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STAFF REPORT

REPORT DATE: March 4, 2020

TO: San Juan County Council
San Juan County Planning Commission

CC: Mike Thomas, County Manager
Erika Shook, AICP, DCD Director

FROM: Adam Zack, Planner III 
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SUBJECT: 2036 Comprehensive Plan Update
Section B, Element 2, Land Use: Rural Issues

BRIEFING: Council: March 17, 2020
Planning Commission: March 20, 2020

ATTACHMENT: A. Growth Management Act Requirements and SJC Rural Element Goals & Policies
B. Deer Harbor Planning Review Committee Map & Code Amendment Request

The Department of Community Development is providing preliminary briefings on the Land Use Element of the SJC Comprehensive Plan (*Plan*). These briefings will address land use categories including urban, rural, natural resource, open space, and general land use topics. Staff briefed the County Council and Planning Commission on urban land use issues in February. These briefings may be viewed at the following links:

<https://www.sanjuanco.com/903/Council-Agendas-and-Video> and here:
<https://www.sanjuanco.com/971/Planning-Commission-Meeting-Video>.

PURPOSE: Rural land use issues are the focus of the March briefings. Section 2.3 of the *Plan's* Land Use Element addresses rural lands use designations. As part of the *Plan* update, rural land goals and policies will be separated into a Rural Element. At the briefings, we hope to identify any additional rural issues that need to be considered in the update.

REPORT OVERVIEW: This report provides an overview of the County's rural land use designations, Growth Management Act (GMA) rural planning requirements, related Land Capacity Analysis results, and potential rural policy, density and map designation amendments. The issues identified in this report were assembled from public outreach events, specific property owner requests, and conversations with County Council, the Planning Commission and planning advisory committees.

After receiving direction from County Council, staff will analyze potential *Plan* and Official Map amendments. That analysis will consider impacts to capital facilities, transportation, housing, levels of service, and consistency with rural element goals and policies.

This report is organized as follows:

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- II Introduction to rural land use discussion topics**
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- II.B Introduction to rural land use policy and map topics**
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- III Activity Centers and Limited Areas of More Intensive Rural Development (LAMIRDs)**
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 - III.A.2 Residential Activity Centers without adopted subarea plans
 - III.A.3 Allowed uses in Island Center
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- IV.B Rural land use map topics**
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 - IV.B.3 RGU and commercial lands, outside of UGA, LAMIRD, and Activity Centers
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I. Background

What are rural lands?

Rural lands are those lands outside of urban growth areas that are not designated agricultural, forest, or mineral resource lands. The Washington State Growth Management Act (GMA) identifies rural areas as places designated for rural development as defined in RCW 36.70A.030 (21):

"Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170.

Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.”

The *Plan* Official Maps (Official Maps) indicate that majority of the land in San Juan County has a rural land use designation or rural activity center designation.

The purpose of the Rural Activity Center land use class is to provide centers of activity in rural areas in a concentrated development pattern and allow for infill with a similar intensity of uses. Rural activity centers offer diverse employment opportunities; a variety of residential densities and housing types; and general commercial, general industrial, institutional, recreational, and community uses. This land use class includes village activity centers, hamlet activity centers, residential activity centers, and island centers, which are limited areas of more intensive rural development (LAMIRDs) as provided for in RCW 36.70A.070(5)(d). This class also includes master planned resorts, which provide for urban-level recreational development and services in a rural setting and context. Following are the basic land use designations for rural activity centers, though in some cases, these are superseded by designations in adopted activity center and subarea plans:

In San Juan County, the rural land use class includes five designations:

- Rural General Use (RGU);
- Rural Residential (RR);
- Rural Farm-Forest (RFF);
- Rural Industrial (RI); And
- Rural Commercial (RC).

Rural lands include activity centers that are limited areas of more intensive rural development (LAMIRDs). These include the following land use designations (with slight variations in specific subarea plans):

- Village activity center (V).
 - Commercial (VC);
 - Industrial (VI); and
 - Residential (VR).
- Hamlet Activity Center (H).
 - Commercial (HC).
 - Industrial (HI).
 - Residential (HR).
- Residential Activity Center (RAC).
- Island Center (IC).
- Master Planned Resort (MPR).

What are Limited Areas of More Intensive Rural Development (LAMIRD)?

The GMA allows LAMIRDs to provide a variety of uses allowed in rural areas. A LAMIRD’s boundary contains pre-existing uses with a higher intensity than other typical rural uses. RCW 36.70A.070 (5)(d) contains many of the GMA requirements for LAMIRDs. The following types of development in LAMIRDs are allowed by RCW 36.70A.070 (5)(d)(i):

“(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as

shoreline development, villages, hamlets, rural activity centers, or crossroads developments.”

LAMIRD are constrained to areas with existing development within a defined ‘logical outer boundary’. The logical outer boundary must only contain existing areas or uses of more intensive rural development and not allow new patterns of low-density sprawl (RCW 36.70A.070 (5)(d)(iv)). Some public services such as water and sewer are allowed in a LAMIRD. These services are limited to those necessary to serve nonresidential uses and be provided in a manner that does not permit low-density sprawl (RCW 36.70A.070 (5)(d)(iii)).

What guidance does the Growth Management Act (GMA) provide for rural lands?

Comprehensive plans under the GMA must contain a number of required elements, including a rural element that must protect the character of rural areas by guiding development in those areas. The GMA generally establishes that it is not appropriate to extend or expand urban governmental services outside of a UGA. These include public services and public facilities at an intensity historically and typically provided in cities. Extension or expansion into a rural area may be permitted in limited circumstances where:

- (1) It is shown to be necessary to protect basic public health and safety and the environment; and
- (2) When such services are financially supportable at rural densities and do not permit urban development.

Three of the GMA’s thirteen planning goals in RCW 36.70A.020 specifically relate to rural lands include:

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

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.”

Three primary GMA requirements from RCW 36.70A.070(5) for rural lands are summarized as:

- Counties may consider local circumstances when determining what rural development can be allowed, “but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter” (5)(a);
- Rural areas shall permit rural development, forestry and agriculture. They shall “provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses” (5)(b); and
- The Rural Element of the *Plan* must include measures that apply to rural development and protect rural character. (5)(c) defines five criteria:
 - (i) Containing or otherwise controlling rural development;

- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

How is Rural Character defined?

A central concept behind rural lands is the preservation of rural character. The GMA's definition of rural character is provided in RCW 36.70A.030(20). The County's definition codified in San Juan County Code (SJCC) 18.20.180 is the same as the GMA definition with the addition of the highlighted sentence below:

"Rural character" means a quality of the landscape dominated by pastoral, agricultural, forested, and natural areas interspersed with single-family homes and farm structures. Rural character refers to the patterns of land use and development established by the Comprehensive Plan:

1. In which open space, the natural landscape, and vegetation predominate over the built environment;
2. That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
3. That provide visual landscapes that are traditionally found in rural areas and communities;
4. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
5. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
6. That generally do not require the extension of urban governmental services; and
7. That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

What are rural development and rural governmental services?

These are defined in RCW 36.70A.030 as:

(21) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(22) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

2036 Vision for San Juan County

The 2036 *Plan* Vision adopted by Resolution 27-2018 is a guide to how the County should develop and grow in the planning period. It is used shape the *Plan* goals and policies. It does not have a specific rural section, but four sections are related to rural development:

NATURAL ENVIRONMENT Our islands and marine waters have exceptional natural beauty and healthy, diverse ecosystems that are pollution-free. The air is fresh and clean, the water quality is excellent, and the soil is uncontaminated. As careful stewards of these islands and waters, we conserve resources, preserve open space, and take appropriate action to assure healthy land and marine environments. We recognize the integral role that forests play in the stewardship of our air, soils and water resources. The natural environment is central to the ecological health, quality of life, and the economy in the islands. Native plants, animals, and marine life of the islands thrive, and are identified, appreciated and conserved.

ECONOMY We support a diverse, resilient, and sustainable economy while respecting the natural world. This economy serves the needs of our community, and recognizes the rural, residential, quiet, agricultural, marine and isolated nature of the islands. Our economy comprises a wide spectrum of stable, year-round activities that provide wages that allow islanders to live, work, and thrive locally. We encourage new ideas and new technology for improving the quality and profitability of our goods and services. Communication systems support our economy.

AGRICULTURE The San Juan Islands have a rich agricultural heritage that remains culturally and economically significant. We invest resources to ensure that agricultural lands are preserved and to maintain and enhance agricultural viability. We recognize the integral role that agriculture plays in the stewardship of our soils and water resources. Diverse agricultural activities are essential to the health and well-being of our community, contributing to the social, economic and environmental fabric of our islands.

LAND USE Neighborhoods, hamlets, villages, towns, and other activity centers are clearly defined to conserve, rural, agricultural, forest, mineral resource lands and critical areas. These areas define our heritage and sense of place: providing for commerce and community activities without losing their small scale and attractive island ambiance. The unique character of our shorelines is protected by encouraging uses that maintain or enhance the health of the shoreline environment. Through innovative land use strategies, our citizens and institutions balance and protect private property rights, public rights, and our natural environment.

Plan Official Maps - Rural Designations

As noted earlier, rural designations on the *Plan* Official Maps include Rural Farm Forest, Rural Residential, Rural General Use, Rural Industrial, Rural Commercial, Master Planned Resort, Limited Areas of More Intense Rural Development (LAMIRD), and Activity Centers.

Activity Centers include the following areas: Orcas Village, Olga, Deer Harbor, Westsound, Doe Bay, and Rosario. All Activity Centers, Master Planned Resorts, and Island Centers are LAMIRD.

Activity Center goals, policies, maps and subarea plans

Activity Center, including LAMIRD, goals and policies are in Section 2.3.B of the *Plan* Land Use Element. This section outlines the general designation criteria for each type of LAMIRD: Village, Hamlet, Island Center, Residential, and Master Planned Resort.

These areas are subject to the limitations for LAMIRD in RCW 36.70A.070 (5)(d), specifically the logical outer boundary requirements. The logical outer boundaries of LAMIRDs were set based on development existing as of 1990 (Policy B.2.3.B(1)). The policy regarding the establishment of logical outer boundaries specifies that the boundary “may not extend beyond the existing area or use.” This requirement echoes the GMA requirement. It is not a local choice.

Most Activity Centers have subarea plans adopted as part of the *Plan*. These establish refined policies for villages and hamlets and their Official Maps. Orcas Village, Olga Hamlet, Deer Harbor, and the area outside the Eastsound UGA have subarea plans.

Rural area goals, policies and decision-making

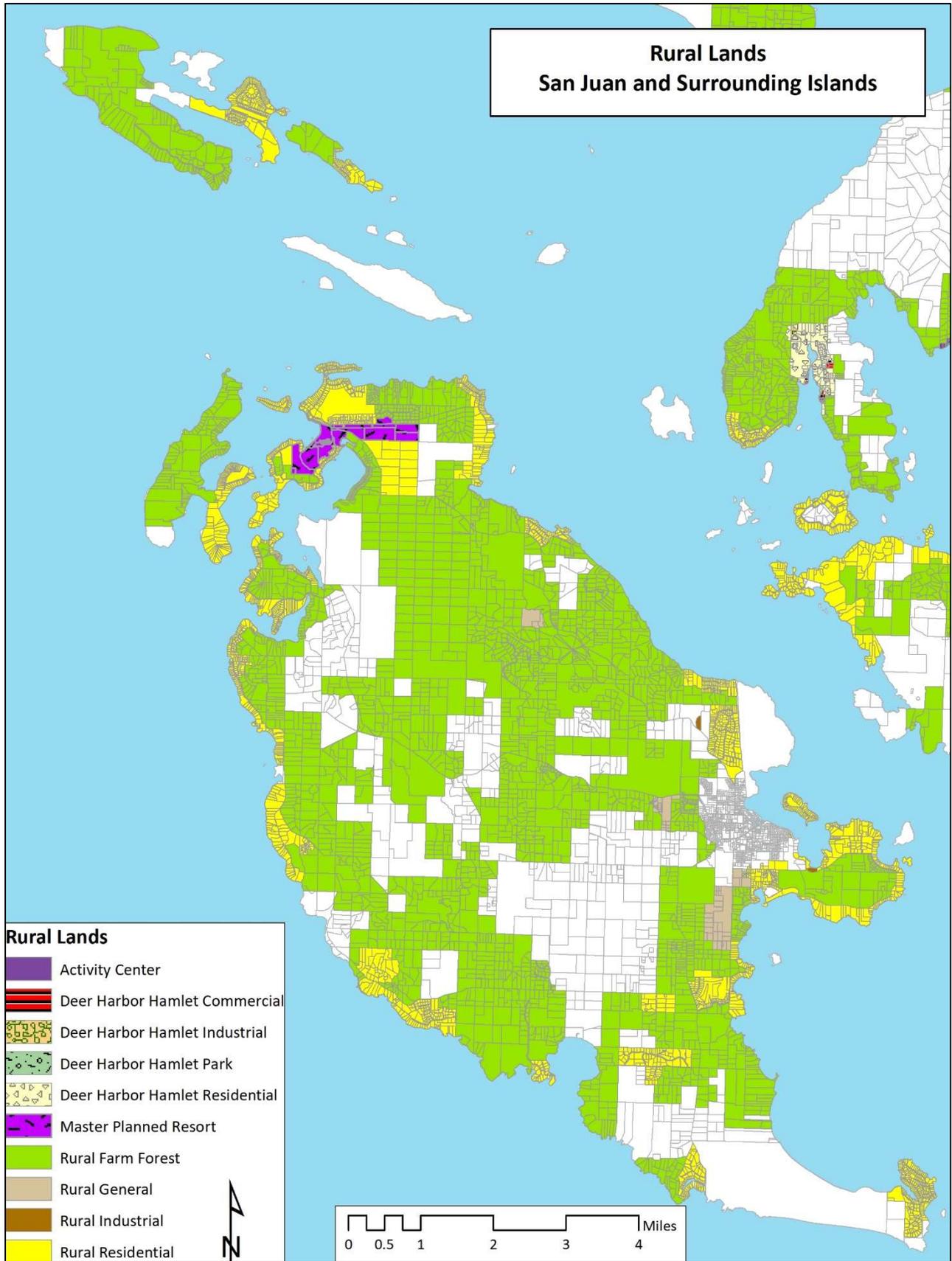
Plan Element B.2 Land Use contains the rural goals and policies. This element functions as both the Land Use Element and the Rural Element. A rural element is a mandatory element under GMA (RCW 36.70A.070 (5)). Rural goals and policies in *Plan* Element B.2 Land Use will be updated and moved, as needed, into a distinct Rural Element during the update.

The following list summarizes the main considerations and limitations for developing rural policy and making land use decisions about rural lands:

- Rural areas must not allow low-density sprawling residential development (RCW 36.70A.070(5));
- Rural goals and policies must protect rural character (RCW 36.70A.070(5)(c));
- Local choices about planning for rural development must be consistent with GMA planning goals and requirements (RCW 36.70A.070(5)(a));
- Rural areas must allow for rural development, agriculture, and forestry (RCW 36.70A.070(5)(b));
- Services like water and sewer in rural areas should be limited to Activity Centers and LAMIRD. These services must not allow for low-density sprawling residential development (RCW 36.70A.070(5)(d)(iii));
- Activity Centers and LAMIRDs must be constrained to the established logical outer boundary, determined when they were created (RCW 36.70A.070(5)(d)(iv) and *Plan* policy B.2.3.B(1)); and
- Changes to the Official Maps of Activity Centers must be reviewed for consistency with the *Plan*.

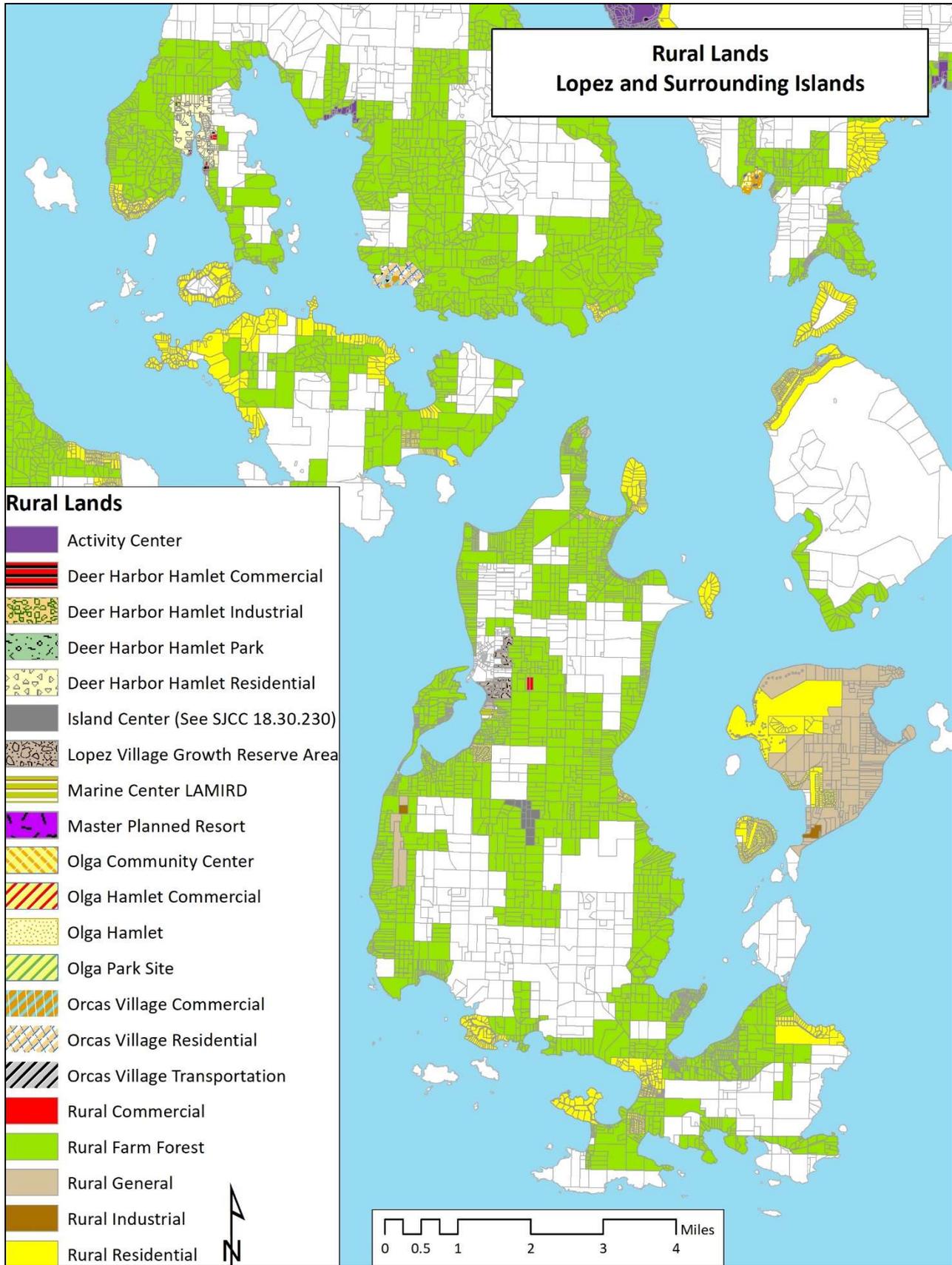
Maps 1 through 3 below show the designated rural areas in the County including Activity Centers and LAMIRDs.

Map 1. Rural Lands, San Juan and Surrounding Islands.



