




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: June 4, 2021

TO: San Juan County Planning Commission

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: June 18, 2021

ATTACHMENTS: A. Comments from the Town of Friday Harbor dated May 17, 2021

PURPOSE: To provide the Planning Commission 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 June 17 will be provided to the Planning Commission before the meeting. Please focus public comments on the issues contemplated in this memo.

BACKGROUND: Throughout the *Plan* update, property owners have submitted requests for changes to their land use 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 25 below provide a summary of the requests, a link to each request, a brief description of the surrounding land uses, and the staff recommendation where applicable.

In reviewing the requests in this document, special attention should be paid to requests to requests to expand the boundary of an urban growth area (UGA). These types of requests require additional attention because the WA State Growth Management Act (GMA) has specific rules about designating UGAs. The boundaries of UGAs are one 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.

A February 4, 2020 staff memo provides more background on UGAs, including GMA requirements. This memo is posted online at: <https://www.sanjuanco.com/DocumentCenter/View/19788/>

The criteria for making amendments to the *Plan* Official Map are established in San Juan County Code (SJCC) 18.90.030(F) Amendments to Comprehensive Plan Official Maps, which states:

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

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

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

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

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

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

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

Proposed amendments to the *Plan* Official Map must meet all five of the criteria from SJCC 18.90.030(F) to be approved. The staff recommendation for each proposal will include a summary of whether the proposed change meets the criteria.

NONCONFORMING USES: Several of the submitted requests 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 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 an example of a nonconforming use, 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. In this instance, the structure would be nonconforming.

Nonconforming uses and structures 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) has 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. The EPRC recommendation is summarized for each Eastsound UGA request. The full EPRC recommendations are provided in a staff memo dated June 4, 2021, posted online here:

<https://www.sanjuanco.com/DocumentCenter/View/23205>

TOWN OF FRIDAY HARBOR COMMENTS: The Town of Friday Harbor (Town) have made comments on the land use designation review requests for properties near the Town UGA. Their comments are summarized after each request. The complete comments are provided in Attachment A. The Town comments also propose additional expansion of the UGA beyond those discussed in this memo. Those additional UGA expansions will be discussed later in the *Plan* update in a separate staff memo.

Map 1. Request 16-0001

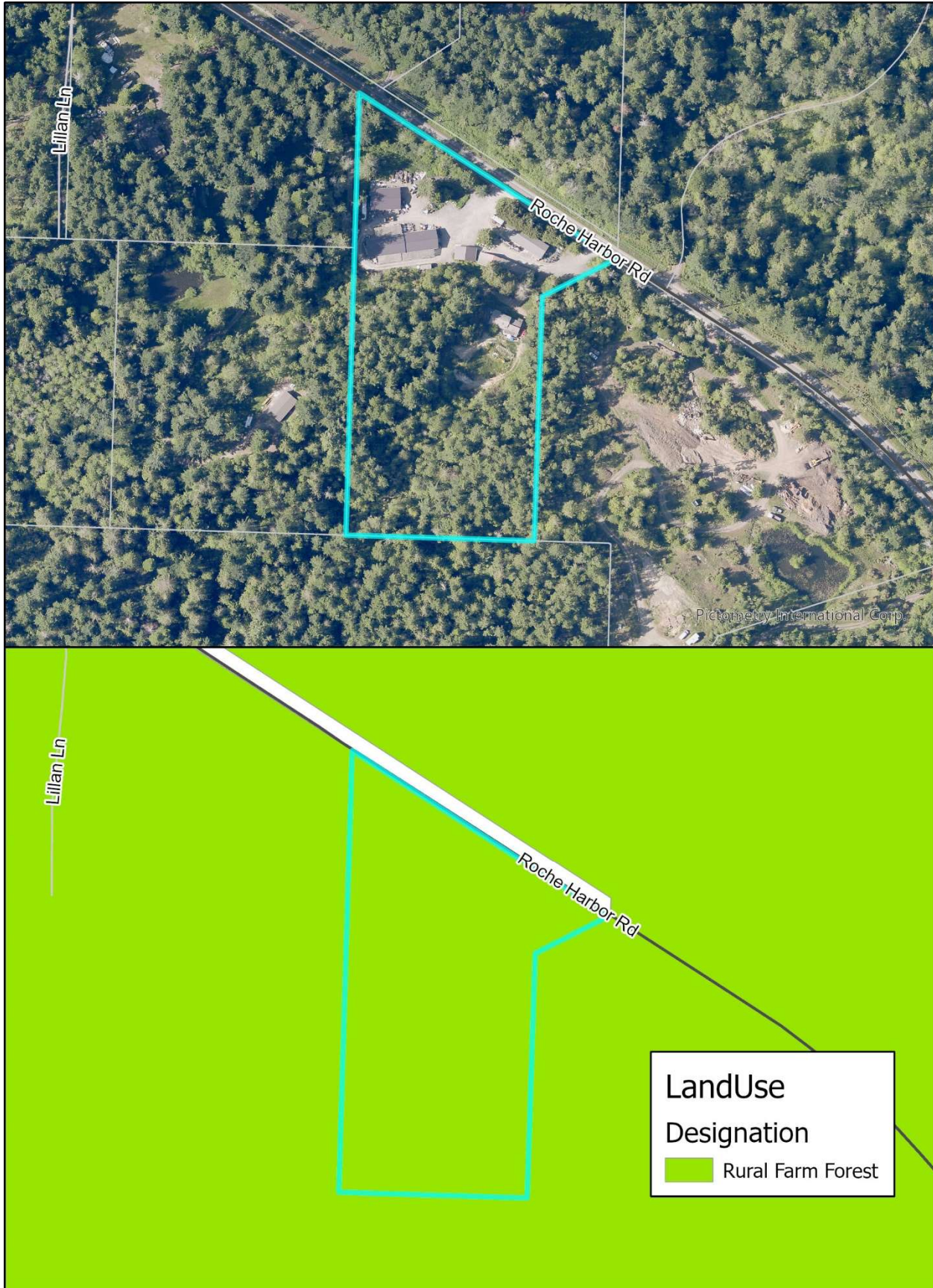


Table 1. Request 16-0001 Summary.

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>

Options

Option A: Designate parcel Rural General Use (RGU).

Re-designating the subject parcel from to RGU would make the existing land use conforming. The RGU land use designation allows a much broader range of nonresidential land uses than the current RFF land use designation. If the subject parcel is re-designated to RGU, the property owner would be allowed to redevelop the parcel with more varied commercial and industrial land uses. The following commercial and industrial land uses are prohibited in RFF and allowed by either conditional use permit, provisional use permit, or outright in RGU:

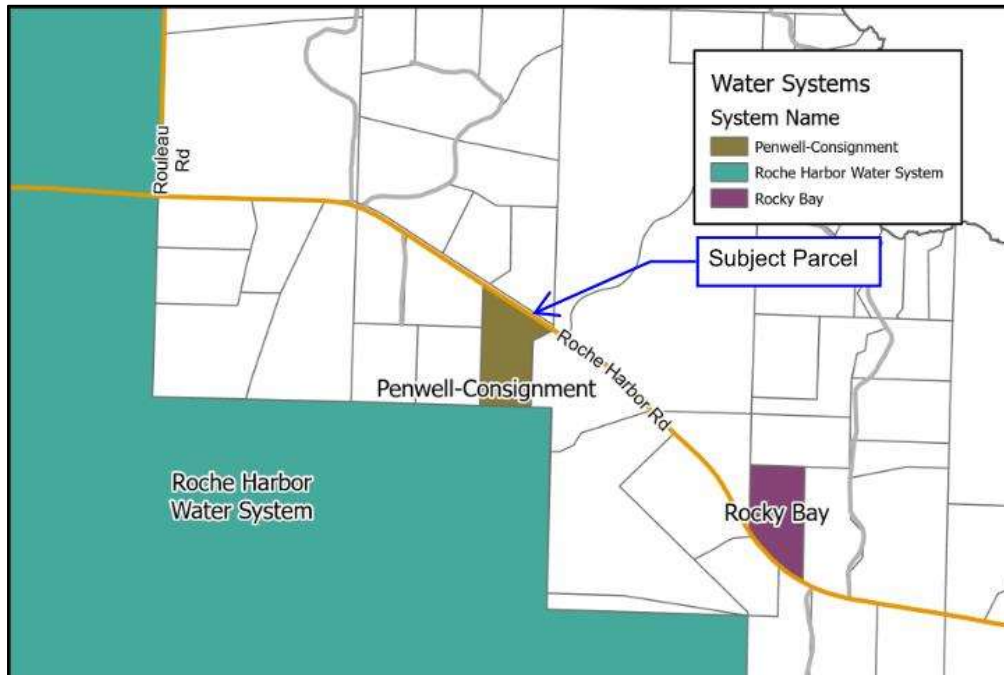
- Automotive fuel, service, and repair stations;
- Camping facilities;
- Eating establishments;
- Indoor entertainment facilities;
- New resorts and camps;
- Retail sales and services;
- Bulk fuel storage facilities;
- Commercial composting;
- Concrete batch plants;
- Construction yards;
- Garbage and solid waste transfer stations;
- Heavy and light industrial;
- Light manufacturing;
- Outdoor storage yards;
- Recycling collection and processing;
- Mining and mineral extraction;
- Wholesale distribution outlet;
- Wrecking and salvage yards;
- Storage and treatment of sewerage, sludge, and septage; and
- Unnamed industrial uses.

The land use designations on the *Plan* Official Maps designate lands for future land uses. By designating an area for RGU, the *Plan* is designating that area to be the location for the types of uses allowed under that land use designation as new development occurs. If this area were re-designated to RGU, the *Plan* is establishing the area as the intended location for new nonresidential uses as new development occurs in the area.

Commercial and industrial land uses are more intense land uses than residential, farming, and forestry uses associated with RFF. More intense land uses have greater demand for transportation and other service infrastructure. The subject parcel is located along Roche Harbor Road, a minor collector road. Being located on a minor collector road gives the parcel access to transportation infrastructure that can accommodate increased traffic associated with commercial and industrial land uses.

Commercial and industrial land uses, being higher intensity uses, require access to community water systems. The subject parcel is served by a group B community water system. The surrounding parcels that front on Roche Harbor Road are not within a community water system service area but are adjacent to two community water system service areas. Map 1.A shows the surrounding area and existing community water system service areas. Re-designating the subject parcel to RGU would not require additional extension of water system service areas. If more land around the subject parcel along Roche Harbor Road were designated RGU, new nonresidential land uses would require the extension of water service to those parcels either from existing service providers or through the creation of new water community systems.

Map 1.A. Community Water System Service Areas Near the Subject Parcel.



Source: SJC GIS.

If a single parcel is designated RGU and the surrounding area remains RFF, there is a potential for conflict between the more intense commercial and industrial land uses allowed in RGU and lower intensity residential, farming, and forestry uses allowed in RFF. The principal purpose for designating areas for future land uses on the *Plan* Official Map is to ensure that as development occurs it is orderly and does not create new or exacerbate existing conflicts between different land uses. Spot-designating a single parcel RGU amidst an area designated RFF could increase the potential for conflicts between land uses as nonresidential development occurs in the area.

Option B: Designate parcel Rural Commercial (RC).

An alternative to re-designating the parcel as RGU is to designate the subject parcel RC. As with re-designating the parcel RGU, re-designating the parcel RC would allow more nonresidential uses than those allowed in RFF. Designating the subject parcel RC would make the existing use conforming to the land use designation. The following nonresidential land uses are allowed in RC and prohibited in RFF by SJCC 18.30.040:

- Automotive fuel, service, and repair stations;
- Eating establishment;
- Retail sales and service;
- Commercial composting;
- Construction yards;
- Garbage and solid waste transfer stations;
- Heavy equipment rental services;
- Light industrial;
- Light manufacturing;
- Lumber mills, stationary;
- Recycling collection/processing;
- Recycling collection;
- College or technical school;
- Community club or organization assembly facility; and
- Museum.

Re-designating the property to RC would have the same implications for transportation infrastructure and water service as discussed under Option A above. The principal difference between designating the parcel RC is that a narrower range of nonresidential uses are allowed in RC compared to RGU. Though there are fewer nonresidential uses allowed in RC compared to RGU, there is potential for incompatibility between these uses and the established surrounding residential uses. For example, a commercial composting facility would have traffic, noise, and odor impacts, which would be exacerbated if this use were established in a predominately residential area. Designating a single parcel RC amidst a larger area designated RFF could increase the likelihood that new development might conflict with existing development in the area.

Option C: Do not re-designate the parcel.

If the parcel remains designated RFF, the existing nonconforming use can continue operating. Nonconforming uses are regulated by SJCC 18.40.310 Nonconforming structures and uses. The code allows nonconforming nonresidential uses to be expanded, modified, or intensified subject to a conditional use permit provided:

- The nonconformity is not increased, and a new nonconformity is not created;
- The proposed changes comply with the development code to the maximum extent feasible; and
- The proposed changes will not have an adverse impact on environmentally sensitive areas.

If the existing use remains nonconforming, the operators are allowed make changes to the use. On the other hand, the use being nonconforming prevents the establishment of new nonconforming land uses. Uses that are not part of the existing nonconforming use and prohibited in RFF would not be allowed as an expansion or modification of the existing nonconforming use. In contrast, new uses that are allowed in another designation by SJCC 18.30.040 could be established if the subject parcel is re-designated. Limits to what additional nonresidential uses could be established would remain in place if the existing use remains nonconforming.

The conditional use permit requirements for modifying the existing nonconforming use might be a drawback for the property owner because it establishes limits to the kind of nonresidential development that may be possible on the parcel. These limits would not prevent the currently permitted land use from continuing to

operate in the future. Conversely, neighboring property owners with established residential uses might value the constraints on what nonresidential development is allowed on the subject parcel. Requiring a conditional use permit for future modifications of the use has an added benefit for neighboring property owners because a public hearing is required before the permit is issued. The public hearing would allow neighbors the opportunity to express their opinions on the proposed development and the Hearing Examiner would have the authority to condition the permit in response to their concerns.

Community Treasures has four conditional use permits authorizing expansion, modification, and/or intensification of the existing nonconforming use. The existing nonconforming use has been amended by permit numbers PCUP00-13-0008, 08CU014, 05CU016, and 97CU026. If the use will continue operating consistent with what was authorized but the previous conditional use permits, no additional permits will be required.

Staff Recommendation: Option C, do not re-designate this parcel. The legally established nonconforming use on this property can continue to operate, regardless of whether the land use designation is amended. SJCC 18.40.310 Nonconforming structures and uses also allows the established nonconforming use to be altered, modified, expanded, intensified, replaced or moved subject to a conditional use permit. Designating this parcel and/or the surrounding lands as RGU would allow a greater range of nonresidential uses in the area and more intense land uses. This could conflict with the adjacent, primarily residential, established land uses.

The parcel does not meet RGU designation criterion 2.3.C.10.a.1.i, which requires surrounding land uses to be a mix of residential development, scattered single family residences, small farms, forestry activities, resource-based commercial and industrial uses, cottage enterprises, rural commercial and rural industrial uses. The surrounding area is primarily developed with residential uses or undeveloped land. These is not a mix of other existing nonresidential uses in this area.

Further, the parcel does not meet *Plan* designation criterion 2.3.C.10.a.1.ii, which requires that the soils in areas designated RGU be marginal or unsuitable for intensive commercial agriculture or forestry uses. The Natural Resources Conservation Service (NRCS) soil maps for this area show that it has soils suitable for agriculture. The WA Department of Natural Resources (WDNR) private forest land grades (PFLG) map shows this area has soils conducive to forestry.

SJCC 18.90.030 Amendments to Comprehensive Plan Official Maps.

Re-designating this parcel would be a spot re-designation because the parcel is surrounded on all sides by areas designated RFF. Re-designating this parcel to RGU would create an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations. Such an enclave would be created because there is a greater range of uses allowed in RGU compared with RFF. Creating such an enclave would be inconsistent with the criteria for approval of amendments to the Comprehensive Plan Official Maps in SJCC 18.90.030(F)(1)(d), which states:

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

Map 2. Request 16-0003.

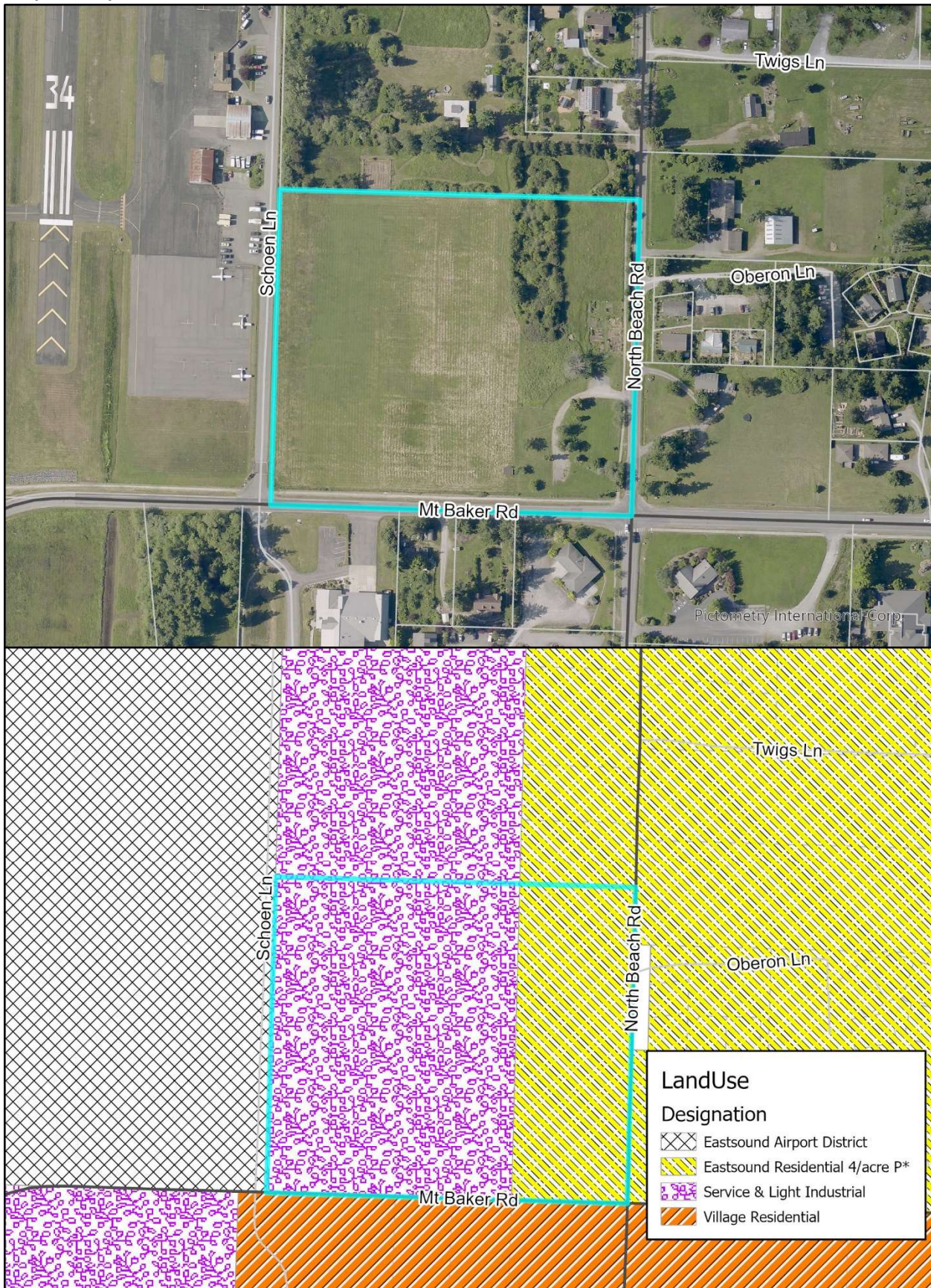


Table 2. Request 16-0003 Summary.

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. See EPRC recommendation staff memo dated June 4, 2021, posted online here: <https://www.sanjuanco.com/DocumentCenter/View/23205>

Map 3. Request 18-0007.

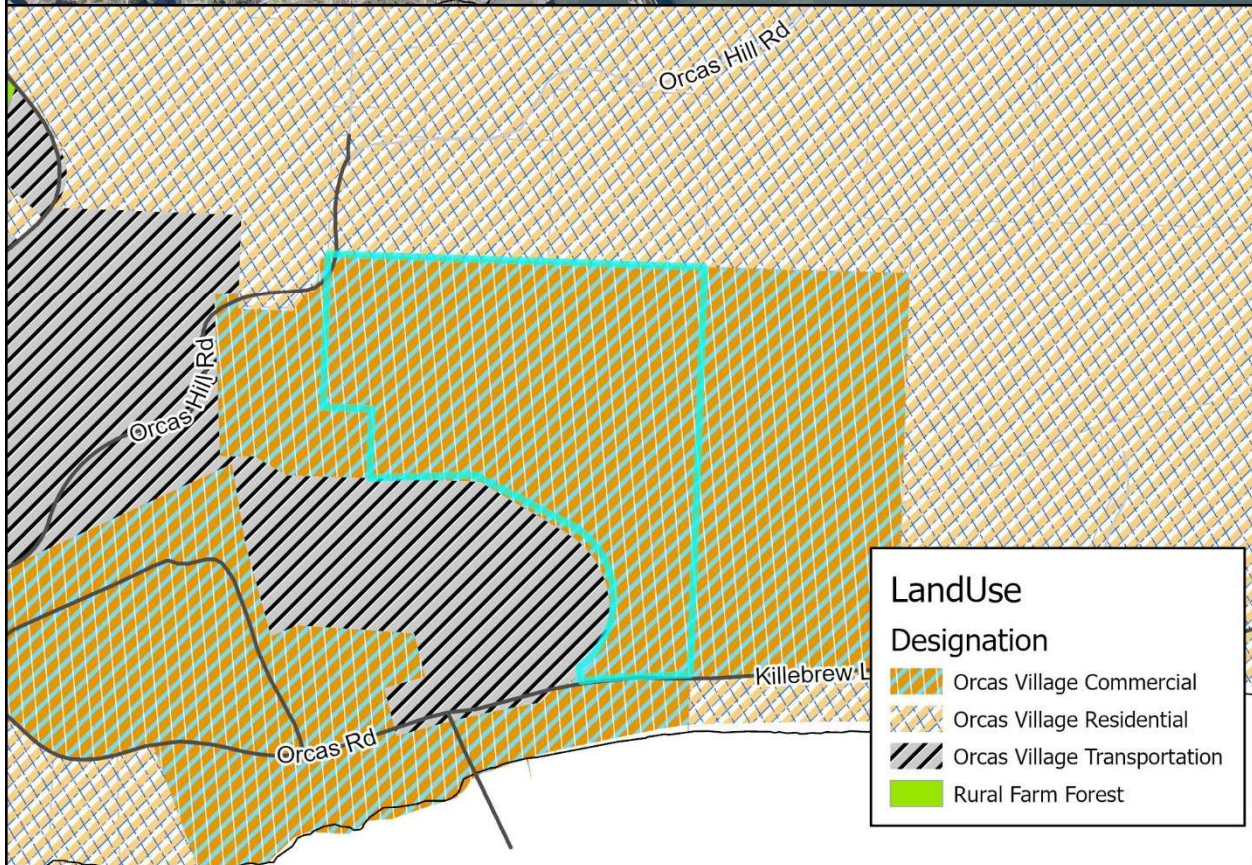


Table 3. Request 18-0007 Summary.

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>

Staff Recommendation: Re-designate the northern 3.5 acres of TPN 262222012000 to Orcas Village Residential (OVR). This would create a split designation on this 4.58-acre parcel. See the map below for an illustration of the recommended area to be re-designated. A slope separates the northern and southern portions of this lot. This creates a natural division between the area near Orcas Road, which is already partially developed with a commercial structure, and the undeveloped two acres at the north of the property. The slopes on the site also might make developing residences difficult if only two acres are re-designated. Given the slope of the site, staff recommends increasing the area to be re-designated. The northern 3.5-acres abut existing residential development and have access to Orcas Hill Rd, a public road. If the re-designated residential area were developed with homes, the resultant traffic could be routed to Orcas Hill Rd to avoid conflicting with the ferry traffic at the landing on Orcas Road. The maximum residential density in this area is one dwelling unit per two acres. Re-designating the northern two acres to OVR would allow one single-family residence to be developed in this area.

