



## 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

### MEMO

**MEMO DATE:** October 1, 2020  
**TO:** San Juan County Planning Commission  
**CC:** Erika Shook, AICP, DCD Director  
**FROM:** Sophia Cassam, Planner I *SC*  
**SUBJECT:** San Juan County Comprehensive Plan  
Element B.2 Land Use and Rural: Rural Residential Cluster Development  
**ATTACHMENT:** A. Binding Site Plan for Rocky Bay Rural Residential Cluster

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**PURPOSE:** To answer Planning Commission's questions about Rural Residential Cluster Development (cluster development) brought up at the September 18, 2020 Planning Commission meeting.

**BACKGROUND:** Planning Commission discussed cluster developments at the meeting on September 18, 2020. The discussion centered around four potential changes to the cluster development code. Potential changes 1, 2, and 4 are requests made by Homes for Islanders in the 2020 Annual Docket:

1. Limits to the number of units allowed in a cluster development;
2. Limits to the size of cluster development structures;
3. Cluster development ownership requirements; and
4. Assurance of affordability requirements.

Staff presented options for addressing each of the issues and is seeking Planning Commission's recommendations on the options. The discussion generated several questions about cluster developments, which this staff report aims to clarify. The questions are:

- How many cluster developments are there in San Juan County?
- Are there regulations preventing units in cluster developments from being used as vacation rentals?
- How does San Juan County ensure the requirements for cluster developments continue to be met over time?
- Is building square footage associated with individual units or with the entire development?
- How do cluster development standards protect rural character?

## How many cluster developments are there in San Juan County?

There are two cluster developments in San Juan County (shown below). Both are on San Juan Island. Each development contains eight approximately 1,200 sq. ft. homes. The clusters were built by Homes for Islanders in 2006-2007 on parcels of about 4.5 acres each.

There are other affordable housing developments in the County built in clustered manner; however Leeward Cove and Rocky Bay are the only two rural residential cluster developments built according to SJCC 18.60.230. Other clustered developments have density bonuses for affordable housing but are not on rural lands and do not have the same requirements, such as those for open space and aesthetic screening.

**Maps 1A and 1B. Leeward Cove, 2006 (351049102000), San Juan Island.**



Source: San Juan County GIS

**Maps 2A and 2B. Rocky Bay, 2007 (362949001000), San Juan Island.**



Source: San Juan County GIS

**Are there regulations preventing units in cluster developments from being used as vacation rentals?**

There are no development regulations restricting units in cluster developments from having vacation rental permits. However, units in cluster developments are unlikely to be used as vacation rentals. Currently, no affordable housing units, including those in cluster developments, have a vacation rental permit. To purchase an affordable housing unit, the buyer must show that the home will be their primary residence.

Additionally, recent restrictive easements between affordable housing developers and the County have contained a clause prohibiting short-term rentals. According to the SJC Affordable Housing Coordinator, Ryan Page, future restrictive easements will also include a similar clause. When considering the options for affordability requirements, restrictive easements can be used to prohibit vacation rentals.

Planning Commission could recommend a new development regulation prohibiting units in cluster developments from having vacation rental permits.

**How does San Juan County ensure the requirements for cluster developments continue to be met over time?**

Clusters are divided using a binding site plan that must meet the requirements for cluster developments in SJC 18.60.230 and for binding site plans in 18.70.090. The binding site plan for the Rocky Bay cluster development is provided as an example in Attachment A. The binding site plans denote long-term and

permanent affordability requirements, and the requirements for open space conservation design. They also show the locations of all housing units and parking areas; designate areas for landscaping, common areas and open space; and list other restrictions for the development.

The Rocky Bay binding site plan contains the following section restricting the development for use as affordable housing:

Section 10.3 Affordable Housing Requirement. This development was made possible with a special density bonus for affordable housing. In order to ensure that the housing remains affordable, the County holds a restrictive use easement for fifty (50) years as follows:

All homes in Rocky Bay shall be exclusively for affordable housing. The homes will be small, not to exceed 1460 gross square feet in area, of modest and economical design and limited amenities, with limited yard space. The homeowners will be jointly responsible for road, water and sewer services facilities. No additions or expansions of the units is permitted. The purchase of all units shall be restricted to families demonstrating to San Juan County or a third party approved by San Juan County that they have an annual income not exceeding moderate income based on the median income for San Juan County as defined by HUD for the year of sale. Accessory dwelling units are prohibited.

