



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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

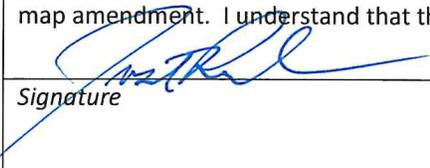
DATE RECEIVED  
**SJC DEPARTMENT OF**  
**FEB 26 2020**  
**COMMUNITY DEVELOPMENT**

**Comprehensive Plan Text/SJC Code\* Amendment Request**

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

APPLICANT INFORMATION:			
Name of Applicant:	Homes for Islanders	Name of Agent:	Justin Roche
City, State, Zip	P O Box 545 Friday Harbor, WA 98250	Address	PO Box 3394
Phone	360-370-5944	City, State, Zip	Friday Harbor, WA 98250
Email	director@homesforislanders.org	Phone	360-393-9282
		E-mail	rochejustin@hotmail.com

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.

	Justin Roche	Feb 5, 2020
Signature	Printed Name	Date
Signature	Printed Name	Date

**Please Describe the Proposed Amendments (attach additional pages if you need more space):**

1. Comprehensive Plan – Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.

**No proposed changes to the Comprehensive Plan, only to the San Juan County Code.**

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

**Proposed changes are attached in the form of a proposed ordinance that would change the following sections of the San Juan County Code, Title 18:**

**18.60.230(C)3b;**  
**18.60.230(C)5b;**  
**18.60.230(C)6e; and**  
**18.60.260(G)**

3. Why are the amendments being proposed?

**The changes to four areas of the San Juan County Code are being proposed in an attempt to improve the utilization of the County's rural residential cluster developments and resolve conflicts within the San Juan County Code.**

**Two of the proposed changes are intended to resolve conflicts within the San Juan County Code.**

**One proposed change simply implements a recommendation contained within the Housing Element of the Comprehensive Plan. A change that is more than a decade overdue.**

**Another proposed change addresses practical concerns regarding family-sized square-footage limitations contained within the rural residential cluster section of the code.**

**The intended aggregate impact of the proposed changes is to repair the broken rural residential cluster section of the San Juan County Code. We hope these repairs will help increase the practical availability of affordable housing options in San Juan County.**

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

**RCW 36.770A.070(2) requires counties to have a housing element that "identifies sufficient land for housing including, but not limited to government assisted housing, housing for low income families, manufactured housing [...]; and (d) makes adequate provision for existing and projected needs of all economic segments of the community."**

**San Juan County is a mostly rural community with only one densely populated UGA on each island. While the UGA's are the logical place for affordable housing, they are not always convenient to work or where people wish to live. More important, the rural areas are the only alternative when the UGA's have no available land for single family development.**

**Finally, GM requires that plans must be implemented. (Achen vs Clark County 95-2-0067)**

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, this proposal does not impact an Urban Growth Area.**

6. Does this proposal increase population or employment capacity?

**This proposal aims to repair the broken and therefore unused rural residential cluster section of the San Juan County Code. A usable rural residential cluster provision will allow for construction of more affordable homes in the San Juans, which will allow more working families to afford to remain in the community or return to the community where they grew up.**

ORDINANCE NO. \_\_\_\_\_ - 2020

**REGARDING RURAL RESIDENTIAL CLUSER DEVELOPMENT AND  
AFFORDABLE HOUSING;  
AMENDING SAN JUAN COUNTY CODE SECTION 18.60.230 AND  
SAN JUAN COUNTY CODE SECTION 18.60.260**

WHEREAS, the San Juan County Council recognizes the need for and benefit of affordable housing programs in San Juan County;

WHEREAS, San Juan County Code provides development incentives and restrictions for rural residential cluster developments in the rural unincorporated areas of the County;

WHEREAS, in 2005-2007 the non-profit organization Homes for Islanders constructed Leeward Cove and Rocky Bay residential developments on San Juan Island as a rural residential cluster developments;

WHEREAS, despite a strong housing market and the need for affordable housing in San Juan County, no rural residential cluster developments have been created since Rocky Bay in 2007;

WHEREAS, the San Juan County Council desires to make changes to San Juan County Code to improve the utilization of the County's rural residential cluster developments; p

WHEREAS, San Juan County Code 18.60.230(C)3b conflicts with and limits the operability of San Juan County Code 18.60.260(D);

WHEREAS, San Juan County Code 18.60.230(C)5b limits rural residential clusters to eight dwelling units and the San Juan County Comprehensive Plan (Housing Element Section 5.2.D.15) recommends increasing the limit to twelve;

