands' natural environment, community livability, and the needs of county residents by establishing performance standards which address:
  - a. compatibility with surrounding area;
  - b. visual impact, including signage, light and glare;

- c. storm drainage control;
  - d. traffic access and circulation;
  - e. outdoor storage and location of parking and loading;
  - f. noise abatement;
  - g. water and air pollution, including hazardous wastes, odor, and noxious fumes; and
  - h. Critical Areas.
5. Allow for tourism-related businesses and activities within the context of maintaining a diverse and balanced economy while minimizing the related negative impacts.
  6. Commercial and industrial uses should be located only where directly accessible from a County Road, or from a private road if traffic and maintenance impacts to the private road are minimized.

### **2.2.C Energy**

Goal: To conserve energy and promote energy efficiency.

Policies:

1. Promote education on site planning methods that make maximum use of energy-saving features of the natural environment.
2. Provide opportunities within land use designations for the development and use of alternative energy resources which are compatible with the natural environment.

### **2.2.D Essential Public Facilities**

Recognizing the diverse essential public facility needs of San Juan County's many islands, following are the policies for addressing the siting and development of essential public facilities, including essential public facilities located within the Shoreline jurisdiction.

Goal: To ensure that the land use needs for *essential public facilities* are identified and provided for as a necessary component of a coordinated land use system.

## Policies:

### 1. Identification of Essential Public Facilities

Essential Public Facilities (EPFs) are facilities that provide a necessary public service as their primary mission, and that are difficult to site. EPFs include, but are not limited to, those facilities listed in RCW 36.70A.200; any facility that appears on the list maintained by the State Office of Financial Management under RCW 36.70A.200(4); secure community transition facilities as defined in RCW 71.09.020; state education facilities; state or regional transportation facilities as defined in RCW 47.06.140 and facilities determined to be an Essential Public Facility under SJCC 18.30.050E. Essential public capital facilities of county or state-wide significance also include, but are not limited to: passenger and vehicle ferry terminals (public); public elementary and secondary schools; solid waste collection, transfer, and disposal facilities; county roads and county docks; county equipment storage and maintenance yards; county septage handling and treatment facilities; primary electrical transmission and distribution systems; fire stations and emergency service facilities; public libraries; post offices; parks; county administrative offices; and general aviation airports.

2. Regulations and policies may not preclude the siting and construction of EPFs. When possible, EPFs shall comply with existing regulations and policies. When this is not possible, or when existing, non-conforming facilities need to be expanded, special siting, design and approval procedures should be developed that:
  - a. Consider impacts on existing land uses, resource lands, open space, scenic resources, shoreline master program, Critical Areas, and the natural and rural environment;
  - b. Consider the quality of service provided and the economic, social and environmental costs and benefits to the public;
  - c. Include the public in selecting sites and developing alternatives to mitigate negative impacts;
  - d. Require EPFs to provide reasonable mitigation of negative impacts. An application for approval of an EPF Conditional Use Permit may however, not be denied because impacts are not fully mitigated; and
  - e. Prevent the siting of incompatible uses adjacent to general aviation airports.
3. Essential public facilities should not be located within frequently flooded or geologically hazardous areas unless no practicable alternative exists.
4. On Lopez and Orcas Islands, new public schools and government administrative offices should be located within an Urban Growth Area (UGA), a LAMIRD, or other area where adequate water supply and sewage disposal exist without new extensions of urban services.
5. Other facilities should not be located outside an UGA or LAMIRD unless its operation warrants a rural location.
6. The Shoreline Master Program Element should establish shoreline environment designation, policies, boundaries, and provisions regarding the identification, siting and design of essential public facilities located in the shoreline jurisdiction.
7. To help offset potential impacts from essential public facilities, develop voluntary and incentive based programs to protect the overall functions and values of Critical Areas and to support resource land uses, particularly commercial agricultural uses.

## 2.2.E Recreation

Goal: To provide for recreational opportunities to meet the needs and interests of County residents while ensuring that recreational uses are compatible with the natural limitations of each specific site and surrounding uses.

Policies:

1. Coordinate with other public and private agencies to ensure that plans and programs provided within the County accommodate the recreational needs and interests of County residents.
2. Allow the use of public lands consistent with the physical and cultural limitations of each specific site and the island on which it is located.
3. Allow commercial *recreational developments*, consistent with the above goal, which will serve to complement public recreational facilities.
4. Prohibit recreational vehicle parks and all-terrain vehicle tracks because these uses place excessive demands on public transportation systems.
5. Prohibit the development or use of land for large-scale, permanent, tourist attractions such as theme parks and casinos, as they are out of scale and character with San Juan County. Allowable tourist attractions should be limited to those that do not require significant land area, and such attractions should meet all concurrency requirements.
6. Establish performance standards for public and private recreational developments to minimize adverse impacts on adjacent properties and the natural environment.

## 2.2.F Natural Resource Conservation

Goal: To preserve nonrenewable natural resources and conserve renewable natural resources for the benefit of existing and future generations.

Policies:

1. Conserve soils capable of supporting long-term agricultural production. The federal Natural Resources Conservation Service (NRCS) identified 34 soil types suitable for farming in San Juan County. These soils can be found on page 121 of the 2009 Soil Survey of San Juan County, Washington, available at: [http://soils.usda.gov/survey/online\\_surveys/washington/#san2009](http://soils.usda.gov/survey/online_surveys/washington/#san2009).
2. Conserve forest lands in forest grades 1-5 (as classified by the Washington Department of Natural Resources) for long-term timber production.
3. Encourage sustainable forest management in order to conserve forest lands and promote the retention and preservation of forest stands that are particularly important to visual aesthetics, wildlife habitat, groundwater retention and/or site stability.
4. Protect and preserve, wetlands, critical marine and terrestrial wildlife habitats and wildlife corridors, including breeding grounds, resting and feeding areas for migratory birds, nursery areas and habitats of threatened, endangered and sensitive species.
5. Encourage the reclamation, rehabilitation and enhancements of: (a) wetlands, (b) marine and terrestrial wildlife habitat, and (c) vegetated areas necessary to maintain site stability and groundwater recharge.

6. Develop voluntary, incentive-based, protection measures for natural resources including conservation easements, transfer and purchase of development rights programs, current use taxation, and public education programs.
7. Protect the health, safety and welfare of the public by ensuring that areas susceptible to geological and hydrological hazards are not developed in a manner which would result in injury, loss of life, property damage or financial losses due to flooding, erosion, landslide, or steep slope failures.
8. Incorporate low impact development standards and guidelines (based on the Technical Guidance Manual for Puget Sound, Puget Sound Action Team, 2005) into implementing regulations for critical areas, rural and resource lands, special districts, activity centers and growth areas.

### **2.2.G Social Services**

Goal: To augment County health and social service capabilities by allowing provision of affordable residential care.

Policy:

1. Allow establishment of adult family homes for the elderly and special needs residents and home day care facilities for children in all designations which allow residential uses in accordance with state and federal laws.

### **2.2.H Historic and Archaeological Preservation**

Goal: To protect, preserve, and restore significant archaeological and historical resources in the county and encourage those types of new development that will enhance historic community identity.

