



SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
(360) 378-2354 | (360) 378-2116 | FAX (360) 378-3922
cdp@sanjuanco.com | www.sanjuanco.com

MEMO

REPORT DATE: May 6, 2021

TO: San Juan County Council
San Juan County Planning Commission

FROM: Sophia Cassam, Planner I *sc*

SUBJECT: 2021 Annual Docket: Initial briefings and staff recommendations
Proposed Text Amendments to the SJC Comprehensive Plan and
Development Regulations

BRIEFINGS: County Council: May 25, 2021
Planning Commission: May 21, 2021

ATTACHMENTS: A. Table summarizing Annual Docket requests and staff recommendations
B. Annual Docket requests and review forms
 B.1 Request 21-0001: Thomas Bennett
 B.2 Request 21-0002: Orcas Tennis Club
 B.3 Request 21-0003: Joe Symons
 B.4 Request 21-0004: Department of Community Development
 B.5 Request 21-0005: Miles Becker
 B.6 Request 21-0006: Eastsound Planning and Review Committee
 B.7 Request 21-0007: Rachelle Ericsson
 B.8 Request 21-0008: Alexandra Gayek
C. Email list of applicants requesting amendments
D. RCW 36.70A.470(2) and SJCC 18.90.020 Legislative procedures.
E. Comprehensive Plan and Code Amendment Process
F. Public Comments Received to Date

PURPOSE: To brief the County Council and Planning Commission on the 2021 Annual Docket (Docket) applications and staff recommendations prior to the Planning Commission public hearing planned for June 18, 2021. DCD will answer questions about the Docket applications at the briefing. DCD is not requesting feedback or recommendations from the County Council or Planning Commission at this time.

PUBLIC COMMENTS: Please send all public comments to sophiac@sanjuanco.com. Please do not copy the County Council, Planning Commission members, or other County Staff. Written public comments received by June 17th will be provided to the Planning Commission before their public hearing on the 18th. Comments should refer to the 2021 docket requests.

BACKGROUND: The Growth Management Act (RCW 36.70A.470(2)) and San Juan County Code (SJCC) 18.90.020 allow any interested party to propose amendments to the San Juan County Comprehensive Plan (*Plan*), Official Maps, and SJCC Title 18 Unified Development Code (UDC) in (Attachment D). The community proposes amendments through the Annual Docket process. The County Council considers the proposals and decides whether to add them to future Department of Community Development (DCD) work programs.

The RCW 36.70A.130(2) allows the County to make amendments to the *Plan* text and official maps once per year except as provided in RCW 36.70A.130 and the *Plan*. Amendments to the UDC may be adopted at any time; however, County Council has postponed most code amendments until the *Plan* update is completed. The *Plan* and code amendment process is explained step-by-step in Attachment E.

PROCESS OVERVIEW: SJCC 18.90.020 Legislative procedures requires that DCD evaluate docket requests and forward a recommendation on them to the Planning Commission and County Council for consideration (Attachment D).

SJCC 18.90.020(C) requires that the Planning Commission hold a public hearing on the Docket. After the public hearing, Planning Commission will deliberate and recommend to the County Council which Docket items should be added to DCD's annual work program.

The County Council will hold public hearing, considering the staff and Planning Commission recommendations and public testimony. They will take action on the 2021 Docket via resolution. Then, the DCD will update upcoming work plans to include the projects the Council has added through the Docket.

The decision being made at the public hearings is not whether to adopt the requested changes, but whether to add the requested changes as projects on the DCD work plan. The merits of the proposed code changes do not need to be discussed line-by-line during the Docket process. For example, in request 21-0006 the applicants propose a multitude of changes to the development code for Eastsound. The decision that needs to be made is whether DCD should work on project amending the development code for Eastsound. The County Council is not deciding whether to adopt the changes proposed in 21-0006 at this time. If added to the DCD work plan, all *Plan*, official map, and code changes will undergo a public process in the future during which staff, the Planning Commission, the public, and County Council will closely assess the changes. During the Docket process, the County Council is deciding which projects are a priority for DCD to work on.

2021 DOCKET APPLICATIONS: Attachment A summarizes the eight 2021 Docket applications and provides a staff recommendation for each. Attachment B includes review forms and copies of each application.

EMAIL LIST: Attachment C provides a single email list of all applicants as required by SJCC 18.90.020 (E).

TENTATIVE SCHEDULE: The dates below may be subject to change depending on Planning Commission and County Council schedule and deliberations.

- **May 2021:** County Council initial briefing
- **May 2021:** Planning Commission initial briefing and setting a public hearing
- **June 2021:** Planning Commission public hearing, deliberations, and recommendations
- **July 2021:** County Council briefing on the Planning Commission's recommendation. Set public hearing.
- **Fall 2021:** County Council public hearing, deliberations, and adoption of a docket resolution
- **Fall 2021:** If necessary, finalize the 2021 Docket: update DCD's work programs

LOCAL CHOICE: None of the changes requested in the 2021 Annual Docket are required. Adding any of these requests to future DCD work plans would be a local choice. If the County Council chooses to pursue the docket requests proposed this year, the projects must be balanced with other projects already on the DCD work plan. Other projects already on the DCD work plan include *Plan* update implementation, code amendment projects the County Council has prioritized from previous Annual Dockets, and the shoreline permit cumulative effects analysis required by SJCC 18.50.020(E)(3)

STAFF ANALYSIS: The staff analysis of the 2021 Annual Docket requests are summarized below. See attachment B for full request forms and complete staff analysis.

B.1 Request 21-0001: Thomas Bennett

Request: Allow commercial composting by Provisional/Conditional use permit in the Agricultural Resource (AG) land use designation.

Recommendation: Address this request after the Comprehensive Plan update. Develop performance standards for commercial composting in AG. Staff recommends allowing Commercial Composting in AG resource land only if performance standards are established.

Analysis – For full staff analysis, see attachment B.1

- Commercial composting is currently only allowed in Rural General Use, Rural Industrial, Rural Commercial and Forest Resource land use designations by provisional/conditional use permit. It is prohibited in all other Rural, Resource, and Special land use designations.
- There are clear environmental and economic benefits to allowing commercial composting on AG Resource land. It is regenerative to the soils, prevents organic waste from being burned, and creates opportunities for farmers to supplement their incomes.
- This request is consistent with draft *Plan* policies about promoting practices that protect and enhance soil resources on agricultural land.
- Performance standards for commercial composting are needed so that the activity occurs in ways that achieve the community's desired outcomes. Without performance standards, commercial composting operations could occur in a manner incompatible with rural character and neighboring uses.
- The community has showed ongoing interest in allowing more options for commercial composting.
- To adopt the requested change and necessary performance standards, the County will need to go through the code amendment process, which would include significant public outreach (Attachment D). The proposed changes for commercial composting could fit with the *Plan* implementation phase after the *Plan* update.

B.2 Request 21-0002: Orcas Tennis Club

Request: Allow Indoor Recreation Facilities in the Rural Farm Forest (RFF) land use designation.

Recommendation: If the County Council wishes to pursue this request, this project could be added to a future DCD work program after the Comprehensive Plan update and other higher-priority projects.

Analysis – For full staff analysis, see attachment B.2

- Indoor recreation facilities are prohibited in RFF by SJCC 18.30.040. Orcas Tennis Club is proposing this change because they want to build indoor tennis courts on their property, which is in RFF.
- The Comprehensive Plan supports recreational development, noting the importance of ensuring compatibility with surrounding uses.
- Performance standards would need to be created to set parameters for indoor recreation facilities or indoor tennis facilities.
- A similar amendment was made in 2009 when a non-profit on Lopez Island advocated for indoor swimming pools to be allowed in some rural land use designations.
- Two options for proceeding with this request are:
 - Option 1: Allow indoor recreation facilities in RFF by conditional use permit. This would allow any type of indoor recreation facility in RFF.
 - Option 2: Add “Indoor Tennis Facilities” as a new use in the land use table under Recreational Uses and allow them in RFF by conditional use permit.
- This is a lower priority request that could be done after the *Plan* update and other higher priority code amendment projects.
- To adopt the requested change and necessary performance standards, the County will need to go through the code amendment process (Attachment D).

B.3 Request 21-0003: Joe Symons

Request: Add an executive summary and ‘build-out analysis’ to the Introduction of the Comprehensive Plan.

Recommendation: Not recommended. Previously resolved by the 2018 and 2019 dockets. The Comprehensive Plan update fulfils many aspects of the request.

Analysis – For full staff analysis, see attachment B.3

- The applicant is concerned about the impacts of development on the quality of life in the County and is asking the County to determine the impacts that would be caused if the islands were developed to the maximum allowed by the official land use maps.
- The applicant submitted similar requests that were resolved during the 2018 and 2019 annual docket processes.
- Most issues raised in the request are being addressed in the *Plan* update. For example, the Land Capacity Analysis explores the islands’ development capacities, the Housing Needs Assessment determines the housing needs for the projected population, and the Level of Service analyses for capital facilities and transportation address the implications of increased service demand.
- A table in the staff analysis in Attachment B.3 shows how the *Plan* update is fulfilling major

components of the request.

- This request is not required and would be a resource-intensive, large scale project that is not part of the adopted scope of work of the Plan update.

B.4 Request 21-0004: Department of Community Development

Request: Amend Chapter 15.12 SJCC Flood Hazard Control Regulations to allow agricultural and accessory structures located in the Special Flood Hazard Areas (SFHA) to be wet floodproofed in lieu of the elevation or dry floodproofing requirement without a variance.