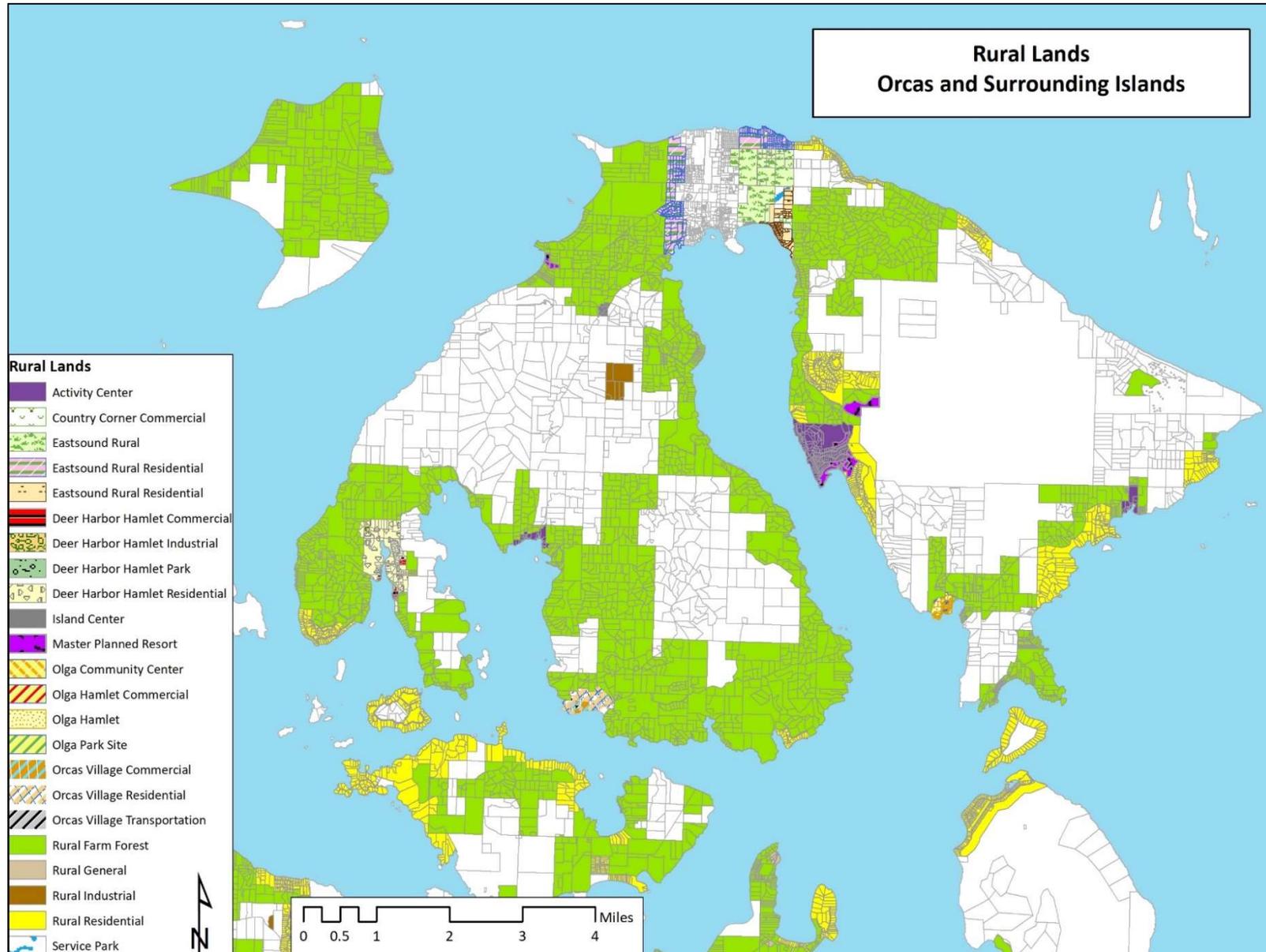
Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 2. Rural Lands, Lopez and Surrounding Islands.



Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 3. Rural Lands, Orcas and Surrounding Islands.



Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

II Introduction to rural land use discussion topics

The rural land use issues discussed in this report come from County staff, the Planning Commission, County Council and land use review requests submitted by property owners.

II.A Rural Land Capacity Analysis results

The Land Capacity Analysis (LCA) helps us determine the County's capacity to accommodate residential and commercial/industrial growth through the year 2036. It shows whether the land supply aligns with the 2036 population projection of 19,423. The GMA requires the County to plan to accommodate the forecasted 2036 growth in population and employment.

The *Plan* policies, official map designations, and the County's development regulations must provide sufficient capacity to accommodate forecasted growth (RCW 36.70A.115). The accommodation of growth in designated rural lands must be balanced with the GMA requirement to preserve rural character. The friction between rural development and rural character is the fundamental tension in rural planning.

The *Plan* does not have an adopted to policy to allocate growth to rural areas. *Plan* Policy 2.3.A.12 requires the County to design UGAs to accommodate fifty percent of the on-island growth. By inference, this means that the rural areas should be designed to accommodate the other fifty percent of the forecasted growth.

Table 1 below shows the LCA results for both residential and employment capacity. This table aggregates results from staff memos dated November 4, 2019, and January 13, 2020. These memos include the methodology used to determine residential and employment capacity. They may be accessed at the following links:

- November 4, 2019, Second Draft Land Capacity Analysis Report:
https://www.sanjuanco.com/DocumentCenter/View/19296/2019-11-04_Zack_Memo_w_att_LCA_Report_2nd_Draft_PC-CC_Briefings_11-19
- January 13, 2020, Employment Capacity Analysis:
https://www.sanjuanco.com/DocumentCenter/View/19636/2020-01-09_LCA_Emp_Cap_AZ_Brief_CC_01-27-2020

According to the LCA results, there is sufficient residential and commercial/industrial employment capacity in the rural areas to accommodate the projected population. There is more residential capacity than the forecasted increase in new residents with a surplus that could accommodate 1,325 more people than are in the population projection. There is a surplus employment capacity for 12,128 more jobs than the forecasted employment growth in the rural areas.

Table 1. Rural Residential and Commercial/Industrial Land Capacity.

Land Use Designation	Developable Acres	Residential Capacity (Number of Residents)	Employment Capacity (Number of Jobs)
Rural Farm Forest	24,980.10	2,307.79	0
Rural Residential	2,841.74	307.08	0
Rural Commercial	0	0	0
Rural Industrial	53.17	0	56.29
Rural General Use	1,145.87	0	10,326.39
Lopez Village Growth Reserve Area (RFF)	21.78	1.68	0
Master Planned Resort	131.87	0	1,149.35
Residential Activity Center	74.75	58.36	0
Two Base Density District (Residential Activity Center)	55.95	13.69	0
Island Center	30.44	0	422.86
Marine Center	17.36	0	112.99
Olga Hamlet		10.54	0
Orcas Village Commercial	7.71	0	64.13
Orcas Village Residential	30.59	7.66	0
Deer Harbor Hamlet Commercial	2.65	0	37.11
Deer Harbor Hamlet Industrial	4.43	0	41.97
Deer Harbor Hamlet Residential	196.03	34.60	0
Country Corner Commercial	5.76	0	0.91
Service Park	4.97	0	170.19
Eastsound Rural Residential	100.98	11.60	0
Eastsound Rural	159.15	14.15	0
Eastsound Rural Residential 2 acres per unit	59.63	15.90	0
Total	562.50	2,783.05	12,382.19*
Forecasted Total Growth (countywide total minus UGA allocation)		1,458	254
Surplus (+) or Deficit (-)		(+) 1,325.05	(+) 12,128.19*

Source: DCD memos dated November 4, 2019, Land Capacity Analysis Report and January 13, 2020, Employment Capacity staff memo.

*Note: Total employment capacity includes the employment capacity for Rural General Use (RGU), which is not explicitly a commercial designation. Additional discussion of RGU capacity is included in Section IV.A.

II.B Introduction to rural land use policy and map topics

The rural land use policy discussion focuses on the policy direction provided in the Land Use Element of the *Plan*. Map topics are about land use designations and assigned densities on the Official Maps. Feedback on these topics will help frame the development of the Rural Element.

II.B.1 Rural land use policies

The text of the goals and policies of the *Plan* provide specific details on how the County aims to achieve the *Plan*'s vision. Rural goals and policies from the *Plan* (Attachment A) describe what the County wants to achieve (goals) and how they will accomplish it (policies). In the Land Use Element, the goals and policies form the basis of the County's development regulations in San Juan County Code (SJCC) Title 18. The goals and policies also determine the criteria for assigning the land use designations and densities on the Official Map.

II.B.2 Comprehensive Plan Official Maps

The Official Maps in the *Plan* are the most effective policy mechanism for guiding development because the densities and land use designations are established on them. In conjunction with land use goals and policies, and development regulations, Official Map designations determine where different land uses can occur. Changes to the Official Maps can have long-lasting influence on development patterns and intensity.

Given the effect that map changes can have, specific designation criteria set in the *Plan* is used to evaluate proposed amendments to the Official Maps. The *Plan* policies set designation benchmarks for each designation. Additionally, there are specific criteria of approval that all amendments to the Official Map must satisfy SJCC 18.90.030(F). Proposed Official Map amendments must be consistent with County Code and meet the designation requirements in the *Plan* Land Use Element. SJCC 18.90.030(F) states:

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.

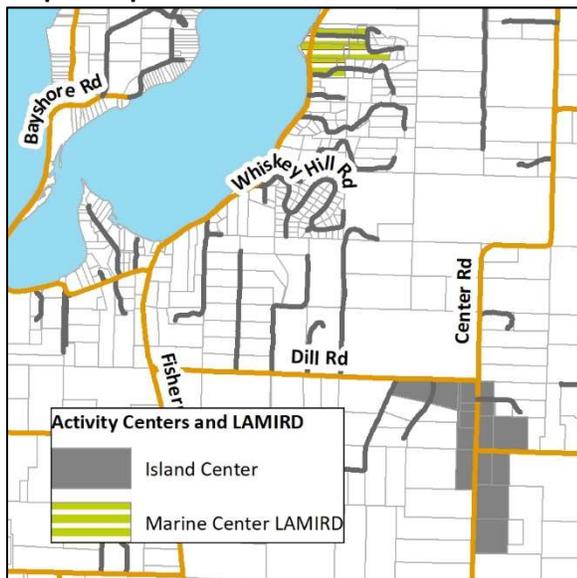
2. Map Change. Following approval of a Comprehensive Plan Official Map amendment, the County shall amend the official maps to reflect the change. The County shall also indicate on the official maps the number of the ordinance adopting the change.

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.

III Activity Centers and LAMIRDS

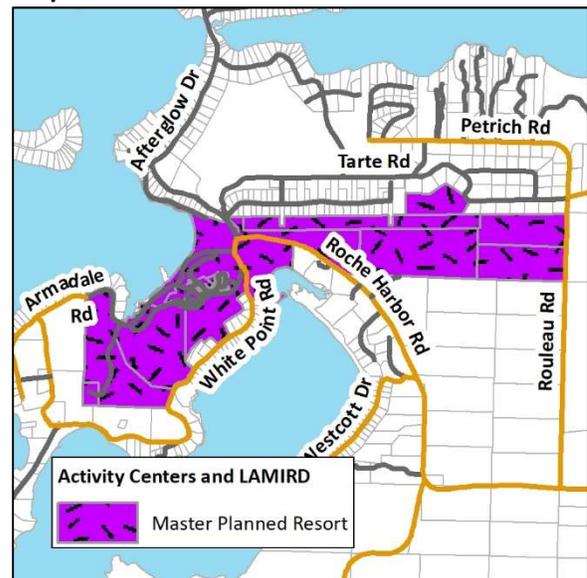
Maps 4 through 13 depict Activity Centers and LAMIRDS. Three of the four ferry-served islands have Activity Centers or LAMIRDS. Orcas Island has the largest concentration of these areas with nine Activity Centers and LAMIRDS: Rosario, Doe Bay, Olga, Eastsound Subarea, Orcas Village, Westsound, Deer Harbor, Island Center, and West Beach Resort. Lopez Island has two (Island and Marine Center LAMIRDS) and San Juan Island has one (Roche Harbor Master Planned Resort).

Map 4. Lopez Island LAMIRD.



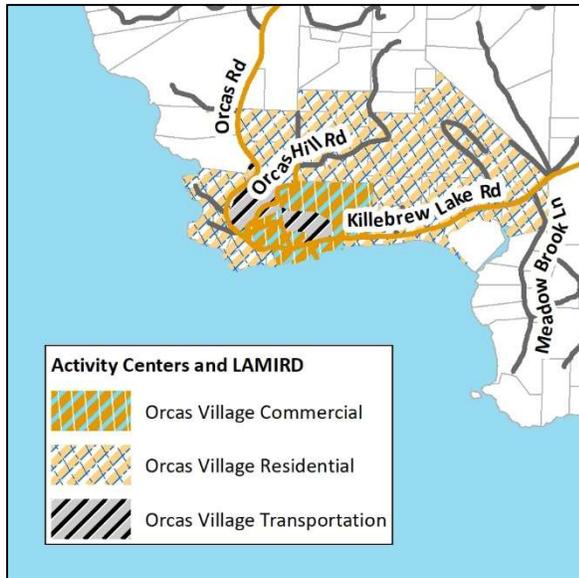
Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 5. Roche Harbor Master Planned Resort.



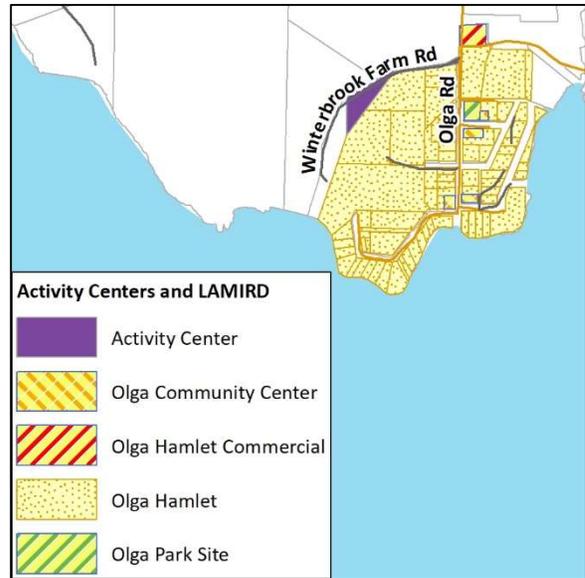
Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 6. Orcas Village Activity Center.



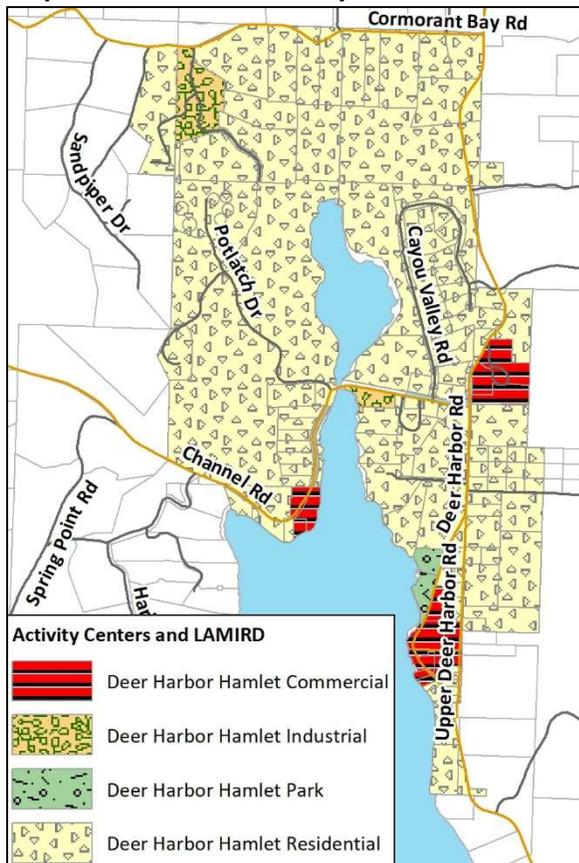
Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 7. Olga Hamlet Activity Center.



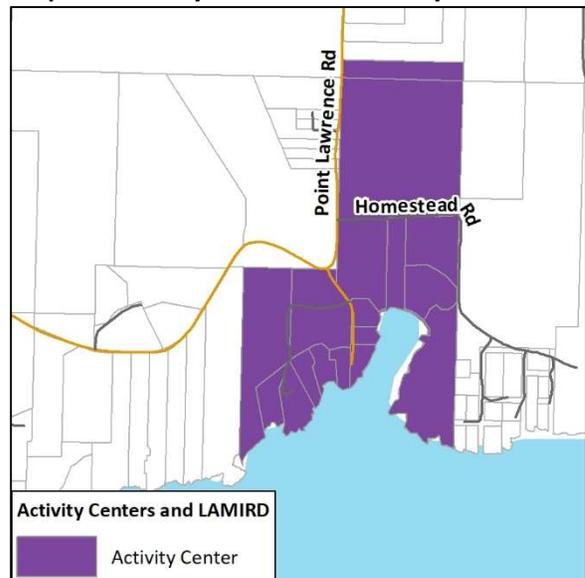
Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 8. Deer Harbor Activity Center.



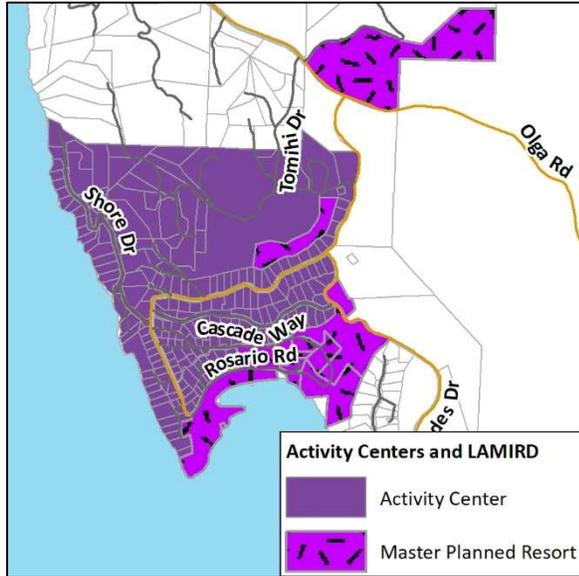
Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 9. Doe Bay Residential Activity Center.



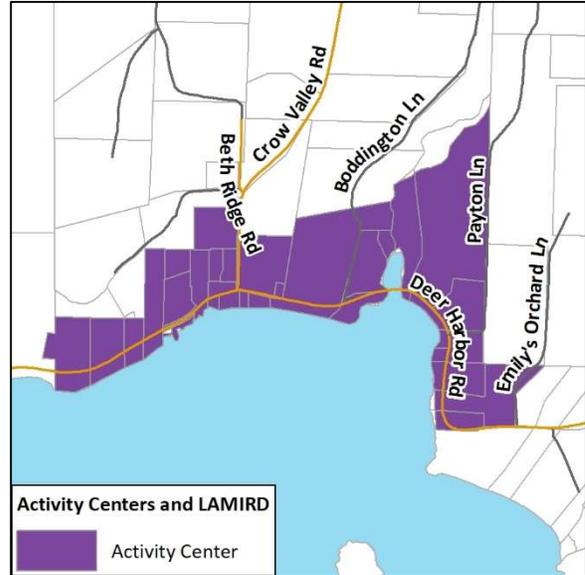
Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 10. Rosario Master Planned Resort and Residential Activity Center.