Policies:

1. Protect areas of known archaeological and historic value from incompatible development and ensure that newly discovered areas uncovered during excavation are examined by the appropriate authorities.
2. Protect through voluntary measures the significant historic resources identified in an inventory, using a variety of preservation techniques including acquisition, incentives, conservation easements, transfer of development rights, overlay districts, and alternative re-use of structures.
3. Incorporate the preservation of sites and structures of historic and archaeological significance as a part of the environmental consideration in development permit and land division reviews.

### **2.2.I Open Space and Scenic Resources**

Goal: To protect and conserve open space and scenic resources.

Policy:

1. Protect open space and scenic resources identified in the County *Open Space and Conservation Plan* through implementation of a variety of conservation techniques including fee acquisition, conservation easements, incentives, overlay districts, purchase, retirement, or transfer of development rights, and education programs.

### **2.2.J Access to Public Lands and Facilities**

Goal: To provide safe and convenient access to public lands and facilities without causing significant negative impacts on the quality of life or property of island residents, or adversely affecting fragile natural features.

Policies:

1. Public agencies should acquire or otherwise assure access to publicly owned lands and facilities. Such access should not adversely affect the public resource or adjacent properties.
2. *Public access areas* should be clearly and appropriately marked.
3. *Greenways* or *buffer zones* should be provided within public access areas to protect adjacent private property.

### **2.2.K Sewage Disposal**

Goal: To ensure that growth and development is supported by site conditions suitable for sewage disposal systems, or by sewage treatment facilities in urban growth areas and certain activity centers and residential activity centers, in order to protect water quality and the public health, safety, and welfare.

Policies:

1. Allow development only upon County approval of sewage disposal systems or upon connection to an approved community sewage treatment facility.
2. Allow innovative, functional technologies for the efficient processing of sewage. These alternative methods of sewage disposal may be allowed with approval from the County Public Health Officer.
3. Locate sewage disposal facilities to prevent contamination of surface and ground water resources.
4. Coordinate with the Town of Friday Harbor in the development of programs for local sewage sludge disposal which will have minimal negative impact on the public.
5. Prohibit the importation and disposal of sewage sludge to the islands from outside of the County.
6. Allow the extension of community sewage treatment facilities into rural areas only to remedy existing or potential groundwater contamination problems, or to correct existing or impending health hazards, or to provide service to public schools, and only when it meets the other criteria provided in this *Plan*, Sections B.7.1.C and B.7.2.A.

### **2.2.L Telecommunications**

Goal: To allow for the development of effective telecommunications systems in a manner consistent with the character of island neighborhoods and the rural and scenic qualities of the islands.

Policies:

1. Allow for telecommunications towers and antennae subject to location, siting, appearance, and performance standards.
2. Existing commercial telecommunications antennae and towers should be used to the maximum extent possible to accommodate future telecommunications needs before new facilities are approved.

### 2.2.M Physical Activity

Goal: To implement community planning and design approaches that promote walking, bicycling and other physical activity.

Detailed policies supporting physical activity are found in the Transportation Element of this plan (which includes a Non-motorized Transportation Plan) and the goals and policies of adopted subarea and activity center plans.

## 2.3 LAND USE DESIGNATIONS

This section of the Land Use Element establishes four principal land use classes: Growth Areas, Activity Centers (including LAMIRDs), Rural Lands, and Resource Lands. Each Class has specific goals and policies that specify the criteria used to qualify lands for each designation and provide guidance for development regulations by identifying uses and activities which may be established in these areas. Generally, the factors for land use designations in this *Plan* include the following: physical site conditions such as soils, slope, groundwater recharge and drainage; present and projected needs of the population; the character of existing development and parcel size; financial impacts on the County and its residents; community livability; capacities of roads, sewers, water systems, and other facilities; proximity to shopping, business and community activities; and providing a balance between various land uses.

### 2.3.A Growth Areas

Goal: To recognize and provide for areas of compact urban development which offer diverse employment opportunities, a variety of residential densities and housing types which will eventually achieve urban-level densities in most locations, *general commercial*, *general industrial*, institutional, recreational, and community uses in a concentrated, development pattern that includes urban-level and uses and intensities of use.

Policies:

1. Establish different urban growth areas, each of which has a mix of land uses with housing, businesses, and services appropriate to its character, size, and location, as described in a. and b., *below*.

Types of Growth Areas

- a. **Towns** are incorporated *Urban Growth Areas* with a full range of urban facilities and services, including *high-density residential*, general commercial, and general industrial uses, schools, and neighborhood and community parks. Towns offer a variety of housing types and are pedestrian-oriented with compact development patterns. They have municipal sewage treatment facilities, municipal water systems and provide other *urban governmental services*. Towns are incorporated.
- b. **Unincorporated Urban Growth Areas (UGAs)** are: 1) adjacent to incorporated towns, are or can be served by municipal water systems and municipal sewage treatment facilities, and contain or are appropriate for a mixture of uses including general commercial and general industrial and high density residential. All or a portion of these areas may be annexed into a town within the twenty year

planning time frame; or 2) are non-municipal urban growth areas i.e, they provide *community sewage treatment facilities* and *community water systems* services at non-rural or urban levels of service, and provide some other services similar to towns but have no incorporated core. UGAs provide a variety of housing types and residential densities, some of which are at urban-level densities, with the remainder conditioned to not preclude future upzoning. The UGAs are pedestrian-oriented with a compact village core.

2. Growth Areas should be designated on the *Comprehensive Plan* Official Maps where existing or proposed uses and services will meet the above definitions. Growth Areas designated on the *Comprehensive Plan* Official Maps are identified in Table 1, *below*.

**Table 1. Summary of Urban Growth Areas.**

<b>Location</b>	<b>Designation</b>
Friday Harbor	Town
Friday Harbor Urban Growth Area	Urban Growth Area
Eastsound	Urban Growth Area
Lopez Village	Urban Growth Area

3. New urban-level residential, *general commercial* and *general industrial* uses, and urban-level facilities and services should be located only in growth areas, except as explicitly provided by this *Plan* and in compliance with the GMA, in order to avoid incompatible land uses and protect the character and values of the rural areas. Rural industries and heavy industrial types of activities will generally be located in Island Center activity centers and the Rural Industrial areas (*see Rural areas, below*).
4. Consider the local knowledge, experience, and preferences of community residents, in addition to the directives of the GMA and this *Plan*, when establishing the type, size, character, and boundaries of a growth area, deciding appropriate uses and their location, determining community *infrastructure* requirements, and establishing standards and design guidelines to protect and retain important features which the community values.
5. Subarea plans or location-specific designations and standards for growth areas should be adopted to guide land use and development in these areas. Residential, commercial, industrial, and open space and park areas should be identified in each growth area. Land use districts and development standards for areas should be consistent with GMA direction to develop compact urban areas and to retain and enhance community character and values. Critical Areas within growth areas should be preserved and enhanced.
6. Land use districts, densities and standards for growth areas should be consistent with GMA direction to develop compact urban areas and for most areas to ultimately achieve urban-level densities. Densities and development should be phased so as to be compatible in the near term with existing development patterns. Standards should also be developed to prohibit new development during the phasing period that would physically preclude eventual higher densities.
7. All new development in growth areas should be connected to and served by public or private community water and sewage treatment systems. Long-range sewer and water system plans should be developed or updated by the utility providers in cooperation with the county so that the plans are consistent with the growth projections, land use regulations, and subdivision patterns in each area.
8. New residential development in growth areas should include a full range of single- and multi-family housing types. New areas added to a growth area should permit minimum densities of 4 units per acre in

order to support efficient public services and provide a full range of affordable housing opportunities in the future.

