



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT


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MEMO

MEMO DATE: February 17, 2021

TO: San Juan County Council

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

FROM: Adam Zack, Planner III 

SUBJECT: San Juan County Comprehensive Plan
Element B.2 Land Use and Rural
Land Use Designation Review Requests

BRIEFING DATE: February 23, 2021

ATTACHMENTS: A. EPRC recommendation for Eastsound Land Use Designation Change Requests.

PURPOSE: To provide the County Council with information on the property owner-requested changes to the Comprehensive Plan (*Plan*) Official Maps.

PUBLIC COMMENTS: Please send all public comments to compplancomments@sanjuanco.com. Please do not copy the County Council, Planning Commission members, or County Staff. Written public comments received by February 19 will be provided to the County Council before the meeting. Please focus public comments on the issues contemplated in this report.

BACKGROUND: Throughout the *Plan* update, property owners have submitted requests for changes to their land use map designations or densities. Requests were submitted through the annual docket and by property owners requesting designation changes through public comments. Tables and maps 1 through 23 below provide a summary of the requests, a link to each request and a brief description of the surrounding land uses.

In reviewing the requests in this document, special attention should be paid to requests to either:

- Expand an Urban Growth Area (UGA), or
- De-designate natural resource lands (remove either the agricultural resource or forest resource designations).

These types of requests require additional attention because the WA State Growth Management Act (GMA) has specific rules about designating UGAs and natural resource lands. The boundaries of UGAs and natural resource land designations are two of the more litigated aspects of the GMA. When these issues are raised, there are additional statewide requirements that apply.

The GMA does not prohibit expansion of UGAs or the de-designation of natural resource lands. The requirements for amending a UGA boundary are established in [Washington Administrative Code \(WAC\) 365-196-310](#). To summarize several pages of requirements, GMA tasks the County with ensuring that the UGAs be sized based on factors such as:

- Service capacity to provide urban levels of services (i.e. enough sewer system capacity to serve the projected urban growth);
- Transportation infrastructure capacity to serve the projected urban growth; and
- Sufficient development capacity to accommodate the projected urban growth.

Similarly, GMA has specific requirements for amending natural resource land designations. These requirements are established in [Chapter 365-190 WAC](#) and [WAC 365-196-480](#). The requirements for making amendments to the natural resource land designations are detailed in WAC 365-196-040(10), which states:

(10) Designation amendment process.

(a) Land use planning is a dynamic process. Designation procedures should provide a rational and predictable basis for accommodating change.

(b) Reviewing natural resource lands designation. In classifying and designating natural resource lands, counties must approach the effort as a county-wide or regional process. Counties and cities should not review natural resource lands designations solely on a parcel-by-parcel process. Designation amendments should be based on consistency with one or more of the following criteria:

(i) A change in circumstances pertaining to the comprehensive plan or public policy related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);

(ii) A change in circumstances to the subject property, which is beyond the control of the landowner and is related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);

(iii) An error in designation or failure to designate;

(iv) New information on natural resource land or critical area status related to the designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3); or

(v) A change in population growth rates, or consumption rates, especially of mineral resources.

Two staff memos from 2020 provide more background on UGAs and natural resource lands, including GMA requirements. These memos are posted online at:

- February 4, 2020 UGA Memo: <https://www.sanjuanco.com/DocumentCenter/View/19788/>
- September 3, 2020 Natural Resource Lands Memo: <https://www.sanjuanco.com/DocumentCenter/View/21090/>

NONCONFORMING USES: Several of the requests that have been submitted are for land use map changes to make existing nonconforming uses conforming. Nonconforming structures and uses are those that were legally established but as the land use code was amended, no longer meet some or all of the new land use regulations. The San Juan County Code (SJCC) defines nonconforming in SJCC 18.20.140 “N” definitions as:

“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.”

For example, imagine a roller-skating rink that was legally constructed and permitted at a time where that was an allowed use in that location. Some years later, the land use code changes for the area where the rink is to prohibit “indoor recreational facilities”, which include skating rinks. That legally constructed rink would then be a nonconforming use because it does not conform to the land use code prohibiting indoor recreational facilities in that area. A structure can be nonconforming to other development standards. For example, if a structure were legally permitted to be 50 feet tall, but then the development standards were later amended to limit building height to a maximum of 40 feet, the legally established 50-foot tall structure would be nonconforming to the building height standard.

Nonconforming uses are regulated by [SJCC 18.40.310 Nonconforming structures and uses](#). The code allows nonconforming uses and structures to be altered, modified, or expanded. Nonresidential nonconforming uses can be altered, modified, or expanded by conditional use permit provided the changes to do not create or exacerbate a nonconformity. The County nonconforming regulations are permissive by comparison to the regulations in other jurisdictions.

The Municipal Research and Services Center (MRSC) provides more information on nonconforming uses, structures, and lots at:

<http://mrsc.org/Home/Explore-Topics/Planning/Development-Regulations/Nonconforming-Uses-Structures-and-Lots-Regulatio.aspx>

EPRC RECOMMENDATION: The Eastsound Planning Review Committee (EPRC) as reviewed and made recommendations on the submitted land use review requests in and around the Eastsound UGA. Staff worked with the EPRC between October and December 2020 to get their recommendations. Attachment A is the EPRC recommendations for land use review requests in and around the Eastsound UGA. The EPRC recommendation is summarized for each Eastsound UGA request in Tables 1 through 22 below.

Map 1. Request 16-0001

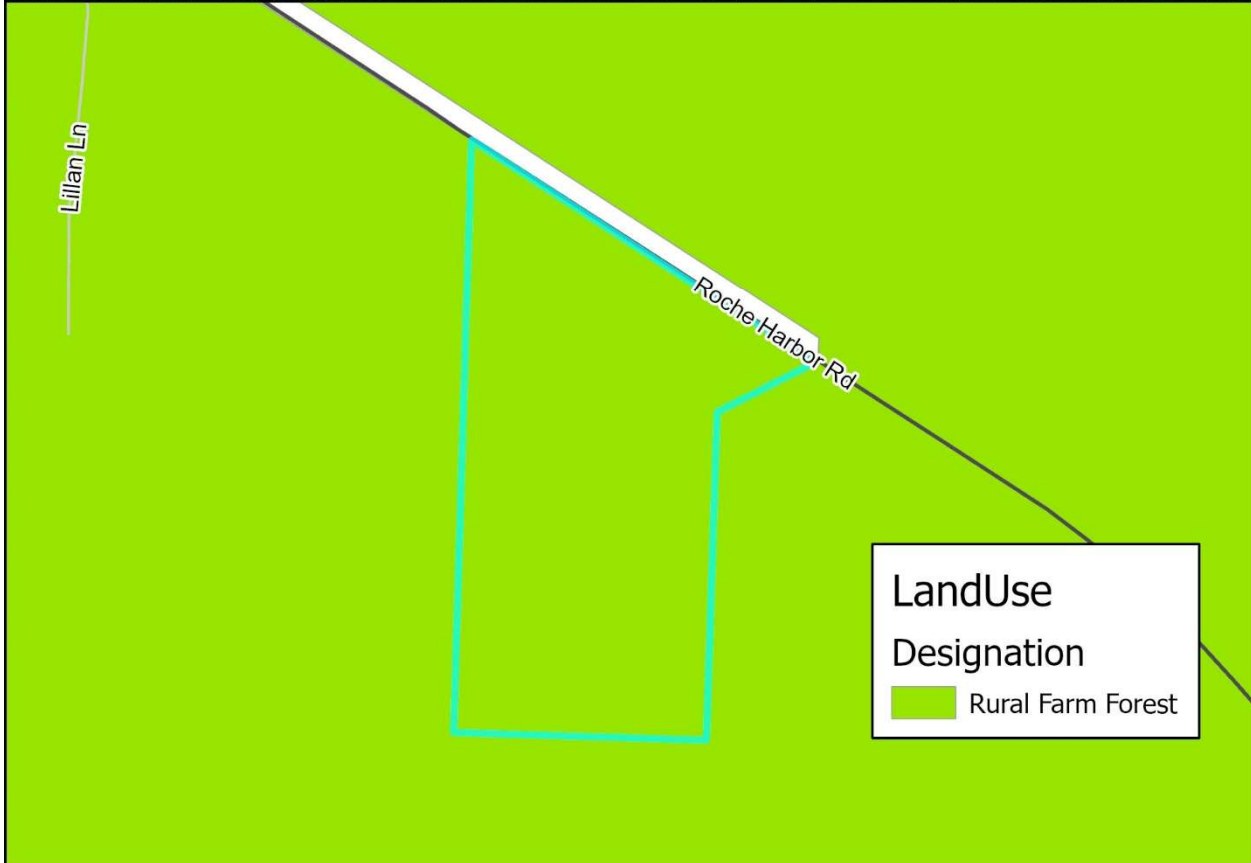


Table 1. Request 16-0001 Summary.

Request Number	Island	TPN	Address	Applicant Name
16-0001	San Juan	361943002000	6739 Roche Harbor Road	Frank Penwell

Summary of Request

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).

Surrounding land use and designation

North: Residential, RFF

South: Undeveloped, RFF

East: Residential, RFF

West: Undeveloped, RFF

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14774>

Map 2. Request 16-0003.

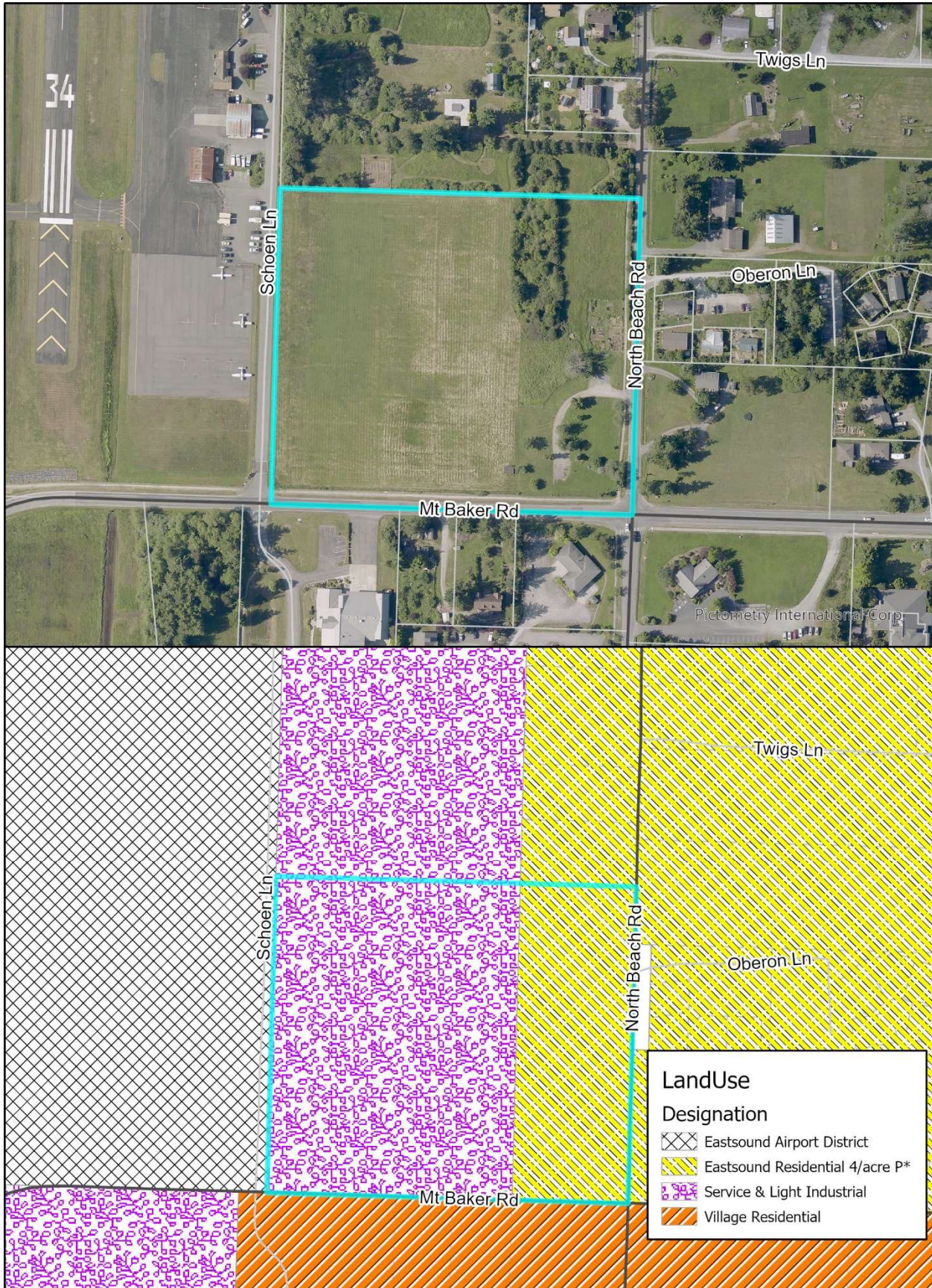


Table 2. Request 16-0003 Summary.

Request Number	Island	TPN	Address	Applicant Name
16-0003	Orcas	271143016000	Mt. Baker Road	Port of Orcas Island

Summary of Request

Remove the split designation on this 8.5 acre-parcel and designate it exclusively Service and Light Industrial (SLI). The property is designated both SLI and Eastsound Residential 4 units per acre (ER4P) designations. Approximately 2.7 acres are designated ER4P. This would expand SLI commercial capacity by 2.7 developable acres and reduce ER4P residential capacity by 2.7 acres. At 4 units per acre, this would be a loss of about 10 dwelling units worth of residential capacity.