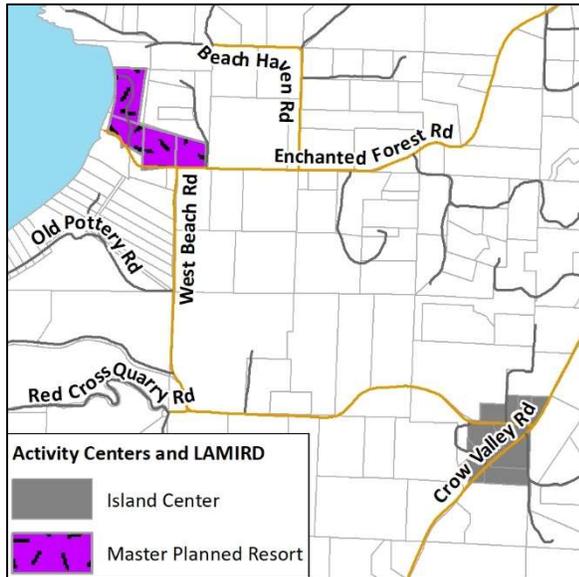
Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Maps 11. Westsound Residential Activity Center.



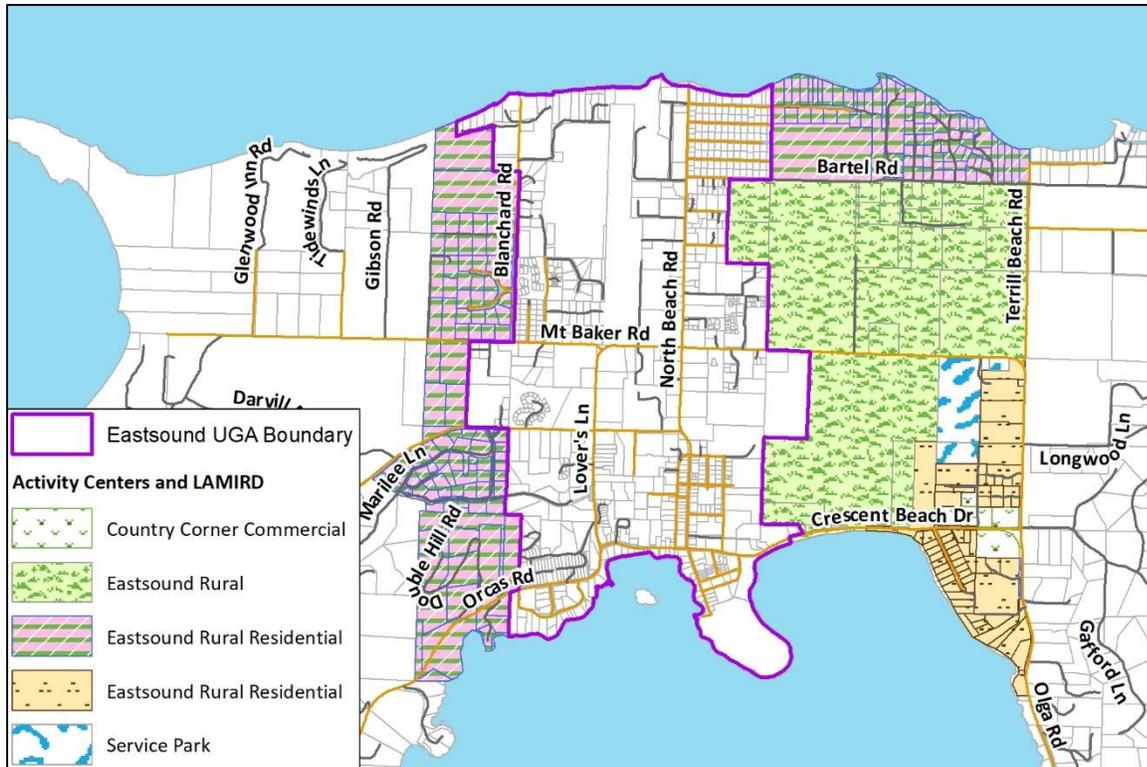
Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 12. West Beach Master Planned Resort and Island Center.



Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 13. Eastsound Subarea.



Source: San Juan County Comprehensive Plan Official Maps dated October 2019 and Eastsound Subarea Plan Official Map dated December 2010.

III.A Activity Center and LAMIRD land use policies

The goals and policies for Activity Centers and LAMIRDs are in *Plan* Element B.2 Land Use in Section 2.3.B. Activity Centers with subarea plans have goals and policies specific to that area. Possible changes to the general Activity Center and LAMIRD goals and policies in the *Plan* must not conflict with the subarea plans.

III.A.1 Can the County establish growth allocations for activity centers?

One Councilman requested to know if the County could re-distribute part of a UGA growth allocation to Activity Centers. The short answer is yes, allocating growth is a local choice. However, this may not be practical for many reasons because Activity Centers, Hamlets and Villages are types of LAMIRDs. LAMIRD boundaries are restricted by the GMA to areas within a ‘logical outer boundary’ determined at the time the LAMIRD was established.

The UGA growth allocation is a local choice under the GMA. The GMA does not address allocation of growth in Activity Centers. It does require urban development only take place within UGAs. In addition, rural and natural resource land development, for the most part, is required to take place outside of UGAs. The amount of growth allocated in UGAs is expressed in *Plan* Policy 2.3.A.12 noted below. This policy can be changed if some growth was to be allocated to Activity Centers:

“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.”

RCW 36.70A.070(5)(d), GMA requirements, limit LAMIRD to areas within a ‘logical outer boundary’ determined at the time the LAMIRD was established. The logical outer boundary is established with the following criteria from WAC 365-196-425(6)(c)(i)(C) and (D):

(C) The logical outer boundary must be delineated primarily by the built environment as it existed on the date the county became subject to the planning requirements of the act.

(I) Some vacant land may be included within the logical outer boundary provided it is limited and does not create a significant amount of new development within the LAMIRD.

(II) Construction that defines the built environment may include above or below ground improvements. The built environment does not include patterns of vesting or preexisting zoning, nor does it include roads, clearing, grading, or the inclusion within a sewer or water service area if no physical improvements are in place. Although vested lots and structures built after the county became subject to the act's requirements should not be considered when identifying the built environment, they may be included within the logical outer boundary as infill.

(III) The logical outer boundary is not required to strictly follow parcel boundaries. If a large parcel contains an existing structure, a county may include part of the parcel in the LAMIRD boundary without including the entire parcel, to avoid a significant increase in the amount of development allowed within the LAMIRD.

(D) The fundamental purpose of the logical outer boundary is to minimize and contain the LAMIRD. Counties should favor the configuration that best minimizes and contains the LAMIRD to the area of existing development as of the date the county became subject to the planning requirements of the act. When evaluating alternative configurations of the logical outer boundary, counties should determine how much new growth will occur at build out and determine if this level of new growth is consistent with rural character and can be accommodated with the appropriate level of public facilities and public services. Counties should use the following criteria to evaluate various configurations when establishing the logical outer boundary:

(I) The need to preserve the character of existing natural neighborhoods and communities;

(II) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;

(III) The prevention of abnormally irregular boundaries; and

(IV) The ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

The logical outer boundary of LAMIRD is allowed to change, but in very limited ways. WAC 365-196-425 (6)(c)(i)(E) states:

“(E) Once a logical outer boundary has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria

used when originally designating the boundary. **Counties should avoid adding new undeveloped parcels as infill, especially if doing so would add to the capacity of the LAMIRD** (emphasis added).”

The ‘logical outer boundary’ limitations on adjusting LAMIRD (and thus, activity centers) make allocating growth to Activity Centers challenging. Overall, Activity Centers are small. They have a limited amount of capacity for growth. As Activity Centers near full capacity, options for adding new capacity would be limited. In addition, the GMA discourages expansion of LAMIRD logical outer boundaries.

If desired, the appropriate place to establish a policy for allocating growth to the Activity Centers would be in the specific policies for Activity Centers and LAMIRDs in the Land Use Element.

III.A.2 Residential Activity Centers (RACs) without adopted subarea plans

Residential Activity Centers (RACs) are defined in Policy 2.3.B.1.d (Attachment A):

“Residential Activity Centers are residential areas that have existing development patterns more dense than one unit per five acres, some portion of which is served by non-rural levels of capital facilities or services.”

Three RACs, Westsound, Doe Bay, and the area around Rosario Resort, do not have subarea plans. They are subject to the Rural Residential (RR) land use regulations (SJCC 18.30.040). This limits them to primarily residential uses. The RR designation is a residential designation that does not allow many nonresidential uses. A RR policy 2.3.C.10.c.3 states:

“Prohibit cottage enterprises and commercial and industrial uses, other than home occupations and uses of comparable impact on residential use.” (Attachment A)

Limiting nonresidential uses in activity centers does not align with the goal for activity centers in Land Use Element Section 2.3.B. This goal states:

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

Employment opportunities and diverse uses are limited by the RR regulatory constraints. Doe Bay and Westsound have existing nonresidential uses, but new nonresidential uses are limited by the regulations.

The County may consider some policy amendments to address this issue as long as they do not allow low-density sprawl or adversely impact rural character. Several options for moving forward are:

- Clarify RAC policies to allow a mix of employment opportunities through a greater mix of other uses and amend the land use tables in the County code.
- Plan to provide resources to help these communities develop subarea plans.
- Make no changes.

III.A.3 Allowed uses in Island Center

Two places in the County are designated Island Center. One is near the intersection of West Beach and Crow Valley Roads on Orcas Island (Map 12). The other is the around the intersection of School and Center Roads on Lopez Island (Map 4). Island Center property owners on Lopez Island expressed a need to allow more diverse commercial uses in their Island Center. A request to allow residential uses in Island Center was submitted by the Lopez Island School District in 2019. Residential uses are prohibited in Island Centers unless they are accessory to an allowable use. Additionally, SJCC 18.30.030 prohibits some commercial uses including eating establishments, drinking establishments, and professional services.

The primary purpose of LAMIRDs is to provide commercial and industrial capacity in rural areas where these uses have historically existed. *Plan* Policy 2.3.B.1.c defines island centers, specifically stating:

“Island Centers differ from other Activity Centers in that they generally do not have a high density residential component included within the center boundaries, and new residential development (except where accessory to commercial or industrial use) should be prohibited.”

SJCC 18.30.030 Land use table – Activity center land use designations regulates Island Center land uses. Limitations on the allowed uses, particularly residential uses, in Island Center prevent these areas from being developed with uses that may be incompatible with historical industrial and commercial uses. These limitations also prevent low-density sprawling residential development, a GMA requirement. The code also prohibits some commercial and industrial uses.

The GMA does not limit specific uses in LAMIRD. It does require that uses and developments within LAMIRD be contained within the logical outer boundary, consistent with the character of the surrounding area, and that they do not permit sprawling low-density development (RCW 36.70A.070 (5)(d)). Most of the adopted limitation on allowed uses in Island Center is a local choice.

During the *Plan* update, goals and policies specific to Island Center could be amended to provide more clear policy direction regarding allowed land uses.

III.A.4 Deer Harbor Subarea Plan

On February 24, 2020, the Deer Harbor Planning Review Committee (DHPRC) submitted a request for amendment of the Deer Harbor Hamlet Subarea Plan (Attachment B). Staff met with two representatives from DHPRC in February 2020, to clarify their request.

The DHPRC proposes to remove the Deer Harbor Community Center Overlay (DHCCO) (Map 14 below) from the Official Maps. The underlying designation of the DHCCO is Hamlet Residential (HR). A re-designation to Hamlet Commercial is proposed. The proposal would also eliminate the DHCCO implementing development regulations, and amend SJCC 18.30.310. The request is to broaden the allowed uses and reduce permit requirements for commercial uses in DHHC by changing SJCC 18.30.310.

The purpose of the proposal is to remove barriers to new commercial development. Under the DHCCO, a planned unit development (PUD) for the entire DHCCO is required before commercial development is allowed. Most of the parcels within the DHCCO are owned by different property owners; making an agreed upon PUD difficult.

Removing the DHCCO alone would not necessarily allow more commercial development because the underlying area is designated Deer Harbor Hamlet Residential (DHHR). The DHHR designation, as regulated by SJCC 18.30.310 Permitted Land Uses, allows seven commercial land uses (Table 2 below).

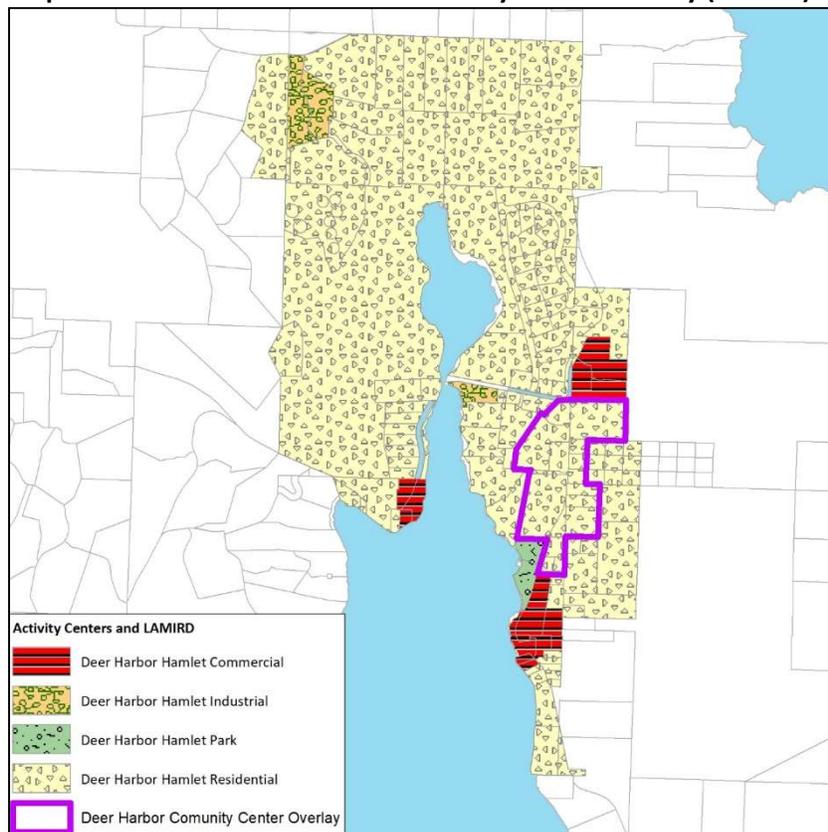
Table 2. Commercial Uses Allowed in the Deer Harbor Hamlet Residential Land Use Designation.

Use	Required Permit
Bed and Breakfast Inn	Conditional
Bed and Breakfast Residence	Provisional
Daycare	Varies based on amount of children
Hotel/Motel	Conditional
Joint Use Wireless Facility	Varies by category of facility
Personal Wireless Service Facility	Varies by type of facility
Residential Care Facilities (1 – 6 people)	Conditional

Source: SJCC 18.30.310

Re-designating the area within the DHCCO to Deer Harbor Hamlet Commercial (DHHC) would allow a greater range of commercial uses in the area. Staff will meet with the DHPRC in the coming months to get additional comments on possible changes to the Official Maps.

Map 14. Deer Harbor Hamlet Community Center Overlay (DHCCO).



Source: 2020 Comprehensive Plan Official Maps dated October 2019 and Deer Harbor Hamlet Subarea Plan Official Maps dated November 8, 2016.

III.A.5 Master Planned Resorts without an adopted plan

There are three Master Planned Resorts (MPRs) in the County, Roche Harbor, Rosario, and West Beach. West Beach Resort has not adopted a master plan limiting its development. If a change is desired, options are:

- Require West Beach Resort to adopt a master plan;
- Amend the requirements in SJCC 18.90.060(I)(3); or
- Remove the MPR designation and amend the land use designation.

Land uses and development within MPRs is regulated by the adopted master plan for each resort. The *Plan* describes MPRs in Policy 2.3.B.1.e:

“Master Planned Resorts are self-contained and fully integrated planned unit developments, in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. They may contain other residential uses and commercial activities within their boundaries, but only if these uses are integrated into and support the on-site recreation nature of the resort. Master Planned Resorts may be within other activity centers.”

Currently, the *Plan* does not have an adopted policy for addressing an MPR without an adopted plan. The issue is addressed in SJCC 18.90.060 (A)(2):

2. Existing Resorts without Approved Master Plans.

a. Before receiving development approval for any new development (including buildings, paved areas and parking, and docks) cumulatively exceeding 4,000 square feet, new phase of development, new land division, new plan amendment-type of use, or change or addition to the allowable uses, any existing MPR that has not developed a master plan shall establish a schedule and develop a master plan to meet the requirements of this section, SJCC 18.30.060, 18.60.190, and other applicable sections of this code.

b. The requirements of subsection (A)(2)(a) of this section do not apply to any development for which a permit has been granted or for which a complete application is made prior to the adoption of this code.

San Juan County Code 18.90.060(I)(3) has additional repercussions for an MPR without a master plan:

3. New Master Plan for an Existing MPR. The master plan shall be submitted to the planning department within two years of the date of adoption of the Comprehensive Plan.

a. An extension of up to one year may be granted by the director if the proponent demonstrates good cause for an extension. Subsection (A)(2)(a) of this section will continue to apply during that period.

b. If no extension is granted, or the extension expires without submittal of the master plan, the director shall accept no further development applications and grant no further development approvals for the MPR until the director accepts a master plan application as meeting the requirements of subsection (D)(2) of this section.

c. If subsection (I)(3)(b) of this section has applied for one year, or if the proponent submits a letter stating that it does not intend to develop a master plan, the director will recommend to the County council the revocation of the MPR designation and MPR land use district designation.

III.A.6 Additional types of Limited Areas of More Intense Rural Development (LAMIRDs)

The County has the option to adopt policies related to two new types of LAMIRDs. In the years since the initial adoption of the *Plan*, additional LAMIRD options were added to the GMA. WAC 365-196-425(6) now allows for three types of LAMIRDs (Attachment A). New Types 2 and 3 are allowed by conditional use permit. They are not required to be designated on the Official Maps. The benefit of allowing the new LAMIRD types is additional economic opportunity. The three LAMIRD types are:

- **Type 1 LAMIRD** – Isolated areas of existing more intense development. Type 1 LAMIRD is the type currently designated in the County. They are constrained to the logical outer boundary as designated on the Official Maps. Within these areas, rural development consists of infill, development, or redevelopment of existing areas. These areas may include a variety of uses including commercial, industrial, residential, or mixed-use areas. These may be also characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments (WAC 365-196-425 (6)(c)(i));
- **Type 2 LAMIRD (new option)** – Small-scale recreational uses. Counties may allow small-scale tourist or recreational uses in rural areas. Small-scale recreational or tourist uses rely on a rural location and setting and need not be principally designed to serve the existing and projected rural population (WAC 365-196-425 (6)(c)(ii); and
- **Type 3 LAMIRD (new option)** – Small-scale businesses and cottage industries. Counties may allow isolated small-scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites (WAC 365-196-425 (6)(c)(iii)).

The GMA does not require the County to adopt LAMIRD types 2 and 3 although these options allow greater flexibility in accommodating commercial and recreational uses in rural areas. The increased flexibility may spur additional nonresidential development in areas that could be served by rural governmental services.

If desired, goals, policies, and development regulations for LAMIRD types 2 and 3 could be proposed that:

- Are consistent with the County's adopted vision, goals and policies, and
- Ensure that development is consistent with the County's definition of rural character.

