



SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
(360) 378-2354 | (360) 378-2116 | FAX (360) 378-3922
cdp@sanjuanco.com | www.sanjuanco.com

TRANSMITTAL MEMO

DATE: April 25, 2019

TO: San Juan County Council

CC: San Juan County Planning Commission
Erika Shook, AICP, DCD Director
Mike Bertrand, Town of Friday Harbor Land Use Administrator
Stephanie O'Day, Authorized Agent

FROM: Adam Zack, Planner III *AS*
Linda Kuller, AICP, Planning Manager *LK*

SUBJECT: Annual Docket: Request for Comprehensive Plan Map Amendment
PREDES-19-0001, Cornelius Holdings LLC. TPN 351444005000

BRIEFING DATES: County Council July 8, 2019, Planning Commission July 19, 2019

ATTACHMENTS:

- A. PREDES-19-0001 Application materials
- B. UGA Related RCW and WAC Sections
- C.1. SJC Comprehensive Plan goals and policies excerpt
- C.2. SJC Comprehensive Plan Appendix 2, Joint Planning Policies with the Town of Friday Harbor, and other County-wide Planning Policies, December 2, 2008
- C.3. SJC Comprehensive Plan Appendix 3, Friday Harbor Unincorporated Urban Growth Area Management Agreement, July 8, 2009
- D. UGA Related San Juan County Code (SJCC) Sections
- E. Letter of support from Friday Harbor Airport Executive Director, Todd Nicholson dated April 3, 2019.

Transmittal Purpose

To notify you that the County received one annual docket application for a Comprehensive Plan Map amendment, PREDES-19-0001, provide preliminary background information and a schedule for processing this application.

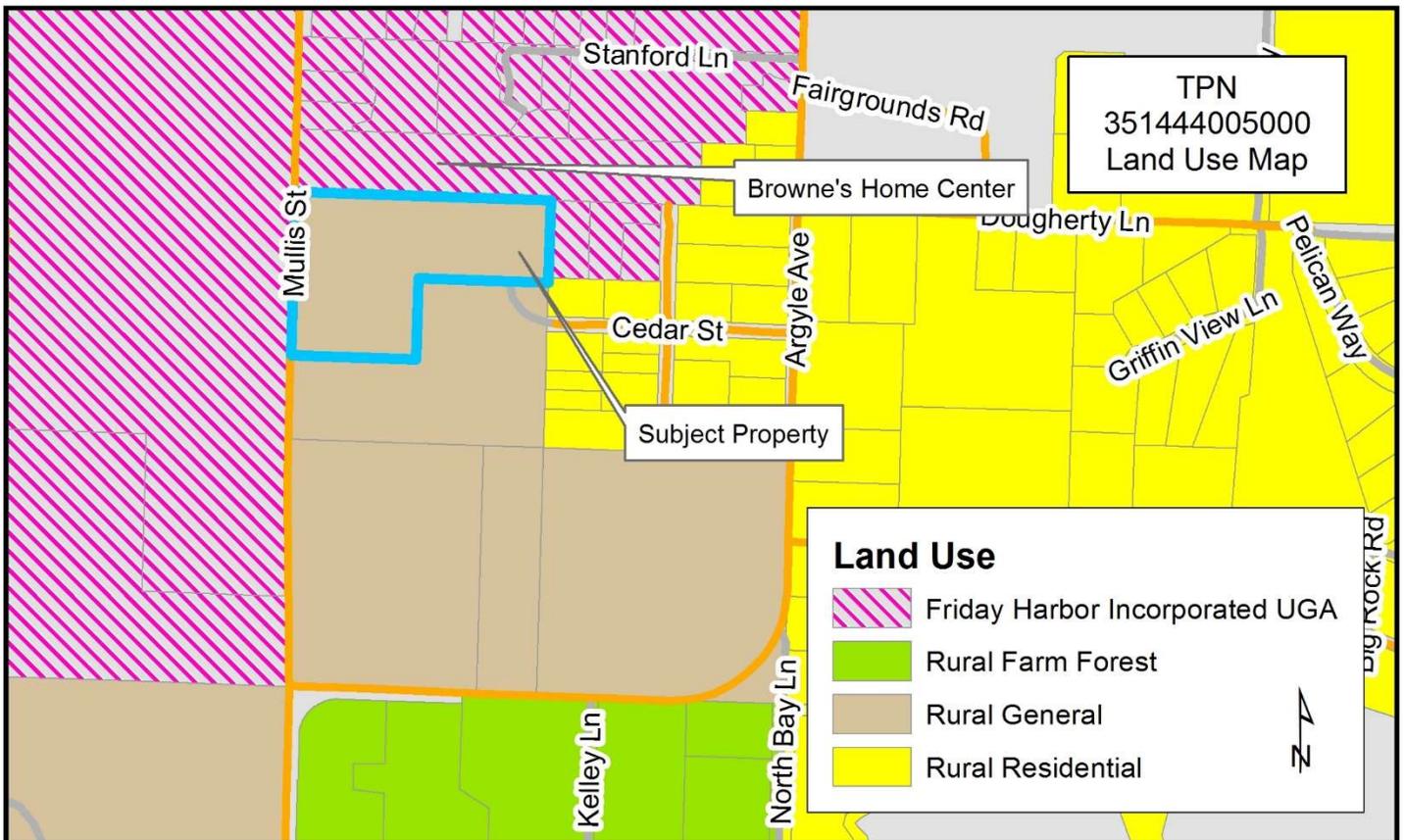
PREDES-19-0001 Request (Attachment A)

The applicant requests re-designation of a five-acre parcel located on Mullis Street, south of the Urban Growth Area (UGA) from Rural General Use (RGU) to the Friday Harbor unincorporated UGA. If approved, the proposal would expand the Friday Harbor unincorporated UGA. Re-designation to the unincorporated UGA is required before the parcel could be annexed into the Town. Per the Friday Harbor Unincorporated Urban Growth Area Management Agreement, the Town is required to annex the property and apply a Town land use designation if the proposal is approved (Attachment C.3).

The parcel is located adjacent to Browne's Home Center, which is in the Town of Friday Harbor and designated Light Industrial. The applicant owns both the subject property and Browne's Home Center. The subject parcel is on Mullis Street, east of the Friday Harbor Airport. It is not currently served by Town water or sewer services. The parcel would qualify for Town water and sewer services if it were annexed by the Town.

The SEPA checklist submitted with the request indicates that the property owner is considering relocating the Browne's Home Center nursery to the subject parcel. The property is currently occupied by an off-street parking area, on single-family residence and portions of a dog park. An aerial photo of the property is shown in Map 2 below.

Map 1. PREDES-19-0001 Subject Property and Surrounding Land Use Designations.



Map 2. PREDES-19-0001 Subject Property Aerial Map



The application was received on February 26, 2019, and deemed complete on March 22, 2019. The required fees were paid on February 26, 2019. It includes:

- A narrative of the proposal;
- A SEPA checklist;
- A copy of the statutory warranty deed for TPN 351444005000;
- A list of property owners within 300 feet;
- Six maps of the subject parcel, including aerials and 2018 survey; and
- A letter from the agent to the Town of Friday Harbor dated December 20, 2018.

A letter of support from Friday Harbor Airport Executive Director Todd Nicholson was submitted on April 3, 2019. In this letter, the Friday Harbor Airport expresses support for the request and interest in adding one of their properties to the UGA at the same time as this request. Considering additional properties beyond the proposed amendment is beyond the scope of this application. Staff will not consider proposals for re-designations other than the specific proposal in this application unless otherwise directed by the County Council. The letter is included as Attachment E.

Background

What is an unincorporated urban growth area (UGA)?

The Comprehensive Plan defines unincorporated UGA in Section 2.3.A of the Land Use Element. This entire section is provided in Attachment C.1. Unincorporated UGA specifically are defined in Policy 2.3.A.1.a:

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.

UGA and State Law (Attachment B)

The Washington State Growth Management Act (GMA) provides specific requirements for designating UGAs. These are found in Chapter 36.70A Revised Code of Washington (RCW) and Chapter 365-196 Washington Administrative Code (WAC). Attachment B includes the related RCW and WAC sections.

RCW Sections

- [RCW 35.13.005](#) Annexation beyond urban growth areas prohibited
- [RCW 36.70A.020](#) Planning Goals
- [RCW 36.70A.110](#) Comprehensive Plans – Urban Growth Areas
- [RCW 36.70A.215](#) Review and evaluation program
- [RCW 36.70A.115](#) Comprehensive plans and development regulations must provide sufficient land capacity for development
- [RCW 36.70A.130](#) Comprehensive plans – Review procedures and schedules – Amendments

WAC 365-196-310 Urban growth areas

WAC 365-196-310 provides specific requirements for altering UGA boundaries. This WAC is included in its entirety in Attachment B. Some key requirements from [WAC 365-196-310](#) include:

- Land can be included in an UGA if it is already characterized by urban growth or if it is adjacent to areas characterized by urban growth (WAC 365-196-310 (2)(c)).
- UGAs cannot exceed the areas necessary to accommodate the projected growth plus a reasonable market factor (WAC 365-196-310 (2)(e)).
- Decisions about the UGA should include consultation with the city located within its boundary (WAC 365-196-310 (3)(a)).

- Expansion of the UGA should consider the implications of projected population and employment growth (WAC 365-196-310 (4)(b)).
- The County should attempt to define the UGA to accommodate the growth plan of the city (WAC 365-196-310 (4)(c)(ii)).
- A change to the UGA is an amendment to the Comprehensive Plan and requires, at a minimum, an amendment to the Land Use Element. Counties may need to consider, review and updates to other elements to maintain consistency (WAC 365-196-310 (4)(e)(i)).

San Juan County Comprehensive Plan and Official Maps

The proposed re-designation from Rural General Use (RGU) to unincorporated UGA will be reviewed in coordination with the Town of Friday Harbor and consider compliance with the Town's and County's comprehensive plans.

Related San Juan County Comprehensive Plan Components to Be Analyzed

Appendix 1: Population Projections, Buildout Analysis and Land Use Inventory, June 9, 2009. Note: Appendix 1 is in the process of being updated as part of the Comprehensive Plan Update. The existing Appendix 1 is available here: <https://www.sanjuanco.com/DocumentCenter/View/1066>

Appendix 2: Joint Planning Policies with the Town of Friday Harbor, and other County-wide Planning Policies December 2, 2008 (Attachment C.2). Key requirements from Appendix 2 are:

- The criteria for establishing the Friday Harbor UGA includes (Appendix 2, Policies for designation of a Friday Harbor Growth Area, Policy 1):
 - Existing areas characterized by or able to support urban levels of development;
 - Proximity to the Town limits;
 - The presence of critical areas, resource lands and other land with limited development capability; and
 - Natural and topographic features.
- The Comprehensive Plan requires the County to work with the Town when determining the UGA boundary.

Appendix 3: Friday Harbor Unincorporated Urban Growth Area Management Agreement, July 8, 2008 (Attachment C.3). Some key requirements from Appendix 3 are:

- Only areas in the unincorporated UGA may be annexed by the Town of Friday Harbor (Section 8).
- Until unincorporated UGA is annexed by the Town, the County remains responsible for land use decisions (Section 7, Item 1.a).
- Allowed land uses in the Unincorporated UGA are limited until they are annexed into the Town (Section 7, Item 1.b).

Section B: Element 2, Land Use April 2010, Section 2.3.A Growth Areas (Attachment C.1). One key requirement from the Land Use Element is that the UGA should be designed to

accommodate 50% of the population growth projected for the island where the UGA is located (Policy 2.3.A.12).

Comprehensive Plan Official Map

Changing the land use designation of a property requires amendment of the San Juan County Comprehensive Plan Official Map sheet for San Juan Island. The Growth Management Act (RCW [36.70A.470\(2\)](#)) allows any interested person to request amendments to SJCC Title 18 (the UDC) or the San Juan County Comprehensive Plan policies or Official Maps. Amendments to the Comprehensive Plan text and Official Maps may not be considered more frequently than once per year except as provided in RCW [36.70A.130\(2\)](#) and the County's Comprehensive Plan.

San Juan County Code

Procedures for amendments to Comprehensive Plan Official Maps are provided in Chapter 18.90 SJCC. Attachment D includes the applicable code sections from Chapter 18, SJCC.

Applicable SJCC Sections and key procedural requirements

- [SJCC 18.90.010](#) Legislative Decisions
 - A State Environmental Policy Act (SEPA) determination is required for this legislative action (SJCC 18.90.010 (B)).
- [SJCC 18.90.020](#) Legislative Procedures
 - A decision on this proposal will require a public hearing before the Planning Commission and County Council (SJCC 18.90.020 (C) and 18.90.020 (D)).
 - Comprehensive Plan amendments cannot be considered more than once per year except as provided in RCW 36.70A.130 (2) and the Comprehensive Plan (SJCC 18.90.020 (G)).
- [SJCC 18.90.030](#) Amendments to Comprehensive Plan Official Maps
 - Property owners within 300 feet of the subject property must be notified 30 days prior to the Planning Commission's public hearing (SJCC 18.90.030 (E)(2)).
 - Eight specific criteria of approval for amendments to Comprehensive Plan Official Map are provided in SJCC 18.90.030 (F).

Town of Friday Harbor Comprehensive Plan

The proposal must also be reviewed for consistency with the Town of Friday Harbor's Comprehensive Plan. Staff will coordinate with the Town of Friday Harbor during the analysis of the proposal. The Town's Comprehensive Plan is posted on their website here: <http://fridayharbor.org/2192/Town-Comprehensive-Plan>

Staff Briefings and Next Steps

Staff will brief the County Council and Planning Commission in July after DCD completes an analysis of the proposal. This analysis will consider the proposal's consistency with the requirements of state law, the San Juan County Comprehensive Plan, and the Town of Friday Harbor's Comprehensive Plan. After the briefings the Planning Commission and the County Council are required to hold a public hearing before the County Council makes a decision on the proposal per SJCC 18.80.020 and SJCC 18.80.030 (Attachment D).

If the County approves the proposed Comprehensive Plan Official Map amendment, the Town must annex the property per the management agreement in Attachment C.3. Until the property is annexed by the Town, it remains within the County’s jurisdiction for land use and development permits. Parcels within the unincorporated UGA are subject to the use and development restrictions in Appendix 3, Item 1.b (Attachment C.3). This restricts the use of the property to the following:

- Single-family residence and structures appurtenant to a single-family residence;
- Two-family residential uses (duplex);
- Home occupation;
- Public streets;
- Public trails and paths;
- Agricultural uses and activities;
- forest practices, no processing;
- Lumber mills, portable;
- Nurseries; and
- Retail sales of agricultural products.

2019 Tentative Schedule

The dates below are subject to change depending on Planning Commission and County Council schedules and deliberations:

- June 24** Transmit the staff report including a draft ordinance to the County Council and a Planning Commission.
- June 26** Send the SEPA Determination to the newspaper for publication and send Commerce the required 60-day notice of proposed amendments.
- July 3** Publish a SEPA determination and send it to Ecology and other parties.
- July 8** Brief County Council, first touch.
- July 17** Applicant sends a notice of public hearing to neighboring property owners and posts it on site 30 days before Planning Commission public hearing per SJCC 18.90.030 (E)(2).
- July 19** Brief the Planning Commission.
- August 7** Publish Planning Commission public hearing notice.
- August 16** Hold Planning Commission public hearing.
- August 23** Transmit the Planning Commission’s findings and recommendation to County Council.
- September 9** Brief the County Council on the Planning Commission’s recommendations, second touch.
Get additional direction or County Council alternatives. Set a public hearing for October 14, 2019.
- September 25** Send the public hearing notice to papers to be published.
- October 2** Publish the County Council public hearing notice.
- October 14** Hold County Council Public Hearing and deliberations, third touch.
- October – November** Finalize Council documents.

Attorney & Counselor at Law
Stephanie Johnson O'Day, PLLC
540 Guard Street, Suite 160
Post Office Box 2112
Friday Harbor, WA 98250-2112

Telephone: (360) 378-6278 Fax: (360) 378-5066
E-Mail: sjoday@rockisland.com

February 11, 2019

Ms. Erika Shook; Director
San Juan County Department of Community Development
P.O. Box 947
Friday Harbor, WA 98250

**SJC DEPARTMENT OF
FEB 25 2019
COMMUNITY DEVELOPMENT**

RE: 2019 Docket Proposed Official Comprehensive Plan Land Use Map Amendment
Cornelius Holdings, LLC Request for Inclusion into the TFH UGA
TPN 351444005, San Juan Island

Dear Ms. Shook:

Please find enclosed an application for a proposed amendment to the Official Comprehensive Plan Land Use Map for TPN 351444005, a 5.1 acre property located immediately east of Mullis Avenue, and south of and adjacent to the Town of Friday Harbor's corporate limits, San Juan Island (TPN 351444005). The property owner would like to expand the existing TFH UGA to include this property for future urban development. Included are the following items:

1. San Juan County Comprehensive Plan Update Application;
2. SEPA Checklist and Non-Project Action Supplemental Sheets;
3. Statutory Warranty Deed (AFN 2017-0804006);
4. Existing Comprehensive Plan Official Land Use Map;
5. List of names and addresses of owners of property located within 300-feet of the site boundaries;
6. 2016 Aerial Photos;
7. 2018 Survey prepared by San Juan Surveying;
8. Proposed Site Development Plan;
9. Letter from Stephanie Johnson O'Day, Attorney for Cornelius Holdings, LLC to TFH Administrator Duncan Wilson; and
10. A check in the sum of \$2,300.00.

The applicant is requesting, by and through this letter, that the county expand the TFH UGA boundary to include this five acre parcel on Mullis Street. The specific request does not include a change in Land Use Designation. The current designation is Rural General Use – 5. The proposed use is to relocate the Browne's Home Center Nursery

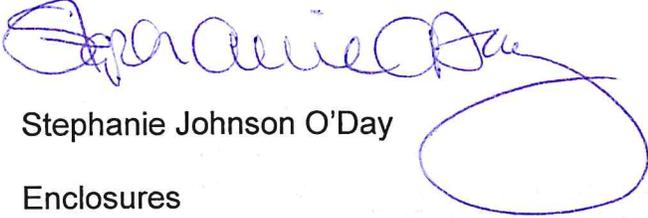
**PREDES-19-0001
HOLDINGS LLC, CORNELIUS**

from the east side of the abutting parcel (which IS in the TFH) to the west side of the five acre parcel. Inclusion in the UGA would allow future annexation into the Town limits, which will allow the project to pay for and hookup to Town utilities (water and sewer). I believe the Town of Friday Harbor is supportive of this request.

It may be wise for the County to propose inclusion of two additional properties within this request: the Fire Station property (owned by the Port of Friday Harbor) and the five acre parcel in between (TPN 351444001). This section of Mullis Street is all urban in nature – and is not suitable for rural use.

A similar application was submitted to the Department of Community Development in August, 2018. The current application is separate and distinct from the initial application. A discussion of affordable housing at this juncture on the property is irrelevant - and does NOT require a residential land use capacity analysis. Please include this application on the 2019 docket for amendments to the official Comprehensive Land Use Map. If you have any questions, need additional information or analysis for this application, please contact me by phone at (360) 378-6278 or by email at sjoday@rockisland.com at your earliest convenience.

Sincerely,



Stephanie Johnson O'Day

Enclosures

Cc. Cornelius Holdings, LLC
Graham Baba Architects; Susan Tilack
Town of Friday Harbor Administrator; Duncan Wilson
San Juan County Council
San Juan County Administrator, Mike Thomas



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250

(360) 378-2354 | (360) 378-2116

dcd@sanjuanco.com | www.sanjuanco.com

S.J.C. DEPARTMENT OF

AUG 16 2018

COMMUNITY DEVELOPMENT

San Juan County Comprehensive Plan Update 2018 Comprehensive Plan Map Amendment Request Form

REQUEST FORM COMPLETED BY:

Name	<u>Stephanie O'Day</u>	Name	_____
Address	<u>PO Box 2112</u>	Address	_____
City, State, Zip	<u>Friday Harbor, WA 98250</u>	City, State, Zip	_____
Phone Number	<u>3603786278</u>	Phone Number	_____
Email	<u>sjoday@rockisland.com</u>	E-mail	_____

SJC DEPARTMENT OF

FEB 25 2019

COMMUNITY DEVELOPMENT

PROPERTY OWNER INFORMATION:

Name of Owners	<u>Cornelius Holdings LLC</u>	Phone Number	_____
Address	<u>300 Lakeside Drive S., Suite 101</u>	E-mail	_____
City, State, Zip	<u>Seattle, WA 98144</u>		

PROPERTY INFORMATION:

List the Tax Parcel Numbers (TPN) & property information for each property included in the proposal. Attach a separate page if necessary.