Recommendation: Do not add a project amending the flood hazard control regulations to the DCD work program.

Analysis – For full staff analysis, see attachment B.4

- The purpose of this docket request is to bring to the County Council’s, Planning Commission’s, and public’s attention that San Juan County has the option to adopt this new policy from FEMA.
- Property owners currently can use wet floodproofing if they get a variance.
- Implementing the new FEMA policy would allow property owners to wet floodproof agricultural and accessory structures without a variance, increasing flexibility for floodproofing.
- To adopt this policy in the development code, the County would need to go through the code amendment process (Attachment D).
- Staff does not recommend adding this request to the DCD work plan because this policy change is not required, there is already a pathway for property owners to use wet floodproofing, and there has not been demand for wet floodproofing options.

B.5 Request 21-0005: Miles Becker

Request 1: Consolidate tree regulations in the development code into one new section specifically for trees.

Recommendation: Improve the clarity and organization of tree regulations during the next Critical Areas and SMP updates. Staff does not recommend consolidating the tree regulations into one code section.

Analysis – For full staff analysis, see attachment B.5

- The regulations for trees in the development code are located in three different chapters of the San Juan County Code that apply to trees in the following specific circumstances: trees in critical area buffers (Chapter 18.35 SJCC), forest practices (Chapter 18.40 SJCC), and trees in the shoreline jurisdiction (Chapter 18.50 SJCC).
- The applicant suggests consolidating the tree regulations to improve the clarity of the code.

- All the regulations that apply to critical areas and shorelines should remain in the code section with other critical area and shoreline regulations.
- DCD has heard from the public that the tree regulations in the development code are challenging to understand. Staff finds aspects of the tree regulations difficult to implement.
- The tree regulations in the development code need to be clarified and reorganized so tree-related regulations are clear.
- Rather than consolidating the tree regulations, they can be clarified in their existing code sections during the next Critical Areas and SMP updates.

Request 2: Add general tree retention and protection standards in a new code section.

Recommendation: If the County Council wishes to pursue this request, add a project to develop a new code section for tree retention and protection to the DCD work plan, after the Comprehensive Plan update and other higher priority projects are complete.

Analysis – For full staff analysis, see attachment B.5

- There are no general management or protection standards for trees that are not in a critical area buffer or shoreline jurisdiction or that are not being harvested.
- Trees everywhere in the County provide ecosystem services and are vital to the ecology of the Islands.
- Tree protection is supported in the Comprehensive Plan.
- A new code section with a combination of tree retention and protection regulations and recommendations for trees anywhere in the County could be created.
- To adopt a new code section for trees, County would need to go through the code amendment process in SJCC 18.90.020 Legislative procedures (Attachment D).

B.6 Request 21-0006: Eastsound Planning and Review Committee

Request: Make various changes to the development standards for Eastsound in SJCC Chapter 18.30 Article VIII.

Recommendation: If the County Council wishes to pursue this request, add a substantial review of the development regulations for Eastsound, including the changes brought forward by the EPRC in their application, to the DCD work plan.

Analysis – For full staff analysis, see attachment B.6

- The request includes changes to topics such as design standards, landscaping and screening, vacation rentals, parking, signage, and street development standards in addition to various

proposed changes to the allowed uses in the land use tables.

- The proposed changes are not required but are changes EPRC has identified as improvements for the development code for Eastsound.
- A comprehensive review of the development regulations for Eastsound, including the changes brought forward by this application, could be conducted after the *Plan* update.
- This project will require significant public outreach and engagement due to the extensiveness of the proposed changes.

B.7 Request 21-0007: Rachelle Ericsson

Request: Change SJCC 18.40.220 to allow restaurants as a permitted use for drive-through windows.

Recommendation: If the County Council would like to add this project to the DCD work plan, staff recommends adding it as a lower priority item to be completed after the Comprehensive Plan update is adopted and implemented and after higher-priority projects are finished.

Analysis – For full staff analysis, see attachment B.7

- Currently, banking, postal service, and ferry ticketing are the only uses allowed to have drive-through windows in San Juan County.
- The applicant suggests drive-through windows as a needed public safety measure during and after the COVID pandemic.
- The change would apply to any place eating establishments are allowed.
- Making the change would require the County to go through the code amendment process established in SJCC 18.90.020 Legislative procedures (Attachment D).
- Staff finds that this request could be a lower priority project. This is the first request DCD has received for a code change to allow eating establishments to have drive-through windows. Also, there could be conflicts with Comprehensive Plan policies regarding rural character due to the requirement for 120 feet of car queuing space.

B.8 Request 21-0008: Alexandra Gayek

Request: Make various changes and additions to SJCC Chapter 18.60 Development Standards related to stormwater to address drinking water needs and stormwater problems and to improve ecosystem sustainability.

Recommendation: Add a stormwater regulation update project to the DCD work plan in 2022-2023.

Analysis – For full staff analysis, see attachment B.7

- DCD and Public Works have identified the need for a stormwater code update project within the

next 2-3 years to incorporate climate change into the stormwater development regulations and to make them more locally specific.

- A stormwater code update should focus on climate change, aquifer recharge, water quality, and stormwater management strategies customized for the San Juan County context. The requests and concerns brought forth in this docket application should be considered during the update.
- After the *Plan* update, this could be a higher priority project because it will improve the County’s climate change resilience and help meet natural resource and environmental objectives countywide.
- This update project would involve a research phase, the code amendment process in SJCC 18.90.020 Legislative procedures (Attachment D), and an implementation phase.

IMPLEMENTATION

Docket requests that the County Council chooses to pursue must be balanced on the DCD work plan with past docket requests and other projects. Many docket requests that the Council added to the DCD work plan in the past five years were able to be incorporated into the *Plan* update process. After the *Plan* update, most changes will be standalone code amendment projects, which typically take 6-18 months to complete. New requests are submitted every year and can quickly accumulate. Table 1 shows the timeline staff expects DCD could begin the proposed docket requests if they were added to the DCD work plan. The table also includes two projects proposed in past docket processes that the County Council directed DCD to add to its work plan.

Table 1. Projected Docket Project Implementation Timeline.

Docket #	Request	Applicant	Year (Quarter)
18-0005, 20-0006	Coastal Cutthroat Trout	Jenny DeGroot	2022 (Q3)
19-0003	Habitat Buffer	Fred Klein	2022 (Q3)
21-0008	Stormwater	Alexandra Gayek	2023 - 2024
21-0001	Composting	Thomas Bennett	2023 - 2024
21-0006	Eastsound Subarea Plan	EPRC	2024-2025
21-0005	Trees Part 2	Miles Becker	2024
21-0002	Indoor Tennis	Orcas Tennis Club	2025
21-0007	Drive-throughs	Rachelle Ericsson	2025
21-0005	Trees Part 1	Miles Becker	With next Critical Areas Ordinance and SMP updates.