9. Open space design standards should be established to maintain the rural character at the borders of growth areas. Open space areas, in the form of squares, green spaces, and parks within growth areas, should be an integral part of these areas to provide settings for recreation and public gatherings, and to protect Critical Areas, scenic qualities, and historic features.
10. The County should investigate storm drainage impacts of current and future development for each growth area, and develop additional design and building standards for land development projects, capital projects, and establishment of a utility if appropriate, to control storm water runoff and associated impacts.
11. The Town of Friday Harbor and the County should prepare and maintain an Urban Growth Area Management Agreement in accordance with the San Juan County and Town of Friday Harbor Joint Planning Policy adopted in 1992, as amended.
12. Urban Growth Areas (UGAs) should be designed to accommodate fifty percent (50%) of the population growth projected for the island where the UGA is located during the twenty year planning period. Development of urban areas should be encouraged consistent with smart growth principles. The Town, County, and utility providers should jointly explore infrastructure planning, construction and financing options for necessary capital improvements. Potential financing options include developer agreements, utility local improvement districts, grants, service area agreements, and impact fees.
13. Establish development standards for planned unit developments (PUD) in growth areas to more effectively accomplish the goals and policies of this *Plan* and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. PUD standards should include provisions for a mixture of housing types and residential densities, and preservation of open space and natural features, as well as concurrency requirements to address impacts on transportation and other capital facilities and services.
14. An adaptive management program regarding seawater intrusion into the Lopez Village UGA water supply is hereby established to evaluate whether existing regulatory and non-regulatory actions with regard to seawater intrusion are protecting the quality and quantity of groundwater used for public water supplies in the Lopez Village UGA. This program is intended to supplement the County's existing water quality protections in San Juan County Code Chapter 8.06.
  - a. Benchmarks. The program uses June 2002 well data and the groundwater model described in the June 2003 Lopez Village Groundwater Model Report ("2003 Report") prepared by Pacific Groundwater Group as a benchmark. The 2003 Report is hereby incorporated into the Comprehensive Plan by reference.
  - b. Monitoring network. A well monitoring network of eleven wells has been established in and around Lopez Village in partnership with the Washington State Department of Ecology. Data loggers have been installed on these wells and will measure elevation and static level at least hourly. Additionally, manual samples will be taken at least twice a year from the wells for chemical analysis. The analysis will test for alkalinity, calcium, chloride, conductivity, fluoride, magnesium, nitrate, potassium, sodium, and sulfate.
  - c. Review by County Hydrogeologist. A County Hydrogeologist will review and analyze data collected by the monitoring network by December 31, 2008, and annually thereafter. The review will include:
    - i. Analysis of the collected data and comparison to the projections regarding pumpage and water levels in the model developed in the 2003 Report.

- ii. Modification to the model in the 2003 Report if it is not simulating aquifer conditions correctly or if more accurate indicators of seawater intrusion are developed and can feasibly be integrated into the model.
- iii. Analysis of the aquifer capacity compared to growth projections.
- d. **Thresholds.** Degradation of the aquifer will be considered to occur if the County Hydrogeologist determines that there is a greater impact on seawater intrusion than predicted in the groundwater model. If more accurate indicators of seawater intrusion or other degradation are developed and integrated into the model, such indicators will be used to measure degradation in future analyses.
- e. **Response to degradation of water quality.** If degradation occurs, the County will immediately take appropriate action to cease the issuance of building permits in the Lopez Village UGA. The County will not resume issuing building permits in the Lopez Village UGA until such time as action which will prevent further seawater intrusion has been identified and implemented. (Ord. 40-2008)

### 2.3.B Activity Centers (including Limited Areas of More Intensive Rural Development)

**Goal:** To recognize existing centers of activity, which offer diverse employment opportunities, a variety of residential densities and housing types, *general commercial*, *general industrial*, institutional, recreational, and community uses in a concentrated, development pattern.

**Policies:**

1. Establish different types of activity centers, each of which has a mix of land uses with housing, businesses, and services appropriate to its character, size, and location, as described in a.–d., *below*.

Identify and delineate activity centers that are limited areas of more intensive rural development (LAMIRDs) according to the criteria in RCW 36.70A.070(5)(d). LAMIRDs consist of *existing* (as of 1990, commercial, industrial, or residential areas in which the kinds, intensities, or densities of use, or the capital facilities and services exceed the levels normally associated with rural development. Such areas allow for the continuance of the existing areas and uses, and for infill in the areas to the level of existing patterns; however, the areas must be minimized and contained, with logical outer boundaries defined predominantly by the built environment, and may not extend beyond the existing area or use.

Also establish Master Planned Resort Activity Centers, according to the criteria in RCW 36.70A.360 and 362.

Types of Activity Centers

- a. **Village Activity Centers** have only *rural governmental services* and are not incorporated. They provide a limited variety of residential densities, and are pedestrian-oriented with a compact village core. They provide some intensive uses and services (including *community sewage treatment facilities* and *community water systems*), but are not considered capable of or appropriate for urban-level development or expansion at this time, only for infill.
- b. **Hamlet Activity Centers** are residential areas that have some non-rural densities, and have small commercial centers which provide goods and services to surrounding rural and resource land uses. Hamlets are served by community water systems and may have community sewage treatment facilities, but have only rural governmental services.
- c. **Island Centers** are generally characterized by existing general commercial and general industrial uses and may also include some *rural commercial* and *rural industrial* uses. These centers may be served by community water systems, but have only rural governmental services. Island Centers differ from

other Activity Centers in that they generally do not have a high density residential component included within the center boundaries, and new residential development (except where accessory to commercial or industrial use) should be prohibited. The commercial and industrial uses located in these centers provide goods and services island-wide.

- d. **Residential Activity Centers** are residential areas that have existing development patterns more dense than one unit per five acres, some portion of which is served by non-rural levels of capital facilities or services.
  - e. **Master Planned Resorts** are self-contained and fully integrated *planned unit developments*, in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. They may contain other residential uses and commercial activities within their boundaries, but only if these uses are integrated into and support the on-site recreation nature of the resort. Master Planned Resorts may be within other activity centers.
2. Activity centers should be designated on the *Comprehensive Plan* Official Maps where existing or proposed uses and services meet the above definitions. Activity centers designated on the *Comprehensive Plan* Official Maps are identified in Table 2, *below*.