Tax Parcel Number:	<u>351444005</u>	Land Use/Shoreline Designation:	<u>RGU/NA</u>	Parcel size:	<u>5 acres</u>
Tax Parcel Number:	_____	Land Use/Shoreline Designation:	_____/____	Parcel size:	_____
Tax Parcel Number:	_____	Land Use/Shoreline Designation:	_____/____	Parcel size:	_____
Tax Parcel Number:	_____	Land Use/Shoreline Designation:	_____/____	Parcel size:	_____

PERMIT CERTIFICATION (Must be signed by all property owners of record or a notarized agent signature provided.)
I have examined this application and attachments and know the same to be true and correct, and certify that this application is being made with the full knowledge and consent of all owners of the affected property. (Signed by property owner or agent. For agent signature, notarized authorization must be attached.)

<u>William S. Cornelius</u> Signature	<u>William S. Cornelius</u> Printed Name	<u>Aug 13, 2018</u> Date
_____ Signature	_____ Printed Name	_____ Date
_____ Signature	_____ Printed Name	_____ Date

For CD&P Use Only Complete Application: YES NO

PREDES-19-0001
HOLDINGS LLC, CORNELIUS

DESCRIPTION OF PROPOSAL:

The proposal includes a request to expand the TFH UGA to include the project site for future annexation into the TFH.

CHECK ALL THAT APPLY:

- Redesignation of Land-Use designation,
- Redesignation of Shoreline designation
- Redesignation of maximum allowable residential density
- Other Inclusion in TFH UGA

PROPERTY INFORMATION:

List the Tax Parcel Numbers (TPN) & property information for each property included in the proposal. Attach a separate page if necessary.

Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Proposed Density: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Proposed Density: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Proposed Density: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Proposed Density: _____

General location of property: **The property is located immediately south of the Town of Friday Harbor corporate limits and east of and adjacent to Mullis Avenue.**

Island: **San Juan** Total acres of proposal: **5**

List all existing use(s) on property: **Residential and ancillary off-street parking for Browne's Home Center**

List any special tax categories that apply to the property, such as Open Space or Designated Forest Land: **None**

Describe existing and proposed method of sewage disposal: **Existing – on-site septic Proposed – Town of Friday Harbor Sewer**

Describe existing and proposed water supply: **Existing – on-site-well Proposed-Town of Friday Harbor Water**

Did you attend a pre-application meeting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Has this proposal been previously submitted?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes – which year? _____
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DRAFT

1. Why is the amendment being proposed?

This parcel is proposed to be absorbed into the TFH UGA. It is a sister parcel to TPN 351492017 which is INSIDE the Town of Friday Harbor boundary and is the long time home of Browne's Home Center.

The applicant recently purchased both the Browne' Home Center site and the adjacent five acres to the south, which is the subject parcel in this application.

Agents for the applicant are preparing a proposal to relocate the Browne's Home Center Nursery from the Town parcel to the County parcel (the subject parcel) so that the plant nursery is fronting Mullis Avenue.

2. How would the map amendment benefit the public health, safety, or welfare?

It would allow the owner to annex into the Town of Friday Harbor and develop urban uses on the parcel.

3. Describe how the amendment is warranted due to one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan.

To the best of our knowledge, San Juan County has little property in the Friday Harbor UGA. There is only one small parcel (1.2 acre) adjacent to the Town at this writing.

The subject five acre parcel is an ideal location for expansion of the UGA with the allowances of more intense land uses that are urban in nature that can be served by urban utilities including Town water and sewer.

4. Describe how the proposed amendment is consistent with the criteria for the proposed land use designations as specified in the Comprehensive Plan.

The subject parcel is currently zoned RGU. This request is not to change the land use designation but rather expand the TFH UGA for future urban development on the property.

The County may want to consider inclusion of other nearby RGU properties into the UGA as well.

5. Describe how the amendment, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations.

There is a substantive difference between most island properties and the subject parcel considering the property is surrounded on three sides by development consisting of Browne's Home Center to the north, Mullis Avenue and the Friday Harbor Airport to the west, and urban density residential development further to the north and to the east.

6. Describe how the benefits of the change will outweigh any significant adverse impacts of the change.

There will be no significant adverse impacts created by this change. The benefits are providing additional land area suitable for urban development to serve the expanding needs of San Juan Island citizens.

7. How is this proposal consistent with the Growth Management Act (GMA) – RCW 36.70A?

It will provide more land for urban development in an area already characterized as being urban development.

8. Does this proposal include an Urban Growth Area (UGA) expansion?

Yes

No

9. If yes, which UGA? **Town of Friday Harbor**

10. Attach map(s) of the property that shows existing buildings, roads, water bodies, wetlands and other environmentally sensitive areas, soil types (for resource lands or where otherwise appropriate) and other significant features, as well as the land-use, shoreline environment, and density designations of the property and abutting properties. (In most instances, copies of GIS Legal parcel maps or Assessor's maps provide suitable base maps on which to provide this information.) See attached.

11. Attach a list of the names and mailing addresses for all owners of property within 300 feet of the boundaries of the subject property (using the names and addresses of those individuals as shown on the tax assessment rolls on the date the application is submitted)

See attached.

12. Attach a completed and signed State Environmental Policy Act (SEPA) Environmental Checklist, including the supplemental sheet for non-project actions.

See attached.

13. Attach copy of deed(s), and a legal description of the property for which the amendment is requested. See attached.

DRAFT

Lynda Guernsey

From: Linda Ann Kuller
Sent: Monday, February 11, 2019 3:35 PM
To: Stephanie Johnson O'Day
Cc: Lynda Guernsey
Subject: Correct fee for a 2019 specific map re-designation docket request TPN 351444005 Cornelius

Hi Stephanie,

We received your 2019 redesignation request for Cornelieus Holdings. The DCD fee table says the correct fee is:

Site Specific Map Re-designation	\$3,900 +\$95/ hr over 40 hrs
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Linda Kuller, AICP
Planning Manager
360-370-7572

NOTICE: All emails and attachments, sent to and from San Juan County are public records and may be subject to public disclosure pursuant to the Public Records Act, Chapter 42.56 RCW.

PREDES-19-0001
HOLDINGS LLC, CORNELIUS



San Juan County Building Permit, Planning & Land Use

135 Rhone Street P.O. Box 947 Friday Harbor, WA 98250
(360) 378-2354 (360) 378-2116 Fax (360) 378-3922
www.sanjuanco.com

Permit Receipt RECEIPT NUMBER 00017924

Account number: 008053

Date: 2/26/2019

Applicant: CORNELIUS HOLDINGS LLC
300 LAKESIDE AVE #101
SEATTLE, WA 98144

Type: check # 0077668989

Permit Number	Fee Description	Amount
PREDES-19-0001	RE-DESIGNATION	3,900.00
Total:		\$3,900.00

Receipt Description:

Receipt Comments:

REQUEST TO EXPAND THE TOWN OF FRIDAY HARBOR UGA TO INCLUDE THE PROJECT SITE FOR FUTURE ANNEXATION INTO THE TOWN OF FRIDAY HARBOR. PORTION OF FEE PAID BY CK#0077668989 \$2,300.00
PORTION OF FEE PAID BY CK#0082706299 \$1,600.00

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:

Cornelius Holdings, LLC Request for Official Comprehensive Plan Map Amendment

SJC DEPARTMENT OF
FEB 25 2019
COMMUNITY DEVELOPMENT

2. Name of applicant:

Cornelius Holdings, LLC

3. Address and phone number of applicant and contact person:

*Applicant: Cornelius Holdings, LLC
300 Lakeside Drive South
Suite 101
Seattle, WA 98144*

*Contact Person: Stephanie Johnson O'Day, Attorney
PO Box 2112
Friday Harbor, WA 98250
Phone: (360) 378-6278*

4. Date checklist prepared:

January 2019

5. Agency requesting checklist:

San Juan County Department of Community Development

6. Proposed timing or schedule (including phasing, if applicable):

If approved, the inclusion of this property into the Town of Friday Harbor's Urban Growth Area (UGA) will likely occur at the end of 2019.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Yes. A Conditional Use Permit Application is being considered by the property owner for relocating the existing nursery on the Browne's Home Center property, which is located immediately to the north of the subject site, onto this property.

In addition, if the Town of Friday Harbor's UGA is expanded to include this property, the applicant would apply for annexation into the corporate limits of the Town of Friday Harbor.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

A wetland report was prepared for the property and it was determined that a small Category IV wetland is located on the property. This wetland, which is located adjacent to Mullis Avenue, has been artificially enhanced and enlarged from stormwater runoff that has been directed onto the site from Mullis Avenue and surrounding development.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

There are no applications or other governmental approvals pending for development on this site.

10. List any government approvals or permits that will be needed for your proposal, if known.

The expansion of the Town of Friday Harbor's UGA will need the approval of the San Juan County Council and the adoption of an amended County Comprehensive Plan Map. It will also need to be approved by the Town of Friday Harbor.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposal includes a request for an amendment to the San Juan County Comprehensive Land Use Map for the purpose of including the subject property into the Town of Friday Harbor's UGA. The proposal does not include a change of county zoning designation.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The 5.1 acre property is located immediately east of Mullis Avenue, and south of and adjacent to the Town of Friday Harbor's corporate limits on San Juan Island. There is no address assigned to this property at this time but it is identified as TPN 351444005 and is located in Section 14, Township 35 North, Range 3 West, WM, in San Juan County.

B. Environmental Elements

1. Earth

- a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

- b. What is the steepest slope on the site (approximate percent slope)?

The steepest slope on the property does not exceed 5%.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The site encompasses two soil types: 1) Mitchellbay gravelly sandy loam at 0 to 5% slopes and 2) Alderwood-Everett complex, warm at 5 to 15% slopes.

Mitchellbay gravelly sandy loam is considered prime farmland and Alderwood-Everett complex, warm is considered prime farmland, if irrigated.

The property is mostly undeveloped. When it is developed, it will remove land from the potential of producing agricultural crops. However, due to its small size and its location between developed urban properties (Browne's Home Center to the north, the dog park and fire station to the south, Mullis Avenue to the west and residential development to the east) the property is not suited for agricultural purposes.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Review of the San Juan County Critical Area Maps for geo-hazards indicates there are no unstable soils on this site.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

NA – this is a non-project action.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

When the site is developed, there could be the potential for erosion when soils are exposed during construction.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Unknown at this time.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Erosion controls will be addressed at the time when building permits are submitted and the property is developed.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Unknown. The types of emissions generated by development on this property will be evaluated at the time of development.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are no noticeable odors from off-site emissions.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None proposed at this time.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The site includes a Category IV wetland that has been enhanced and enlarged due to stormwater runoff generated along Mullis Avenue and surrounding development being directed to and disposed on this site.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

NA – this is a non-project action.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

There will be no dredging or filling of the wetland when the site is developed.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No – this proposal is a non-project action.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

If the property is annexed into the Town of Friday Harbor, it will connect to the Town's municipal water system. The Town of Friday Harbor has confirmed they have the capacity to provide municipal water service to this parcel.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

If the property is annexed into the Town of Friday Harbor, it will connect to the Town's municipal sewage system. The Town of Friday Harbor has confirmed they have the capacity to provide municipal sewer service to this parcel.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

The source of runoff generated by this site is currently stormwater which is left to naturally absorb into the soils on site or flow into the Category IV wetland on site. Additional runoff may be generated when the site is developed. Runoff will be evaluated at that time when development plans are prepared.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No, not with this proposed Comprehensive Plan Map Amendment.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No – this is a non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None proposed at this time.

4. **Plants**

- a. Check the types of vegetation found on the site:

- deciduous tree: **alder, maple**, aspen, other
 evergreen tree: **fir**, cedar, pine, other
 shrubs
 grass
 pasture
 crop or grain
 Orchards, vineyards or other permanent crops.

- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

There will be no vegetation removal with this non-project action. At the time of development native vegetation will be removed to accommodate structures, parking lots, etc. The extent of vegetation removal will be addressed at the time.

- c. List threatened and endangered species known to be on or near the site.

Review of the San Juan County Critical Area maps shows no threatened or endangered plant species on this property.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No new landscaping is currently proposed.

- e. List all noxious weeds and invasive species known to be on or near the site.

There are no noxious weeds or invasive plant species known to exist on this property.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other: raccoons, rats, bats, fox
fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site.

There are no threatened and endangered animal species known to be on or near the site as per the San Juan County Critical Areas Map.

- c. Is the site part of a migration route? If so, explain.

The San Juan Islands are a migration route for Bald eagles. However, the property is not a significant migratory site.

- d. Proposed measures to preserve or enhance wildlife, if any:

None proposed at this time.

- e. List any invasive animal species known to be on or near the site.

There are no known invasive animal species known to be on or near the site.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

If the site is developed as proposed, energy sources will include electricity, propane and, potentially, solar.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Unknown. There are no specific development plans at this time.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

No, not with this proposed Comprehensive Plan Map Amendment.

- 1) Describe any known or possible contamination at the site from present or past uses.

Since the site remains primarily undeveloped, it is highly unlikely that there have been any contaminants introduced onto the property.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

NA

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Unknown at this time. Evaluation of toxic and hazardous chemical will be done when site development plans are prepared.

- 4) Describe special emergency services that might be required.

Use of the site for commercial purposes will not require "special" emergency services. Existing EMT, police and fire protection services will be adequate to serve the

property.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

No measures are proposed at this time.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

The primary noise sources that affect this property are generated by vehicular traffic traveling along Mullis Avenue and air traffic from the Friday Harbor Airport, both which are located just west of the property.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

When the property is developed, there would be short term noise generated during construction. Long term noise sources would be from vehicular traffic generated by those working and shopping on the property.

- 3) Proposed measures to reduce or control noise impacts, if any:

None proposed at this time.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The property is currently occupied by an off-street parking area, one single-family residence and portions of a dog park. Adjacent land uses include Browne's Home Center to the north, single-family residential uses to the east, the remaining portion of the dog park and a fire station to the south, and Mullis Avenue and the Friday Harbor Airport to the west.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The property has not been used as working farmland or forestland. It is not zoned for use as agricultural or forestland of long term commercial significance. It is not in a farmland or forestland tax deferred status.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No.

- c. Describe any structures on the site.

A single-family residence is located near the east property line, a parking lot is centrally located on the property and portions of a dog park lie within the property adjacent to the south property line.

- d. Will any structures be demolished? If so, what?

Unknown. The old house on the east side of the property may be demolished in the future.

- e. What is the current zoning classification of the site?

Rural General Use

- f. What is the current comprehensive plan designation of the site?

Rural

- g. If applicable, what is the current shoreline master program designation of the site?

NA

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Yes, the property encompasses a Category IV wetland and is entirely a Critical Aquifer Recharge Area (CARA) as is all of San Juan County.

- i. Approximately how many people would reside or work in the completed project?

Unknown at this time.

- j. Approximately how many people would the completed project displace?

None.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

None proposed at this time.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This request for an amendment to the official San Juan County Comprehensive Plan Map is simply for the expanding of the Town of Friday Harbor's UGA to include this property. It is not for the purpose of changing its land use designation. The property is currently zoned Rural General Use, and if the UGA boundary is expanded as requested, it will remain zoned Rural General Use until is annexed into the Town of Friday Harbor at some unknown time in the future.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None. This land is not considered agricultural or forest lands of long-term commercial significance.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

NA – this is not a housing project.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None at this time.

- c. Proposed measures to reduce or control housing impacts, if any:

NA – this is a non-project action.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Unknown at this time.

- b. What views in the immediate vicinity would be altered or obstructed?

There are no views in the area that would be altered or obstructed when the property is developed.

- b. Proposed measures to reduce or control aesthetic impacts, if any:

Unknown at this time.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

NA - this is a non-project action. Light and glare will be addressed when the property is developed.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Unknown at this time, but likely "no."

- c. What existing off-site sources of light or glare may affect your proposal?

There are currently no off-site light sources affecting this property other than lighting of the Friday Harbor Airport landing strip which is very evident at night.

- d. Proposed measures to reduce or control light and glare impacts, if any:

None proposed at this time.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

The dog park located on and to the south of this property provides passive recreational opportunities to dogs and their owners.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No, not with this non-project action.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Unknown at this time.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

Unknown.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

No.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

There has been no methods used to assess potential impacts to cultural and historic resources on or near the project site with this request for map amendment.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None proposed at this time.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The property is currently accessed at two separate points including direct access from Mullis Avenue to the west and access from the north via a parking lot located on the south side of the Browne's Home Center.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No – there is no public transit available on San Juan Island.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Unknown at this time.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Unknown at this time.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The property lies across Mullis Avenue to the east of the Friday Harbor Airport.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Unknown at this time.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

- h. Proposed measures to reduce or control transportation impacts, if any:

None proposed or required at this time.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Unknown at this time.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None proposed.

16. Utilities

- a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

- c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

If and when the property is annexed into the Town of Friday Harbor, it will be served by the Town's municipal water and sewer service. Construction activities required to extend utilities to the property are unknown at this time.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Francine Shaw

Name of signee: *Francine Shaw, Land Use Consultant*

Position and Agency/Organization: *Planning and Permit Services, LLC*

Date Submitted: 2-11-19

D. Supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Stormwater run-off will be generated by impervious surfaces placed on the property at the time of development which will require the development and implementation of a stormwater drainage plan. There are no specific development plans prepared at this time, so it is difficult to determine what emissions to the air will be generated by future development or what types of, if any, toxic or hazardous substances will be stored on the property. Noise will be generated when the property is developed, primarily by traffic generated by the site

Proposed measures to avoid or reduce such increases are:

To be determined at the time of development.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Existing vegetation will be removed in areas other than where the wetland and wetland buffers are located to accommodate future development. Animals using this vegetation will likely be unaffected due to the retention of vegetation in and around the wetland.

There is no fish or marine life on this property.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

As noted above, vegetation in and around the Category IV Wetland on this property will be retained and may even be enhanced at the time of development.

3. How would the proposal be likely to deplete energy or natural resources?

There will be absolutely no depletion of energy or natural resources if this property is more fully developed in the future.

Proposed measures to protect or conserve energy and natural resources are:

Structure constructed on this site will be required to comply with the Energy Code for Washington State.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Unknown at this time.

Proposed measures to protect such resources or to avoid or reduce impacts are:

To be determined at the time of development.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

If the requested map amendment to extend the Town of Friday Harbor's UGA boundary to include this property is approved and the land is annexed into the Town, it will allow the relocation of the Brownes Home Center nursery on Mullis Street. It may also result in the construction of multi-family housing on the east side of the property.

Proposed measures to avoid or reduce shoreline and land use impacts are:

This is not a shoreline parcel but an upland parcel. Development of the property will require compliance with the applicable development codes which are intended to avoid and reduce land use impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

There is no indication that there will be increased need for public services if the property is included in the Town of Friday Harbor's UGSA. Existing services will have the capacity to serve the site. This specific proposal will bring the parcel into the UGA, but keep the same

RGU zoning designation. If the property is annexed, the Browne Lumber nursery can be relocated. The increase in traffic will be negligible.

Proposed measures to reduce or respond to such demand(s) are:

None proposed or required.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed Comprehensive Plan Map Amendment, in and of itself, will have no impact on the environment.

Environmental impacts are better addressed at the time of development.



RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

FOSTER PEPPER PLLC
1111 Third Avenue, Suite 3000
Seattle, Washington 98101
Attention: Nathan Luce

Recorded at the request of:
CHICAGO TITLE

SAN JUAN COUNTY WASH.
REAL ESTATE EXCISE TAX
AMOUNT PAID \$
\$ 98,134 - 100
AUG 04 2017
079175
RHONDA PEDERSON
COUNTY TREASURER

245393661

STATUTORY WARRANTY DEED

Grantor: R & TB, LLC,
a Washington limited liability company

Grantee: CORNELIUS HOLDINGS, LLC,
a Washington limited liability company

Legal Description: Ptn. NE ¼ SE ¼ Section 14, Township 35 N, Range 3 W,
W.M., San Juan County, Washington; and
Ptn. NW ¼ SE ¼ SE ¼ Section 14, Township 35 N, Range 3
W, W.M., San Juan County, Washington
Complete legal description attached as Exhibit A

Assessor's Tax Parcel ID#: 351444005000 and 351492017000

For the consideration of Ten and no/100 Dollars, and other valuable consideration, R & TB, LLC, a Washington limited liability company ("Grantor"), does hereby convey and warrant to CORNELIUS HOLDINGS, LLC, a Washington limited liability company ("Grantee") the real property situated in San Juan County, Washington, legally described on Exhibit A attached hereto and incorporated herein.