ATTACHMENT A. 2021 Annual Docket Summary Table

Request #	Keyword	Proponent	Summary of Request	Type of Amendment	SJCC/Comp Plan Sections	Request Documents	Staff Recommendation	Category
21-0001	Commercial Composting	Thomas Bennett	Allow commercial composting by Provisional/Conditional use permit in the Agricultural (AG) Resource land use designation. Commercial composting is currently prohibited on AG Resource land. Allowing commercial composting will increase the diversity and productivity of farm businesses.	UDC	Table 18.30.040	https://www.sanjuanco.com/DocumentCenter/View/22052/	Address this request after the Comprehensive Plan update. Develop performance standards for commercial composting in AG Resource land. Staff recommends allowing Commercial Composting in AG resource land <i>only</i> if performance standards are established.	B
21-0002	Indoor Recreational Facilities	Orcas Tennis Club	In Rural Farm Forest (RFF), change Indoor Recreation Facilities from a No to a Yes (or Provisional or Conditional Use). Orcas Tennis Club is proposing this change so that they can build covered tennis courts. Allowing indoor recreation activities would help improve Islanders' health and wellbeing.	UDC	Table 18.30.040	https://www.sanjuanco.com/DocumentCenter/View/22244/	Do not allow <u>all</u> indoor recreation facilities in RFF. If the County Council wishes to pursue this request, this project could be added to a future DCD work program after the Comprehensive Plan update and other higher-priority projects. Possible options: <ul style="list-style-type: none"> Add indoor tennis facilities as a land use under Recreational Uses in Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations and allow in RFF by conditional use permit. Or, Allow indoor recreation facilities in RFF by conditional use permit with performance standards 	E
21-0003	Build-out Analysis	Joe Symons	Add an executive summary and 'build-out analysis' to the Introduction of the Comprehensive Plan.	CP	Section A, Introduction	https://www.sanjuanco.com/DocumentCenter/View/22257/	Not recommended. Previously resolved by the 2018 and 2019 dockets. The Comprehensive Plan update fulfils many aspects of the request.	F
21-0004	Floodproofing	SJC DCD	Amend Chapter 15.12 San Juan County Code (SJCC) Flood Hazard Control Regulations to allow agricultural and accessory structures located in the Special Flood Hazard Areas (SFHA) to be wet floodproofed in lieu of the elevation or dry floodproofing requirement without a variance. This change would allow property owners, including farmers, more flexibility for floodproofing agricultural and accessory structures in the floodplain.	UDC	SJCC 15.12 Flood Hazard Control Regulations	https://www.sanjuanco.com/DocumentCenter/View/22316/	Not recommended at this time. As-is, property owners can use wet floodproofing if they get a variance. Requests for wet floodproofing of agricultural and accessory structures rarely occur.	F
21-0005	Tree Retention and Protection	Miles Becker	Add a new section to the development standards for Tree Retention and Protection. The purpose of the new section is to: (1) clarify the tree regulations by consolidating the regulations into one section and (2) to add new protection standards for trees, especially during development activities.	UDC	18.35 – Critical Areas, 18.40 – Forest Practices, 18.50 – Shoreline Master Program	https://www.sanjuanco.com/DocumentCenter/View/22318/	Part 1: Do not consolidate tree regulations. Tree standards are necessary in the Critical Areas code, Shoreline Master Program, and Forest Practices code. Clarify existing standards during the next critical areas and SMP updates. Part 2: If directed by Council, undertake a public process to develop a new section for improved tree protection standards (or protection incentives) outside of critical areas and the shoreline jurisdiction.	Part 1: D Part 2: E
21-0006	Eastsound Subarea Plan	Eastsound Planning and Review Committee (EPRC)	Various proposed changes to SJCC Chapter 18.30 Article VIII Eastsound Subarea Plan. Topics include design standards, landscaping and screening, Vacation Rentals, parking, signage, and street development standards in addition to various proposed changes to the allowed uses in the land use tables.	UDC	SJCC 18.30 Article VII. Eastsound Subarea Plan	https://www.sanjuanco.com/DocumentCenter/View/22320/	If the County Council wishes to pursue this request, add a substantial review of the development regulations for Eastsound, including the changes brought forward by the EPRC in their application, to the DCD work plan. The review project could take place after Comprehensive Plan update and other higher priority projects, in 2023-2024. Staff recommends considering the request to prohibit vacation rentals in ADUs in the Village Commercial land use designation during the Comprehensive Plan update.	E VR issue: C
21-0007	Drive-through eating establishments	Rachelle Ericsson	Change SJCC 18.40.220 to allow restaurants as a permitted use for drive-through windows. This is a needed public safety measure for during and after the COVID pandemic. Allowing drive-through restaurants promotes public health by enabling an option for safe take-out drive-through services.	UDC	SJCC 18.40.220	https://www.sanjuanco.com/DocumentCenter/View/22322/	If the County Council would like to add this project to the DCD work plan, staff recommends adding it as a lower priority item to be completed after the Comprehensive Plan update is adopted and implemented and after higher-priority projects are finished.	E
21-0008	Stormwater	Alexandra Gayek	Various changes and additions to SJCC Chapter 18.60 Development Standards related to stormwater: 18.60.060 Clearing and Grading Standards, 18.60.070 Storm Drainage Standards, and 18.60.050 Density, Dimension, and Open Space Requirements. Changes are proposed to address drinking water needs and stormwater problems and improve ecosystem sustainability. A related change to <i>Plan</i> Element 4, Water Resources of the Comprehensive Plan is proposed as well.	UDC	18.60.060 Clearing and Grading Standards, 18.60.070 Storm Drainage Standards, and 18.60.050 Density, Dimension, and Open Space Requirements	https://www.sanjuanco.com/DocumentCenter/View/22329/	Add a stormwater regulation update project to the DCD and Public Works work plans in 2022-2023. The update should focus on climate change, aquifer recharge, water quality, and stormwater management strategies customized for the San Juan County context. The requests and concerns brought forth in this docket application should be considered during the update. Consider the change to <i>Plan</i> Element 4, Water Resources during the <i>Plan</i> update.	C B

Categories
Category A – Required by law for GMA Compliance or otherwise
Category B – Items needed to achieve important public policy objectives of a countywide nature
Category C – Items that can be considered as part of a larger Comprehensive Plan Update or subarea planning process
Category D – Items needed to provide clarity and certainty to the Unified Development Code or Comprehensive Plan by removing inconsistencies and/or ambiguities
Category E – Lower priority items to be considered on a future year work program
Category F – Obsolete, previously resolved or not recommended for further consideration



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FILE NUMBER 21-0001
SAN JUAN COUNTY DOCKET INITIAL REVIEW

Applicant:	Thomas Bennett	File No.:	21-0001
Description of Proposal: Allow commercial composting by Provisional/Conditional use permit in the Agricultural Resource land use designation. Commercial composting is currently prohibited on AG Resource land. The applicant is proposing this change for its economic and ecosystem benefits.			
<input type="checkbox"/>	Comprehensive Plan Text Amendment		
<input checked="" type="checkbox"/>	Development Regulation Amendment		

SEPA Required: YES

Public Outreach/Notification Requirements:

<input type="checkbox"/>	300 foot posted notification – for map amendments for five or fewer parcels
<input type="checkbox"/>	300 foot mailed notification and agency notification – this amendment will potentially affect adjacent properties within 300 feet of a proposal
<input type="checkbox"/>	Subarea or Overlay Wide Notification – this amendment will affect or potentially affect a neighborhood, subarea or multiple properties within an overlay or designation. Number of properties affected:
<input checked="" type="checkbox"/>	Countywide Notification – this amendment will apply countywide or affect many properties throughout the County

Recommended Additional Public Outreach:

<input checked="" type="checkbox"/>	Community Meeting(s)	<input type="checkbox"/>	Area-Wide Mailing	<input type="checkbox"/>	Countywide Mailing	<input checked="" type="checkbox"/>	Publication
<input checked="" type="checkbox"/>	Web –page	<input type="checkbox"/>	Press Release	<input checked="" type="checkbox"/>	Public Participation Plan	<input type="checkbox"/>	Other (reference below*)

****Depending on the scope of the proposed development regulation amendments, additional public notice may be necessary.***

Priority:

<input type="checkbox"/>	A- Required by law for GMA Compliance or otherwise
<input checked="" type="checkbox"/>	B- Items needed to achieve important public policy objectives of a countywide nature
<input type="checkbox"/>	C- <i>Items that can be considered as part of a larger CP update or subarea planning process</i>
<input type="checkbox"/>	D- Items needed to provide clarity and certainty to the UDC and CP by removing inconsistencies and ambiguities
<input type="checkbox"/>	E- Items of lesser priority to be considered on a future year work program
<input type="checkbox"/>	F - Obsolete, previously resolved or not recommended for further consideration
Scope of Work Necessary to Complete the Amendment:	
<p>This would require going through the code amendment process to adopt performance standards for Commercial Composting on Agricultural Resource land and to change SJCC 18.30.040 Land use table – Rural, resource, and special land use designations to allow it. The code amendment process typically takes 6-9 months and includes:</p> <ul style="list-style-type: none"> • Minimum 5 meetings: 2 with the Planning Commission and 3 with the County Council, including briefings and public hearings <ul style="list-style-type: none"> ○ Additional meetings with advisory committees such as the Agricultural Resources Committee will probably be necessary • Multiple staff reports • Development of performance standards for commercial composting on AG Resource land • Public Outreach/Participation (amount depends on scope of Council recommendation). 	
Changes to the following Comprehensive Plan Goals and Policies:	
<p>Include draft Land Use Element Section 2.4 Resource Lands Policy 5.a.7 about supporting innovative practices that protect soil on AG resource land. This change is already being incorporated into the draft Land Use and Rural Element during the <i>Plan</i> update.</p>	
Changes to the following sections of the Unified Development Code:	
<p>SJCC 18.30.040 Land use table – Rural, resource, and special land use designations. Chapter 18.40 SJCC – to adopt performance standards (not necessary but staff recommended)</p>	

Staff Analysis:

The applicant is requesting that commercial composting be an allowed use in the Agricultural (AG) Resource land use designation. Commercial composting is currently only allowed in Rural General Use, Rural Industrial, Rural Commercial and Forest Resource land use designations by provisional/conditional use permit. It is prohibited in all other Rural, Resource, and Special land use designations.

There are clear environmental and economic benefits to allowing commercial composting on AG resource land. Composting is regenerative to the islands' soils and allows a for a full circle in the life cycle of organic matter to occur in-place. Rather than importing compost, growing, and exporting or burning organic wastes, commercial composting allows landowners, including farmers, to use on-island compost to provide nutrients to their soils and to bring their organic waste to a composting facility to restart the cycle.

Currently, organic waste is often burned on-island or taken off-island to landfills, leading to greenhouse gas emissions. Allowing commercial composting on AG land creates a financial incentive for landowners to compost organic matter, leading to the environmental benefits mentioned previously. It also creates opportunities for farmers to supplement their farm incomes.

The County does not have specific performance standards for commercial composting. Under the current regulations commercial composting is subject to the general industrial development standards in SJCC 18.40.280. San Juan County would need performance standards for commercial composting with specific standards for commercial composting on Agricultural Resource lands. Commercial composting has the potential to bring many benefits to the Islands; however, without performance standards, commercial composting operations could occur in a manner and/or at a scale incompatible with rural character and neighboring uses. By going through the process of developing performance standards, the County and community would have the opportunity to set standards for this use so that the activity occurs in ways that achieve the community's desired outcomes. Without performance standards, commercial composting could occur in ways contrary to other policies in the *Plan*, particularly those regarding rural character.

In the current Comprehensive Plan (*Plan*) draft Element 2, Land Use there is a proposed policy supporting commercial composting on AG resource land. Draft Section 2.4 Resource Lands Policy 5.a.7 says,

“Support the use of innovative technologies, procedures and practices that protect existing land, soil and water resources on agricultural land.”