The binding site plans help DCD ensure that cluster developments continue to abide by the development code over time. DCD reviews plats, surveys and binding site plans during the permit review process for any permit application requiring land use review. DCD will not issue permits that contradict the provisions of the binding site plan.

### **Is building square footage associated with individual units or with the entire development?**

During this update process, the way that the County counts building square footage in cluster developments could be clarified. SJCC 18.60.230(C)(6) states: “The total enclosed floor area of structures including dwelling units and accessory structures shall not exceed 1,500 square feet per dwelling unit.” Staff seeks Planning Commission’s recommendation on how this code should apply.

**Option A: Dwelling units (including associated accessory structures) shall not exceed 1,500 square feet each.**

Option A ensures that all units in the development are small, reinforcing the call for small-scale structures in the design standards in 18.60.230(G)(2). All units in existing cluster developments have been under 1,500 square feet.

**Option B: The average square footage per dwelling (including associated accessory structures) shall not exceed 1,500 square feet across the development.**

Option B ensures that the square footage of the overall development remains below 1,500 square feet per unit. This option creates flexibility for developers to build some smaller homes and some larger homes if needed. For example, a developer could build six 1,200 square foot homes and two 1,700 square foot homes, and the average square footage per unit would be 1,325 square feet.

Option B could be a way to address the problem Homes for Islanders brought up in the second request in their 2020 Docket application. Homes for Islanders requested that the allowed square footage per unit be increased to 1,750 square feet per unit, stating that the increase is necessary in order to build homes for larger families who need more bedrooms. Rather than increasing the square footage limit, Option B could allow square footage to be allocated between homes without increasing the amount of development allowed overall.

### **How do cluster development standards protect rural character?**

There are development standards to help protect the rural character of the land beneath and around cluster developments. Several tenets of San Juan County's definition of rural character in SJCC 18.20.180 "R" Definitions relate to the cluster development standards:

- Open space, the natural landscape and vegetation predominate over the built environment;
- Traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- Visual landscapes traditionally found in rural areas and communities; and
- No extension of urban governmental services.

Cluster development are designed to minimize impacts to rural character while providing an opportunity for low to moderate income households to affordably live in rural areas. The following cluster development standards minimize the impacts of cluster developments and help maintain rural character as defined by the County:

- There must be visual shielding from surrounding uses and from County roads to minimize the visual impact of the project (SJCC 18.60.230(G)(1)).
- Structures must be small-scale (SJCC 18.60.230(G)(2)).
- Separate cluster developments require spacing outside of a village, hamlet or residential activity center. The habitable structures of a cluster must be at least 1,200 feet from the habitable structures of another cluster. This prevents clusters of clusters forming sprawl and protects open space.
- Structures with more than one dwelling must differentiate between units on the exterior by using various listed architectural variations. This prevents bulky structures and blank surfaces. (SJCC 18.60.230(G)(2)).
- Developments shall not require urban-level services (SJCC 18.60.230(A)).
- A maximum density of two units per acre and a maximum of eight dwelling units are allowed. The limit to the number of allowed units protects the natural landscape (SJCC 18.60.230(C)(5)(b)).

### **Q & A WITH AFFORDABLE HOUSING NON-PROFITS**

Representatives from several affordable housing non-profits who develop in San Juan County will join in at the October Planning Commission meeting to provide insight about cluster developments. The representatives will be addressing additional questions from the September 2020 Planning Commission meeting, including:

- In what ways does the limitation of 8 units per cluster affect the development of cluster developments? Planning Commission would like clarification on how raising limit to the number of units would increase non-profit developers' ability to build cluster developments.
- In what ways does the 1,500 square feet per unit limit inhibit the development of cluster developments? Planning Commission would like clarification on whether the square footage limit prevents non-profit developers from being able to serve certain groups within the community.
- If SJCC 18.60.230(C)(2)(a) were changed to allow anyone to develop clusters, how might the affordable housing non-profits be affected? Are there concerns about competition for developable sites and/or for the limited number of clusters allowed?
- In what ways do the assurance of affordability requirements inhibit the development of cluster developments? Planning Commission would like clarification on why it has been proposed to eliminate the requirement for a restrictive use easement and to allow clusters to be developed with any of the methods of assurance of affordability.
- What other hurdles do the affordable housing non-profits face when considering cluster developments?
- What are the benefits of developing in rural areas as opposed to UGAs?