SUBJECT TO: Items listed on Exhibit B attached hereto and incorporated herein.

[Remainder of page intentionally left blank; signatures follow.]

SJC DEPARTMENT OF
FEB 25 2019
COMMUNITY DEVELOPMENT

DATED: This 31st day of July, 2017.

GRANTOR: R & TB, LLC,
a Washington limited liability company

By: [Signature]
Name: Terry C. Browne
Title: Member

STATE OF WASHINGTON
COUNTY OF SAN JUAN | ss.

I certify that I know or have satisfactory evidence that Terry C. Browne is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the authorized Member of R & TB, LLC, a Washington limited liability company, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

Dated this 31st day of July, 2017.

[Signature]
(Signature of Notary)

Kathryn C. Loring
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington, residing at Friday Harbor

My appointment expires 2/26/2022



- Exhibits
Exhibit A: Legal Description
Exhibit B: Permitted Exceptions

Exhibit A
Legal Description

PARCEL A:

That portion of the Northeast quarter of the Southeast quarter of Section 14, Township 35 North, Range 3 West, W.M., in San Juan County, Washington, described as follows:

Commencing at the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 14, Township 35 North, Range 3 West, W.M.;

THENCE South 70 rods to the POINT OF BEGINNING;

THENCE West 80 rods;

THENCE South 10 rods;

THENCE East 80 rods, on the line between the said Northeast Quarter of said section, township and range, and the Southeast Quarter of said section, township and range, to the East line of said Northeast Quarter of the Southeast Quarter;

THENCE North 10 rods to the POINT OF BEGINNING;

EXCEPT the East 260 feet thereof;

ALSO EXCEPT the West 10 feet thereof conveyed to San Juan County under Auditor's File No. 88153433, records of San Juan County, Washington.

PARCEL B:

The North 220.00 feet of the Northwest quarter of the Southeast quarter of the Southeast quarter of Section 14, Township 35 North, Range 3 West, W.M., in San Juan County, Washington; AND

Also the North 437.00 feet of the West 334.00 feet of said Northwest quarter of the Southeast quarter of the Southeast quarter; AND

EXCEPT the West 10 feet conveyed to San Juan County by deed recorded September 22, 1988 under Auditor's File No. 88153432, records of San Juan County, Washington.

Exhibit B
Permitted Exceptions

[To be Inserted from Pro Forma]

Unofficial
Copy

Exhibit B
Permitted Exceptions

1. Easement, including the terms and conditions thereof, granted by instrument

Recorded: June 28, 1994

Auditor's No.: 94062826, records of San Juan County, WA

In favor of: ORCAS POWER AND LIGHT COMPANY

For: Electric transmission and/or distribution line, together with necessary appurtenances

Affects: Parcel A

2. Covenants, conditions, and restrictions contained in declaration of restrictions

Recorded: March 12, 1996

Auditor's No.: 96031202, records of San Juan County, WA

Executed by: TED S. ELFVING, et al

Affects: Parcel A

3. Easement, including the terms and conditions thereof, granted by instrument

Recorded: November 21, 1963

Auditor's Nos.: 58130, records of San Juan County, WA

In favor of: ORCAS POWER AND LIGHT COMPANY

For: Electric transmission and/or distribution line, together with necessary appurtenances

Affects: Parcel B

4. Easement, including the terms and conditions thereof, granted by instrument

Recorded: June 28, 1994

Auditor's Nos.: 94062827, 94062828 and 94062830, records of San Juan County, WA

In favor of: ORCAS POWER AND LIGHT COMPANY

For: Electric transmission and/or distribution line, together with necessary appurtenances

Affects: Parcel B

5. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Recording Date: March 27, 2002

Recording No.: 20020327022 in book 17 of Surveys pg 133

Matters shown: gap

6. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Recording Date: December 8, 2016

Recording No.: 2016-1208025

Matters shown: overlap

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Town of Friday Harbor

Purpose: Water main

Recording Date: September 11, 2003

Recording No.: 20030911006

Affects: Portion of said premises

8. Notice to Land Title of Land Use Permit including the terms, covenants and provisions thereof

Recording Date: March 6, 2009
Recording No.: 2009-0306012

9. Simple Land Division including the terms, covenants and provisions thereof

Recording Date: June 1, 2016
Recording No.: 2016-0601022
Affects: Parcel B and other property

10. Reserved.

12. Reserved.

13. Reserved.

14. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Ground Lease
Lessor: Cornelius Holdings, LLC, a Washington limited liability company
Lessee: TAL Holdings, LLC, a Washington limited liability company
Recording Date: , 2017
Recording No.: 2017

15. Reserved.

16. Reserved.

17. An unrecorded lease with certain terms, covenants, conditions and provisions as disclosed by the document

Entitled: Rental Agreement, Dwelling Unit Only
Lessor: R&TB, LLC
Lessee: Mike Barnes
Dated: July 29, 2014

18. Access and Parking rights in favor of Eddie and Friends Off-Leash Dog Park over a portion of said premises, as disclosed by unrecorded Ground Lease, dated July 17, 2008

CORNELIUS HOLDINGS BORDERING PARCELS

win 300'

SJC DEPARTMENT OF

FEB 25 2019

COMMUNITY DEVELOPMENT

351444001

R&TB LLC
P.O. Box 742
Friday Harbor, WA 98250

351454303

CLARK D. CASEBOLT
12003 – 23RD Ave. N.E.
Seattle, WA 98125-5249

351454304

R. STEPHEN & LYNNE M. BARNES
P.O. Box 1451
Friday Harbor, WA 98250

351454401

JERRY L. & CONNIE L. BLACK
P.O. Box 2832
Friday Harbor, WA 98250

351454402

TIMMONS CALSTATE LLC
P.O. Box 2181
Friday Harbor, WA 98250

351454403

TIMMONS CALSTATE LLC
P.O. Box 2181
Friday Harbor, WA 98250

351454404

TIMMONS CALSTATE LLC
P.O. Box 2181
Friday Harbor, WA 98250

351454405

JERRY L. & CONNIE L. BLACK
P.O. Box 2832
Friday Harbor, WA 98250

351454406

JERRY L. & CONNIE L. BLACK
P.O. Box 2832
Friday Harbor, WA 98250

351491902

PORT OF FRIDAY HARBOR
P.O. Box 889
Friday Harbor, WA 98250

351492017

CORNELIUS HOLDINGS LLC
c/o TAL Holdings LLC
9300 Vancouver Mall Dr., Suite 101
Vancouver, WA 98662-7935

351492023

CALVIN & MARY KAREN RYAN
739 Telegraph Lane
Friday Harbor, WA 98250

351492024

RUSSELL L. SAMPLES
P.O. Box 4156
Roche Harbor, WA 98250

351492026

CRAIG & MARIANNE STARR
P.O. Box 961
Friday Harbor, WA 98250

351492027

JIMMIE R. LAWSON & DONALD A. GALT
P.O. Box 222
Friday Harbor, WA 98250

351492025

CALVIN & MARY KAREN RYAN
739 Telegraph Lane
Friday Harbor, WA 98250

351492029

JIMMIE R. LAWSON & DONALD A. GALT
P.O. Box 222
Friday Harbor, WA 98250

351492601

LISA BROWN
14 Apple Tree Lane
Friday Harbor, WA 98250

351492603

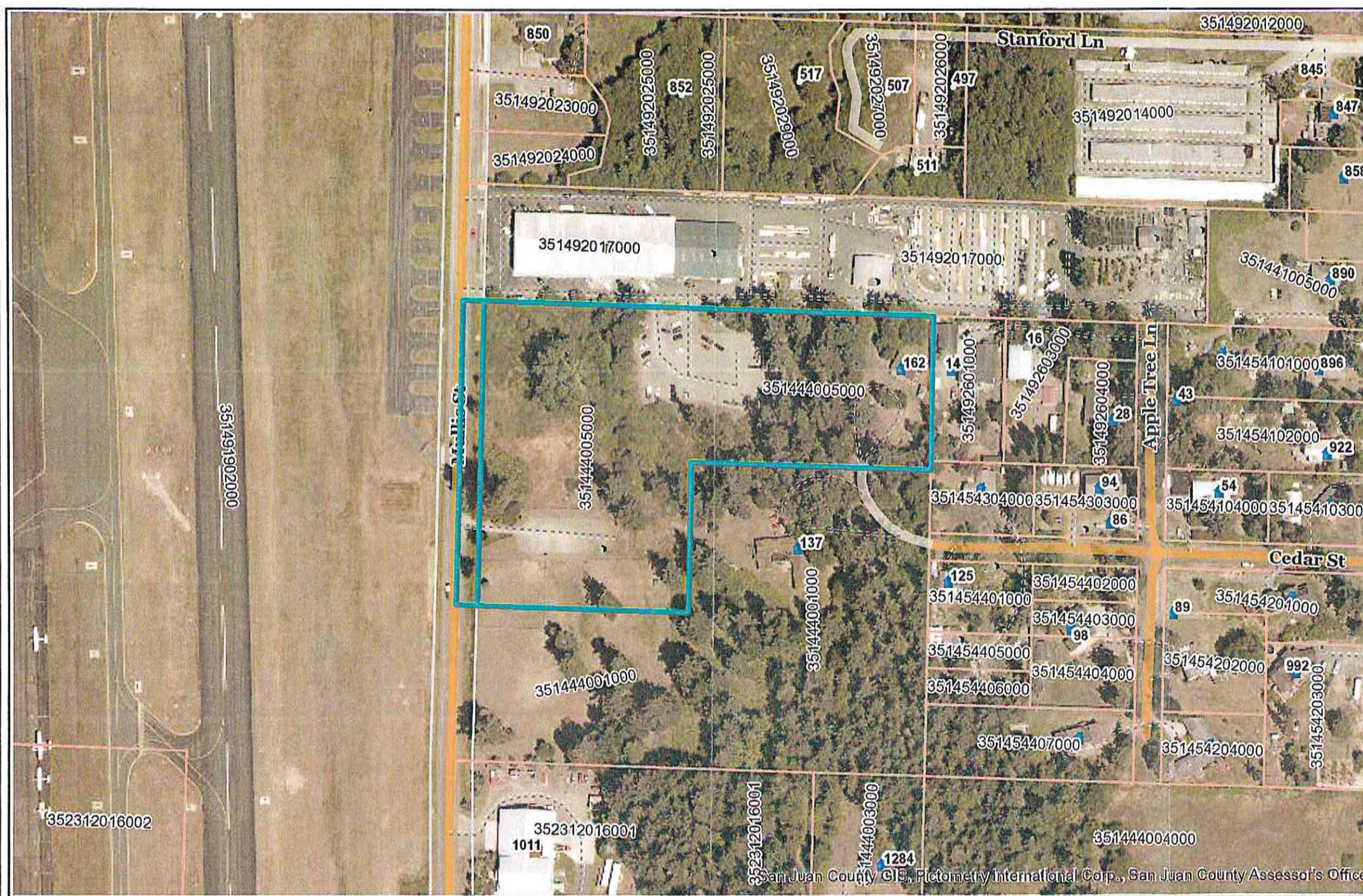
TIMOTHY A. & SALLY A. THOMSEN
745-C Larsen Street
Friday Harbor, WA 98250

351492604

AARON & JODI ROCK
28 Apple Tree Lane
Friday Harbor, WA 98250

PREDES-19-0001

HOLDINGS LLC, CORNELIUS



San Juan County GIS, Pictometry International Corp., San Juan County Assessor's Office

SJC DEPARTMENT OF
 FEB 25 2019
 COMMUNITY DEVELOPMENT



This map is derived from San Juan County's Geographic Information System (GIS). It is intended for reference only and is not guaranteed to survey accuracy. The information represented on this map is subject to change without notice.



Cornelius Holdings 5 acre parcel



FRIDAY HARBOR AIRPORT

MULLIS ST

PROJECT SITE

ROSE LN

ARGYLE AVE

CEDAR ST

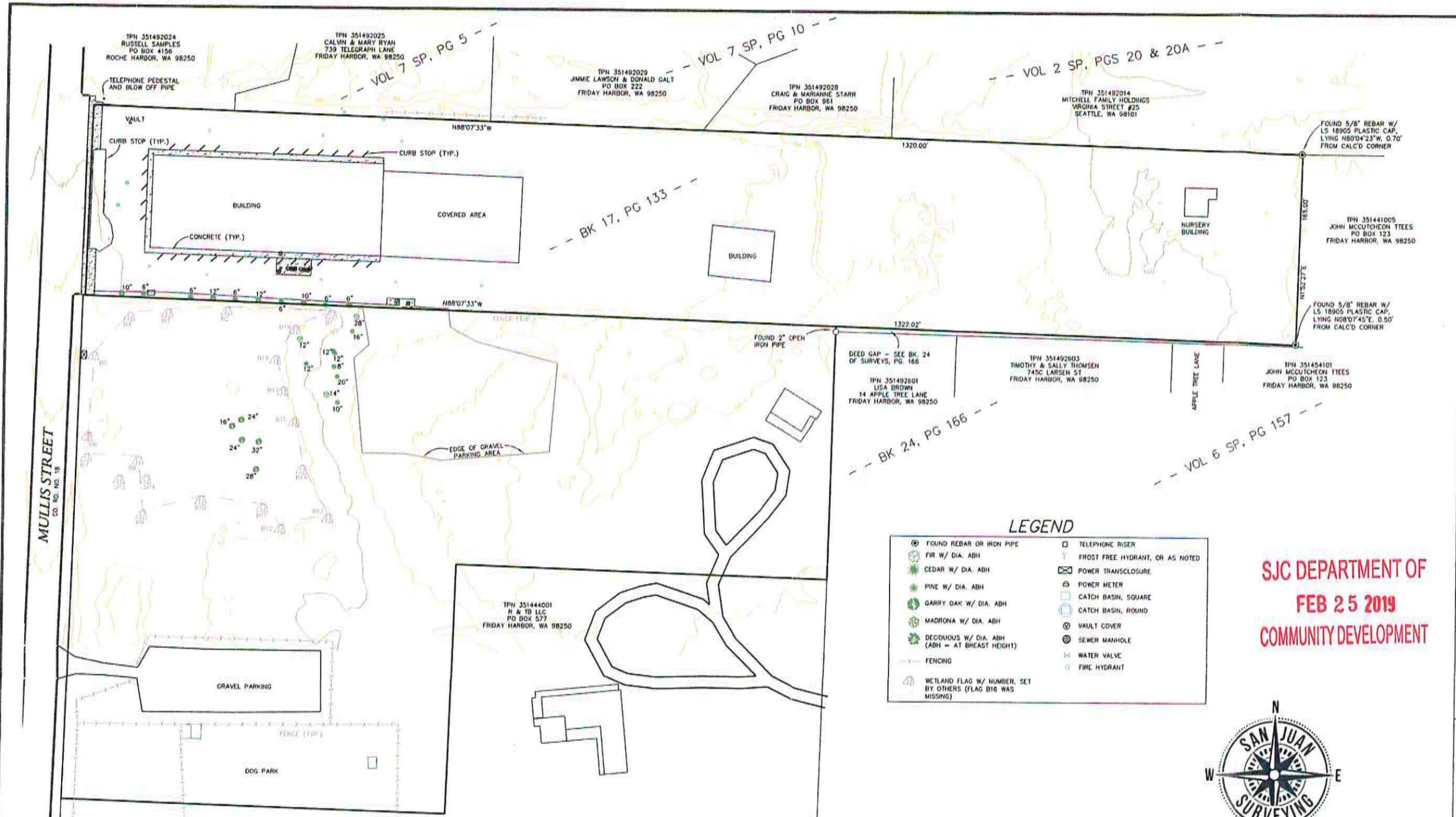
BROWNE'S HOME CENTER NURSERY SITE

⌚ NOT TO SCALE

GRAHAM BABA / SJC DEPARTMENT OF

PREDES-19-0001
HOLDINGS LLC, CORNELIUS

FEB 25 2019
COMMUNITY DEVELOPMENT



CORNELIUS HOLDINGS, L.L.C.
 860 MULLIS ST
 FRIDAY HARBOR, WA 98250

TOPOGRAPHIC SURVEY FOR
CORNELIUS HOLDINGS, L.L.C.
 ON
 SAN JUAN ISLAND
 CORNER ST-11-162
 JOB NO. 11-162
 DATE 2/19/18
 SHEET 1 OF 1

SAN JUAN SURVEYING
 P.O. BOX 611
 FRIDAY HARBOR, WA 98250
 WWW.SANJUANSURVEYING.COM
 SECTION 14, TOWNSHIP 35 NORTH, RANGE 3 WEST
 QUARTER 3, NE/SE & SE/SE



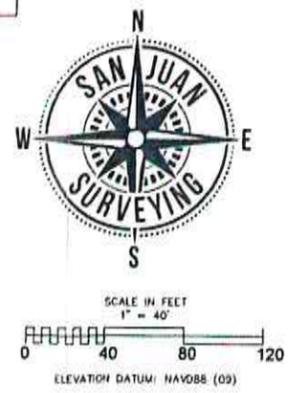
PROPERTY INFORMATION
 TAX PARCEL NUMBER: 351492017 & 351444005
 SITE ADDRESS: 860 MULLIS STREET
 DESCRIPTION: PTN NE-SE, SE-SE, S1/4, T35N, R3W
 MISC:

DEED GAP - SEE BK. 24 OF SURVEYS, PG. 166
 TPN 351492601 LISA BROWN 14 APPLE TREE LANE FRIDAY HARBOR, WA 98250
 TPN 351492603 TIMOTHY & SALLY THOMSEN 745C LARSEN ST FRIDAY HARBOR, WA 98250
 TPN 351454101 JOHN MCCUTCHEON TTEES PO BOX 123 FRIDAY HARBOR, WA 98250

LEGEND

⊙ FOUND REBAR OR IRON PIPE	☐ TELEPHONE RISER
⊙ FIR W/ DIA. ABH	⊙ FROST FREE HYDRANT, OR AS NOTED
⊙ CEDAR W/ DIA. ABH	⊙ POWER TRANSCLUSURE
⊙ PINE W/ DIA. ABH	⊙ POWER METER
⊙ GARRY OAK W/ DIA. ABH	⊙ CATCH BASIN, SQUARE
⊙ MADRONA W/ DIA. ABH	⊙ CATCH BASIN, ROUND
⊙ DECIDUOUS W/ DIA. ABH (ABH = AT BREAST HEIGHT)	⊙ VAULT COVER
⊙ FENCING	⊙ SEWER MANHOLE
⊙ WETLAND FLAG W/ NUMBER, SET BY OTHERS (FLAG B10 WAS MISSING)	⊙ WATER VALVE
	⊙ FIRE HYDRANT

**SJC DEPARTMENT OF
 FEB 25 2019
 COMMUNITY DEVELOPMENT**



EQUIPMENT AND PROCEDURES
 EQUIPMENT: TOPCON ROBOTIC TOTAL STATION (PS103A)
 HIPER V GPS DUAL FREQUENCY GNSS RECEIVER W/ BASE STATION
 PROCEDURE: FIELD TRAVERSE

LAND DESCRIPTION

PARCEL A:
 THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 3 WEST, W.M., IN SAN JUAN COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 3 WEST, W.M.; THENCE SOUTH 70 ROODS TO THE POINT OF BEGINNING; THENCE WEST 80 ROODS; THENCE SOUTH 10 ROODS; THENCE EAST 80 ROODS, ON THE LINE BETWEEN THE SAID NORTHEAST QUARTER OF SAID SECTION, TOWNSHIP, AND RANGE, AND THE SOUTHEAST QUARTER OF SAID SECTION, TOWNSHIP, AND RANGE, TO THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 10 ROODS TO THE POINT OF BEGINNING.
 EXCEPT THE EAST 200 FEET THEREOF.
 ALSO EXCEPT THE WEST 10 FEET THEREOF CONVEYED TO SAN JUAN COUNTY UNDER AUDITOR'S FILE NO. 88153433, RECORDS OF SAN JUAN COUNTY, WASHINGTON.