If the County plans to change the development code to allow commercial composting on AG resource land, this policy should be included in the *Plan* update because it creates a connection between the *Plan* and the development code change. Composting is a technology and practice that enhances soil quality. If the above policy is adopted in the *Plan* update, the code change allowing commercial composting on AG resource land will be supported by the *Plan*. Because of the environmental benefits and possible support for farmers, the proposed change can help achieve public policy aims in the *Plan*.

To adopt the requested change and necessary performance standards, the County will need to go through the code amendment process which typically takes 6-9 months due to the number of meetings required, public outreach, and time for staff to put together drafts and staff reports. There would need to be a minimum of 5 meetings total with the Planning Commission and County Council, including initial briefings and public hearings. Because of the public interest composting has already garnered, it would be wise to engage the public beyond public comment periods and hearings in the development of performance standards. Staff would work with County committees, including the Agricultural Resources Committee and the Solid Waste Advisory Committee, and could hold several virtual public workshops. Public feedback would strengthen the performance standards for commercial composting.

The DCD work program currently prioritizes completing the *Plan* update, which may be done in early 2022. After the update is adopted there will be a *Plan* implementation period of about a year. After the *Plan* implementation period could be a good time to begin working on the land use table change and drafting performance standards for this request because staff will be more available to perform necessary public outreach. The proposed changes for commercial composting would fit in the *Plan* implementation because policy changes during the *Plan* update identify supporting innovative technologies for AG land as a policy objective.

Recommendation: Add this request to the DCD workplan for after the *Plan* update in 2023 because of the public outreach that will be needed for developing performance standards. Staff recommends allowing commercial composting on AG resource land only if the County adopts performance standards. This code amendment project should be a priority B because it fulfills public policy objectives and addresses a desire the community has brought forward multiple times during the *Plan* update.



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DATE RECEIVED
 S.J.C. DEPARTMENT OF
 FEB 16 2021
 COMMUNITY DEVELOPMENT

Comprehensive Plan Text/SJC Code* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	<u>Thomas Bennett</u>	Name of Agent:	<u>NA</u>
Address	<u>845 Argyle Avenue</u>	Address	_____
City, State, Zip	<u>Friday Harbor, WA 98250</u>	City, State, Zip	_____
Phone	<u>(360) 317-5214</u>	Phone	_____
Email	<u>thomasebennett@gmail.com</u>	E-mail	_____

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.

Signature	<u>Thomas E. Bennett</u>	<u>2/10/2021</u>
	<i>Printed Name</i>	<i>Date</i>
Signature	_____	_____
	<i>Printed Name</i>	<i>Date</i>

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

1. Comprehensive Plan amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.
NA

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

Title 18 UDC Code, Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations

Land use table – Resource Lands use designation. To allow Commercial composting on Agricultural Resource Lands as a Provisional/ Conditional Uses (P/C).

Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands	
Industrial Uses	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Commercial composting	P/C	N	N	P/C	P/C	P/C	P/C	N	N

3. Why is the amendment being proposed?

2.2.B Economy: 3. Retain resource-based activities by: c. Allowing resource-based processing and commercial activities to locate on resource lands.

2.3.D Resource Lands a. Agricultural Resource Lands: (3) Allow cottage enterprises that do not interfere with agricultural use, and allow agriculture-related activities such as processing and limited retailing facilities for locally grown products on farm sites and within agricultural areas consistent with allowances in State law for accessory uses in agricultural resource lands.

QUALITATIVE ASSESSMENTS OF AGRICULTURAL LANDS IN SAN JUAN COUNTY

• Relax regulations on farm-related and accessory facilities (e.g. commercial kitchens, composting facilities) that are stricter than statewide standards.

Agricultural Resource land is well-suited to commercial composting and should be an allowable land use upon Provisional/Conditional Uses (P/C). Agricultural Resources lands that sell compost are allowable by State issued 'Notice of Intent to Operate Under Terms and Conditions for Solid Waste Permit Exemption', or Washington State issued Commercial Composting permit. Local land use should allow accessory facilities such as composting facilities that are State compliant.

Farm businesses should be diverse and productive both economically and as an ecosystem service. Soil is the foundation of agriculture. This relationship between our food source and soil illustrates the utilization of our island resources in productive ways. Farms can create jobs that allow sustainable local resources such as yard waste to be regenerated into soil to further the production of crops.

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

This proposal directly supports the GMA Planning goals identified by RCW 36.70A.011, 36.70A.020, 36.70A.030, 36.70A.070 (5), 36.70A.177, and 7.48.305.

RCW 36.70A.011: Findings-Rural Lands: to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development.

RCW 36.70A.020: Planning Goals: (5) Economic development - promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities. (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

RCW 36.70A.070(5): Findings-Rural lands, a county should foster land use patterns and develop a local vision of rural character that will: Help preserve rural-based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns.

RCW 36.70A.177: Agricultural lands—Innovative zoning techniques—Accessory uses, the innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. (2) (a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section; (3) (a) Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties, and shall comply with the requirements of this chapter; (b) Accessory uses may include: (i) Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities.

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

Yes, indicate UGA _____

No

6. Does this proposal increase population or employment capacity?

The proposal increases job capacity by creating quality jobs in rural areas. Innovative local businesses are important in creating a more robust local work force.



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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FILE NUMBER 21-0002
SAN JUAN COUNTY DOCKET INITIAL REVIEW

Applicant:	Orcas Island Tennis Club	File No.:	21-0002
Description of Proposal: In the Rural Farm Forest land use designation, change "Indoor Recreational Use" from a No to a Yes (or Provisional/Conditional Use). Orcas Tennis Club is proposing this change because they want to build indoor tennis courts.			
<input type="checkbox"/>	Comprehensive Plan Text Amendment		
<input checked="" type="checkbox"/>	Development Regulation Amendment		

SEPA Required: YES

Public Outreach/Notification Requirements:

<input type="checkbox"/>	300 foot posted notification – for map amendments for five or fewer parcels
<input type="checkbox"/>	300 foot mailed notification and agency notification – this amendment will potentially affect adjacent properties within 300 feet of a proposal
<input type="checkbox"/>	Subarea or Overlay Wide Notification – this amendment will affect or potentially affect a neighborhood, subarea or multiple properties within an overlay or designation. Number of properties affected:
<input checked="" type="checkbox"/>	Countywide Notification – this amendment will apply countywide or affect many properties throughout the County

Recommended Additional Public Outreach:

<input type="checkbox"/>	Community Meeting(s)	<input type="checkbox"/>	Area-Wide Mailing	<input type="checkbox"/>	Countywide Mailing	<input checked="" type="checkbox"/>	Publication
<input checked="" type="checkbox"/>	Webpage	<input type="checkbox"/>	Press Release	<input type="checkbox"/>	Public Participation Plan	<input type="checkbox"/>	Other (reference below*)

****Depending on the scope of the proposed development regulation amendments, additional public notice may be necessary.***

Priority:	
<input type="checkbox"/>	A- Required by law for GMA Compliance or otherwise
<input type="checkbox"/>	B- Items needed to achieve important public policy objectives of a countywide nature
<input type="checkbox"/>	<i>C- Items that can be considered as part of a larger CP update or subarea planning process</i>
<input type="checkbox"/>	D- Items needed to provide clarity and certainty to the UDC and CP by removing inconsistencies and ambiguities
<input checked="" type="checkbox"/>	E- Items of lesser priority to be considered on a future year work program
<input type="checkbox"/>	F - Obsolete, previously resolved or not recommended for further consideration
Scope of Work Necessary to Complete the Amendment:	
<p>This would require going through the code amendment process to allow indoor recreation facilities in SJCC 18.30.040 Land use table – Rural, resource, and special land use designations. Staff’s involvement in the code amendment process includes:</p> <ul style="list-style-type: none"> • 5 meetings: 2 with the Planning Commission and 3 with the County Council, including briefings and public hearings • Multiple staff reports • Development of performance standards for indoor recreation facilities (or indoor tennis facilities) in RFF • Public Participation (amount depends on scope of Council recommendation). 	
Changes to the following Comprehensive Plan Goals and Policies:	
N/A	
Changes to the following sections of the Unified Development Code:	
SJCC 18.30.040 Land use table – Rural, resource, and special land use designations.	

Staff Analysis:

Indoor recreation facilities can provide opportunities for county residents to recreate indoors year-round. Recreational activities promote physical and mental health and community wellbeing. Indoor recreation opportunities are especially impactful in the fall and winter when there is less daylight, cooler temperatures, and more precipitation. Indoor recreation facilities are allowed in the following land use designations:

- Village Commercial and Industrial
- Hamlet Commercial and Industrial
- Rural General Use
- Rural Commercial

Indoor recreation facilities are prohibited in RFF by SJCC 18.30.040. The applicant is requesting that indoor recreation facilities be allowed in Rural Farm Forest (RFF). RFF is the most common land use

designation in the county. If indoor recreation facilities were allowed in RFF, they would be allowed in most places in the county. Indoor recreation facilities are defined in SJCC 18.20.090 "I" definitions as:

"Indoor recreational facilities" means places designed and equipped for the conduct of sports and leisure-time activities, including but not limited to physical fitness clubs, bowling alleys, and handball courts

The Comprehensive Plan goal for recreation is to provide for recreational opportunities to meet the needs and interests of County residents while ensuring that recreational uses are compatible with the natural limitations of each specific site and surrounding uses. Comprehensive Plan Section B, Element 2, Policy 2.2.E.3 is to allow commercial recreational developments, consistent with the above goal, which will serve to complement public recreational facilities. The Comprehensive Plan supports recreational developments, noting the importance of ensuring compatibility with surrounding uses.