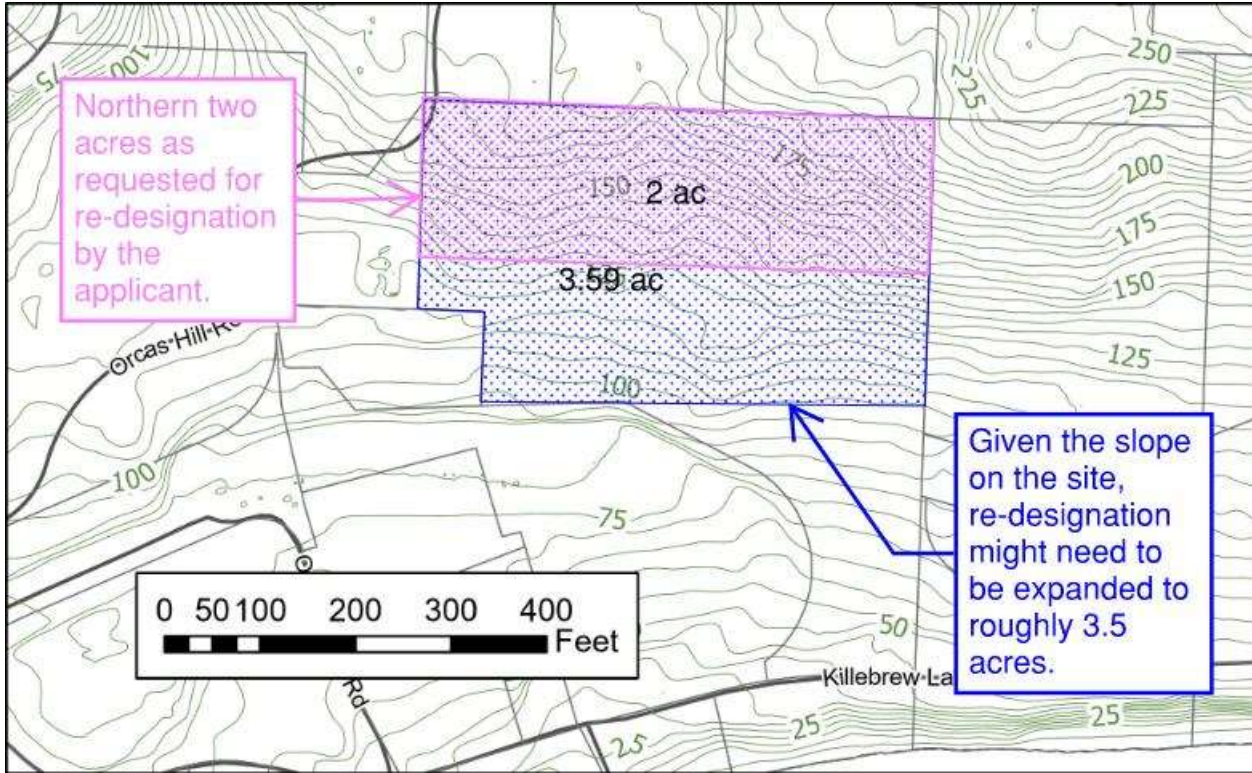
The Orcas Village Subarea Plan (OVSP) states the following policy for Orcas Village Commercial:

The Orcas Village Commercial district is established to provide for retail and service uses in the commercial core of Orcas Village. The primary purpose of this commercial district is to provide goods and services to tourists, those passing through the ferry landing, and local residents within approximately three miles of Orcas Village. Its secondary purpose is to provide for a range of commercial and service uses meeting local needs. [...]

The southern area that remains OVC can still meet this policy by keeping commercial development allowed along Orcas Road. The natural division created by the slope of the site and required landscaping between residential and nonresidential uses should prevent conflicts between the residential and commercial uses of

this parcel if it is split designated. Map 3.A below illustrates the northern area that would be designated OVR. Staff recommends a slight amendment to the proposal to expand the area designated OVR to account for the topography of the site. Expanding the OVR area to the south would ensure the residential area includes the area with less-steep slopes. The northern two acres of this parcel has steeper slopes.

Map 3.A. Subject Parcel, Recommended Residential Area, and Slope.



Source: SJC GIS.

SJCC 18.90.030 Amendments to Comprehensive Plan Official Maps.

Table 3.A summarizes how the proposal meets the criteria of approval for amendments to the *Plan* Official Maps established in SJCC 18.90.030(F).

Table 3.A. Analysis of SJCC 18.90.030(F).

Section	Analysis
SJCC 18.90.030(F)(1)(a)	The proposed re-designation benefits the public by increasing residential capacity in the Orcas Village Residential (OVR) land use designation. This would allow more residential development, without expanding the boundary of Orcas Village, fostering infill development in the Village. The re-designation would also allow a modest increase of residential capacity in an activity center with limited residential development capacity, near a local transportation hub (the ferry landing).
SJCC 18.90.030(F)(1)(b)	The proposed change is warranted because there is a need for additional development capacity in the OVR designation. The <i>Land Capacity Analysis</i> shows that OVR has capacity for roughly 4 additional dwelling units. The proposed change would allow development of another dwelling unit, an increase in the residential development capacity within the activity center through infill.
SJCC 18.90.030(F)(1)(c)	<p>The Orcas Village Subarea Plan Policy 3.2.2.1 Orcas Village Residential states:</p> <p style="padding-left: 40px;">The district is established as a strictly residential district. Limited other necessary uses such as utilities may be permitted in the Village Residential district. Commercial uses are limited to home based occupations.</p> <p>The proposed change is consistent with this policy. The subject property is undeveloped and can be developed with residential uses. The proposal will not compromise the primarily residential nature of the OVR designation.</p>
SJCC 18.90.030(F)(1)(d)	The area proposed for re-designation is contiguous with an area already designated OVR. The property owner will not enjoy rights above and beyond those enjoyed by the surrounding property owners.
SJCC 18.90.030(F)(1)(e)	No significant adverse impacts are expected from the proposed change. The land uses allowed in OVR are less intense than those currently allowed by the OVC designation. Lower intensity development typically has fewer adverse impacts. Because the parcel already has access to Orcas Hill Road, additional transportation infrastructure will not be required. The parcel is already within a water system service area and residential development will not require extension of new services.

Map 4. Request 18-0008.

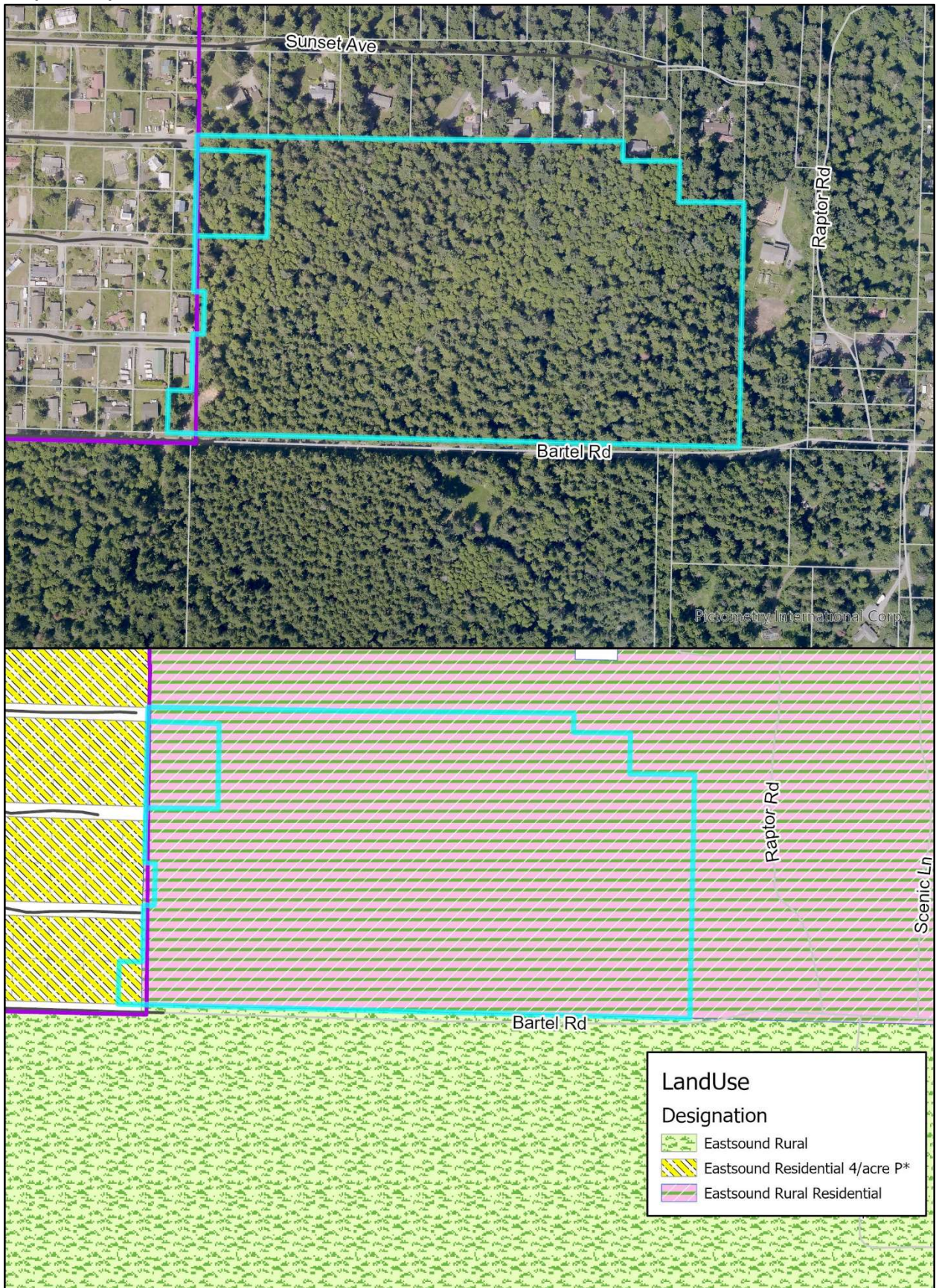


Table 4. Request 18-0008 Summary.

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. More information about the staff and EPRC recommendations are provided in the Eastsound Issues Staff Memo dated June 4, 2021, posted online here: <https://www.sanjuanco.com/DocumentCenter/View/23205>

Map 5. Request 18-0009.

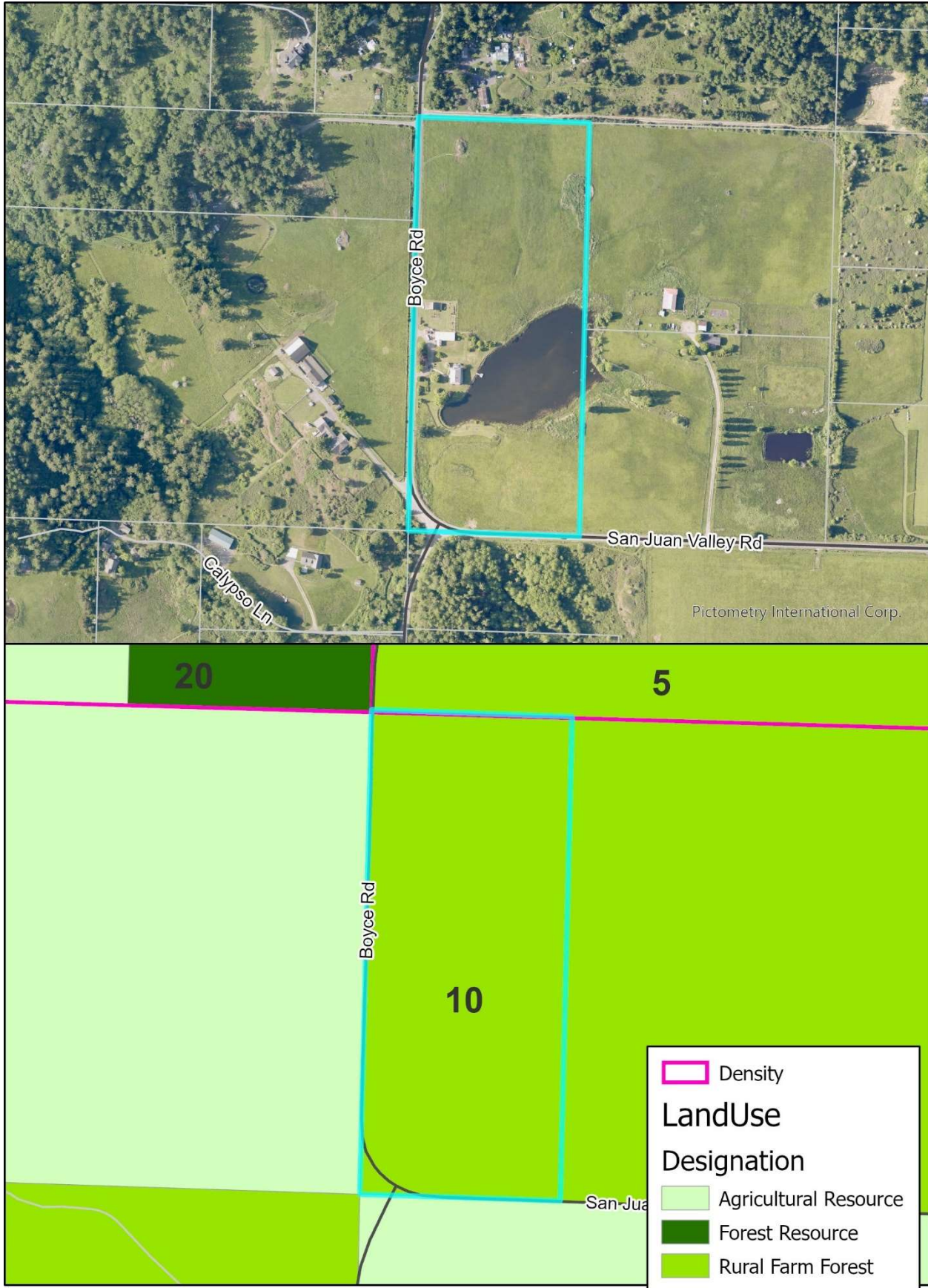


Table 5. Request 18-0009 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0009	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>

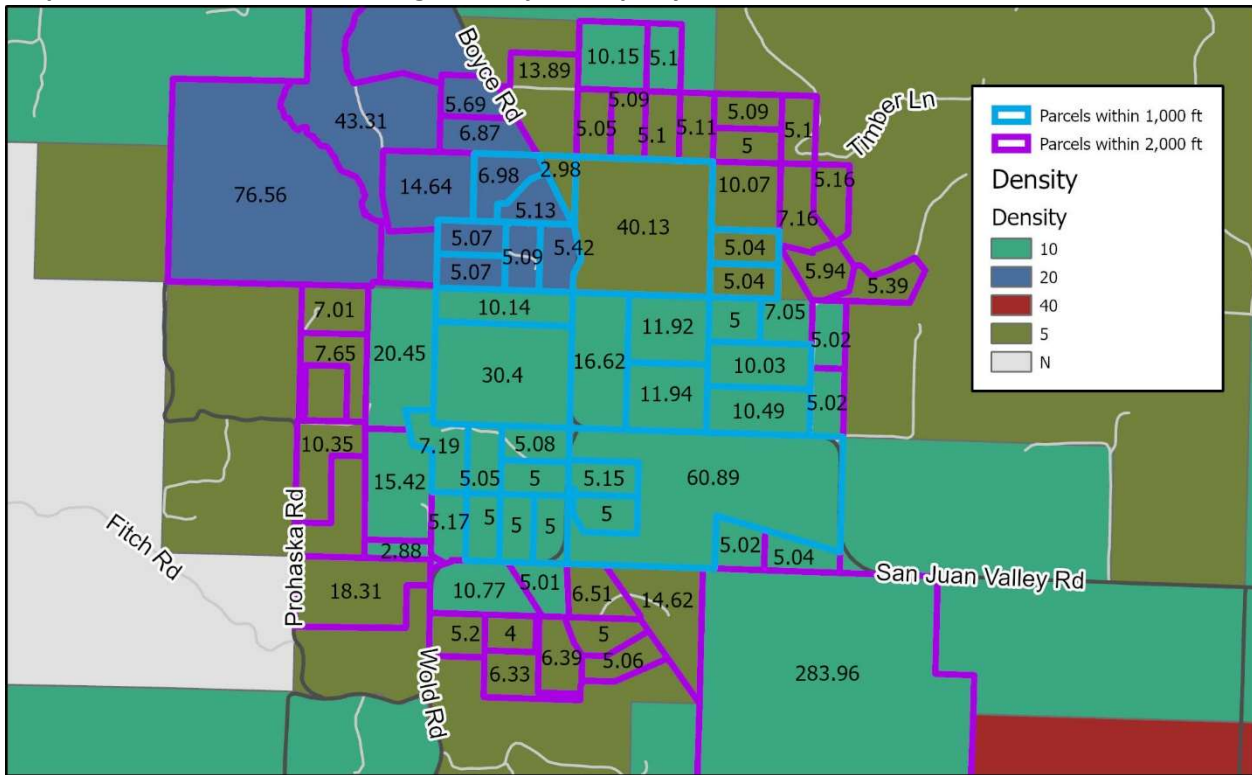
Staff Recommendation: Do not increase the maximum residential density on this parcel.

There are 28 parcels within 1,000 feet of the boundaries of the subject parcel. The average size of these 28 parcels is 10.74 acres. There are 30 address points on these 28 parcels totaling 300.85 acres. Achieved density within 1,000 ft is 10.03 acres per dwelling (or 0.10 dwellings per acre). Expanding the search to within 2,000 feet of the subject parcel, the 72 parcels within 2,000 feet average 14.08 acres. There are 76 address points on these 72 parcels totaling 1,013.57 acres within 2,000 ft of the subject property. Achieved density within 2,000 ft is 13.33 acres per dwelling (or 0.07 dwellings per acre). The surrounding achieved density within 2,000 ft of the subject parcel is slightly more than one dwelling unit per ten acres. This achieved density includes areas to the north of the subject property that are designated for a density of one dwelling per five acres.

Making a change to the density on this parcel would be a spot density re-designation because the parcel is surrounded on three sides by areas designated for a density of one dwelling unit per ten acres. Re-designating this parcel for higher density would create an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations. Creating such an enclave would be inconsistent with the criteria for approval of amendments to the Comprehensive Plan Official Maps in San Juan County Code (SJCC) 18.90.030(F)(1)(d), which states:

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

Map 5.A. Parcel Sizes Surrounding the Subject Property.



Source: SJC GIS.

Map 6. Request 18-0010.

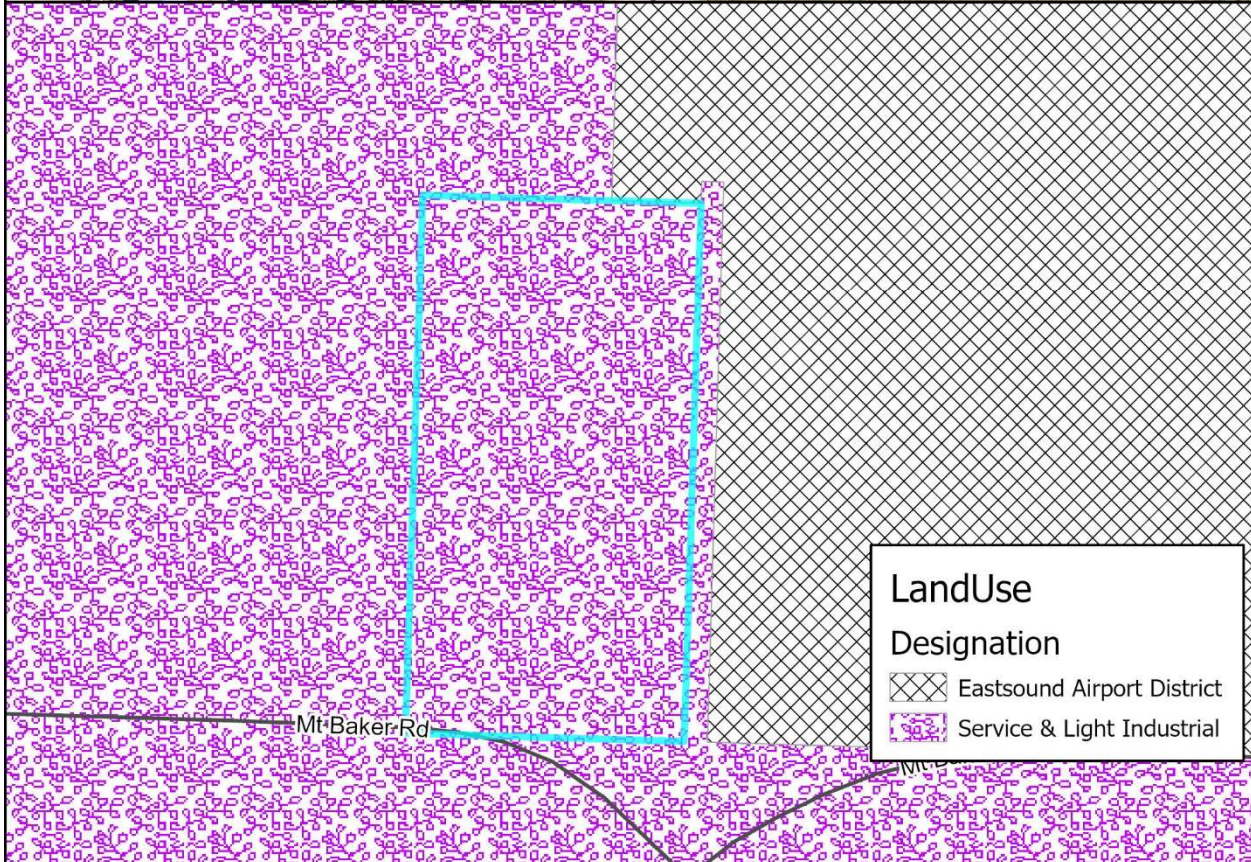


Table 6. Request 18-0010 Summary.

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 amend the allowed uses in the SLI designation as requested. More information about EPRC recommendation is provided in the Eastsound Issues Staff Memo dated June 4, 2021, posted online here: <https://www.sanjuanco.com/DocumentCenter/View/23205>

Map 7. Request 18-0011.