AUDITOR'S CERTIFICATE

Filed for record this 3<sup>rd</sup> day of Nov 2006 at 10:45A in Vol. 1 of Binding Site Plans, Pages 8, 8A at the request of Star Surveying & Engineering, Inc.  
By: B. J. Stone M. Termin 2006 1102002  
San Juan County Auditor Auditor's File Number

ADMINISTRATOR'S CERTIFICATE

This Binding Site Plan conforms to the requirements established by the San Juan County Unified Development Code.  
Ronald H. Baker 11/02/2006  
Administrator of Plats / Director Date  
Community Development and Planning Department

TREASURER'S CERTIFICATE

All taxes levied for the current year, 2006, including advance taxes per RCW 58.08.040, for current year tax not yet levied or certified and any delinquent taxes or assessments which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office. If any penalty fees are due under the provisions of the Open Space or DFL Law (84.33 and 84.34 RCW) this does not guarantee that they have been paid.  
P. J. Morrison DEPUTY 10/20/2006  
San Juan County Treasurer Date

HEALTH DEPARTMENT CERTIFICATE

Examined and approved this 30<sup>th</sup> day of October, 2006.  
10/30/06 Shelley T. ...  
Date San Juan County Sanitarian

COUNTY ENGINEER'S CERTIFICATE

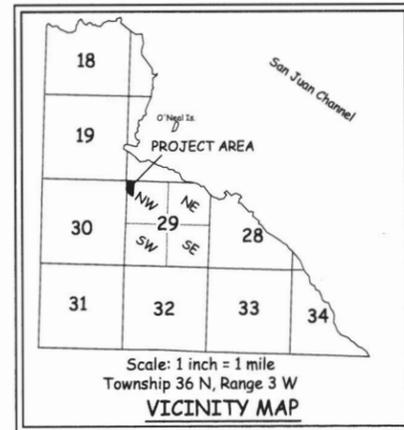
Examined and approved this 25<sup>th</sup> day of October, 2006.  
10/25/06 John Van Housen  
Date San Juan County Engineer

PREPARED AT THE REQUEST OF  
**Homes For Islanders**  
A portion of the NW-NW, Sec. 29, Township 36 North, Range 3 West, W.M., San Juan Island, San Juan County, WA.

STAR SURVEYING & ENGINEERING, INC.  
P.O. BOX 2997 (360)378-5072  
FRIDAY HARBOR WASHINGTON 98250  
CIVIL ENGINEERING LAND SURVEYING PLANNING

CAD BY: RJW	DATE: 7/14/06	REV: 8/17/06	JOB NO: 1245
CHK BY: TCS			SCALE: 1" = 30'
FLD BK: 62,63, 65			DWG: 1071

SURVEYED BY FIELD TRAVERSE WITH A TOPCON GTS-211D



LAND DESCRIPTION

The West 360 feet of the Northwest Quarter of the Northwest Quarter of Section 29, Township 36 North, Range 3 West, W.M., San Juan County, Washington.

EXCEPT the North 337 feet thereof; and

EXCEPT any portion thereof lying South of Roche Harbor Road, County Road No. 3; and

EXCEPT any portion lying within Roche Harbor Road, as conveyed to San Juan County at Volume 16 of Deeds, Page 181 and under Auditor's File No. 73436, records of San Juan County, Washington.

Section 10.3 Affordable Housing Requirement. This development was made possible with a special density bonus for affordable housing. In order to insure that the housing remains affordable, the County will hold a restrictive use easement for fifty (50) years as follows:

All homes in Rocky Bay shall be exclusively for affordable housing. The homes will be small, not to exceed 1460 gross square feet in area, of modest and economical design and limited amenities, with limited yard space. The home owners will be jointly responsible for road, water and sewer services facilities. No additions or expansion of the units is permitted. The purchase of all units shall be restricted to families demonstrating to San Juan County or a third party approved by San Juan County that they have an annual income not exceeding moderate income based on the median income for San Juan County as defined by HUD for the year of sale. Accessory dwelling units are prohibited.

OPEN SPACE CONSERVATION DESIGN S.J.C.C. 18.70.060(B)(10):

All land divisions in resource land, conservancy, and rural designations (outside of areas of more intensive rural development), and all shoreline areas shall protect open space and scenic resources as well as natural resources by meeting the following design and development requirements:

- At a minimum, 60 percent (65% on this project) of the area of the parcel to be divided shall be maintained as open space area from which all construction related to residential use (houses, residential outbuildings, parking and residential landscaping) shall be excluded. Wells, septic systems, biofiltration, and ponds approved as pumper supply points, may be placed within the nonbuilding area of a parcel.