The above goal and policy were used to support a change in the Allowable and Prohibited Uses in Rural, Resource, & Special Land Use Districts table that added Indoor swimming pools as an allowable use in RFF in 2009 when a community service organization on Lopez Island raised this as a desired land use (see Ordinance 44-2009). Indoor tennis facilities could be allowed in RFF in a similar way.

One way to ensure compatibility with rural character and surrounding uses in RFF is to establish performance standards. Comprehensive Plan Section B, Element 2, Policy 2.2.E.6 is to establish performance standards for public and private recreational developments to minimize adverse impacts on adjacent properties and the natural environment. There are performance standards for Recreational developments in San Juan County Code (SJCC) 18.40.330, which include specific standards for commercial recreational developments. Standards for indoor recreational developments could be added.

If the County Council adds this code amendment project to the DCD work program, two options for proceeding are:

Option 1: Allow indoor recreation facilities in RFF by conditional use permit. This would allow any type of indoor recreation facility in RFF. If this option is chosen, staff recommends creating performance standards for indoor recreation facilities or including a footnote for indoor recreational facilities in RFF that limits the scale of developments and promotes compatibility with rural character and surrounding uses.

Option 2: Add "Indoor Tennis Facilities" as a new use in the land use table under Recreational Uses and allow them in RFF by conditional use permit. Establish performance standards for indoor tennis facilities to promote compatibility with rural character and surrounding uses.

Staff Recommendation: If the County Council wishes to pursue this request, this project could be added to a future DCD work program after the Comprehensive Plan update and other higher-priority projects.



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

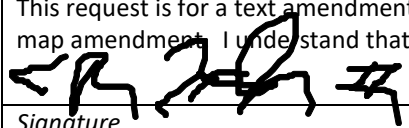
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DATE RECEIVED
 SJC DEPARTMENT OF
 COMMUNITY
 DEVELOPMENT
 RECEIVED: 02/23/2021

Comprehensive Plan Text/SJC Code* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	Orcas Tennis Club Association	Name of Agent:	Rick Hughes
Address	PO Box 267	Address	1573 Orcas oad
City, State, Zip	Orcas, WA, 98280	City, State, Zip	Eastsound, WA, 98245
Phone	360-472-0253	Phone	360-472-0253
Email	orcasc@gmail.com	E-mail	Starwave96@hotmail.com

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.		
	Charles Richard Hughes II	02/23/2021
Signature	Printed Name	Date
Signature	Printed Name	Date

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

1. Comprehensive Plan amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.

The Orcas Tennis Club would like to build a covered tennis court in a barn like structure that would allow for year round use of the club by the 41 membership units and guests. Curently, rural farm forest designation (RFF) allows outdoor recreational activities, but does not allow indoor recreational activities/facilities. OTC requests that the land use be changed to either Yes or provisional use or conditional. OTC preference would be yes, but any change would be appreciated.

In SJCC UDC Land Use Table 18.30.040, recreational use table, Change Indoor Recreational Use from a No to a Yes (or Provisional or Conditional Use) just like was modified for indoor swimming pools for the Lopez Pool.



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

The Orcas Tennis Club would like to build a covered tennis court in a barn like structure that would allow for year round use of the club by the 41 membership units and guests. Curently, rural farm forest designation (RFF) allows outdoor recreational activities, but does not allow indoor recreational activities/facilities. OTC requests that the land use be changed to either Yes or provisional use or conditional. OTC preference would be yes, but any change would be appreciated.

In SJCC UDC Land Use Table 18.30.040, recreational use table, Change Indoor Recreational Use from a No to a Yes (or Provisional or Conditional Use) just like was modified for indoor swimming pools for the Lopez Pool.

3. Why is the amendment being proposed?

This change would allow this specific club and other public and private organizations to be able to build structures for athletic activity year round. This would help improve the health and well-being of the club members and guests at this specific location and allow other groups to consider construction of indoor recreational facilities, like swimming pools, basketball gyms and tennis courts.

The Orcas Tennis Club request is simple, there is a desire to use the parcel year round as a place to play tennis and that is restricted by weather conditions. This is a private club, so there will not be more than the 41 memberships and a few guests. Monthly numbers will be down versus summer use, because less people are on the island to use the facility and the new court would be used mostly in the winter only. Monthly traffic levels will not be increased more than summer months and it may spread out use across the entire year.

There is very limited parcels outside the UGA's/Village/Hamlet areas that allow for indoor recreational facilities. Not sure why an indoor pool is a conditional use in RFF and an indoor tennis court is not allowed. If memory serves, the allowance of a conditional use was changed for the Lopez pool, just recently.

The Orcas Tennis Club Association has been an active recreational facility for over 40 years and this simple request would be a positive impact for the club and for Tennis and pickle ball on Orcas Island as there are not any covered tennis courts on the island.

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

This is not a huge change to the existing land use. All that is being asked is that the OTC be allowed to build a covered court. The club is currently allowed to have lighted courts, but doesn't have them, by covering a court, limited light will be seen by neighbors, which there are not many of, The club is nestled in a pocket of trees and hay fields.

RCW 36.70A

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

This request will fulfill RCW 36.70A by enhancing recreational opportunities.

The desired parcel change and construction will be done on already cleared land, it will not bring additional unique people to the facility and it will allow for year round recreation.

There will be no critical area impact and no shoreline impact.

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

- Yes, indicate UGA _____
 No

6. Does this proposal increase population or employment capacity?

NO on population, yes on employment capacity.



262214004000

Club Ln

000

170

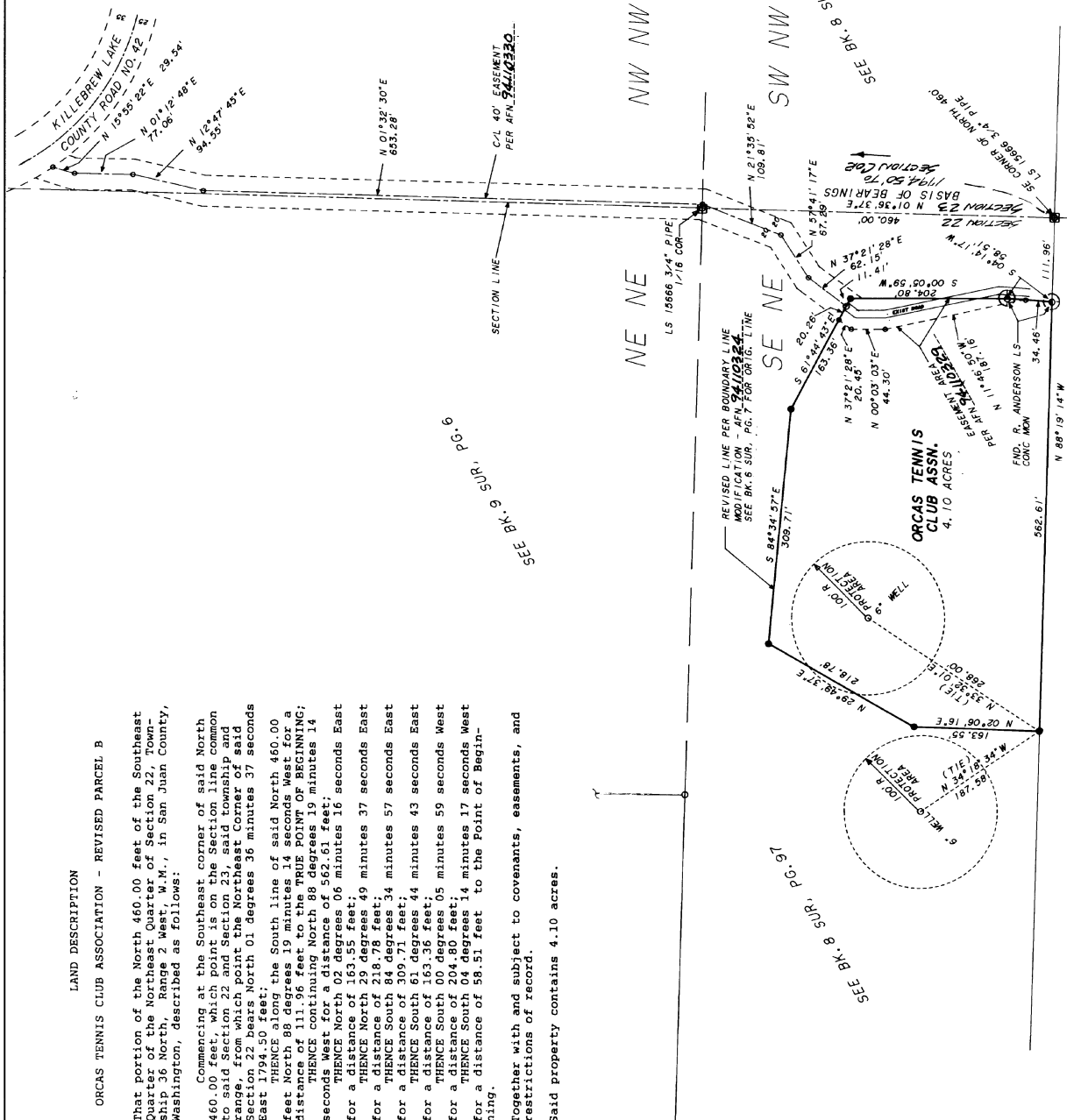
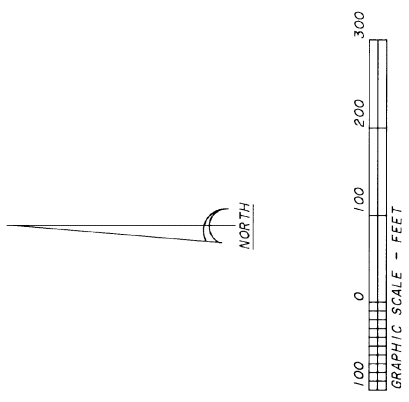