Table 2 Summary of Activity Centers

Location	Designation	Existing Site-Specific Plans & Standards
Orcas Village <del>Landing</del>	Village Activity Center	Yes
Olga	Hamlet Activity Center	Yes
Deer Harbor	Hamlet Activity Center	Yes
Doe Bay	Hamlet Activity Center	No (subject to general, interim activity center standards)
Westsound	Hamlet Activity Center	No (subject to general interim activity center standards)
W. Beach Rd/Crow Valley Rd.- Orcas	Island Center	No
Center Rd./School Road-Lopez	Island Center	No
Country Corner-Orcas	Island Center	Yes
North Roche Harbor Area	Residential Activity Center	No
North Rosario Area	Residential Activity Center	No
Roche Harbor	Master Planned Resort	Yes (resort master plan)
Rosario Resort	Master Planned Resort	Yes (resort master plan)
West Beach Resort	Master Planned Resort	No

- 3. New general commercial, general industrial, and institutional uses should be located in activity centers, as appropriate with the established patterns of development and use, to avoid incompatible land uses and the proliferation of these uses in rural areas.
- 4. Use the Roche Harbor Master Planned Resort (RHMPR) *Activity Center Plan* dated June 1994, and modified in April 1996, as a guide for the planned unit development of the RHMPR. The following policies are established to manage development in the RHMPR:

- a. The RHMPR *Plan* is based on a 200-unit reduction in density from that potentially allowed under the 1979-established densities on property under Roche Harbor ownership.
  - b. A phased planned unit development (PUD), subject to the County's PUD process, should be submitted for approval of any new development in the RHMPR planning area in any one year period, when such development exceeds 4,000 square feet of gross floor area, or for any recreational facility development.
  - c. Each phase of the PUD should be accompanied by an environmental assessment prepared in accordance with the requirements of the State Environmental Policy Act (SEPA).
  - d. Each phase of the PUD should include a detailed plan identifying the number of dwelling units, allowable uses, average density, percentage of open space, road access and circulation, and provisions for water, sewage, and stormwater management. The specific area descriptions identified in the Addendum to the modified RHMPR *Activity Center Plan* should be used to guide phases of the PUD. A master plan for all sanitary sewer and stormwater disposal systems should be provided by the developer for all areas included in the RHMPR and in the Westcott Bay drainage basin, exclusive of those areas in the Rural Farm-Forest designation, prior to implementation of any phase of development.
  - e. At least one public meeting should be held in the Roche Harbor area prior to approval of PUD phases. Such meetings should provide opportunity for public review and comment on proposed phase plans.
5. In addition to the directives of the GMA and this *Plan*, consider the local knowledge, experience, and preferences of community residents when establishing the type, size, character, and boundaries of an LAMIRD/activity center, deciding appropriate uses and their location, determining community *infrastructure* requirements, and establishing standards and design guidelines to protect and retain important features which the community values.
  6. Subarea plans or location specific designations and standards for village, hamlet and island center activity centers may be adopted to guide land use and development in these areas. Land use districts and development standards for activity centers should be compatible with existing development patterns and community character, including rural aspects. Critical Areas within activity centers should be preserved and enhanced. Residential, commercial and industrial areas should be identified in each activity center, if appropriate, and specific development standards adopted for these areas.
  7. New development in activity centers served by public or private community water and sewage treatment systems should be connected to such systems where available and appropriate. System operators should be responsible for maintaining an up-to-date understanding of the status of their systems (including capacity and numbers of existing connections and commitments to service). For sewage treatment systems and Group A water systems in Village, Hamlet, and Residential activity centers long range sewer and water system plans should be developed or updated by the utility providers in cooperation with the county so that the plans are consistent with the growth projections, land use regulations, and subdivision patterns in each area. Service by such facilities in residential activity centers may be conditioned specifically for the individual area or portions thereof.
  8. Mixed-uses, high-density residential uses, commercial, industrial, and public uses, should be located within activity centers where adequate facilities, services, utilities and improvements exist or are planned to support the level and type of development identified, as appropriate to the existing levels and patterns of development, and the established range of uses.
  9. Residential development in activity centers, except Island Centers and Master Planned Resort activity centers, should allow a full range of single- and multi-family housing types. Density bonuses are allowable, as appropriate to established development patterns, to achieve affordable housing goals. New residential development should be prohibited in Island Centers except as an accessory to commercial or industrial use.

New residential development may take place in master Planned Resort activity centers, but only if it is integrated into and supports the on-site recreational nature of the resort, as determined at the time of Master Plan approval.

10. Open space design standards should be established to maintain the rural character at the borders of activity centers.
11. Open space areas, in the form of squares, green spaces, and parks within activity centers, should be an integral part of these activity centers to provide settings for recreation and public gatherings, and to protect Critical Areas, scenic qualities, and historic features.
12. In all activity centers storm drainage considerations should be addressed in the design of land development projects to control storm water runoff and erosion.
13. Establish development standards for Master Planned Resort activity centers to ensure that development is compatible with surrounding land uses and that adequate facilities and services are available for the level of development planned. Development standards should address, at a minimum, the following:
  - a. Aesthetic, visual and environmental considerations in order to provide appropriate siting of buildings and amenities to incorporate and retain, as much as feasible, significant on-site natural, historic, and other important features;
  - b. Location and design of improvements and activities in such a manner to avoid or minimize adverse effects of the resort on surrounding lands;
  - c. Water quantity and quality, including stormwater management;
  - d. Location specific standards to retain and enhance resort character;
  - e. Protection of Critical Areas; and
  - f. Concurrency requirements for impacts on transportation facilities and other capital facilities and services.
14. Establish development standards for Planned Unit Developments (PUD) in activity centers (where appropriate and practical, given existing development patterns, potential project sizes, available supportive services, terrain, etc.) to more effectively accomplish the goals and policies of this *Plan* and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. PUD standards should include provisions for a mixture of housing types and residential densities, and preservation of open space and natural features, as well as concurrency requirements to address impacts on transportation and other capital facilities and services.

### **2.3.C Rural Lands**

Goal: To maintain and enhance the rural character of the County. *Rural lands* are intended to retain the agricultural, pastoral, forested, and natural landscape qualities of the islands while providing people with choices of living environments at lower densities or use intensities than those in Activity Centers. Rural lands also include the *Special Districts*, which are discussed further in Section B.2.4.

Policies (2.3.C.1–10):

1. Identify as Rural lands on the *Comprehensive Plan* Official Maps all those which are not within an Activity Center and are not designated as Resource Lands.