DEDICATIONS

Know all men by these presents that the undersigned owner declares this to be the Binding Site Plan for ROCKY BAY and that it has been made with the free consent and in accordance with the desires of the owners.

ALSO, I dedicate to the Unit owners the utilities easements as shown on the Plat, and non-exclusive use of the road and parking area for roadway and utilities purposes.

ALSO, I declare that all easements listed herein are privately owned and that all persons acquiring property in the subdivision agree to hold San Juan County harmless for all costs of construction and maintenance of said easements

ALSO, each owner of a residential unit shall acquire an undivided interest in all common areas.

Homes For Islanders  
A Washington Non-Profit Corporation  
by: Mary L. Stone  
Mary L. Stone, President of Homes For Islanders

ACKNOWLEDGMENTS

State of WA  
County San Juan

This is to certify that on this 17 day of August, 2006, before me, the undersigned a Notary Public in and for the State of Washington duly commissioned and sworn, personally appeared Mary L. Stone to me known to be the President of Homes For Islanders who executed the foregoing Dedication and acknowledged the said Declaration to be their free and voluntary act and deed for the uses and purposes herein mentioned. Witness my hand and official seal the day and year first above written.

Peggy L. Hensick  
Notary Public in and for the State of Washington  
Residing at Friday Harbor

PEGGY L. HENSICK



RESTRICTIONS

- There are additional private declarations, conditions, covenants or restrictions in addition to those shown on the face of this plat. If any existing or future private declarations, conditions, covenants and/or restrictions are in conflict with the restrictions which appear on the face of this plat, the more restrictive provisions shall govern. Any private conditions, covenants or restrictions in addition to those shown on the face of the binding site plan are supplemental to the requirements of the Unified Development code. The County is not a party to private restrictions.
- All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of San Juan County, and in accordance with such other governmental permits, approvals, regulations, requirements and restrictions that that may be imposed upon such land and the development and use thereof. Upon completion, the water, sewer and drainage systems shall be owned by an association or other legal entity in which the owners of units therein have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.
- All road driveways, parking areas and all easements, except those dedicated the public, are privately owned. The County is not responsible for the construction or maintenance of any driveways, parking areas, or easements within the final Binding Site Plan. All persons acquiring condominium units in the Binding Site Plan agree to hold the County harmless for all costs of construction or maintenance of all driveways, parking areas or easements within the Binding Site Plan.
- This Binding Site Plan has been approved by responsible county officials on the premise that each condominium unit will be occupied by no more than a single family. No unit shall be otherwise occupied.
- The approved water source system for all lots within this subdivision shall be the Rocky Bay Water System. Any successor water system or future source of water for any or all of the lots in the subdivision shall be approved by the Department of Health and Community Services for quality and quantity.
- The open space conservation areas designated on the face of the Binding Site Plan are dedicated to all owners of condominium units within the Binding Site Plan.
- Maintenance of the private road, the well or other water source, and the water distribution system serving the lots/tracts in this final binding site plan is shared equally by the lot/tract owners.
- The Rocky Bay Condominium Owners' Association shall maintain and retain the forested common/conservation open space tract. Tree removal, trimming, and limbing shall be limited in the non-building conservation area.
- All of the Common Area with the exception of the road and the parking area is designated as a native growth area. Trees and vegetation must not be removed except for approved timber harvest and the removal of dangerous and diseased trees. Disturbed areas will be replanted as shown on Preliminary Plat drawing on file with the CDPD.
- Well sites shall be subject to sanitary setback.
- The 100-foot sanitary control areas identified on the development plan must be protected from any potential source of contamination. Therefore, no potential source of contamination shall be constructed or maintained within 100 (one hundred) feet of the related well so long as the well is operated (or the site is being maintained in reserve for well operations) to furnish water for public consumption. Potential sources of contamination include but are not limited to: septic tanks and drainfields, sewerlines, underground storage tanks, roads, railroads tracks, vehicles, structures of any kind (excluding water appurtenances), barns, feed stations, grazing animals, enclosures for maintaining fowl or animal manure, storage of liquid or dry chemicals, hazardous waste, the storage or application of herbicides, insecticides, pesticides, or road oil or garbage of any kind or description.
- The development is served by a Group B water system. The well serving the Group B water system cannot withdraw more than 5000 gallons per day unless a water right is obtained from the State Department of Ecology. In order to insure this requirement is met, the water system must meter the source and each individual lot. The water system is responsible for insuring the total daily withdrawal from the well is maintained below 5000 gallons per day. The water system shall report water use, both source production and individual use, to the San Juan County Health & Community Services Department on a quarterly basis. Should the water system approach or exceed 5000 gallons per day, the water system shall impose restrictions on use designed to limit the daily withdrawal to less than 5000 gallons per day.