WHEREAS, San Juan County Code 18.60.230(C)6e limits the floor area of each dwelling unit to 1,500 square feet which effectively prohibits four-bedroom dwelling units designed for families with children; and

WHEREAS, San Juan County Code 18.60.260(G) references the undefined term middle-income and unnecessarily limits the number of middle-income dwelling units in a rural residential cluster development;

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of San Juan County, state of Washington, as follows:

Section 1. San Juan County Code Section 18.60.230 is amended to reach as follows:

18.60.230 Rural residential cluster development.

A. Purpose. A rural residential cluster development is a small cluster of residences and related structures intended to provide opportunities for affordable housing and small scale agriculture in rural areas. The standards and procedures provided below are intended to ensure that such developments remain compatible with the rural, agricultural and natural character of rural and resource lands; prohibit suburban sprawl; and do not require urban-level services.

B. Applicability. An applicant intending to develop a rural residential cluster must file a use permit application, subdivision or binding site plan application appropriate to the project as provided in SJCC 18.80.180.

C. Minimum Standards.

1. Land Use Districts.

a. The rural residential cluster may be located within any of the following land use districts: village residential, hamlet residential, rural residential, or rural farm forest.

b. A rural residential cluster shall not be located in an urban growth area nor in any of the following land use districts: rural general use, island center, master planned resort, agricultural resource, forest resource, conservancy, natural, or any industrial or commercial district. The developed portion of a rural residential cluster shall not be located in lands subject to the Shoreline Management Act.

2. Project Site and Unit Ownership.

a. The project site shall consist of the entirety of one or more legal lots of record, and shall be in a single ownership by a public agency, or by a business or nonprofit corporation in the business of providing affordable housing. Any portion of the site not sold for affordable housing shall remain in such ownership as part of the rural residential cluster development for the duration of the use.

b. Individual residential units may be rented, leased or sold, consistent with the purpose of this section.

c. Further subdivision of the parcel or parcels shall be consistent with the purpose of this section.

3. Affordable Housing.

a. All residential units within a rural residential cluster must be affordable housing meeting the standards of SJCC 18.60.260.

~~b. Prior to issuance of any building permit for the project, the applicant shall grant a restrictive use easement for the site to San Juan County for the purpose of affordable housing development, subject to such conditions and limitations as the County may require.~~

4. Site Design.

a. The site design of the rural residential cluster development shall comply with the site design guidelines of subsection (G) of this section.

b. The site design of the project as a whole shall comply with the applicable dimensional standards of Table 6.1 or 6.2 in SJCC 18.60.050 with respect to adjacent properties.

5. Maximum Allowable Residential Density and Number of Dwelling Units.

a. A rural residential cluster development shall not be subject to the density requirements of the land use district in which it is located, except for such requirements in which rural residential development is regulated by name.

b. A rural residential cluster development shall have a maximum density of two units per acre and a maximum of ~~eight~~ twelve dwelling units.

6. Allowed and Accessory Uses, and Accessory Structures. Only residential uses are allowed except as provided below. Accessory residential units are prohibited. Accessory uses shall be limited to those appropriate and necessary to residential and agricultural use, including the following:

a. Agricultural buildings for housing of animals, storage of agricultural equipment or products, maintenance of equipment used on the site, or processing of agricultural products grown on the site, if otherwise permitted in the district in which the project is located;

b. Structures for the on-site sale of products grown or manufactured on the site, not to exceed 500 square feet of floor area, if otherwise permitted in the district in which the project is located;

c. Common kitchen, meeting or recreation spaces for residents and their guests;

d. Offices for a nonprofit housing provider owning or operating the project, not to exceed 500 square feet of floor area.

e. The total enclosed floor area of ~~structures including~~ dwelling units and accessory ~~structures~~ shall not exceed ~~1,500~~ 1,750 square feet ~~per dwelling unit~~. In addition, total

enclosed floor area for each dwelling unit shall be limited to 750 square feet plus an additional 250 square feet afforded for each bedroom.

f. The total enclosed floor area of ~~structures including dwelling units and accessory~~ all other structures shall not exceed 1,500 square feet ~~per dwelling unit~~.

7. Access to Shorelines – Common Easements. A rural residential cluster adjacent to water and subject to the jurisdiction of the Shoreline Master Program shall dedicate a common area for residents' access to the shoreline area.