2. Adopt performance standards for clearing and grading on Rural lands to minimize the potential adverse impacts of these activities on forested lands, soils, surface water quality and quantity, groundwater recharge, wildlife habitat and scenic resources. Grading to construct ponds and reservoirs should be located a safe distance from roads, maintain in-stream flows of natural drainage courses, and protect adjacent property from damage.
3. Establish provisions for Conversion Option Harvest plans in coordination with the state Department of Natural Resources (DNR) to clearly delineate and coordinate the authorities and responsibilities of the DNR and the County in the processing, administration and enforcement of forest practice activities, especially as they relate to the clearing of land for non-forestry uses.
4. Establish development standards for Planned Unit Developments (PUD) in Rural areas to more effectively accomplish the goals and policies of this *Plan* and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. PUD standards should include provisions for a mixture of housing types at rural densities, and preservation of open space and natural features.
5. Strengthen *Right-to-Farm* and *Right to Forestry* provisions which establish the high priority and favored use of Rural Lands, except Rural Residential areas, for farming and forestry activities and assure that such uses will not be considered a nuisance or inconvenience to adjacent non-farm and non-forestry uses.
6. Consider the scope and scale of proposals for the alteration, modification, or expansion of existing camps and existing small resorts. Changes that would expand the scope of services (*e.g.*, adding meal service or new recreational facilities, or adding new convention, hotel or marina facilities), increase the scale of facilities, or add on-site residential housing, should require discretionary use or conditional use permits. Allow expansion of existing uses that conform to the current scope and scale subject to reasonable performance standards to ensure that alteration and expansion of such uses have minimal adverse impacts on surrounding uses.
7. Allow the alteration, intensification, and expansion of existing gravel pits subject to reasonable performance standards to ensure that alteration, intensification, and expansion of such uses have minimal adverse impacts on surrounding uses. If increased off-site impacts (noise, vibration, dust, traffic) would result from expansion or modification, a conditional use permit should be required. Modification to include a new use or operation (*e.g.*, an asphalt plant or a rock crusher) should be a conditional use and be limited to areas where residential densities are planned at five acres or more per unit.
8. Alteration and expansion of existing *airstrips* and *airfields* that would result in increased aircraft activity, conflict with the purpose of the applicable land use district, or cause increased adverse impacts to surrounding areas should be prohibited. Allow minor, low-impact changes subject to reasonable performance standards to ensure that such uses have minimal adverse impacts on surrounding uses. Alteration and expansion of existing airports should be subject to a conditional use permit.
9. When evaluating proposals for the alteration, modification, or expansion of non-conforming uses, consider the total impact of the non-conforming uses as well as the added impact of the incremental changes, and the consistency of the changes with the applicable land-use designation.
10. Establish clearly defined Rural land use designations which promote and preserve the rural character of the islands while meeting the varied needs of island residents. The designations are:

**a. Rural General Use**

Goal: To provide flexibility for a variety of *small-scale*, low-impact uses to locate on rural lands.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural General Use on the *Comprehensive Plan* Official Maps:
  - i. There is an existing mix of residential development, scattered single family residences, small farms, forestry activities, resource-based commercial and industrial uses, cottage enterprises, rural commercial and rural industrial uses;
  - ii. Parcels are generally five to twenty acres in size; and
  - iii. Soils are marginal or unsuitable for intensive commercial agriculture or forestry uses.
- (2) Allow resource-based industrial and commercial activities, rural commercial, rural industrial, and cottage enterprise uses.
- (3) Establish performance standards for the uses contained in Policy (2), *above*, to minimize adverse environmental and visual impacts. Standards should address access, circulation, building height and bulk, lighting, screening, signage, noise, odor, vibration, spray, smoke, waste disposal, and storm drainage control.
- (4) Allowable uses should be compatible with the existing rural character and should not result in more than a minimal and manageable increase in demand on existing rural governmental services and facilities, utilities, community water systems, sewage disposal systems, and County roads.

**b. Rural Farm-Forest**

Goal: To provide for rural living opportunities which are compatible with small-scale farming and forestry activities.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Farm-Forest lands on the *Comprehensive Plan* Official Maps:
  - i. The predominant land use is farming and forestry mixed with residential development;
  - ii. Parcels are generally five or more acres in size; and
  - iii. Soils are suitable for small-scale agricultural or forestry uses.
- (2) Adopt site development standards for permissible uses that will maintain a predominant portion of the farm and forested areas for farming and forest uses.
- (3) Allow cottage enterprise uses and agriculture- and forestry-related commercial and industrial uses, such as processing and limited retailing facilities for farm and forest products, to be located on Rural Farm-Forest lands.
- (4) Establish development standards that allow for farm stay accommodations for agritourism enterprises.
- (5) Allow the development of farm worker accommodations on Rural Farm-Forest lands subject to standards that ensure the occupancy is seasonal and limited to persons employed by the proprietor

in farm labor for a farm production season only, and that ensure compliance with applicable public health and safety requirements.

- (6) Establish performance standards for the uses listed in Policies (3), (4) and (5), *above*, to minimize adverse environmental and visual impacts. Standards should address access, circulation, building height and bulk, lighting, screening, signage, noise, odor, vibration, spray, smoke, waste disposal, and storm drainage.

### **c. Rural Residential**

Goal: To protect the predominantly residential character of some rural areas and provide for a variety of residential living opportunities at *rural densities*.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Residential on the *Comprehensive Plan* Official Maps:
  - i. There are existing small acreage platted areas generally with private covenants and restrictions, and some exclusively residential developments are expected to continue to occur; and
  - ii. Parcels are generally two to five acres in size, and may also include areas with lots less than two acres in size.
- (2) Guide the site design of new residential land divisions to retain rural character and minimize the demand for and cost of public facilities and services.
- (3) Prohibit cottage enterprises and commercial and industrial uses, other than home occupations and uses of comparable impact on residential use.
- (4) Community facilities such as fire stations, club houses and associated recreational amenities should be allowed in Rural Residential areas to serve these residential communities.

### **d. Rural Industrial**

Goal: To provide areas for rural oriented industrial uses which are not generally compatible with activity center land uses, which compliment rural character and development, and which can be served by rural governmental services.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Industrial on the *Comprehensive Plan* Official Maps:
  - i. Lands with an existing or historical commitment to rural industrial uses;
  - ii. Lands with direct access to a public roadway classified as a minor or major arterial;
  - iii. Lands where on-site physical features can be used to protect surrounding lands from negative impacts; and
  - iv. Areas with parcels sizes large enough to accommodate expansion of existing uses or serve several new uses in a concentrated area.

- (2) Rural industrial uses should be limited to those which are most appropriately located in the rural environment because of incompatibility with intensive, mixed use development patterns characteristic of activity centers. Such uses include, but are not limited to, storage yards, lumber mills, wood craft manufacturing, gas storage facilities, and cement batch plants.
- (3) New residential development (except where accessory to commercial or industrial use) within these areas should be prohibited.
- (4) Establish performance standards for all development in Rural Industrial areas to ensure that allowed uses are consistent with the rural character of the area and minimize adverse environmental impacts. Standards should address access, circulation, signage, parking, noise, odor, vibration, spray, smoke, screening, lighting, waste disposal, and storm drainage control.

**e. Rural Commercial**

Goal: To provide areas for rural oriented commercial uses which compliment rural character and development, and which can be served by rural governmental services.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Commercial on the *Comprehensive Plan* Official Maps:
  - i. Lands with an existing or historical commitment to rural commercial uses;
  - ii. Lands with direct access to a public roadway classified as a minor or major arterial; and
  - iii. Lands where on-site physical features and/or parcel size can be used to protect surrounding rural land uses from negative impacts.
- (2) Rural commercial uses should be limited to those which are most appropriately located in and are compatible with the rural environment. Such uses include, but are not limited to, veterinary clinics, nurseries, animal boarding facilities, feed stores, and some small-scale hospitality commercial uses such as country inns and restaurants.
- (3) New residential development (except where accessory to commercial or industrial use) within these areas should be prohibited.
- (4) Establish performance standards for all development in Rural Commercial areas to ensure that allowed uses are consistent with the rural character of the area and minimize adverse environmental impacts. Standards should address access, circulation, signage, parking, noise, odor, vibration, spray, smoke, screening, lighting, waste disposal, and storm drainage control.