LAND DESCRIPTION
 ORCAS TENNIS CLUB ASSOCIATION - REVISED PARCEL B

That portion of the North 460.00 feet of the Southeast Quarter of the Northeast Quarter of Section 22, Township 36 North, Range 2 West, W.M., in San Juan County, Washington, described as follows:

Commencing at the Southeast corner of said North 460.00 feet, which point is on the Section line common to said Section 22 and Section 23, said township and range, from which point the Northeast Corner of said Section 22 bears North 01 degrees 36 minutes 37 seconds East 1794.50 feet;
 THENCE along the South line of said North 460.00 feet North 89 degrees 50 minutes 54 seconds West 9.4 feet to a distance of 111.96 feet to the POINT OF BEGINNING;
 THENCE continuing North 88 degrees 19 minutes 14 seconds West for a distance of 562.61 feet;
 THENCE North 02 degrees 06 minutes 16 seconds East for a distance of 163.55 feet;
 THENCE North 29 degrees 49 minutes 37 seconds East for a distance of 218.78 feet;
 THENCE South 84 degrees 34 minutes 57 seconds East for a distance of 309.71 feet;
 THENCE South 63 degrees 44 minutes 43 seconds East for a distance of 163.55 feet;
 THENCE South 00 degrees 05 minutes 59 seconds West for a distance of 204.80 feet;
 THENCE South 04 degrees 14 minutes 17 seconds West for a distance of 58.51 feet to the Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.
 Said property contains 4.10 acres.



- LEGEND
- CONC MONUMENT AS NOTED
 - SET 5/8" REBAR, CAP
 - FOUND POINT AS NOTED
 - SET WHITE STAKE



SURVEYORS CERTIFICATE
 THIS MAP CORRECTLY REPRESENTS A SURVEY DONE BY ME OR UNDER MY DIRECTION BASED ON A CLOSED FIELD TRAVERSE USING A 5 SECOND ELECTRONIC TOTAL STATION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF Jeffrey A. Iverson IN 1995.

Jeffrey A. Iverson
 SURVEYOR

AUDITORS CERTIFICATE
 FILED FOR RECORD THIS 4TH DAY OF APRIL, 1995 AT 3:18 PM IN BOOK 12 OF SURVEYS, PAGE 182 AT THE REQUEST OF JEFFREY A. IVERSON.

95040424
 FILE NUMBER

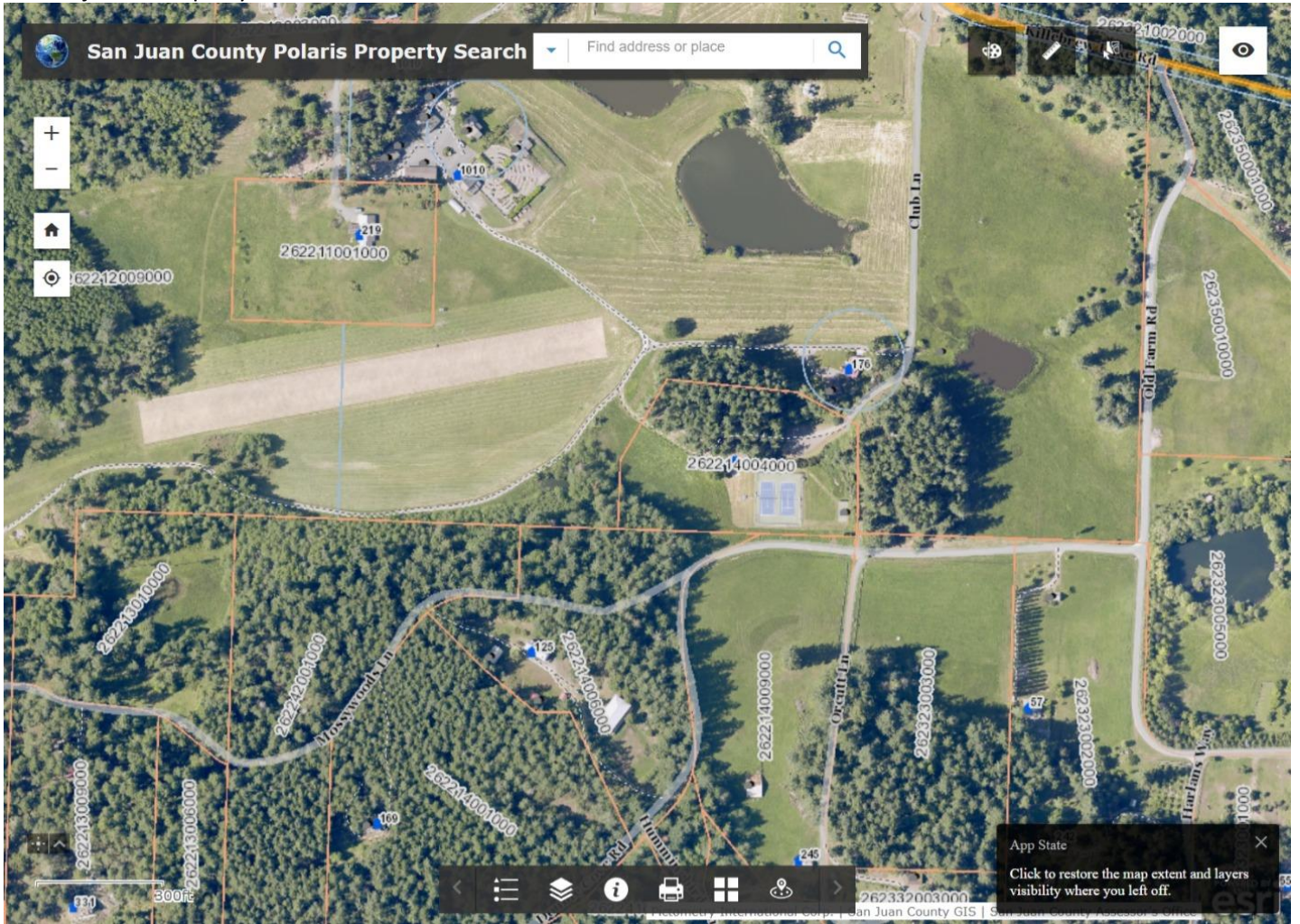
Jeffrey A. Iverson
 COUNTY AUDITOR

RECORD OF SURVEY	
FOR	
ORCAS TENNIS CLUB ASSN.	
PTN. OF SE-NE SEC. 22 T. 36 N., R. 2 W., W.M.	
JEFFREY A. IVERSON Registered Land Surveyor PS Post Office Box 842 Friday Harbor, Wa. 98250 (206) 378-4981	FB O-123 DR BY JAI REV:
SEPT. 94	SHT 1 OF 1

Parcels within 300 feet of Orcas Tennis Club Association

<u>Number</u>	<u>Parcel</u>	<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Physical Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
1	262212009000	Bay Head Point Home Owners Association	PO Box 110997	Tacoma	WA	98411-0997	1010 Killebaw Lake Road	Orcas	WA	98280
2	262350010000	Randi's Farm Home Owners Association	PO Box 395	Orcas	WA	98280	PO Box 395	Orcas	WA	98280
3	262323003000	James H Zukin TTEE & Helen Zukin TTEE & Their Successors TTEES	800 Torcate Way	Los Angeles	CA	90077-3216	245 Double Cove Road	Orcas	WA	98280
4	262214009000	James H Zukin TTEE & Helen Zukin TTEE & Their Successors TTEES	800 Torcate Way	Los Angeles	CA	90077-3216	245 Double Cove Road	Orcas	WA	98280
5	262214006000	Don F & Debrra J Bashear	PO Box 25	Orcas	WA	98280	125 Mossy Wood Lane	Orcas	WA	98280

OTC Adjacent Property Owners





SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
 (360) 378-2354 | (360) 378-2116
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FILE NUMBER 21-0003
SAN JUAN COUNTY DOCKET INITIAL REVIEW

Applicant:	Joe Symons	File No.:	21-0003
Description of Proposal:			
Add an executive summary in the Comprehensive Plan Introduction explaining how the goals, policies and UDC regulations relate to the Vision Statement.			
Perform a "Build-out-analysis" exploring the impacts that could occur if all development capacity allowed by the current Official Maps were developed. Assess the islands' carrying capacity.			
Change the process for Comprehensive Plan and Development code amendments in SJCC 18.90.020 Legislative procedures.			
<input checked="" type="checkbox"/>	Comprehensive Plan Text Amendment		
<input checked="" type="checkbox"/>	Development Regulation Amendment		

SEPA Required: Yes

Public Outreach/Notification Requirements:

<input type="checkbox"/>	300 foot posted notification – for map amendments for five or fewer parcels
<input type="checkbox"/>	300 foot mailed notification and agency notification – this amendment will potentially affect adjacent properties within 300 feet of a proposal
<input type="checkbox"/>	Subarea or Overlay Wide Notification – this amendment will affect or potentially affect a neighborhood, subarea or multiple properties within an overlay or designation. Number of properties affected:
<input checked="" type="checkbox"/>	Countywide Notification – this amendment will apply countywide or affect many properties throughout the County