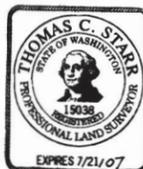
- A BINDING SITE PLAN OF -  
**ROCKY BAY**

### SURVEYOR'S CERTIFICATE

I, Thomas C. Starr, registered as a land surveyor of the State of Washington, certify that this Binding Site Plan is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of August 2005, through August 2006; that the distances, courses and angles are shown thereon correctly; and the monuments, other than those monuments approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat.

This plat correctly represents a survey made by me or under my direction in conformance with the requirements of San Juan County, WAC 332-130-090, and the Washington State Survey Recording Act. This certification is specifically limited to Sheet 2 of 2, and does not include any of the vesting or other information on Sheet 1 of 2.

*Thomas C. Starr*  
 Thomas C. Starr, Licensed Surveyor  
 Certificate No. 15038  
 Star Surveying & Engineering, Inc.  
 P.O. Box 2997  
 Friday Harbor, WA 98250  
 (360) 378-5072  
 Date: 8-17-06

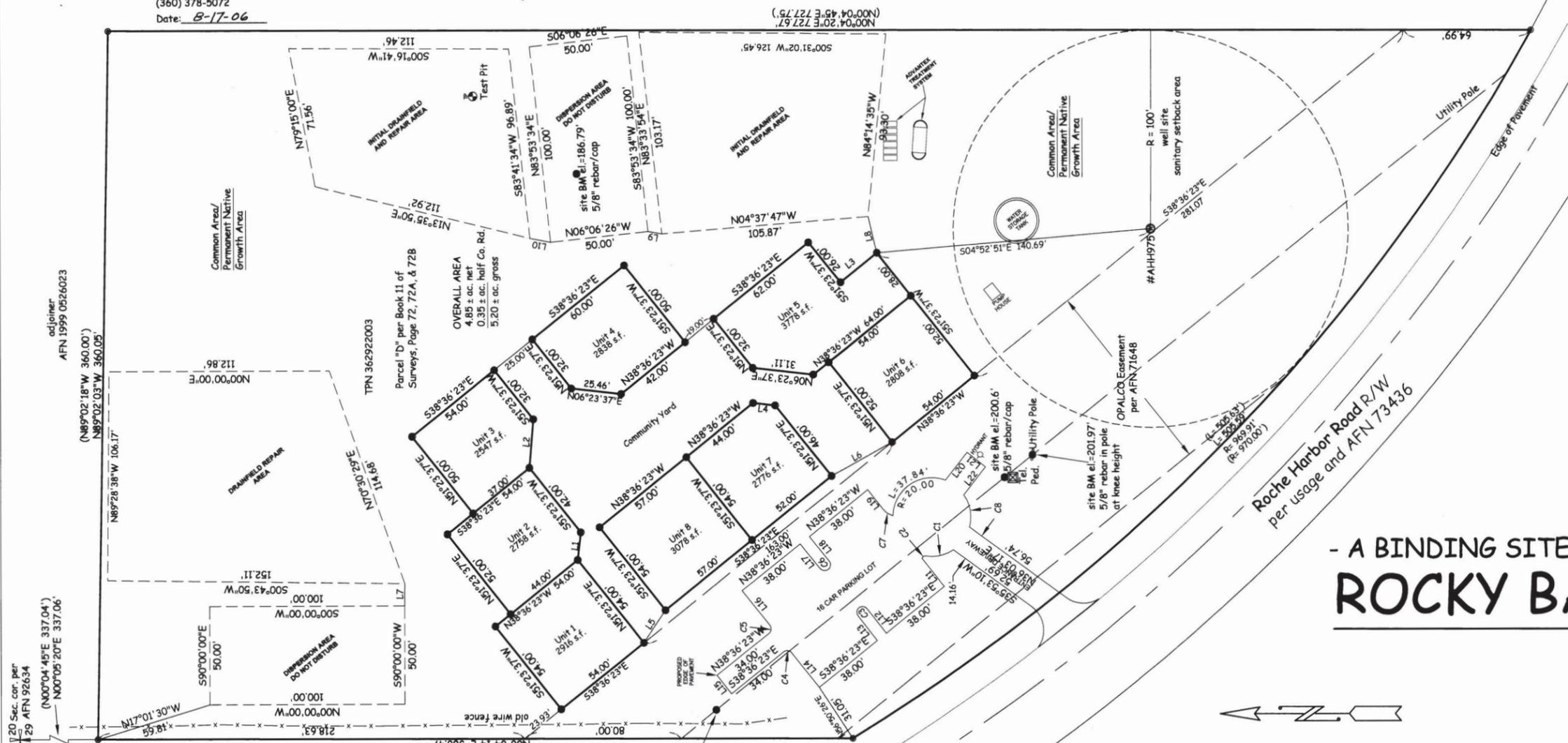


adjointer  
 AFN 2001 1220026

adjointer  
 AFN 1999 0526023

TPN 362922003

adjointer  
 AFN 2004 0127028



LINE & CURVE TABLES

LINE	BEARING	DISTANCE
L1	N83°36'23"W	14.14'
L2	N85°14'35"W	24.76'
L3	S38°37'32"E	23.97'
L4	S06°23'37"W	11.31'
L5	N56°05'53"W	19.96'
L6	S28°52'44"E	35.51'
L7	N89°54'18"W	11.30'
L8	N76°18'53"E	18.94'
L9	N09°41'59"E	7.25'
L10	N10°42'05"E	10.79'
L11	S51°23'37"W	18.25'
L12	S51°23'37"W	16.00'
L13	S51°23'37"W	16.00'
L14	S51°23'37"W	22.50'
L15	S51°23'37"W	12.00'
L16	S51°23'37"W	22.50'
L17	S51°23'37"W	16.00'
L18	S51°23'37"W	16.00'
L19	S51°23'37"W	12.60'
L20	S51°53'24"E	17.92'
L21	S38°06'36"W	12.00'
L22	S51°53'24"E	17.92'