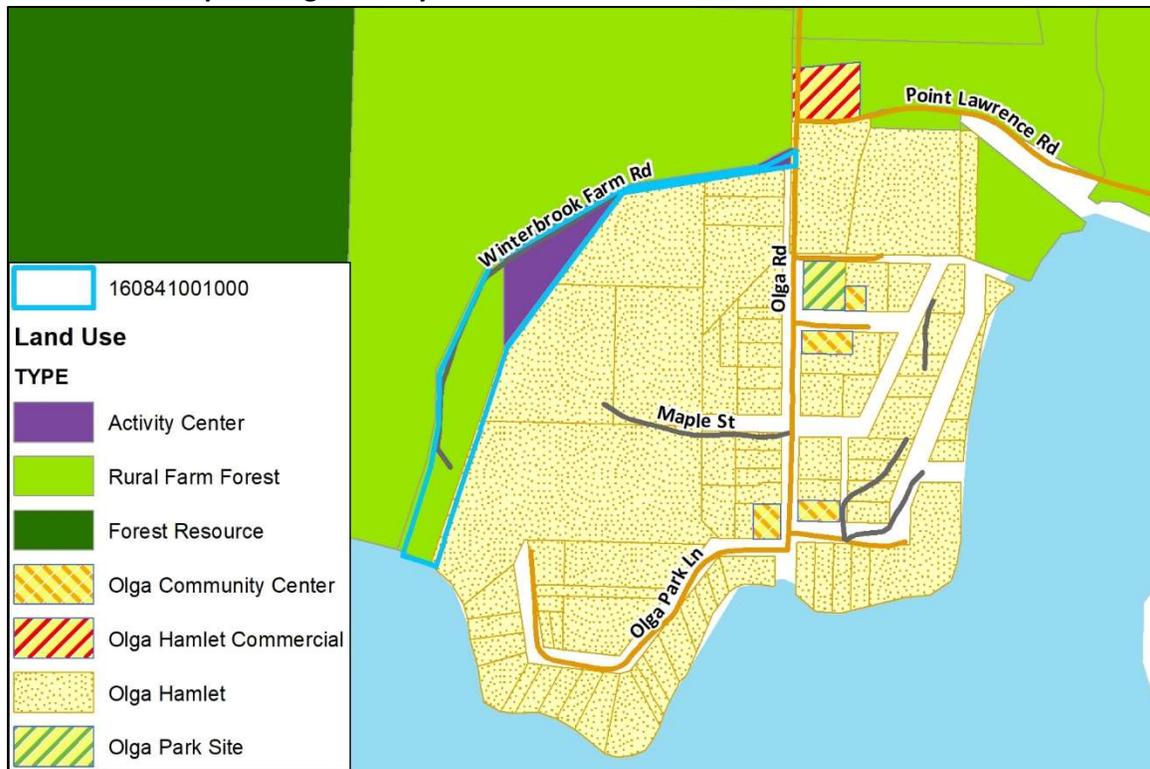
III.B Activity Center and LAMIRD possible map amendments

III.B.1 Olga boundary correction

An area on the northern border of the Olga Activity Center is designated Activity Center (purple area on Map 15 below) although it is not on the Olga Subarea Plan Official Maps. As a result, TPN 160841001000 is split-designated. One portion is designated Residential Activity Center (RAC) and the other is designated Rural Farm Forest (RFF). The parcel is already developed with a single-family residence on the southern edge of the parcel near the shoreline. The area designated RAC is undeveloped.

This split-designation can be resolved by re-designating the entire lot under a single designation. It appears that this area was intentionally excluded from the Olga Subarea Plan Official Maps Activity Center designation. If that is the case, the entire parcel can be designated RFF, consistent with the remainder of the parcel including the developed area.

Map 15. Olga Activity Center and Tax Parcel Number 160841001000.



Source: 2020 Comprehensive Plan Official Maps, dated October 2019.

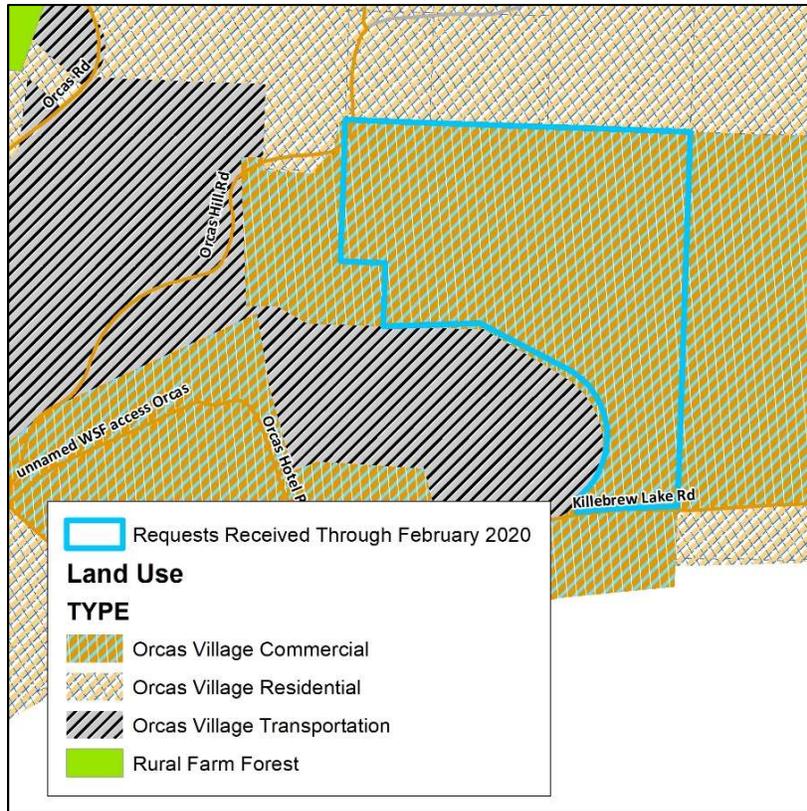
III.B.2 Activity Center and LAMIRD map amendment requests

One request was received to amend the Orcas Village Subarea Plan land use map (Maps 15 and 16). Patrick Kirby requested that the County re-designate the northern two acres of TPN 262222012000 from Orcas Village Commercial (OVC) to Orcas Village Residential (OVR). The subject parcel (TPN 262222012000) is one of the few developable parcels designated OVC. According to the LCA, there are nine developable parcels in the Orcas Village Commercial Land Use Designation.

Multi-family residential (three or more units) and two-family residential are allowed in the OVC designation. The proposed re-designation would allow development of single-family homes. The surrounding land uses are:

- North: Residential;
- South: Open Space;
- East: Commercial; and
- West: Transportation (Orcas Ferry Landing).

Map 15. Activity Center Land Use Review Request.



Map 16. Activity Center Map Amendment Request.



Maps 15 and 16 Source: San Juan County Comprehensive Plan Official Maps, dated October 2019 and 2016 San Juan County Aerials.

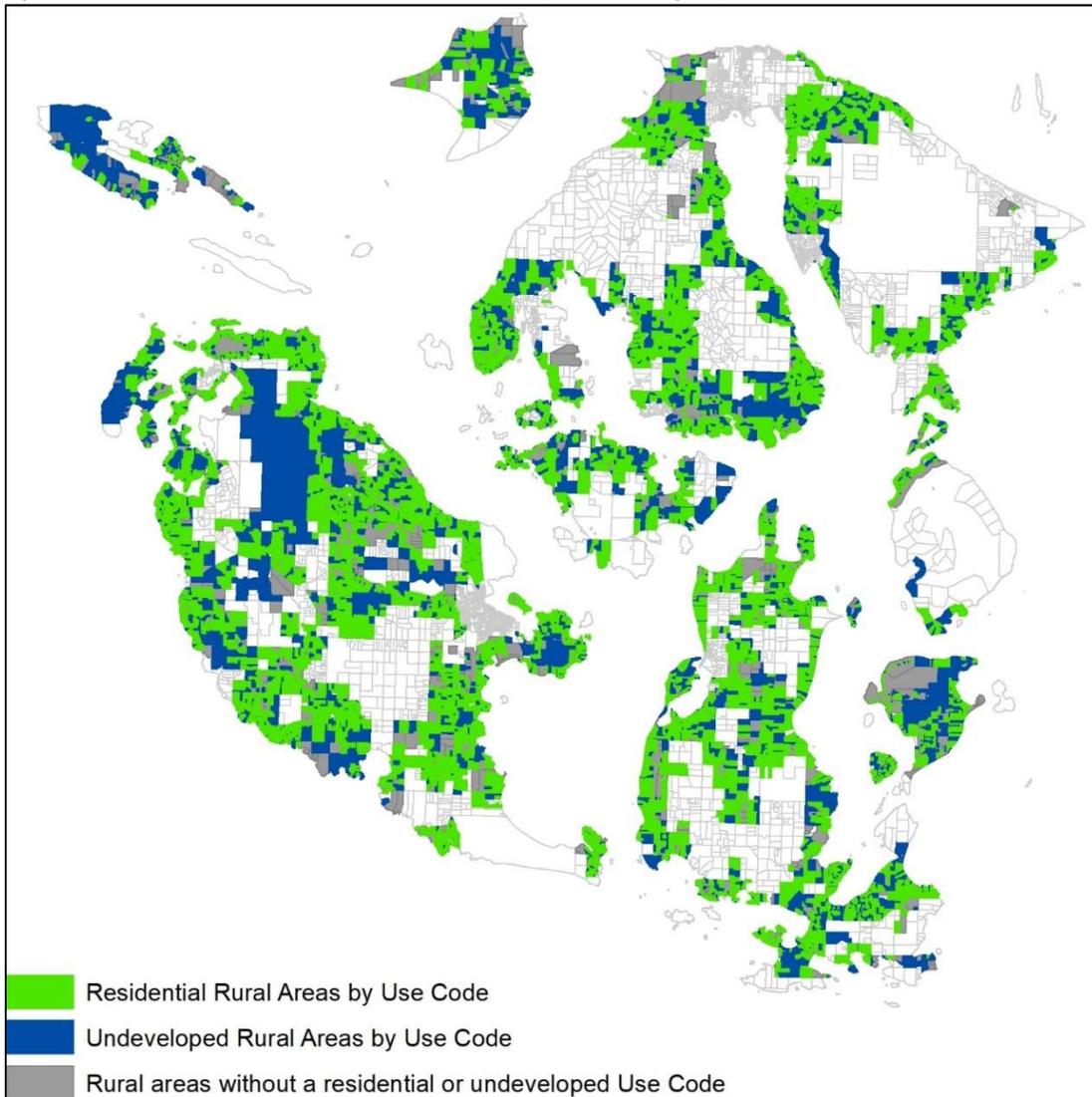
IV Rural areas outside LAMIRDs and Activity Centers

Rural areas outside of LAMIRDs and Activity Centers comprise the majority of land in the County, including:

- Rural Farm Forest (RFF);
- Rural Residential (RR);
- Rural General Use (RGU);
- Rural Industrial (RI); and
- Rural Commercial (RC).

These rural areas are primarily residential in nature. San Juan County Code requires most nonresidential uses are required to be accessory to a residence (i.e. cottage enterprise). Of the roughly 47,000 acres designated Rural Farm Forest (RFF), about 22,000 acres or 48 percent have residential uses (based on Assessor's use codes). Approximately 18,000 acres or roughly 38 percent of the total RFF are undeveloped (based on Assessor's use codes). Map 17 below shows the location of residential, undeveloped and other land use codes in rural areas.

Map 17. Rural Area Distribution of Residential, Undeveloped, and Other Assessor's Use Codes.



Source: San Juan County parcel data.

IV.A Rural land use policies

The goals and policies for rural areas are adopted in the *Plan* Element B.2 Land Use in Section 2.3.C. Rural policies include the designation criteria for all rural designations in Policy 2.3.C.10 (Attachment A). Goals and policies for rural areas and LAMIRDs will be moved into a separate Rural Element during the *Plan* update.

IV.A.1 Definition of rural character

The preservation of rural character is a central requirement of the GMA. The GMA and County definitions of rural character are discussed on page 5. A carefully considered definition helps determine how development may affect rural character. The County's rural character definition is not in the *Plan*; it is only in Chapter 18.20 SJCC. During the update, we can add the County's definition into the Rural Element.

IV.A.2 Rural density criteria policy

The intent behind the assignment of some densities on the Official Maps is not well defined. The *Plan* does not have policy criteria for assigning density for all designations. Without policy direction in the *Plan*, the intent behind the densities is not expressly clear.

Plan Element B.2 Land Use, Section 2.1.C describes density assignments (Attachment A). Density is expressed as the number of dwelling units allowed per acre in rural areas. For example, an area with a density of '5' allows a maximum density of one dwelling unit per five acres.

Adopting clear policy about why some areas allow one dwelling unit per five acres and others allow one dwelling unit per ten acres would help resolve this issue. Policies establishing rural density designation criteria could be adopted in the Rural Element. Creating policies that clearly define how to assign densities would provide direction for map changes. Because subarea plans for the UGAs and most Activity Centers include density policies, policy is primarily needed for the rural lands outside of areas with adopted subarea plans.

Adopting policies that define the density designation criteria will make the *Plan* and Official Maps more defensible. If the new policies are desired to set criteria for assigning density, staff will prepare the draft benchmarks and the density assigned on the Official Maps will be reviewed for consistency. Further discussion about density designations and the Official Maps is provided in Section IV.B.1 below.

IV.B Rural land use map topics

IV.B.1 Rural density designations

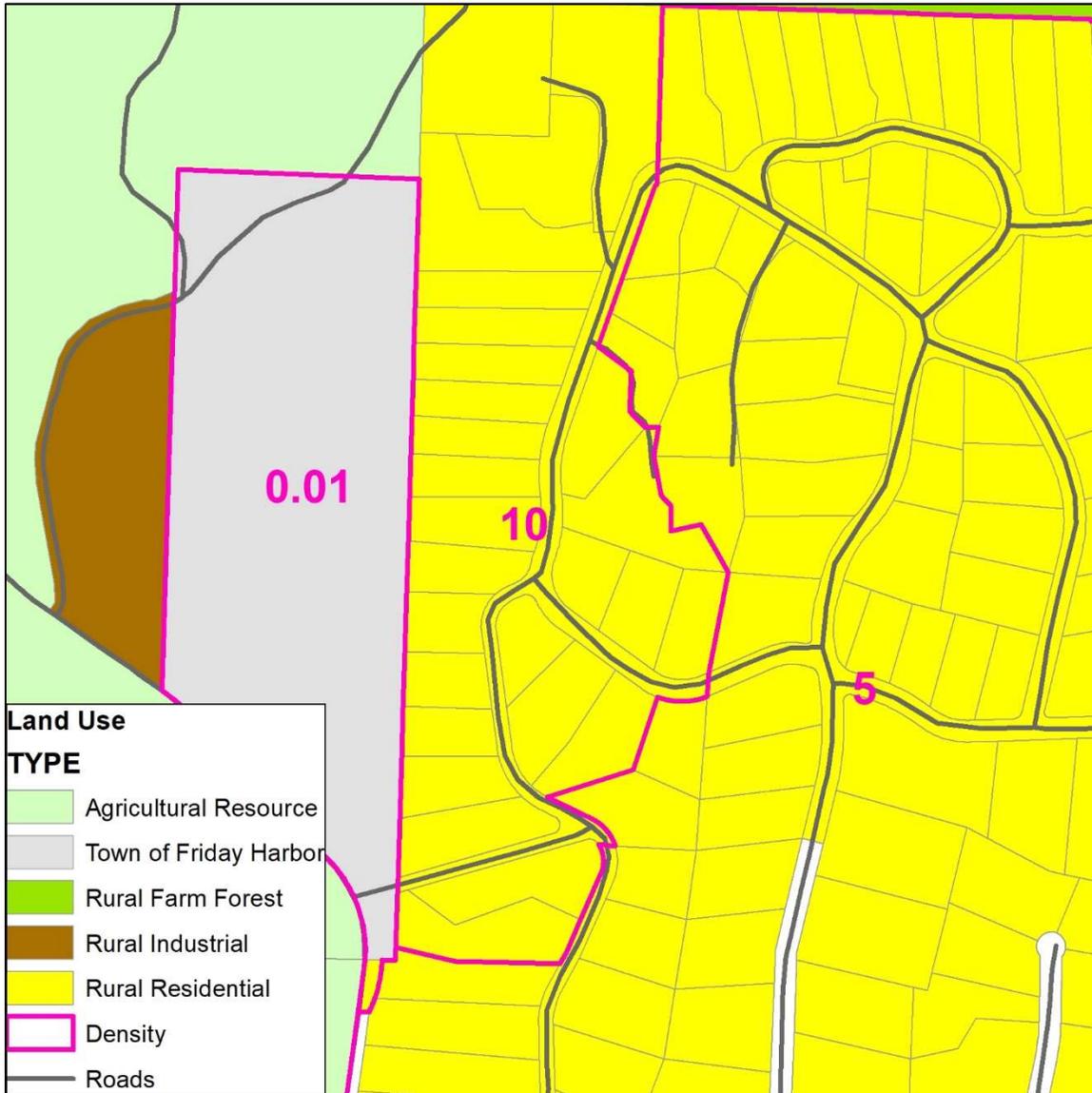
The density designations on the Official Maps determine the maximum allowed density throughout the County. As discussed in Section IV.A.2 above, the *Plan* does not have policies describing how density is assigned for some areas. The Land Use Element B.2 Section 2.1.C explains that the assigned densities on the Official Maps came from those adopted in 1979, as modified to eliminate densities counter to the GMA mandate to prevent residential sprawl. In some instances, the intent behind the assigned densities is not clear because there is no *Plan* policy about assigning density.

Map 18 shows the Hillview Terrace neighborhood on San Juan Island with split densities. It was platted in 1980 in Hillview Terrace No. 3 long plat. The density is split between five and ten acres per dwelling. The

average lot size in the area around the boundary is about one and a half acres. Without an adopted policy, here is no way to understand the intent of the density split.

The density boundaries do not follow a logical boundary in other places. Some of the map amendment requests described in Section IV.B.4 highlight such areas. If density assignment policies are adopted, the Official Maps will be reviewed to ensure consistency with the criteria.

Map 18. Density Boundary Example.



Source: 2020 Comprehensive Plan Official Maps, dated October 2019.

Note: The density numbers on Map 18 refer to the number of acres per dwelling unit.

IV.B.2 Possible unintended nonconformities

Land use designations on the Official Maps determine what and where different land use regulations apply. If a use, structure, site or lot is located in given land use designation that does not meet the current regulations, it is considered 'nonconforming'. The nonconforming definitions are found in SJCC 18.20.140 "N" definitions:

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

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

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

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

Typically, a nonconformity is intended to be replaced by conforming uses and structures as new development takes place. For example, if a single-family residence is a nonconforming use in a designated industrial area, the intent of creating that nonconformity is that single-family residential uses will be supplanted by industrial uses as the industrial area develops or re-develops. The *Plan* and development regulations allow nonconformities to continue to exist but changes to the use or structure cannot increase the degree of nonconformity. Even with these allowances, nonconforming uses and structures are limited.

There are places where the land use designation on the Official Maps create a nonconforming use or structure out of uses and structures that existed prior to when the *Plan* was adopted. In some instances, this makes sense because the nonconformity can be replaced with conforming development over time. In other cases, the creation of a nonconformity is unintended, counter to other policy goals, and unduly encumbers existing development.

An example of an unintended nonconforming use is the Shaw Island School constructed in 1890. It is nonconforming to its Natural (N) land use designation and SJCC 18.30.040. The land use regulations prohibit primary and secondary schools in this designation. It is unlikely that the County would want the school to be re-developed with a conforming use.

Table 3 identifies some nonconformities that were probably unintentional. It is not a comprehensive list. Staff will conduct additional review of the Official Maps as we move forward. In some cases, it may make sense to change the designation after considering the potential and impact of “spot” re-designations.

Table 3. Possible Unintended Nonconformities to San Juan County Code 18.30.040.