**2.3.D Resource Lands**

Goal: To recognize and protect the physical conditions and characteristics of agricultural and forest resource lands which are conducive to the use of such lands for long-term commercial production.

Policies (2.3.D.1–5):

1. Identify lands as Agricultural and Forest Resource lands on the *Comprehensive Plan* Official Maps which are not designated as Activity Centers or Rural Lands.

2. Apply site planning standards for land division activities on resource lands to ensure that agricultural and forest resource lands are conserved for long-term farm and forest uses.
3. Strengthen Right-to-Farm and Right-to-Forestry provisions which establish the high priority and favored use of Resource Lands for farming and forestry operations and assure that such uses will not be considered a nuisance or inconvenience to adjacent non-farm uses.
4. Continue to apply the Open Space Conservation Overlay District regulations to Agricultural Resource Lands located within the San Juan Valley.
5. Establish clearly defined Resource Lands designations which protect and conserve long-term commercially significant agricultural and forest lands and associated uses. The designations are:

**a. Agricultural Resource Lands**

Goal: To ensure the conservation of agricultural resource lands of long-term commercial significance for existing and future generations, and protect these lands from interference by adjacent uses which may affect the continued use of these lands for production of food and agricultural products.

Policies:

- (1) Lands in agricultural use which are characterized by the following criteria may be designated as Agricultural Resource Lands:
  - i. Areas in parcels of ten acres or larger with soils capable of supporting long term commercial agricultural production. The federal Natural Resources Conservation Service (NRCS) identified 34 soil types suitable for farming in San Juan County. These soils can be found on page 121 of the 2009 Soil Survey of San Juan County, Washington, available at: [http://soils.usda.gov/survey/online\\_surveys/washington/#san2009](http://soils.usda.gov/survey/online_surveys/washington/#san2009); or
  - ii. Lands which meet the criteria in a. above which are under conservation easement for agricultural use or which are enrolled in the Open Space-Agriculture taxation program.
- (2) Limit conversion of Agricultural Resource Lands to permanent non-farm uses through implementation of a purchase or transfer of development rights program, special tax assessment programs, conservation easements, and conservation site design options for residential land divisions and boundary line modifications.
- (3) Allow cottage enterprises that do not interfere with agricultural use, and allow agriculture-related activities such as processing and limited retailing facilities for locally grown products on farm sites and within agricultural areas consistent with allowances in State law for accessory uses in agricultural resource lands.
- (4) Allow farm labor housing and *farm stay accommodations* subject to specific performance standards on Agricultural Resource Lands.
- (5) Limit the location of utility lines and facilities, new roads and road realignments, access routes and other non-agricultural public and private facilities, to the least disruptive locations within agricultural areas.

**b. Forest Resource Lands**

Goal: To protect and conserve forest lands of long-term commercial significance for sustainable forest productivity and provide for uses which are compatible with forestry activities while maintaining water quality, water quantity, and fish and wildlife habitat.

Policies:

- (1) Lands which are characterized by the following criteria may be designated Forest Resource Lands:
  - i. are in Forest Land Grades 1-5 on the Department of Natural Resources Private Forest Land Grades map;
  - ii. parcels are twenty acres or larger, or of a size meeting the Washington State requirements for timber open space designation;
  - iii. are in a tax deferred status of Designated Forest Land or Open Space-Timber, or are state trust lands under forest management; and
  - iv. are being managed for the long-term production of forest products with few non-forest related uses present.
- (2) Limit conversion of Forest Resource Lands to non-forest uses through implementation of a purchase or transfer of development rights program, special tax assessment programs, conservation easements, and/or the formulation of site design standards for residential land divisions, including standards for planned unit developments.
- (3) Allow cottage enterprises, and forest resource-based industries such as lumber processing and retailing facilities for forest products.

## **2.4 SPECIAL DISTRICTS**

This section of the Land Use Element provides goals and policies for the conservation of areas with unique or valuable natural features which warrant specific recognition and protective measures to ensure their existing character is maintained. Two districts, Conservancy and Natural, fall into this category.

### **2.4.A Conservancy**

Goal: To protect, conserve, and manage existing natural conditions, resources, and valuable historic, scenic, educational, or scientific research areas for the benefit of existing and future generations without precluding compatible human uses.

Policies (2.4.A.1–5):

1. Areas which are characterized by one or both of the following criteria may be designated as Conservancy on the *Comprehensive Plan* Official Maps:
  - a. areas possessing valuable natural features or resources which will tolerate only minimal disturbance of the existing terrestrial or freshwater environments; or
  - b. areas possessing scenic, historical, or recreational qualities of considerable local, regional, state or national significance which would be adversely affected by extensive modification or intensive use.
2. Allow the reclamation, rehabilitation, and where possible, the enhancement of scenic, unusual, and fragile areas and renewable and non-renewable natural resources.

3. Ensure that the location and design of all development within Conservancy areas will minimize adverse impacts on the natural features or resources of the site.
4. Allow uses and activities which promote environmental conservation and provide environmental education opportunities.
5. Prohibit all commercial and industrial uses unless such uses are accessory to an existing use (for example home occupations, cottage enterprise, and paddle boat rentals or maintenance storage yards for park and recreation areas).

#### **2.4.B Natural**

Goal: To preserve indigenous plant and animal species and ecosystems in a natural state for the benefit of existing and future generations.

Policies (2.4.B.1–6):

1. Designate lands as Natural only upon request of the landowner.
2. Designate as Natural only those areas which are characterized by the presence of intact indigenous ecosystems or rare or unusual indigenous plant or animal species which are relatively intolerant of human use.
3. Prohibit uses and activities which would encroach upon and disrupt rare plant and animal species and ecosystems.
4. Prohibit land divisions for residential development.
5. Prohibit cottage enterprises and all commercial and industrial uses.
6. Allow uses and activities which promote preservation of the ecosystem and provide environmental education opportunities.

### **2.5 OVERLAY DISTRICTS**

This section of the Land Use Element provides goals and policies in addition to those above for certain land areas and uses which warrant specific recognition and management. Except as otherwise provided in this Section the provisions of an Overlay District shall prevail over any conflicting provisions of this *Plan* or plans adopted for urban growth areas, activity centers or subareas. All other provisions of this *Plan* shall retain full force and effect within the Overlay District. The following types of Overlay Districts are provided for by this *Plan*:

#### **2.5.A Mineral Resource Lands**

Goal: Assure that *mineral resource lands of long-term commercial significance* are conserved in order to provide continued and economical local access to valuable minerals, particularly those used for construction materials.