PARCEL B:
 THE NORTH 220.00 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 3 WEST, W.M., IN SAN JUAN COUNTY, WASHINGTON; AND,
 ALSO THE NORTH 437.00 FEET OF THE WEST 334.00 FEET OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, AND,
 EXCEPT THE WEST 10 FEET CONVEYED TO SAN JUAN COUNTY BY DEED RECORDED SEPTEMBER 22, 1988 UNDER AUDITOR'S FILE NO. 88153432, RECORDS OF SAN JUAN COUNTY, WASHINGTON.

SURVEYOR'S NOTES

1. THIS TOPOGRAPHIC SURVEY MEETS OR EXCEEDS THE REQUIREMENTS OF WAC 332-130-090.
2. THIS MAP REPRESENTS A TOPOGRAPHIC SURVEY WHICH LOCATED EXISTING MONUMENTS, STAKES AND PHYSICAL FEATURES. NO BOUNDARY MARKERS OR STAKES WERE SET. ALL PARTIES ARE HEREBY ADVISED THAT THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY, AND IS EXEMPT FROM THE REQUIREMENTS FOR FILING UNDER THE PROVISIONS OF THE WASHINGTON STATE SURVEY RECORDING ACT PER RCW 58.09.090(1)(D).
3. FOR MORE BOUNDARY INFORMATION SEE BOOK 17 OF SURVEYS, PAGE 133, RECORDS OF SAN JUAN COUNTY, WASHINGTON.
4. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WASHINGTON STATE PLANE COORDINATE SYSTEM - NORTH ZONE.
5. THE CONTOURS SHOWN ARE PER THE PUGET SOUND LIDAR CONSORTIUM AND HAVE BEEN FIELD VERIFIED.



EXISTING CURB CUT

SJC DEPARTMENT OF
FEB 25 2019
COMMUNITY DEVELOPMENT

1A CONCEPTUAL PLAN USING PERVIOUS PAVERS (IF ALLOWED)
N.T.S. 3.9.2018
UPDATED 3.21.2018

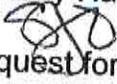
BROWNE'S NURSERY

Law Offices Of
STEPHANIE JOHNSON O'DAY, PLLC

540 Guard Street, Suite 160
Post Office Box 2112
Friday Harbor, Washington 98250-2112

Telephone: (360) 378-6278 Fax: (360) 378-5066
E-Mail: sjoday@rockisland.com

SJC DEPARTMENT OF
FEB 25 2019
COMMUNITY DEVELOPMENT

To: Duncan Wilson, Town of Friday Harbor Administrator
From: Stephanie Johnson O'Day 
Re: Cornelius Holdings LLC request for inclusion in TFH UGA
Date: December 20, 2018

This memo is in response to your request for a legal basis to support my client's request to San Juan County to expand the UGA to include a five-acre parcel on Mullis Street, located immediately adjacent to the Town of Friday Harbor boundary.

FACTS

On August 4, 2017, Cornelius Holdings LLC purchased two parcels of land on Mullis Street, Friday Harbor. Both parcels are located east of the Friday Harbor airport. One parcel is located inside the Town boundaries and is the home of Browne Lumber. The other parcel is vacant and within the County boundaries. The owner would like to move the Browne Lumber nursery from the back of the Town parcel to the Mullis Street side of the County parcel, retaining the right to use the back of one or both properties for affordable housing purposes. The owner would like to utilize Town of Friday Harbor water and sewer for the project.

Current Allowed Zoning:

351492017: LIGHT INDUSTRIAL. Located within Town limits. 4.17 acres of land. Property houses Browne Lumber. FHMC 17.52 allows wholesale and retail commercial uses with ancillary single-family uses. Uses Town water and sewer.

351444001: RURAL GENERAL USE. Located within County limits. 5.10 acres of vacant land with .82 acres on a short term lease to Island Rec for the dog park. SJCC 18.30.040 regulates uses on this land and allows more intensive industrial and commercial uses to be placed in this area. San Juan County Code allows only 1 residence per five acres. There is currently no water or septic serving this property.

PREDES-19-0001
HOLDINGS LLC, CORNELIUS

GMA Applicable Laws

The Growth Management Act requires that Counties and Towns regulate urban growth by containing it to outside of the rural areas. San Juan County is primarily rural in nature.

36.70A.030(21) *"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170.....*

"Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

36.70A.110(1) *Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. ...An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth...*

36.70A.110(2)..... *An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.*

36.70A.110(3) *Urban growth should be located first in areas **already characterized by urban growth** that have adequate existing public facility and service capacities to serve such development.*

36.70A.110(7) *An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.*

UGA MANAGEMENT AGREEMENT
TOWN OF FRIDAY HARBOR & SAN JUAN COUNTY

On July 8, 2008, San Juan County and the Town of Friday Harbor entered into a UGA management agreement. At that time, ten years ago, three areas around the TFH were designated as UGA's. All three, with the exception of a very small acreage near the water tower, have been annexed into the Town. It is now time to update that agreement. It would be in the best interests of the citizens to designate additional lands adjacent to the Town as UGA to accommodate growth in the next ten years. The Cornelius five acre parcel is a logical choice.

Mullis Street is already characterized by Urban Growth. This is not a residential area nor is it a rural area. The frontage of the Mullis Street properties are not appropriate for residential use, being so close to the airport. Neither are these properties appropriate for agricultural use. Once the Cornelius five-acre property is included in the UGA, the owner can apply for annexation – which would allow the Town to sell water and sewer hookups not only for the proposed Nursery and possible café use, but potentially for a multi-family complex on the east side of the property.

The Town of Friday Harbor does not have parcels large enough to accommodate the placement of a large outdoor nursery, nor does the Town have a parcel large enough to accommodate what the every day workers on the island really need – which is a large new apartment building which is affordable.

We all know that the need exists. Now there is a way that need can be filled. The Town will clearly benefit financially as well by the inclusion of this parcel and sale of utility hookups.

We urge the Town Council to support the inclusion of the Cornelius five-acre parcel into the Town UGA. We ask that the Council send a letter of support of the Cornelius UGA inclusion request to: Linda Kuller, Planning Manager, San Juan County DCD, PO Box 947, Friday Harbor, WA 98250.

Thank you in advance for your support.

Cc: Linda Kuller
Mike Bertrand
client

Chapter 17.76
FRIDAY HARBOR URBAN GROWTH AREA ADMINISTRATION

Sections:

- 17.76.010 Purpose.
- 17.76.020 Applicability.
- 17.76.030 Geographic area.
- 17.76.040 Urban services.

17.76.010 Purpose.

The purpose of this chapter is to provide the town with a process for administration and management of the Friday Harbor urban growth area as defined in the Friday Harbor Unincorporated Urban Growth Area Management Agreement (hereinafter "management agreement"), adopted jointly by the San Juan County board of county commissioners and the Friday Harbor town council and set forth in Appendix C of the comprehensive plan. (Ord. 1194 § 5, 2002; Ord. 1172 § 102, 2001)

17.76.020 Applicability.

Any and all land use and/or development occurring in the Friday Harbor urban growth area shall be subject to the provisions of the management agreement as amended unless the management agreement is terminated as defined in Section 10 of the management agreement. (Ord. 1172 § 103, 2001)

17.76.030 Geographic area.

The boundaries of the Friday Harbor urban growth area shall be as defined in Section 3 of the management agreement. (Ord. 1172 § 104, 2001)

17.76.040 Urban services.

Water and sewer services shall not be provided outside the corporate boundary, including the Friday Harbor urban growth area, until it has been annexed into the town, except where the town has a contractual obligation to provide, or is providing, such services. (Ord. 1172 § 105, 2001)

The Friday Harbor Municipal Code is current through Ordinance 1644, passed June 21, 2018.

Disclaimer: The Town Clerk's Office has the official version of the Friday Harbor Municipal Code. Users should contact the Town Clerk's Office for ordinances passed subsequent to the ordinance cited above.

**Unincorporated Urban Growth Area
Management Agreement Between
The Town of Friday Harbor and San Juan County, Washington**

Section 1. Preface.

This document is adopted pursuant to RCW 36.70A.110 to set forth an agreement between San Juan County (the "County") and the Town of Friday Harbor (the "Town") for the management of the unincorporated Urban Growth Area (UGA) located adjacent to the Town of Friday Harbor (the "unincorporated UGA" or "Friday Harbor UGA"). Both jurisdictions recognize the need for cooperation in land use planning and public service delivery in the unincorporated UGA. The policies and strategies in this Agreement are to guide the actions of each jurisdiction. This Agreement does not, however, substitute for comprehensive planning by the Town or the County.

Section 2. Purpose.

This Agreement is to accomplish the following purposes:

1. To promote communication and participation in planning for the unincorporated UGA;
2. To establish guidelines for orderly growth and development within the unincorporated UGA;
3. To concentrate urban development within the Town of Friday Harbor and not within the unincorporated UGA;
4. To coordinate land use regulation and development services to minimize the public and private costs of development within the unincorporated UGA;
5. To prepare for the orderly provision of public facilities and services to accommodate and serve as a guide for urban development of those lands within the unincorporated UGA;
6. To contain urban development within a planned urban area where basic services such as sewer and water facilities, storm drainage, police, and fire protection can be efficiently and economically provided; and
7. To make economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the unincorporated UGA; since urban services are interrelated, coordination is best achieved by a single government unit, the Town of Friday Harbor.

Section 3. Designation of Unincorporated UGA on Official Maps.

The geographic area designated on Figure 1 to this Agreement is the unincorporated UGA that is the subject of this Agreement and is coterminous with the area designated on the Town and County official comprehensive plan maps, respectively. The Town will provide the County with a copy of its official map.

Section 4. General Provisions.

1. The County and the Town will coordinate land use planning and the application of development regulations within the unincorporated UGA as provided for in this Agreement. Nothing shall prevent the County and the Town from establishing other cooperative agreements addressing particular projects, geographic areas, or concerns, which are not subject to this management Agreement.
2. Notwithstanding the provisions of this Agreement, the ultimate authority for land use and development decisions is retained by the County and the Town within their respective jurisdictions. Neither jurisdiction may assign or defer its decision-making authority to the other.

Section 5. Joint Planning.

The County and the Town affirm their commitment to the Joint Planning Policy adopted by San Juan County and the Town of Friday Harbor in Appendix 2 of the San Juan County Comprehensive Plan as it now exists or may be jointly amended hereafter.

Section 6. Development Review Procedures.

1. Applications—General. This section applies to all land use and development permit applications, including all building permits, use permits, and land division applications.
2. Applications—Submittal to Town. Land use and development applications for projects located within the existing municipal boundaries of the Town of Friday Harbor shall be submitted to and acted upon by the Town of Friday Harbor according to its adopted regulations and procedures and the applicable provisions of this Agreement (*see* Section 7, below).
3. Applications—Submittal to County. Land use and development applications for projects located within the unincorporated UGA shall be submitted to and acted upon by San Juan County according to its adopted regulations and procedures and the applicable provisions of this Agreement (*see* Section 7, below).
4. Notice Requirements.
 - a. The jurisdiction receiving a use or development application involving property located within 1,000 feet of the municipal boundary or within 1,000 feet of the UGA boundary shall give notice to the other as specified below.
 - b. If no notice is required and/or no comment period is provided for a given application type by the applicable, adopted Town or County procedures, then the jurisdiction accepting the application shall provide notice to the other within three working days of finding an application to be complete. It shall then allow up to five working days for comments before action may be taken on the application.

- c. If the applicable Town or County procedures specify notice requirements and the duration of a comment period, then the jurisdiction accepting the application shall give notice to the other and provide opportunity to comment as provided in the applicable procedures for the type of application involved.
- d. The County shall notify the Town in writing of any comprehensive plan amendment, development code amendment, and of any other proposals for legislative action which affects land located within 1,000 feet of the municipal boundary or within the unincorporated UGA. Such notice shall be sufficient to allow the Town staff the opportunity to review and comment on such proposals before final action is taken. Likewise, the Town shall notify the County in writing of any comprehensive plan amendment, zoning code amendment, and any other proposals for legislative action which affects land within 1,000 feet of the municipal boundary or within the unincorporated UGA.
- e. Nothing shall prevent the Town Administrator and County Administrator from agreeing to exempt certain types of developments from interjurisdictional notice requirements. Any such agreement shall be in writing and signed by both Administrators.

Section 7. Intention Regarding Additional Use and Development Regulations.

The applicable use and development regulations shall be those adopted by the applicable jurisdiction, with the following additional provisions intended for the unincorporated UGA upon the designation of such land by the County Council.

1. Land Uses – Limitations Generally,

- a. San Juan County will retain responsibility for land use decisions and actions affecting the unincorporated UGA until such time as annexation to the Town occurs.
- b. San Juan County will review and, as necessary, amend its comprehensive plan and development regulations to establish a moratorium and/or create an overlay zone such that development within the unincorporated UGA is consistent with the intent and purposes of this Agreement to protect such lands in such a way that allows for the development for urban uses only at such time as the land is annexed to the Town. Specifically, the County Council will conduct hearings on ordinances which will, if adopted, prohibit all uses and developments, except the following uses and developments which shall be allowed outright:
 - i. Single-family residence and structures appurtenant to a single-family residence;
 - ii. Two-family residential uses (duplex);
 - iii. Home occupation;
 - iv. Public streets;
 - v. Public trails and paths;
 - vi. Agricultural uses and activities;

- vii. Forest practices, no processing;
 - viii. Lumber mills, portable;
 - ix. Nurseries;
 - x. Retail sales of agricultural products.
2. **Urban Services.** The Town and the County will review and, as necessary, amend the comprehensive plan and development regulations so that each jurisdiction will refrain from the development, creation or extension of water or sewer service to those areas lying within the unincorporated UGA until such areas are first annexed to the Town.

Property within the unincorporated UGA proposed for new development which requires urban services (Town water and sewer facilities) shall be annexed before a land use or building permit is issued.

Proposed developments which do not require urban services shall be subject to conditions establishing an enforceable developer extension agreement to pay for Town services upon the annexation of the subject property. County code requirements for on-site water supply, fire flow, sewage disposal and stormwater control facilities shall apply to allowable uses and developments that do not require urban services.

The County will not authorize the creation of a special purpose district for the provision of utilities, recreation or other public facilities unless such district includes all of the area within the unincorporated UGA and the creation has been approved by both parties.

3. **Buffers.** The County will review and, as necessary, amend its comprehensive plan and development regulations to require that new development within the unincorporated UGA on property abutting the UGA-County boundary shall provide drought-resistant vegetated buffers sufficient to mitigate significant adverse impacts to land and land uses outside of the unincorporated UGA boundary.
4. **Critical Areas/Environmentally Sensitive Areas.** The San Juan County Code requirements for critical areas shall apply to critical areas within the unincorporated UGA
5. **Subdivisions and Short Subdivisions.** The county will review and, as necessary, amend its comprehensive plan and development regulations by use of a moratorium or overlay zone to prohibit all subdivisions, including subdivision by long subdivision, short subdivision, simple land division, binding site plan or condominium, that result in the creation of any parcel or unit of land smaller than five acres. Boundary line modifications shall be allowed so long as no new parcel is created. In allowing for rural land division, the County will ensure that the developments design does not preclude future infill development at urban densities.

Section 8. Annexation.

1. Only those areas within the unincorporated UGA may be considered for annexation to the Town.

2. Urban services and capital facilities may be extended to properties within the unincorporated UGA only when those properties are annexed to the Town.
3. Property owners seeking annexation to the Town will be required to include in annexation petitions a full description of proposed development and any phasing plans, and the specific urban services needed together with the analysis and reports required by the Town.

Section 9. Administration.

The responsibility for administration of this Agreement shall rest jointly with the San Juan County Council and the Friday Harbor Town Council, through their respective administrators. Within 30 days of the effective date of this Agreement the County and Town administrators will exchange the names and addresses to be used in official correspondence regarding this Agreement. Each jurisdiction is responsible for keeping this contact information current and for directing correspondence consistent with this information.

Section 10. Periodic Review, Amendment, and Termination.

The term of this Agreement shall be five years from the effective date and shall automatically be renewed for subsequent five-year terms unless one of the following actions is taken:

1. The County and the Town may agree at any time to revise or terminate this Agreement. Any such agreement shall be in writing.
2. Either party may notify the other of a desire to revise or terminate this Agreement. Such notice shall be in writing and be given no fewer than ninety days prior to the automatic renewal date. Should such notice be given, the County and the Town will begin immediately and, in good faith, to revise and renew this Agreement.
3. This agreement does not apply to portions of the unincorporated UGA after such property has been duly annexed by the Town.
4. Should the County designate additional unincorporated UGAs in accordance with the procedure set forth in RCW 36.70A.110(2), this Agreement shall be reviewed by the parties and amended as necessary to address mutual concerns relating to the additional unincorporated UGA.

Section 11. Effective Date and Filing Procedures.

The effective date of this Agreement shall be the date it is filed with the County Auditor and with the Town Clerk.

//

TOWN OF FRIDAY HARBOR

By: David F. Jones 7/3/08
DAVID F. JONES, Mayor Date

APPROVED AS TO FORM ONLY
DONALD E. EATON

By: [Signature] 7/7/08
DONALD E. EATON Date

ADOPTED this 8th day of July 2008.

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

ATTEST: Clerk of the Council


Howard Rosenfeld, Chair
District 3, Friday Harbor

By: Ann Larson
Ann Larson - Clerk

Date: 7/8/08

Gene Knapp
Gene Knapp, Vice-Chair
District 5, Orcas East

REVIEWED BY COUNTY
ADMINISTRATOR

Pete Rose
Pete Rose Date: 7-8-08


Kevin M. M. Ranker, Member
District 1, San Juan South

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

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

By: Randall K. Gaylord
Date: 7/8/2008

Alan Lichter
Alan Lichter, Member
District 4, Orcas West/Waldron

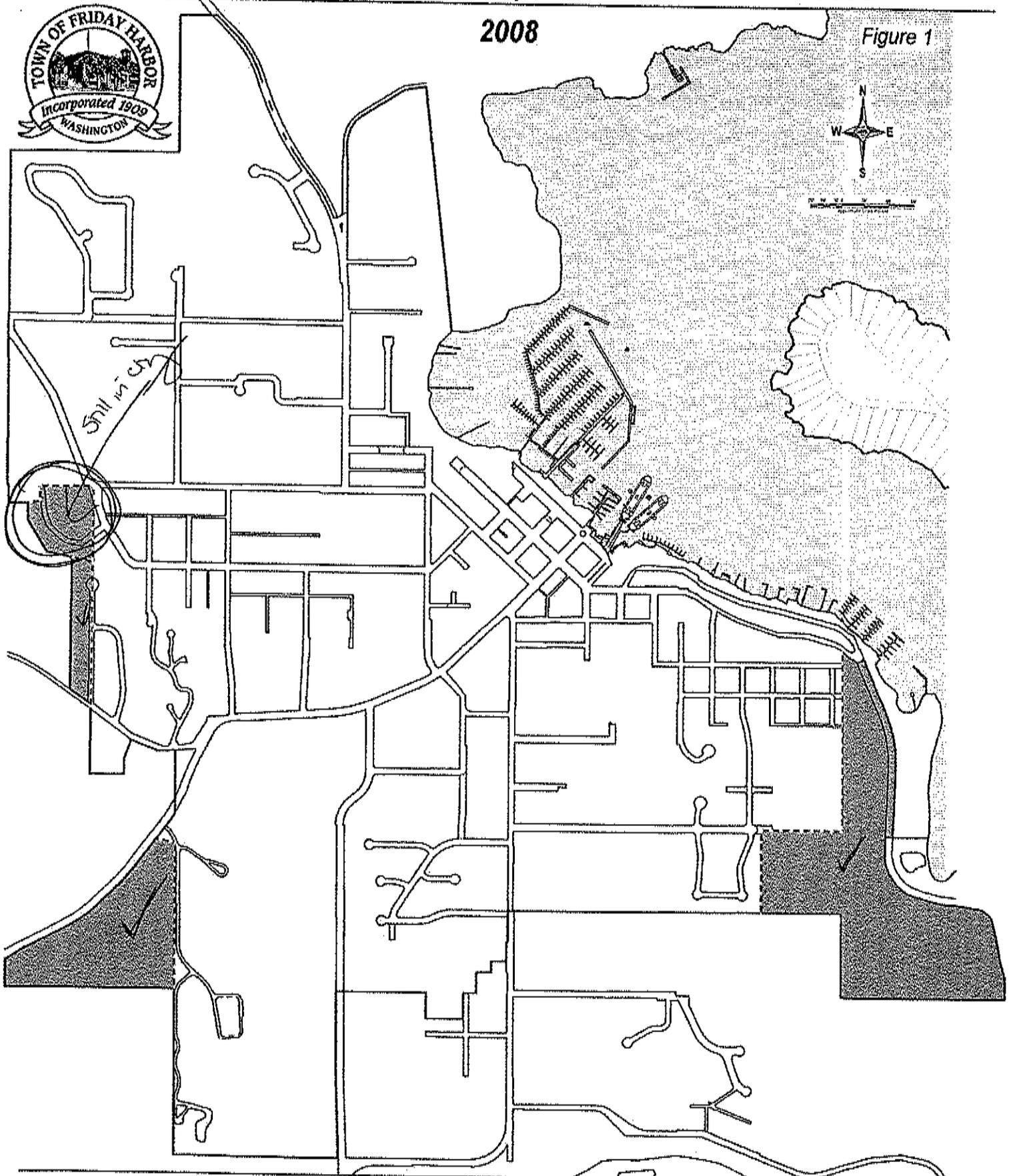
Bob Myhr
Bob Myhr, Member
District 6, Lopez/Shaw

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Friday Harbor with Unincorporated UGA areas Shaded

2008

Figure 1



UGA Related RCW and WAC Sections

RCW 35.13.005 Annexations beyond urban growth areas prohibited.