TPN	Designation	Use	Why it is nonconforming	Surrounding Uses
263322001000	Natural (N)	Shaw Island School	Use prohibited in N designation	N: institutional S: Open Space E: Institutional, Convent W: Open Space
260912002000	Rural Farm Forest (RFF)	Commercial and Industrial uses: Westsound Marina, Orcas Island	Retail sales, warehouse, equipment rental, and outdoor storage yards prohibited in RFF	N: Residential S: Residential E: Residential W: Water
352333002000	RFF	Retail Sales The Corner Store, San Juan Island	Retail sales prohibited in RFF	N: Residential S: Residential E: Residential W: Residential and Industrial
141824005000	Rural Residential (RR)	Retail Sales Southend Market, Lopez Island	Retail sales prohibited in RR	N: Residential S: Residential E: Residential W: Residential
152150064000	RR	Decatur Island Airstrip	Airstrips prohibited in RR	N: Undeveloped S: Open Space E: Residential W: Open Space
152950192000	RR	Center Island Airstrip	Airstrips prohibited in RR	N: Residential S: Residential E: Residential W: Residential
162832001000	RR	Blakely Island Airstrip	Airstrips prohibited in RR	N: Residential S: Residential E: Residential W: Residential
472741001000	RR	Stuart Island Airstrip	Airstrips prohibited in RR	N: Residential S: Undeveloped E: Water W: Water
261950078000	N	Crane Island Airstrip	Airstrips prohibited in N	N: Water S: Residential E: Undeveloped W: Undeveloped
351341008000 and 351341006000	RR	Shipyard Cove and Jensen's Marina, San Juan Island	Many commercial and industrial uses that may be associated with the marina are prohibited in RR	N: Water S: Undeveloped E: Water W: Undeveloped
See 16-0001 in Table 4	RFF	Community Treasures	Retail sales and recycling collection prohibited in RFF	N: Residential S: Undeveloped E: Residential W: Undeveloped

Note: The information in Table 3 is identified for planning purposes only. This information is not a determination as to whether or not a use or structure was legally established.

The nonconformities identified in Table 3 are mostly the result of land use designations on the Official Maps applied to areas that may not fit the designation criteria in Land Use Element Policy 2.3.C.10 (Attachment A). The land use designations on the Official Maps will be reviewed for consistency with the policy criteria to ensure that existing uses are properly designated to eliminate unintended nonconformity.

IV.B.3 Rural General Use (RGU) and commercial lands outside of UGA, LAMIRD, and Activity Centers

Land use designations outside of UGAs, LAMIRDS, and Activity Centers that allow commercial and industrial uses are limited. These include the Rural Commercial (RC), Rural Industrial (RI), and Rural General Use (RGU) designations. The designation criteria for RC and RI limit these designations to places that have existing commercial or industrial uses (Policies 2.3.C.10.d.1 and 2.3.C.10.e.1, Attachment A). The designation criteria for RGU requires an existing mix of residential, resource, commercial, and industrial uses (Policy 2.3.C.10.a.1, Attachment A).

Some places designated for commercial and industrial development may not be ideal. Much of Decatur Island is designated RGU but is largely developed with residential uses. Because it is a non-ferry served island, it is unlikely to attract commercial or industrial development. There has been a general interest in redistributing some of the Decatur Island designated RGU to other islands. A re-designation analysis of the RGU designation is in progress.

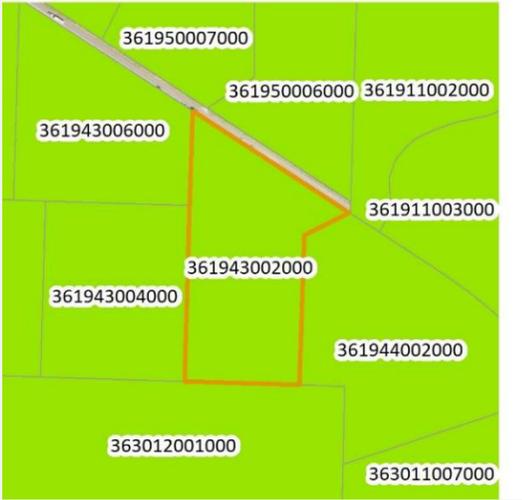
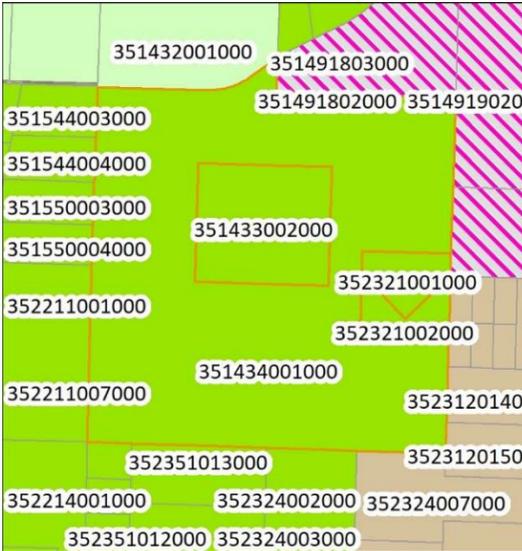
Staff met with John Kulseth, County Assessor, in February to discuss existing uses on Decatur Island. Staff used the Assessor's data and aerial maps to identify existing land uses. They will be compared to the uses allowed in their land use designation. Afterwards, staff will visit the island to review a draft map of potential designation changes and hold a public meeting will be held on Decatur Island to review potential map changes.

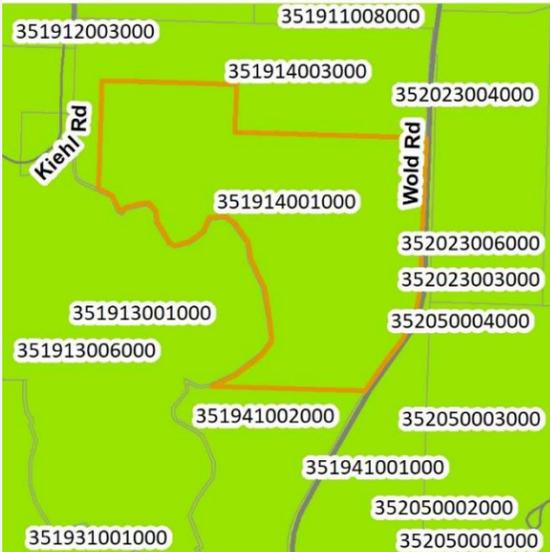
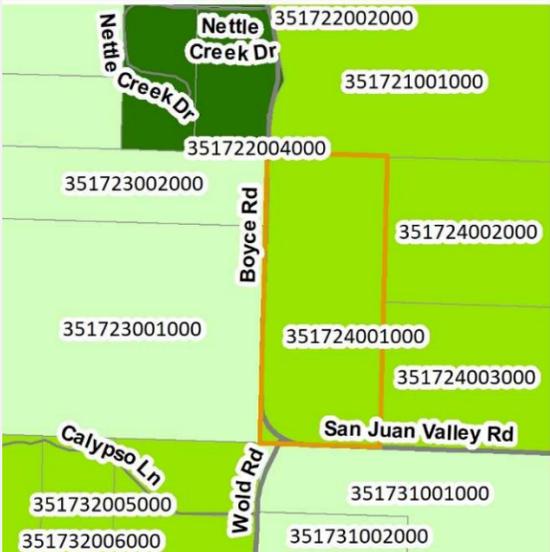
The County will consider the distribution of commercial and industrial land use designations outside of UGA, LAMIRDS, and Activity Centers during the *Plan* update. There may be places in the County that meet the RC, RI, or RGU criteria that are not designated as such and suitable for additional commercial or industrial rural development.

IV.B.4 Requests for map designations or density amendments

Throughout the *Plan* update, property owners submitted requests for changes to their map designations or densities. Table 4 below includes a summary of the requests, a link to each request, and a brief description of the surrounding land uses.

Table 4. Requests for Official Maps Designation or Density Amendments.

Request Number	Island	TPN Address	Applicant Name	Summary of Request		
16-0001	San Juan	361943002000 6739 Roche Harbor Road	Frank Penwell			<p>Change designation from Rural Farm Forest (RFF) to Rural General Use (RGU) or Rural Commercial (RC) to make the existing use conforming. This parcel is the location of Community Treasures, a private organization that offers recycling collection and a consignment store. A conditional use permit was approved in 2013 for expansion and modification of the nonconforming use on the parcel (PCUP00-13-0008).</p> <p><u>Surrounding land use and designation</u></p> <p>North: Residential, RFF South: Undeveloped, RFF East: Residential, RFF West: Undeveloped, RFF</p> <p>Link to Request: https://www.sanjuanco.com/DocumentCenter/View/14774</p>
18-0013	San Juan	351434001000 351433002000 352321001000 352321002000 176 Sea Breeze Lane	Francine Shaw (Agent for Fleming and Waters)			<p>Re-designate four parcels totaling 162.5 acres from Rural Farm Forest (RFF) to Rural General Use (RGU). The parcels are currently either undeveloped or developed with residential uses. The purpose of the proposal is to do a wider range of commercial uses, perhaps resort, camp or school.</p> <p>Change from RFF to RGU, description above.</p> <p>TPN 351434001000 is 132.45 undeveloped acres. TPN 351433002000 is 20 acres, developed with a single-family residence and a barn. TPN 352321001000 is 5 undeveloped acres. TPN 352321002000 is 5 acres developed with residential uses.</p> <p><u>Surrounding land use and designation</u></p> <p>East: Airport, RGU and Friday Harbor Incorporated UGA West: Residential, RFF designation North: Agriculture and Ag Resource Land designation, Agricultural resource land designation and Friday Harbor Incorporated UGA 9 Hospital South: Undeveloped, RFF and RGU designations.</p> <p>Link to Request: https://www.sanjuanco.com/DocumentCenter/View/14772</p>

Request Number	Island	TPN Address	Applicant Name	Summary of Request		
18-0011	San Juan	351914001000 1104 Wold Rd.	Wayne and Deborah Eshelman			<p>Increase the maximum allowed density from 1 dwelling unit per 10 acres to 1 dwelling unit per 5 acres to allow for more residential development on the parcel.</p> <p>The area to the east of Wold Road has a maximum density of 1 dwelling unit per 10 acres The area to the west of Wold Road has a maximum density of 1 dwelling unit per 5 acres.</p> <p>The subject property is in the shoreline jurisdiction with the shoreline designation RFF.</p> <p><u>Surrounding land use and designation</u></p> <p>North: Residential, RFF South: Residential, RFF East: Residential, RFF West: Residential, RFF</p> <p>Link to Request: https://www.sanjuanco.com/DocumentCenter/View/14768</p>
18-0006	San Juan	351724001000 98 Boyce Road	Frank and JoAnne Buchanan			<p>Increase the maximum allowed density from 1 dwelling unit per 10 acres to 1 dwelling unit per 5 acres to allow for more residential development. Surrounding parcels have a maximum allowed density of 1 dwelling unit per 10 acres.</p> <p>The subject property is in the RFF designation.</p> <p><u>Surrounding land use and designation</u></p> <p>North: Wildlife Rehabilitation Center, RFF South: Residential, Agricultural Resource (AG) East: Agriculture, RFF West: Agriculture, AG</p> <p>Link to Request: https://www.sanjuanco.com/DocumentCenter/View/14770</p>

Request Number	Island	TPN Address	Applicant Name	Summary of Request		
19-0003	Lopez	241021002000	Loren Burt and Marianne Karuza			<p>The density boundary now splits the parcel between a maximum density of 5 and 20 acres per dwelling unit. Adjust density boundary line to follow the western border of the subject parcel to remove the split density. Make the whole parcel one dwelling unit per five acres.</p> <p>The parcel is in the shoreline with the Conservancy shoreline designation.</p> <p><u>Surrounding land use and designation</u></p> <p>North: Residential, RFF and AG South: water East: Undeveloped, AG West: Residential, RFF</p> <p>Link to Request: https://www.sanjuanco.com/DocumentCenter/View/18151/</p>

March 4, 2020

Attachment A

SELECTED RURAL GMA REQUIREMENTS, GOALS, POLICIES, AND
REGULATIONS

ADAM ZACK, PLANNER III

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I. Selections from Chapter 36.70A Revised Code of Washington (RCW)

The following selections from Chapter 36.70A RCW are some of the key sections related to rural lands from GMA.

RCW 36.70A.020 (2), (9), and (10) Planning Goals

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

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

RCW 36.70A.030 (20), (21), and (22) Definitions

(20) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(21) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(22) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

RCW 36.70A.070 (1) and (5) Mandatory Elements

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to *RCW 36.70A.030(16). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to *RCW 36.70A.030(16). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also

include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

RCW 36.70A.360 Master Planned Resorts

(1) Counties that are required or choose to plan under RCW 36.70A.040 may permit master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. A master planned resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

(2) Capital facilities, utilities, and services, including those related to sewer, water, stormwater, security, fire suppression, and emergency medical, provided on-site shall be limited to meeting the needs of the master planned resort. Such facilities, utilities, and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts, provided that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort. A master planned resort and service providers may enter into agreements for shared capital facilities and utilities, provided that such facilities and utilities serve only the master planned resort or urban growth areas.

Nothing in this subsection may be construed as: Establishing an order of priority for processing applications for water right permits, for granting such permits, or for issuing certificates of water right; altering or authorizing in any manner the alteration of the place of use for a water right; or affecting or impairing in any manner whatsoever an existing water right.

All waters or the use of waters shall be regulated and controlled as provided in chapters 90.03 and 90.44 RCW and not otherwise.

(3) A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

(4) A master planned resort may be authorized by a county only if:

(a) The comprehensive plan specifically identifies policies to guide the development of master planned resorts;

(b) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the master planned resort, except in areas otherwise designated for urban growth under RCW 36.70A.110;

(c) The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forestland or agricultural land under RCW 36.70A.170;

(d) The county ensures that the resort plan is consistent with the development regulations established for critical areas; and

(e) On-site and off-site infrastructure and service impacts are fully considered and mitigated.

RCW 36.70A.362 Master Planned Resorts – Existing Resort May be Included

Counties that are required or choose to plan under RCW 36.70A.040 may include existing resorts as master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. An existing resort means a resort in existence on July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities. An existing resort may include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort.

An existing resort may be authorized by a county only if:

(1) The comprehensive plan specifically identifies policies to guide the development of the existing resort;

(2) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the existing resort, except in areas otherwise designated for urban growth under RCW 36.70A.110 and * 36.70A.360(1);

(3) The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the existing resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forestland or agricultural land under RCW 36.70A.170;

(4) The county finds that the resort plan is consistent with the development regulations established for critical areas; and

(5) On-site and off-site infrastructure impacts are fully considered and mitigated.

A county may allocate a portion of its twenty-year population projection, prepared by the office of financial management, to the master planned resort corresponding to the projected number of permanent residents within the master planned resort.

II. Selections from Chapter 365-196 Washington Administrative Code (WAC)

WAC 365-196-050 Regional and Local Variations

(1) Regional and local variations and the diversity that exist among different counties and cities should be reflected in the use and application of these procedural criteria.

(2) Recognition of variations and diversity is implicit in the act's framework, with an emphasis on a "bottom up" planning process and on public participation. Such recognition is also inherent in the listing of goals without assignment of priority. Accordingly, this chapter seeks to accommodate regional and local differences by focusing on an analytical process, instead of on specific outcomes.

(3) Local plans and development regulations are expected to vary in complexity and in level of detail depending on population size, growth rates, resources available for planning and scale of public facilities, and services provided.

(4) In general, smaller jurisdictions will not be expected to engage in extensive original research, but will be able to rely upon reasonable assumptions derived from available data of a statewide or regional nature or representative of jurisdictions of comparable size and growth rates.

(5) When commenting on plans and regulations proposed for adoption, state agencies, including the department, should be guided by a common sense appreciation of the size of the jurisdiction involved, the magnitude of the problems addressed, and the context of the submitted changes.

(6) The department has developed a variety of technical assistance materials for counties and cities that may be used to help guide local planning.

WAC 365-196-425 Rural Element

Counties must include a rural element in their comprehensive plan. This element shall include lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(1) Developing a written record. When developing the rural element, a county may consider local circumstances in establishing patterns of rural densities and uses, but must develop a written record explaining how the rural element harmonizes the planning goals in the act and meets the requirements of the act. This record should document local circumstances the county considered and the historic patterns of development in the rural areas.

(2) Establishing a definition of rural character.

(a) The rural element shall include measures that apply to rural development and protect rural character. Counties must define rural character to guide the development of the rural element and the implementing development regulations.

(b) The act identifies rural character as patterns of land use and development that:

- (i) Allow open space, the natural landscape, and vegetation to predominate over the built environment;
- (ii) Foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (iii) Provide visual landscapes that are traditionally found in rural areas and communities;
- (iv) Are compatible with the use of land by wildlife and for fish and wildlife habitat;
- (v) Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (vi) Generally do not require the extension of urban governmental services; and
- (vii) Are consistent with protection of natural surface water flows and ground water and surface water recharge and discharge areas.

(c) Counties should adopt a locally appropriate definition of rural character. Rural areas are diverse in visual character and in density, across the state and across a particular county. Rural development may consist of a variety of densities and uses. It may, for example, include clustered residential development at levels consistent with the preservation of rural character. Counties should define rural development both in terms of its visual character and in terms of the density and intensity of uses. Defining rural development in this way allows the county to use its definition of rural development both in its future land use designations and in its development regulations governing rural development.

(3) Rural densities.

(a) The rural element should provide for a variety of densities that are consistent with the pattern of development established in its definition of rural character. The rural comprehensive plan designations should be shown on the future land use map. Rural densities are a range of densities that:

- (i) Are compatible with the primary use of land for natural resource production;
- (ii) Do not make intensive use of the land;
- (iii) Allow open space, the natural landscape, and vegetation to predominate over the built environment;
- (iv) Foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (v) Provide visual landscapes that are traditionally found in rural areas and communities;

- (vi) Are compatible with the use of the land by wildlife and for fish and wildlife habitat;
 - (vii) Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
 - (viii) Generally do not require the extension of urban governmental services;
 - (ix) Are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas; and
 - (x) Do not create urban densities in rural areas or abrogate the county's responsibility to encourage new development in urban areas.
- (b) Counties should perform a periodic analysis of development occurring in rural areas, to determine if patterns of rural development are protecting rural character and encouraging development in urban areas. This analysis should occur along with the urban growth area review required in RCW 36.70A.130 (3)(a). The analysis may include the following:
- (i) Patterns of development occurring in rural areas.
 - (ii) The percentage of new growth occurring in rural versus urban areas.
 - (iii) Patterns of rural comprehensive plan or zoning amendments.
 - (iv) Numbers of permits issued in rural areas.
 - (v) Numbers of new approved wells and septic systems.
 - (vi) Growth in traffic levels on rural roads.
 - (vii) Growth in public facilities and public services costs in rural areas.
 - (viii) Changes in rural land values and rural employment.
 - (ix) Potential build-out at the allowed rural densities.
 - (x) The degree to which the growth that is occurring in the rural areas is consistent with patterns of rural land use and development established in the rural element.
- (4) Rural governmental services.
- (a) Rural governmental services are those public facilities and services historically and typically delivered at intensities usually found in rural areas, and may include the following:
- (i) Domestic water system;
 - (ii) Fire and police protection;
 - (iii) Transportation and public transportation; and
 - (iv) Public utilities, such as electrical, telecommunications and natural gas lines.

(b) Rural services do not include storm or sanitary sewers. Urban governmental services that pass through rural areas when connecting urban areas do not constitute an extension of urban services into a rural area provided those public services are not provided in the rural area. Sanitary sewer service may be provided only if it:

(i) Is necessary to protect basic public health and safety and the environment;

(ii) Is financially supportable at rural densities; and

(iii) Does not permit urban development.

(c) When establishing levels of service in the capital facilities and transportation element, each county should establish rural levels of service, for those rural services that are necessary for development, to determine if it is providing adequate public facilities. Counties are not required to use a single level of service for the entire rural area and may establish varying levels of service for public services in different rural areas. Where private purveyors or other public entities provide rural services, counties should coordinate with them to establish and document appropriate levels of service.