8. Water Quality. Meet the requirements specified in SJCC 18.60.020, 18.60.060(B) and 18.60.070.

9. Water Quantity. Demonstrate adequate and available water to serve the development (see also SJCC 18.60.020).

10. Stormwater Management. Meet the requirements and standards of SJCC 18.60.060(B) and (C) and 18.60.070.

11. Open space and landscaped areas shall be designed as an integrated part of the rural residential cluster rather than as an isolated element. A landscaping plan shall be prepared consistent with the requirements of and incorporating the development standards in SJCC 18.60.160. Landscape screening shall be established along the perimeter, appropriate to the project and its surrounding environment, if required by the administrator. All existing trees greater than six inches in diameter at breast height within the project area and its buffer areas shall be retained whenever feasible.

12. Roads, streets, and access drives within and adjacent to the rural residential cluster shall meet the requirements specified in SJCC 18.60.080 through 18.60.180 and Table 6.3 in SJCC 18.60.100.

13. Parking shall be screened from view from public rights-of-way.

D. Limitation on Number of Rural Residential Clusters. The number of rural residential cluster developments shall not exceed the following:

1. On San Juan, Orcas, Lopez and Shaw Islands combined, outside of village, hamlet or residential activity centers:

a. Not more than three clusters in any one calendar year;

b. In any calendar decade:

- i. Not more than 100 dwelling units; and
  - ii. Not more than 50 dwelling units on any one island.
2. On other islands, not more than 10 dwelling units on any one island per calendar decade.
  3. The administrator shall establish procedures for submitting applications for rural residential cluster developments, and may establish criteria for competitive evaluation of such applications if more applications are received than may be approved for a given calendar year period. Such evaluation may consider the location of the proposed clusters in relation to identified housing need; the number of units provided; the availability of units to income groups and household types, including families with children, in greatest need of affordable housing; the current allocation of such clusters among the various islands; the design and location of the clusters for which applications are received; and the demonstrated ability of the applicant to perform based on financial and other factors. In developing such criteria and evaluating competing projects, the administrator shall consult with the housing advisory board.

E. Timely Development Required. Rural residential cluster developments are intended to meet a portion of the County's needs for affordable housing, and the expectation that rural residential cluster developments will be constructed promptly following approval is an important consideration in evaluating such projects. Approval of a rural residential cluster may be withdrawn if the applicant does not meet any of the following milestones for development of the proposed project:

1. Building permits issued for at least 50 percent of the units no later than 18 months from final approval of the short subdivision, long subdivision or binding site plan for the rural residential cluster;
2. Building construction shall commence no later than 36 months from final approval of the short subdivision, long subdivision or binding site plan for the rural residential cluster;
3. Project constructed and all units available for occupancy no later than 18 months from approval.

F. Separation. A rural residential cluster development located outside of a village, hamlet or residential activity center shall not be developed in such a way that any habitable structure is located within 1,200 feet of a habitable structure in another rural residential cluster development located outside of a village, hamlet or residential activity center.

G. Design Guidelines. The plot plan (cf. SJCC 18.80.020(C)(11)(c)) and building plans shall demonstrate compliance with the following design guidelines. The application submitted for the project shall specifically indicate how the project addresses each of the following design issues:

1. Visual Shielding from Surrounding Uses and County Roads.

a. The project design shall provide for effective use of terrain, landscape screening, natural vegetation, and the layout and design of structures, to minimize the visibility and the visual impact of the project, as seen from existing residences on surrounding properties, and from County roads.

b. The administrator may require that a visual study including a visual prototype review period be provided. The building prototype shall be a temporary framework sufficiently visible to clearly and accurately show the proposed volume of structures on the site from those locations from which the structures would be visible.

2. Small-Scale Structures and Articulated Building Surfaces. The visual character of the project shall express the single-family residential character of the project, and shall avoid use of large or bulky structures, large blank surfaces, large retaining walls or other site improvements. In order to minimize the height, bulk and visual impact of the project, the following limitations shall apply:

a. No structure shall include more than 3,500 square feet of covered floor area.

b. No structure shall include more than four dwelling units.

c. No structure shall exceed a building height of two stories or 30 feet.

d. Any structure incorporating more than one dwelling unit shall provide an obvious exterior expression of each dwelling unit using one or more of the following methods:

i. A horizontal setback at least six feet deep between units for a distance of at least 12 feet;

ii. Articulated surfaces in which a variation of at least six feet in the setback at least six feet wide occurs at least every 30 feet;

iii. Articulated surfaces in which the horizontal alignment of the exterior wall of adjacent residential units varies by at least 22.5 degrees;

iv. A difference of at least 22.5 degrees in the horizontal direction of roof pitch, or a difference in roof elevation of at least two feet in height, for a minimum distance of 12 feet, between units;

v. Other architectural devices approved by the administrator providing at least the visual identification of individual dwelling units provided by subsections (G)(2)(d)(i) through (iv) of this section.