No city or town located in a county in which urban growth areas have been designated under RCW 36.70A.110 may annex territory beyond an urban growth area.

RCW 36.70A.020 Planning goals (Excerpt)

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

RCW 36.70A.110 Comprehensive Plans – Urban Growth Areas

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days

of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and under this section. Such action may be appealed to the growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

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(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that:

- (i)** Is located west of the crest of the Cascade mountains; and
- (ii)** has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or

(B) Urban development already exists within a floodplain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; stormwater facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase stormwater runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on July 26, 2009.

(9) If a county, city, or utility has adopted a capital facility plan or utilities element to provide sewer service within the urban growth areas during the twenty-year planning period, nothing in this chapter obligates counties, cities, or utilities to install sanitary sewer systems to properties within urban growth areas designated under subsection

(2) of this section by the end of the twenty-year planning period when those properties:

(a)(i) Have existing, functioning, nonpolluting on-site sewage systems;

(ii) Have a periodic inspection program by a public agency to verify the on-site sewage systems function properly and do not pollute surface or groundwater; and

(iii) Have no redevelopment capacity; or

(b) Do not require sewer service because development densities are limited due to wetlands, flood plains, fish and wildlife habitats, or geological hazards.

RCW 36.70A.215 Review and evaluation program

(1) Subject to the limitations in subsection (5) of this section, a county shall adopt, in consultation with its cities, countywide planning policies to establish a review and evaluation program. This program shall be in addition to the requirements of RCW 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing the review and evaluation program required by this section, the county and its cities shall consider information from other appropriate jurisdictions and sources. The purpose of the review and evaluation program shall be to:

(a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the countywide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and

(b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter. Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns. The reasonable measures process in subsection (3) of this section shall be used as part of the next comprehensive plan update to reconcile inconsistencies.

(2) The review and evaluation program shall:

(a) Encompass land uses and activities both within and outside of urban growth areas and provide for annual collection of data on urban and rural land uses, development, zoning and development standards, environmental regulations including but not limited to critical areas, stormwater, shoreline, and tree retention requirements; and capital facilities to determine the quantity and type of land suitable for development, both for residential and employment-based activities;

(b) Provide for evaluation of the data collected under (a) of this subsection as provided in subsection (3) of this section. The evaluation shall be completed no later than three years prior to the

UGA Related RCW and WAC Sections

deadline for review and, if necessary, update of comprehensive plans and development regulations as required by RCW 36.70A.130. For comprehensive plans required to be updated before 2024, the evaluation as provided in subsection (3) of this section shall be completed no later than two years prior to the deadline for review and, if necessary, update of comprehensive plans. The county and its cities may establish in the countywide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation;

(c) Provide for methods to resolve disputes among jurisdictions relating to the countywide planning policies required by this section and procedures to resolve inconsistencies in collection and analysis of data; and

(d) Develop reasonable measures to use in reducing the differences between growth and development assumptions and targets contained in the countywide planning policies and county and city comprehensive plans, with the actual development patterns. The reasonable measures shall be adopted, if necessary, into the countywide planning policies and the county or city comprehensive plans and development regulations during the next scheduled update of the plans.

(3) At a minimum, the evaluation component of the program required by subsection (1) of this section shall:

(a) Determine whether there is sufficient suitable land to accommodate the countywide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110. The zoned capacity of land alone is not a sufficient standard to deem land suitable for development or redevelopment within the twenty-year planning period;

(b) An evaluation and identification of land suitable for development or redevelopment shall include:

(i) A review and evaluation of the land use designation and zoning/development regulations; environmental regulations (such as tree retention, stormwater, or critical area regulations) impacting development; and other regulations that could prevent assigned densities from being achieved; infrastructure gaps (including but not limited to transportation, water, sewer, and stormwater); and

(ii) Use of a reasonable land market supply factor when evaluating land suitable to accommodate new development or redevelopment of land for residential development and employment activities. The reasonable market supply factor identifies reductions in the amount of land suitable for development and redevelopment. The methodology for conducting a reasonable land market factor shall be determined through the guidance developed in RCW 36.70A.217;

(c) Provide an analysis of county and/or city development assumptions, targets, and objectives contained in the countywide planning policies and the county and city comprehensive plans when growth targets and assumptions are not being achieved. It is not

appropriate to make a finding that assumed growth contained in the countywide planning policies and the county or city comprehensive plan will occur at the end of the current comprehensive planning twenty-year planning cycle without rationale;

(d) Determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area since the adoption of a comprehensive plan under this chapter or since the last periodic evaluation as required by subsection (1) of this section; and

(e) Based on the actual density of development as determined under (b) of this subsection, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the twenty-year planning period used in the most recently adopted comprehensive plan.

(4) From funds appropriated by the legislature for this purpose, the department shall provide grants to counties, cities, and regional planning organizations required under subsection (5) of this section to conduct the review and perform the evaluation required by this section.

(5) The provisions of this section shall apply to counties, and the cities within those counties, that were greater than one hundred fifty thousand in population in 1996 as determined by office of financial management population estimates and that are located west of the crest of the Cascade mountain range. Any other county planning under RCW 36.70A.040 may carry out the review, evaluation, and amendment programs and procedures as provided in this section.

(6) The requirements of this section are subject to the availability of funds appropriated for this specific purpose. If sufficient funds are not appropriated consistent with the timelines in subsection (2)(b) of this section, counties and cities shall be subject to the review and evaluation program as it existed prior to October 19, 2017.

RCW 36.70A.115 Comprehensive plans and development regulations must provide sufficient land capacity for development.

(1) Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.

(2) This analysis shall include the reasonable measures findings developed under RCW 36.70A.215, if applicable to such counties and cities.

UGA Related RCW and WAC Sections

RCW 36.70A.130 Comprehensive plans—Review procedures and schedules—Amendments.

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year, except that, until December 31, 2015, the program shall provide for consideration of amendments of an urban growth area in accordance with *RCW 36.70A.1301 once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under **RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsection (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) Except as provided in subsection (6) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before December 1, 2004, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

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(b) On or before December 1, 2005, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, and every eight years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, and every eight years thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, and every eight years thereafter, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, and every eight years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the deadline established in subsection (4) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (4) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the

thirty-six months following the deadline established in subsection (4) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (4) of this section as of that date.

(d) A county or city that is subject to a deadline established in subsection (4)(d) of this section and that meets the criteria established in (b) or (c) of this subsection may comply with the requirements of subsection (4)(d) of this section at any time within the thirty-six months after the extension provided in (b) or (c) of this subsection.

(e) A county that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(f) A city that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(g) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70.146 RCW:

(i) Complying with the deadlines in this section;

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas; or

(iii) Complying with the extension provisions of subsection (6)(b), (c), or (d) of this section.

(b) A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

UGA Related RCW and WAC Sections

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ten years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met.

Chapter 365-196 WAC

WAC 365-196-300 Urban density

(1) The role of urban areas in the act. The act requires counties and cities to direct new growth to urban areas to allow for more efficient and predictable provision of adequate public facilities, to promote an orderly transition of governance for urban areas, to reduce development pressure on rural and resource lands, and to encourage redevelopment of existing urban areas.

(2) How the urban density requirements in the act are interrelated. The act involves a consideration of density in three contexts:

(a) Allowed densities: The density, expressed in dwelling units per acre, allowed under a county's or city's development regulations when considering the combined effects of all applicable development regulations.

(b) Assumed densities: The density at which future development is expected to occur as specified in the land capacity analysis or the future land use element. Assumed densities are also referred to in

RCW 36.70A.110 as densities sufficient to permit the urban growth that is projected to occur.

(c) Achieved density: The density at which new development occurred in the period preceding the analysis required in either RCW 36.70A.130(3) or 36.70A.215.

(3) Determining the appropriate range of urban densities. Within urban growth areas, counties and cities must permit urban densities and provide sufficient land capacity suitable for development. The requirements of RCW 36.70A.110 and 36.70A.115 apply to the densities assumed in the comprehensive plan and the densities allowed in the implementing development regulations.

(a) Comprehensive plans. Under RCW 36.70A.070(1) and in RCW 36.70A.110(2), the act requires that the land use element identify areas and assumed densities sufficient to accommodate the twenty-year population allocation. The land use element should clearly identify the densities, or range of densities, assumed for each land use designation as shown on the future land use map. When reviewing the urban growth area, the assumed densities in the land capacity analysis must be urban densities.

(b) Development regulations. Counties and cities must provide sufficient capacity of land suitable for development.

(i) Development regulations must allow development at the densities assumed in the comprehensive plan.

(ii) Counties and cities need not force redevelopment in urban areas not currently developed at urban densities, but the development regulations must allow, and should not discourage redevelopment at urban densities. If development patterns are not occurring at urban densities, counties and cities should review development regulations for potential barriers or disincentives to development at urban densities. Counties and cities should revise regulations to remove any identified barriers and disincentives to urban densities, and may include incentives.

(4) Factors to consider for establishing urban densities. The act does not establish a uniform standard for minimum urban density. Counties and cities may establish a specified minimum density in county-wide or multicounty planning policies. Counties and cities should consider the following factors when determining an appropriate range of urban densities:

(a) An urban density is a density for which cost-effective urban services can be provided. Higher densities generally lower the per capita cost to provide urban governmental services.

(b) Densities should be higher in areas with a high local transit level of service. Generally, a minimum of seven to eight dwelling units per acre is necessary to support local urban transit service. Higher densities are preferred around high capacity transit stations.

(c) The areas and densities within an urban growth area must be sufficient to accommodate the portion of the twenty-year population that is allocated to the urban area. Urban densities should allow

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accommodation of the population allocated within the area that can be provided with adequate public facilities during the planning period.

(d) Counties and cities should establish significantly higher densities within regional growth centers designated in RCW 47.80.030; in growth and transportation efficiency centers designated under RCW 70.94.528; and around high capacity transit stations in accordance with RCW 47.80.026. Cities may also designate new or existing downtown centers, neighborhood centers, or identified transit corridors as focus areas for infill and redevelopment at higher densities.

(e) Densities should allow counties and cities to accommodate new growth predominantly in existing urban areas and reduce reliance on either continued expansion of the urban growth area, or directing significant amounts of new growth to rural areas.

(f) The densities chosen should accommodate a variety of housing types and sizes to meet the needs of all economic segments of the community. The amount and type of housing accommodated at each density and in each land use designation should be consistent with the need for various housing types identified in the housing element of the comprehensive plan.

(g) Counties and cities may designate some urban areas at less than urban densities to protect a network of critical areas, to avoid further development in frequently flooded areas, or to prevent further development in geologically hazardous areas. Counties or cities should show that the critical areas are present in the area so designated and that area designated is limited to the area necessary to achieve these purposes.

(5) Addressing development patterns that occurred prior to the act.

(a) Prior to the passage of the act, many areas within the state developed at densities that are neither urban nor rural. Inside the urban growth area, local comprehensive plans should allow appropriate redevelopment of these areas. Newly developed areas inside the urban growth area should be developed at urban densities.

(b) Local capital facilities plans should include plans to provide existing urban areas with adequate public facilities during the planning period so that available infrastructure does not serve as a limiting factor to redevelopment at urban densities.

WAC 365-196-310 Urban growth areas

(1)(a) Except as provided in (b) of this subsection, counties and cities may not expand the urban growth area into the one hundred-year flood plain of any river or river segment that:

(i) Is located west of the crest of the Cascade mountains; and

(ii) Has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (1)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a flood plain and lack adjacent buildable areas outside the flood plain;

(ii) Urban growth areas where expansions are precluded outside flood plains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the flood plain; or

(B) Expansions outside the flood plain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the flood plain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the flood plain;

(B) Urban development already exists within a flood plain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects including, but not limited to, habitat enhancement or environmental restoration; stormwater facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase stormwater runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) Under (a)(i) of this subsection, "one hundred-year flood plain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on July 26, 2009.

(2) Requirements.

(a) Each county planning under the act must designate an urban growth area or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Each county must designate an urban growth area in its comprehensive plan.

(b) Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city.

(c) An urban growth area may include territory that is located outside a city if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

UGA Related RCW and WAC Sections

(d) Based upon the growth management planning population projection selected by the county from within the range provided by the office of financial management, and based on a county-wide employment forecast developed by the county at its discretion, the urban growth areas shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Counties and cities may provide the office of financial management with information they deem relevant to prepare the population projections, and the office shall consider and comment on such information and review projections with cities and counties before they are adopted. Counties and cities may petition the office to revise projections they believe will not reflect actual population growth.

(e) The urban growth area may not exceed the areas necessary to accommodate the growth management planning projections, plus a reasonable land market supply factor, or market factor. In determining this market factor, counties and cities may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas.

(f) Counties and cities should facilitate urban growth as follows:

(i) Urban growth should be located first in areas already characterized by urban growth that have existing public facilities and service capacities adequate to serve urban development.

(ii) Second, urban growth should be located in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources.

(iii) Third, urban growth should be located in the remaining portions of the urban growth area.

(g) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development. Recommendations governing the extension of urban services into rural areas are found in WAC 365-196-425.

(h) Each county that designates urban growth areas must review, according to the time schedule specified in RCW 36.70A.130(5), periodically its designated urban growth areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area (see WAC 365-196-610).

(i) The purpose of the urban growth area review is to assess the capacity of the urban land to accommodate population growth projected for the succeeding twenty-year planning period.

(ii) This review should be conducted jointly with the affected cities.

(iii) In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(3) General procedure for designating urban growth areas.

(a) The designation process shall include consultation by the county with each city located within its boundaries. The adoption, review and amendment of the urban growth area should reflect a cooperative effort among jurisdictions to accomplish the requirements of the act on a regional basis, consistent with the county-wide planning policies and, where applicable, multicounty planning policies.

(b) Each city shall propose the location of an urban growth area.

(c) The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located.

(d) If an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated an urban growth area.

(e) As growth occurs, most lands within the urban growth area should ultimately be provided with urban governmental services by cities, either directly or by contract. Other service providers are appropriate within urban growth areas for regional or county-wide services, or for isolated unincorporated pockets characterized by urban growth. Counties and cities should provide for development phasing within each urban growth area to ensure the orderly sequencing of development and that services are provided as growth occurs.

(f) Counties and cities should develop and evaluate urban growth area proposals with the purpose of accommodating projected urban growth through infill and redevelopment within existing municipal boundaries or urban areas. In some cases, expansion will be the logical response to projected urban growth.

(g) Counties, cities, and other municipalities, where appropriate, should negotiate interlocal agreements to coordinate land use management with the provision of adequate public facilities to the urban growth area. Such agreements should facilitate urban growth in a manner consistent with the cities' comprehensive plans and development regulations, and should facilitate a general transformation of governance over time, through annexation or incorporation, and transfer of nonregional public services to cities as the urban area develops.

(4) Recommendations for meeting requirements.

(a) Selecting and allocating county-wide growth forecasts. This process should involve at least the following:

(i) The total county-wide population is the sum of the population allocated to each city; the population allocated to any portion of the urban growth area associated with cities; the population allocated to

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any portion of the urban growth area not associated with a city; and the population growth that is expected outside of the urban growth area.

(ii) RCW 43.62.035 directs the office of financial management to provide a reasonable range of high, medium and low twenty-year population forecasts for each county in the state, with the medium forecast being most likely. Counties and cities must plan for a total county-wide population that falls within the office of financial management range.

(iii) Consideration of other population forecast data, trends, and implications. In selecting population forecasts, counties and cities may consider the following:

(A) Population forecasts from outside agencies, such as regional or metropolitan planning agencies, and service providers.

(B) Historical growth trends and factors which would cause those trends to change in the future.

(C) General implications, including:

(I) Public facilities and service implications. Counties and cities should carefully consider how to finance the necessary facilities and should establish a phasing plan to ensure that development occurs at urban densities; occurs in a contiguous and orderly manner; and is linked with provision of adequate public facilities. These considerations are particularly important when considering forecasts closer to the high end of the range. Jurisdictions considering a population forecast closer to the low end of the range should closely monitor development and population growth trends to ensure actual growth does not begin to exceed the planned capacity.

(II) Overall land supplies. Counties and cities facing immediate physical or other land supply limitations may consider these limitations in selecting a forecast. Counties and cities that identify potential longer term land supply limitations should consider the extent to which current forecast options would require increased densities or slower growth in the future.

(III) Implications of short term updates. The act requires that twenty-year growth forecasts and designated urban growth areas be updated at a minimum during the periodic review of comprehensive plans and development regulations (WAC 365-196-610). Counties and cities should consider the likely timing of future updates, and the opportunities this provides for adjustments.

(D) Counties and cities are not required to adopt forecasts for annual growth rates within the twenty-year period, but may choose to for planning purposes. If used, annual growth projections may assume a consistent rate throughout the planning period, or may assume faster or slower than average growth in certain periods, as long as they result in total growth consistent with the twenty-year forecasts selected.

(iv) Selection of a county-wide employment forecast. Counties, in consultation with cities, should adopt a twenty-year county-wide

employment forecast to be allocated among urban growth areas, cities, and the rural area. The following should be considered in this process:

(A) The county-wide population forecast, and the resulting ratio of forecast jobs to persons. This ratio should be compared to past levels locally and other regions, and to desired policy objectives; and

(B) Economic trends and forecasts produced by outside agencies or private sources.

(v) Projections for commercial and industrial land needs. When establishing an urban growth area, counties should designate sufficient commercial and industrial land. Although no office of financial management forecasts are available for industrial or commercial land needs, counties and cities should use a county-wide employment forecast, available data on the current and projected local and regional economies, and local demand for services driven by population growth. Counties and cities should consider establishing a county-wide estimate of commercial and industrial land needs to ensure consistency of local plans.

Counties and cities should consider the need for industrial lands in the economic development element of their comprehensive plan. Counties and cities should avoid conversion of areas set aside for industrial uses to other incompatible uses, to ensure the availability of suitable sites for industrial development.

(vi) Selection of community growth goals with respect to population, commercial and industrial development and residential development.

(vii) Selection of the densities the community seeks to achieve in relation to its growth goals. Inside the urban growth areas densities must be urban. Outside the urban growth areas, densities must be rural.

(b) General considerations for determining the need for urban growth areas expansions to accommodate projected population and employment growth.

(i) Estimation of the number of new persons and jobs to be accommodated based on the difference between the twenty-year forecast and current population and employment.

(ii) Estimation of the capacity of current cities and urban growth areas to accommodate additional population and employment over the twenty-year planning period. This should be based on a land capacity analysis, which may include the following:

(A) Identification of the amount of developable residential, commercial and industrial land, based on inventories of currently undeveloped or partially developed urban lands.

(B) Identification of the appropriate amount of greenbelt and open space to be preserved or created in connection with the overall growth pattern and consistent with any adopted levels of service. See WAC 365-196-335 for additional information.

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(C) Identification of the amount of developable urban land needed for the public facilities, public services, and utilities necessary to support the likely level of development. See WAC 365-196-320 for additional information.