(d) Rural areas typically rely on natural systems to adequately manage stormwater and typically rely on on-site sewage systems to treat wastewater. Development in rural areas also typically relies on individual wells, exempt wells or small water systems for water. Counties should ensure the densities it establishes in rural areas do not overwhelm the ability of natural systems to provide these services without compromising either public health or the vitality of the surrounding ecosystem.

(e) Rural road systems are not typically designed to handle large traffic volumes. Local conditions may influence varying levels of service for rural road system, and level of service standards for rural arterials should be set accordingly. Generally, level of service standards should reflect the expectation that high levels of local traffic and the associated road improvements are not usually associated with rural areas.

(f) Levels of public services decrease, and corresponding costs increase when demand is spread over a large area. This is especially true for public safety services and both school and public transportation services. Counties should provide clear expectations to the public about the availability of rural public services. Counties should ensure the densities it establishes in rural areas do not overwhelm the capacity of rural public services.

(5) Innovative zoning techniques.

(a) Innovative zoning techniques allow greater flexibility in rural development regulations to create forms of development that are more consistent with rural character than forms of development generated by conventional large-lot zoning. Innovative zoning techniques may allow forms of rural development that:

(i) Result in rural development that is more visually compatible with the surrounding rural areas;

(ii) Maximize the availability of rural land for either resource use or wildlife habitat;

(iii) Increase the operational compatibility of the rural development with use of the land for resource production;

(iv) Decrease the impact of the rural development on the surrounding ecosystem;

(v) Does not allow urban growth; and

(vi) Does not require the extension of urban governmental services.

(b) Rural clusters. One common form of innovative zoning technique is the rural cluster. A rural cluster can create smaller individual lots than would normally be allowed in exchange for open space that preserves a significant portion of the original parcel.

(i) When calculating the density of development for zoning purposes, counties should calculate density based on the number of dwelling units over the entire development parcel, rather than the size of the individual lots created.

(ii) The open space portion of the original parcel should be held by an easement, parcel or tract for open space or resource use. This should be held in perpetuity, without an expiration date.

(iii) If a county allows bonus densities in a rural cluster, the resulting density after applying the bonus must be a rural density.

(iv) Rural clusters may not create a pattern of development that relies on or requires urban governmental services. Counties should establish a limit on the size of the residential cluster so that a cluster does not constitute urban growth in a rural area. A very large project may create multiple smaller clusters that are separated from each other and use a different access point to avoid creating a pattern of development that would constitute urban growth.

(v) Development regulations governing rural clusters should include design criteria that preserve rural visual character.

(6) Limited areas of more intense rural development. The act allows counties to plan for isolated pockets of more intense development in the rural area. These are referred to in the act as limited areas of more intense rural development or LAMIRDs.

(a) LAMIRDs serve the following purposes:

(i) To recognize existing areas of more intense rural development and to minimize and contain these areas to prevent low density sprawl;

(ii) To allow for small-scale commercial uses that rely on a rural location;

(iii) To allow for small-scale economic development and employment consistent with rural character; and

(iv) To allow for redevelopment of existing industrial areas within rural areas.

(b) An existing area or existing use is one that was in existence on the date the county became subject to all of the provisions of the act:

(i) For a county initially required to fully plan under the act, on July 1, 1990.

(ii) For a county that chooses to fully plan under the act, on the date the county adopted the resolution under RCW 36.70A.040(2).

(iii) For a county that becomes subject to all of the requirements of the act under RCW 36.70A.040(5), on the date the office of financial management certifies the county's population.

(c) Counties may allow for more intensive uses in a LAMIRD than would otherwise be allowed in rural areas and may allow public facilities and services that are appropriate and necessary to serve LAMIRDS subject to the following requirements:

(i) Type 1 LAMIRDS - Isolated areas of existing more intense development. Within these areas, rural development consists of infill, development, or redevelopment of existing areas. These areas may include a variety of uses including commercial, industrial, residential, or mixed-use areas. These may be also characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) Development or redevelopment in LAMIRDS may be both allowed and encouraged provided it is consistent with the character of the existing LAMIRD in terms of building size, scale, use, and intensity. Counties may allow new uses of property within a LAMIRD, including development of vacant land.

(B) When establishing a Type I LAMIRD, counties must establish a logical outer boundary. The purpose of the logical outer boundary is to minimize and contain the areas of more intensive rural development to the existing areas. Uses, densities or intensities not normally allowed in a rural area may be allowed inside the logical outer boundary consistent with the existing character of the LAMIRD. Appropriate and necessary levels of public facilities and services not otherwise provided in rural areas may be provided inside the logical outer boundary.

(C) The logical outer boundary must be delineated primarily by the built environment as it existed on the date the county became subject to the planning requirements of the act.

(I) Some vacant land may be included within the logical outer boundary provided it is limited and does not create a significant amount of new development within the LAMIRD.

(II) Construction that defines the built environment may include above or below ground improvements. The built environment does not include patterns of vesting or preexisting zoning, nor does it include roads, clearing, grading, or the inclusion within a sewer or water service area if no physical improvements are in place. Although vested lots and structures built after the county became subject to the act's requirements should not be considered when identifying the built environment, they may be included within the logical outer boundary as infill.

(III) The logical outer boundary is not required to strictly follow parcel boundaries. If a large parcel contains an existing structure, a county may include part of the parcel in the LAMIRD boundary without including the entire parcel, to avoid a significant increase in the amount of development allowed within the LAMIRD.

(D) The fundamental purpose of the logical outer boundary is to minimize and contain the LAMIRD. Counties should favor the configuration that best minimizes and contains the LAMIRD to the area of existing development as of the date the county became subject to the planning requirements of the act. When evaluating alternative configurations of the logical outer boundary, counties should determine how much new growth will occur at build out and determine if this level of new growth is consistent with rural character and can be accommodated with the appropriate level of public facilities and public services.

Counties should use the following criteria to evaluate various configurations when establishing the logical outer boundary:

- (I) The need to preserve the character of existing natural neighborhoods and communities;
- (II) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;
- (III) The prevention of abnormally irregular boundaries; and
- (IV) The ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

(E) Once a logical outer boundary has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary. Counties should avoid adding new undeveloped parcels as infill, especially if doing so would add to the capacity of the LAMIRD.

(ii) Type 2 LAMIRDs - Small-scale recreational uses. Counties may allow small-scale tourist or recreational uses in rural areas. Small-scale recreational or tourist uses rely on a rural location and setting and need not be principally designed to serve the existing and projected rural population.

(A) Counties may allow small-scale tourist or recreational uses through redevelopment of an existing site, intensification of an existing site, or new development on a previously undeveloped site, but not new residential development. Counties may allow public services and facilities that are limited to those necessary to serve the recreation or tourist uses and that do not permit low-density sprawl. Small-scale recreational or tourist uses may be added as accessory uses for resource-based industry. For accessory uses on agricultural lands of long-term commercial significance, see WAC 365-196-815.

(B) Counties are not required to designate Type 2 LAMIRDs on the future land use map and may allow them as a conditional use. If using a conditional use process, counties should include in their development regulations conditions that address all the statutory criteria for the location of a Type 2 LAMIRD. Conditions must assure that Type 2 LAMIRDs:

- (I) Are isolated, both from urban areas and from each other. Conditions should include spacing criteria to avoid creating a pattern of strip development;
- (II) Are small in scale;
- (III) Are consistent with rural character;
- (IV) Rely on a rural location or a natural setting;
- (V) Do not include new residential development;
- (VI) Do not require services and facilities beyond what is available in the rural area; and
- (VII) Are operationally compatible with surrounding resource-based industries.

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(iii) Type 3 LAMIRDs - Small-scale businesses and cottage industries. Counties may allow isolated small-scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites.

(A) Counties may allow the expansion of small-scale businesses in rural areas as long as those small-scale businesses are consistent with the rural character of the area as defined by the county in the rural element. Counties may also allow new small-scale businesses to use a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area. Any public services and public facilities provided to the cottage industry or small-scale business must be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl.

(B) Counties are not required to designate Type 3 LAMIRDs on the future land use map and may allow them as a conditional use. If using a conditional use process, counties should include in their development regulations conditions that address all the statutory criteria for the location of a Type 3 LAMIRD. Conditions must assure that Type 3 LAMIRDs:

(I) Are isolated, both from urban areas and from each other. Conditions should include spacing criteria to avoid creating a pattern of strip development;

(II) Are small in scale;

(III) Are consistent with rural character;

(IV) Do not include new residential development;

(V) Do not require public services and facilities beyond what is available in the rural area; and

(VI) Are operationally compatible with surrounding resource-based industries.

(d) Major industrial developments and master planned resorts governed by other requirements. Counties may not use the provisions of RCW 36.70A.070 (5)(d)(iii) to permit a major industrial development or a master planned resort. These types of development must comply with the requirements of RCW 36.70A.360 through 36.70A.368. For more information about major industrial developments, see WAC 365-196-465. For more information about master planned resorts, see WAC 365-196-460.

WAC 365-196-460 Master Planned Resorts

(1) The act allows for master planned resorts to provide counties with a means of capitalizing on areas of significant natural amenities to provide sustainable economic development for its rural areas. The requirements allow for master planned resorts without degrading the rural character of the county or imposing a public service burden on the county.

(2) A master planned resort is a self-contained, fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities, consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational

facilities. Residential uses are permitted only if they are integrated into and support the on-site recreational nature of the resort.

(3) Master planned resorts may include public facilities and services beyond those normally provided in rural areas. However, those provided on-site must be limited to those that meet the needs of the master planned resort. Services may be developed on-site or may be provided by other service providers, including special purpose districts or municipalities. All costs associated with service extensions and capacity increases directly attributable to the master planned resort must be borne by the resort, rather than the county. A master planned resort may enter into development agreements with service providers to share facilities, provided the services serve either an existing urban growth area or the master planned resort. Such agreements may not allow or facilitate extension of urban services outside of the urban growth area or the master planned resort. When approving the master planned resort, the county must conclude that on-site and off-site infrastructure and service impacts are fully considered and mitigated.

(4) A county must include policies in its rural element to guide the development of master planned resorts before it can approve a master planned resort. These policies must preclude new urban or suburban land uses in the vicinity of the master planned resort unless those uses are otherwise within a designated urban growth area.

(5) When approving a master planned resort, a county must conclude, supported by the record before it, that the master planned resort is consistent with the development regulations protecting critical areas.

(6) If the area designated as a master planned resort includes resource lands of long-term commercial significance, a county must conclude, supported by the record before it, that the land is better suited, and has more long-term importance for the master planned resort than for the commercial harvesting of timber, minerals, or agricultural production. Because this conclusion effects a dedesignation of resource lands, it must be based on the criteria and the process contained in chapter 365-190 WAC. Even if lands are dedesignated, the master planned resort may not operationally interfere with the continued use of any adjacent resource lands of long-term commercial significance for natural resource production.

III. Selections for Comprehensive Plan B.2 Land Use Element

Comprehensive Plan Element B.2 Land Use Element Section 2.1.C Population and Residential Density

2.1.C Population and Residential Density

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

The patterns of development which have occurred in San Juan County have been greatly influenced by the residential densities established in the 1979 Comprehensive Plan. In many instances the densities have been voluntarily reduced by property owners through conservation easements with the San Juan

Preservation Trust (a private, non-profit land trust). Also, density reduction is being achieved through purchase of conservation easements and land acquisition by the San Juan County Land Bank.

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

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

Comprehensive Plan Element B.2 Land Use Element Section 2.2.A General Goal and Policies of the Land Use Element

2.2.A General Goal and Policies

General Goal:

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

General Policies:

1. Balance the public's interest in the management of community growth and its associated impacts, with the protection of individual property rights through adoption of a coordinated set of goals, policies and regulations to guide future development in the County.
2. Recognize and support the right of property owners to maintain and replace legal, non-conforming uses and structures.
3. Consider site capabilities and existing development patterns when determining the appropriate locations and intensities of various uses of the land.
4. Direct high density residential and mixed use development into growth areas, and into appropriate activity centers to prevent sprawl and relieve growth pressure in the surrounding rural areas.
5. Implement the goals and policies of this *Plan* by adopting a land-use designation map and a set of development regulations and enforcement procedures.

6. Investigate the development of a program to allow for the transfer of residential density from Rural and Resource Lands to Activity Centers and other approved receiving areas as appropriate to protect rural and resource lands. Transfer of residential density within Activity Centers should also be allowed.
7. Implement the Vision Statement goals of preserving rural character and limited natural resources by means of voluntary, incentive-based programs, and other strategies, to reduce the currently allowable maximum number of residential structures in rural areas in a manner that is fair and equitable for the affected property owners, and by establishing strategies that encourage property owners to keep parcels whole and to preserve open space.
8. Residential densities specified on the Official Maps indicate the maximum allowable density for any given parcel.
9. Recognize that the maximum allowable density applied to land by designation on the Official Maps reflects the general intent of this *Plan* for residential development and should be allowed unless maximum density would exceed site capabilities or unless it would not comply with other applicable County land use regulations. For purposes of this *Plan*, site capabilities or conditions which may indicate a density lower than the specified maximum include, but are not limited to:
 - a. Suitability of soils to sustain individual or community sewage disposal systems.
 - b. Quality and quantity of water available to serve the proposed development.
 - c. The presence Geologically Hazardous Areas, Frequently Flooded Areas, Wetlands, or Fish and Wildlife Habitat Conservation Areas which would either be materially harmed or which would result in hazards to life and property as a result of development at maximum density.
10. Preserve the rural character of rural, resource, and conservancy lands by providing for conservation design in new land divisions and allowing for limited residential density bonuses in return for additional protection of open space resources and natural resource functions.
11. Manage runoff to prevent flooding and property damage, promote groundwater recharge and protect the quality and quantity of ground and surface water in accordance with the Water Element of this Plan. In conformance with RCW 36.70A.070(1), a description of existing flooding, drainage, and water quality problems will be developed and included as an appendix to this Plan.
12. *Vacation rental* (short-term, *i.e.*, of less than thirty days) of a principal, single-family residential unit or an ADU should be subject to standards similar to those for hospitality commercial establishments but should be classified as a residential use for purposes of land use regulation.
13. Future review and revision of the Land Use Element, its land-use designations, and the Official Maps should be based in part on the sufficiency of capital facilities as provided in the Capital Facilities Element and six-year plan, review of development patterns, projected needs, the availability and adequacy of water resources, the ability to control and mitigate the impacts of development, and the retention and protection of resource lands, special districts, critical areas, and water quality.

Comprehensive Plan Element B.2 Land Use Element Section 2.3.B Activity Centers (including Limited Areas of More Intensive Rural Development)

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

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

Policies:

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

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

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

Types of Activity Centers

- a. **Village Activity Centers** have only *rural governmental services* and are not incorporated. They provide a limited variety of residential densities, and are pedestrian-oriented with a compact village core. They provide some intensive uses and services (including *community sewage treatment facilities* and *community water systems*), but are not considered capable of or appropriate for urban-level development or expansion at this time, only for infill.
- b. **Hamlet Activity Centers** are residential areas that have some non-rural densities, and have small commercial centers which provide goods and services to surrounding rural and resource land uses. Hamlets are served by community water systems and may have community sewage treatment facilities, but have only rural governmental services.
- c. **Island Centers** are generally characterized by existing general commercial and general industrial uses and may also include some *rural commercial* and *rural industrial* uses. These centers may be served by community water systems, but have only rural governmental services. Island Centers differ from other Activity Centers in that they generally do not have a high density residential component included within the center boundaries, and new residential development (except where accessory to commercial or industrial use) should be prohibited. The commercial and industrial uses located in these centers provide goods and services island-wide.
- d. **Residential Activity Centers** are residential areas that have existing development patterns more dense than one unit per five acres, some portion of which is served by non-rural levels of capital facilities or services.

- e. **Master Planned Resorts** are self-contained and fully integrated *planned unit developments*, in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. They may contain other residential uses and commercial activities within their boundaries, but only if these uses are integrated into and support the on-site recreation nature of the resort. Master Planned Resorts may be within other activity centers.
2. Activity centers should be designated on the *Comprehensive Plan* Official Maps where existing or proposed uses and services meet the above definitions. Activity centers designated on the *Comprehensive Plan* Official Maps are identified in Table 2, *below*.

Table 2 Summary of Activity Centers

Location	Designation	Existing Site-Specific Plans & Standards
Orcas Village Landing	Village Activity Center	Yes
Olga	Hamlet Activity Center	Yes
Deer Harbor	Hamlet Activity Center	Yes
Doe Bay	Hamlet Activity Center	No (subject to general, interim activity center standards)
Westsound	Hamlet Activity Center	No (subject to general interim activity center standards)
W. Beach Rd/Crow Valley Rd.- Orcas	Island Center	No
Center Rd./School Road-Lopez	Island Center	No
Country Corner-Orcas	Island Center	Yes

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North Roche Harbor Area	Residential Activity Center	No
North Rosario Area	Residential Activity Center	No
Roche Harbor	Master Planned Resort	Yes (resort master plan)
Rosario Resort	Master Planned Resort	Yes (resort master plan)
West Beach Resort	Master Planned Resort	No

3. New general commercial, general industrial, and institutional uses should be located in activity centers, as appropriate with the established patterns of development and use, to avoid incompatible land uses and the proliferation of these uses in rural areas.
4. Use the Roche Harbor Master Planned Resort (RHMPR) *Activity Center Plan* dated June 1994, and modified in April 1996, as a guide for the planned unit development of the RHMPR. The following policies are established to manage development in the RHMPR:
 - a. The RHMPR *Plan* is based on a 200-unit reduction in density from that potentially allowed under the 1979-established densities on property under Roche Harbor ownership.
 - b. A phased planned unit development (PUD), subject to the County's PUD process, should be submitted for approval of any new development in the RHMPR planning area in any one year period, when such development exceeds 4,000 square feet of gross floor area, or for any recreational facility development.
 - c. Each phase of the PUD should be accompanied by an environmental assessment prepared in accordance with the requirements of the State Environmental Policy Act (SEPA).
 - d. Each phase of the PUD should include a detailed plan identifying the number of dwelling units, allowable uses, average density, percentage of open space, road access and circulation, and provisions for water, sewage, and stormwater management. The specific area descriptions identified in the Addendum to the modified RHMPR *Activity Center Plan* should be used to guide phases of the PUD. A master plan for all sanitary sewer and stormwater disposal systems should be provided by the developer for all areas included in the RHMPR and in the Westcott Bay drainage basin, exclusive of those areas in the Rural Farm-Forest designation, prior to implementation of any phase of development.
 - e. At least one public meeting should be held in the Roche Harbor area prior to approval of PUD phases. Such meetings should provide opportunity for public review and comment on proposed phase plans.
5. In addition to the directives of the GMA and this *Plan*, consider the local knowledge, experience, and preferences of community residents when establishing the type, size, character, and boundaries of an LAMIRD/activity center, deciding appropriate uses and their location, determining community

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infrastructure requirements, and establishing standards and design guidelines to protect and retain important features which the community values.