Surrounding land use and designation

East: Residential use, ER4P designation

West: Transportation (Orcas Island Airport), Eastsound Airport District designation

North: Residential uses, SLI designation

South: Residential and institutional uses (fire station), Eastsound Village Residential designations.

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14775>

EPRC Recommendation: Do not remove the split designation to ensure that a buffer between the airport and the neighborhood remains.

Map 3. Request 18-0007.

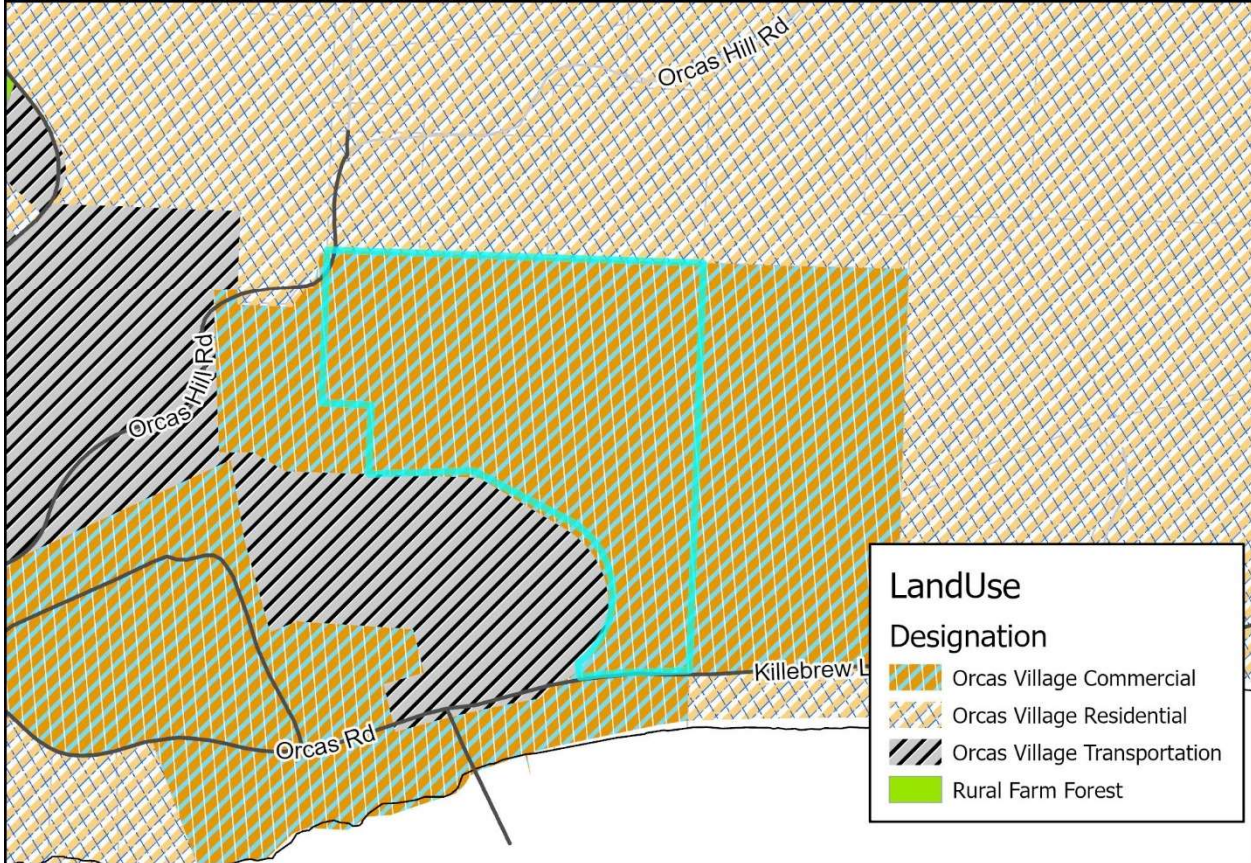


Table 3. Request 18-0007 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0007	Orcas	262222012000	49 Killebrew Lake Rd	Patrick Kirby

Summary of Request

Re-designate the north 2 acres of TPN 262222012000 from Orcas Village Commercial (OVC) to Orcas Village Residential (OVR).

The northern 2 acres of the subject parcel are adjacent to a residential area and the Orcas ferry lanes. The property owner would like to develop the northern portion with residential uses and keep the southern portion designated for commercial development.

Surrounding Land Uses and Designations

North: Residential, OVR

South: Commercial, OVC

East: Institutional use (post office), OVC

West: Transportation uses (Orcas ferry landing), Orcas Village Transportation (OVT)

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14773>

Map 4. Request 18-0008.

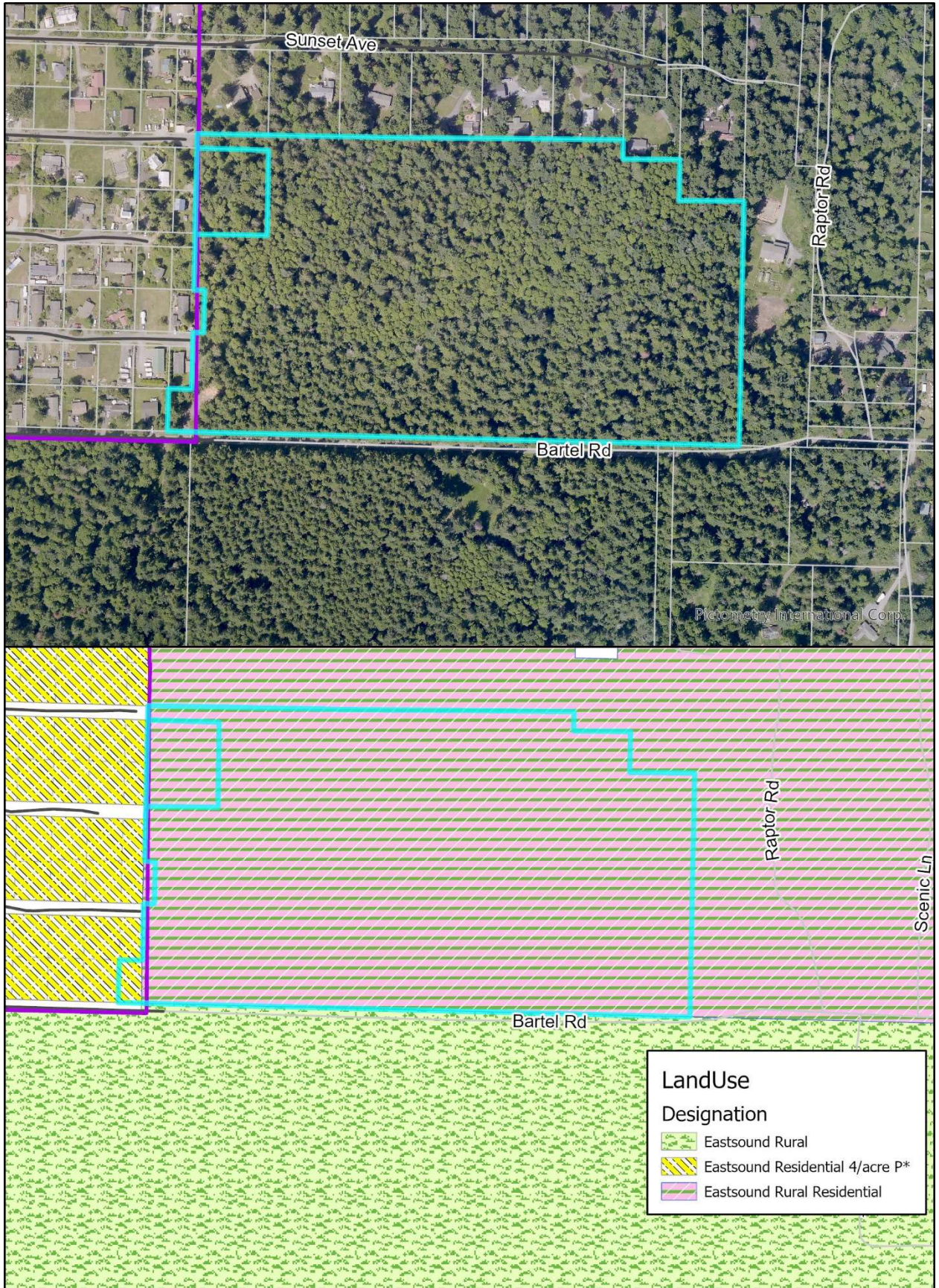


Table 4. Request 18-0008 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0008	Orcas	271223009000 271223011000	N/A	Fred Klein

Summary of Request

Add two parcels to the Eastsound urban growth area (UGA). The two parcels are undeveloped land totaling around 29 acres designated Eastsound Rural Residential on the northeast side of the UGA. The request is to re-designate them ERR 4P. This would increase the allowed density on these two parcels from one unit/five acres to four units/acre. This would increase the allowed dwelling units from around six to nearly 119 units. The property has access from Bartel Road, a private road.

Surrounding land use and designation

East: Rural Residential use, Eastsound Rural Residential designation
West: UGA Boundary, Residential uses, ER4P designation
North: Rural Residential use, SLI designation
South: Rural Residential use, Eastsound Rural designation.

Link to request: <https://www.sanjuanco.com/DocumentCenter/View/14771>

EPRC Recommendation: Do not expand the Eastsound UGA as requested.

Map 5. Request 18-0009.

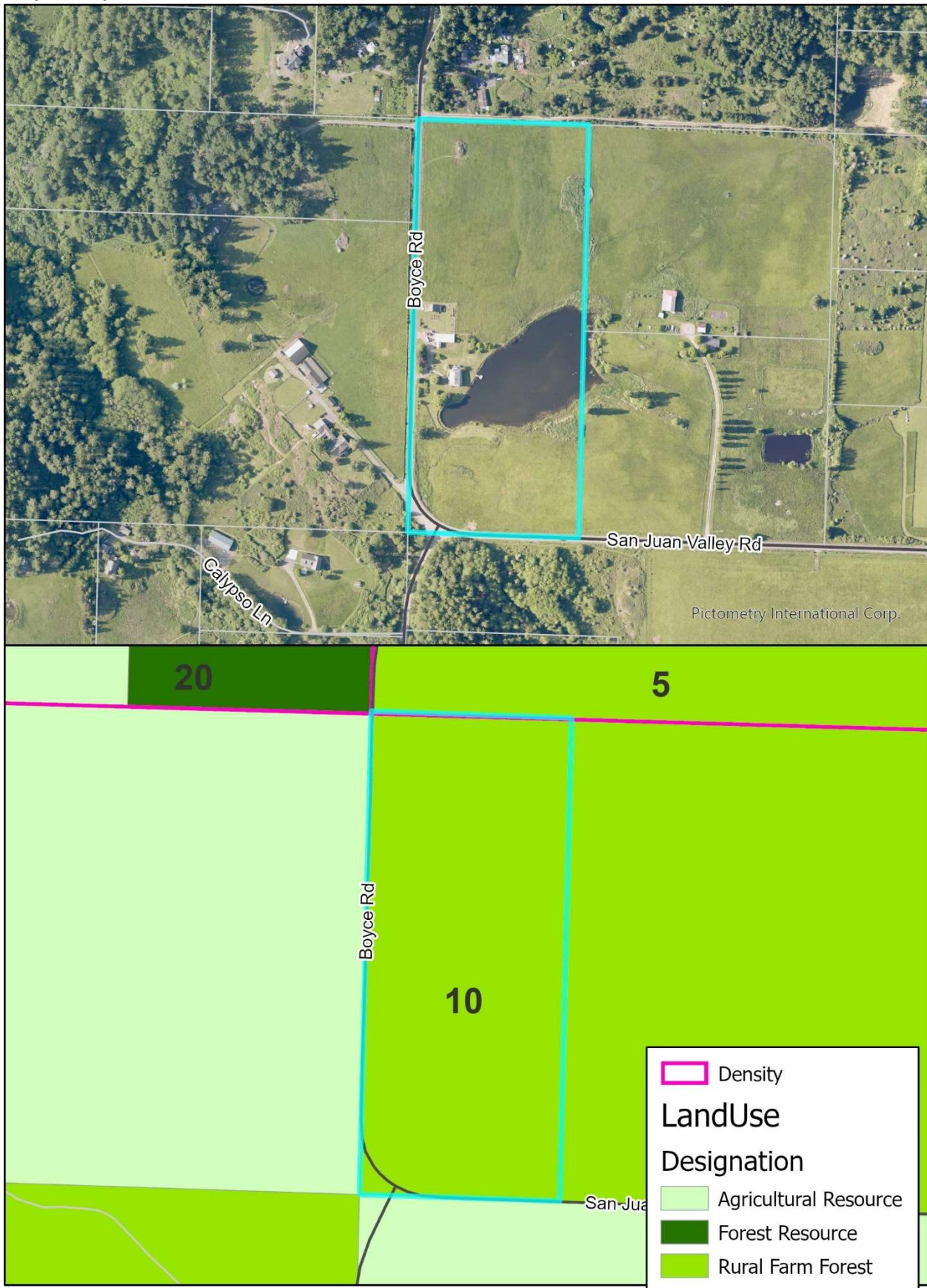


Table 5. Request 18-0009 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0006	San Juan	351724001000	98 Boyce Road	Frank and JoAnne Buchanan

Summary of Request

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 TPN 351724001000. Surrounding parcels have a maximum allowed density of 1 dwelling unit per 10 acres.

The subject property is in the RFF designation.

Surrounding land uses and designations

North: Wildlife Rehabilitation Center, RFF

South: Residential, Agricultural Resource (AG)

East: Agriculture, RFF

West: Agriculture, AG

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14770>

Map 6. Request 18-0010.



Table 6. Request 18-0010 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0010	Orcas	271143012000	1286 Mt Baker Rd	Myrna and Richard Fant

Summary of Request

Allow residential uses and 'eating establishments' (restaurants) in service light industrial (SLI) and/or airport overlay. Eating establishments are not currently allowed in SLI. Owner would like to develop two dwelling units and a restaurant on the parcel.