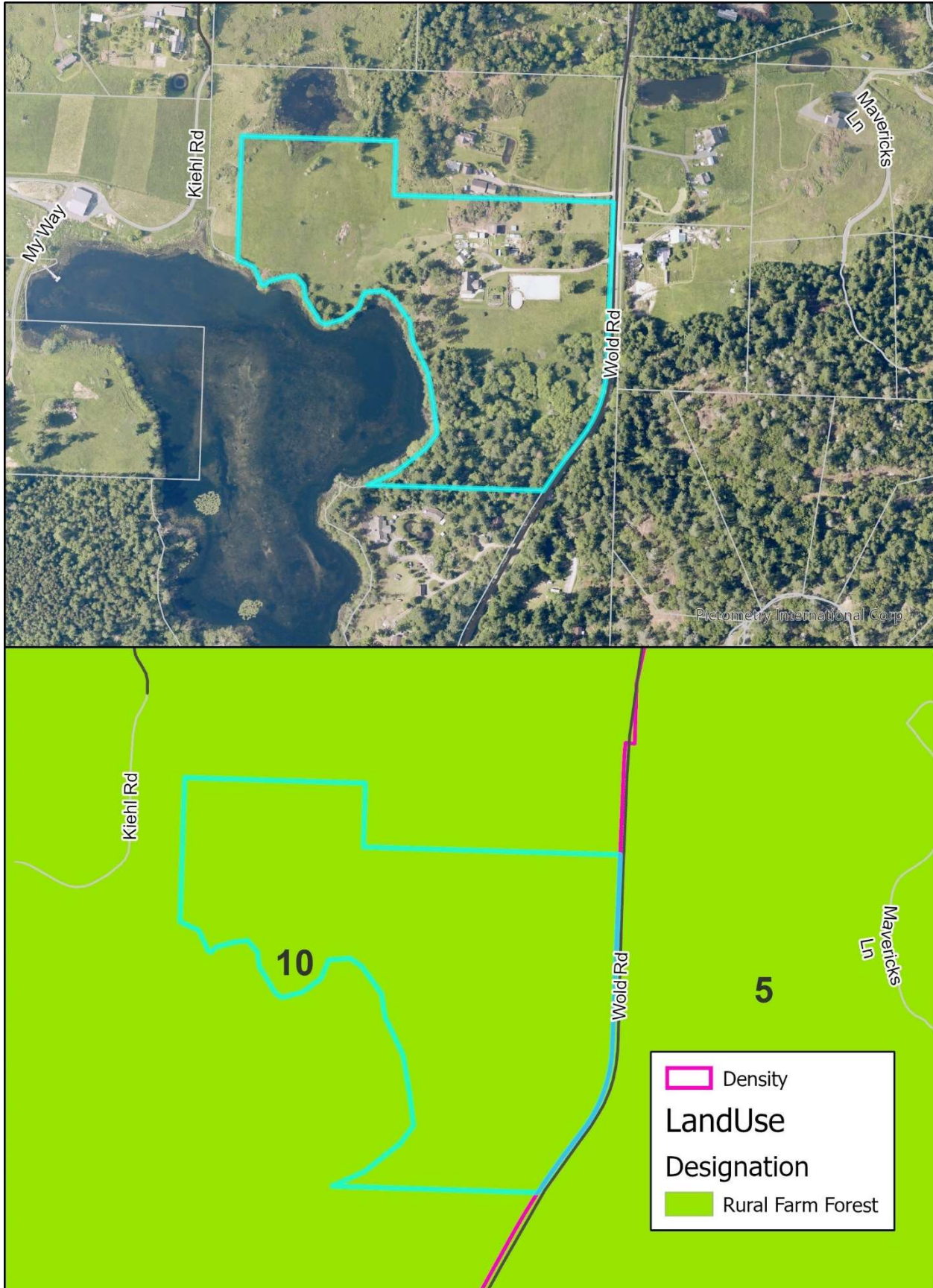


Table 7. Request 18-0011 Summary.

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>

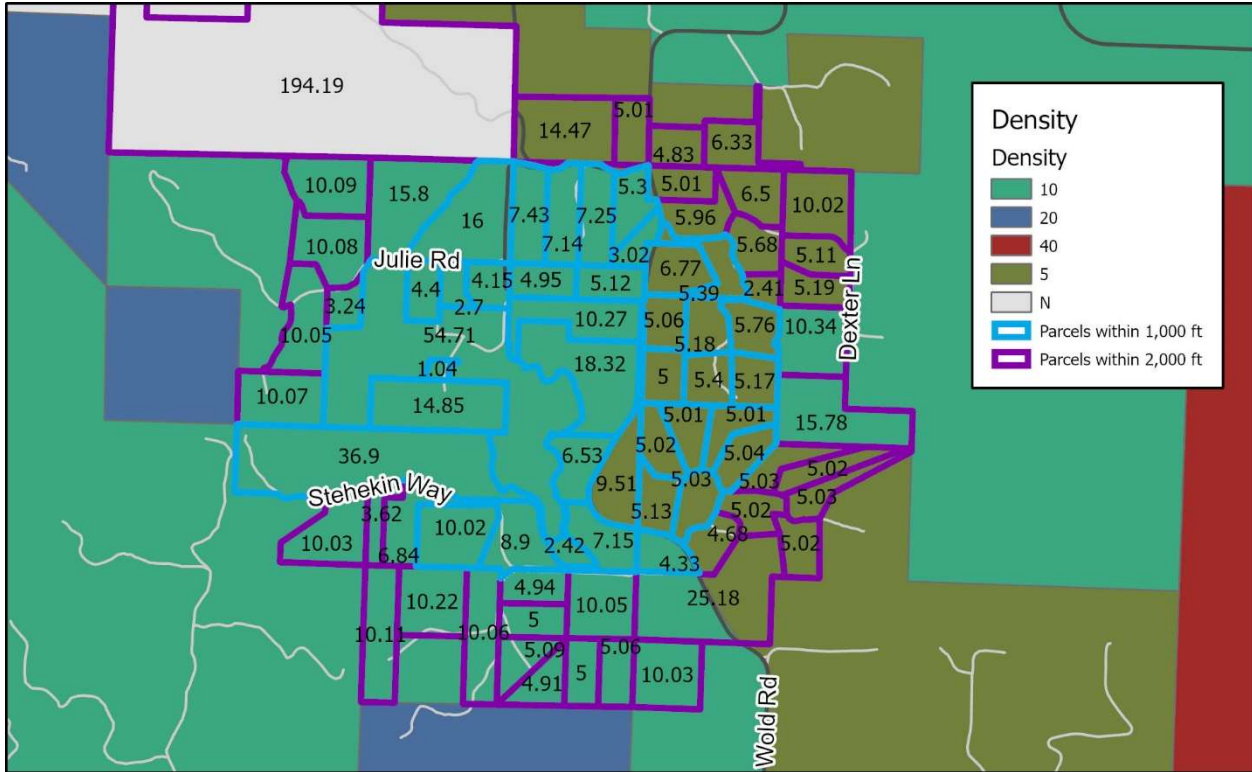
Staff Recommendation: Do not increase the density on this parcel.

There are 38 parcels within 1,000 feet of the subject property, averaging 8.59 acres. There are 35 address points on the 38 parcels totaling 326.3889 acres within 1,000 ft of the subject property. Achieved density within 1,000 ft is 9.325 acres per dwelling (or nearly 0.10 dwellings per acre). There are 80 parcels within 2,000 feet, averaging 10.48 acres. There are 63 address points on the 80 parcels totaling 838.48 acres within 2,000 ft of the subject property. Achieved density within 2,000 ft is 13.31 acres per dwelling (or 0.07 dwellings per acre). The surrounding achieved density is slightly lower than one dwelling unit per ten acres. This achieved density includes areas to the east of Wold Rd that are designated for a density of one dwelling per five acres and the smaller parcels to the north of the subject parcel.

Making a change to the density on this parcel would be a spot density re-designation because the parcel is surrounded on three sides by areas designated for a density of one dwelling unit per ten acres. Re-designating this parcel for higher density would create an enclave of property owners east of Wold Road enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations. Creating such an enclave would be inconsistent with the criteria for approval of amendments to the Comprehensive Plan Official Maps in San Juan County Code (SJCC) 18.90.030(F)(1)(d), which states:

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

Map 7.A. Parcels Sizes Surrounding the Subject Property.



Source: SJC GIS.

Map 8. Request 18-0012.

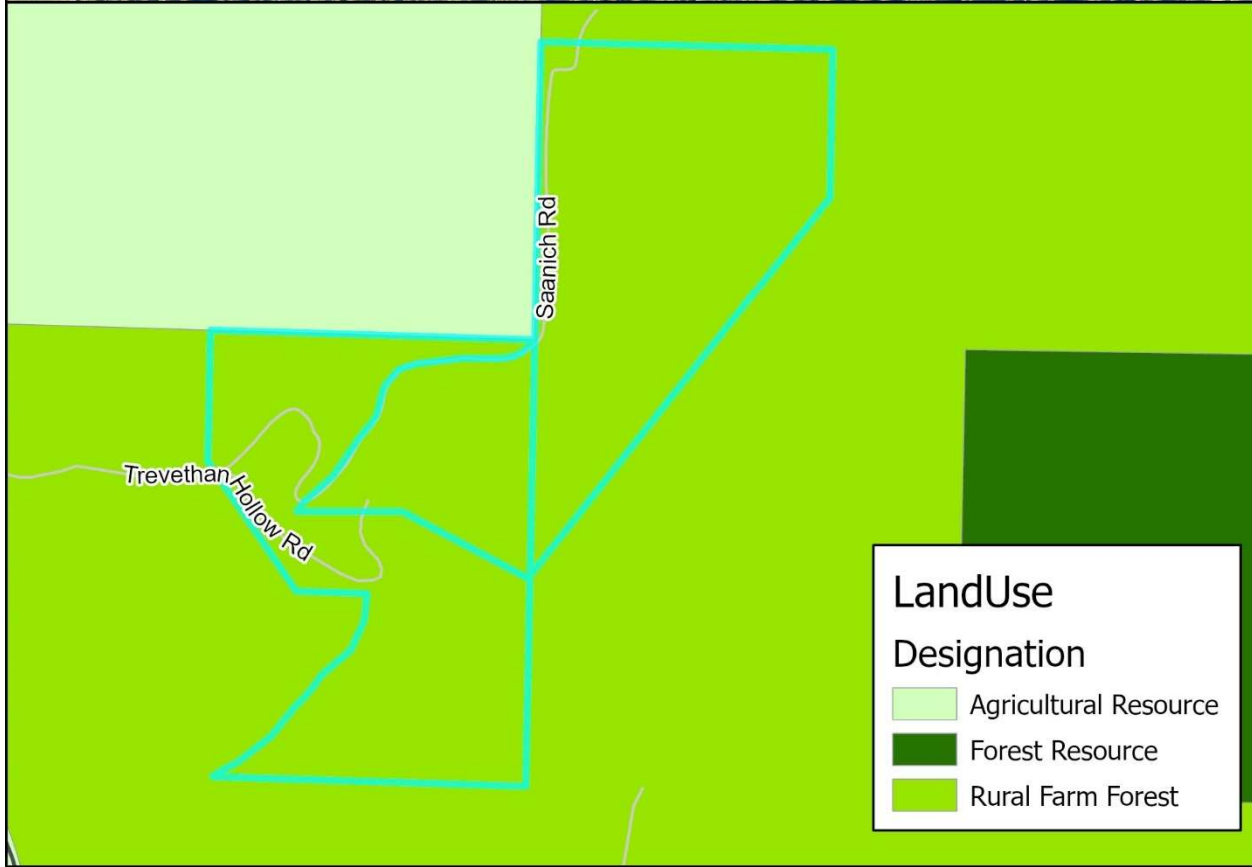


Table 8. Request 18-0012 Summary.

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>

Staff Recommendation: Designate the active mining areas on this parcel under the MRLO. More analysis and discussion will be provided in the Mineral Resource Land Overlay Staff Memo expected in July 2021.

Map 9. Request 18-0013.

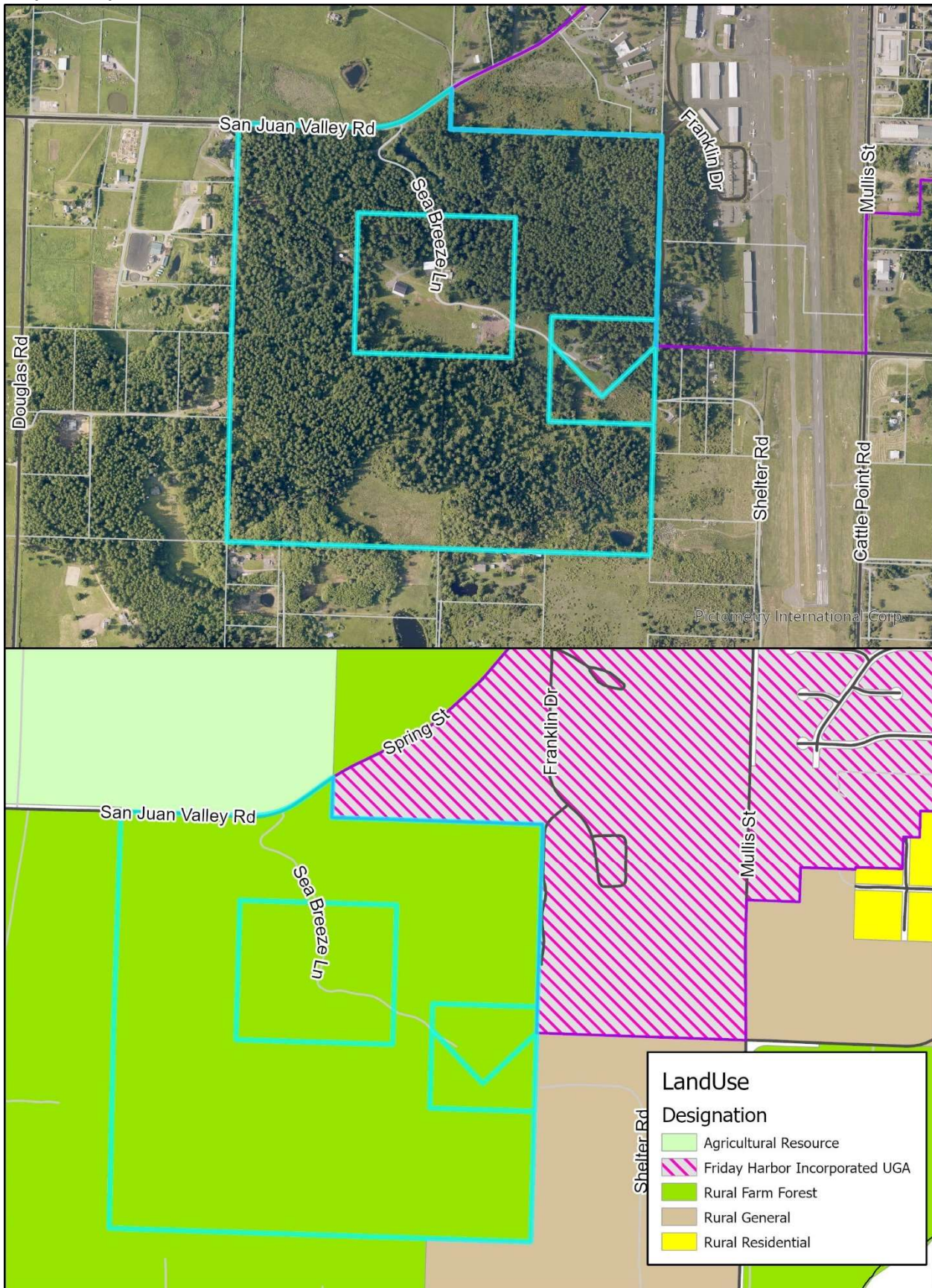


Table 9. Request 18-0013 Summary.

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 uses in the Ag Resource Land designation and institutional (Hospital) and transportation (Friday Harbor Airport) uses in the Friday Harbor Incorporated UGA

South: Undeveloped, RFF and RGU designations.

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

Town of Friday Harbor Comments

In a comment letter dated May 17, 2021, the Town of Friday Harbor made the following comment on Request 18-0013 (Attachment A):

This is a rezone request to change from Rural Farm Forestry to Rural General Use. The allowed uses in General Rural are compatible with the future land uses in the Town's Comprehensive Plan and the current zoning designations.

Options

Option A: Designate parcel Rural General Use (RGU).

Re-designating the subject parcel from to RGU would allow a much broader range of nonresidential land uses than the current RFF land use designation. If the subject parcel is re-designated to RGU, the property owner would be allowed to redevelop the parcel with more varied commercial and industrial land uses. The following commercial and industrial land uses are prohibited in RFF and allowed by either conditional use permit, provisional use permit, or outright in RGU:

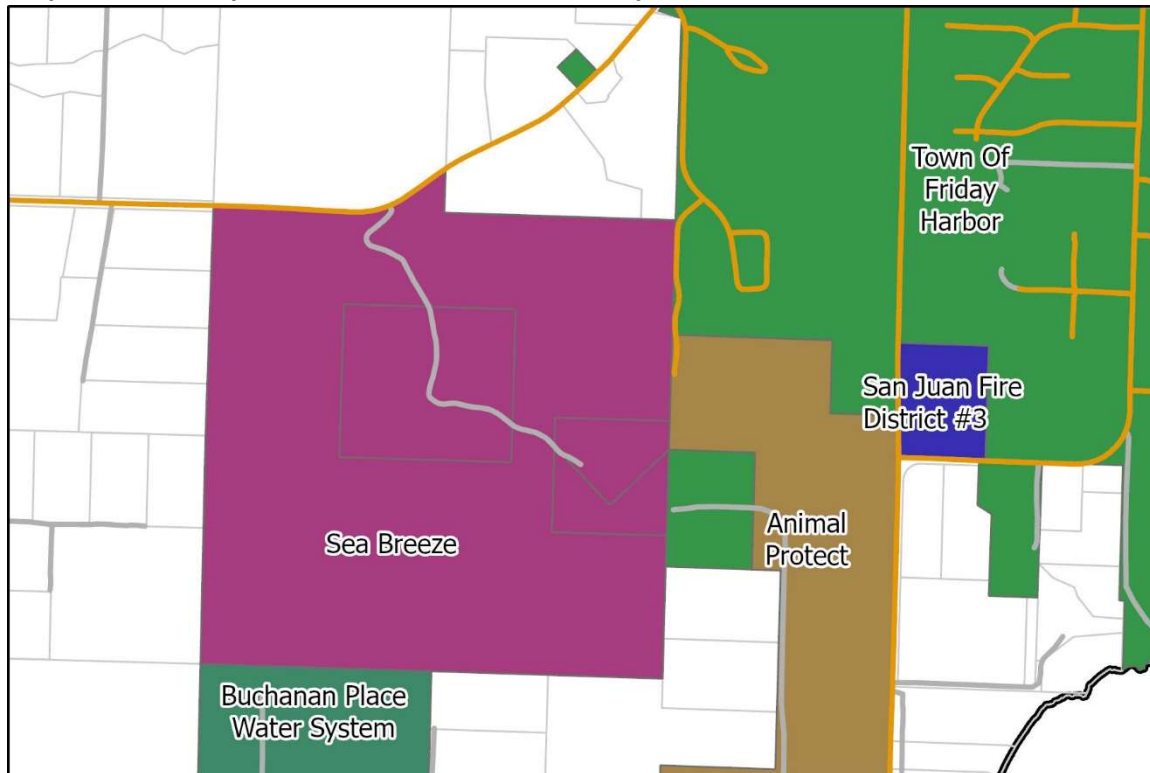
- Automotive fuel, service, and repair stations;
- Camping facilities;
- Eating establishments;
- Indoor entertainment facilities;
- New resorts and camps;
- Retail sales and services;
- Bulk fuel storage facilities;
- Commercial composting;
- Concrete batch plants;
- Construction yards;
- Garbage and solid waste transfer stations;
- Heavy and light industrial;
- Light manufacturing;
- Outdoor storage yards;
- Recycling collection and processing;
- Mining and mineral extraction;
- Wholesale distribution outlet;
- Wrecking and salvage yards;
- Storage and treatment of sewerage, sludge, and septage; and
- Unnamed industrial uses.

The land use designations on the *Plan* Official Map designate lands for future land uses. By designating an area for RGU, the *Plan* is designating that area to be the location for the types of uses allowed under that land use designation as new development occurs. If this area were re-designated to RGU, the *Plan* is establishing the area as the intended location for new nonresidential uses as new development occurs in the area.

Commercial and industrial land uses are more intense land uses than residential, farming, and forestry uses associated with RFF. More intense land uses have greater demand for transportation and other service infrastructure. The subject parcel is located along San Juan Valley Road, a major collector road. Being located on a minor collector road gives the parcel access to transportation infrastructure that can accommodate increased traffic associated with commercial and industrial land uses.

Commercial and industrial land uses, being higher intensity uses, require access to community water systems. The subject parcel is served by the Seabreeze group B community water system. The surrounding parcels to the north and west that front on San Juan Valley Road are not within a community water system service area. Map 9.A shows the surrounding area and existing community water system service areas. Re-designating the subject parcel to RGU would not require additional extension of water system service areas.

Map 9.A. Water System Service Areas Near the Subject Parcels.



Source: SJC GIS.

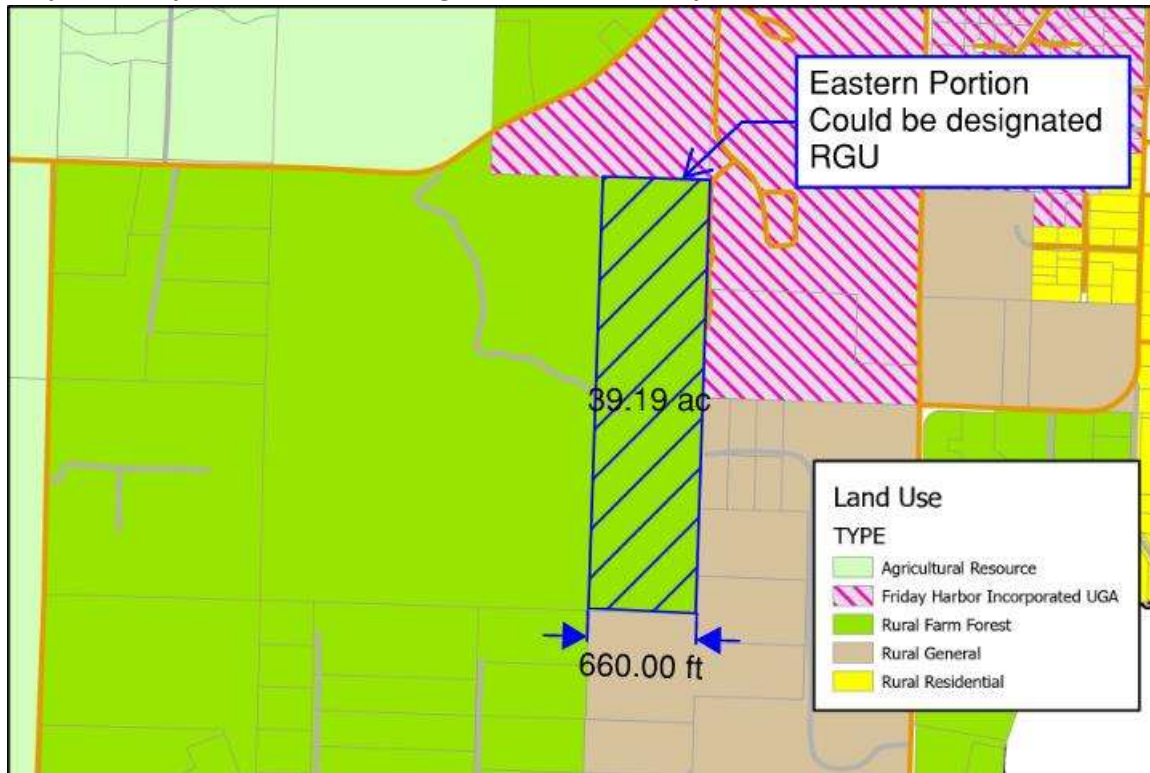
If the subject parcel is designated RGU and the surrounding area remains RFF, there is a potential for conflict between the more intense commercial and industrial land uses allowed in RGU and lower intensity residential, farming, and forestry uses allowed in RFF. The principal purpose for designating areas for future land uses on the *Plan Official Map* is to ensure that as development occurs it is orderly and does not create new or exacerbate existing conflicts between different land uses. Spot-designating a single parcel RGU amidst an area designated RFF could increase the potential for conflicts between land uses as nonresidential development occurs in the area.

Option B: Designate the eastern portion of the parcel RGU.

An alternative to designating the entire parcel RGU is to designate the eastern portion of the subject parcel RGU. The eastern and southeastern boundary of the subject parcels is adjacent to the Friday Harbor UGA, the Friday Harbor airport, and an area already designated RGU. Re-designating the eastern portion of the parcel RGU would allow more nonresidential uses in a contained area near areas either designated for future nonresidential uses or already developed with those kinds of uses. An advantage of re-designating the eastern portion of the of the subject parcels is that the remaining area designated RFF would act as a buffer between the possible nonresidential land uses and the areas to the north and west that have established residential and agricultural uses. Such a buffer would reduce the likelihood of conflicts between possible uses in RGU and neighboring established uses.

The proposed alternative RGU area would be a strip 660-feet wide from east to west. This would match the width of the RGU area to the south. Designated a strip this size along the eastern boundary of the parcel would change the designation on approximately 40 acres of the subject parcels. Map 9.B shows the proposed area to be designated RGU under Option B.

Map 9.B. Proposed Area to be Designated RGU Under Option B.



Source: SJC GIS.

The area designated RGU should have access to a public road to accommodate the potential increase in traffic that would result from commercial or industrial development of the site. The eastern portion of the subject parcels has access to Weber Way, a public road. Weber Way is a local access road. The traffic impacts to this road would be evaluated at the time development is proposed to analyze the unique effect of the proposed land use.