(D) Based on allowed land use development densities and intensities, a projection of the additional urban population and employment growth that may occur on the available residential, commercial and industrial land base. The projection should consider the portion of population and employment growth which may occur through redevelopment of previously developed urban areas during the twenty-year planning period.

(E) The land capacity analysis must be based on the assumption that growth will occur at urban densities inside the urban growth area. In formulating land capacity analyses, counties and cities should consider data on past development, as well as factors which may cause trends to change in the future. For counties and cities subject to RCW 36.70A.215, information from associated buildable lands reports should be considered. If past development patterns have not resulted in urban densities, or have not resulted in a pattern of desired development, counties and cities should use assumptions aligned with desired future development patterns. Counties and cities should then implement strategies to better align future development patterns with those desired.

(F) The land capacity analysis may also include a reasonable land market supply factor, also referred to as the "market factor." The purpose of the market factor is to account for the estimated percentage of developable acres contained within an urban growth area that, due to fluctuating market forces, is likely to remain undeveloped over the course of the twenty-year planning period. The market factor recognizes that not all developable land will be put to its maximum use because of owner preference, cost, stability, quality, and location. If establishing a market factor, counties and cities should establish an explicit market factor for the purposes of establishing the amount of needed land capacity. Counties and cities may consider local circumstances in determining an appropriate market factor. Counties and cities may also use a number derived from general information if local study data is not available.

(iii) An estimation of the additional growth capacity of rural and other lands outside of existing urban growth areas compared with future growth forecasted, and current urban and rural capacities.

(iv) If future growth forecasts exceed current capacities, counties and cities should first consider the potential of increasing capacity of existing urban areas through allowances for higher densities, or for additional provisions to encourage redevelopment. If counties and cities find that increasing the capacity of existing urban areas is not feasible or appropriate based on the evidence they examine, counties and cities may consider expansion of the urban growth area to meet the future growth forecast.

(c) Determining the appropriate locations of new or expanded urban growth area boundaries. This process should consider the following:

(i) Selection of appropriate densities. For all jurisdictions planning under the act, the urban growth area should represent the physical area where that jurisdiction's urban development vision can be realized over the next twenty years. The urban growth area should be based on densities which accommodate urban growth, served by adequate public facilities, discourage sprawl, and promote goals of the act. RCW 36.70A.110 requires that densities specified for land inside the urban growth area must be urban densities. See WAC 365-196-300 for recommendations on determining appropriate urban densities.

(ii) The county should attempt to define urban growth areas to accommodate the growth plans of the cities. Urban growth areas should be defined so as to facilitate the transformation of services and governance during the planning period. However, physical location or existing patterns of service make some unincorporated areas which are characterized by urban growth inappropriate for inclusion in any city's potential growth area.

(iii) Identifying the location of any new lands added to the urban growth area. Lands should be included in the urban growth area in the following priority order:

(A) Existing incorporated areas;

(B) Land that is already characterized by urban growth and has adequate public facilities and services;

(C) Land already characterized by urban growth, but requiring additional public facilities and urban services; and

(D) Lands adjacent to the above, but not meeting those criteria.

(iv) Designating industrial lands. Counties and cities should consult with local economic development organizations when identifying industrial lands to identify sites that are particularly well suited for industry, considering factors such as:

(A) Rail access;

(B) Highway access;

(C) Large parcel size;

(D) Location along major electrical transmission lines;

(E) Location along pipelines;

(F) Location near or adjacent to ports and commercial navigation routes;

(G) Availability of needed infrastructure; or

(H) Absence of surrounding incompatible uses.

(v) Consideration of resource lands issues. Urban growth areas should not be expanded into designated agricultural, forest or resource lands unless no other option is available. Prior to expansion of the urban growth area, counties and cities must first review the natural resource lands designation and conclude the lands no longer meet the

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designation criteria for resource lands of long-term commercial significance. Designated agricultural or forest resource lands may not be located inside the urban growth area unless a city or county has enacted a program authorizing transfer or purchase of development rights.

(vi) Consideration of critical areas issues. Although critical areas exist within urban areas, counties and cities should avoid expanding the urban growth areas into areas with known critical areas extending over a large area. See RCW 36.70A.110(8) for legislative direction on expansion of urban growth areas into the one hundred-year flood plain of river segments that are located west of the crest of the Cascade mountains and have a mean annual flow of one thousand or more cubic feet per second.

(vii) If there is physically no land available into which a city might expand, it may need to revise its proposed urban densities or population levels in order to accommodate growth on its existing land base.

(d) Evaluating the feasibility of the overall growth plan. Counties and cities should perform a check on the feasibility of the overall plan to accommodate growth. If, as a result of this evaluation, the urban growth area appears to have been drawn too small or too large, the proposal should be adjusted accordingly. Counties and cities should evaluate:

(i) The anticipated ability to finance the public facilities, public services, and open space needed in the urban growth area over the planning period. When conducting a review of the urban growth areas, counties and cities should develop an analysis of the fiscal impact of alternative land use patterns that accommodate the growth anticipated over the succeeding twenty-year period. This provides the public and decision makers with an estimate of the fiscal consequences of various development patterns. This analysis could be done in conjunction with the analysis required under the State Environmental Policy Act.

(ii) The effect that confining urban growth within the areas defined is likely to have on the price of property and the impact thereof on the ability of residents of all economic strata to obtain housing they can afford.

(iii) Whether the level of population and economic growth contemplated can be achieved within the capacity of available land and water resources and without environmental degradation.

(iv) The extent to which the comprehensive plan of the county and of adjacent counties and cities will influence the area needed.

(e) County actions in adopting urban growth areas.

(i) A change to the urban growth area is an amendment to the comprehensive plan and requires, at a minimum, an amendment to the land use element. Counties and cities should also review and update the transportation, capital facilities, utilities, and housing elements to maintain consistency and show how any new areas added to the urban growth area will be provided with adequate public

facilities. A modification of any portion of the urban growth area affects the overall urban growth area size and has county-wide implications. Because of the significant amount of resources needed to conduct a review of the urban growth area, and because some policy objectives require time to achieve, frequent, piecemeal expansion of the urban growth area should be avoided. Site-specific proposals to expand the urban growth area should be deferred until the next comprehensive review of the urban growth area.

(ii) Counties and cities that are required to participate in the buildable lands program must first have adopted and implemented reasonable measures as required by RCW 36.70A.215 before considering expansion of an urban growth area.

(iii) Consistent with county-wide planning policies, counties and cities consulting on the designation of urban growth areas should consider the following implementation steps:

(A) Establishment of agreements regarding land use regulations and the provision of services in that portion of the urban growth area outside of an existing city into which it is eventually expected to expand.

(B) Negotiation of agreements for appropriate allocation of financial burdens resulting from the transition of land from county to city jurisdiction.

(C) Provision for an ongoing collaborative process to assist in implementing county-wide planning policies, resolving regional issues, and adjusting growth boundaries.

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Comprehensive Plan Section B, Element 1 Governance, Policy 1.2.8 and 1.2.9

8. Establish and facilitate an on-going, cooperative and coordinated inter-local agreement with the Town of Friday Harbor to enable the two jurisdictions and their citizens to work together to review and consider issues of mutual concern.

9. Adopt and implement joint planning policies and a management agreement with the Town of Friday Harbor for the Friday Harbor urban growth area.

Comprehensive Plan Section B, Element 2 Land Use, General Policy 2.2.A.3, 2.2.A.4, and 2.2.A.13

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.

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.

Comprehensive Plan Section B, Element 2 Land Use, Sewage Disposal Policy 2.2.K.6

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.

Comprehensive Plan Section B, Element 2 Land Use, Section 2.3.A Growth Areas

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.

Location	Designation
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

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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.

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.

UGA Related Comprehensive Plan Goals and Policies

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.

Comprehensive Plan Appendix 2, Joint Planning Policies with the Town of Friday Harbor and other County-wide Planning Policies, Policies for designation of a Friday Harbor Urban Growth Area, policies 1 through 8

Policy 1 The criteria for determining the FHUGA should include the following:

- a. Existing areas characterized by urban development or able to support urban levels of development; and
- b. The proximity to the Town of Friday Harbor corporate limits of areas characterized by urban development or ability to support urban levels of development; and
- c. The presence of designated critical areas and resource lands, and other lands with limited development capability as defined in a land use inventory conducted in accordance with the "Policies for Joint County and Town Planning," below; and
- d. Other natural or topographic features which may serve to define the boundaries of the FHUGA.

Policy 2 The Town and County should agree on the 20-year population forecast for San Juan Island to be used for the purpose of growth management planning. The 20-year population forecast should, at a minimum, consider both the State Office of Financial Management projections and seasonal fluctuations in population which are characteristic of the Town and County.

Policy 3 The Town and County should jointly determine the portion of the 20-year population forecast which should be allocated to the FHUGA.

Policy 4 Based on the evaluation called for in Policies 1 through 3, the Town and County should jointly determine the amount of land necessary to support the population allocation and its capacity for residential and non-residential uses.

Policy 5 The Town and County should jointly identify additional commercial and other non-residential uses required to serve rural areas outside the FHUGA, but required to be located within the FHUGA, and determine the amount of land necessary to support those uses.

Policy 6 Based on the results of Policies 1 through 5, the Town and County should jointly determine the preliminary boundary of the FHUGA.

Policy 7 The Town and County should jointly define the levels of service necessary to support urban levels of development within the FHUGA.

Policy 8 The final boundary of the FHUGA should be determined by the Town, County and other service purveyors' abilities to provide urban levels of facilities and services for a 20-year planning period.

Comprehensive Plan Appendix 2, Joint Planning Policies with the Town of Friday Harbor and other County-wide Planning Policies, Policies for Joint County and Town Planning and Policies for Promotion of Contiguous and Orderly Development, Section B. Annexation

B. ANNEXATION

Policy 1 The comprehensive plans of the Town and County should contain a section devoted to policies for annexation.

Policy 2 Annexation agreements between the Town and Property owners within the FHUGA seeking annexation should define the annexation request, phasing, extension of urban services, proposed development, and specific conditions under which the annexation will be considered by the Town.

Policy 3 Urban services and capital facilities should be extended to lands within the FHUGA only when those lands are annexed to the Town.

Comprehensive Plan Appendix 3, Friday Harbor Unincorporated Urban Growth Area Management Agreement, Section 6.4.d

d. The County shall notify the Town in writing of any comprehensive plan amendment, development code amendment, and of any other proposals for legislative action which affects land located within 1,000 feet of the municipal boundary or within the unincorporated UGA.

Comprehensive Plan Appendix 3, Friday Harbor Unincorporated Urban Growth Area Management Agreement, Section 7, items 1 and 2

The applicable use and development regulations shall be those adopted by the applicable jurisdiction, with the following additional provisions intended for the unincorporated UGA upon the designation of such land by the County Council.

1. Land Uses – Limitation Generally.

a. San Juan County will retain responsibility for land use decisions and actions affecting the unincorporated UGA until such time as annexation to the Town occurs.

b. San Juan County will review and, as necessary, amend its comprehensive plans and development regulations to establish a moratorium and/or create an overlay zone such that development within the unincorporated UGA is consistent with the intent and purposes of the Agreement to protect such lands in such a way that allows for the development for urban uses only at such time as the land is annexed to the Town. Specifically, the County Council will conduct hearings on ordinances which will, if adopted, prohibit all uses and developments, except the following uses and developments which shall be allowed outright:

UGA Related Comprehensive Plan Goals and Policies

- i. Single-family residence and structures appurtenant to a single-family residence;
- ii. Two-family residential uses (duplex);
- iii. Home occupation;
- iv. Public streets;
- v. Public trails and paths;
- vi. Agricultural uses and activities;
- vii. forest practices, no processing;
- viii. Lumber mills, portable;
- ix. Nurseries;
- x. Retail sales of agricultural products.

2. Urban Services. The Town and the County will review and, as necessary amend the comprehensive plan and development regulations so that each jurisdiction will refrain from the development, creation or extension of water or sewer service to those areas lying within the unincorporated UGA until such areas are first annexed to the Town.

Property within the unincorporated UGA proposed for new development which requires urban services (Town water and sewer facilities) shall be annexed before a land use or building permit is issued.

Proposed developments which do not require urban services shall be subject to conditions establishing an enforceable developer extension agreement to pay for Town services upon the annexation of the subject property. County code requirements for on-site water supply, fire flow, sewage disposal and stormwater control facilities shall apply to allowable uses and developments that do not require urban services.

The County will not authorize the creation of a special purpose district for the provision of utilities, recreation or other public facilities unless such district includes all of the area within the unincorporated UGA and the creation has been approved by both parties.

Comprehensive Plan Appendix 3, Friday Harbor Unincorporated Urban Growth Area Management Agreement, Section 8. Annexation

1. Only those areas within the unincorporated UGA may be considered for annexation to the Town.
2. Urban services and capital facilities may be extended to properties within the unincorporated UGA only when those properties are annexed to the Town.
3. Property owners seeking annexation to the Town will be required to include in annexation petitions a full description of proposed development and any phasing plans, and the specific urban services needed together with the analysis and reports required by the Town.

COMPREHENSIVE PLAN

APPENDIX 2

**Joint Planning Policies with the Town of Friday Harbor,
and other County-wide Planning Policies**

December 2, 2008

SAN JUAN COUNTY AND TOWN OF FRIDAY HARBOR
County-wide Planning Policies, including Joint Planning Policies

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Policies for Designation of a Friday Harbor Urban Growth Area

The Town and County shall cooperatively and jointly determine the Friday Harbor Urban Growth Area (FHUGA).

- Policy 1** The criteria for determining the FHUGA should include the following:
- a. Existing areas characterized by urban development or able to support urban levels of development; and
 - b. The proximity to the Town of Friday Harbor corporate limits of areas characterized by urban development or ability to support urban levels of development; and
 - c. The presence of designated critical areas and resource lands, and other lands with limited development capability as defined in a land use inventory conducted in accordance with the "Policies for Joint County and Town Planning," *below*; and
 - d. Other natural or topographic features which may serve to define the boundaries of the FHUGA.
- Policy 2** The Town and County should agree on the 20-year population forecast for San Juan Island to be used for the purpose of growth management planning. The 20-year population forecast should, at a minimum, consider both the State Office of Financial Management projections and seasonal fluctuations in population which are characteristic of the Town and County.
- Policy 3** The Town and County should jointly determine the portion of the 20-year population forecast which should be allocated to the FHUGA.
- Policy 4** Based on the evaluation called for in Policies 1 through 3, the Town and County should jointly determine the amount of land necessary to support the population allocation and its capacity for residential and non-residential uses.
- Policy 5** The Town and County should jointly identify additional commercial and other non-residential uses required to serve rural areas outside the FHUGA, but required to be located within the FHUGA, and determine the amount of land necessary to support those uses.
- Policy 6** Based on the results of Policies 1 through 5, the Town and County should jointly determine the preliminary boundary of the FHUGA.
- Policy 7** The Town and County should jointly define the levels of service necessary to support urban levels of development within the FHUGA.
- Policy 8** The final boundary of the FHUGA should be determined by the Town, County and other service purveyors' abilities to provide urban levels of facilities and services for a 20-year planning period.

Policies for Joint County and Town Planning
and
Policies for Promotion of Contiguous and Orderly Development

The following policies are intended to provide guidance in development of comprehensive, consistent and coordinated plans for the FHUGA. They are intended to ensure that the Comprehensive Plans of the Town and County promote contiguous and orderly development.

A. GENERAL POLICIES

- Policy 1** As a component of the Growth Management Act (GMA) implementation, the Town and County should prepare a Friday Harbor Urban Growth Area Management Agreement. The Town and County agree to jointly formulate and adopt goals, policies and standards which will be the basis for all planning decisions within the FHUGA.
- Policy 2** The development review process defined by the FHUGA Management Agreement should be uniform and predictable in techniques, terminology, and standards. Subject to the terms of the agreement, final actions within the unincorporated areas of the FHUGA will be made by the County, and final actions within the incorporated area will be taken by the Town.
- Policy 3** The FHUGA Management Agreement should define the following for the unincorporated portions of the FHUGA:
- a. A process and standards for review of development proposals; and
 - b. The extent of use of Developer Extension Agreements (DEA) for the construction of required capital facilities. The DEA should specify the facilities to be constructed, applicable conditions and standards; identify fees for processing and review of facility construction plans and specifications; identify required bonds and assurances; and establish required inspections.
- Policy 4** County permitting procedures should include notification to the Town Plan Administrator of all development proposed to locate within 1,000 feet of the Friday Harbor municipal boundary. County procedures should also specify a minimum setback for new uses other than residential, forestry or agricultural uses proposed to locate within areas designated as Rural General Use or Rural Farm Forest by the County *Comprehensive Plan* when such development is proposed to occur on property that abuts area zoned for single-family residential by the Town of Friday Harbor Comprehensive Plan.
- Policy 5** San Juan County should encourage the conservation of agricultural open space presently existing at those locations at or near the points where Beaverton Valley, Roche Harbor and San Juan Valley Roads cross the Town's municipal boundaries in order to mark and maintain these distinct "edges" between the Town and the rural area of the County.

B. ANNEXATION

- Policy 1** The comprehensive plans of the Town and County should contain a section devoted to policies for annexation.
- Policy 2** Annexation agreements between the Town and Property owners within the FHUGA seeking annexation should define the annexation request, phasing, extension of urban services, proposed development, and specific conditions under which the annexation will be considered by the Town.

Policy 3 Urban services and capital facilities should be extended to lands within the FHUGA only when those lands are annexed to the Town.

C. LAND USE

Policy 1 The County should coordinate a land use inventory for the FHUGA with the Town. The inventory should include agreed upon definitions of land categories, for example "vacant land," "developed land" and "constrained land," and identify such lands. In addition, the inventory should, at a minimum, identify the following:

- a. Lands currently served by Town of Friday Harbor water and sewer services;
- b. Lands within the Town of Friday Harbor's existing water and sewer service areas;
- c. Lands within service areas of public water systems as defined in RCW 70.116;
- d. Lands designated as resource lands or critical areas.

Policy 2 The County should consult with the Town in the process of designating other areas of San Juan Island as activity centers and give substantial weight to the Town's concerns regarding impacts to the Town including but not limited to tax base, water, sewer, transportation and other service requirements.

D. LOCAL CAPITAL FACILITIES

General Policies

Policy 1 The Town and County should jointly develop the portion of the capital facilities element of their respective Comprehensive Plans which pertains to the FHUGA. The capital facilities element should inventory existing local capital facilities. Capital facilities include, but are not limited to, water, sewer, parks, public buildings, fire protection, public safety, and storm drainage facilities. The inventory should include the type of facility, the age of the facility, level of development, location, capacity, and financial information.

Policy 2 The capital facilities element should be designed to serve development envisioned or authorized by the land use classifications of the FHUGA.

Policy 3 The capital facilities element should require facilities or facilities improvements to accommodate the impacts of new development to be in place at the time of development, or a financial commitment to be in place to complete the improvements within six years.

Policy 4 The capital facilities element should establish capacity and level of service standards for existing and proposed capital facilities in the FHUGA.

Policy 5 The capital facilities element should establish criteria for the siting of new capital facilities and utilities which:

- a. Provide for the protection of critical areas and resource lands;
- b. Are consistent with adopted land use regulations; and
- c. Ensure compatibility between capital facilities and residential uses.

Policy 6 The capital facilities element should identify the means and methods of financing for expansion or new construction of capital facilities and utilities.

Water Quality and Supply

- Policy 1** The capital facilities element should include uniform and consistent policies for the protection and enhancement of water supplies.
- Policy 2** The capital facilities element should require that all new development be contingent upon proof that a water supply is available and adequate for proposed uses.
- Policy 3** The capital facilities element should provide for the protection of water quality and address public education, stormwater management, and watershed management.
- Policy 4** The capital facilities element should promote water conservation as a means to ensure protection and availability of water supplies, and include conservation measures which apply to both water supply development and water use.

E. UTILITIES

- Policy 1** The utilities element should be developed in cooperation with local power and telecommunications utilities and franchises.
- Policy 2** The utilities element should be designed to serve development envisioned or authorized by the land use elements of the Comprehensive Plans of both the Town and County.
- Policy 3** The utilities element should establish criteria for the siting of new utilities which:
- a. Provide for the protection of critical areas and resource lands;
 - b. Are consistent with adopted land use regulations;
 - c. Ensure compatibility between utilities and residential uses.
 - d. Consider the use of "utility corridors" as a means to reduce impacts of utility construction, and facilitate repair and maintenance.