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14769>

EPRC Recommendation: Do not make changes to SLI allowing eating establishments or residential uses.

Map 7. Request 18-0011.

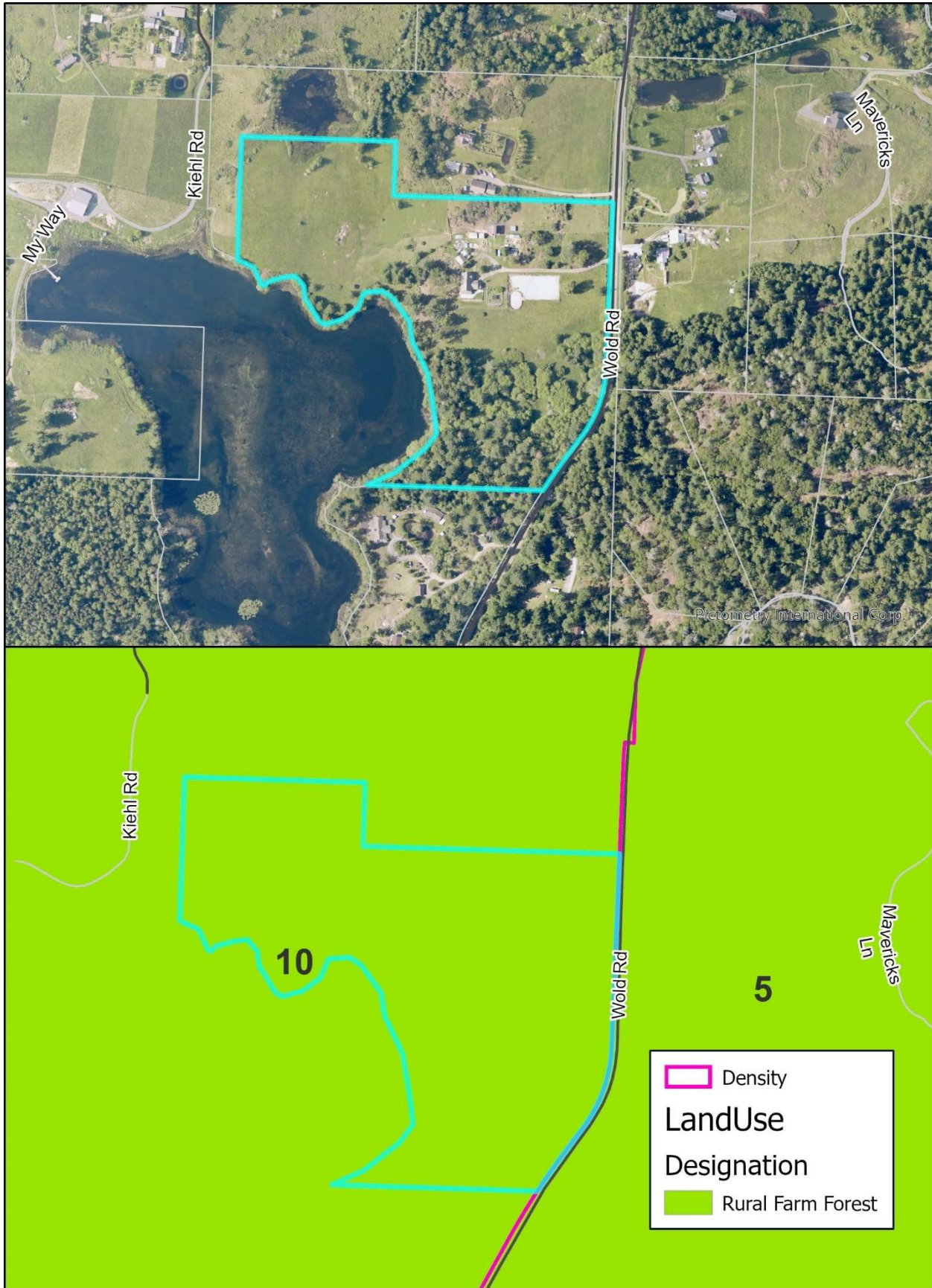


Table 7. Request 18-0011 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0011	San Juan	351914001000	1104 Wold Rd.	Wayne and Deborah Eshelman

Summary of Request

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 TPN 351914001000.

The area to the west of Wold Road has a maximum density of 1 dwelling unit per 10 acres. The area to the east of Wold Road has a maximum density of 1 dwelling unit per 5 acres.

The subject property is in the shoreline jurisdiction with the shoreline designation RFF.

Surrounding land use and designation

North: Residential, RFF

South: Residential, RFF

East: Residential, RFF

West: Residential, RFF

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14768>

Map 8. Request 18-0012.

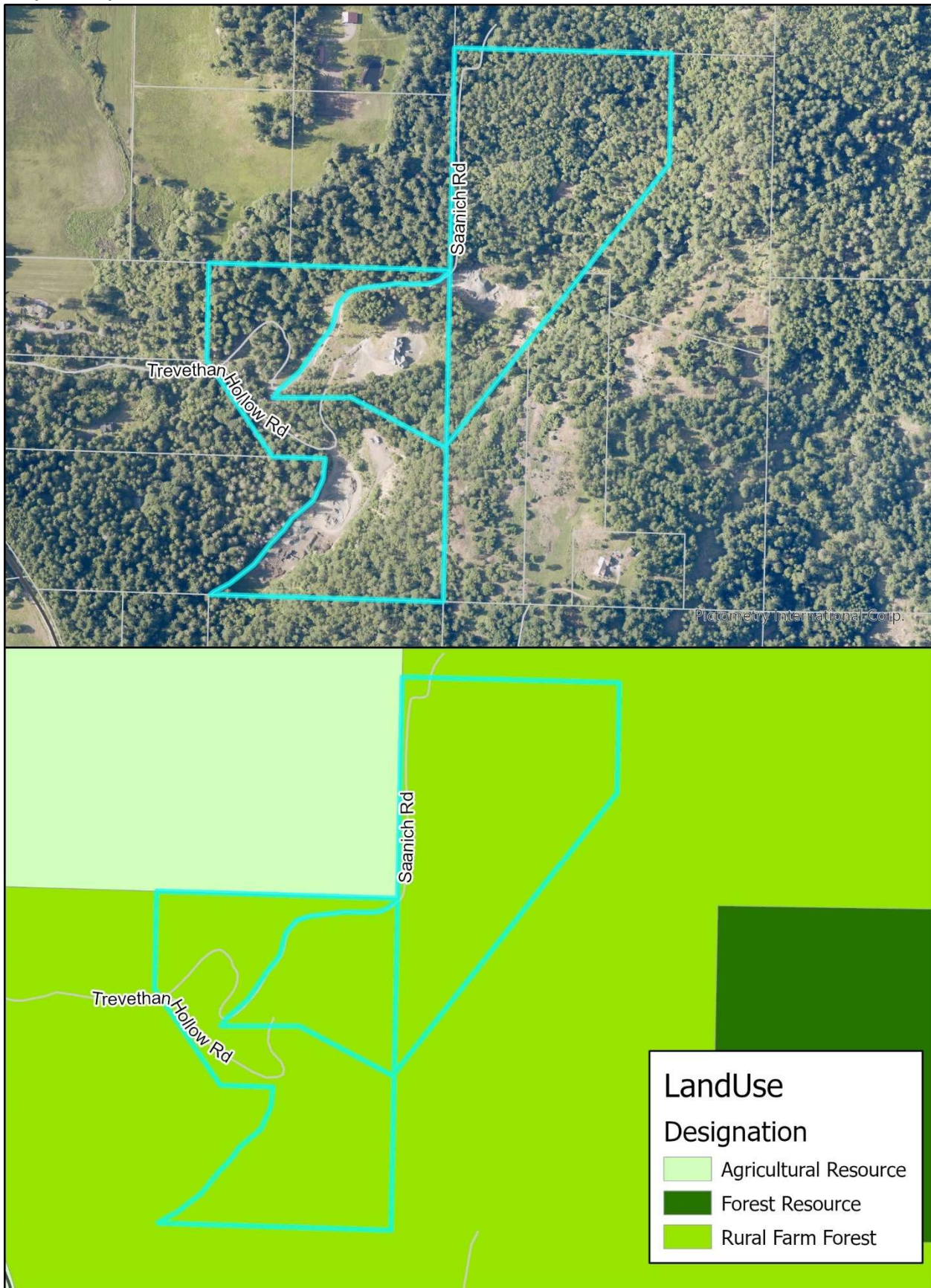


Table 8. Request 18-0012 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0012	San Juan	450113005000 450111003000	2165 West Valley Road	Mike and Julia Carlson

Summary of Request

Designate Mineral Resource Lands Overlay District (MRLO) on TPNs 450113005000 and 450111003000.

The property is the site of an existing gravel pit. The underlying land use designation, Rural Farm Forest (RFF), would not change. MRLO designation polices are established in Section 2.5.A of the Land Use Element. The Land Use Element is posted online at <https://www.sanjuanco.com/DocumentCenter/View/19222/> The surrounding property is developed with single family residential uses on larger, mostly forested parcels averaging about 11 acres each.

Surrounding Land Uses and Designations

North: Residential and undeveloped land, RFF and AG Resource
South: Residential and undeveloped land, RFF
East: Undeveloped, RFF
West: Residential and undeveloped land, RFF and AG Resource

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14767>

Map 9. Request 18-0013.

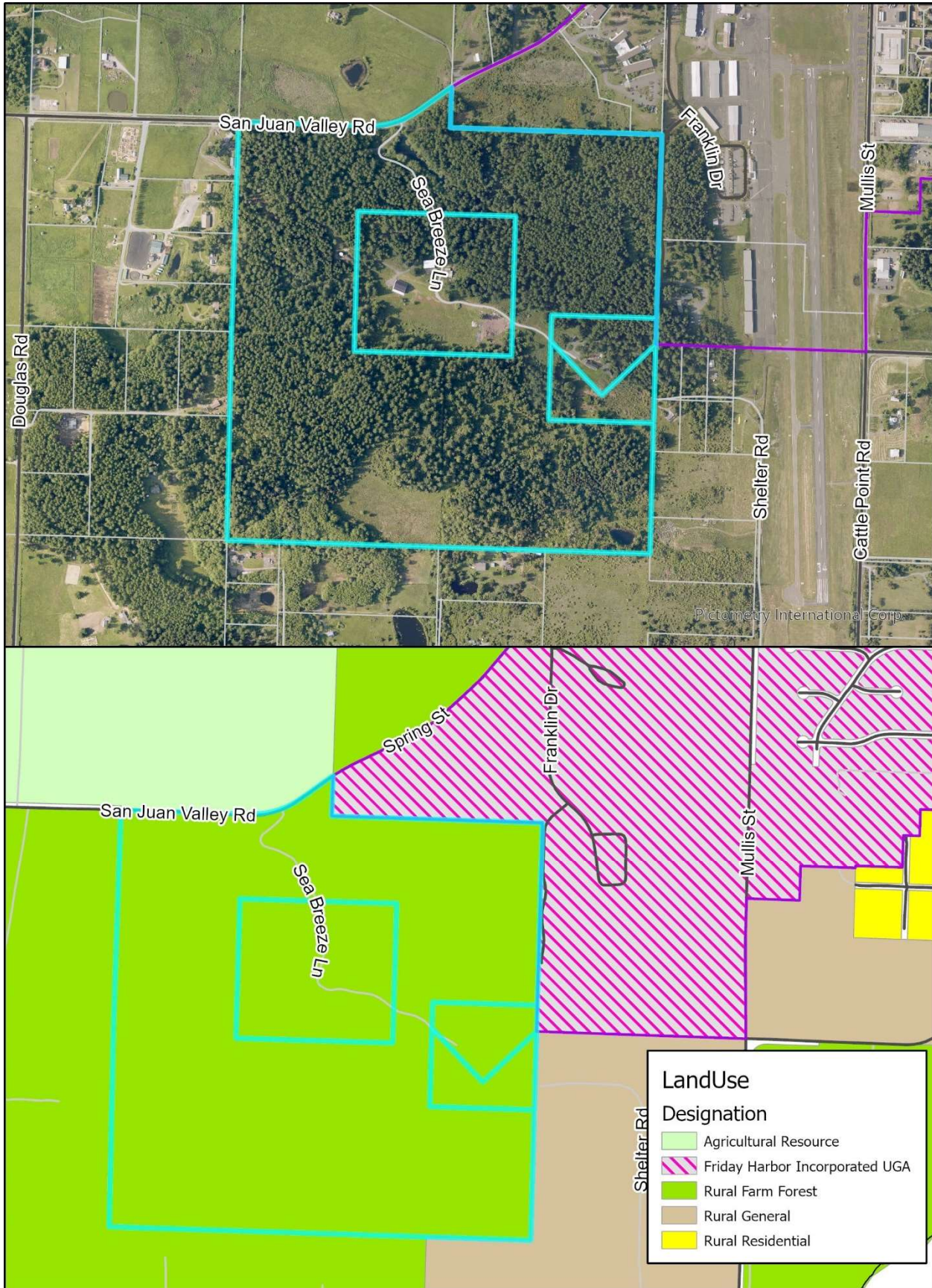


Table 9. Request 18-0013 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0013	San Juan	351434001000	176 Sea Breeze Lane	Francine Shaw (Agent for Fleming and Waters)
		351433002000		
		352321001000		
		352321002000		

Summary of Request

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.

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.

Surrounding land use and designation

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.

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14772>

Map 10. Request 18-0014.