TPN 352321001000, one of the subject parcels on the eastern portion of the area, is already developed with a residential use. The residence was constructed in 2018. This five-acre parcel is unlikely to re-develop with additional construction, given that the existing buildings were constructed recently. The use of the structures on this parcel would be allowed to change from residential use to those allowed in RGU if the area is re-designated.

Option C: Do not re-designate the parcel.

Option C would not make any changes to the *Plan* Official Map. The subject parcel would remain designated RFF.

Staff Recommendation: Option C, do not re-designate this parcel to RGU because it does not satisfy the RGU designation criteria established in the Plan and does not meet the criteria for approval of changes to the Official Maps established in SJCC 18.90.030.

SJCC 18.90.030 Amendments to Comprehensive Plan Official Maps.

The criteria for approval of changes to the *Plan* Official Maps are established in SJCC 18.90.030(F). The criteria name five circumstances where a change to the Official Maps can be approved. If a parcel does not meet all

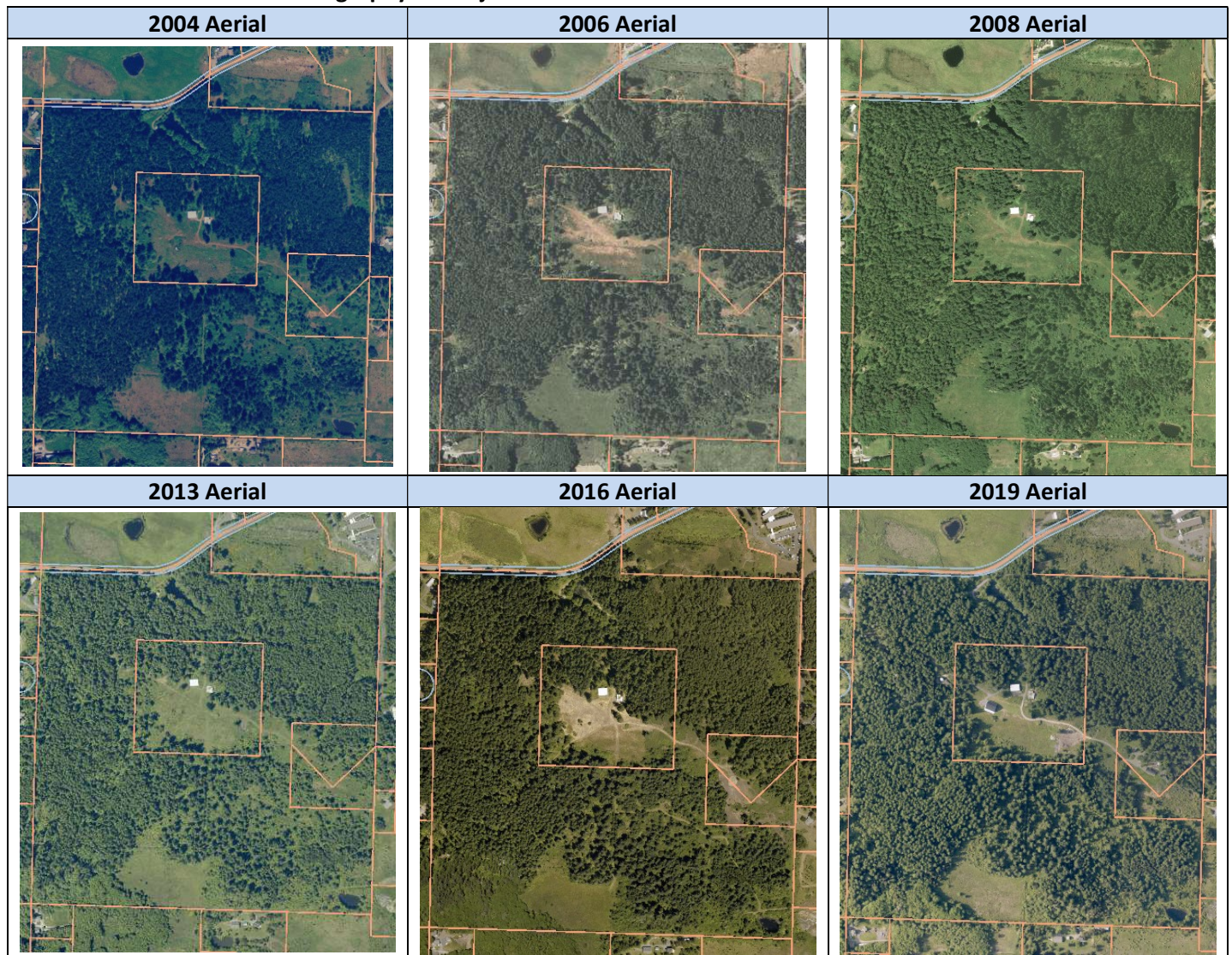
five, the change to the Official Maps cannot be approved. The proposed re-designation does not meet two of the five criteria. Specifically, the proposal does not meet SJCC 18.90.030(F)(1)(b) and (c), which state:

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

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

The proposal does not meet SJCC 18.90.030(F)(1)(b). Outside of the desire of the property owner to develop the parcel with different rural uses, the subject parcels do not have a changed circumstance that warrants a change in land use designation. Reviewing the recent history of these parcels, they have been primarily a mix of forestland and residential development since at least 2004. The six aerial photographs in table 9.A below of the subject parcels show the parcel has had approximately the same circumstances for at least the preceding 17 years.

Table 9.C. Historic Aerial Photography of Subject Parcels.



Source: SJC GIS.

There are 57 parcels designated RGU on San Juan totaling about 236 acres. According to the *Land Capacity Analysis*, there are 46 developable parcels designated RGU on San Juan. These 46 parcels have 144 developable acres. Roughly 61 percent of the designated RGU area on San Juan is developable. Re-designating the parcels as proposed would roughly double the amount of developable RGU acreage on San Juan. The majority of the developable RGU on San Juan is located on the neighboring parcels to the east and south of the subject property. The RGU development capacity on San Juan does not appear to be approaching buildout and there does not appear to be a need for additional RGU development capacity outside of the Town of Friday Harbor. If there were a greater need for RGU development capacity, the existing undeveloped areas already designated RGU can accommodate that demand for new RGU types of development through the planning period. There is no demonstrable need for additional developable RGU in the area.

If approved, the proposal will not correct a demonstrable designation error on the *Plan Official Maps*. The parcel is currently designated RFF. The designation criteria for RFF in *Plan Policy 2.3.C.10.b.1* establish three criteria for a parcel to be designated RFF:

- i. The predominant land use is farming and forestry mixed with residential development;

- ii. Parcels are general five or more acres in size; and
- iii. Soils are suitable for small-scale agricultural or forestry uses.

The subject parcels have an existing mix of forestry and residential uses. The four subject parcels total 162 acres, all at least five acres in size. The parcel has both prime farmland soils per the Natural Resources Conservation Service (NRCS) soil survey of San Juan County and a Washington Department of Natural Resources (WDNR) Private Forest Land Grade (PFLG) that indicate the parcel can support small-scale agricultural and forestry uses. The parcel does not meet the RGU designation criteria. Specifically, the parcel does not meet *Plan* designation criterion 2.3.C.10.a.1.ii, which requires that the soils in areas designated RGU be marginal or unsuitable for intensive commercial agriculture or forestry uses. The NRCS soil maps for this area show that it has soils suitable for agriculture. The PFLG map shows this area has soils conducive to forestry.

The parcel does not meet *Plan* RGU designation criterion 2.3.C.10.a.1.ii, which requires that the soils in areas designated RGU be marginal or unsuitable for intensive commercial agriculture or forestry uses. The subject property does not meet this criterion because it has soils suitable for commercial agriculture and forestry uses. Because this parcel meets the RFF designation criteria and does not meet the RGU designation criteria, re-designating it to RGU will not correct a demonstrable designation error.

The proposed change fails to meet the criteria for approval in SJCC 18.90.030(F)(1)(c). The parcel meets the RFF designation criteria established in the *Plan* and does not meet the designation criteria for RGU. This shows that different land use designations are not equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan.

Map 10. Request 18-0014.

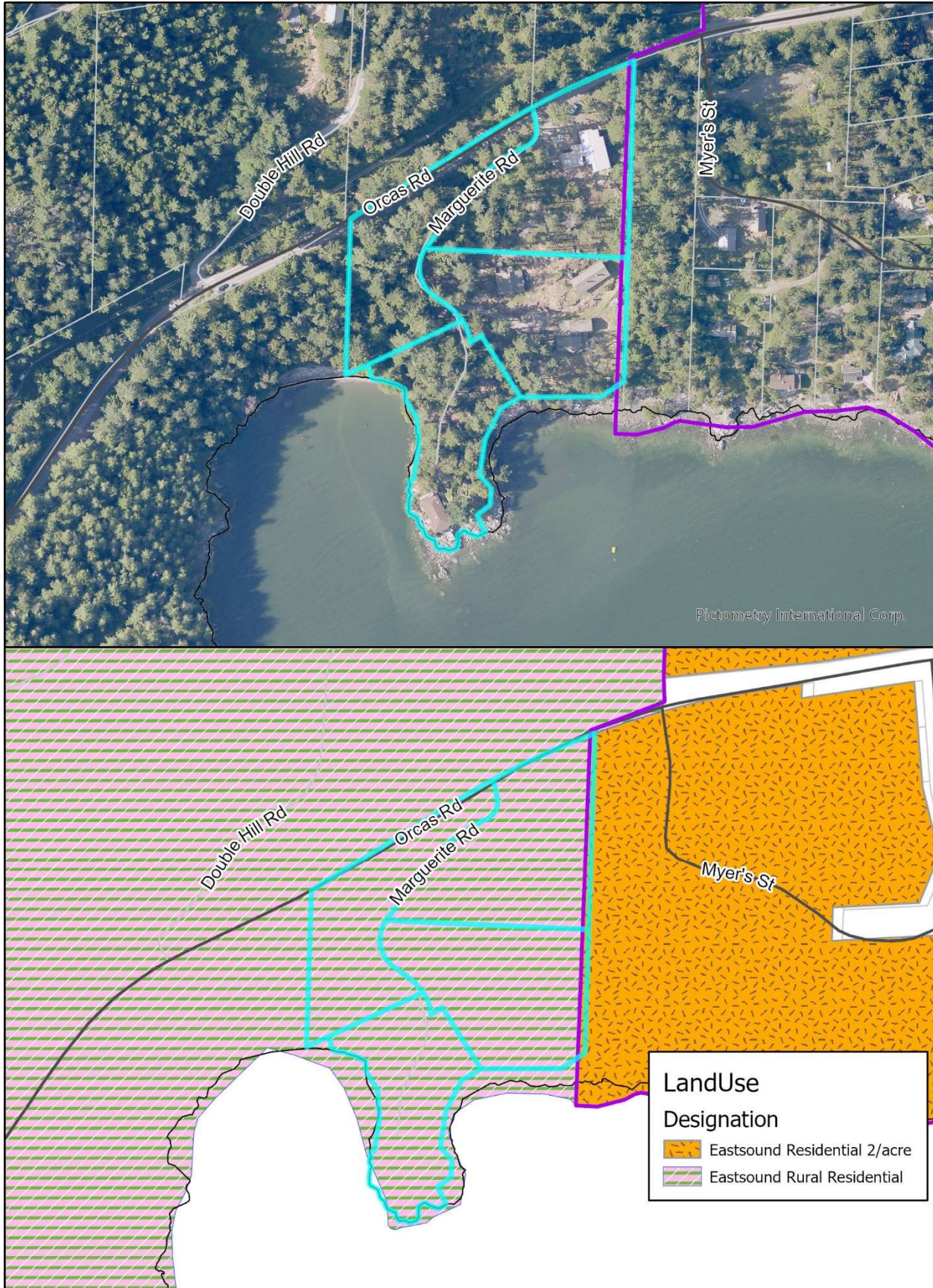


Table 10. Request 18-0014 Summary.

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. More information about the staff and EPRC recommendations are provided in the Eastsound Issues Staff Memo dated June 4, 2021, posted online here: <https://www.sanjuanco.com/DocumentCenter/View/23205>

Map 11. Request 18-0015.

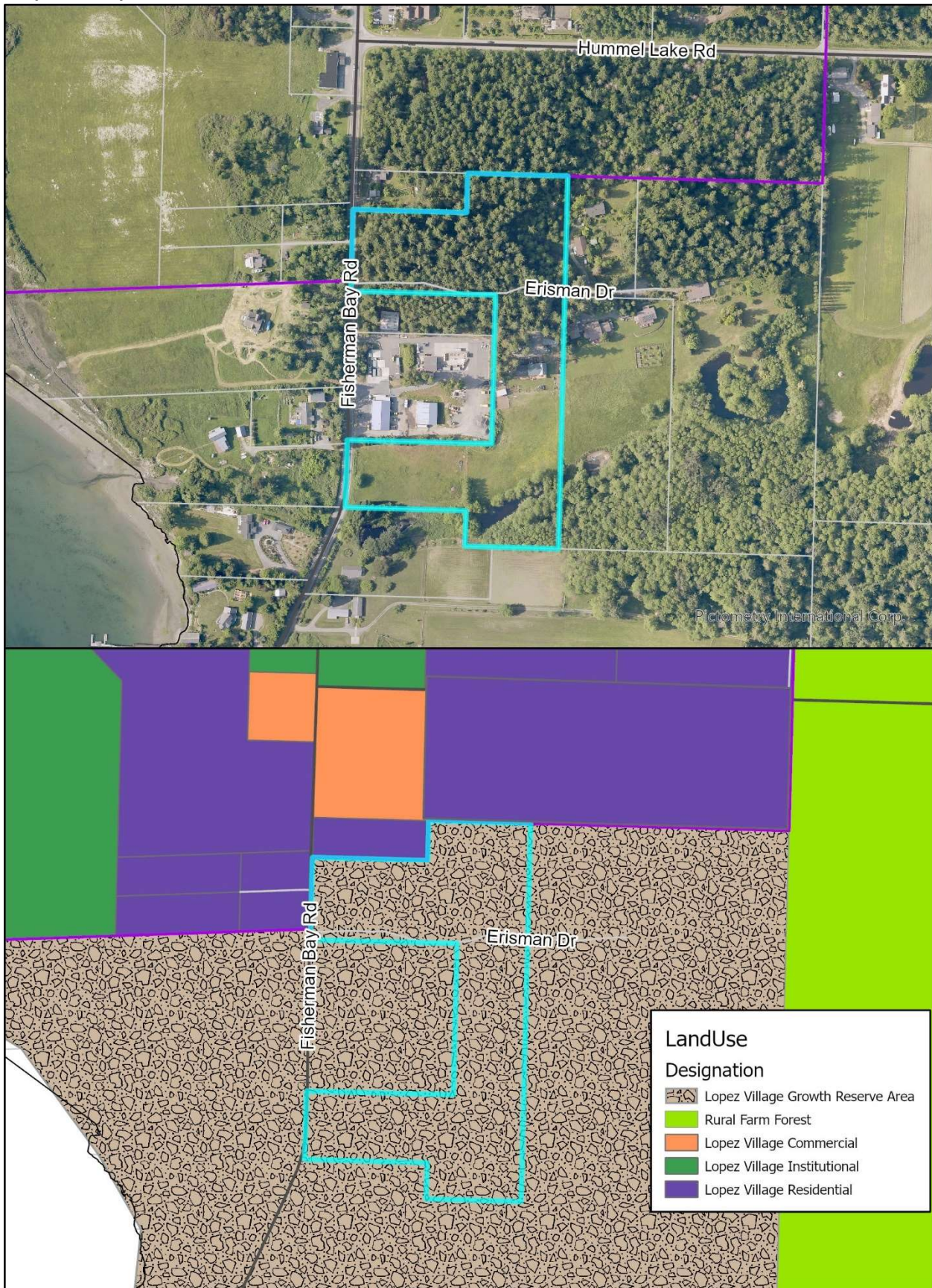


Table 11. Request 18-0015 Summary.

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>

Staff Recommendation: Do not add the parcel to the UGA. Expansion of the Lopez Village UGA was considered during the process of adopting the Lopez Village Subarea Plan in 2019. Through that process, it was decided that the UGA was adequately sized to accommodate the forecasted urban development on Lopez Island.

ALTERNATIVE: increase density in the LGRA.

If the Planning Commission is interested increasing the flexibility for housing near the UGA, they could recommend a higher density in the LGRA. The LGRA is already designated for future expansion of the UGA. SJCC 18.30.210(D) requires that land divisions in the LGRA must provide remainder lots that will allow an average density of four units per acre, an urban density. This requirement is commonly referred to as a 'shadow plat'. The shadow plat requirement is in place to ensure that as new residential development occurs in the LGRA it will not preclude future development at urban levels if the UGA is eventually expanded to include the area.

An option for increasing flexibility for housing in the LGRA would be to keep the shadow plat requirement and increase the maximum density slightly. The density could be increased to one dwelling per three acres. This density increase would be lower than the density allowed in Olga, Westsound, Doe Bay, and some of the Eastsound Subarea outside of the UGA. Increasing the density to one dwelling per three acres would allow approximately 7 new residences on smaller parcels in the LGRA. There are 30 parcels totaling 127.29 acres within the LGRA. The average size of these 30 parcels is 4.24 acres. There are 35 address points on the 30 parcels within the LGRA. Achieved density in the LGRA is 3.64 acres per dwelling (or 0.27 dwellings per acre).

Increasing the density could create some additional residential development capacity on smaller lots in an area already designated to eventually be added to the Lopez Village UGA. Combined with the shadow plat requirement, this new development would be required to maintain enough land to eventually develop at an

urban level. Maintaining a density of one dwelling unit per three acres would ensure that the new development could be served by on-site septic systems and would not require the extension of urban services (sewer) outside of the UGA and thus keep the LGRA consistent with rural character while it is outside of the UGA.

Map 12. Request 18-0016.

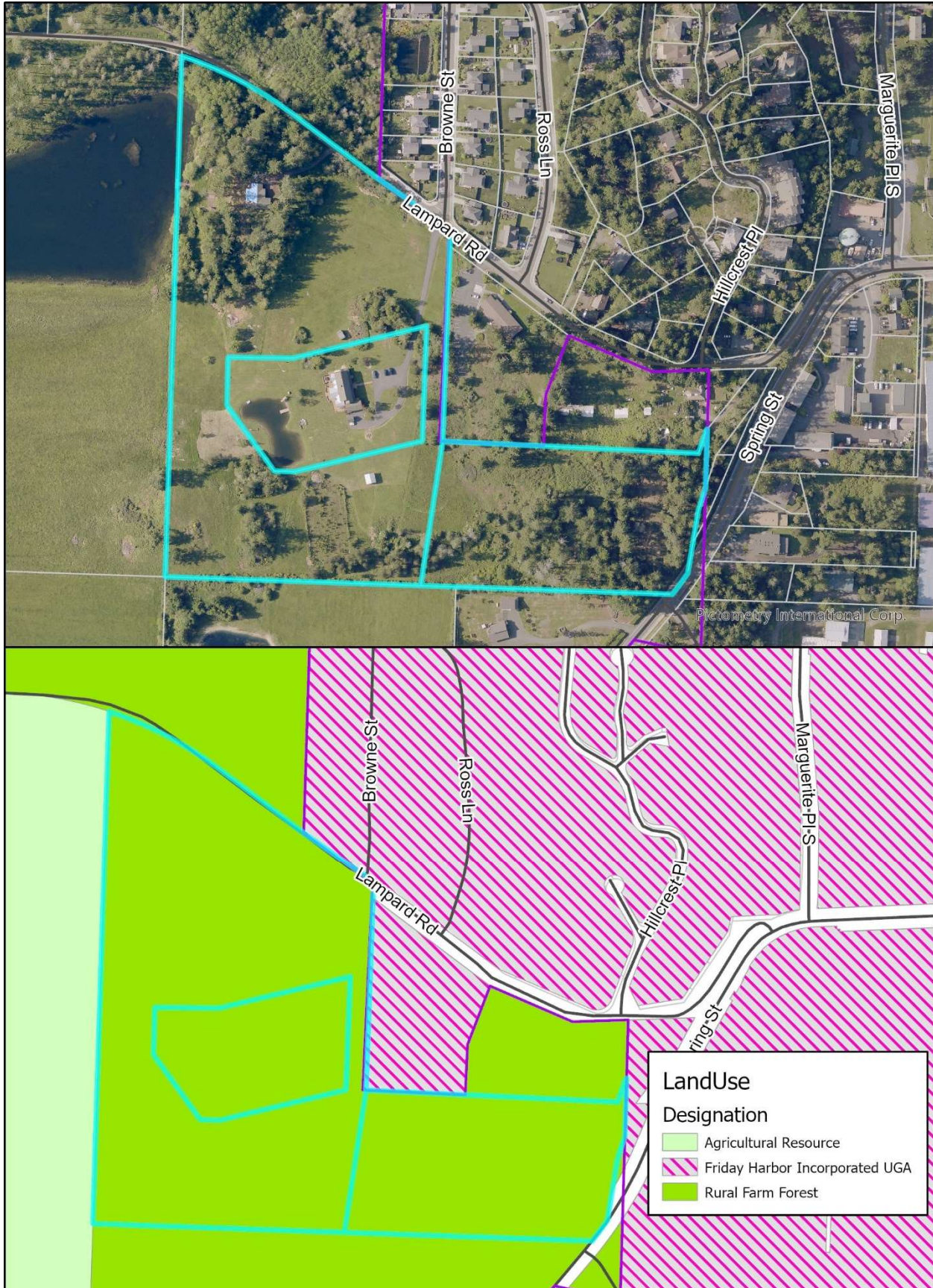


Table 12. Request 18-0016 Summary.

Request Number	Island	TPN	Address	Applicant Name
18-0016	San	351424004000	1117 Lampard Road	Steve Buck
	Juan	351424003000	1027 Lampard Road	
		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>

Staff Recommendation: Additional analysis of the Town proposed expansion of the UGA is required. Staff recommendations regarding possible expansion of the Friday Harbor UGA will be discussed in a separate staff report.

Town of Friday Harbor Comments

In a comment letter dated May 17, 2021, the Town of Friday Harbor made the following comment on Request 18-0016 (Attachment A):

The Town is in support of this request to designate the requested parcels as FHUGA. Urban services are available near the location. CPD Staff would recommend future zoning to be Single-family Residential for the parcels adjacent to Lampard Road with proximity to agriculture and potential critical areas., and Multi-Family Residential for the Parcel adjacent to Spring Street. The Town is also requesting the following parcels to be designated with the request (Figure 2):

- 351424002000 Owner-Herbert Mason
- 351491701000 Owner-Church of Jesus Christ of the Latter-Day Saints
- 351491624000 Owner-Town of Friday Harbor

Figure 2



Map 13. Request 18-0017.