Policies (2.5.A.1–4):

1. Upon application by a landowner, lands which are characterized by the following criteria may be designated as a Mineral Resource Land Overlay District on the *Comprehensive Plan* Official Maps:

- a. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;
  - b. Current or future land use will not exceed a residential density of one dwelling unit per ten acres;
  - c. Are not within an Activity Center, Rural Residential, Natural or Conservancy designation or any Shoreline designation; and
  - d. Are not within a wetland or fish and wildlife conservation area as defined in this *Plan*.
2. Protect mineral resource lands of long-term commercial significance from incompatible land uses and land use patterns so that access to existing and potential resources is maintained. With appropriate design and performance standards land uses such as agriculture, forestry and some industries, and low-intensity residential uses (average density at least ten acres per unit), are compatible with mineral extraction and processing while other uses such as medium- to high-intensity residential uses are not. Resource protection should be accomplished without loss of existing density potential.
  3. Existing and potential sources of sand, gravel, and rock vary in size and distribution; those which are most likely to provide for long term production with only minimal impact on the environment should receive the highest priority for protection through designation with a Mineral Resource Lands overlay district and attendant regulations to protect long-term access and use potential.
  4. Allow those activities associated with long-term mineral extraction which enhance the commercial viability of extraction operations to locate within designated mineral resource lands, subject to performance standards to minimize negative impacts on the surrounding area.

## **2.5.B Critical Areas**

Critical Areas are areas within San Juan County that are important to the healthy function of natural ecosystems, as well as areas that can be hazardous to people and their property. Critical Areas include wetlands, fish and wildlife habitat conservation areas, critical aquifer recharge areas, geologically hazardous areas, and frequently flooded areas. The Washington Growth Management Act requires Counties to designate and protect critical areas. The policies in this section are intended to guide County regulations and programs for Critical Areas to ensure they are protected. (Additional goals and policies related to Critical Areas within the shoreline jurisdiction are found in Section B, Element 3 of this Plan).

Goal 1: Protect the functions and values of Critical Areas, giving special consideration to anadromous (migratory) fish.

Goal 2: Allow for use of property to the greatest extent possible while protecting Critical Area functions and values.

Goal 3: Establish Critical Area requirements that are balanced and related to impacts.

Goal 4: Establish funding mechanisms to support Critical Area protection programs including funding for voluntary measures such as education, technical assistance, and cost share programs.

Policies (2.5.B.1–11):

1. In conformance with the Washington Growth Management Act, in designating and protecting critical areas establish regulations that protect Critical Areas based on consideration of the best available science.

2. Adopt policies and regulations that, as of the effective date of implementing ordinances, are designed to protect functions and values of critical areas.
3. In addition to regulations, develop voluntary and incentive-based programs to protect the overall functions and values of Critical Areas and other natural resources. Voluntary actions may include education, technical assistance, water conservation, stewardship programs, implementation of best management practices, and restoration activities. One purpose of these programs is to mitigate impacts resulting from authorized exemptions and exceptions.
4. The impacts of land use and development preferably will be managed and mitigated on site.
5. When developing Critical Area regulations, consider the positive effect of all State, Federal and local environmental protection programs.
6. To the extent possible, adopt protection standards that vary based on site characteristics.
7. Encourage the installation of water catchment systems.
8. Implement applicable provisions of adopted Salmon Recovery and Marine Area Stewardship Plans, giving special consideration to anadromous fish.
9. Monitor and enforce permit requirements and Best Management Practices designed to protect Critical Areas.
10. Control or eradicate invasive and/or noxious weeds in conformance with RCW 17.10.
11. Any regulation created pursuant to these policies should include provisions for reasonable use exceptions and nonconforming uses.

**a. Geologically Hazardous Areas**

Goal: To protect the public health, safety and welfare from threats resulting from incompatible commercial, residential, institutional or industrial development being sited in geologically hazardous areas.

Policies:

- i. Designate geologically hazardous areas in accordance with WAC 365-190-080(4).
- ii. Designate and classify areas on which development should be prohibited, restricted, or otherwise controlled because of danger from geological hazards based on the level of hazard or risk.
- iii. Require that significant geological impacts resulting from development are either mitigated or avoided within geologically hazardous areas.
- iv. Avoid locating essential public facilities such as hospitals and emergency response operations in geologically hazardous areas.

**b. Frequently Flooded Areas**

Goal: To protect the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas of *special flood hazard*.

Policies:

- i. Protect the important hydrologic role of frequently flooded areas by designating those areas subject to frequent flooding or coastal inundation as special flood hazards. At a minimum, designate and protect the 100-year area of special flood hazard as defined and mapped by the Federal Emergency Management Agency.
- ii. Prevent or mitigate the impacts of development which may result in hazards to persons or property, or harm to hydrologic functions. In general, this will be accomplished through compliance with applicable building codes, the San Juan County Flood Hazard Ordinance and the requirements of the Unified Development Code.
- iii. Minimize expenditures of public money for costly flood control projects and minimize the need for rescue and relief efforts associated with flooding.

**c. Critical Aquifer Recharge Areas**

Goal: Protect the quality and quantity of groundwater.

Policies:

- i. Designate and classify those areas which have the characteristics of critical aquifer recharge areas.
- ii. Within critical aquifer recharge areas, regulate those uses which could potentially have a significant negative impact on ground water quality and/or quantity. Such uses include, but are not limited to, underground hazardous materials storage tanks, facilities which use or store significant amounts of hazardous materials or wastes, large on-site sewage disposal systems, petroleum pipelines, landfills, and surface mining operations.

**d. Wetlands**

Goal: To protect wetlands from a net loss in functions, values, and acreage.

Policies:

- i. Designate, classify, and regulate wetlands based on *wetland functions and values* consistent with State guidance.
- ii. Establish standards for wetland protection including use limitations and buffers based on the classification of the wetland and the potential impact of a proposed use on the wetland.
- iii. Establish a mitigation sequence which includes, in order of priority, avoiding, minimizing or compensating for adverse impacts to regulated wetlands and/or their buffers.
- iv. Define wetlands consistent with RCW 36.70A.030(21).
- v. Delineate wetlands using the Washington State Wetlands Identification and Delineation Manual, Ecology Publication 96-94, or comparable criteria consistent with state law, RCW 36.70A.175.
- vi. Establish methodologies which provide for compatible agricultural uses of wetlands and their buffers.

## **e. Fish and Wildlife Habitat Conservation Areas**

Goal 1: To protect the functions and values of fish and wildlife habitat conservation areas.

Goal 2: Within and adjacent to 100 year areas of special flood hazard, protect and restore habitat for salmon listed as endangered, threatened or sensitive.

Policies:

- (1). Designate and classify fish and wildlife habitat conservation areas in accordance with WAC 365-190-080(5) based on type, State or Federal status, association with priority species, or species of local concern.
- (2) Establish standards including buffers, timing restrictions, and site specific habitat management plans based on the classification of the habitat area and the potential impact of a proposed use on the affected habitat.
- (3) Use the WA Dept. of Natural Resources stream typing system.
- (4) Establish clearing, grading and stormwater management regulations that protect water quality, water quantity, and fish and wildlife habitat from short term and long term impacts of land use and development.
- (5) Adopt regulations prohibiting the blockage of fish passage in F type streams.

### **2.5.C Open Space Conservation**

Goal: To protect those significant open spaces and vistas which substantially contribute to the rural character of the County.

Policies (2.5.C.1–2):

1. Identify *open space resources of high and very high conservation priority* and establish an Open Space Conservation Overlay District for these areas. High and Very High conservation priority areas are preliminarily identified on maps in the *Open Space and Conservation Plan*. Consider applying the Open Space Conservation District Overlay to those lands that are within landscape units which are rated in the *Open Space and Conservation Plan* and which have a score of 35 and above. Seek opportunities to work with property owners to prepare conservation plans for development in these areas upon designation of an Open Space Conservation Overlay District.
2. Site planning standards for development in Open Space Conservation Overlay District areas should be specific to the type of open space resource involved and its particular sensitivity to land alteration.