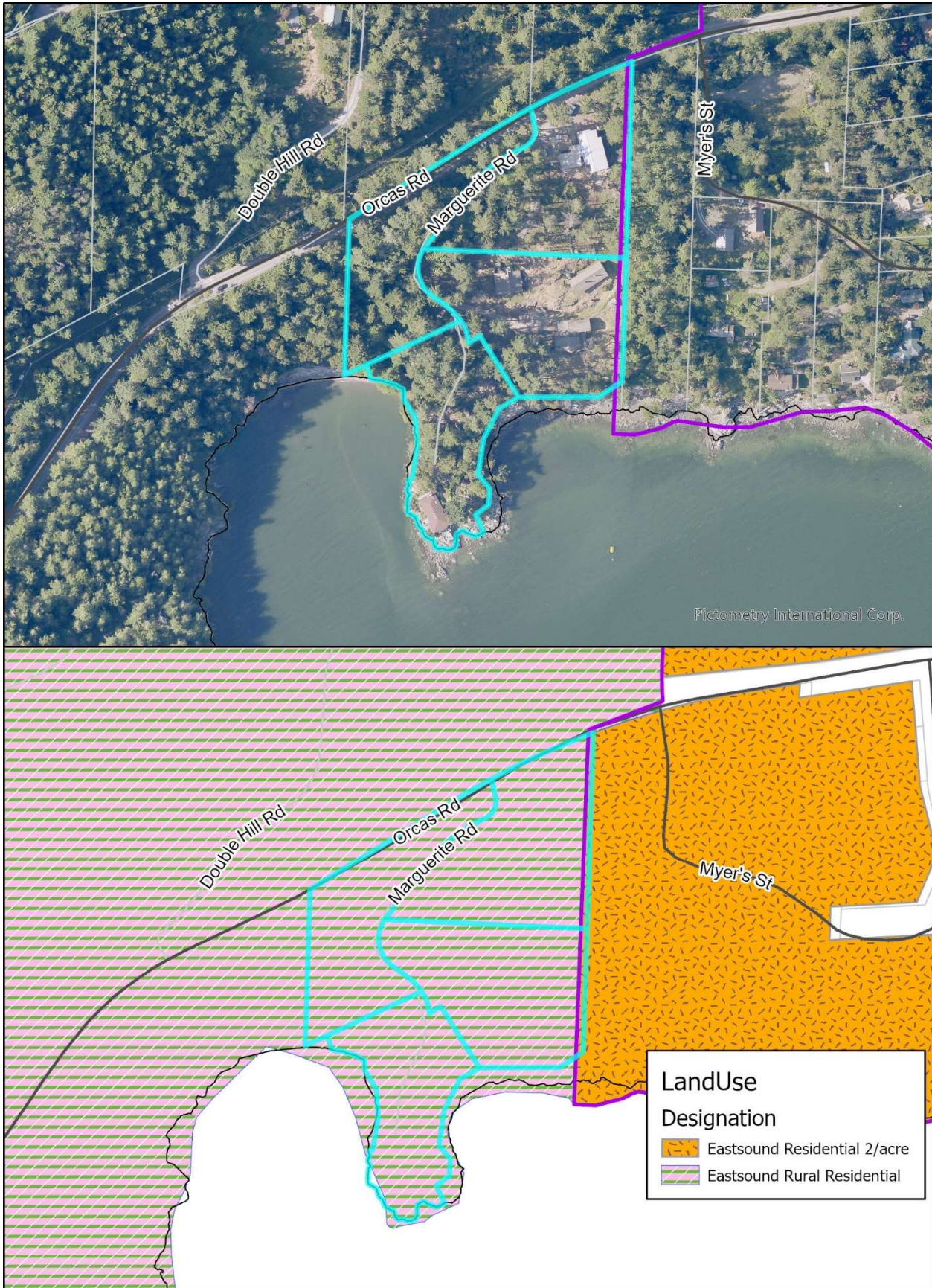


Table 10. Request 18-0014 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0014	Orcas	271433011000	Fishing Bay Short Plat Marguerite Road	Foster and Chantelle Hildreth
		271433012000		
		271433013000		
		271433010000		

Summary of Request

Add four parcels in the Fishing Bay Short Plat to the Eastsound UGA for the purpose of connecting to sewer. Each parcel is between 1.3 and 1.8 acres. These parcels are developed at a density of around one acre per unit and are near the southwest corner of the UGA.

Surrounding land use and designation

East: boundary of the UGA, residential uses, Eastsound Residential designation
West: Residential use, Eastsound Rural Residential designation
North: Residential use, Eastsound Rural Residential designation
South: Fishing Bay

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14766>

EPRC Recommendation: Do not expand the Eastsound UGA as requested.

Map 11. Request 18-0015.

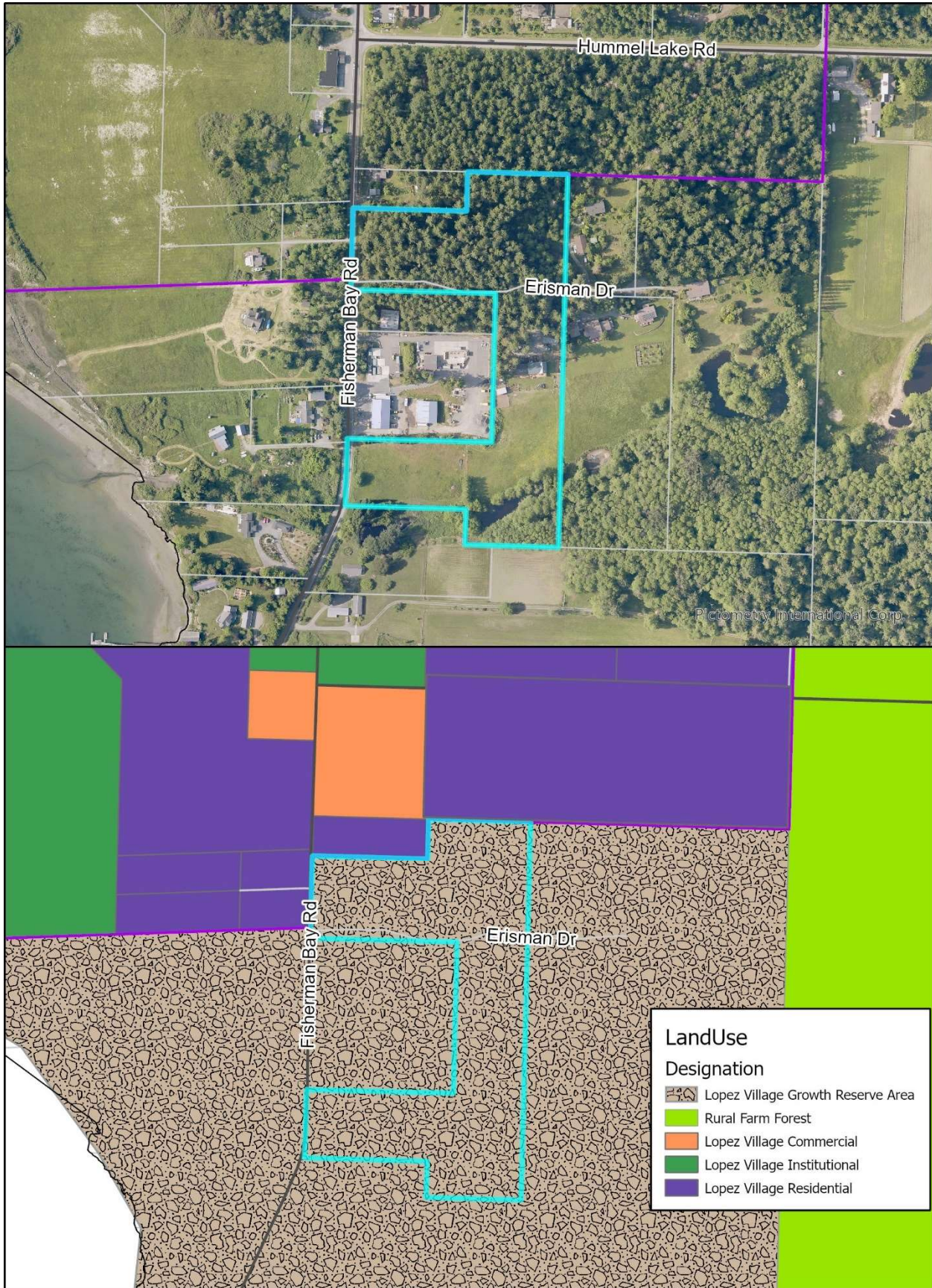


Table 11. Request 18-0015 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0015	Lopez	252322003000	114 Erisman Dr.	Michael and Roxanne Webb

Summary of Request

Expand the Lopez Village UGA to include TPN 252322003000. During the adoption of the Lopez Village Subarea Plan, the Council decided not to expand the Lopez Village UGA.

This request was considered at the time that the Lopez Village Subarea Plan was adopted in 2019. The Council decided against expanding the UGA at that time.

Surrounding land use and designation

East: Residential, Lopez Village Growth Reserve Area (LGRA)

West: Institutional use (solid waste transfer station), LGRA

North: Undeveloped, Lopez Village UGA

South: Residential, LGRA

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14766>

Map 12. Request 18-0016.

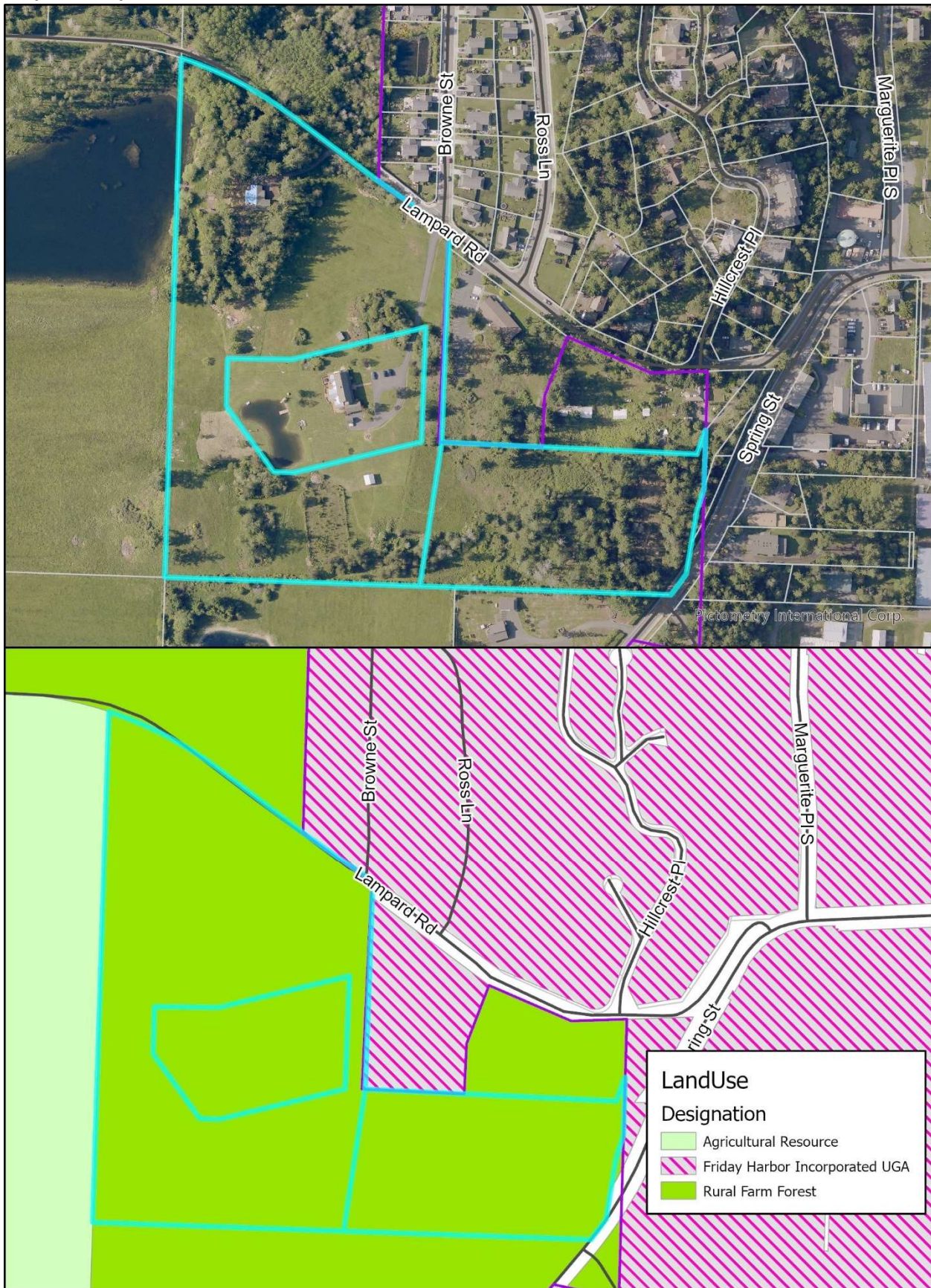


Table 12. Request 18-0016 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0016	San	351424004000	1117 Lampard Road	Foster and Chantelle
	Juan	351424003000	1027 Lampard Road	Hildreth
		351424001000		

Summary of Request

Add three parcels totaling 22.3 acres to Friday Harbor Incorporated UGA. The parcels are currently designated RFF with a density of 5 acres per dwelling unit. The parcels are either undeveloped or developed with residential uses.

The County cannot add parcels to the incorporated limits of the Town of Friday Harbor. The County can only set the UGA boundary. At which point, parcels within the UGA and *not* incorporated into the Town of Friday Harbor are in the unincorporated UGA. Development within the unincorporated UGA is significantly limited until the land is eventually annexed by the Town. For more information on the unincorporated UGA, please see:

Plan Appendix 2. Countywide Planning Policies

<https://www.sanjuanco.com/DocumentCenter/View/1071>

and

Plan Appendix 3. Friday Harbor Urban Growth Area Management Agreement

<https://www.sanjuanco.com/DocumentCenter/View/1063/>

TPN 351424004000 is a 13.98-acre parcel developed with residential uses.