6. Subarea plans or location specific designations and standards for village, hamlet and island center activity centers may be adopted to guide land use and development in these areas. Land use districts and development standards for activity centers should be compatible with existing development patterns and community character, including rural aspects. Critical Areas within activity centers should be preserved and enhanced. Residential, commercial and industrial areas should be identified in each activity center, if appropriate, and specific development standards adopted for these areas.
7. New development in activity centers served by public or private community water and sewage treatment systems should be connected to such systems where available and appropriate. System operators should be responsible for maintaining an up-to-date understanding of the status of their systems (including capacity and numbers of existing connections and commitments to service). For sewage treatment systems and Group A water systems in Village, Hamlet, and Residential activity centers long range sewer and water system plans should be developed or updated by the utility providers in cooperation with the county so that the plans are consistent with the growth projections, land use regulations, and subdivision patterns in each area. Service by such facilities in residential activity centers may be conditioned specifically for the individual area or portions thereof.
8. Mixed-uses, high-density residential uses, commercial, industrial, and public uses, should be located within activity centers where adequate facilities, services, utilities and improvements exist or are planned to support the level and type of development identified, as appropriate to the existing levels and patterns of development, and the established range of uses.
9. Residential development in activity centers, except Island Centers and Master Planned Resort activity centers, should allow a full range of single- and multi-family housing types. Density bonuses are allowable, as appropriate to established development patterns, to achieve affordable housing goals. New residential development should be prohibited in Island Centers except as an accessory to commercial or industrial use. New residential development may take place in master Planned Resort activity centers, but only if it is integrated into and supports the on-site recreational nature of the resort, as determined at the time of Master Plan approval.
10. Open space design standards should be established to maintain the rural character at the borders of activity centers.
11. Open space areas, in the form of squares, green spaces, and parks within activity centers, should be an integral part of these activity centers to provide settings for recreation and public gatherings, and to protect Critical Areas, scenic qualities, and historic features.
12. In all activity centers storm drainage considerations should be addressed in the design of land development projects to control storm water runoff and erosion.
13. Establish development standards for Master Planned Resort activity centers to ensure that development is compatible with surrounding land uses and that adequate facilities and services are available for the level of development planned. Development standards should address, at a minimum, the following:

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- a. Aesthetic, visual and environmental considerations in order to provide appropriate siting of buildings and amenities to incorporate and retain, as much as feasible, significant on-site natural, historic, and other important features;
 - b. Location and design of improvements and activities in such a manner to avoid or minimize adverse effects of the resort on surrounding lands;
 - c. Water quantity and quality, including stormwater management;
 - d. Location specific standards to retain and enhance resort character;
 - e. Protection of Critical Areas; and
 - f. Concurrency requirements for impacts on transportation facilities and other capital facilities and services.
14. Establish development standards for Planned Unit Developments (PUD) in activity centers (where appropriate and practical, given existing development patterns, potential project sizes, available supportive services, terrain, etc.) to more effectively accomplish the goals and policies of this *Plan* and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. PUD standards should include provisions for a mixture of housing types and residential densities, and preservation of open space and natural features, as well as concurrency requirements to address impacts on transportation and other capital facilities and services.

Comprehensive Plan Element B.2 Land Use Element Section 2.3.C Rural Lands**2.3.C Rural Lands**

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

Policies (2.3.C.1–10):

1. Identify as Rural lands on the *Comprehensive Plan* Official Maps all those which are not within an Activity Center and are not designated as Resource Lands.
2. Adopt performance standards for clearing and grading on Rural lands to minimize the potential adverse impacts of these activities on forested lands, soils, surface water quality and quantity, groundwater recharge, wildlife habitat and scenic resources. Grading to construct ponds and reservoirs should be located a safe distance from roads, maintain in-stream flows of natural drainage courses, and protect adjacent property from damage.
3. Establish provisions for Conversion Option Harvest plans in coordination with the state Department of Natural Resources (DNR) to clearly delineate and coordinate the authorities and responsibilities of

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the DNR and the County in the processing, administration and enforcement of forest practice activities, especially as they relate to the clearing of land for non-forestry uses.

4. Establish development standards for Planned Unit Developments (PUD) in Rural areas to more effectively accomplish the goals and policies of this *Plan* and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. PUD standards should include provisions for a mixture of housing types at rural densities, and preservation of open space and natural features.
5. Strengthen *Right-to-Farm* and *Right to Forestry* provisions which establish the high priority and favored use of Rural Lands, except Rural Residential areas, for farming and forestry activities and assure that such uses will not be considered a nuisance or inconvenience to adjacent non-farm and non-forestry uses.
6. Consider the scope and scale of proposals for the alteration, modification, or expansion of existing camps and existing small resorts. Changes that would expand the scope of services (*e.g.*, adding meal service or new recreational facilities, or adding new convention, hotel or marina facilities), increase the scale of facilities, or add on-site residential housing, should require discretionary use or conditional use permits. Allow expansion of existing uses that conform to the current scope and scale subject to reasonable performance standards to ensure that alteration and expansion of such uses have minimal adverse impacts on surrounding uses.
7. Allow the alteration, intensification, and expansion of existing gravel pits subject to reasonable performance standards to ensure that alteration, intensification, and expansion of such uses have minimal adverse impacts on surrounding uses. If increased off-site impacts (noise, vibration, dust, traffic) would result from expansion or modification, a conditional use permit should be required. Modification to include a new use or operation (*e.g.*, an asphalt plant or a rock crusher) should be a conditional use and be limited to areas where residential densities are planned at five acres or more per unit.
8. Alteration and expansion of existing *airstrips* and *airfields* that would result in increased aircraft activity, conflict with the purpose of the applicable land use district, or cause increased adverse impacts to surrounding areas should be prohibited. Allow minor, low-impact changes subject to reasonable performance standards to ensure that such uses have minimal adverse impacts on surrounding uses. Alteration and expansion of existing airports should be subject to a conditional use permit.
9. When evaluating proposals for the alteration, modification, or expansion of non-conforming uses, consider the total impact of the non-conforming uses as well as the added impact of the incremental changes, and the consistency of the changes with the applicable land-use designation.
10. Establish clearly defined Rural land use designations which promote and preserve the rural character of the islands while meeting the varied needs of island residents. The designations are:

a. Rural General Use

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

Policies:

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

b. Rural Farm-Forest

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

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Farm-Forest lands on the *Comprehensive Plan* Official Maps:
 - i. The predominant land use is farming and forestry mixed with residential development;
 - ii. Parcels are generally five or more acres in size; and
 - iii. Soils are suitable for small-scale agricultural or forestry uses.
- (2) Adopt site development standards for permissible uses that will maintain a predominant portion of the farm and forested areas for farming and forest uses.

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- (3) Allow cottage enterprise uses and agriculture- and forestry-related commercial and industrial uses, such as processing and limited retailing facilities for farm and forest products, to be located on Rural Farm-Forest lands.
- (4) Establish development standards that allow for farm stay accommodations for agritourism enterprises.
- (5) Allow the development of farm worker accommodations on Rural Farm-Forest lands subject to standards that ensure the occupancy is seasonal and limited to persons employed by the proprietor in farm labor for a farm production season only, and that ensure compliance with applicable public health and safety requirements.
- (6) Establish performance standards for the uses listed in Policies (3), (4) and (5), *above*, to minimize adverse environmental and visual impacts. Standards should address access, circulation, building height and bulk, lighting, screening, signage, noise, odor, vibration, spray, smoke, waste disposal, and storm drainage.

c. Rural Residential

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

Policies:

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

d. Rural Industrial

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

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Industrial on the *Comprehensive Plan* Official Maps:
 - i. Lands with an existing or historical commitment to rural industrial uses;
 - ii. Lands with direct access to a public roadway classified as a minor or major arterial;
 - iii. Lands where on-site physical features can be used to protect surrounding lands from negative impacts; and
 - iv. Areas with parcels sizes large enough to accommodate expansion of existing uses or serve several new uses in a concentrated area.
- (2) Rural industrial uses should be limited to those which are most appropriately located in the rural environment because of incompatibility with intensive, mixed use development patterns characteristic of activity centers. Such uses include, but are not limited to, storage yards, lumber mills, wood craft manufacturing, gas storage facilities, and cement batch plants.
- (3) New residential development (except where accessory to commercial or industrial use) within these areas should be prohibited.
- (4) Establish performance standards for all development in Rural Industrial areas to ensure that allowed uses are consistent with the rural character of the area and minimize adverse environmental impacts. Standards should address access, circulation, signage, parking, noise, odor, vibration, spray, smoke, screening, lighting, waste disposal, and storm drainage control.

e. Rural Commercial

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

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Commercial on the *Comprehensive Plan* Official Maps:
 - i. Lands with an existing or historical commitment to rural commercial uses;
 - ii. Lands with direct access to a public roadway classified as a minor or major arterial; and
 - iii. Lands where on-site physical features and/or parcel size can be used to protect surrounding rural land uses from negative impacts.
- (2) Rural commercial uses should be limited to those which are most appropriately located in and are compatible with the rural environment. Such uses include, but are not limited to,

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veterinary clinics, nurseries, animal boarding facilities, feed stores, and some small-scale hospitality commercial uses such as country inns and restaurants.

- (3) New residential development (except where accessory to commercial or industrial use) within these areas should be prohibited.
- (4) Establish performance standards for all development in Rural Commercial areas to ensure that allowed uses are consistent with the rural character of the area and minimize adverse environmental impacts. Standards should address access, circulation, signage, parking, noise, odor, vibration, spray, smoke, screening, lighting, waste disposal, and storm drainage control.

IV. Selections from Chapter 18 San Juan County Code (SJCC)

SJCC 18.20.180 "R" Definitions

"Rural character" means a quality of the landscape dominated by pastoral, agricultural, forested, and natural areas interspersed with single-family homes and farm structures. Rural character refers to the patterns of land use and development established by the Comprehensive Plan:

1. In which open space, the natural landscape, and vegetation predominate over the built environment;
2. That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
3. That provide visual landscapes that are traditionally found in rural areas and communities;
4. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
5. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
6. That generally do not require the extension of urban governmental services; and
7. That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

SJCC 18.90.060 Master planned resort (MPR) procedures.

A. Applicability.

1. New Resorts. An application for a new MPR, and any applications for subsequent phases or for amendment of the master plan.
2. Existing Resorts without Approved Master Plans.

Selected Rural Goals, Policies and GMA Requirements

a. Before receiving development approval for any new development (including buildings, paved areas and parking, and docks) cumulatively exceeding 4,000 square feet, new phase of development, new land division, new plan amendment-type of use, or change or addition to the allowable uses, any existing MPR that has not developed a master plan shall establish a schedule and develop a master plan to meet the requirements of this section, SJCC 18.30.060, 18.60.190, and other applicable sections of this code.

b. The requirements of subsection (A)(2)(a) of this section do not apply to any development for which a permit has been granted or for which a complete application is made prior to the adoption of this code.

B. Purpose. To provide for the planning, development, and operation of master planned resorts (MPR) and their master plans (RCW 36.70A.360 and 36.70A.362).

C. Master Plan Requirements. A master plan shall be prepared for the MPR to describe the project and provide a framework for project control and operation during and after development. This shall include:

1. A description of the setting and natural amenities that the MPR is being situated to use and enjoy, and the particular natural and recreational features that will attract people to the area and resort.

2. A description of the destination resort facilities of the MPR, including short-term visitor accommodations, on-site outdoor and indoor recreational facilities, off-site and excursion opportunities offered or provided as part of the resort's services, and commercial and supportive services provided. The manner in which these services will support and be integrated into the on-site recreational nature of the resort shall be discussed as part of a recreation plan and/or the required discussion in subsection (C)(3) of this section.

3. A description, with supportive information, of the design and functional features that provide for a unified development, superior site design and protection of natural amenities, and which further the goals and policies of the Comprehensive Plan. This shall discuss how landscaping and open space, recreational facilities (if any), road and parking design, capital facilities, and other components of the master plan work together in the project.

4. In connection with the descriptions above, a listing of the proposed additional allowable uses and maximum density of the MPR as provided in SJCC 18.60.190(B)(2) and (3), and a discussion of how these uses and their distribution meet the needs of the resort and its patrons.

5. A description of any location-specific standards that are established to retain and enhance the character of the particular resort, and of how the MPR is meeting or will meet those standards.

6. A description of the intended phasing of development of the project, if any. The initial application for an MPR shall provide sufficient detail for the phases such that the full intended scope and intensity of the development can be evaluated. This shall also discuss how the project will function at interim stages prior to completion of all phases of the project, and how the project may operate successfully and meet its environmental protection, concurrency, and other commitments should development cease before all phases are completed.

Selected Rural Goals, Policies and GMA Requirements

7. A map or maps that depict the completed MPR development, showing the full extent and ultimate development of the MPR or resort and its facilities and services.
8. Additional maps, drawings, illustrations, or other materials, as appropriate, to assist in understanding and visualizing the design and operation of the development and its facilities and services, landscaping, protection of environmentally sensitive areas, and other features of the development.
9. A description of how the MPR relates to surrounding properties, and how its design and arrangement minimize adverse impacts and promote compatibility among land uses within the development and adjacent to the development.
10. Specific values and supportive information and rationale for the choices made for the flexible standards listed in SJCC 18.60.190(B)(1).
11. A demonstration that sufficient facilities and services which may be necessary, appropriate, or desirable for the support of the development will be available, and that concurrency requirements of SJCC 18.60.200 will be met.
12. A description of the environmentally sensitive areas of the project area, and the measures that will be employed for their protection.

D. Application Requirements.

1. **New Master Plan for a New Master Planned Resort.** For new MPR applications, a draft of the master plan shall be prepared to meet the requirements of SJCC 18.60.190 and this section. The planning department will evaluate the application and master plan, and if found to be complete, the department will forward recommendations to the planning commission. The application shall also include a request for a land use redesignation (and density change, if applicable) for the MPR activity center to meet the requirements of subsection (E) of this section.
2. **New Master Plan for an Existing MPR.** A draft of the new master plan required by subsection (A)(2) of this section shall be prepared to meet the requirements of SJCC 18.60.190 and this section, and the environmental review requirements of SJCC 18.80.050. The planning department will evaluate the master plan, and if found to be complete, the department will forward recommendations to the planning commission.
3. **Planned Unit Development (PUD) Application.**
 - a. **When to Prepare.** A PUD application shall be prepared for approval of:
 - i. Any new development in an MPR land use designation, except as provided in subsection (D)(5) of this section;
 - ii. Each new phase of development. A phase that is consistent with the approved master plan will not require a master plan amendment.
 - b. **PUD Submittal Requirements.**

- i. A vicinity map showing the location of the site and its relationship to surrounding areas.
- ii. A site plan describing all proposed developments and the proposed locations of all uses.
- iii. If no land division or binding site plan is required, the requirements of SJCC 18.80.020(C) must be met.
- iv. If the PUD requires land division or a binding site plan, the preliminary and final subdivision requirements of SJCC 18.70.050 and 18.70.070, or binding site plan requirements of SJCC 18.70.090, must be met.
- v. If dwelling units are proposed, a statement of the number of units and average density.
- vi. A statement that discusses how the proposed PUD is consistent with the approved master plan, including the percentage of open space and the location of and provisions for protection of environmentally sensitive areas.
- vii. A demonstration that the MPR will contain sufficient infrastructure and capacity to meet the additional demands of the PUD and the requirements of this code for water, sewage treatment, and stormwater management.
- viii. A calculation of estimated new demands on capital facilities and services, proposed capital improvements or noncapital alternative strategies to address demands. The PUD shall undergo a review for concurrency as provided in SJCC 18.60.200.
- ix. An environmental assessment in accordance with the requirements of SJCC 18.80.050.

4. Master Plan Amendment Application.

- a. When to Prepare. An amendment to the master plan shall be prepared for the approval of new development in any one-year period in an MPR planning area when any of the following occur:
 - i. A new type of recreational facility is proposed that was not previously discussed in the master plan;
 - ii. New uses are proposed that were not previously authorized in the master plan and are represented in the Allowable and Prohibited Uses Table 18.30.030 as requiring a plan amendment; or
 - iii. A major change in theme or market approach is proposed which would result in the need for different or expanded facilities.
- b. An application for amendment of the master plan shall submit those discussions and plans that are required by subsections (C) and this subsection, and other materials or information that are new or modified from the materials included in the existing master plan, plus provide such

additional unchanged material as is necessary for the understanding and review of the proposed amendment.

c. Each amendment of a master plan shall undergo an environmental assessment and concurrency review in accordance with the requirements of SJCC 18.60.200 and 18.80.050.

5. Minor Changes to a Master Planned Resort. Some minor changes do not require a PUD application or a master plan amendment but remain subject to the requirements of this code, including case-by-case permit review where applicable. Such minor changes include:

a. Routine maintenance of existing roads, footpaths, bicycle paths, structures, and utilities.

b. Minor activities, excluding construction, that are consistent with the master plan and approved PUDs.

c. Activities, including construction, that are consistent with the master plan but which have not been included in an approved PUD may be submitted for case-by-case permit approval, subject to the following restrictions:

i. For any activities or uses that would require a conditional use or shoreline conditional use permit, or whose impacts according to Table 8.2 in SJCC 18.80.090 would require a conditional use permit, a PUD application must be submitted.

ii. Any activities or uses that would not require a conditional use or shoreline conditional use permit, or whose impacts according to Table 8.2 in SJCC 18.80.090 would not require a conditional use permit, may be submitted according to the permit application, notice, and hearing requirements of Chapter 18.80 SJCC, and processed according to the permit procedures of Chapter 18.80 SJCC appropriate to the use classification; provided, that whenever the cumulative development (including buildings, paved areas and parking, docks, and newly landscaped areas) not included in previously approved PUDs meets or exceeds 4,000 square feet, a new PUD application must be submitted.

E. Designation of an MPR Activity Center Land Use District. Procedures for amendments to the official maps shall be as set forth in SJCC 18.90.020, as modified in this section.

1. A request for amendment of the official maps in order to designate an MPR activity center, and any associated changes in densities, shall be submitted together with the application for the MPR. The planning department shall evaluate the request to modify the official maps and shall forward recommendations to the planning commission and County council for consideration.

2. The time limitation of SJCC 18.90.030 does not apply to a request for amendment that is submitted in connection with an application for an MPR.

3. The request for amendment shall include a discussion that addresses the information requirements of SJCC 18.90.030 and identifies where in the application materials and master plan the information and discussions may be found.

Selected Rural Goals, Policies and GMA Requirements

4. Through the use of legal descriptions and maps, the application shall identify clearly the areas for which the changes are 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 SJCC 18.90.030(F) and subsection (H)(1) of this section.

F. Notice and Hearing.

1. Minor Changes to Master Plan. Notice and hearing requirements as applicable and as provided in this code.
2. A hearing before the hearing examiner, and notice of application and of public hearing, are required (see SJCC 18.80.030) for all PUD applications.
3. A hearing before the planning commission, and notice of application and of public hearing, are required (see SJCC 18.90.020) for:
 - a. The initial application and approval of the master plan and project, and the amendment of the official maps;
 - b. A new master plan for an existing MPR; and
 - c. All master plan amendments.

G. Decisionmaking Authority.

1. The director is vested with the authority to approve or deny minor changes.
2. The hearing examiner is vested with authority to hear and decide all PUD applications.
3. The planning commission is vested with authority to hear and make recommendations on MPR activity center designation and on density changes.
4. The County council is vested with authority to designate new master planned resort land use districts, to approve the uses, densities, and standards within those districts, and to approve or deny a master plan and amendments to the master plan.

H. Criteria for Approval.

1. Master Planned Resort Proposal and Application. An application to develop any parcel or parcels of land as an MPR may be approved, or approved with modifications, if it meets all of the criteria below. If no reasonable conditions or modifications can be imposed to ensure that the application meets these criteria, then the application shall be denied.
 - a. The master plan meets or exceeds the requirements of this section and SJCC 18.60.190.
 - b. The MPR is consistent with the goals and policies of the Comprehensive Plan, and the requirements of the Shorelines Master Program in Chapter 18.50 SJCC, and complies with all other applicable sections of this code and all other codes and policies of the County.