Recommended Additional Public Outreach:

<input checked="" type="checkbox"/>	Community Meeting(s)	<input type="checkbox"/>	Area-Wide Mailing	<input type="checkbox"/>	Countywide Mailing	<input checked="" type="checkbox"/>	Publication
<input checked="" type="checkbox"/>	Web –page	<input type="checkbox"/>	Press Release	<input checked="" type="checkbox"/>	Public Participation Plan	<input type="checkbox"/>	Other (reference below*)
<i>*Depending on the scope of the proposed development regulation amendments, additional public notice may be necessary.</i>							

Priority:	
<input type="checkbox"/>	A- Required by law for GMA Compliance or otherwise
<input type="checkbox"/>	B- Items needed to achieve important public policy objectives of a countywide nature
<input type="checkbox"/>	<i>C- Items that can be considered as part of a larger CP update or subarea planning process</i>
<input type="checkbox"/>	D- Items needed to provide clarity and certainty to the UDC and CP by removing inconsistencies and ambiguities
<input type="checkbox"/>	E- Items of lesser priority to be considered on a future year work program
<input checked="" type="checkbox"/>	F - Obsolete, previously resolved or not recommended for further consideration
Scope of Work Necessary to Complete the Amendment:	
<p>To amend the Comprehensive Plan (<i>Plan</i>) Introduction, complete the “Build-out Analysis” (BOA) described in the application, and change the process in 18.90.020 Legislative Procedures would require:</p> <ul style="list-style-type: none"> • Going through the amendment process described in 18.90.020 Legislative Procedures for the <i>Plan</i> change and for the code change. This process is explained in greater detail in Appendix X. • Conducting a BOA project involving research, developing a methodology, public outreach and engagement, several staff reports, multiple meetings and public hearings. <p>Overall, this request would require 1 to 1.5 years.</p>	
Changes to the following Comprehensive Plan Goals and Policies:	
Section A, Introduction	
Changes to the following sections of the Unified Development Code:	
SJCC 18.90.020 Legislative procedures	

Staff Analysis:

The applicant is requesting the addition of an executive summary in the Comprehensive Plan (*Plan*) Introduction explaining how the goals, policies and UDC regulations relate to the Vision Statement and 14 Growth Management Act (GMA) planning goals. This executive summary would also include a “Build-out-Analysis” exploring the impacts that could occur if all development capacity allowed by the current *Plan* Official Maps were developed. Another part of the request involves changing the process for *Plan* and

Development code amendments in SJCC 18.90.020 Legislative procedures to reinforce the connection between the Vision, GMA goals, *Plan* goals and policies, Unified Development Code and Official Maps. The applicant is concerned about the impacts of development on the quality of life in the County and finds the development allowed by the *Plan*'s land use maps, goals, and policies to be misaligned with the County's Vision and the GMA.

To amend the *Plan* Introduction and complete the "Build-out Analysis" (BOA) as described in the application would take approximately one year. The amendments to the Introduction, which would include information from the BOA, would go through the process described in 18.90.020 Legislative procedures (Attachment C). For the BOA, staff would research best practices, develop a methodology, conduct the analysis, and develop conclusions. Staff would involve the public and incorporate their input throughout the process. Then, the findings of the BOA would be incorporated into the draft changes to the *Plan* Introduction during the amendment process. To amend the process for *Plan*, development code, and Official Map changes in 18.90.020 Legislative procedures, the County would go through the code change process described in 18.90.020 Legislative procedures. This process would require an additional 6-8 months.

The applicant submitted similar requests during the 2018 and 2019 annual docket processes. The 2018 docket was resolved with Resolution 31-2018. At that time, no further action was required because the other components of the *Plan* such as the Land Capacity Analysis address similar information and are currently included in the *Plan* Update scope of work. The 2019 docket was resolved with Resolution 29-2019, which concluded that the 2018 resolution already resolved the request. In 2021, though the request is slightly modified, staff comes to the same conclusion. Table 1 below shows how the *Plan* update addresses the issues raised in docket application 21-0003.

Table 1. Aspects of the *Plan* Update that Address Request 21-0003.

Factor	Request 21-0003	Comprehensive Plan Update
Development Capacity	Determine how much development could occur if all capacity allowed by the current Official Maps were developed.	Conduct a Land Capacity Analysis that determines the amount of development that could occur and how much development capacity is needed to accommodate the 2036 population.
Livability	Determine how County finances, community cohesiveness, the environment, and quality of life would be impacted if all development allowed by the current Official Maps were developed.	Perform 2016-2036 level of service assessments for capital facilities and transportation, ensuring that the County's service capacity keeps pace with development. Capital facility, utility, and transportation policies address the financial implications of increased service demand. Assess the housing needs for the projected population in the Housing Needs Assessment.
Timeframe	Conduct an analysis of development beyond the 20-year timeframe required by the GMA.	Plan for the 2036 projected population, as required by the GMA, and consider the population's needs beyond 2036. Future periodic reviews of the <i>Plan</i> will update the population forecast and ensure that

		the <i>Plan</i> accounts for additional population growth.
Introduction	In the Comprehensive Plan Section A, Introduction, explain how the goals, policies and UDC regulations relate to the Vision Statement.	In the Comprehensive Plan Section A, Introduction, describe in plain language the relationship between the 14 GMA planning goals, the Vision, and <i>Plan</i> goals, polices and land use maps.
Vision	Assure that the Comprehensive Plan, Development Code and Official Maps adhere to the Vision.	The Vision was updated in 2018 with an extensive public process and has been used to guide new goals and policies during the Plan update.

The applicant also requests that the County adopt a new standard requiring any future *Plan* or development code amendments to explicitly reference and demonstrate compliance with the Vision and the GMA goals. This request would require a change to SJCC 18.90.020 Legislative Procedures, which sets the process for code, official map, and Comprehensive Plan amendments. Adopting a new standard is unnecessary because reviewing amendments for consistency with the *Plan*, Vision and GMA are already part of the County's process. SJCC 18.90.020 requires DCD and the Planning Commission to evaluate all requests. This evaluation entails reviewing proposed amendment for consistency with the *Plan*, Vision and GMA.

An underlying argument made by the applicant is the idea that the Comprehensive Plan and Official Maps are in violation of the Growth Management Act. The applicant cites a 1999 Final Decision and Order (FDO) issued by the Western Washington Growth Management Hearings Board (WWGMHB) to convey violation. However, when the WWGMHB issued the 1999 FDO, the County resolved the problems raised and the WWGMHB then issued Findings of Compliance. The Comprehensive Plan is compliant with the GMA. None of the requests made in this application are required at the local, state, or federal levels. If the County Council decided to add these requests to the DCD work plan it would be a local choice.

Staff Recommendation: Do not add this request to the DCD work plan because it was previously resolved in the 2018 and 2019 docket resolutions and because many aspects of the request are being fulfilled in the ongoing *Plan* update. If the County Council wants to pursue this request, it should occur after the *Plan* update because it is not required and would be a resource-intensive, large scale project that is not part of the adopted scope of work of the *Plan* update.



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Date Received

02/24/21

 SJC Department of
 Community
 Development

Comprehensive Plan Text/SJC Code* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	<u>Joe Symons</u>	Name of Agent:	<u>n/a</u>
Address	<u>3222 Pt. Lawrence Rd</u>	Address	_____
City, State, Zip	<u>Olga, WA 98279</u>	City, State, Zip	_____
Phone	<u>360 378 7577</u>	Phone	_____
E-mail	<u>joesymons@me.com</u>	E-mail	_____

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.		
_____ <i>Signature</i>	Joe Symons _____ <i>Printed Name</i>	24 Feb 2021 _____ <i>Date</i>
_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Date</i>

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

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

In 2001 I submitted a formal request to the Planning Commission (PC) via the annual Docket process. The request did not ask for a specific change in the SJC Comprehensive Plan (CP). Rather, *the request asked for a thorough and comprehensive explanation of the CP in layman's terms.* This could be described as a "truth in planning" document. The formal request, conforming to the docket format at the time, is available at



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<http://www.doebay.net/forthcoming.html>. The PC reviewed the request and unanimously voted that it should be done and be given the highest priority of county government. The PC finding is available at <http://www.doebay.net/SJCPCfindingsOct2001.pdf>. The BOCC (former term for the County Council) ignored the PC recommendation. Subsequent to this request, no action has been taken by DCD, PC or CC to re-explore, consider, implement or otherwise achieve the intent of this request.

Given that there have been significant changes experienced by SJC in the past 20 years since the original request was made, and that County Council rejected my essentially-identical docket applications requesting a truth in planning section in 2018 and 2019, I re-submit a request for a comprehensive "truth in planning" component of the CP specifically geared to communicate in language understood by residents not formally trained in law or land use planning, and located right up front in the CP rather than buried in an Appendix.

There is new urgency. There is a new Council. Past decisions do not set precedent.

The current request builds upon but is not limited to the previous requests. The current request suggests that a new component to be added to the CP, analogous to an "executive summary", which would include a summarized "Build-Out Analysis" (BOA) in which the impacts on county finances, community cohesiveness, environmental challenges and experience of living in the San Juan Islands is examined. That is, the Build Out Analysis (the full documentation of which would be located in the CP's Appendix 1) would not be limited to the 20 year planning horizon but would run forward to illuminate what the full set of impacts are likely to be when all development potential currently on the books (i.e., the current density map) is exhausted.