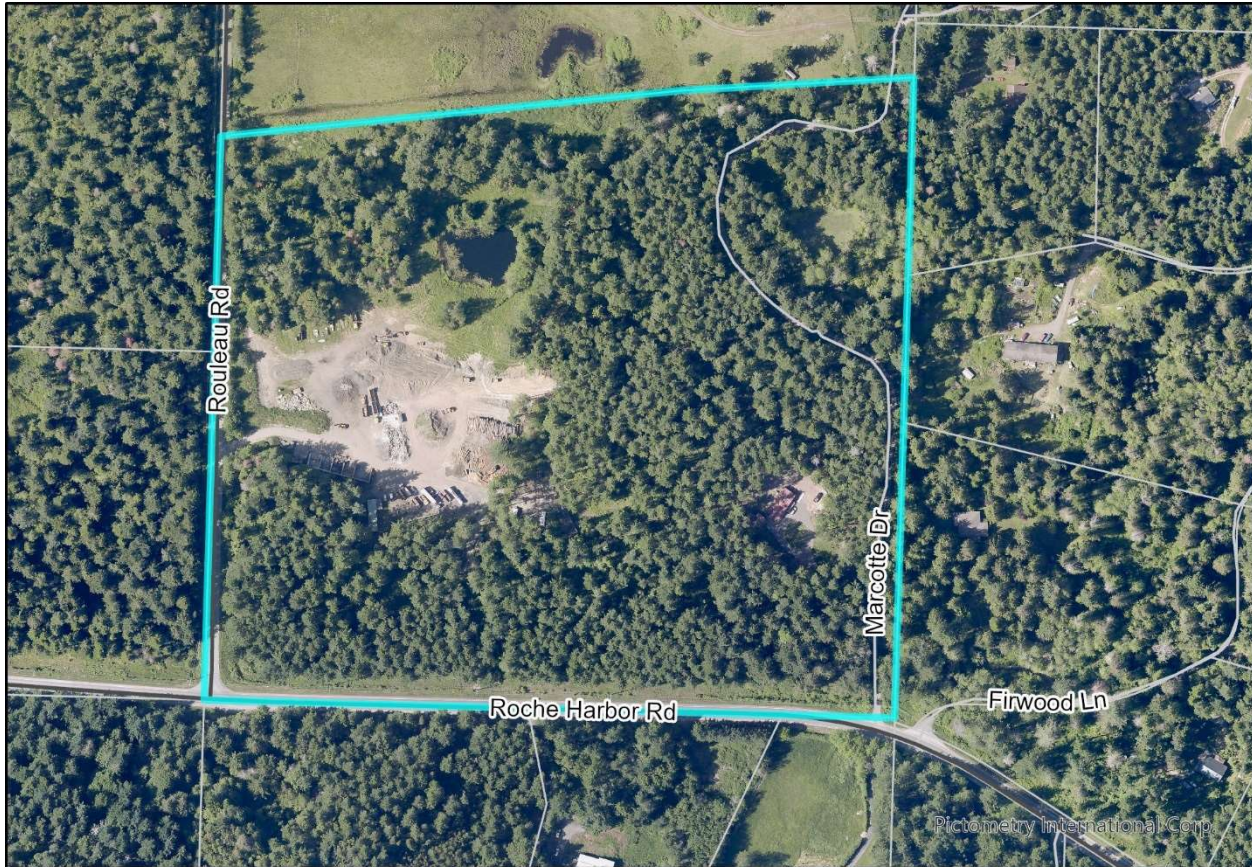


Table 13. Request 18-0017 Summary.

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 an unpermitted construction yard, and developed with a single-family home. The use of the parcel as a construction yard is subject to ongoing code enforcement action because a construction yard is not an allowed use in the Agricultural Resource Designation. Based on aerial photos, the construction yard was established between 2016 and 2019. 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>

Staff Recommendation: More information on natural resource land designations is provided in the Natural Resource Land Designation Review Staff Memo dated April 2, 2021, posted online here: <https://www.sanjuanco.com/DocumentCenter/View/22652/>

Preliminary Planning Commission Recommendation: On May 21, 2021, the Planning Commission made a preliminary recommendation for this request. Their preliminary recommendation is to not change the land use designation on the subject parcel. Additional public input will be solicited prior to the Planning Commission making a formal recommendation to the County Council regarding the proposed change. The Planning Commission recorded meetings and minutes are posted at: <https://www.sanjuanco.com/589/Planning-Commission>

Map 14. Request 18-0018.

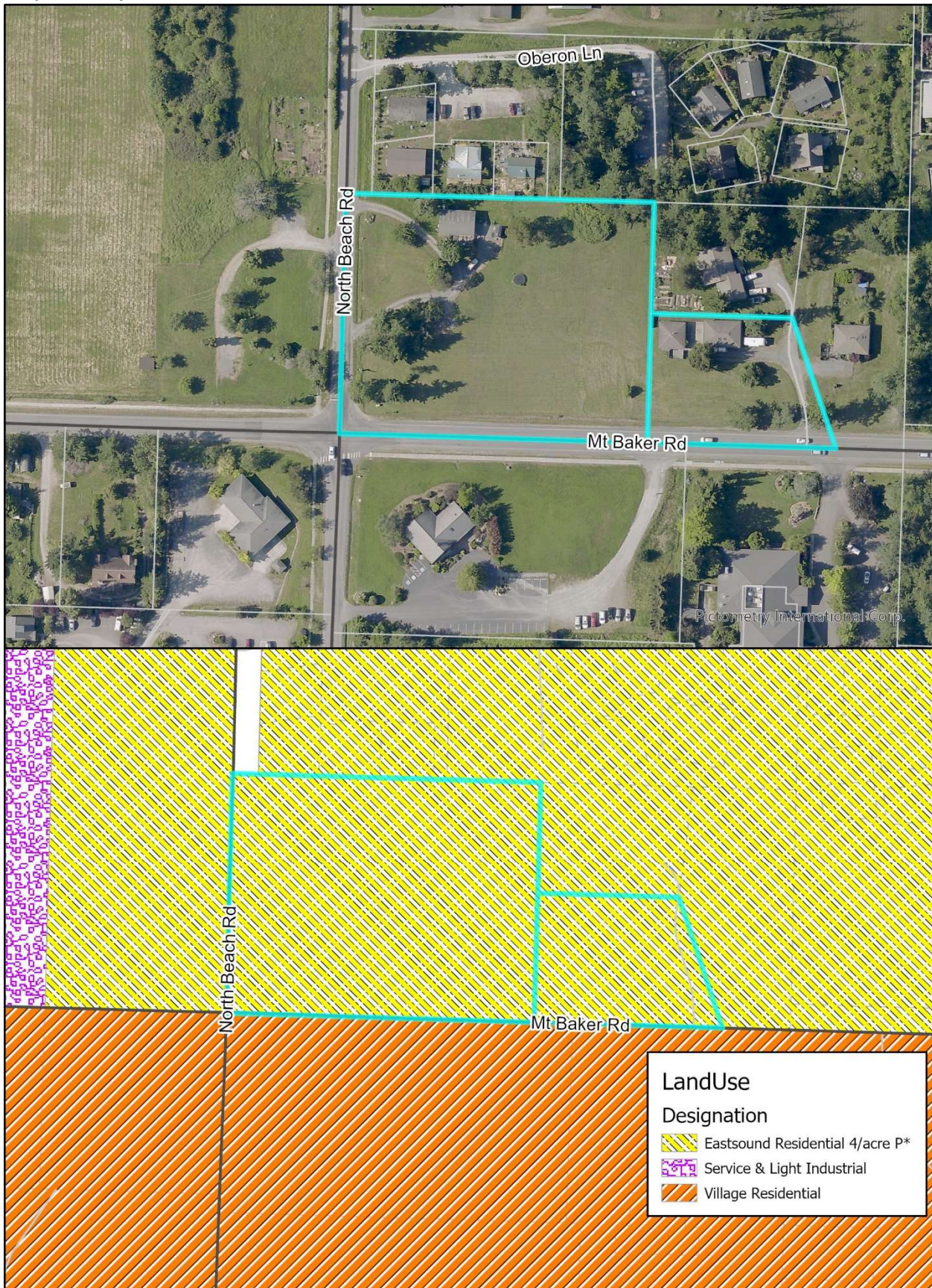


Table 14. Request 18-0018 Summary.

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 minimum 4, maximum 12 dwellings per acre (VRI). 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/>

OPTIONS

OPTION A: Do not change the land use designation or density.

OPTION B: Re-designate the subject properties to Eastsound Residential/Institutional minimum 4, maximum 12 units per acre (ER412).

Unlike most of the land use designations in the County, the Eastsound Subarea Plan land use designations are linked with the residential density. The density on the subject parcels can be increased to a maximum of 12 dwelling units per acre with the parcels remaining designated Eastsound Residential. This would require re-designating the subject properties to ER412.

Re-designating the subject properties to ER412 would not change which land uses are allowed on these parcels. This re-designation would only increase the maximum residential density on the subject properties.

OPTION C: Re-designate the subject properties to Village Residential/Institutional minimum 4, maximum 12 units per acre (VRI).

Changing the density can be accomplished by re-designating the properties to VRI. This would increase the maximum density to 12 dwellings per acre. Re-designating to VRI would also change which land uses are allowed on the subject parcels. The difference in the land uses allowed is the primary difference between Options B and C. The following commercial and institutional land uses are prohibited in Eastsound Residential land use designations and allowed either outright or by permit in the VRI designation:

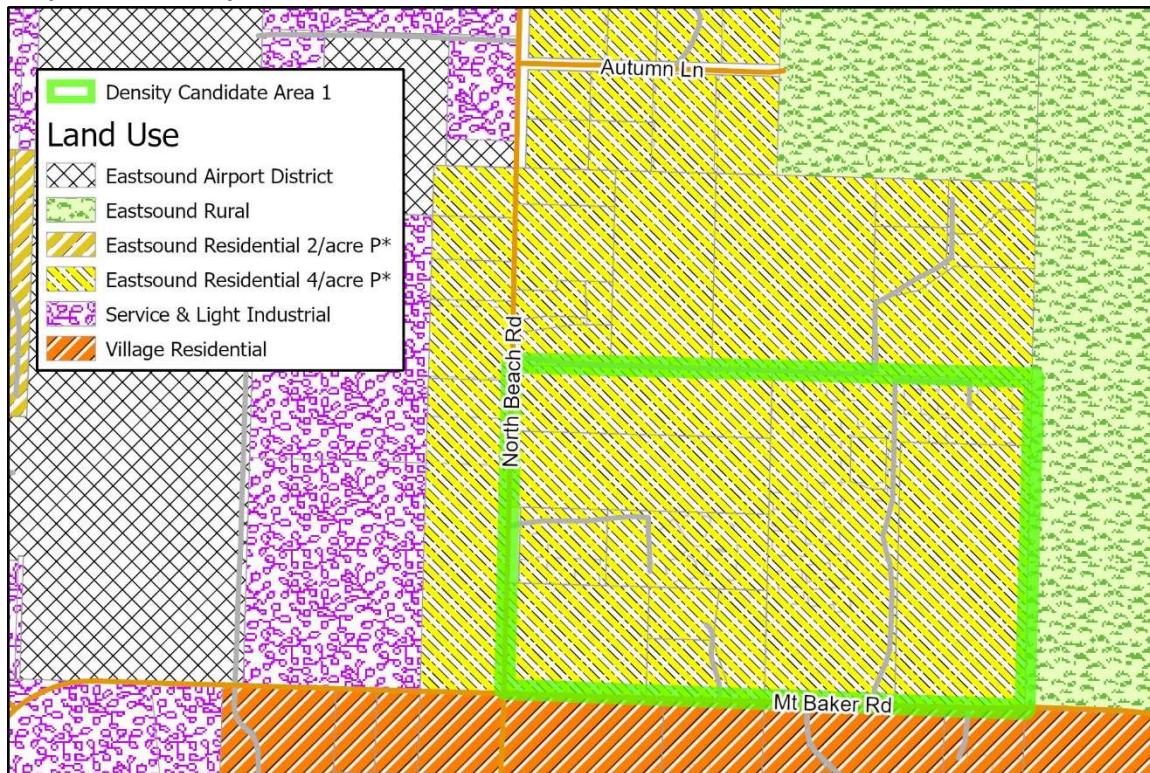
- Veterinarian office;
- Indoor entertainment facility;
- Personal wireless communications service facilities;
- Resorts and camps;
- College or technical school;
- Cultural facility;
- Government offices;
- Religious assembly facility; and
- Primary and secondary schools.

Changing the land use designation to VRI would allow these uses on the subject parcels in the future.

OPTION D: Increase density to a maximum of 12 dwellings per acre in a slightly larger area along North Beach Road.

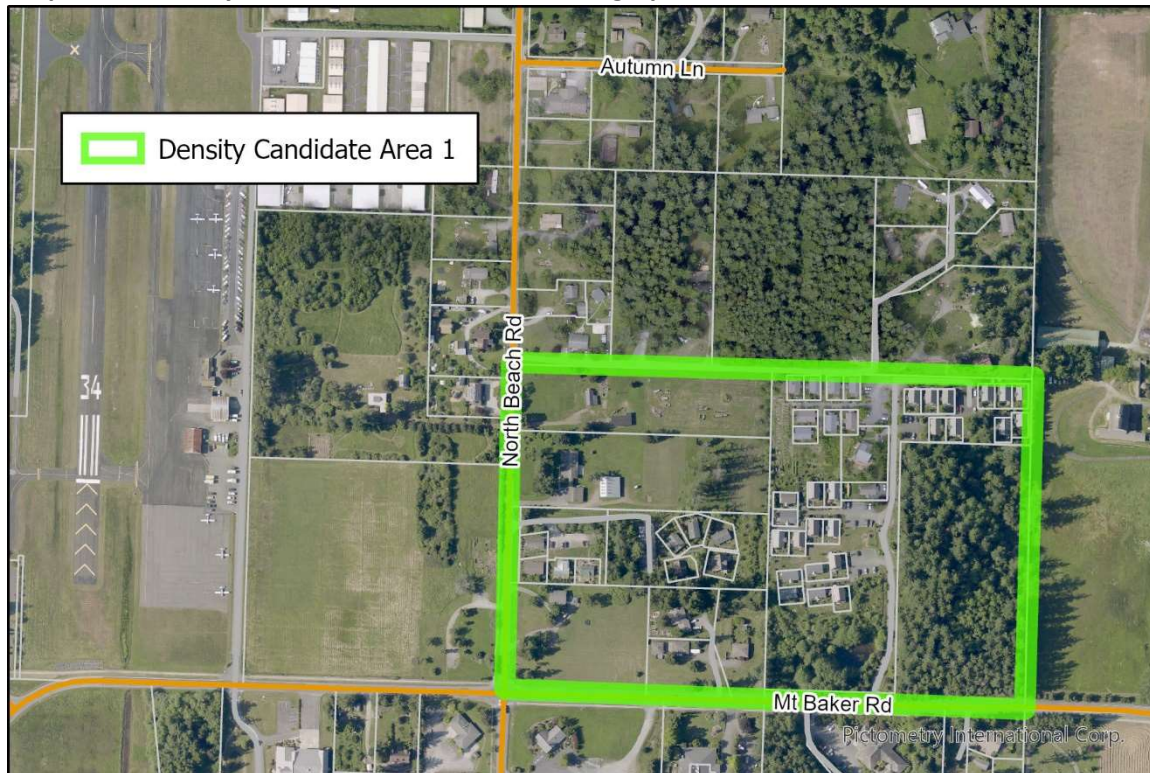
The green outline in Maps 14.A and 14.B below shows a larger area along North Beach Road where the density could be increased to 12 dwelling units per acre. This area is referred to as Density Increase Candidate Area 1. This is one of three areas the Eastsound Planning Review Committee (EPRC) considered for increasing density within the UGA. More information about the other density increase candidate areas is provided in the Eastsound Issues Staff Memo dated June 4, 2021.

Map 14.A. Density Increase Candidate Area 1.



Source: SJC GIS.

Map 14.B. Density Candidate Area 1 Aerial Photograph.



Source: SJC GIS.

Density increase candidate area 1 is a twenty-four-acre area north of Mt. Baker Road, east of North Beach Road, south of Twigs Lane, and west of the UGA boundary. It is currently designated Eastsound Residential with a density of four dwellings per acre. There are three OPAL affordable housing developments with approximately forty-three existing dwellings. There are about eight other dwellings in the area. This area could be re-designated for a maximum allowed density of twelve units per acre.

According to the LCA, there are thirteen developable acres in this area. There is existing gross developable capacity in this area for around forty-five new dwellings. Increasing the maximum density to 12 units per acre in this area would increase gross residential capacity to 149 possible new units, provided the area developed at the maximum density.

The LCA considers that some developable land will be unavailable for development during the planning period due to several factors. Gross capacity is reduced by these limiting factors to arrive at net capacity [gross capacity – (25% market factor + 35% seasonal home factor + 5% public use factor)]. Under the existing density, this area has net capacity for 16 new dwelling units [45 - (11.25 + 15.75 + 2.25)]. Increasing the density would increase net capacity to 52 units [149 – (37.25 + 52.15 + 7.45)]. This is a net increase of 36 more dwellings than what is currently allowed.

Surrounding Land Uses and Designations

- North: Residential, Eastsound Residential, four dwellings per acre (ER4P);
- South: Residential and institutional, Village Residential four to twelve units per acre (VR412);
- West: Undeveloped, SLI and ER4P; and

- East: Residential, Eastsound Rural one dwelling per five acres (ER).

Benefits of increasing density in Candidate Area 1:

- The area is adjacent to an area already designated for up to 12 units per acre (south of Mt. Baker Road);
- The area has several large, subdividable parcels that are mostly undeveloped. These parcels are more likely to achieve higher density than scattered small parcels; and
- There are existing dense residential developments in this area, which are more likely to be compatible with adjacent density.

Drawbacks of increasing density in Candidate Area 1:

- Increased traffic on Mt Baker and North Beach Roads, and
- The area is adjacent to the eastern UGA boundary, placing higher density at the edge of the UGA.

Option D.1: Increase density by re-designating the area ER412.

Option D.1 would increase the density in candidate area 1 without changing the allowed uses in the area. This would increase residential development capacity within the existing boundary of the UGA by 36 potential dwelling units. Keeping the Eastsound Residential land use designation limit the potential development in this area to primarily residential uses.

Option D.2: Increase density by re-designating the area VRI.

Option D.2 would increase the density in candidate area 1 and expand the allowed uses in the area. This would increase residential development capacity within the existing boundary of the UGA by 36 potential dwelling units. Re-designating the area to VRI would allow more commercial and institutional uses in this area.

EPRC Recommendation: Option C, re-designate the subject properties to Village Residential/Institutional minimum 4, maximum 12 units per acre. More information about the EPRC recommendation is provided in the Eastsound Issues Staff Memo dated June 4, 2021, posted online here:

<https://www.sanjuanico.com/DocumentCenter/View/23205>

SJCC 18.90.030 Amendments to Comprehensive Plan Official Maps.

Table 14.A summarizes how the proposal meets the criteria of approval for amendments to the *Plan* Official Maps established in SJCC 18.90.030(F).

Table 14.A. Analysis of SJCC 18.90.030(F).

Section	Analysis
SJCC 18.90.030(F)(1)(a)	The proposed re-designation benefits the public by increasing residential capacity in the Eastsound UGA. This would allow more residential development without expanding the boundary of the UGA, fostering infill development in Eastsound. The re-designation would also allow an increase of residential capacity in an urban area where residential development capacity is needed to accommodate the projected population growth.
SJCC 18.90.030(F)(1)(b)	The proposed change is warranted because there is a need for additional residential development capacity in the Eastsound UGA. The <i>Land Capacity Analysis</i> shows that residential capacity in the UGA could be short depending on the ratio of residential and commercial development in mixed-use districts. The proposed change would allow additional residential development capacity to help address a possible shortfall through the planning period.
SJCC 18.90.030(F)(1)(c)	<p>The Eastsound Subarea Plan states the purpose for Eastsound Residential designations as follows:</p> <p style="padding-left: 40px;">To provide for a mix of residential densities in areas already in residential use.</p> <p>Increasing the density in the area proposed would allow a mix of residential densities in an area already in residential use. The proposed designation would be consistent with this purpose. Additional analysis of whether the proposed change is consistent with <i>Plan</i> policies will be conducted after the Planning Commission selects their preferred option.</p>
SJCC 18.90.030(F)(1)(d)	The area proposed for re-designation is contiguous with an area already designated for residential density of up to 12 dwellings per acre. Increasing the density in this area will not create an enclave of property owners enjoying special rights.
SJCC 18.90.030(F)(1)(e)	Minimal adverse impacts are expected from increasing residential density in this area. Increases in traffic associated with additional residential development in the area is balanced out with the benefit of increasing residential capacity to accommodate the projected population increase during the planning period. Additional analysis on the traffic impacts from the proposed re-designation will be considered with the potential impacts of the overall <i>Plan</i> update during the SEPA process.

Map 15. Request 18-0019.

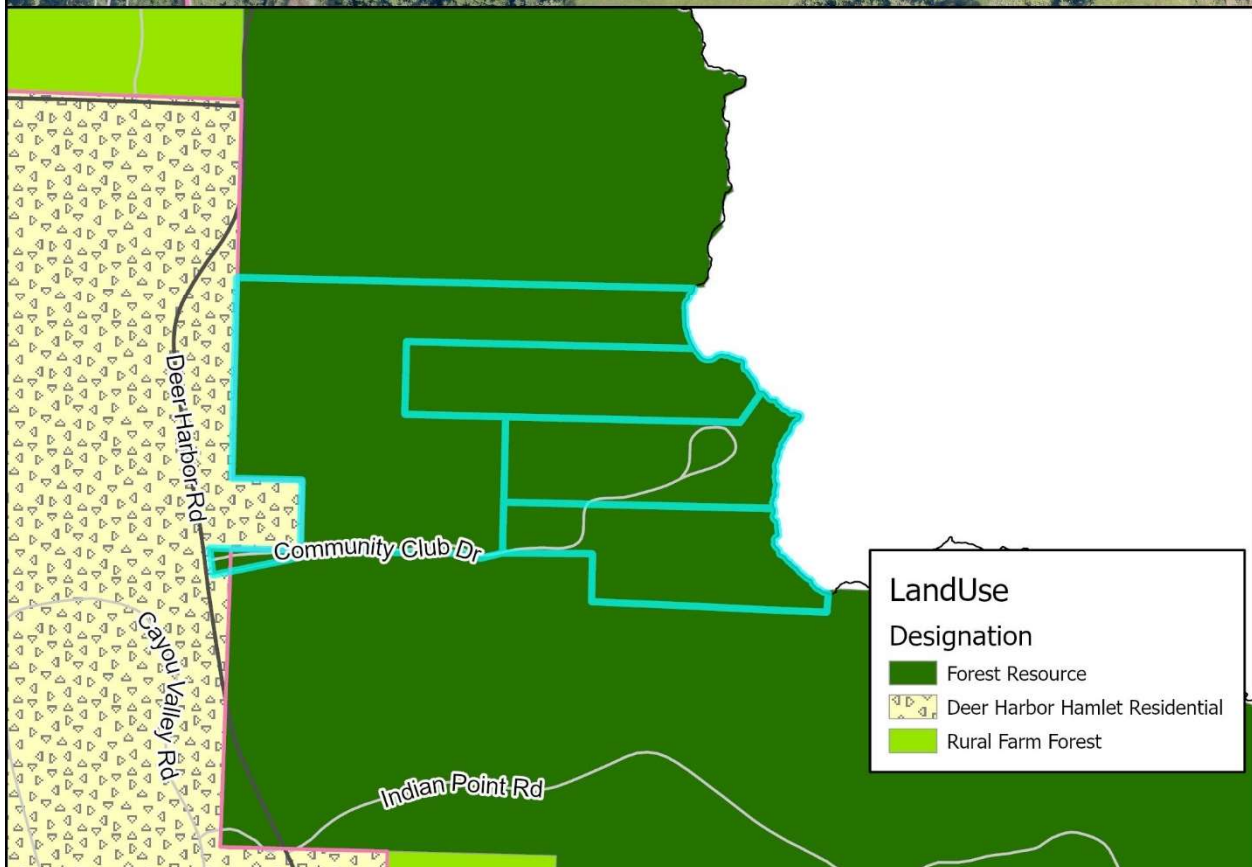


Table 15. Request 18-0019 Summary.

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) Forest Resource (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/>

Staff Recommendation: More information on natural resource land designations is provided in the Natural Resource Land Designation Review Staff Memo dated April 2, 2021, posted online here:

<https://www.sanjuanco.com/DocumentCenter/View/22652/>

Preliminary Planning Commission Recommendation: On May 21, 2021, the Planning Commission made a preliminary recommendation for this request. Their preliminary recommendation is to change the land use designation on the subject parcels from FOR to RFF without amending the maximum residential density. Additional public input will be solicited prior to the Planning Commission making a formal recommendation to the County Council regarding the proposed change. The Planning Commission recorded meetings and minutes are posted at: <https://www.sanjuanco.com/589/Planning-Commission>

Map 16. Request 19-0001.