TPN 351424003000 is an undeveloped 5.4-acre parcel.

TPN 351424001000 is a 2.9-acre parcel developed with residential uses.

Surrounding land use and designation

East: Church, Spring Street, Friday Harbor Incorporated UGA

West: Agricultural, Agricultural Resource Land designation

North: Residential, Friday Harbor Incorporated UGA

South: Residential, RFF

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14764>

Map 13. Request 18-0017.

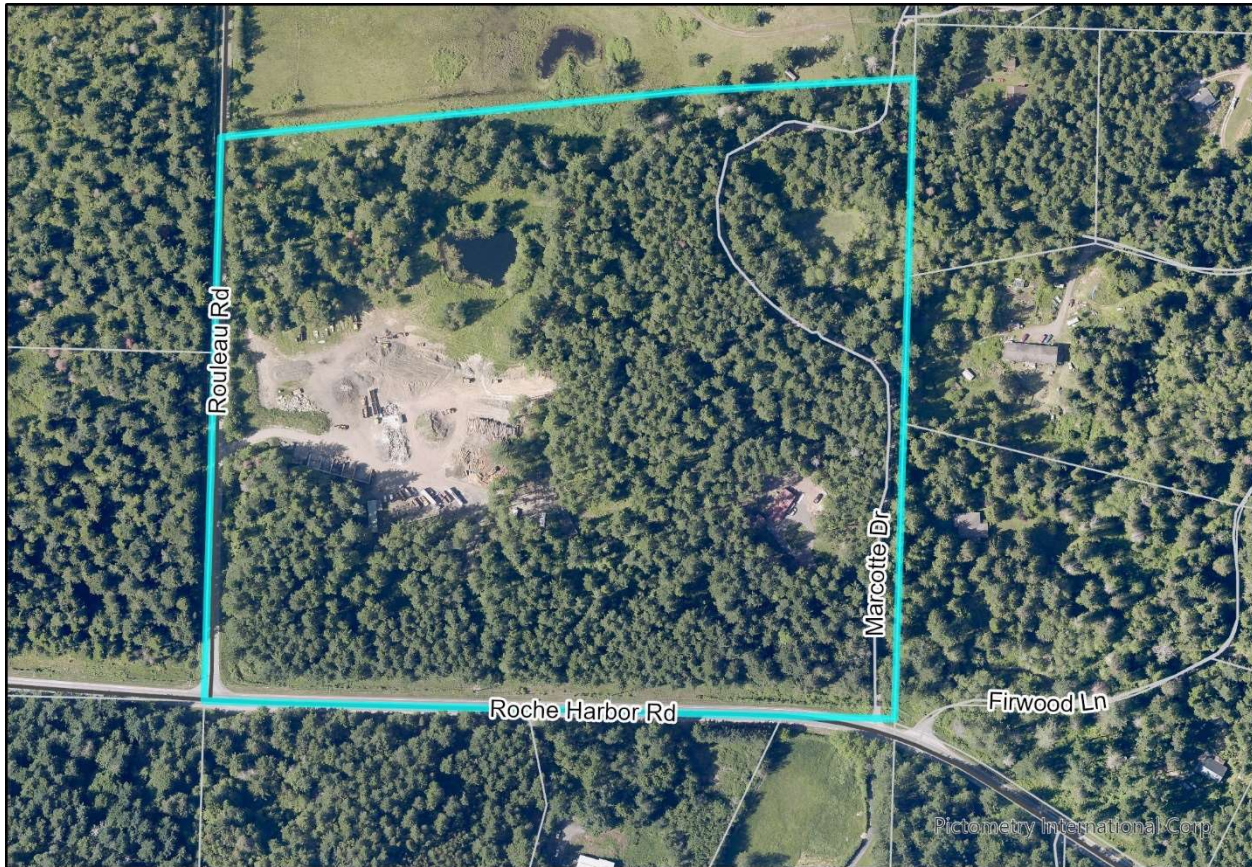


Table 13. Request 18-0017 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0017	San Juan	361931001000	45 Marcotte Dr	Francine Shaw (Agent for Mark McCutcheon)

Summary of Request

De-designate TPN 361931001000, a 34.76-acre parcel, from Agricultural Resource (AG) and designate Rural General Use (RGU).

The parcel is currently used as a construction storage yard, developed with a single-family home and has approximately 75 percent forest coverage. The single-family home was constructed in 2019. The purpose of the proposal is to allow a wider range of commercial or industrial uses on the property. The applicant did not propose specific uses in the application.

Surrounding Land Uses and Designations

North: Agricultural, AG
South: Residential, RFF
East: Residential, RFF
West: Undeveloped, RR

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/14903>

Map 14. Request 18-0018.

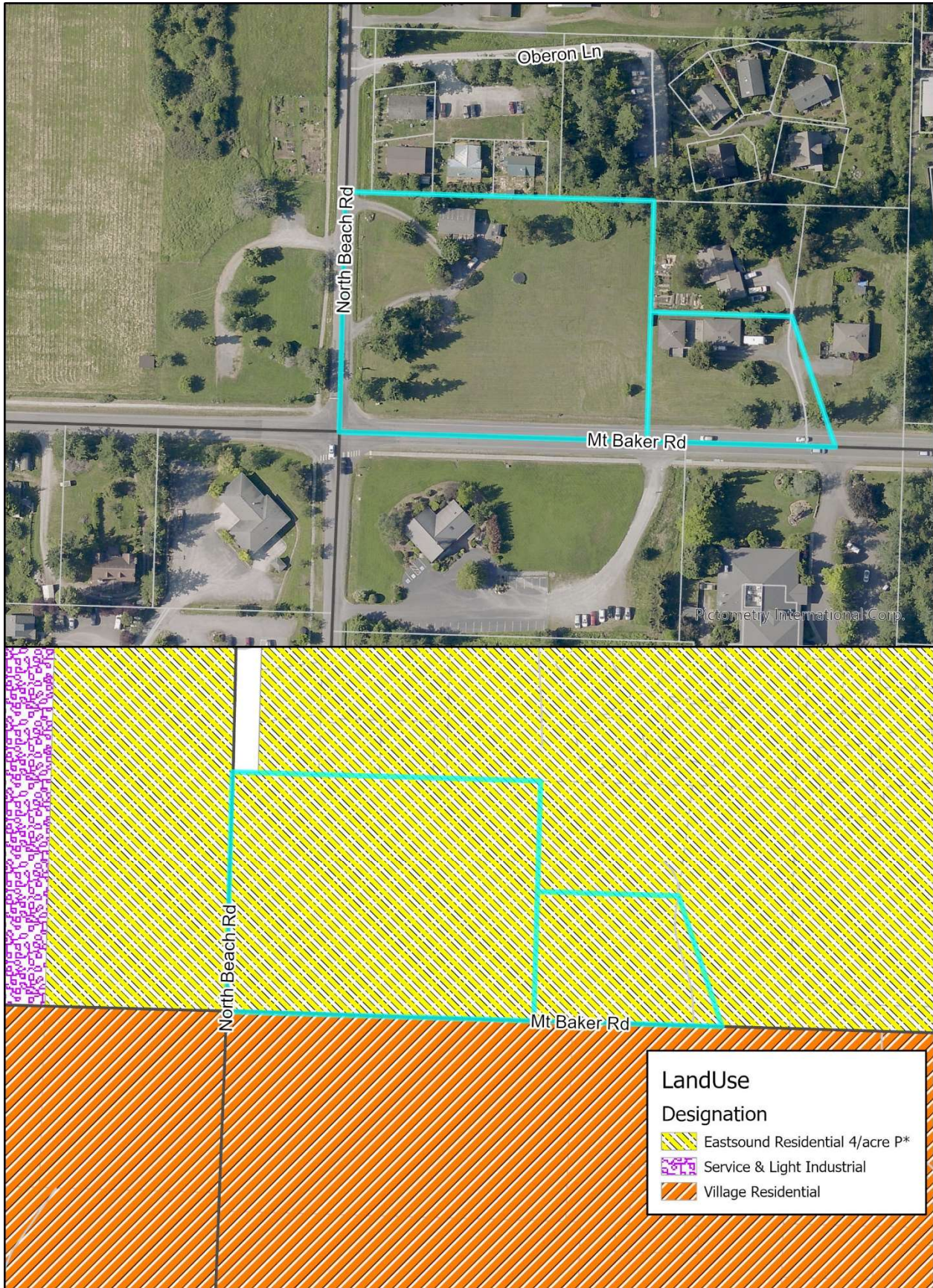


Table 14. Request 18-0018 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0018	Orcas	271144008000 271144017000	1026 North Beach Rd. 25 Center Ct	Rick Christmas

Summary of Request

Re-designate two developable parcels inside the UGA from ER4P to Village Residential/institutional (VR). This increases the maximum density from four units per acre to twelve units per acre.

Surrounding land use and designation

East: Residential use, ER4P designation
West: Transportation use (Orcas Island Airport), SLI designation
North: Residential use, ER4P designation
South: Residential use, Village Residential designations.

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/15331/>

EPRC Recommendation: Re-designate the property for up to 12 units per acre.

Map 15. Request 18-0019.

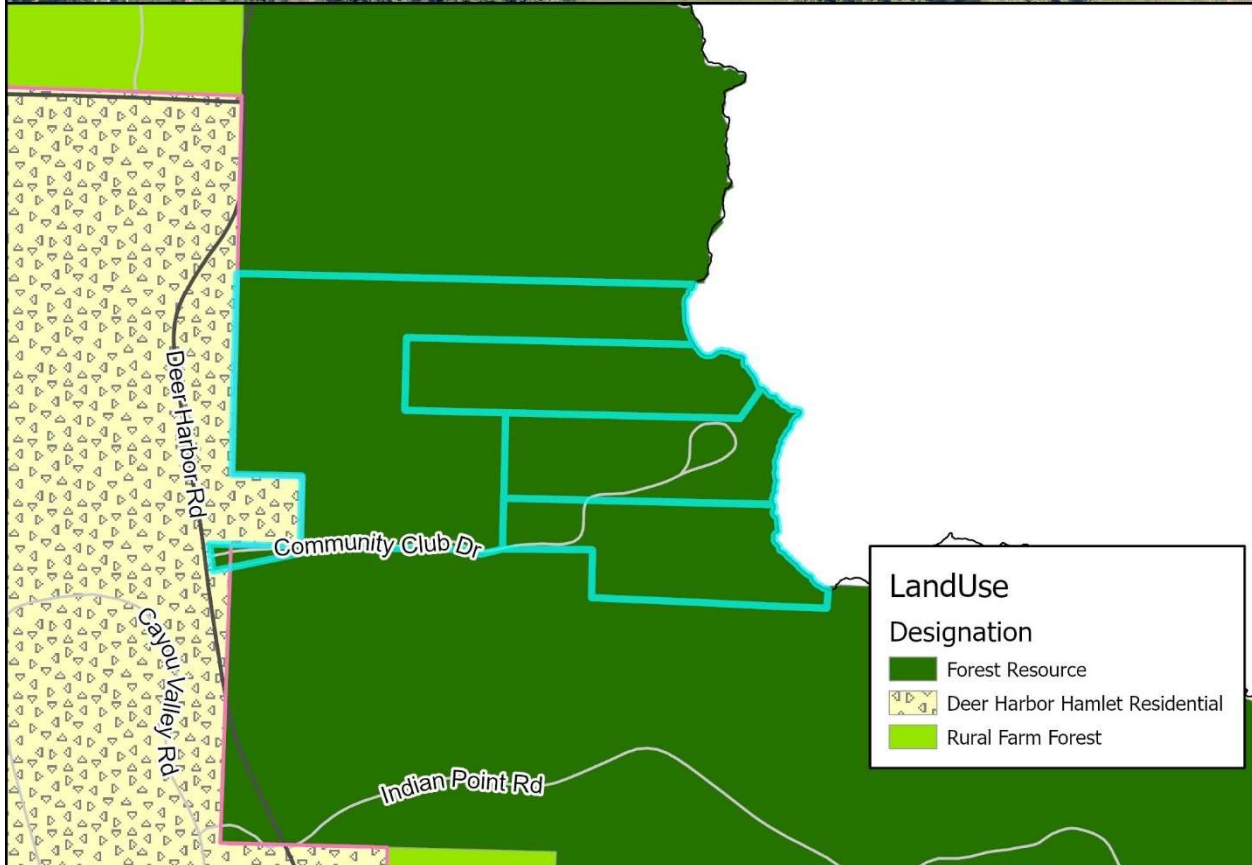


Table 15. Request 18-0019 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0019	Orcas	261711002000 260643002000 260643009000 260643008000	Community Club Drive	Stephanie O'Day (Agent for Bret and Kathryn Thurman)

Summary of Request

De-designate four parcels (30 acres) Forestry Resources (FOR) (1 du/20 acres) and change them to Rural Farm Forest (RFF) (1 du/5 acres) after considering a countywide review of the resource land designation.

Portions of all four parcels are also in the shoreline jurisdiction, designated (shoreline) RFF.

The parcels are either undeveloped or developed with residential uses. This area is located east of Deer Harbor Hamlet on the west side of Orcas Island. The aerial indicates that the larger, fifteen-acre parcel, TPN 260643008000, is largely forested. It is undeveloped. TPN 260643009000 is approximately 30 percent forested and the remaining parcels (TPNs 260643002000 and 260711002000) have little remaining forest.