<p>Policies for Siting and Design of Essential Public Capital Facilities of County or State Wide Significance.</p>

Recognizing the diverse essential public facility needs of San Juan County's many islands, following are the policies of the Town and County for addressing the siting and development of essential public capital facilities of county or state-wide significance, including those facilities located within the Shoreline jurisdiction.

- Policy 1** Essential Public Facilities (EPFs) are facilities that provide a necessary public service as their primary mission, and that are difficult to site. EPFs include 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; general aviation airports; state and local correctional facilities; solid waste handling facilities; in-patient facilities including group homes, substance-abuse and mental health facilities; and facilities determined to be an Essential Public Facility under SJCC 18.30.050 E.

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 system; fire stations and emergency service facilities; public libraries; post offices; parks; county administrative offices; and general aviation airports.

Essential public facilities on San Juan Island include: town streets; town equipment storage and maintenance yards; municipal sewer system; municipal water system and associated watershed; and town hall administrative offices.

Location and Design Policies

- Policy 2** In coordination with the Town of Friday Harbor, ensure that sufficient lands are available to accommodate essential public facilities (EPFs).
- Policy 3** On San Juan Island, new public schools and government administrative offices should be located within the Town, its UGA, or other area where adequate water supply and sewage disposal exist without new extensions of urban services.
- Policy 4** Other facilities, should not be located outside the urban growth area unless its operation warrants a rural location.

Location Policies for San Juan Island

- Policy 5** The Town of Friday Harbor and San Juan County should avoid duplication of facilities and facilities sites when they could reasonably and practically be shared among the two jurisdictions for common or multiple purposes, particularly those that, by their nature, warrant a rural location.
- Policy 6** The Town and the County should maintain a standing task force of elected and appointed representatives, including representatives of the Port of Friday Harbor as appropriate, to develop specific siting criteria for a given facility, and to analyze and rank potential sites; such analysis must include evaluation of consistency with the applicable comprehensive plan.
- Policy 7** The Town and the County should ensure that public involvement in siting decisions is fostered to the greatest extent possible by holding public meetings and otherwise distributing information at the earliest possible point in the decision process, in addition to public notices and hearings that may be required by law.

Policies for Other Capital Facilities of County or State Wide Significance

- Policy 1** The capital facilities elements should require facilities or facilities improvements to accommodate the impacts of new development to be in place at the time of development, or require a financial commitment to be in place to complete the improvements within six years.
- Policy 2** The capital facilities elements should be designed to achieve consistency with county or state plans and policies for the siting of public capital facilities.
- Policy 3** Capital facilities element policies should be designed to serve development envisioned or authorized by the comprehensive plans of both jurisdictions.

- Policy 4** The capital facilities elements should be designed to achieve consistency between both jurisdictions' plans for capital facilities.
- Policy 5** The capital facilities elements should establish and maintain standards for the level of service for both existing and future public capital facilities.
- Policy 6** The capital facilities elements should establish criteria for the siting of new public capital facilities which:
- a. Provide for the protection of critical and resource lands; and
 - b. Provide for urban services; and
 - c. Are consistent with adopted land use regulations and shoreline master program; and
 - d. Ensure compatibility between capital facilities and residential uses.
- Policy 7** The capital facilities elements should identify the timing and methods of financing for expansion or new construction of public capital facilities.

Policies for Transportation Facilities and Strategies

Following are the policies of the Town and County for development of the transportation elements of their comprehensive plans.

- Policy 1** The transportation elements should be based on an inventory of existing transportation facilities including, but not limited to, airports, marine ports, roads, ferry terminals, marinas, parking facilities, and bicycle, equestrian and pedestrian trails.
- Policy 2** The transportation elements should require transportation facilities or facilities improvements to accommodate the impacts of the development to be in place at the time of development, or require a financial commitment to be in place to complete the improvements within six years.
- Policy 3** The transportation elements should be designed to achieve consistency between both jurisdictions' plans for transportation facilities.
- Policy 4** The transportation elements should establish standards for the level of service for existing and proposed transportation facilities.
- Policy 5** The transportation elements should contain specific requirements to bring existing facilities into compliance with level of service standards adopted under Policy 4.
- Policy 6** The transportation elements should identify needs for expansion of transportation systems and facilities. Transportation facilities should be designed to serve development envisioned or authorized by the comprehensive plans of both jurisdictions.
- Policy 7** The transportation elements should establish criteria for the siting of new transportation facilities which:
- a. Provide for the protection of critical areas and resource lands;
 - b. Provide for urban services and capital facilities;
 - c. Are consistent with adopted land use regulations; and
 - d. Ensure compatibility between transportation facilities and residential uses.

- Policy 8** The transportation elements should contain strategies designed to encourage conservation.
- Policy 9** The transportation elements should identify the timing and methods of financing for expansion or new construction of transportation facilities and, at a minimum, include:
- a. An analysis of funding capabilities and revenue sources;
 - b. A multi-year financing plan; and
 - c. A contingency plan for funding shortfalls.
- Policy 10** The transportation elements should promote the active involvement of, and coordination with, the Port of Friday Harbor and the State Department of Transportation in developing comprehensive plan policies which affect the Town, County, airport, marina and ferry terminal.

Policies for Affordable Housing

Following are the policies of the Town and County for development of the housing elements of their Comprehensive Plans.

- Policy 1** The housing elements should include goals and policies that provide for a wide range of housing development types and densities to meet the housing needs of a diverse population and provide affordable housing choices.
- Policy 2** The housing elements should include an inventory of existing housing conditions, an assessment of the current and projected need for affordable housing by household type, household income group and housing type.
- Policy 3** The Town and County should consider the following factors when making decisions regarding land supply for affordable housing:
- a. Overall density goals, goals for resource land conservation and protection of environmentally sensitive areas, and goals for open space and other public uses.
 - b. Existing neighborhood character, environmental constraints, and applicable designation, zoning and development regulations.
 - c. Varying interests of property owners in terms of timing of development, land use, and financial capability.
 - d. Effects on land costs and housing affordability resulting from land supply allocated by the comprehensive plans of both jurisdictions.
- Policy 4** The housing elements should include policies for preservation and improvement of the existing housing stock.

Policies for Economic Development and Employment

- Policy 1** The Economy and Employment elements of the Town and County Comprehensive Plans should contain goals and policies to ensure future economic vitality, broaden employment opportunities and meet the needs of projected growth while maintaining environmental integrity.
- Policy 2** The Economy and Employment elements should be aimed at diversifying the economy and employment opportunities in appropriate areas of the County. Economic development policies should implement and be consistent with the County and Town Comprehensive Land Use Plans and Capital Facilities elements.

- Policy 3** The Economy and Employment element should, at a minimum, include an inventory and assessment of the local economy, an analysis of economic and employment opportunities and options, an economic and employment strategy, and an action plan for implementing the strategy.

Town of Friday Harbor Watershed Management

- Policy 1** Because the 4,880-acre watershed (*see Figure 1, below*) containing the Town of Friday Harbor's water supply occurs largely within the jurisdiction of the County, the County Comprehensive Plan and development regulations should provide for notice to be given to the Town Plan Administrator of all development permit applications submitted to the County which affect land within this watershed. For those applications for which the County Code specifies a public and agency comment period, the Town Plan Administrator should be given opportunity to comment.
- Policy 2** The Town and the County should support public educational efforts regarding best management practices for the protection of water quality.

Analysis of the Fiscal Impacts

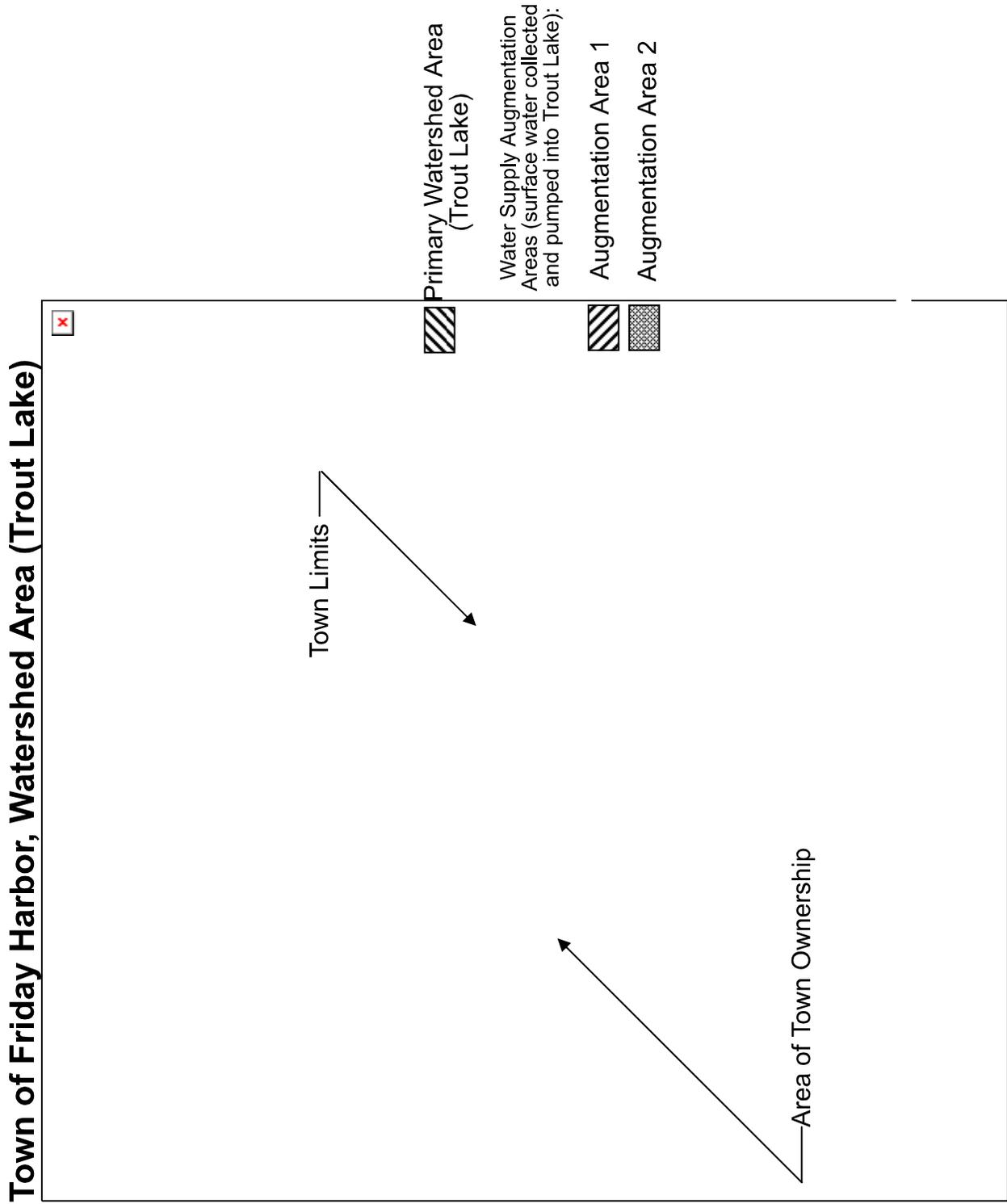
The following policies are intended to provide guidance to the Town and County in assessment of the fiscal impacts of implementing their comprehensive plans for San Juan Island:

- Policy 1** The Town and County Comprehensive Plans should include an analysis of the fiscal impacts associated with implementing plans, policies and regulations. The analysis should include an inventory of tax bases including:
- a. Sources of tax revenue including property, sales, franchise, hotel/motel, and other taxes;
 - b. Regulations and constraints governing the use of each revenue source;
 - c. Methods for collecting the revenue from each source; and
 - d. Sensitivity of each revenue source to fluctuations.
- Policy 2** The analysis of fiscal impacts should include an evaluation of the public and private revenues required to fund the costs of public facilities and services resulting from the proposed land use, business activity and level of service standards.
- Policy 3** The Town and County should each evaluate potential effects of GMA implementation regulations on their respective tax bases and tax revenues with particular attention to the effects on operating and capital budgets; assessed valuation; future debt capacity and assumption of debt.
- Policy 4** The Town and County should jointly evaluate the potential for distribution of tax and non-tax revenues resulting from the Town's role as a center of commerce and primary point of entry for San Juan Island.
- Policy 5** The Town and County should jointly enter into a service agreement in accordance with RCW 36.115 to compensate for imbalances in transportation or capital facilities levels of service as defined in the respective comprehensive plans. The basis for this service agreement should be the analysis and evaluation results obtained from Policies 2 and 4 of this section.

Policies for Designation of Unincorporated Urban Growth Areas

- Policy 1** For San Juan Island, in addition to the joint policies for the Friday Harbor UGA (*above*), the County shall consult and cooperate with the Town of Friday Harbor regarding any potential new UGAs on San Juan Island that are not associated with the Town. The County shall solely determine the boundary for and regulations pertaining to other Urban Growth Areas. One Urban Growth Area should be located on each of the ferry-served islands of Orcas and Lopez.
- Policy 2** The criteria for determining a UGA and its boundary should include the following:
- a. Existing areas characterized by urban development or facilities or able to support urban levels of development; and
 - b. Projected needs for residential, commercial and institutional activities and uses for the UGA, parks and open space and other non-residential uses, and the amount of land necessary to support those uses; and
 - c. Protection of critical areas and resource lands, and the identification of and accounting for other lands with limited development capability; and
 - d. Other natural or topographic features which may serve to define the boundaries of the UGA.
- Policy 3** The County should determine the portion of the 20-year population forecast which should be allocated to the UGA. The 20-year population forecast should, at a minimum, provide for the growth in population that is projected for the county by the State Office of Financial Management and consider seasonal fluctuations in population that are characteristic of the County.
- Policy 4** Based on the evaluation called for in Policies 2 through 4, the County should determine the amount of land necessary to support the population allocation and its capacity for residential and non-residential uses.
- Policy 5** The County should identify additional commercial and other non-residential uses required to serve rural areas outside the UGA, but required to be located within the UGA, and determine the amount of land in the UGA necessary to support those uses.
- Policy 6** The County should determine a reasonable land market supply factor for each UGA, and determine the additional amount of land in the UGA necessary to provide for this.
- Policy 7** Based on the results of Policies 2 through 6, the County should determine the interim boundary of each UGA.
- Policy 8** The County should define the levels of service necessary to support urban levels of development within each UGA.
- Policy 9** The final boundary of each UGA should be adjusted as necessary based on the results of capital facilities planning.

Figure 1



COMPREHENSIVE PLAN

APPENDIX 3

**FRIDAY HARBOR UNINCORPORATED URBAN GROWTH AREA
MANAGEMENT AGREEMENT**

December 30, 1996

Updated July 8, 2008

FRIDAY HARBOR UNINCORPORATED URBAN GROWTH AREA MANAGEMENT AGREEMENT

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SAN JUAN COUNTY COUNCIL
350 COURT STREET, NO. 1
FRIDAY HARBOR, WA 98250

Auditor File #: 2008 0717027

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SAN JUAN COUNTY, WASHINGTON

F. MILENE HENLEY, AUDITOR

DMT

Document Title(s):	
Unincorporated Urban Growth Area Management Agreement	
By and Between:	Town of Friday Harbor and San Juan County
Tax Parcel Number(s):	
Legal Description:	Geographic area designated on Figure 1 to this agreement
Reference Auditor File Number:	Town of Friday Harbor Resolution No. 1656

*to rec 7/9/08
Returned 8/6/08*

**Unincorporated Urban Growth Area
Management Agreement Between
The Town of Friday Harbor and San Juan County, Washington**

Section 1. Preface.

This document is adopted pursuant to RCW 36.70A.110 to set forth an agreement between San Juan County (the "County") and the Town of Friday Harbor (the "Town") for the management of the unincorporated Urban Growth Area (UGA) located adjacent to the Town of Friday Harbor (the "unincorporated UGA" or "Friday Harbor UGA"). Both jurisdictions recognize the need for cooperation in land use planning and public service delivery in the unincorporated UGA. The policies and strategies in this Agreement are to guide the actions of each jurisdiction. This Agreement does not, however, substitute for comprehensive planning by the Town or the County.

Section 2. Purpose.

This Agreement is to accomplish the following purposes:

1. To promote communication and participation in planning for the unincorporated UGA;
2. To establish guidelines for orderly growth and development within the unincorporated UGA;
3. To concentrate urban development within the Town of Friday Harbor and not within the unincorporated UGA;
4. To coordinate land use regulation and development services to minimize the public and private costs of development within the unincorporated UGA;
5. To prepare for the orderly provision of public facilities and services to accommodate and serve as a guide for urban development of those lands within the unincorporated UGA;
6. To contain urban development within a planned urban area where basic services such as sewer and water facilities, storm drainage, police, and fire protection can be efficiently and economically provided; and
7. To make economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the unincorporated UGA; since urban services are interrelated, coordination is best achieved by a single government unit, the Town of Friday Harbor.

Section 3. Designation of Unincorporated UGA on Official Maps.

The geographic area designated on Figure 1 to this Agreement is the unincorporated UGA that is the subject of this Agreement and is coterminous with the area designated on the Town and County official comprehensive plan maps, respectively. The Town will provide the County with a copy of its official map.

Section 4. General Provisions.

1. The County and the Town will coordinate land use planning and the application of development regulations within the unincorporated UGA as provided for in this Agreement. Nothing shall prevent the County and the Town from establishing other cooperative agreements addressing particular projects, geographic areas, or concerns, which are not subject to this management Agreement.
2. Notwithstanding the provisions of this Agreement, the ultimate authority for land use and development decisions is retained by the County and the Town within their respective jurisdictions. Neither jurisdiction may assign or defer its decision-making authority to the other.

Section 5. Joint Planning.

The County and the Town affirm their commitment to the Joint Planning Policy adopted by San Juan County and the Town of Friday Harbor in Appendix 2 of the San Juan County Comprehensive Plan as it now exists or may be jointly amended hereafter.

Section 6. Development Review Procedures.

1. Applications—General. This section applies to all land use and development permit applications, including all building permits, use permits, and land division applications.
2. Applications—Submittal to Town. Land use and development applications for projects located within the existing municipal boundaries of the Town of Friday Harbor shall be submitted to and acted upon by the Town of Friday Harbor according to its adopted regulations and procedures and the applicable provisions of this Agreement (*see* Section 7, below).
3. Applications—Submittal to County. Land use and development applications for projects located within the unincorporated UGA shall be submitted to and acted upon by San Juan County according to its adopted regulations and procedures and the applicable provisions of this Agreement (*see* Section 7, below).
4. Notice Requirements.
 - a. The jurisdiction receiving a use or development application involving property located within 1,000 feet of the municipal boundary or within 1,000 feet of the UGA boundary shall give notice to the other as specified below.
 - b. If no notice is required and/or no comment period is provided for a given application type by the applicable, adopted Town or County procedures, then the jurisdiction accepting the application shall provide notice to the other within three working days of finding an application to be complete. It shall then allow up to five working days for comments before action may be taken on the application.

- c. If the applicable Town or County procedures specify notice requirements and the duration of a comment period, then the jurisdiction accepting the application shall give notice to the other and provide opportunity to comment as provided in the applicable procedures for the type of application involved.
- d. The County shall notify the Town in writing of any comprehensive plan amendment, development code amendment, and of any other proposals for legislative action which affects land located within 1,000 feet of the municipal boundary or within the unincorporated UGA. Such notice shall be sufficient to allow the Town staff the opportunity to review and comment on such proposals before final action is taken. Likewise, the Town shall notify the County in writing of any comprehensive plan amendment, zoning code amendment, and any other proposals for legislative action which affects land within 1,000 feet of the municipal boundary or within the unincorporated UGA.
- e. Nothing shall prevent the Town Administrator and County Administrator from agreeing to exempt certain types of developments from interjurisdictional notice requirements. Any such agreement shall be in writing and signed by both Administrators.

Section 7. Intention Regarding Additional Use and Development Regulations.

The applicable use and development regulations shall be those adopted by the applicable jurisdiction, with the following additional provisions intended for the unincorporated UGA upon the designation of such land by the County Council.