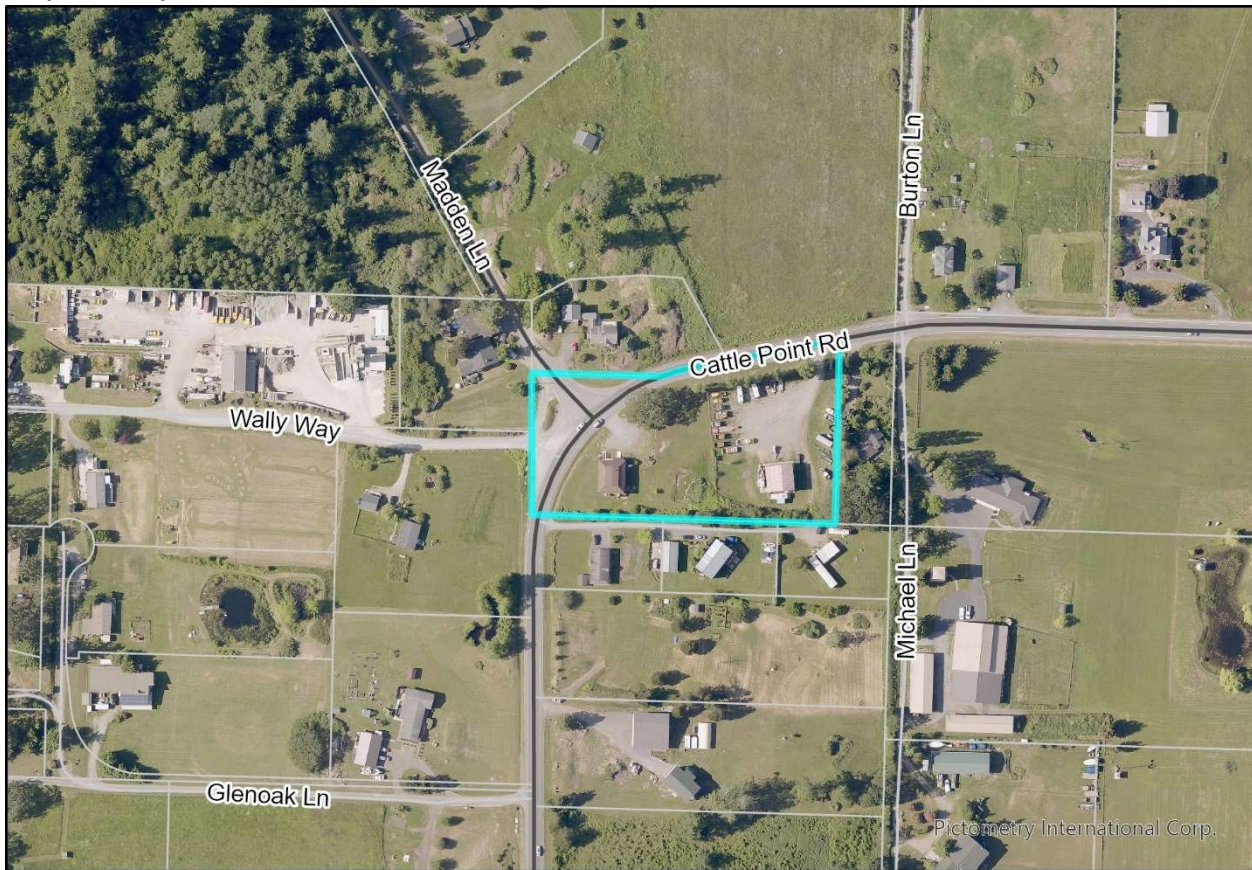


Table 16. Request 19-0001 Summary.

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 an outdoor storage yard. 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/>

Options

Option A: Designate parcel Rural General Use (RGU).

Re-designating the subject parcel from RFF to RGU would make the existing land use conforming. The RGU designation allows a much broader range of nonresidential land uses than the current RFF land use designation. If the subject parcel is re-designated to RGU, the property owner would be allowed to redevelop the parcel with more varied commercial and industrial land uses. The following commercial and industrial land uses are prohibited in RFF and allowed by either conditional use permit, provisional use permit, or outright in RGU:

- Automotive fuel, service, and repair stations;
- Camping facilities;
- Eating establishments;
- Indoor entertainment facilities;
- New resorts and camps;
- Retail sales and services;
- Bulk fuel storage facilities;
- Commercial composting;
- Concrete batch plants;
- Construction yards;
- Garbage and solid waste transfer stations;
- Heavy and light industrial;
- Light manufacturing;
- Outdoor storage yards;
- Recycling collection and processing;
- Mining and mineral extraction;
- Wholesale distribution outlet;

- Wrecking and salvage yards;
- Storage and treatment of sewerage, sludge, and septage; and
- Unnamed industrial uses.

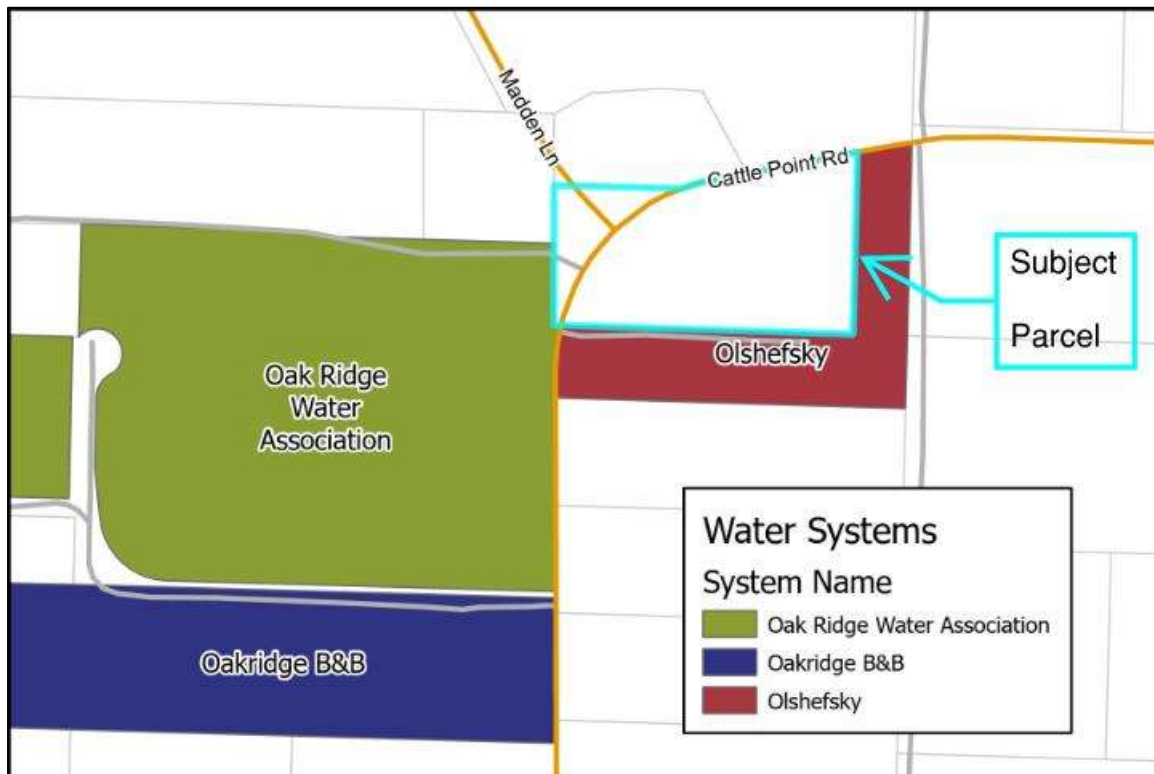
The land use designations on the *Plan* Official Map designate lands for future land uses. By designating an area for RGU, the *Plan* is designating that area to be the location for the types of uses allowed under that land use designation as new development occurs. If this area were re-designated to RGU, the *Plan* is establishing the area as the intended location for new nonresidential uses as new development occurs in the area.

Commercial and industrial land uses are more intense land uses than residential, farming, and forestry uses associated with RFF. More intense land uses have greater demand for transportation and other service infrastructure. The subject parcel is located along Cattle Point Road, a major collector road. Being located on a major collector road gives the parcel access to transportation infrastructure that can accommodate increased traffic associated with commercial and industrial land uses.

New, more intense, land uses on the subject could require improvements to the intersection of Cattle Point Road and Madden Lane. In general, more traffic is generated as the land use intensity increases. If more cars and large trucks enter and exit Cattle Point Road via the two driveways on the subject property, improvements might be required to ensure safety. A traffic study will probably be required if the property develops with more intense land uses.

Commercial and industrial land uses, being higher intensity uses, require access to community water systems. The subject parcel is not served by a community water system. There are three existing community water systems in the area. New nonresidential development on the parcel could require extension of water service to the subject parcel, from either an existing or new water system.

Map 16.A. Water Systems Near Subject Parcel.



Source: SJC GIS.

If a single parcel is designated RGU and the surrounding area remains RFF, there is a potential for conflict between the more intense commercial and industrial land uses allowed in RGU and lower intensity residential, farming, and forestry uses allowed in RFF. The principal purpose for designating areas for future land uses on the *Plan* Official Map is to ensure that as development occurs it is orderly and does not create new or exacerbate existing conflicts between different land uses. Spot-designating a single parcel RGU amidst an area designated RFF could increase the potential for conflicts between land uses as nonresidential development occurs in the area.

Option B: Designate parcel Rural Commercial (RC).

An alternative to re-designating the subject parcel RGU is to designate the subject parcel RC. As with re-designating the parcel RGU, re-designating the parcel RC would allow more nonresidential uses than those allowed in RFF. Designating the subject parcel RC would make the existing use conforming to the land use designation. The following nonresidential land uses are allowed in RC and prohibited in RFF by SJCC 18.30.040:

- Automotive fuel, service, and repair stations;
- Eating establishment;
- Retail sales and service;
- Commercial composting;
- Construction yards;
- Garbage and solid waste transfer stations;
- Heavy equipment rental services;
- Light industrial;
- Light manufacturing;
- Lumber mills, stationary;
- Recycling collection/processing;
- Recycling collection;
- College or technical school;
- Community club or organization assembly facility; and
- Museum.

Re-designating the property to RC would have the same implications for transportation infrastructure and water service as discussed under Option A above. The principal difference between designating the parcel RC is that a narrower range of nonresidential uses are allowed in RC compared to RGU. Though there are fewer nonresidential uses allowed in RC compared to RGU, there is potential for incompatibility between these uses and the established surrounding residential uses. For example, a commercial composting facility would have traffic, noise, and smell impacts, which would be exacerbated if this use were established in a predominately residential area. Designating a single parcel RC amidst a larger area designated RFF could increase the likelihood that new development might conflict with existing development in the area.

Option C: Do not re-designate the parcel.

If the parcel remains designated RFF, the existing nonconforming use can continue operating. Nonconforming uses are regulated by SJCC 18.40.310 Nonconforming structures and uses. The code allows nonconforming nonresidential uses to be expanded, modified, or intensified subject to a conditional use permit provided:

- The nonconformity is not increased, and a new nonconformity is not created;
- The proposed changes comply with the development code to the maximum extent feasible; and
- The proposed changes will not have an adverse impact on environmentally sensitive areas.

If the existing use remains nonconforming, the operators are allowed make changes to the use. On the other hand, the use being nonconforming prevents the establishment of new nonconforming land uses. Uses that are not part of the existing nonconforming use and prohibited in RFF would not be allowed as an expansion or modification of the existing nonconforming use. In contrast, new uses that are allowed in RGU by SJCC 18.30.040 could be established if the parcel is re-designated. Limits to what additional nonresidential uses could be established would remain in place if the existing use remains nonconforming.

The conditional use permit requirements for modifying the existing nonconforming use might be a drawback for the property owner because it establishes limits to the kind of nonresidential development that may be possible on the parcel. These limits would not prevent the currently permitted land use from continuing to operate in the future. Neighboring property owners with established residential uses might value the constraints on what nonresidential development is allowed on the subject parcel. Requiring a conditional use permit for future modifications of the use has the added benefit for neighboring property owners because a public hearing is required before the permit is issued. The public hearing would allow neighbors the opportunity to express their opinions on the proposed development and the Hearing Examiner would have the authority to condition the permit in response to their concerns.

Staff Recommendation: Option C, do not re-designate this parcel. Any legally established nonconforming uses on this property can continue to operate if the land use designation is not amended. SJCC 18.40.310 Nonconforming structures and uses also allows the established nonconforming use to be altered, modified, expanded, intensified, replaced or moved subject to a conditional use permit. Designating this parcel and/or the surrounding lands as RGU would allow a greater range of nonresidential uses in the area that could possibly conflict with the adjacent, primarily residential, established uses.

The parcel does not meet the RGU designation criteria. Specifically, the parcel does not meet *Plan* designation criterion 2.3.C.10.a.1.ii, which requires that the soils in areas designated RGU be marginal or unsuitable for intensive commercial agriculture or forestry uses. The NRCS soil maps for this area show that it has soils suitable for agriculture. The WDNR PFLG map shows this area has soils conducive to forestry.

SJCC 18.90.030 Amendments to Comprehensive Plan Official Maps.

Re-designating this parcel would be a spot re-designation because the parcel is surrounded on all sides by areas designated RFF. Re-designating this parcel to RGU would create an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations. There is a greater range of uses allowed in RGU compared with RFF. Creating such an enclave would be inconsistent with the criteria for approval of amendments to the Comprehensive Plan Official Maps in San Juan County Code (SJCC) 18.90.030(F)(1)(d), which states:

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

Map 17. Request 19-0002.

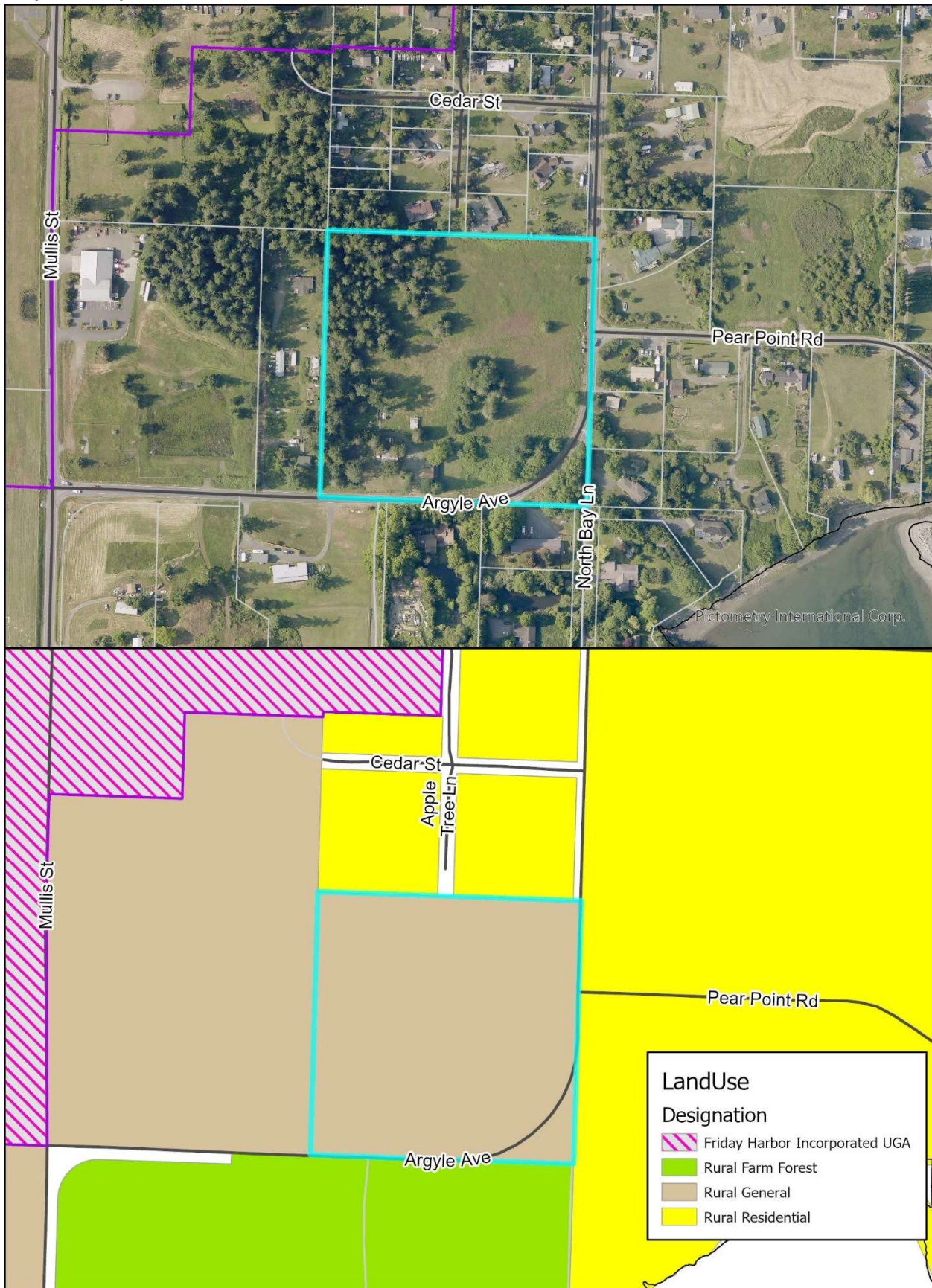


Table 17. Request 19-0002 Summary.

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/>

Staff Recommendation: Additional analysis of the Town proposed expansion of the UGA is required. Staff recommendations regarding possible expansion of the Friday Harbor UGA will be discussed in a separate staff report.

Town of Friday Harbor Comments

In a comment letter dated May 17, 2021, the Town of Friday Harbor made the following comment on Request 19-0002 (Attachment A):

The Town is in support of this request to designate the requested parcels as FHUGA. Urban services are available near the location. One parcel separates the requested FHUGA designation parcel and the application from the Port of Friday Harbor to designate Parcel Number 352231201600. The adjacent SJC zoning is Rural General Rural Farm Forest and Rural Residential. The adjacent parcels zoned Rural General are currently developed as single family residential, a stormwater pond for the Friday Harbor Airport and the San Juan Island Fire Department these land uses are compatible with

the CDP Staff's recommended future zoning of Single-Family Residential. The Town is also requesting the following parcels to be designated with the request. (Figure 3):

- 351444003000 Owner-Jill Marie Pattern and Sara Louise Patten
- All parcels in the Northeast, Southeast, Southeast section of section 14, T 35N, R 3W

Figure 3



Map 18. Request 19-0003.

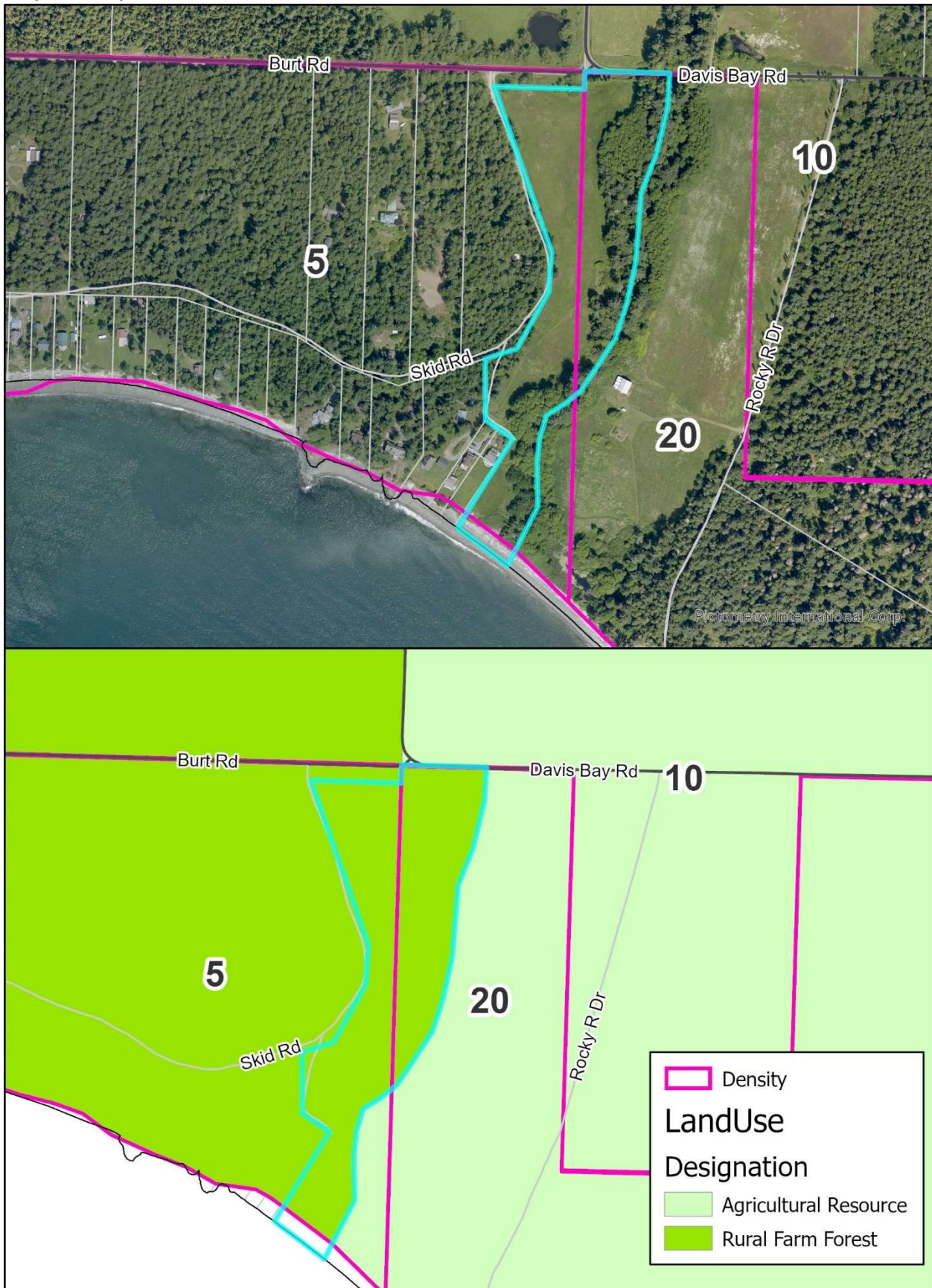


Table 18. Request 19-0003 Summary.

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.

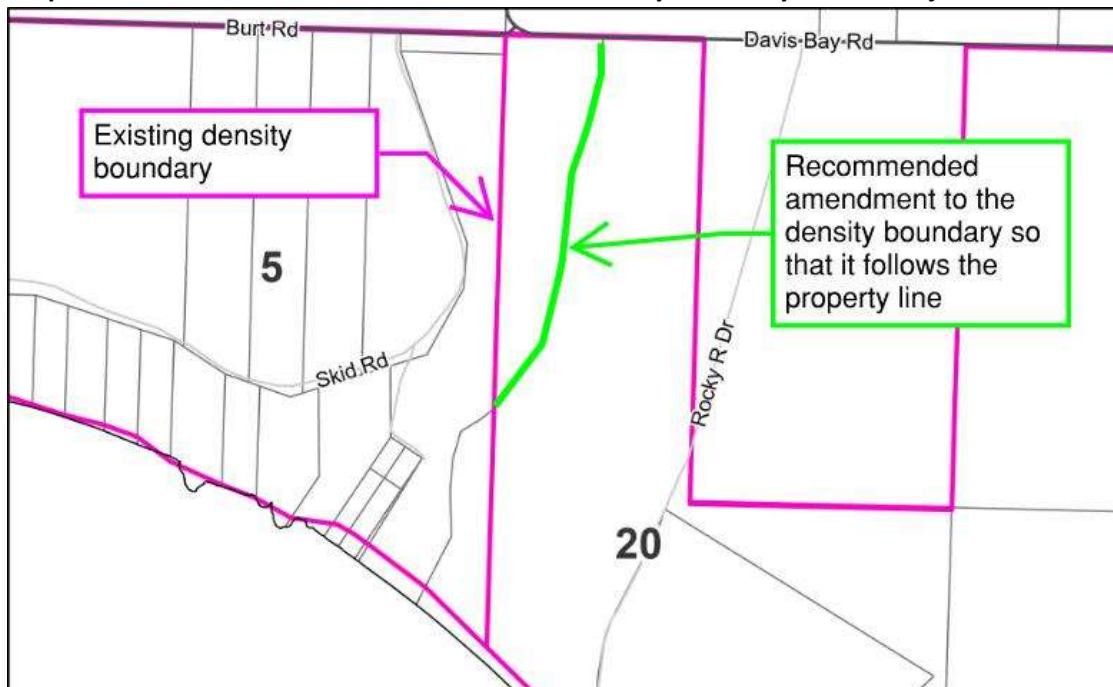
Surrounding land uses and designations

- North:** Residential, RFF and AG
- South:** water
- East:** Undeveloped, AG
- West:** Residential, RFF

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

Staff Recommendation: Amend the density boundary follow the property line but do not reduce density on the neighboring property to the east. The recommended amendment to the density boundary is shown in Map 18.A. The recommended changes would resolve the issue for the applicant without impacting density on neighboring properties.

