

APPENDIX I

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FINDINGS OF FACT REGARDING COMPLIANCE PURSUANT TO RCW 36.70A.270(6) and FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING INVALIDITY PURSUANT TO RCW 36.70A.302(1)(b)

1. San Juan County consists of approximately 175 square miles of land areas and 375 miles of saltwater shorelines.
2. There are approximately 12,500 full-time residents in the County. 50% of the full-time residents live on the island of San Juan.
3. The Town of Friday Harbor is contained within the only urban growth area of SJC. Approximately 15% of the County's full-time residents live within the Town.
4. The CP and UDC were approved by the BOCC on June 15, 1998. The SMP was ultimately approved by DOE and the County adopted an effective date of December 20, 1998 for its CP and UDC.
5. The County's challenge to petitioners' SEPA standing was denied on April 23, 1999.
6. In 1992 the County adopted a policy to retain the 1980 CP densities. The policy was implemented in the 1998 CP 2.1.C. No analysis of how the 1980 densities complied with the GMA was ever performed.
7. CP 2.2.A.7 specifies that the official maps (OMs) specify the maximum allowable densities throughout each parcel within the County.
8. Two areas surrounding and adjacent to the Friday Harbor UGA allow lots as small as ½ acre. One area allows lots as small as 2 acres. All three areas contain large single-ownership undeveloped parcels.
9. The allowance of ½ acre and 2-acre lots adjacent to and surrounding the UGA promotes low-density sprawl, constitutes urban growth and does not constitute rural growth under the GMA. The County has never undertaken an analysis of the public services and

public facilities impacts of the three areas. The density allowances within the three areas do not comply with the GMA.

10. For the reasons set forth in Finding #9, the density allowances substantially interfere with goals 1, 2 and 12.

11. All the rural zoning throughout SJC involve densities that often constitute urban growth, do not constitute rural growth and are inconsistent with CP criteria. For those reasons all rural zoning classifications fail to comply with the Act.

12. OM densities that allow less than 5-acre minimum lot size in any rural classifications substantially interfere with goals 1, 2, 8, 9, 10, 12 and 14 (RCW 90.58.020).

13. The allowable densities in resource lands do not assure conservation of resource lands, do not assure that adjacent uses will not interfere with customary resource land uses and do not discourage incompatible uses as required by the GMA.

14. The densities allowed within resource lands are inconsistent with the CP criteria and with GMA standards and therefore fail to comply with the Act.

15. Resource land allowable densities of less than 10-acre minimums in agricultural resource classifications or 20-acre minimum densities in forest resource land classifications substantially interfere with goal 8 of the Act.

16. Allowable densities of less than 5 acres adjoining resource land designations fail to comply with the GMA and substantially interfere with goal 8 of the Act.

17. The County has not engaged in an analysis of how the villages, hamlets and activity center designations comply with the recent amendments to RCW 36.70A.070(5)(d). The classifications were assigned simply as an inventory of existing conditions. Failure to conduct the appropriate analysis renders the classifications out of compliance with the GMA.

18. The County has failed to analyze the impacts of allowance of attached or detached guesthouses for each SFR and therefore has failed to comply with the Act. An appropriate analysis to be included in the density review analysis with particular emphasis on the impacts to shorelines, resource lands and critical areas. The allowance of short-term rentals of guesthouses without appropriate analysis under RCW 36.70A.070(5)(d)(iv) does not comply with the GMA.

19. Petitioners have failed to overcome the presumption of validity and sustain their burden of proof regarding the new definition of family contained in the CP and UDC.

20. The CP policies for affordable housing do not satisfy GMA requirements. There is no implementation of CP 5.2.A(5) for San Juan Island. There is no implementation of CP 5.2.B.

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CONCLUSIONS OF LAW REGARDING INVALIDITY

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1. The density allowances in the three areas surrounding the Friday Harbor UGA substantially interfere with goals 1, 2 and 12 of the Act .

2. The rural classification density allowances throughout the County that involve minimum lot size less than 5 acres substantially interfere with goals 1, 2, 8, 9, 10, 12 and 14 of the Act.

3. Minimum lot size allowances in the agricultural zone of less than 10 acres and in the forest resource zone of less than 20 acres substantially interferes with goal 8 of the Act.

4. Density allowances of less than 5 acres adjoining resource land designations substantially interfere with goal 8 of the Act.