The County re-designated these parcels to RFF with Ordinance 20-2015. The re-designation was appealed to the Growth Management Hearings Board (GMHB). The GMHB found Ordinance 20-2015 was noncompliant with GMA because the removal of the FOR designation was not part of an area-wide review of resource land designations. In a remand, the County had to reinstate the FOR designation on these parcels. See also GMHB case 16-2-0001 at <http://www.gmhb.wa.gov/search/case>.

Surrounding Land Uses and Designations

North: Residential, FOR and Conservancy (C) shoreline
South: Residential, FOR and C shoreline
East: Water Body
West: Undeveloped, Deer Harbor Hamlet Residential

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/18147/>

Map 16. Request 19-0001.

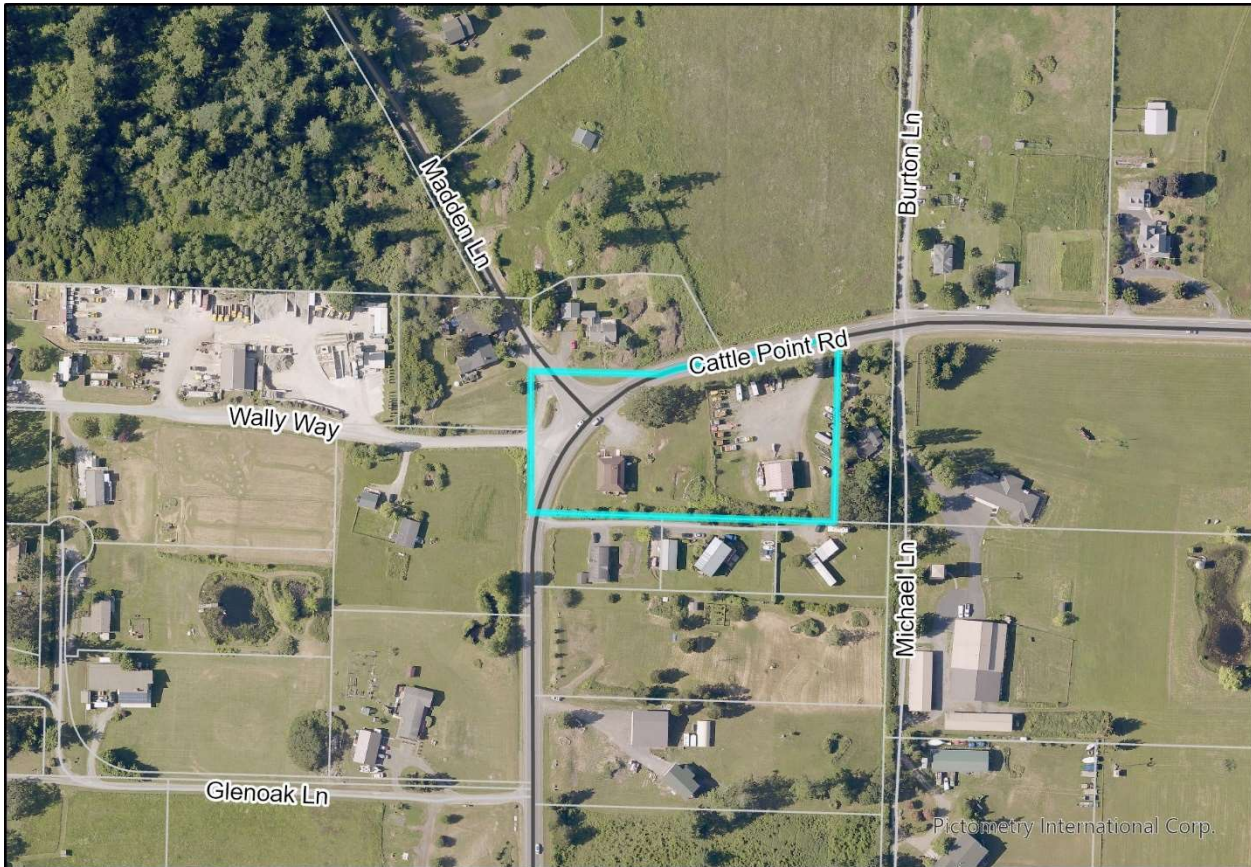


Table 16. Request 19-0001 Summary.

Request Number	Island	TPN	Address	Applicant Name
19-0001	San Juan	352333002000	1279 Cattle Point Rd	Ed and Barbara Rouleau

Summary of Request

Re-designate 2.69-acre parcel from RFF to RGU.

The existing nonresidential uses on this property are nonconforming in RFF. Located at the intersection of Madden Lane and Cattle Point Road, TPN 352333002000 has the “Corner Store”, a retail commercial use, and a contractor shop with outdoor storage. Re-designating this property to RGU would make both uses conforming. San Juan County Code (SJCC) 18.40.310 allows nonconforming uses to be expanded, modified or intensified provided the nonconformity is not increased, the proposal complies with the County Code to the maximum extent feasible, and the proposed does not have an adverse impact on an environmentally sensitive area (SJCC 18.40.310 (F)).

Surrounding Land Uses and Designations

North: Residential and Agricultural, RFF

South: Residential, RFF

East: Residential and Agricultural, RFF

West: Residential and light industrial (nonconforming), RFF

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/18149/>

Map 17. Request 19-0002.

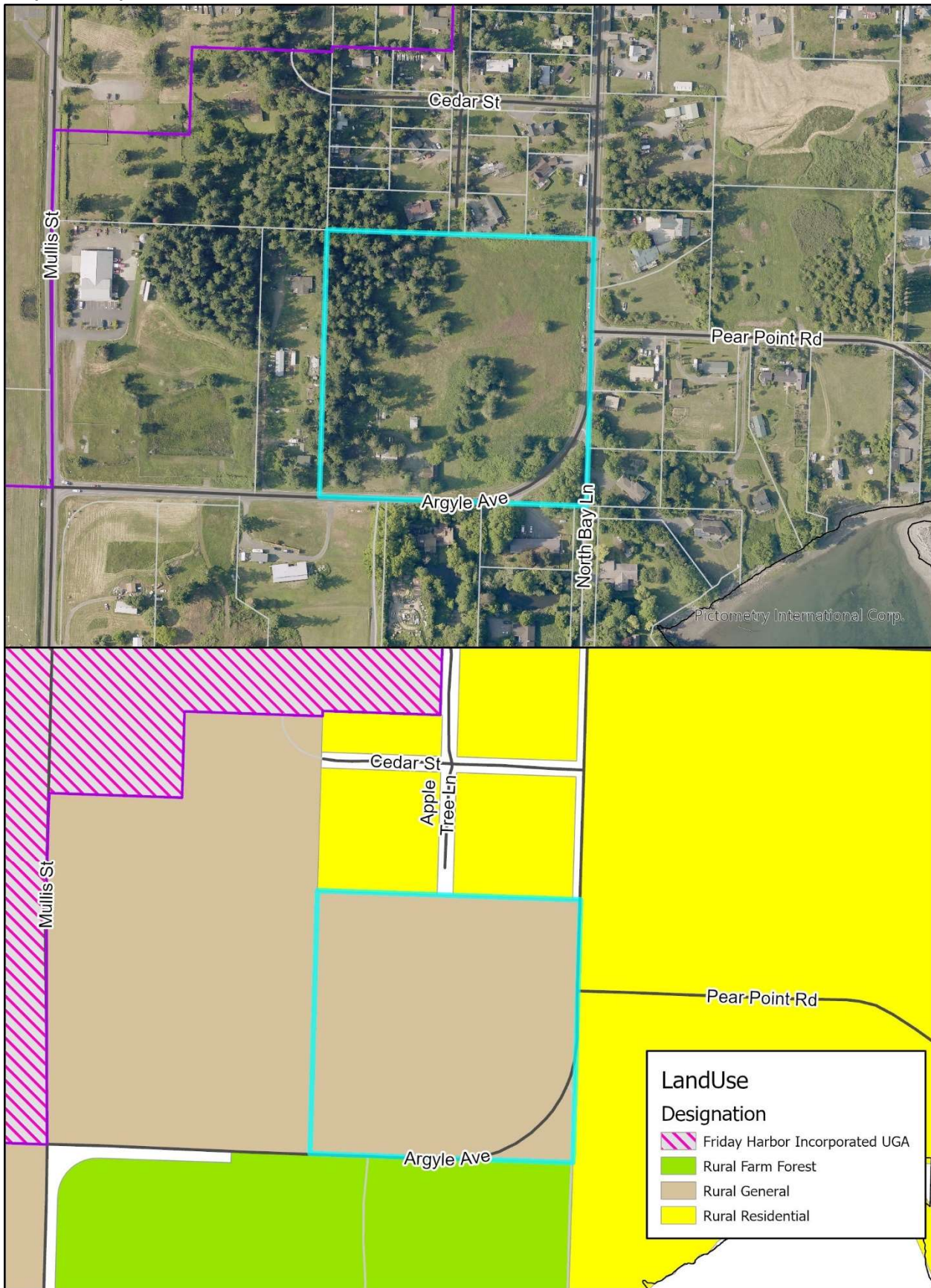


Table 17. Request 19-0002 Summary.

Request Number	Island	TPN	Address	Applicant Name
19-0002	San Juan	351444004000	1208 Argyle Avenue	Martin and Cessy Agegian

Summary of Request

Re-designate a 10-acre parcel at the intersection of Argyle Ave and North bay Ln from RGU to Friday Harbor UGA. The parcel is currently developed with a single-family home.

The County cannot add parcels to the incorporated limits of the Town of Friday Harbor. The County can only set the UGA boundary. At which point, parcels within the UGA and *not* incorporated into the Town of Friday Harbor are in the unincorporated UGA. Development within the unincorporated UGA is significantly limited until the land is eventually annexed by the Town. For more information on the unincorporated UGA, please see:

Plan Appendix 2. Countywide Planning Policies

<https://www.sanjuanco.com/DocumentCenter/View/1071>

and

Plan Appendix 3. Friday Harbor Urban Growth Area Management Agreement

<https://www.sanjuanco.com/DocumentCenter/View/1063/>

Surrounding Land Uses and Designations

North: Residential, Rural Residential (RR)

South: Residential and commercial, RFF

East: Residential, RR

West: Institutional (Fire station and stormwater infrastructure), RGU

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/18150/>

Map 18. Request 19-0003.

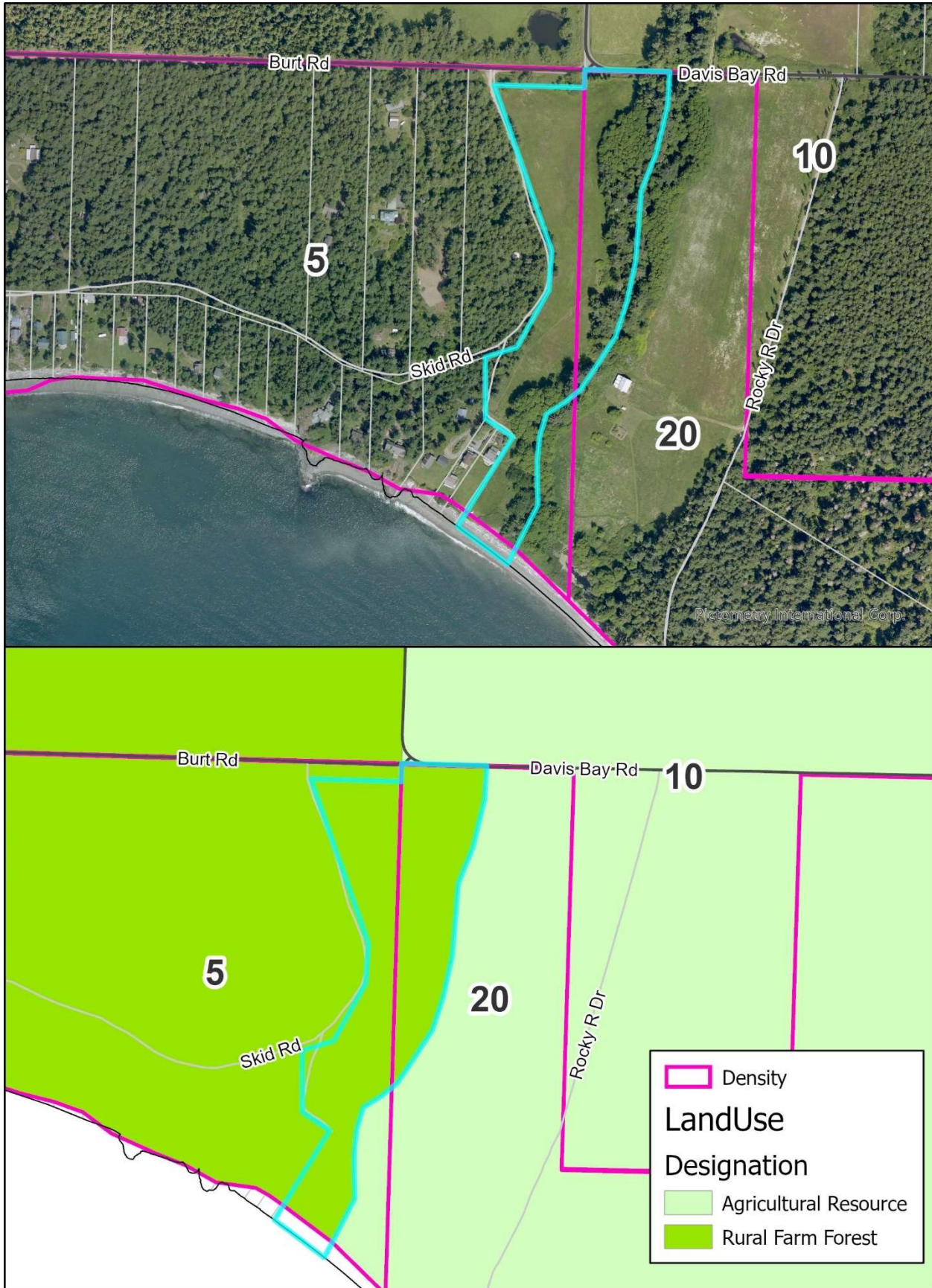


Table 18. Request 19-0003 Summary.