Map 18.A. Recommended Amendment to the Density Boundary on the Subject Parcel.



SJCC 18.90.030 Amendments to Comprehensive Plan Official Maps.

Table 18.A summarizes how the proposal meets the criteria of approval for amendments to the *Plan* Official Maps established in SJCC 18.90.030(F).

Table 18.A. Analysis of SJCC 18.90.030(F).

Section	Analysis
SJCC 18.90.030(F)(1)(a)	The proposed re-designation benefits the public by clarifying what residential density is allowed on the subject property.
SJCC 18.90.030(F)(1)(b)	The proposed change is warranted because it corrects an error on the Official Maps. Though the density boundary is not required to follow property lines, the density boundary that bisects the subject property is not clearly defined. Without a clear and explicit explanation of where the density boundary sits on the property, the density boundary in this instance is unclear. Clarifying that the boundary follows the property boundary resolves this lack of clarity on the Official Maps.
SJCC 18.90.030(F)(1)(c)	<p>The subject parcel is designated RFF. The <i>Plan</i> policies for RFF do not specify a required residential density in the land use designation. RFF designation criteria Policy 2.3.C.10.b.1.ii states:</p> <p style="text-align: center;">ii. Parcels are general five or more acres in size</p> <p>Because the change in density would not increase maximum density on the subject parcel beyond one dwelling unit per five acres, the proposed change is consistent with this <i>Plan</i> policy.</p>
SJCC 18.90.030(F)(1)(d)	The area proposed for changes would not create an enclave of property owners enjoying greater privileges than surrounding property owners. The subject parcel is contiguous with an area designated for one dwelling per five acres. The majority of the subject parcel is already designated for one dwelling per five acres.
SJCC 18.90.030(F)(1)(e)	No adverse impacts are expected from adjusting the density boundary as proposed. Most of the subject parcel is already designated for one dwelling unit per five acres.

Map 19. Request 19-0004.

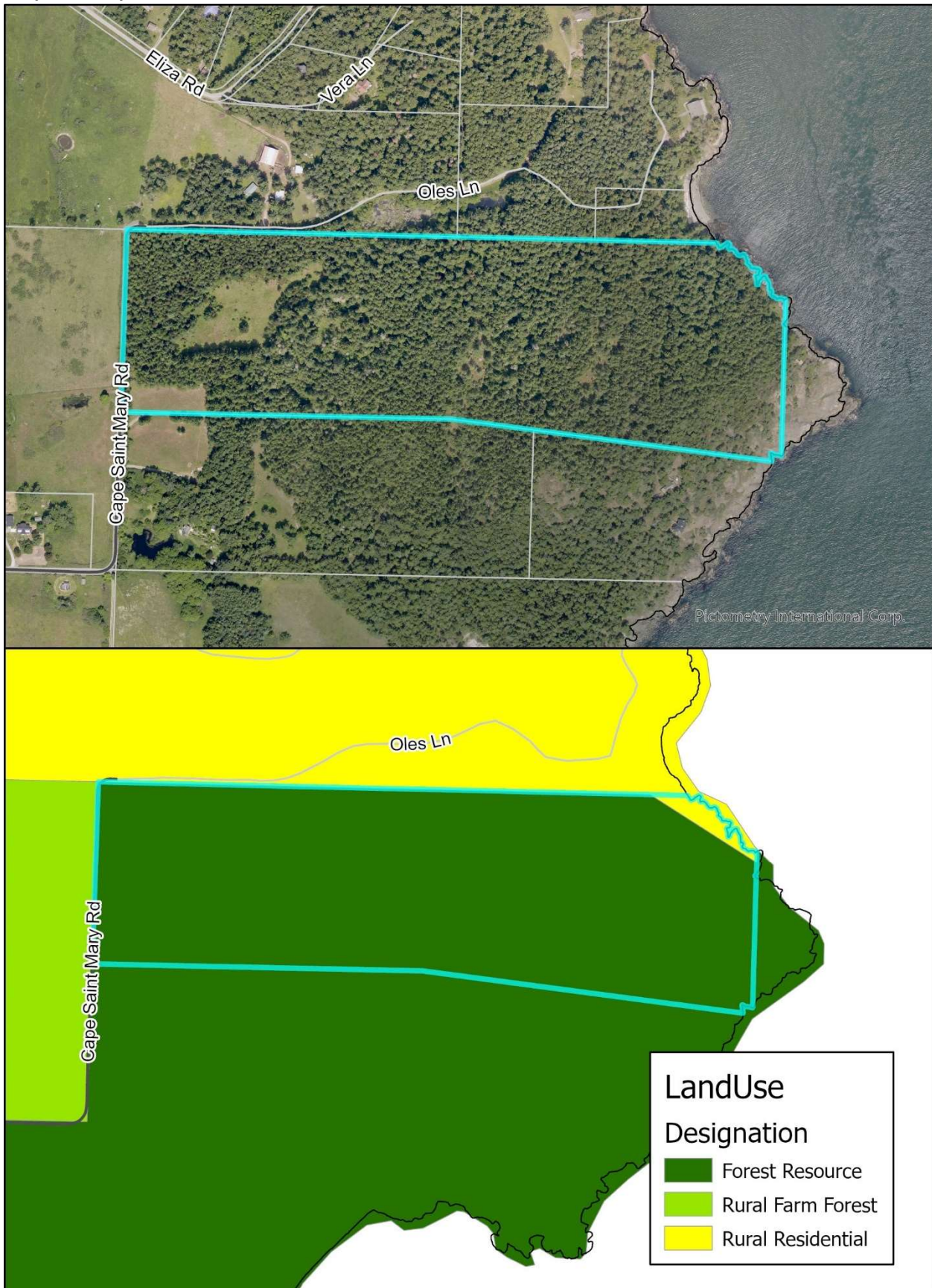


Table 19. Request 19-0004 Summary.

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>

Staff Recommendation: More information on natural resource land designations is provided in the Natural Resource Land Designation Review Staff Memo dated April 2, 2021, posted online here: <https://www.sanjuanco.com/DocumentCenter/View/22652/>

Preliminary Planning Commission Recommendation: On May 21, 2021, the Planning Commission made a preliminary recommendation for this request. Their preliminary recommendation is to not change the land use designation on the subject parcel. Additional public input will be solicited prior to the Planning Commission making a formal recommendation to the County Council regarding the proposed change. The Planning Commission recorded meetings and minutes are posted at: <https://www.sanjuanco.com/589/Planning-Commission>

Map 20. Request 19-0005.

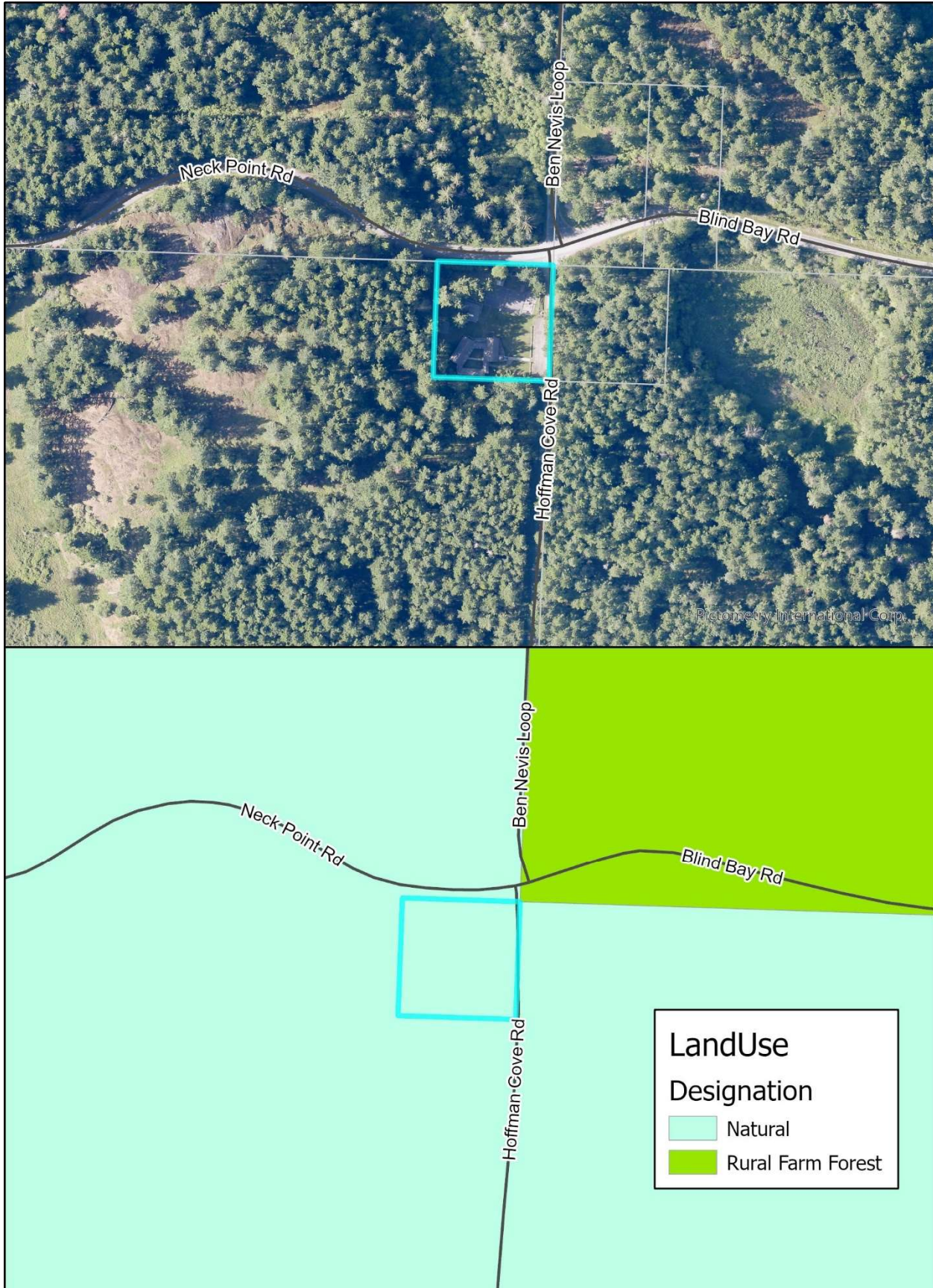


Table 20. Request 19-0005 Summary.

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>

Staff Recommendation: Amend SJCC 18.30.040 to allow schools in the Natural land use designation provided they are existing at the time the amendment is adopted. A corresponding code amendment could be adopted to implement this change during the *Plan* update. The same change could be made to SJCC 18.30.040 for RFF to make the Waldron and Stuart island schools allowed outright.

This proposed change to make historic schools allowed outright in RFF and N land use designations would reduce the regulatory requirements for these important public facilities to make changes to the existing structures as each school as they adapt to future circumstances. In this way, the *Plan* would not hinder the provision of vital educational services for the Shaw, Stuart, and Waldron communities. These three schoolhouses are also important components of the built environment on their respective islands. Existing historic schools should be allowed outright in rural designations because of the important service they provide and the historic nature of the structures. Limiting the kind of schools allowed in these designations to only those existing before the amendment is adopted will prevent other new schools from locating in these designations without putting regulatory barriers in place for potential changes to the existing schools in the future.

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>

Staff Recommendation: More information on natural resource land designation changes is provided in the Natural Resource Land Designation Review Staff Memo dated April 2, 2021, posted online here: <https://www.sanjuanco.com/DocumentCenter/View/22652/>

Preliminary Planning Commission Recommendation: On May 21, 2021, the Planning Commission made a preliminary recommendation for this request. Their preliminary recommendation is to change the land use designation on the subject parcel and the four 5-acre parcels to the south from FOR to RFF without amending the maximum residential density. Additional public input will be solicited prior to the Planning Commission making a formal recommendation to the County Council regarding the proposed change. The Planning Commission recorded meetings and minutes are posted at: <https://www.sanjuanco.com/589/Planning-Commission>

Map 22. Request 20-0003.

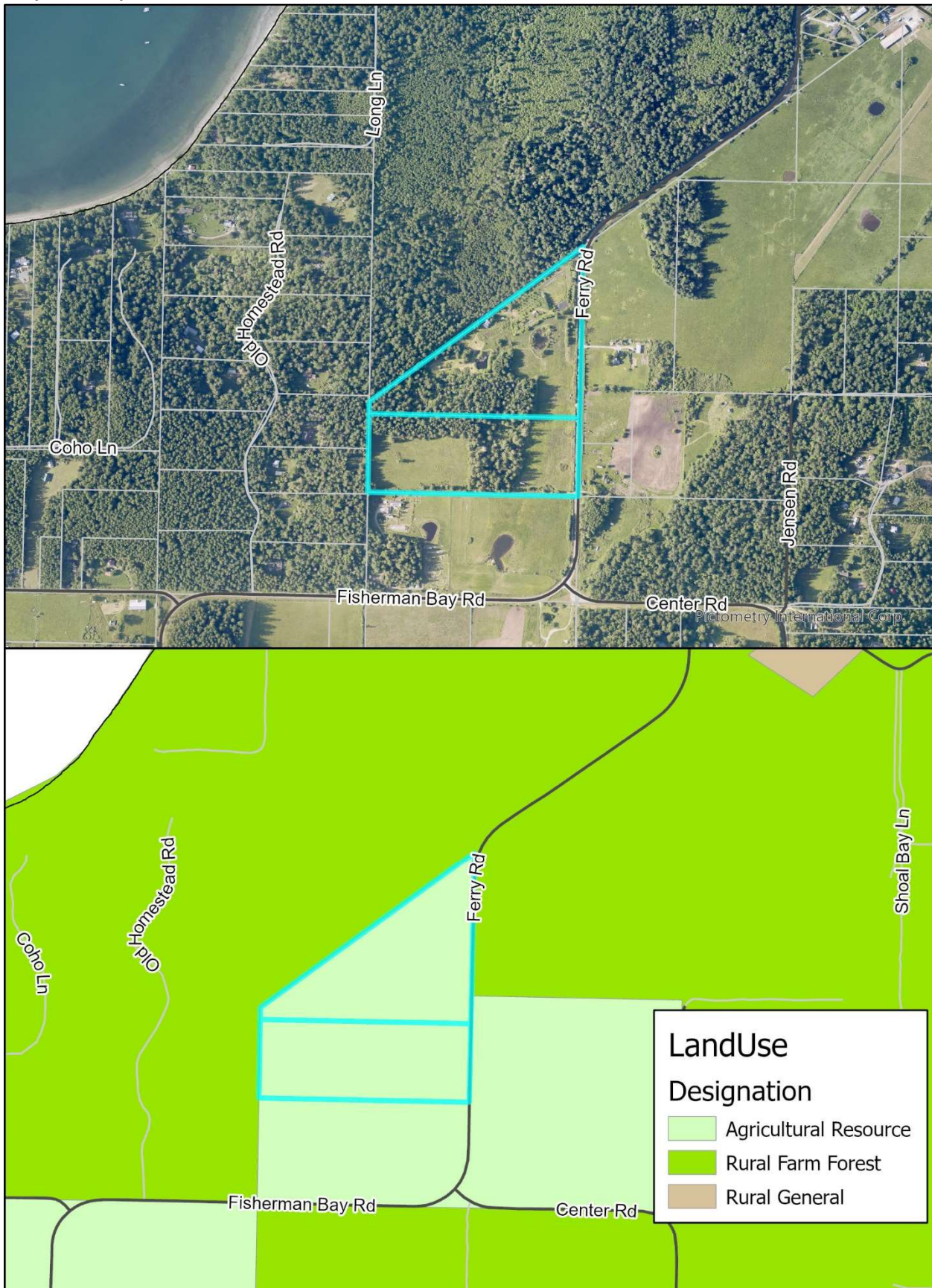


Table 22. Request 20-0003 Summary.

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/>

Staff Recommendation: Do not change the density on these parcels. Making a change to the density on these parcels would be a spot density re-designation because the parcel is surrounded on three sides by areas designated for a density of one dwelling unit per fifteen acres. Re-designating this parcel for higher density would create an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations. Creating such an enclave would be inconsistent with the criteria for approval of amendments to the Comprehensive Plan Official Maps in San Juan County Code (SJCC) 18.90.030(F)(1)(d), which states:

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

There are 31 parcels within 1,000 feet of the boundaries of the subject parcel. The average size of these 31 parcels is 12.95 acres. Expanding the search to within 2,000 feet of the subject parcel, the 79 parcels within 2,000 feet is 9.79 acres.

There are 22 address points on the 31 parcels totaling 401.54 acres within 1,000 ft of the subject property. Achieved density within 1,000 ft is 18.25 acres per dwelling (or 0.055 dwellings per acre). There are 63 address points on the 79 parcels totaling 770.73 acres within 2,000 ft of the subject property. Achieved density within 2,000 ft is one dwelling per 12.23 acres (or roughly 0.08 dwellings per acre). The surrounding achieved density is very nearly one dwelling unit per ten acres. This achieved density includes areas to the west of the subject properties that are designated for a density of one dwelling per five acres.

Map 23. Request 20-0004.

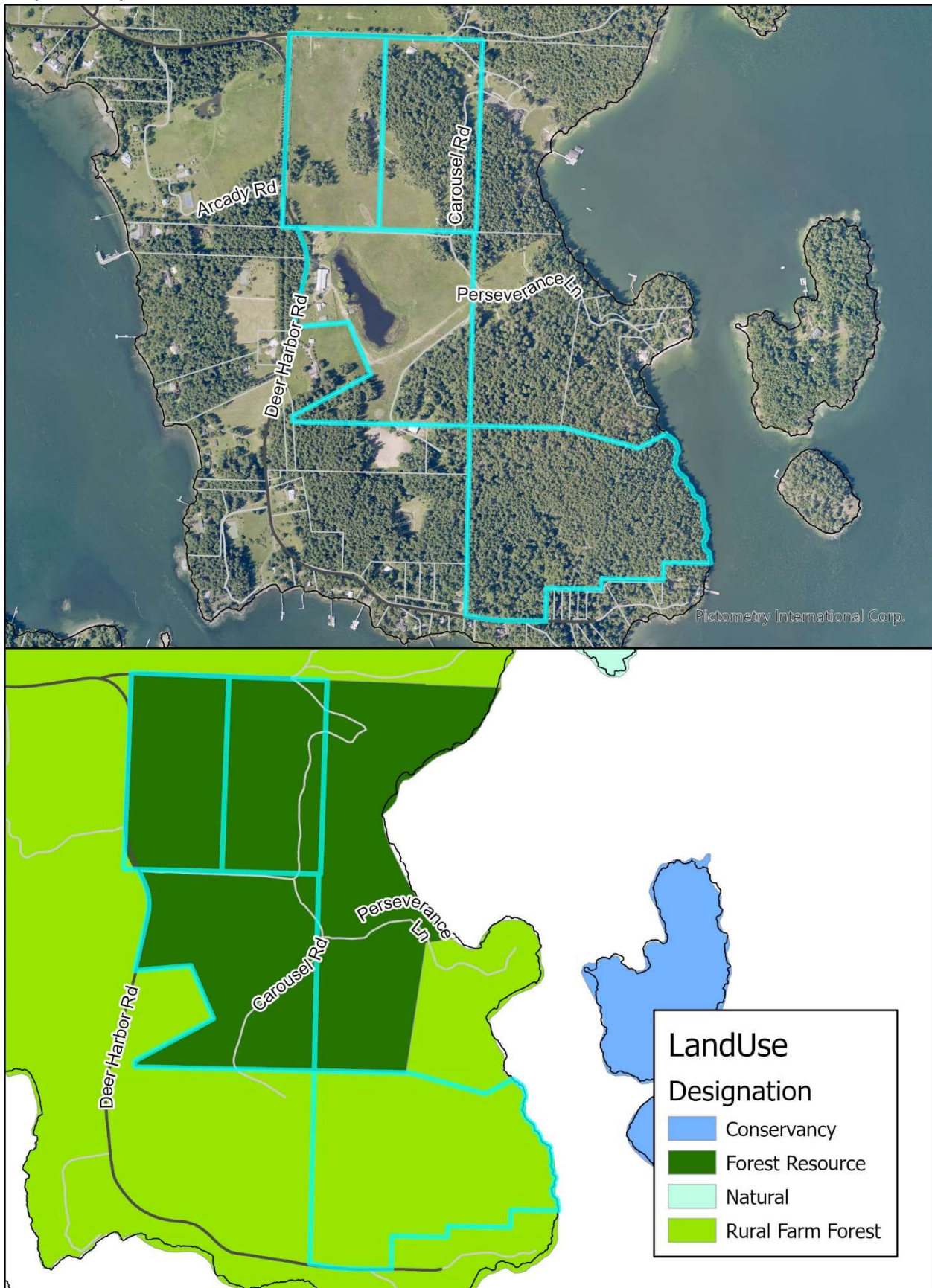


Table 23. Request 20-0004 Summary.

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

Staff Recommendation: More information on natural resource land designations is provided in the Natural Resource Land Designation Review Staff Memo dated April 2, 2021, posted online here: <https://www.sanjuanco.com/DocumentCenter/View/22652/>

Preliminary Planning Commission Recommendation: On May 21, 2021, the Planning Commission made a preliminary recommendation for this request. Their preliminary recommendation is to change the land use designation on the subject parcels from FOR to RFF without amending the maximum residential density. Additional public input will be solicited prior to the Planning Commission making a formal recommendation to the County Council regarding the proposed change. The Planning Commission recorded meetings and minutes are posted at: <https://www.sanjuanco.com/589/Planning-Commission>

Map 24. Request 21-0001.

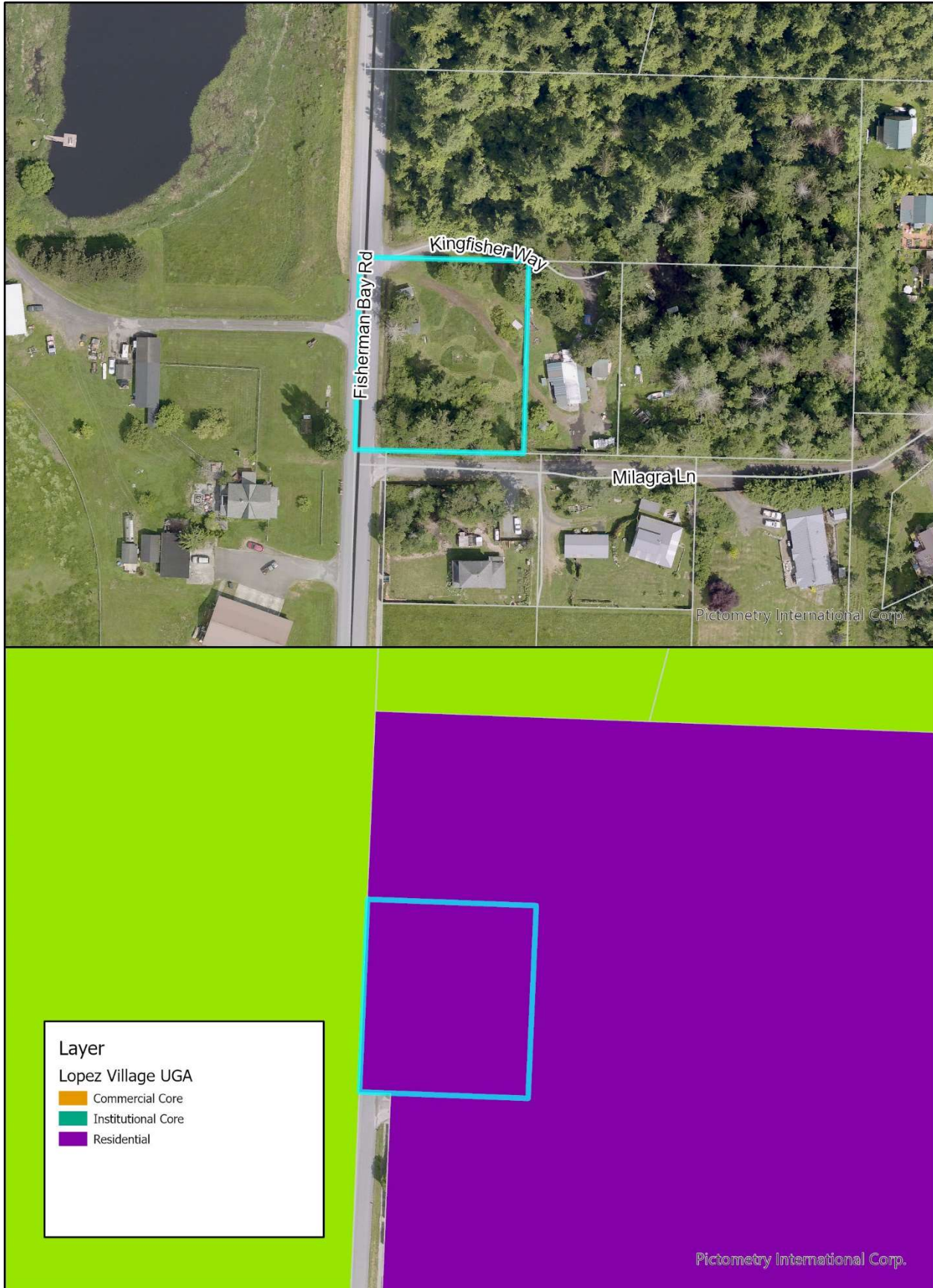


Table 24. Request 21-0001 Summary.