3. Conservation Design. All rural residential cluster development, including development in activity centers, shall be subject to the conservation design standards of SJCC 18.70.060(B)(10). (Ord. 7-2005 § 18; Ord. 12-2001 § 6; Ord. 11-2000 § 5; Ord. 2-1998 Exh. B § 6.21)

Section 2. San Juan County Code Section 18.60.260 is amended to reach as follows:

18.60.260 Affordable housing.

A. Purpose. The purpose of this section is to set forth the conditions under which housing may qualify as affordable housing for the purpose of density bonuses or other provisions of the comprehensive plan or unified development code.

B. Affordable housing is housing where the occupants pay no more than 30 percent of gross monthly income for total housing costs, including the cost of property taxes and insurance for homeowners and monthly utilities, excluding telephone, for owners and renters. Except where further specified in the Comprehensive Plan and this code, "affordable housing" refers to such housing serving as the primary residence for very low-, low-, moderate- and middle-income households. The definition of income groups by household size shall be as most recently defined by the U.S. Department of Housing and Urban Development for San Juan County.

C. To qualify as affordable to a particular income group and family size, housing shall provide long-term affordability as defined below, and shall have an appropriate size and amenities and have a sufficient number of bedrooms to meet the needs for that family size as determined by the administrator, using appropriate information from the building code, the U.S. Department of Housing and Urban Development and the Washington State Office of Community Development.

D. Long-Term Affordability. In order to qualify as affordable housing, housing must provide assurance of affordability to applicable income groups for at least 50 years for ownership housing and 20 years for rental housing by one or more of the following methods:

1. Ownership of land or land and structures by a public agency or nonprofit housing provider;
2. Granting of a restrictive use easement in a form specified by the County for the portions of the site encompassing the affordable units to San Juan County for the purpose of affordable housing development;
3. In the case of rental housing only, the units are subject to a contract with a housing provider which assures their affordability for a minimum of 20 years; or

4. Housing which because of its size, location, amenities, restrictions on development or use, or other characteristics, has been specifically determined by resolution of the board of County commissioners to be affordable.

E. Permanently Affordable Housing. In order to qualify as permanently affordable housing, housing must provide assurance of affordability to applicable income groups for at least 99 years by one or more of the following methods:

1. Ownership of land or land and structures by a public agency or nonprofit housing provider with assurance of affordability for at least 99 years;
2. Granting of a restrictive use easement in a form specified by the County for the portions of the site encompassing the affordable units to San Juan County for the purpose of affordable housing development;
3. Housing which because of its size, location, amenities, restrictions on development or use, or other characteristics, has been specifically determined by resolution of the board of County commissioners to be permanently affordable.

F. Concurrent Development. Affordable housing units must be developed prior to or at the same time as other allowed residential units in any project granted a density bonus for affordable housing.

~~G. Limitation on Credit for Affordable Middle Income Housing. No more than 25 percent of the dwelling units counted as affordable housing or permanently affordable housing for the purpose of obtaining a density bonus, use permit, or other special privilege reserved for affordable housing in any project may be for middle-income households. (Ord. 11-2000 § 5; Ord. 2-1998 Exh. B § 6.24)~~

Section 3. Effective Date.

This Ordinance is effective on the 10<sup>th</sup> working day after adoption.

Section 4. Codification.

Sections 1 and 2 of this ordinance shall be codified.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2020.

ATTEST: Clerk of the Council

**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

\_\_\_\_\_  
Ingrid Gabriel, Clerk Date

\_\_\_\_\_  
Jamie Stephens, Chair  
District 3

REVIEWED BY COUNTY MANAGER

\_\_\_\_\_  
Michael J. Thomas Date

\_\_\_\_\_  
Rick Hughes, Vice-Chair  
District 2

RANDALL K. GAYLORD  
APPROVED AS TO FORM ONLY

By: \_\_\_\_\_  
Date

\_\_\_\_\_  
Bill Watson, Member  
District 1