Request Number	Island	TPN	Address	Applicant Name
19-0003	Lopez	241021002000	N/A	Loren Burt and Marianne Karuza

Summary of Request

The density boundary now splits TPN 241021002000 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.

Part of the parcel is in the shoreline with the Conservancy shoreline designation.

Surrounding land uses and designations

North: Residential, RFF and AG

South: water

East: Undeveloped, AG

West: Residential, RFF

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/18151/>

Map 19. Request 19-0004.

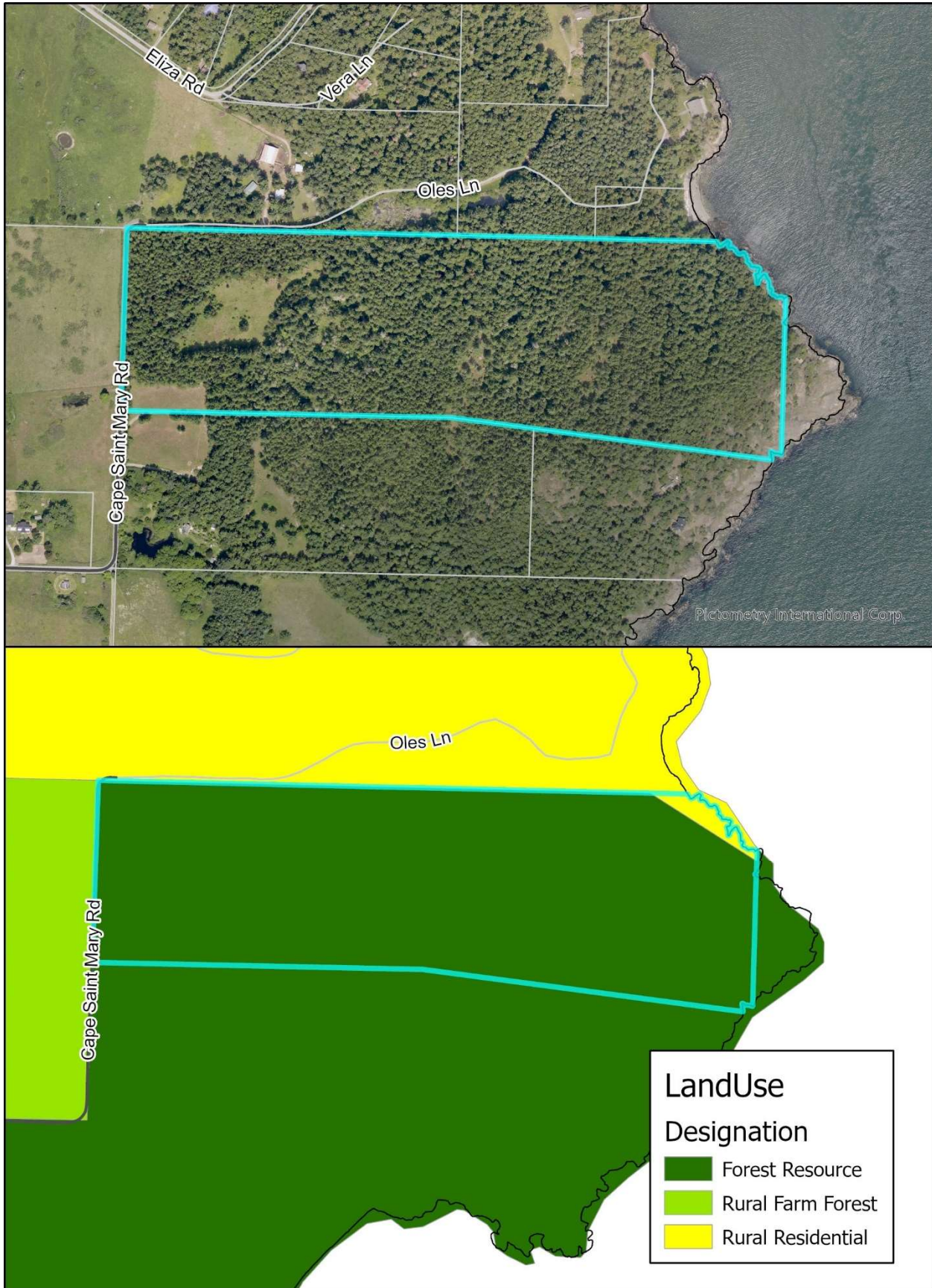


Table 19. Request 19-0004 Summary.

Request Number	Island	TPN	Address	Applicant Name
19-0004	Lopez	141611001000	Cape St Mary Rd	Tim McHarg (agent for Jean Michl Estate)

Summary of Request

De-designate TPN 141611001000, a 43.47 acre parcel, from Forest Resource (FOR) and change it to Rural Farm Forest (RFF). The purpose is to, in part, increase the density on this parcel.

This undeveloped, predominately forested parcel has split designations. A small portion of the northeast corner of the parcel, approximately 0.75 acre, is designated Rural Residential (RR). The remaining, forty-eight acres are designated FOR which has a 1 dwelling unit (DU) per 20 acres density. The northeast corner of the parcel is in shoreline with the RFF shoreline designation.

Properties to the South are designated FOR and those to the North are in the Rural Residential designation. These parcels are largely forested. The parcel to the West is designated RFF. It appears to have been cleared for agricultural use.

Surrounding Land Uses and Designations

- North: Residential, RR
- South: Residential, FOR
- East: Water Body
- West: Agriculture, RFF

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/18554>

Map 20. Request 19-0005.



Table 20. Request 19-0005 Summary.

Request Number	Island	TPN	Address	Applicant Name
19-0005	Shaw	263322001000	44 Hoffman Cove Rd	Shaw Island School District

Summary of Request

Re-designate TPN 263322001000, a 0.99-acre parcel, from Natural (N) to a rural designation where School, primary or secondary is an allowed use.

The Shaw Island school house was constructed in 1890. [San Juan County Code \(SJCC\) 18.30.040](#) prohibits the institutional use “school, primary or secondary” in the N designation. As a result, the Shaw Island school is a nonconforming use.

Surrounding Land Uses and Designations

North: Conservation land (University of Washington), N
South: Conservation land (San Juan Preservation Trust), N
East: Institutional use (Benedictine Congregation), N
West: Conservation land (San Juan Preservation Trust), N

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/18554>

Map 21. Request 20-0002.



Table 21. Request 20-0002 Summary.

Request Number	Island	TPN	Address	Applicant Name
20-0002	Orcas	173533001000	493 Winter Falls Ln	Sherri Pierson

Summary of Request

De-designate TPN 173533001000 from Forest Resource (FOR) to Rural Farm Forest (RFF).

This five-acre parcel has a maximum density of 1 du/20 acres. The parcel is currently developed with a single-family residence but is heavily forested as are all surrounding properties. Moran State Park is to the West. The parcels to the South and East also have residential development.

No change in density was requested, however re-designation to RFF might result in an increase in density. Most RFF areas have a density between 1 du/5 acres and 1 du/15 acres. Four parcels south of the subject property are all approximately 5 acres each.

There is no RFF designation abutting this property, surrounding designations are FOR and Conservancy.

Surrounding Land Uses and Designations

North: Undeveloped, FOR
South: Residential, FOR
East: Residential, FOR
West: Moran State Park, Conservancy

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/20039>

Map 22. Request 20-0003.

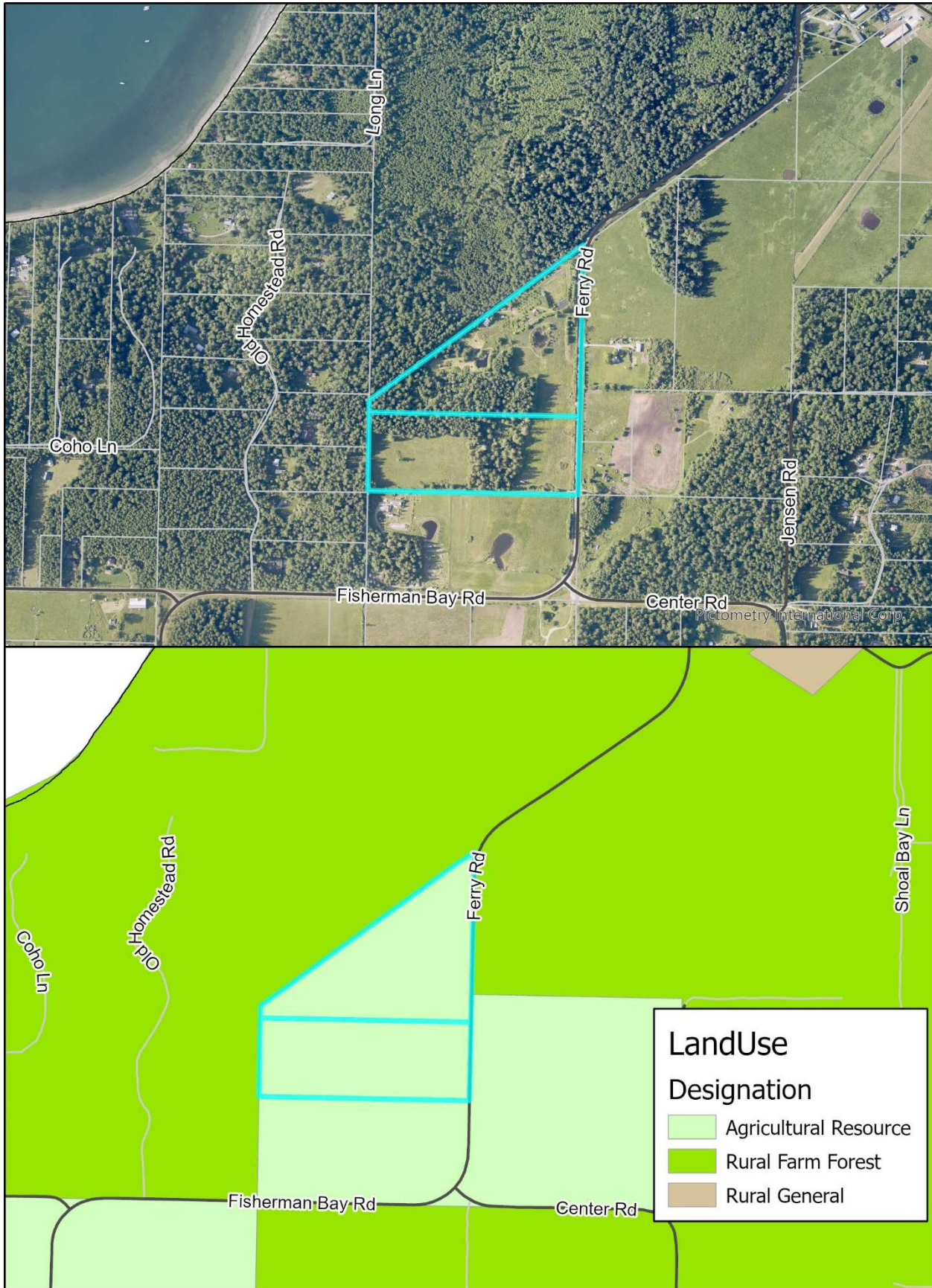


Table 22. Request 20-0003 Summary.

Request Number	Island	TPN	Address	Applicant Name
20-0003	Lopez	251113003000 251113001000	1710 Ferry Road	Ronni Klompus and Levi Rodriguez

Summary of Request

Increase density on two parcels totaling roughly 33 acres from one dwelling unit per fifteen acres to one dwelling unit per five acres. The property owner would like to subdivide to make smaller parcels available to farmers.

Surrounding Land Uses and Designations

North: Park (Odlin South), RFF

South: Agriculture, AG

East: agriculture, AG

West: Residential, RFF

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/20999/>

Map 23. Request 20-0004.