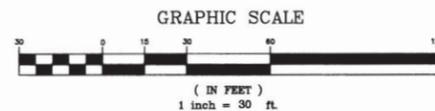
CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	43°05'43"	15.04'
C2	1.50'	89°53'08"	2.35'
C3	3.00'	180°00'00"	9.42'
C4	3.00'	90°00'00"	4.71'
C5	3.00'	90°00'00"	4.71'
C6	3.00'	180°00'00"	9.42'
C7	10.00'	35°34'38"	6.21'
C8	20.00'	49°16'48"	17.20'

- LEGEND
- Found 5/8" rebar with LS 18099 alum. cap
  - Set 5/8" rebar with LS15038 cap on as noted
  - ⊕ Found soil log test pit location
  - ( ) Data per Bk. 11 of Surveys, page 72
  - ⊗ Drilled well

NOTES

- 1 For section subdivision and more survey information refer to Book 11 of Surveys, Page 72, 72A, and 72B, records of San Juan County, Washington.
- 2 The Basis of Bearings is the line between the southwest corner of Parcel 'D', and the northwest corner of Section 29, per Book 11 of Surveys, Page 72, 72A, and 72B, records of San Juan County, W.A. Said line bears North 00°04'45" East.
- 3 The vertical datum has been approximated from the NOAA quadrangle map. See site benchmark info on map. Elevations shown are on the top of the capped rebars.
- 4 This drawing does not purport to show all unrecorded easements.
- 5 The 5/8" rebar cap/monuments for unit corners were approved for setting after site excavation.

## - A BINDING SITE PLAN OF - ROCKY BAY



PREPARED AT THE REQUEST OF  
**Homes For Islanders**  
 A portion of the NW-NW, Sec. 29, Township 36 North, Range 3 West, W.M., San Juan Island, San Juan County, WA.

**STAR SURVEYING & ENGINEERING, INC.**  
 P.O. BOX 2997  
 FRIDAY HARBOR  
 CIVIL ENGINEERING LAND SURVEYING PLANNING  
 (360)378-5072  
 WASHINGTON 98250

CAD BY: RJW	DATE: 3/31/05	REV: 8/17/06	JOB NO.: 1245
CHK BY: TCS	SCALE: 1" = 30'		
FLD BK: 62,63, 65	DWG: 1071		

SURVEYED BY FIELD TRAVERSE WITH A TOPCON 6TS-211D