## **2.5.D Airport Overlay District**

Goal: To protect the public health, safety and welfare, to recognize those areas devoted to aviation uses and provide areas for those activities supporting or dependent upon aircraft or air transportation, when such activities benefit from a location within or immediately adjacent to a public airport, and to promote compatibility between airport uses and land uses and activities in the airport vicinity and environs.

Policies (2.5.D.1–4):

1. The Airport Overlay District designation may be applied to publicly-owned airports, and accessory uses. The boundaries of an airport overlay district may not necessarily coincide with those of a port district.
2. Designate FAA Airspace Zones within the Airport Overlay Districts and establish development standards and regulations for the lands underlying FAA imaginary surfaces including but not limited to, standards for location, design, operations, clearances, marking and lighting, buffering, landscaping, and noise abatement. Such standards should be based on Federal Aviation Administration advisory circulars regarding "Model Airport Hazard Zoning" and FAA regulations regarding "Objects Affecting Navigable Airspace" as they may be amended.
3. Designate Aircraft Accident Safety Zones within the Airport Overlay Districts and establish development standards and regulations for allowable uses, residential densities, open space, and noise to address safety issues and avoid the location of potentially incompatible uses in the airport environs.
4. If there is any conflict between regulations of an Airport Overlay District and regulations of an underlying designation, the more restrictive regulations should apply.

## **2.5.E Watershed Management**

Goal: To protect surface and ground water quality and quantity used for drinking water, and necessary to support marine areas sensitive to land use and development activities.

Policies (2.5.E.1–2):

1. Identify surface water bodies and groundwater recharge areas used for public drinking water supplies and, if appropriate, establish a watershed management overlay designed to address the particular water quality and quantity needs for the selected areas.
2. Identify critical marine habitat areas, including but not limited to commercial and recreational shellfish areas, and establish watershed management overlays for them that, in addition to shoreline management provide sufficient protection from the impacts of upland uses and developments to maintain their habitat quality.
3. When feasible, use a watershed based approach for managing water, aquatic ecosystems and other natural resources.

## **2.6 SUBAREA PLANS**

This section of the Land Use Element provides goals and policies to guide the development of subarea plans. 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*.

### **2.6.A Goals and Policies**

Goal: To provide for the creation of detailed plans for village activity centers, specific geographic areas, or for resources, in order to better address the unique needs and interests of those areas, environments, or functions.

Policies (2.6.A.1–5):

1. Subarea plans should be consistent with, and more specific than, the goals and policies of this *Plan* and consistent with State law.
2. Subarea plans may be developed to address unique circumstances and achieve specific goals which cannot be accomplished through or by amendment of the goals and policies of this *Plan* and associated regulations. Subarea plans for village activity centers may include rural and special district lands adjacent to their boundaries.
3. Subarea plan proposals may be initiated by public or private groups, agencies, or individuals. Subarea plans should be presented initially as a general concept so as to allow full opportunity for public and agency participation in subarea plan development. Fairness, openness, and full citizen participation shall be paramount in all subarea planning procedures and processes.
4. Subarea plan proposals should include the following: Statement of Purpose; Description of Citizen Participation Process; Description and Character of the area; and, the Vision or Goal to be achieved by the subarea plan.
5. Subarea plan proposals should be preliminarily evaluated by the Planning Department and reviewed by the Planning Commission prior to authorization by the Board of County Commissioners for inclusion in Planning Department work programs.

## **2.6.B Existing Subarea Plans**

The following descriptions outline the general purpose and area of application of adopted subarea plans.

### **1. *DNR Trust Lands Management Plan***

This policy plan adopted by the County and the Board of Natural Resources in 1986 identifies the most appropriate uses of and management plans for approximately 2,500 acres of Washington Department of Natural Resources-managed trust land in the county. Trust lands in the county are located on six islands. Twenty-one of the properties are “common school trust lands” with limitations on their disposition and use.

### **2. *Eastsound Subarea Plan***

Eastsound is the largest unincorporated community in the county. It is the geographic center of Orcas Island and is the commercial and cultural center of the island community. The plan provides land use and development goals, policies and regulations specific to the Eastsound area. The *Plan* includes an official map that illustrates the boundaries of the subarea and the different land use districts within the boundaries. The *Plan* was first adopted in 1981, was completely revised in 1992, and further amended in 1996.

### **3. *Open Space and Conservation Plan***

This plan was adopted in 1991 and is intended to identify and recommend a variety of possible methods to protect those open spaces, vistas and view corridors that substantially contribute to the sense of rural character that now prevails in most of the county. The *Plan* presents the methods used for identifying significant open space resources, factors working to degrade those resources, and the effectiveness of open

space conservation tools presently available. The *Plan* adopts no regulations, instead it presents specific recommendations for action to conserve open space resources.

#### **4. *Shaw Island Subarea Plan***

The *Shaw Island Subarea Plan* was adopted in 1994 to protect the existing character and qualities of Shaw Island through goals, policies and regulations which are more specific to the needs and interests of the Shaw community. Shaw residents and property owners wish to protect the quiet, rural environment that results from limited commercial activity and a limited transportation network, and to ensure that demand does not exceed the present or planned capacity of infrastructure and public services.

#### **5. *Waldron Island Limited Development District (LDD) Subarea Plan***

The *Waldron Island Limited Development District Subarea Plan* was adopted in 1995 and is a complete revision of the original plan adopted for Waldron in 1976. While Waldron is frequently characterized by the amenities it does not have (ferry service, electricity, paved roads), it is rich in attributes highly valued by the majority of its residents and property owners. Fields and forest, rock and beaches, clean air and water are part of everyday life, as are litter free, unpaved roads with minimal motor vehicle traffic. Waldron is not a wilderness, but the environment is relatively unspoiled. The plan recognizes the limited availability of government services and capital facilities existing and planned for on Waldron and is designed to maintain the existing rural, residential and agricultural character of the island.

#### **6. Lopez Village Plan for the Vital Place at the Heart of Lopez Island (Lopez Village Plan)**

The Lopez Village Plan for the Vital Place at the Heart of Lopez Island was adopted in 2018. It is a subarea plan for the Lopez Village Urban Growth Area (Village). The Village includes approximately 197 acres on the western side of Lopez Island. The Village's western boundary is almost exclusively identified by the shoreline of Fisherman Bay in San Juan Channel. The eastern boundary extends in a north/south alignment that encompasses parcels on the eastern side of Fisherman Bay Road. Lopez Village is about 1.6 miles in length and one-half mile wide.

This plan reflects the vision and core values developed by the community. It is focused on people, health, housing, connectivity, and protection of the natural environment and quality of life that makes Lopez Village a special place to live.

The Lopez Village Plan supplements the goals and policies of the SJC Comprehensive Plan. It applies to all land, land use activity, and to all structures and facilities developed within the official map of the Lopez Village Urban Growth Area. The provisions of the Lopez Village Plan will prevail over any conflicting provision of the Plan except as provided in Shoreline Master Program.