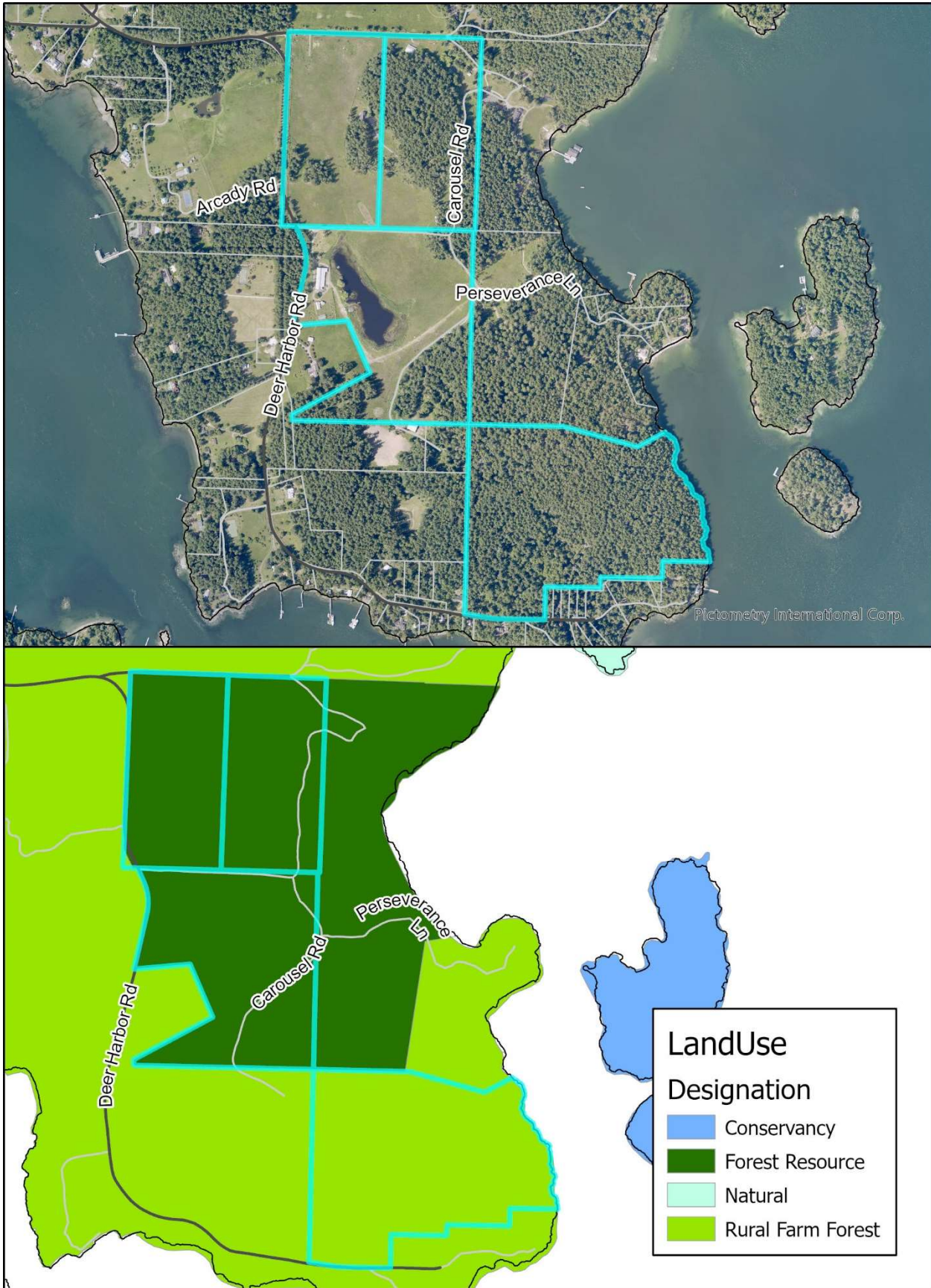


Table 23. Request 20-0004 Summary.

Request Number	Island	TPN	Address	Applicant Name
20-0004	Orcas	261723001000		
		261723002000	PO BOX 227	Orcas Vision Preserve
		261732001000	Deer Harbor WA 98243	C/O Alison Kartiganer
		261734001000		

Summary of Request

De-designate from FOR to RFF

Property owner is requesting de-designation from FOR to RFF to allow for the development of affordable housing in the rural area south of Deer Harbor. De-designation from FOR to a rural land use designation would allow the property owner to possibly develop a rural residential cluster development for affordable housing. Rural residential cluster development is subject to the standards in [SJCC 18.60.230 Rural residential cluster development](#).

Surrounding Land Uses and Designations

North: Residential, RFF
South: Residential, RFF
East: Residential, FOR
West: Residential, RFF

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/21629/>

EPRC Response to San Juan County Staff’s requested feedback on possible Eastsound Subarea and UGA Changes

- A. **Comment - Density Goal:** The Land Capacity Analysis (LCA) found that the UGA has “between a 446-person excess and 13-person shortfall of residential capacity depending on how mixed-use areas develop.” A thirteen-person shortfall is a small number which could be met by a very small increase of density in a small area. We also know from historical data that although 50% is the GMA goal, more like 25-30% of residential development happens in the UGA, not because there wasn’t capacity in the UGA, but because most people who move to Orcas Island choose to live in more rural areas. So, we want to be conservative about where we increase density and do it only to the extent needed to provide a small cushion for the 50% goal with the knowledge that it is very unlikely that the actual build-out remotely would approach 50%. In accordance with goals of maintaining a compact, walkable village center and providing affordable, year-round housing, the EPRC advocates first increasing infill density to the extent possible, within the village center. The increased density EPRC has recommended in VC by increasing the minimum density in VC to 16 per acre already goes a long way toward achieving this. Just changing the land use of the parcels on the northwest corner of Mount Baker and North Beach to VRI would make up the 13-person deficit adding 23+ units/47.45 persons minus the Market factor. Also, April’s Grove coming on line just provided a huge chunk of the housing needed to accommodate the projected growth.
- B. **Comment – Plan So Neighbors Face the Same Land Use and/or Density** - A planning best practice we would like to pursue is not to draw land use boundaries along roads, but instead to divide zones one parcel back from the street. Having one kind of density or land use on one side of the street and a higher density or different use on the other makes for unhappy neighbors. We support drawing new

boundaries so that VRI faces VRI, VC faces VC, ER4 faces ER4 across the street whenever possible.

Examples:

- Village Commercial parcels facing each other across Main Street, Prune Alley, North Beach
- VRI parcels across from each other on Haven
- The remaining Eastsound Residential parcels facing each other across North Beach Road

Regarding Changes in Land Use Designation Standards:

1) Changes to density in SLI:

- a. Increase Lot Coverage in SLI – We fully support this recommendation.
- b. Decrease Setbacks in SLI – We do not support this recommendation. - As an Eastsound UGA goal, where residential land and industrial land come in contact, EPRC is actively looking for ways to reduce building proximity, provide sound and visual screening, and to buffer & protect residences from industrial encroachment on residential areas. We seek to increase both residential and industrial densities where they are farthest apart from one another. As a planning best practice planned buffering makes for good neighbors and higher property values. Visual screening and deeper setbacks are hallmarks of good intersections between industrial uses and residential uses. Increasing the lot coverage in SLI makes perfect sense as long as we retain full dense vegetative screening and setbacks are maintained between land uses and facing the street. If a parcel does not border a property with either existing or potential residential uses or is not across the street from such uses, then the setbacks and screening could be reduced. We consider the fact that Marina has smaller setbacks than SLI to be valid because Marina has residential uses as one of its primary uses, and all developments in Marina facing public streets are in fact conforming residential/lodging. So, there is no negative impact to the streetscape or the Eastsound

Residential properties across the street from what is simply more residential architecture in Marina. Industrial sites and warehouses, however, have a negative visual impact for residences and an impact on the streetscapes which are heavily travelled by local and tourist pedestrians, cyclists, and passenger vehicles. Existing setbacks should be kept. Vegetative screening should be kept or perhaps even enhanced for fuller visual separation.

- 2) **Add Industrial Capacity to Service Park Areas**– The service park parcels north of Maidenhair Lane including 271350005000 are poised for further development in a multi stage plan which is laying the groundwork for more lot coverage than currently allowed in Service Park. Since there is active development in this land use and a desire on the part of property owners to expand, please consider expanding lot coverage and non-noisy allowed uses to alleviate some of the needs currently being met in Service and Light Industrial.

Regarding Changes to Land Use Designation Boundaries

- 1) **Candidate Area 2** - We support this recommendation. The parcels on Enchanted Forrest Road across from Bonnie Brae are perfect for the modest increase from 1 to 4 units per acre. Increasing density on any land that can access Mount Baker and Enchanted Forrest makes much more sense than creating more density which has to travel on the congested cul-de-sac of the North Beach Road neighborhood.
- 2) **Candidate Area 1** We support the conversion of the two parcels 271144008000 and 271144017000 on the corner of the Mount Baker North Beach intersection whose owners requested be changed to VRI-12. Going beyond that does not seem to be warranted to meet the density goal. We asked OPAL director Lisa Byers if OPAL would consider adding housing to the Wildrose Meadow or Oberon housing areas if they were upzoned, and she said no. So, there is no benefit to adding capacity there. If adding the density of the Candidate Area 2 parcels and the two parcels on the NE corner of North Beach / Mt. Baker Rd. intersection is not enough to meet and exceed the LCA requirements by a comfortable margin as we believe it does, then we would consider recommending extending VRI-12 to the 5-acre Mount Baker Road parcel (Klein) across from the medical center, but that does not seem necessary at this time.

3) **Candidate Area 3** – We don't support increasing density in this area and think it would be a significant mistake to relegate any of our existing traditional suburban street communities to 12 per acre development. This is what is happening in residential areas in lots of suburban neighborhoods where suddenly an 8-plex gets sandwiched in between two houses on a residential street. The value of existing built improvements drops as the land value increases and those owners increasingly over time can only sell to someone who will tear down the house to put up a complex. This is unnecessary, and creates a poorly-planned street appearance of house-complex-house-complex for decades. In addition, the calculated net gain of residential units is not sufficient to justify the rezoning. We want to increase density where dense multi-unit developments create their own new complex or neighborhood such as April's Grove and not cannibalize the older neighborhoods. VRI-12 for the Christmas parcels is perfect for this. Luckily, there are several parcels that would fulfill this goal if needed.

Regarding the Land Use Change Requests

A) Split zoned Port of Orcas Parcel 271143016000 – Iterations of the EPRC for years have sought to keep the residential parcels on west side of North Beach Road as intact as possible with a buffer of SLI between the Eastsound Residential land uses and the airport (which is written in the Eastsound Subarea Plan Goals). The Port's decision to use FAA funds to buy the split-zoned parcel with its ER zone on North Beach Road has put San Juan County and Eastsound in a difficult position as the FAA will not permit the Port to develop non-airport residential uses on land they paid for. We understand that they would like more SLI space, but not at the expense of the residential areas which line the entrance to the North Beach neighborhood. EPRC would greatly prefer to:

- a. Leave it as a split zoned parcel. The Port may simply choose not to develop that portion of the lot or build airport use housing on it.
- b. If the split zone must be resolved, then create two distinct parcels from the one, keeping the land uses the same. Again, the Port

could develop that lot or not, or could sell it and reimburse the FAA. The County has the authority to require either of these first two scenarios with the use of the land at the Port's discretion.

- c. If the County disagrees and makes this one whole SLI parcel abutting North Beach, we must get the 60-foot set back with landscaping/vegetative screening buffer which the Port of Orcas agreed to and which is shown on the Airport Master Plan, written as a deed restriction - a permanent setback from the property line (not the center of the ROW) that runs with the land. Also, the Port changed its master plan to reflect keeping the entrance(s) to the airport on Mount Baker Road and not onto North Beach Road. The Port of Orcas manager, Tony Simpson, and the Commissioners agreed to this, and it is depicted in the Airport Master Plan, but a new manager and several new commissioners reduces the certainty of this promise. Please do not grant the SLI change to this parcel without completing these vital steps.

B) Klein Bartel Road Parcel –No demonstrated need to expand the UGA. The slight shortfall of residential capacity in the UGA can be addressed through infill. Adding more undeveloped land to the UGA is not necessary to accommodate the projected population. Without a new road, adding that many new residents to the already busy traffic on North Beach Road would add to a growing problem. We recommend opening up Bartel Road as a public road through to Terrill Beach Road so that in the future when additional capacity is needed adding density to this area may be appropriate.

C) The Nexco Airport Center - Eastsound is limited in land for service and light industrial uses. Also, this is in Zone 5 of the Airport Accident Safety Zone. As stated in San Juan County Code in regulations related to the Sideline Safety Zone/Airport Development Zone (Zone 5) "5. Except as necessary and incidental to airport operations, the following uses that require or promote the concentration of people or have substantial occupancy by dependent populations (such as children, sick, or the elderly) are prohibited: schools, libraries, hospitals, nursing homes, day care centers, multifamily housing, playfields, public meeting rooms, public assembly uses, churches and religious assembly uses, restaurants, motels and hotels." Restaurants are places of public assembly. We don't recommend supporting this request.

- D) Fishing Bay Short Plat** – Adding these parcels does not add functionality to the UGA, and they are unlikely to be built out to add much additional density. We don't recommend supporting this request.
- E) Christmas Parcels** 271144008000 and 271144017000 – This adds needed density and matches the VRI designations across the street. We are, however, concerned about possibly even more vehicular traffic going onto the already very congested flow of vehicle, foot and bicycle traffic from North Beach to town and back. We understand a traffic study was done in September. Were entrances and exits for these parcels addressed? If not, we ask for further traffic study to consider entrances/exits on Mount Baker to keep from impacting the significant pedestrian and bicycle traffic going primarily up and down North Beach Road, enabling an easy walk or bike connection to town from the North Beach residential neighborhoods. The pedestrian traffic on either side of Mount Baker is significantly less. Also, if a roundabout has been considered at the Mount Baker-North Beach intersection, please establish what additional setbacks would be necessary and plan for obtaining deeded setbacks and screening on both the Port of Orcas parcel 271143016000 and the Christmas parcel 271144008000 as a contingency for granting these land use changes. We are also amenable to adding turn lanes at this intersection to alleviate traffic.

EPRC Recommends the Following Which affects Development Patterns and Density in the UGA

In Village Commercial land use designation–

1. We recommend establishing a minimum setback of 5 feet from the right of way, granting up to a 20 feet setback only if area for public gathering/use is allowed in front of the building.
2. We recommend requiring parking in the rear or side of the lot - or in the middle third of the lot if the lot faces two public rights of way in between two streets. No private parking in front of buildings.
3. We recommend establishing a minimum lot size of 1/8th acre. This is to prevent the miniscule lots such as have been created recently which prevent changes in use over time, relegating those tiny lots to be residential forever.

4. We recommend removing single family residence as an allowable use. Duplexes, multi-use, multi-family and commercial would remain as allowable uses. This would prevent the trend of new single family homes occupying the most valuable and usable commercial lots in the very center of town.
5. We recommend increasing the minimum density from 4 to 16. This means that on a typical 1/8th acre lot in VC, 2 dwellings or a duplex would be the minimum density.

Village Residential Institutional Density and Affordable Housing-

1. We recommend allowing one ADU per residence in Village Residential Institutional land use designation only with the stipulation that they should not be used as vacation rentals.