1. Land Uses – Limitations Generally.

- a. San Juan County will retain responsibility for land use decisions and actions affecting the unincorporated UGA until such time as annexation to the Town occurs.
- b. San Juan County will review and, as necessary, amend its comprehensive plan and development regulations to establish a moratorium and/or create an overlay zone such that development within the unincorporated UGA is consistent with the intent and purposes of this Agreement to protect such lands in such a way that allows for the development for urban uses only at such time as the land is annexed to the Town. Specifically, the County Council will conduct hearings on ordinances which will, if adopted, prohibit all uses and developments, except the following uses and developments which shall be allowed outright:
 - i. Single-family residence and structures appurtenant to a single-family residence;
 - ii. Two-family residential uses (duplex);
 - iii. Home occupation;
 - iv. Public streets;
 - v. Public trails and paths;
 - vi. Agricultural uses and activities;

- vii. Forest practices, no processing;
 - viii. Lumber mills, portable;
 - ix. Nurseries;
 - x. Retail sales of agricultural products.
2. Urban Services. The Town and the County will review and, as necessary, amend the comprehensive plan and development regulations so that each jurisdiction will refrain from the development, creation or extension of water or sewer service to those areas lying within the unincorporated UGA until such areas are first annexed to the Town.

Property within the unincorporated UGA proposed for new development which requires urban services (Town water and sewer facilities) shall be annexed before a land use or building permit is issued.

Proposed developments which do not require urban services shall be subject to conditions establishing an enforceable developer extension agreement to pay for Town services upon the annexation of the subject property. County code requirements for on-site water supply, fire flow, sewage disposal and stormwater control facilities shall apply to allowable uses and developments that do not require urban services.

The County will not authorize the creation of a special purpose district for the provision of utilities, recreation or other public facilities unless such district includes all of the area within the unincorporated UGA and the creation has been approved by both parties.

3. Buffers. The County will review and, as necessary, amend its comprehensive plan and development regulations to require that new development within the unincorporated UGA on property abutting the UGA-County boundary shall provide drought-resistant vegetated buffers sufficient to mitigate significant adverse impacts to land and land uses outside of the unincorporated UGA boundary.
4. Critical Areas/Environmentally Sensitive Areas. The San Juan County Code requirements for critical areas shall apply to critical areas within the unincorporated UGA.
5. Subdivisions and Short Subdivisions. The county will review and, as necessary, amend its comprehensive plan and development regulations by use of a moratorium or overlay zone to prohibit all subdivisions, including subdivision by long subdivision, short subdivision, simple land division, binding site plan or condominium, that result in the creation of any parcel or unit of land smaller than five acres. Boundary line modifications shall be allowed so long as no new parcel is created. In allowing for rural land division, the County will ensure that the developments design does not preclude future infill development at urban densities.

Section 8. Annexation.

1. Only those areas within the unincorporated UGA may be considered for annexation to the Town.

2. Urban services and capital facilities may be extended to properties within the unincorporated UGA only when those properties are annexed to the Town.
3. Property owners seeking annexation to the Town will be required to include in annexation petitions a full description of proposed development and any phasing plans, and the specific urban services needed together with the analysis and reports required by the Town.

Section 9. Administration.

The responsibility for administration of this Agreement shall rest jointly with the San Juan County Council and the Friday Harbor Town Council, through their respective administrators. Within 30 days of the effective date of this Agreement the County and Town administrators will exchange the names and addresses to be used in official correspondence regarding this Agreement. Each jurisdiction is responsible for keeping this contact information current and for directing correspondence consistent with this information.

Section 10. Periodic Review, Amendment, and Termination.

The term of this Agreement shall be five years from the effective date and shall automatically be renewed for subsequent five-year terms unless one of the following actions is taken:

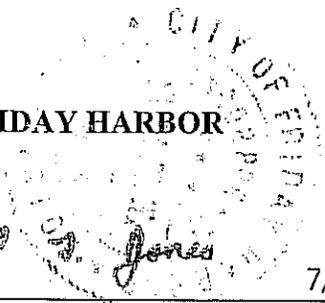
1. The County and the Town may agree at any time to revise or terminate this Agreement. Any such agreement shall be in writing.
2. Either party may notify the other of a desire to revise or terminate this Agreement. Such notice shall be in writing and be given no fewer than ninety days prior to the automatic renewal date. Should such notice be given, the County and the Town will begin immediately and, in good faith, to revise and renew this Agreement.
3. This agreement does not apply to portions of the unincorporated UGA after such property has been duly annexed by the Town.
4. Should the County designate additional unincorporated UGAs in accordance with the procedure set forth in RCW 36.70A.110(2), this Agreement shall be reviewed by the parties and amended as necessary to address mutual concerns relating to the additional unincorporated UGA.

Section 11. Effective Date and Filing Procedures.

The effective date of this Agreement shall be the date it is filed with the County Auditor and with the Town Clerk.

//

TOWN OF FRIDAY HARBOR



By: David F. Jones 7/3/08
DAVID F. JONES, Mayor Date

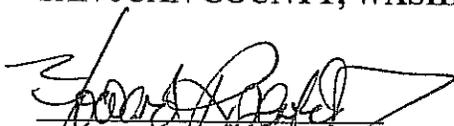
**APPROVED AS TO FORM ONLY
DONALD E. EATON**

By: Donald E. Eaton 7/7/08
DONALD E. EATON Date

ADOPTED this 8th day of July 2008.

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

ATTEST: Clerk of the Council

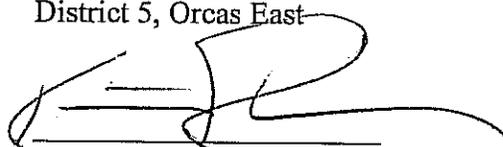

Howard Rosenfeld, Chair
District 3, Friday Harbor

By: Ann Larson
Ann Larson - Clerk

Date: 7/8/2008

Gene Knapp
Gene Knapp, Vice-Chair
District 5, Orcas East

REVIEWED BY COUNTY
ADMINISTRATOR


Kevin M. M. Ranker, Member
District 1, San Juan South

Pete Rose
Pete Rose

Date: 7/8/08

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

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

By: Randall K. Gaylord
Date: 7/8/2008

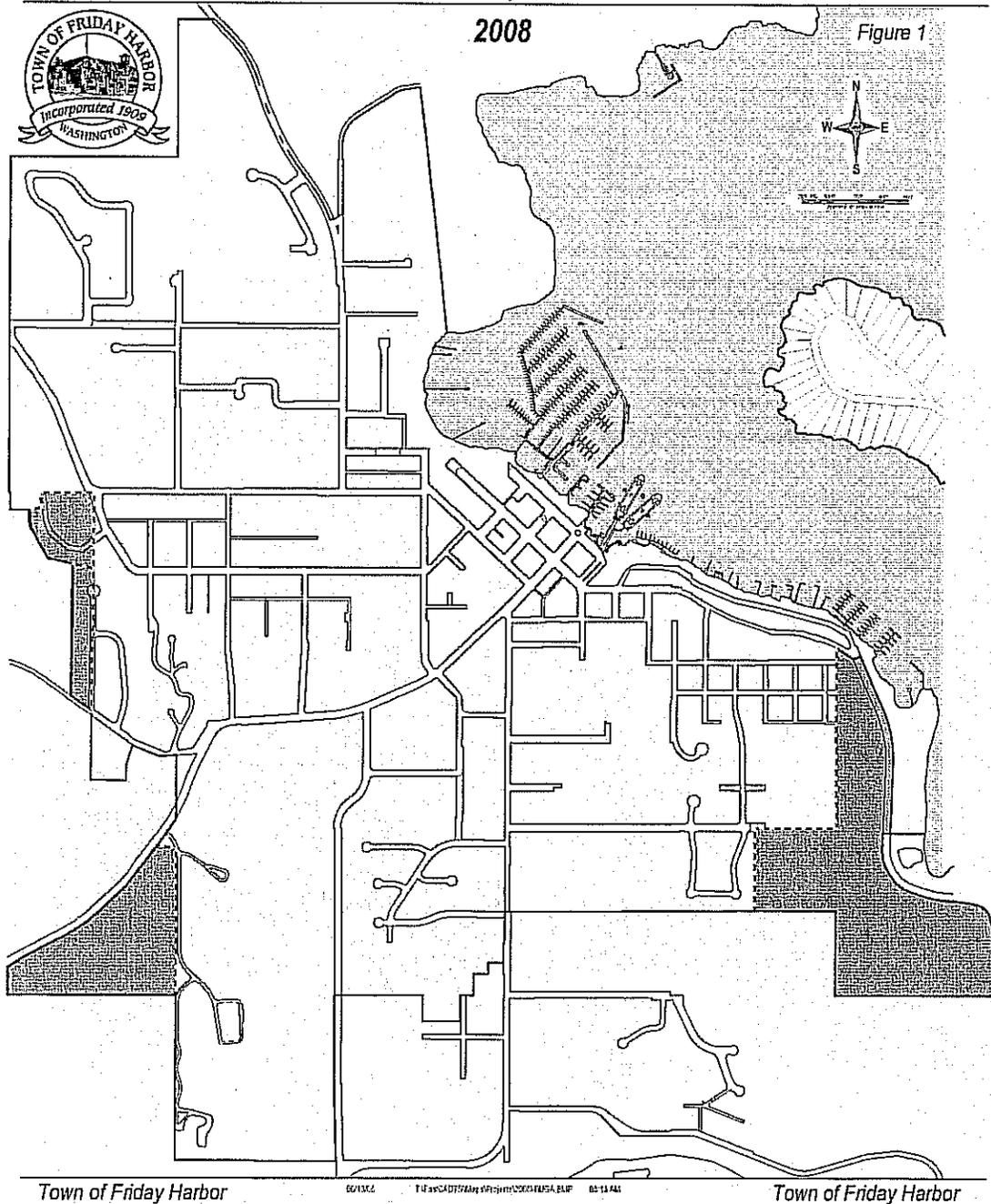
Alan Lichter
Alan Lichter, Member
District 4, Orcas West/Waldron

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

C:\Documents and Settings\jone\Desktop\UGA Mgt Agreementver061908.doc

Exhibit A

Friday Harbor with Unincorporated UGA areas Shaded



2008 0717027 PAGE 10 OF 10
SAN JUAN COUNTY, WASHINGTON

RESOLUTION NO. 1656

A RESOLUTION authorizing the Mayor to sign the Unincorporated Urban Growth Area Management Agreement between the Town of Friday Harbor and San Juan County, Washington.

WHEREAS, RCW 36.70A.110 requires the Town and San Juan County ("the County") to cooperate in designating the boundaries for an unincorporated urban growth area of sufficient area to accommodate the urban growth that is projected to occur in the Town and in the County for the next Twenty (20) years; and

WHEREAS, the Joint Policy Planning document approved by the County and the Town several years ago, set forth as Appendix B to the Town's Comprehensive Plan, requires the Town to enter into an agreement with the County for the purpose of establishing a cooperative approach to managing development within the unincorporated urban growth area; and

WHEREAS, the Town and the County have reached agreement on the location of the boundaries for the new unincorporated urban growth area and on the provisions to be set forth in a new Unincorporated Urban Growth Area Management Agreement; and

WHEREAS, the County will formally approve said agreement on July 8, 2008:

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Friday Harbor that the Mayor of the Town is authorized and directed to sign the Unincorporated Urban Growth Area Management Agreement, a copy of which is attached hereto.

ADOPTED this 3rd day of July 2008.

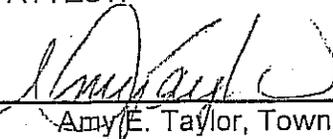
TOWN OF FRIDAY HARBOR



David F. Jones, Mayor

SEAL of the
Town of Friday Harbor

ATTEST:



Amy E. Taylor, Town Clerk

UGA Related San Juan County Code (SJCC) Sections

SJCC 18.90.010 Legislative Decisions

A. Decisions. The following decisions are legislative and are not subject to the project permit application, notice, review, and appeal procedures in this code, unless otherwise specified:

1. Unified Development Code (this code) text amendments;
2. Comprehensive Plan Official Map amendments; and
3. Adoption of amended or new elements or appendices of the Comprehensive Plan including subarea and activity center plan adoption and amendments.

B. SEPA. If a legislative decision qualifies as an “action” that requires review under the State Environmental Policy Act (SEPA) (see SJCC 18.80.050), all SEPA procedural requirements shall be met prior to public hearings on the action. If the legislative decisionmaking body makes changes that may result in additional, greater or more intense individual or cumulative impacts, supplemental SEPA analysis shall be completed before action may be taken (see SJCC 18.80.050(E)(3)).

SJCC 18.90.020 Legislative Procedures

A. Procedures. All proposed amendments to this code and proposed amendments to the official maps and/or Comprehensive Plan shall be handled according to the procedures established in Chapters 36.70 and 36.70A RCW, RCW 36.32.120, the County Charter, and the County code. This process will ensure formal public notice and public hearings, evaluation, and recommendations from the planning department’s professional, technical perspective and from the planning commission’s knowledgeable lay perspective. Final action is reserved for the County council.

B. Planning Department. The department shall evaluate all requests to modify this code and forward recommendations to the planning commission and County council for consideration.

C. Planning Commission. The planning commission shall hold a public hearing and make recommendations to the County council on all legislative decisions specified in this section.

D. County Council. All amendments to the development code, Comprehensive Plan, and official maps require a public hearing before the County council.

E. Public Notice. Notice of all public hearings will be given in conformance with applicable law. The department shall maintain a printed list of proposed development code and Comprehensive Plan amendments, and shall include a copy of the list on its web site. A single e-mail list shall be maintained by the department. All those requesting the service shall receive all department notices digitally.

F. Implementation. The County council decision shall become effective no sooner than 10 working days after passage of an ordinance except in the case of an emergency.

G. Comprehensive Plan Amendments. Amendments to the Comprehensive Plan text and official maps may not be considered

more frequently than once per year except as provided in RCW 36.70A.130(2) and the Comprehensive Plan.

H. Unified Development Code (UDC) Amendment. Amendments to the UDC may be adopted at any time.

SJCC 18.90.030 Amendments to Comprehensive Plan Official Maps.

A. Purpose of Amendments to Comprehensive Plan Official Maps. Amendments to the Comprehensive Plan Official Maps are the mechanism by which the Comprehensive Plan land use district designation or density applicable to property can be changed to reflect such things as changed circumstances, new land use needs, new land use policies, or inconsistencies between designations, area characteristics and the goals and policies as well as purpose and intent of the Comprehensive Plan.

B. Who May Initiate. The County council, planning commission, department, or any other interested party may propose an amendment to this code or the Comprehensive Plan and the official maps at any time subject to the requirements of this section.

C. Time Limitations. Requests for amendment of the official maps (redesignation or density change) shall only be submitted to the planning department between January 1st and March 1st of any year for consideration during the remainder of that year. Requests submitted after March 1st shall be returned to the applicant for resubmittal the following year. This limitation does not apply to requests by the County council.

D. Application Procedure.

1. The request shall be in writing, in a form approved by the planning director, and shall include the following information:

- a. Historic use of the property and adjoining lands;
- b. Allowable population density of the surrounding area as measured by the maximum allowable residential density;
- c. Existing soil and sewage disposal conditions;
- d. Description of existing water supply;
- e. Suitability for agricultural or timber use;
- f. Known archaeological or historical resources on the property;
- g. Natural resources involved;
- h. Availability of existing public services and utilities; and
- i. Names of abutting property owners.

2. Through the use of legal descriptions and maps, the application shall identify clearly the areas for which the change is requested. The reason or reasons for the request shall be clearly stated. The application shall describe how the proposed change meets all of the criteria for approval listed in subsection (F) of this section.

UGA Related San Juan County Code (SJCC) Sections

3. If a proposal would remove a resource land designation from property, the applicant must provide information demonstrating that the property is not appropriately designated as agricultural land or forest land under RCW 36.70A.170.

E. Notice of Hearing. The following notice provisions are required in addition to publication of notice of public hearing.

1. For Comprehensive Plan Official Map amendments involving any number of parcels the applicant shall mail a notice of hearing at least 30 days prior to the planning commission hearing to all directly affected property owners and to all property owners within 300 feet of the proposal's outer boundary line.

2. For Comprehensive Plan Official Map amendments involving five parcels or fewer, the applicant shall mail a notice of hearing to all property owners within 300 feet of the boundaries of all subject properties at least 30 days prior to the planning commission hearing, using the names and addresses shown on the tax assessment rolls. The notice of hearing shall be deemed to have been provided on the date the notices are deposited in the mail. The applicant shall provide the director with a declaration of mailing and a list of those individuals to whom the notice was mailed. All notices returned to the applicant must be submitted to the director for inclusion in the file.

3. For Comprehensive Plan Official Map amendments involving five parcels or fewer, the applicant shall post a notice of hearing on each of the subject properties in accord with the provisions of SJCC 18.80.030(A)(2)(c) prior to the planning commission hearing.

F. Criteria for Approval. These actions are reviewed for conformance with the applicable provisions of the Comprehensive Plan, the UDC, and as follows:

1. Comprehensive Plan Official Map Amendments. The County may approve an application or proposal for a Comprehensive Plan Official Map amendment if all of the following criteria are met:

a. The changes would benefit the public health, safety, or welfare.

b. The change is warranted because of one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan.

c. The change is consistent with the criteria for land use designations specified in the Comprehensive Plan.

d. The change, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations.

e. The benefits of the change will outweigh any significant adverse impacts of the change.

2. Map Change. Following approval of a Comprehensive Plan Official Map amendment, the County shall amend the official maps to reflect the change. The County shall also indicate on the official maps the number of the ordinance adopting the change.

3. Concomitant Agreement. The County is specifically authorized to enter into a concomitant agreement as a condition of any Comprehensive Plan Official Map amendment. Through that agreement, the County may impose development conditions designed to mitigate potential impacts of the use or development that may occur as a result of such an amendment.

G. Appeals. Appeals of County council decisions under this section must be filed with the Growth Management Hearings Board as provided by state law.

Adam Zack

From: Stephanie Johnson O'Day <sjoday@rockisland.com>
Sent: Wednesday, April 3, 2019 2:57 PM
To: Adam Zack; Linda Ann Kuller
Subject: FW: Port letter of support and joinder
Attachments: doc20190403142957.pdf

Adam and Linda: Here is a copy of the letter the Port of Friday Harbor sent today to the County Council, Mike Thomas, the Town Council and Duncan Wilson. Please put this in the Cornelius Holdings LLC UGA file. Thank you.

Stephanie O'Day

-----Original Message-----

From: sjoday@rockisland.com <sjoday@rockisland.com>
Sent: Wednesday, April 03, 2019 3:30 PM
To: sjoday@rockisland.com
Subject:

TASKalfa 3050ci
[00:c0:ee:a7:2c:91]



P.O. Box 889, Friday Harbor, WA 98250 * 360-378-4724 * fax 360-378-6120 * <http://www.portfridayharbor.org>
Commissioners: Graham Black * Greg Hertel * Barbara Marrett

April 3, 2019

Duncan Wilson, Administrator
Town Council, Town of Friday Harbor
PO Box 219
Friday Harbor, WA 98250

Mike Thomas, Administrator
County Council, San Juan County
PO Box
Friday Harbor, WA 98250

Re: Expansion of UGA on Mullis Street

PREDES-1-0001 Cornelius Holdings LLC

Dear Mr. Wilson, Town Council, Mr. Thomas and County Council:

It has come to our attention that Cornelius Holdings LLC, the owner of a five-acre parcel just south of Browne Lumber (TPN 351444005), has applied to San Juan County for a site specific rezone for the parcel to be included in the Town/County Urban Growth Area (UGA). The Port supports this proposal and would like its adjacent property to be included in the UGA as well.

The Port of Friday Harbor – An Island Friendly Port



P.O. Box 889, Friday Harbor, WA 98250 * 360-378-4724 * fax 360-378-6120 * <http://www.portfridayharbor.org>
Commissioners: Graham Black * Greg Hertel * Barbara Marrett

The Port of Friday Harbor is the owner of TPN 352312016, a 7.08 acre parcel partially leased by the Fire Department. The expansion of the UGA to include the Mullis Street properties is in the best interests of the Port and also the citizens of the County and the Town.

The Port Commission is unanimous in support of placement of this Port property into the Town/County Urban Growth Area. We request that the Town and the County place not only the Cornelius property but also the Port property into the Urban Growth Area. Mullis Street is clearly appropriate for urban services.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Nicholson", is written over a light blue horizontal line.

Todd Nicholson

Executive Director

Show search results for mul...

Fire Station
1011

Part property