Request Number	Island	TPN	Address	Applicant Name
21-0001	Lopez	251423013000	Kingfisher Short Plat, Lot 1 (no assigned address)	Dean Frey

Summary of Request

Change land use designation from Lopez Village Residential to Lopez Village Commercial.

The property owner is requesting a change of land use designation from Lopez Village Residential to Lopez Village Commercial to allow for commercial development on the property. This 0.56-acre parcel is in the Lopez Village UGA on Fisherman Bay Road, about 300 feet north of the commercial core of the Village.

The Lopez Village Plan was updated in 2019. Prior to 2019, all parcels in the Lopez Village UGA were designated Village Commercial. Lopez Village now contains three land use designations, Village Commercial, Village Institutional, and Village Residential. Part of the purpose of the new plan is to focus commercial development in the core of Lopez Village.

Surrounding Land Uses and Designations

North: Residential, Lopez Village Residential
South: Residential, Lopez Village Residential
East: Residential, Lopez Village Residential
West: Residential, RFF

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/22664/>

Note on process: This request was submitted in March of this year as part of the annual docket process. Staff will bring this request to the Lopez Village Planning Review Committee in June before making a recommendation to the Planning Commission.

Map 25. Request 21-0002.

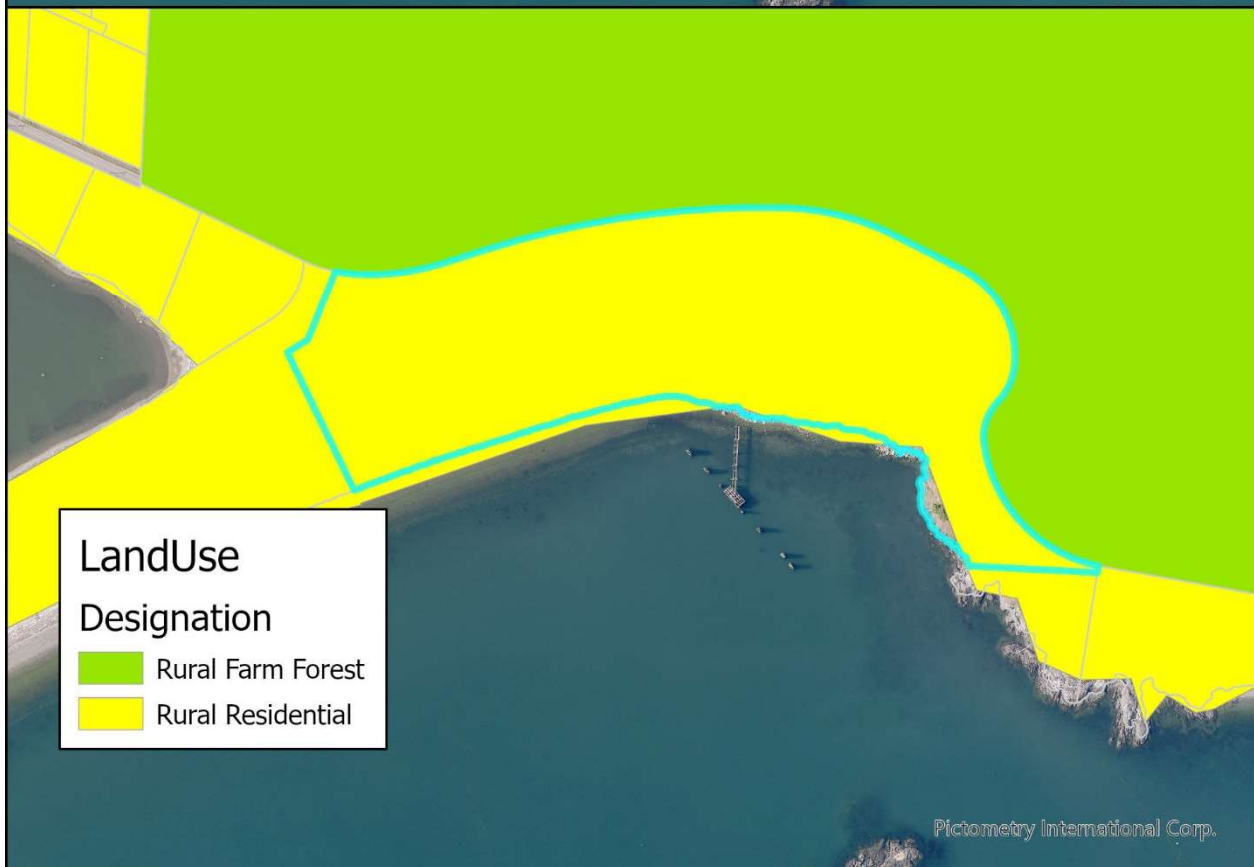


Table 25. Request 21-0002 Summary.

Request Number	Island	TPN	Address	Applicant Name
21-0002	San Juan	352412001000	Pear Point Road	SJC Dept. of Public Works

Summary of Request

Change land use designation from Rural Residential (RR) to Rural Industrial (RI).

The Department of Public Works is requesting this re-designation to allow a greater range of uses of this property. Their application lists the following possible future uses of this property:

- Barge Landing;
- Equipment Staging;
- Material Stockpiling; and
- General Storage.

The subject parcel has been historically used as a barge landing site. It was the site where materials mined on the parcel adjacent to the north (TPN 351334002000) were loaded for transport off island. Figure 25.A shows an oblique aerial photograph of the site from the WA Dept. of Ecology Coastal Atlas Map from 1977, which illustrates the historic use of the site. Figure 25.B shows a 2019 oblique aerial photograph of the site.

Surrounding Land Uses and Designations

North: Park, RFF
South: Water
East: Residential, RFF and RR
West: Residential and Park (Jackson’s Beach), RR

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/22749/>

OPTIONS

OPTION A: Re-designate the parcel RI.

Re-designating the subject parcel from RR to RI would allow a greater range of industrial land uses on the parcel. The application lists potential land uses for the site: barge landing, equipment staging, material stockpiling, and general storage. The potential land uses listed in the application would be considered an “outdoor storage yard” as defined in SJCC 18.20.150 “O” definitions and SJCC 18.20.190 “S” definitions. Outdoor storage yards are allowed by provisional land use permit in RI and prohibited in RR. Re-designating the subject property to RI would allow the potential land uses the applicant lists.

Barge landing at the site is subject to the provisions of the Shoreline Master Program (SMP). A permanent barge landing is allowed at the site because the parcel is designated Port, Marine, and Marine Transportation under the SMP (SJCC 18.50.600). No land use changes are required to allow a barge landing at the site.

OPTION B: Do not re-designate the parcel RI.

If the subject property remains designated RR, the outdoor storage yard land use listed in the application would continue to be prohibited on the site per SJCC 18.30.040 Land use table – Rural, resource, and special land use designations. Barge landing at the site is subject to the provisions of the Shoreline Master Program (SMP). A permanent barge landing is allowed at the site because the parcel is designated Port, Marine, and Marine Transportation under the SMP (SJCC 18.50.600). The RR land use designation does not affect whether the parcel can have a barge landing site.

Public Works could still pursue an outdoor storage yard on the subject parcel if the development meets the criteria of an Essential Public Facility (EPF). EPF is defined in SJCC 18.20.050 “E” definitions as:

“Essential public facility (EPF)” means a facility that provides a necessary public service as its primary mission, and that is difficult to site. EPFs include, but are not limited to, those facilities listed in RCW 36.70A.200; any facility that appears on the list maintained by the State Office of Financial Management under RCW 36.70A.200(4); secure community transition facilities as defined in RCW 71.09.020; state education facilities; state or regional transportation facilities as defined in RCW 47.06.140 and facilities determined to be an essential public facility under SJCC 18.30.055. Essential public facilities of County- or statewide significance also include, but are not limited to: passenger and vehicle ferry terminals (public); public elementary and secondary schools facilities; County sheriff facilities; solid waste collection, transfer and disposal facilities; County recycling facilities; County roads, County docks, County boat launching and County barge landing sites and facilities; County equipment storage and maintenance yards; County septage handling and treatment facilities; primary electrical transmission and distribution systems including systems owned and operated by OPALCO; fire stations and emergency service facilities; public libraries; post offices; County parks; County administrative offices; facilities for communications for public emergency services; community water systems; those community sewage systems serving urban growth areas (UGAs), activity centers and master planned resorts; and general aviation airports.

The process for permitting EPFs is established in SJCC 18.30.055 and 18.80.190. EPFs require a County Council public hearing on the proposed siting of a new facility in addition to a conditional use permit for establishing a new facility or modifying an existing EPF. The EPF process allows the development of public facilities that provide important services and are difficult to site, but requires additional review to account for the potential impacts from this kind of development.

STAFF ANALYSIS: Under both Options A and Option B above, Public Works could be allowed to develop the subject parcel with an Outdoor Storage Yard. If the parcel is re-designated to RI under Option A, establishing an outdoor storage yard would require a provisional use permit. If the parcel remains designated RR, developing an outdoor storage yard can be pursued by an EPF conditional use permit. The EPF permitting process requires more public process than a provisional use permit. The EPF conditional use permit requires a public hearing before the Hearing Examiner before the permit can be approved. Conversely, the provisional use permit is an administrative review during which the public can submit written comments, but a public hearing is not required before approval of the permit. Neighboring property owners might prefer having the opportunity comment on proposed development during a public hearing before the development is approved.

Figure 25.A. 1977 Oblique Aerial Photograph of the Subject Parcel.



Source: WA Department of Ecology Coastal Atlas Map.

Figure 25.B. 2019 Oblique Aerial Photograph of the Subject Parcel.



Source: SJC GIS.



TOWN OF FRIDAY HARBOR
Post Office Box 219 • Friday Harbor, Washington 98250
(360) 378 – 2810 • FAX: (360) 378 – 5339 • www.fridayharbor.org

May 17, 2021

Erika Shook
Community Development Director
San Juan County

Adam Zack
Planner III
San Juan County

Ms. Shook and Mr. Zack,

The Town of Friday Harbor appreciates the opportunity to comment on the Friday Harbor Urban Growth Area (FHUGA) expansion applications that San Juan County (SJC) received for the current SJC Comprehensive Plan update. The Town completed an update of its Comprehensive Plan in 2018.

Currently, the Town does not have updated housing availability numbers for the next 20-year planning horizon from 2025 to 2045. However, the Town has determined several of the potential units in the 2018 Comprehensive Plan will remain underdeveloped during the current 20-year planning horizon as fiscal constraints to extend sewer and transportation improvements has delayed development or a property owner is not ready to complete improvements. In addition, the potential units within the 2018 Comprehensive Plan did not include a multiplier for other market factors.

A cursory calculation of occupancy certificates and building permits was completed to provide context to review of the FHUGA expansion applications. In the 3 years since adoption of the 2018 Comprehensive Plan, the Town has added an average of 10 single-family units per year, and 28 multi-family units per year. If construction continues at this pace, we expect the land inventory to reach 50% of the potential units reported in the next 3-5 years.

On April 15, 2021, Community Development and Planning (CDP) presented the FHUGA expansion application requests to the Town Council. The potential FHUGA expansion discussion was positive. Town Council expressed a strong interest to provide affordable housing to San Juan Island residents. The State sent a strong affordable housing message outlining legislation intent in E2SHB 1220. This bill signed into law by Governor Inslee requires Comprehensive Plans to include affordable housing policies to address housing options for moderate, low, very low, and extremely low median income levels and contains language directing implementation across development regulations. CDP Staff included potential Town Zoning designations for future annexation in each attached figure.

In review of the FHUGA expansion applications, CDP Staff concluded other parcels should be included during this SJC Comprehensive Plan Update. The Town is requesting SJC to consider

additional properties that include areas of existing urban development such as all parcels in Port ownership adjacent to and near the Friday Harbor Airport, and connector parcels for a contiguous FHUGA. The newly acquired Port property at Jenson Marine is another area which is best served by urban services, however planning for urban services in this area will not occur until the 2025 Comprehensive Plan Update. The Town would support adding the Port's existing urban development and the two connector parcels should SJC determine the parcels shown are appropriate to designate FHUGA (Figure 1).

The other parcels Town is requesting for inclusion in the FHUGA expansion review are required to maintain a contiguous Town limit. RCW 35.13.005 limits annexation to areas in which urban growth areas have been designated and RCW 35.13.010 further restricts annexation to those areas lying contiguous to the Town.

Request-Application 18-0013

This is a rezone request to change from Rural Farm Forestry to Rural General Use. The allowed uses in General Rural are compatible with the future land uses in the Town's Comprehensive Plan and the current zoning designations.

Request-Application 18-0016

The Town is in support of this request to designate the requested parcels as FHUGA. Urban services are available near the location. CPD Staff would recommend future zoning to be Single-family Residential for the parcels adjacent to Lampard Road with proximity to agriculture and potential critical areas., and Multi-Family Residential for the Parcel adjacent to Spring Street. The Town is also requesting the following parcels to be designated with the request (Figure 2):

- 351424002000 Owner-Herbert Mason
- 351491701000 Owner-Church of Jesus Christ of the Latter-Day Saints
- 351491624000 Owner-Town of Friday Harbor

Request-Application 19-0002

The Town is in support of this request to designate the requested parcels as FHUGA. Urban services are available near the location. One parcel separates the requested FHUGA designation parcel and the application from the Port of Friday Harbor to designate Parcel Number 352231201600. The adjacent SJC zoning is Rural General Rural Farm Forest and Rural Residential. The adjacent parcels zoned Rural General are currently developed as single family residential, a stormwater pond for the Friday Harbor Airport and the San Juan Island Fire Department these land uses are compatible with the CDP Staff's recommended future zoning of Single-Family Residential. The Town is also requesting the following parcels to be designated with the request. (Figure 3):

- 351444003000 Owner-Jill Marie Pattern and Sara Louise Patten
- All parcels in the Northeast, Southeast, Southeast section of section 14, T 35N, R 3W

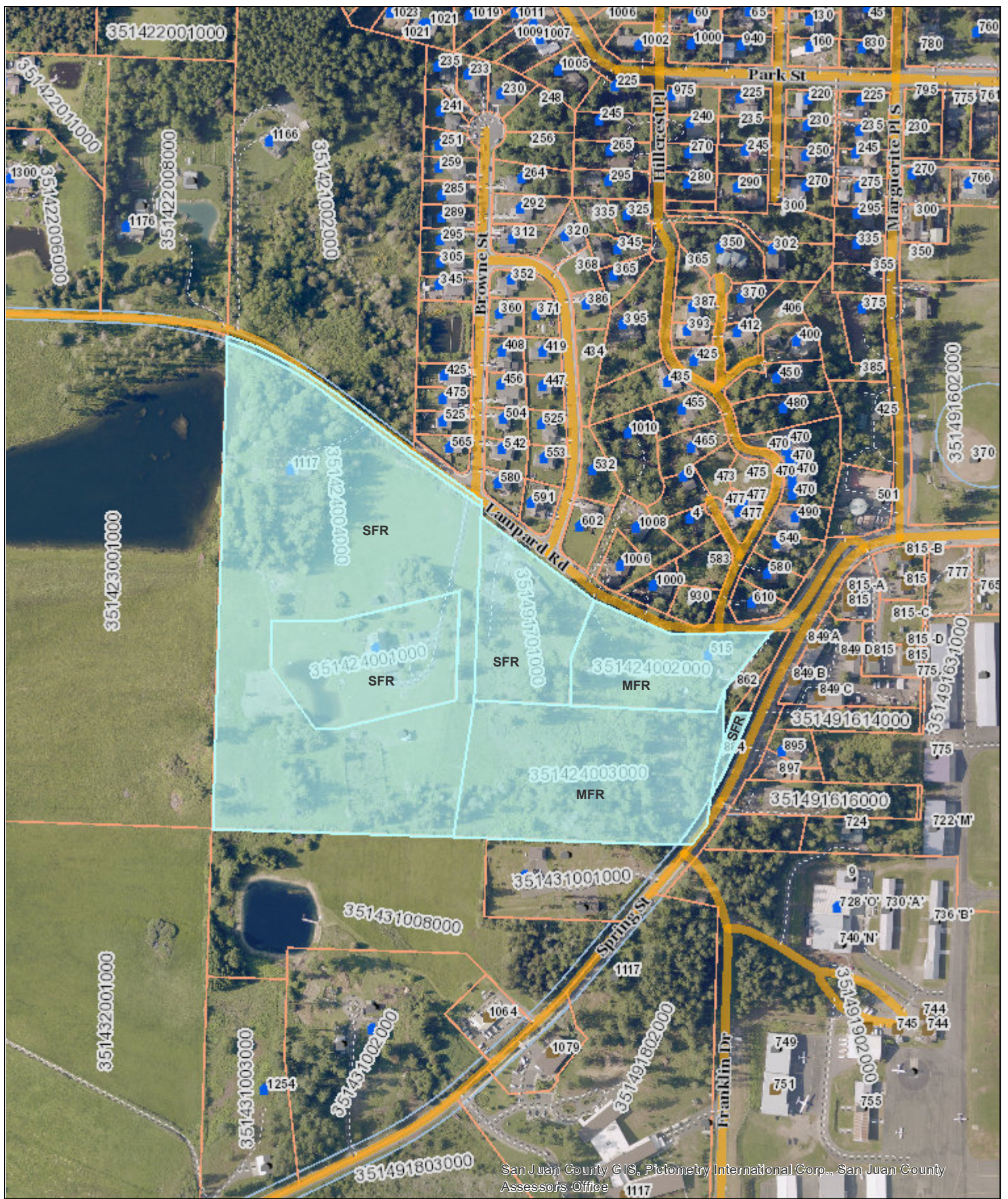
Request-Application Port of Friday Harbor

In the Town's discussions with the Port of Friday Harbor (Port) on airport planning, the Town and Port concluded this would be an appropriate time to request SJC to include all Port properties in the FHUGA, as airport operations are currently split between SJC and the Town. The Port and the Town have discussed Port properties for the next Town of Friday Harbor comprehensive planning effort in 2023. Expanding the FHUGA to include Port properties during this SJC comprehensive planning effort will provide predictability for Annexation discussions, including a plan to provide urban services to this essential public facility. In addition, the Town currently provides Town services to several of these parcels. (Figure 4).

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Ericson". The signature is stylized and cursive.

Ryan Ericson
Community Development Director
Town of Friday Harbor
(360) 378-2810 x231
ryane@fridayharbor.org



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



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

1 in = 330 feet

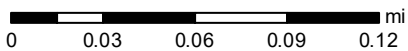
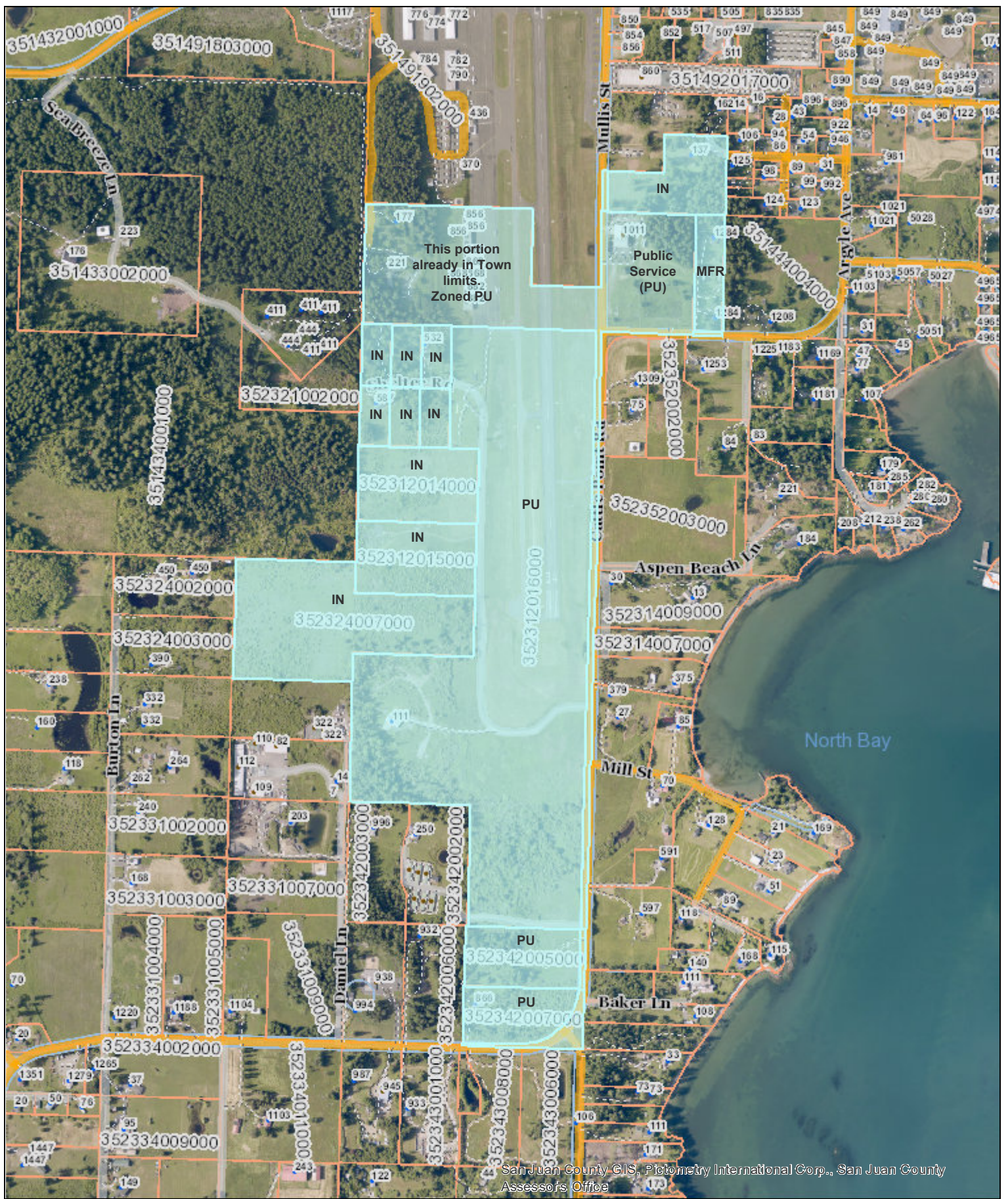


Figure 2



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



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

1 in = 700 feet

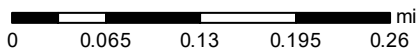


Figure 4