Selected Rural Goals, Policies and GMA Requirements

c. If an MPR will be phased, each phase contains adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the MPR sufficient to stand alone if no subsequent phases are developed.

d. The MPR will provide active recreational uses such as boating, pools, and playing fields, and sufficient services such as transportation access, police, fire, and social and health services, to adequately meet the needs of the guests and residents of the MPR.

e. The MPR will contain within the development (or be provided by outside providers as per SJCC 18.30.060(C)) all necessary supportive and accessory on-site urban-level commercial and other services, and such services shall be oriented to serve the MPR.

f. Environmental considerations are employed in the design, placement, and screening of facilities and amenities so that all uses within the MPR are harmonious with each other, and in order to incorporate and retain, as much as feasible, the preservation of natural features, public views, and historic and other important features.

g. Improvements and activities are located and designed in such a manner as to avoid or minimize adverse effects of the MPR on surrounding lands and property.

h. The master plan establishes location-specific standards to retain and enhance the character of the resort.

2. MPR Activity Center Designation. The County may approve or approve with modifications an application for a change of designation or density for the property in order to designate the MPR activity center and make associated density changes if all of the criteria of SJCC 18.90.030(F) are met; provided, that new urban and suburban land uses are precluded outside of the boundaries in the vicinity of the MPR except in designated urban growth areas per RCW 36.70A.360(4)(b) and 36.70A.362(2).

3. Planned Unit Development Application. The burden of proof shall be on the applicant. A PUD shall be approved by the County only if all of the following criteria are met:

a. The proposed activities, developments and uses will not be contrary to the intent or purposes and regulations of this code or the Comprehensive Plan;

b. The proposal is consistent in design, character and appearance with the goals and policies for the MPR land use designation in which the proposed use is located, and the approved master plan;

c. The proposal meets or exceeds the requirements of SJCC 18.60.190;

d. If the PUD requires land division or a binding site plan, it meets the requirements of SJCC 18.70.090;

e. The proposal identifies and protects environmentally sensitive areas, archaeological and historic resources, and visual and aesthetic resources; and environmental considerations are employed in the design, placement and screening of facilities and amenities;

Selected Rural Goals, Policies and GMA Requirements

f. The proposal will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval;

g. The appropriate County officials have certified that the proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities;

h. The proposal passes all concurrency tests as provided in SJCC 18.60.200;

i. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use, shall not hinder allowable development or use of neighboring properties; and

j. The proposed land uses, activities, and structures comply with applicable development standards of Chapter 18.60 SJCC and performance standards specified in Chapter 18.40 SJCC, and with any required mitigation measures.

4. New Master Plan for an Existing MPR. An application for approval of a master plan for an existing MPR may be approved, or approved with modifications, if it meets all of the criteria in subsection (H)(1) of this section. If no reasonable conditions or modifications can be imposed to ensure that the application meets these criteria, then the application shall be denied.

I. Time Limits.

1. Initiation of a New Master Planned Resort. The first PUD application shall be submitted within two years of the date of master plan and MPR approval, or the approval shall become null and void. An extension of up to one year may be granted by the director if the proponent demonstrates good cause for an extension. An extension of up to three additional years may also be granted by Council resolution based on a finding of good cause after a public hearing.

2. Planned Unit Development.

a. If the PUD requires land division or a binding site plan, the time limits of SJCC 18.70.050(G), 18.70.070(F), 18.70.090 and 18.70.110 shall apply.

b. If no land division or binding site plan is required, construction must be completed within five years of approval of the PUD. A one-year extension may be granted by the director.

3. New Master Plan for an Existing MPR. The master plan shall be submitted to the planning department within two years of the date of adoption of the Comprehensive Plan.

a. An extension of up to one year may be granted by the director if the proponent demonstrates good cause for an extension. Subsection (A)(2)(a) of this section will continue to apply during that period.

b. If no extension is granted, or the extension expires without submittal of the master plan, the director shall accept no further development applications and grant no further development

Selected Rural Goals, Policies and GMA Requirements

approvals for the MPR until the director accepts a master plan application as meeting the requirements of subsection (D)(2) of this section.

c. If subsection (I)(3)(b) of this section has applied for one year, or if the proponent submits a letter stating that it does not intend to develop a master plan, the director will recommend to the County council the revocation of the MPR designation and MPR land use district designation.

J. Appeals.

1. Master Planned Resort Proposals, MPR Land Use Designations, Master Plan Amendments. The County council is the final decisionmaker; there is no administrative appeal. County council decisions may be appealed as provided in state law.

2. Planned Unit Development Proposals. No administrative appeal is available for decisions of the hearing examiner.

3. Decisions of the director may be appealed in accordance with procedures specified in SJCC 18.80.140.



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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S.J.C. DEPARTMENT OF
FEB 24 2020
COMMUNITY DEVELOPMENT

Comprehensive Plan Text/SJC Code* Amendment Request

*San Juan County Code Titles 15, 16 & 18
 (Annual Docket)

APPLICANT INFORMATION:			
Name of Applicant:	Deer Harbor Hamlet Plan Review Committee	Name of Agent:	Ryan Carpenter, Mike Douglas, Kevin White, Barry Maden, Wes Heinmiller, Sheila Gaquin, Anne Marie Shanks
Address	PO Box 7	Address	
City, State, Zip	Deer Harbor, WA 98243	City, State, Zip	Deer Harbor
Phone		Phone	Sheila-360-622-5703, 376-2894; Anne Marie 360-340-6097
Email	sheilakg@mac.com Mikedouglas@gmail.com ames1021@gmail.com	E-mail	

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.		
<i>Signature</i>	<i>Printed Name</i>	<i>Date</i>
<i>Signature</i>	<i>Printed Name</i>	<i>Date</i>

- Please Describe the Proposed Amendments (attach additional pages if you need more space):**
 Comprehensive Plan – Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.

Changes are in these sections of the Deer Harbor Hamlet Plan:

- 18.30.250 C,
- 18.30.260 A & B
- 18.30.270 A, B, & C
- B18.30.310



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2. San Juan County Code Title 15, Title 16 or Title 18. Describe proposed amendment and/or attach proposed text changes. List code sections proposed for amendment.

1. Add the words “ *and it’s environs.*” to section of 18.30.250 C.. Environs means everything south of a drawn along the northern border of the hamlet, and extending east and west to the shoreline on either side of the peninsula. See attached map.
2. Completely eliminate Section 18.30.260 A. and B—the community center overlay district and instead say, “commercial development needs to take place in the designated commercial area.”
3. Eliminate section 18.30.270 A, B, & C. regarding the Deer Harbor Community Center Overlay District.
4. Changes to land use designations. Please see the attached tables for Commercial Land Uses, Institutional Land Uses, Recreational Land Uses, and Residential Land Uses.

In summary the changes to the land use designations are:

Table 18.30.310, Allowed Land Uses, Hamlet Commercial changes:

Animal Shelters...Yes	Automotive Services...Yes	Bed and Breakfast Residences (owner lives in residence yes	Camping facilities...No	Daycare with 1-6 children...Yes
Day care with 7+ children, Yes	Drinking establishment...Yes	Eating establishment Yes	; Indoor entertainment facility theater...Yes	Residential Care Facilities (1-6 persons
Residential Care Facilities (7-15 persons)...Yes	Transient Rental (vacation rental) of Residence or ADU...Yes			

Table 18.30.310, Allowed Land Uses, Hamlet Institutional land use changes:

College, YES	Community Club or Community Org. Assembly facility YES	Library, YES	Museum YES	Post office YES
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Table 18.30.310, Allowed land Uses, Hamlet Recreational Changes

Indoor recreational facility, YES	Park & Child’s playground, YES
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Table 18.30.310, Residential Land Uses in Hamlet Residential:

Multifamil residential, units, 3+ if Density permits, YES	*Vacation rental of residential or accessory dwelling unit, NO
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*Our intention is to eliminate vacation rentals in the residential areas. Properties with existing, compliant vacation rentals permits would continue to have them as long as they remain in compliance with the San



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Juan County Code. If the property is sold, or the current resident does not comply with the regulations, then the permit would end.

18.30.310, Residential Land Uses in Hamlet Commercial:

Cottage Enterprise...Yes;	Multi-family Residential Units (3+ units) if Density Permits...Yes	Vacation Rental of Residential or Accessory Dwelling Unit...Yes
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18.30.310, Transportation Land Uses Hamlet Commercial, and Hamlet Industrial A &B:

Charging Stations for Electric Vehicles...Yes in all areas of the Hamlet.

3. Why is the amendment being proposed?

The Deer Harbor Plan Review Committee would like the term “and environs” restored to the plan’s description. Deer Harbor is on a peninsula with only one land-based way in and out. All activity in the environs, as described in our proposal, impacts the hamlet. Currently, committee members are permitted by the plan to live in the hamlet or it’s environs, and our pathway project extends in 3 directions into the environs.

The Deer Harbor Plan Review Committee has held 4 public meetings in 2020 to review the hamlet plan. The committee and members of the public find the plan’s community overlay district unnecessarily restrictive, essentially making it impossible for small businesses to come to the hamlet due to the requirement that the over-lay district be developed as one planned unit. We wish to encourage small businesses.

We are requesting several the changes to the Hamlet land use designations tables to encourage small business development in the hamlet and affordable housing in the hamlet and it’s environs. We value our sense of community. However, in hamlet neighborhoods composed of parcels less than one or two acres vacation rentals are decimating that sense of community, and putting an enormous strain on shared resources such as water, roads, and parking.

4. How is the proposed amendment consistent with the Growth Management Act (RCW 36.70A), Comprehensive Plan and development regulations?

These proposed changes are consistent with the GMA because they:

- Concentrate Urban growth--Commercial development including over-night accommodations, will be restricted to the commercial land use area.
- Encourage economic Development--New businesses will be able to develop in the commercial zone through the normal County permitting process, rather than a cumbersome overlay district.
- Encourage affordable housing: By restricting vacation rentals to the commercial zone, more rental units in the residential area will be freed for long-term rental.
- Encourage the development of public facilities and services—As a community 10 miles from Eastsound, we wish to encourage “mom and pop” type businesses to provide goods and services within the hamlet.
- Early and continuous public participation. The proposed changes were developed with public input at our regular month Deer Harbor Plan Review meetings, as well as two additional public meetings held Jan. 22, 2020 and Feb. 5, 2020. The Plan Review Committee voted to recommend these changes at the Feb. 8, 2020 regular public meeting, as recorded in the committee minutes.

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

- Yes, indicate UGA_____
- No**

5. Does this proposal increase population or employment capacity?

Our intention is to increase affordable housing, which could increase year round population. Hopefully, removing the Community Overlay District will spark the development of small businesses, and increase opportunities for employment.

Proposed designation for Deer Harbor Hamlet "Environs". Everything south of the magenta line on the peninsula (not the outlying islands.)



Table of Proposed Changes:

The text in red is what we would like to add to the current language.

	<i>Current language</i>	<i>Change we'd like to see</i>
1	<p>18.30.250 Deer Harbor plan review committee, Section C Purpose. <i>The purpose of the Deer Harbor plan review committee is to advise the San Juan County planning commission on land use and development matters affecting Deer Harbor and it's environs.</i></p>	<p>We'd like "and environs" added throughout the document. We will work on a specific definition for "and environs."</p>
2	<p>18.30.260 Commercial zoning requirements. <i>A. In order to prevent future random, unplanned and scattered mixed land uses in the hamlet, and to preserve the rural character while providing these services, all new commercial zoning must be located and confined to an area designated as the community center "overlay district" and will only be allowed as part of an approved community center planned unit development. The community center planned unit development must reflect the preferred development standards detailed in SJCC 18.30.280.</i></p> <p><i>B. Establish a community center overlay district that follows Deer Harbor road between the southern edge of the Deer Harbor Inn to the northern parcel of the Resort at Deer Harbor. The community center will only be developed within this zone on parcels with frontage that are no less than one acre. Development of the community center must be accomplished through the planned unit development process of SJCC 18.80.160. (Ord. 26 2007 § 5)</i></p>	<p>Eliminate the community center overlay district completely and instead simply say commercial development needs to take place in the designated commercial area. The regular permitting process will regulate development. The concept of an overlay district is unnecessarily restrictive to new business development.</p>
	<p>18.30.270 Deer Harbor community center overlay district.</p> <p><i>A. Purpose. To implement the policy of the Deer Harbor Hamlet plan. The Deer Harbor community center overlay district is intended to protect the public, health, safety and welfare by solely limiting the area in the Deer Harbor Hamlet where the community center planned unit development may be constructed.</i></p> <p><i>B. Applicability.</i></p> <p><i>1. The Deer Harbor community center overlay district shall include those parcels that front on both sides of Deer Harbor Road and will extend from the southern edge of the Deer Harbor Inn to the northern edge of the Resort at Deer Harbor (as indicated in Figure 1 of the</i></p>	<p>Eliminate this entire section.</p>

<p><i>Deer Harbor Hamlet plan) within the Deer Harbor Hamlet.</i></p> <p><i>2. All new commercial land use district designations within the Deer Harbor Hamlet must be part of a planned unit development on parcels of no less than one acre that have road frontage, that reflect the preferred development standards and must occur within the Deer Harbor community center overlay district.</i></p> <p><i>C. General Regulations:</i></p> <p><i>1. The community center planned unit development is subject to the requirements of SJCC 18.60.120, the procedural requirements of SJCC 18.80.160 and shall reflect the preferred community center development standards.</i></p> <p><i>2. The community center planned unit development is limited to one PUD on contiguous lots within the community center overlay district. (Ord. 26-2007 § 6)</i></p>	

Under the Land use designations, we would like to make the following changes, with the new designation in red..

18.30.310—Permitted land uses. These are the designations of categories of uses:

- Y = Uses allowed outright (i.e., without a project permit), subject to the applicable development standards (Chapter [18.60](#) SJCC); if a building or other construction permit is required, this is subject to administrative review; see SJCC [18.80.070](#).
- P = Use subject to administrative consistency review for compliance with Chapter [18.60](#) SJCC, Development Standards, and Chapter [18.40](#) SJCC, Performance and Use-Specific Standards; see SJCC [18.80.080](#).
- P/C = Administrative review; a discretionary use subject to administrative permit approval and consistency with Chapter [18.60](#) SJCC, Development Standards, unless the administrator requires a conditional use permit based on project impacts; see SJCC [18.80.090](#) and Table 8.2.
- C = Conditional use, subject to public notice and permit hearing procedure; see SJCC [18.80.100](#).
- N = Prohibited use.

Commercial Land Uses

LAND USES	HR	HC	HI-A	HI-B
Animal Shelters and Kennels	N	N	N	N
Automotive Service and Repairs	N	N Y	C	N
Bed and Breakfast Inn	C	C	N	N

Commercial Land Uses

LAND USES	HR	HC	HI-A	HI-B
Bed and Breakfast Residence (Owner lives in residence)	P	P/C Y	N	N
Camping Facilities	N	€ N	N	N
Day Care with 1 – 6 Children	P/C	P/C Y	N	N
Day Care with 7+ Children	C	€ Y	N	N
Drinking Establishment	N	P Y	N	N
Eating Establishment	N	P Y	C	N
Hotel/Motel	C ²	€	N	N
Indoor Entertainment Facility Theater	N	€ Y	N	N
Category "A" Joint Use Wireless Facility ⁴	Y	Y	Y	Y
Category "B" Joint Use Wireless Facility	P/C	P/C	P/C	P/C
Nursing Homes	N	P/C	N	N
Personal Wireless Service Facility, Co-Located on an Existing, Permitted Stand-Alone Tower, or Mounted to the Surface of an Existing Structure	P/C ³	P/C	P/C	N
Personal Wireless Services Facility, Mounted on a Building Which Meets the Height Standard of the Land Use Designation, or a Facility Disguised or Camouflaged As an Allowable Exemption to the Height Standard	P/C	P/C	P/C	N
Personal Wireless Service Facility, other ³	C	C	C	N
Personal and Professional Services	N C	Y	N	N
Residential Care Facilities [1 – 6 persons]	C	P/C Y	N	N
Residential Care Facilities [7 – 15 persons]	N	€ Y	N	N
Existing Resorts and Camps, Expansion of Existing Uses without Increase to Scope or Scale	N	C	N	N
Existing Resorts and Camps, Increase in Scope or Scale of Facilities and Services	N	C	N	N
Camps, New	N	N	N	N
Resorts, New	N	N	N	N
Retail Sales and Services	N C	Y	Y	C

Commercial Land Uses

LAND USES	HR	HC	HI-A	HI-B
Transient Rental (Vacation Rental) of Residence or ADU	C N	C Y	N	N
Warehouse, Mini-Storage, and Moving Storage Facilities	N	N	C	C
Auto Fuel Pumps	N	C	N	N
Unnamed Commercial Uses	N	C	C	C

Industrial Land Uses

Subject to low impact provisions of Table 8.2 of Chapter [18.80](#) SJCC.

Institutional Land Uses

LAND USES	HR	HC	HI-A	HI-B
College	N	N Y	N	N
Community Club or Community Organization Assembly Facility	C	P/C Y	N	N
Emergency Services	C	C	C	C
Environmental, Agricultural, Marine, Forestry, Aquacultural Research and Education Facilities	C	P/C	C	N
Government Offices	N	C	N	N
Institutional Camps	N	N	N	N
Library	N	P/C Y	N	N
Museum	C	P/C Y	C	N
Post Office	C ⁶	C Y	N	N
Religious Assembly Facility	N	C	N	N
School, Primary and Secondary	C	C	N	N
Technical School/Adult Education Facility	N	C	C	C
Unnamed Institutional Uses	C	C	C	C

Recreational Land Uses

LAND USES	HR	HC	HI-A	HI-B
Camping Facilities in Public Parks	N	N	N	N

Recreational Land Uses

LAND USES	HR	HC	HI-A	HI-B
Indoor Recreation Facilities	N	C -Y	N	N
Outdoor Recreation Developments	N	C	N	N
Parks & Child's Playground	C	C -Y	C	N
Playing Fields	C	C	N	N
Recreational Vehicle Parks	N	N	N	N
Outdoor Shooting Ranges	N	N	N	N
Unnamed Recreational Uses	C	C	C	C

Residential Land Uses

LAND USES	HR	HC	HI-A	HI-B
Cottage Enterprise	P	P	P	P
Farm Labor Accommodations for Persons Employed in Agricultural Production on the Premises	P/C	P/C	N	N
Farm Stay	C	C	N	N
Home Occupation	Y	Y	Y	Y
Mobile Home Parks	N	N	N	N
Multifamily Residential Units (3+ units), if Density Permits	C -Y	C -Y	N	N
Single-Family Residential, or Accessory ⁷ Apartment, or Accessory to an Allowable Nonresidential Use	Y	Y	Y	Y
Single-Family Residential Unit	Y	C	N	N
Two-Family Residential (Duplex), if Density Permits	P/C	P/C	N	N
Vacation Rental of Residential or Accessory Dwelling Unit Our intention is to eliminate vacation rentals in residential areas. Properties with existing vacation rentals would continue to have them, but if the property is sold, or the current resident doesn't comply with regulations, then the permit would end. Does this need to be spelled out in another section, so the intent is clearer?	C -N	P -C	N	N
Rural Residential Clusters	Y	N	N	N
Unnamed Residential Uses	C	C	C	C

Transportation Land Uses				
LAND USES	HR	HC	HI-A	HI-B
Airfields	N	N	N	N
Airports	N	N	N	N
Airstrips	N	N	N	N
Hangars	N	N	N	N
Helipads	N	N	N	N
Helipads, Emergency Services	C	C	C	C
Ferry Terminals	N	C	C	N
Parking Lots, Commercial	C	Y	C	N
Outer Island Parking	C	C	C	C
Parking Structures	N	N	N	N
Trails and Paths, Public	Y	Y	Y	Y
Water Taxi	C	C	C	N
Streets, Public	Y	Y	Y	Y
Unnamed Transportation Uses	C	C	C	C