Here's a section from the FDO (Final Decision and Order) (<http://www.doebay.net/appeal/fdo.html>) by the WWGMHB (Western Washington Growth Management Hearings Board) 1999:

"At the very inception of the GMA process in 1992, the Board of County Commissioners (BOCC) made a policy decision that existing densities established in 1979 for the 1980 CP would not be changed and would not be the subject of any discussion. As the County acknowledged at the HOM <Hearing on the Merits>, this policy decision was made without any analysis from staff, the public or the BOCC themselves.

A great deal of time in public hearings thereafter involved repeated requests for the BOCC to reverse this policy. The frustration this decision caused was eloquently summarized in the introduction of the brief of *amici* as follows:

"It is common knowledge in the San Juan County community that the density zoning enacted in 1979 after years of freedom to develop almost at will, was controversial, aroused passions and involved no evaluation of the cumulative impacts of development on rural character or conservation of natural or cultural resources. The preference of landowners was surely the single most influential



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criteria (*sic*) applied. Though a valid and useful beginning for local planning at that time, it is an understatement to say this process was more arbitrary than evaluative and by no means can be deemed to comply with state law requirements for obtaining the widest range of beneficial uses of the environment, achieving a balance between population and resource use, or providing a rational basis for directing development patterns and accommodating change based on designation of lands and evaluation of impacts. RCW 43.21C.020(2)(c),(f) and 36.70A."

While it would be surprising, it is not impossible for densities adopted in 1980 to comply with the Act. The CP and UDC are clothed with a presumption of validity, RCW 36.70A.320(1), and it is **petitioners' burden to show noncompliance under the clearly erroneous standard**. <emphasis mine> RCW 36.70A.320(2). While a serious argument could be made that the retention of 1980 densities without public input violated RCW 36.70A.140, the parties, including the County, have framed the issues to avoid, and specifically requested that we not simply find, a public participation procedural violation. All parties request that we address compliance of the current CP and UDC with the GMA. We carefully examined the record and reviewed the arguments to determine if this fundamental decision to retain 1980 densities was also a fatal flaw.

CONSISTENCY

As demonstrated above, the official maps that establish various densities for rural and R/L areas are often totally inconsistent with the CP. For example, in rural residential (RR) designations under CP 2.3.B(c), one of the criteria for designation is 2 to 5-acre minimum lot size. The official maps allow maximum densities of 1du/_ac. Petitioner Klein's exhibits demonstrate that one-third to one-half of all CP designations were inconsistent with the official maps' allowable densities. A March 27, 1998 memorandum from the prosecuting attorney to the BOCC (Ex.170925 et. seq.) set forth in detail the various inconsistencies between the CP, UDC and official maps.

Intervenor Symons correctly pointed out that the maps were also significantly inconsistent with the vision statement set forth as the guiding principle for the CP. These inconsistencies, caused by the retention of 1980 densities, do not comply with the GMA.

Additionally, for the same reasons we find that all zoning classifications or basic density allowances that allow for lots less than 5 acres in size in any rural designated zone substantially interfere with goals 1, 2, 8, 9, 10, 12 and 14 (RCW 90.58.020) RCW 36.70A.480. "

The words "substantially interfere" mean that the density map for rural areas is under an "invalidity" order, which means that SJC cannot proceed with the CP without "fixing" these



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densities. The WWGMHB doesn't tell them how to fix it; they have to do something and then come back to see if it passes the smell test. Thus began multiple rounds of litigation that did not "resolve" until 2007 and "resolve" meant that SJC settled over the guest house (ADU) issue. That said, the resulting density map remains both unexamined and likely substantially inconsistent with the Vision Statement. It's been that way to this day.

What I have been asking and continue to ask for, more or less as an unauthorized and unpaid representative of "wisdom" and the likely aspirations of the vast majority of locals, is that we simply know the truth. The consistency of council decisions to date suggest that the Council does not want to know what our density map permits and in particular does not want the residents to know.

The BOA includes by definition an impact analysis. These impacts focus on themes, expressed in the official Vision Statement, that the residents of San Juan County care about: impacts such as, but not limited to, the environment, transportation, housing, sense of community cohesiveness and the fiscal implications of new development on government services. All of this information should be described with a variety of easily understood maps, charts, graphics, photographs, spreadsheets, narratives, etc.

A "truth in planning" presentation is a layman-friendly term for a BOA. These analyses do not involve rocket science. An excellent article reviewing what a BOA can do is found at <http://conservationtools.org/guides/42-build-out-analysis>. San Juan County has a sophisticated GIS system and highly professional staff that can perform this task.

Supportive material for this request includes the 2004 Cost of Community Services study, funded by American Farmland Trust and the Friends of the San Juans at:

<http://doebay.net/appeal/COCSReportExecSum51804.pdf>

This document demonstrates the tax implications on existing residents for new residential development. The short version is that for every dollar of new tax revenue from a new residence, it costs the county \$1.32. That \$0.32 shortfall is paid for by existing tax payers, who are effectively subsidizing wealthy new second homers.

In addition, in 2000 SJC funded a "Study of Socioeconomic Impacts of Growth Pressure in Selected Seasonal/Resort Communities." located at <http://www.doebay.net/appeal/socioeconomicgrowth.pdf>.

This has been identified as the "Nantucket" study. Its conclusion is stark: SJC is not an exception to the transformation of beautiful small rural communities into havens for the wealthy, but is simply about 20 years behind. We are now 20+ years further down the road than when the study was authored. BOCC and CC have ignored this report. For all I know, the current Council may not even know that this report exists and was funded by the county.

It should be noted that neither of these documents is either mentioned or available on the SJC website.



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These supportive materials reinforce the need for a transparent, comprehensive, easily understood executive summary, located in the CP's Introduction referencing the full BOA located in the Appendix. This executive summary succinctly, explicitly and accurately describes the likely conditions at buildout.

Specifically, the Introduction to the CP at https://www.sanjuanco.com/DocumentCenter/View/21653/Section-A_Intro_Vision_Draft_2020-12-10 states:

“The goals and policies in the *Plan* are the framework within which the County creates and implements development regulations, programs, and other plans. The 2036 Vision, developed by the community, is the *Plan's* North Star, guiding the *Plan* elements and leading the County toward the future we strive for every day. (page 4, lines 31-34)

The Vision is a statement of values that guide the goals and policies of each *Plan* element.” (page 5 lines 3-4)

The islands have limited resources and house unique and fragile natural ecosystems. The effects of climate change may be exacerbated by population growth, as growth requires new development and leads to greater greenhouse gas emissions. Planning for growth has never before been so imperative. (pg 10, lines 15-17)

Given that the CP is being updated, the Introduction (or an Appendix) should include important background material. The current version of the CP avoids mentioning the BOCC decision regarding prohibiting committee conversations about density, says nothing about the litigation and the County's multi-year failure to meet CP compliance under GMA, and fails to mention, much less include, important documents such as the COCS and Nantucket reports.

San Juan County's institutional memory regarding the CP's evolution is essentially non-existent. Multiple staff, PC and CC changes have taken place; virtually no one knows how we got to where we are. A thorough portrait of this history exists only at doebay.net/appeal which includes a detailed record of the litigation, of the political processes and of the context within which the current CP can be interpreted. A glance at the SJC's two paragraph description of the history of the county (at <http://www.sanjuanco.com/668/History>) is entirely inadequate—see for yourself.

It is essential that this proposed executive summary to the CP be located in the Introduction, preferably following the SJC Vision Statement, so that a time-challenged reader can get to the real meat of the CP immediately.

The comprehensive vision statement analysis requested would, located in Appendix 1, *explicitly demonstrate* precisely how the goals, policies and UDC regulations *fulfill and/or fail to fulfill* the SJC certified Vision Statement. Options for how to bring the CP into compliance with the Vision Statement would be offered as part of this 'truth in planning' summary. Given that the CP has been, and will continue to be, crafted under the provisions of the Growth



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Management Act, the BOA and the summary analysis would additionally specifically identify how the CP meets, or fails to meet, the 14 principles of GMA, with particular attention to the Act's first and second principles.

My request specifically and additionally asks that any future CP policy or UDC changes would have to explicitly and comprehensively demonstrate that they account for and ensure that the Vision Statement and GMA goals are specifically referenced and reviewed for compliance and do not remain unmentioned, diluted, ignored, bypassed or marginalized. All future CP modifications would be so identified and concomitantly incorporated in a revised executive summary to insure clarity and consistency with the intent of this addition to the CP.

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

No specific county code changes are requested at this time.

3. Why is the amendment being proposed?

The current SJC CP fails to communicate the full extent of the development potential inherent in the density map created in 1979. The BOCC "opted in" to create the current CP under GMA in 1992 and established citizen committees in each District to craft a new CP; however, the BOCC prohibited committee discussion of the 1979 density designations. Petitioners challenged the CP before the Western Washington Growth Management Hearings Board (WWGMHB) over a several year period from 1999-2007; in almost all cases, SJC lost. Under duress, SJC made modifications to the density map in order to remove the burden of non-compliance under GMA. The resulting changes, however, have never been articulated in any easy-to-understand summary document and included in the CP. The explosive growth of second homes and tourist accommodations since 1999 shows no sign of deceleration. A first-approximation estimate of the buildout potential under the existing density regulations suggests a buildout population in excess of 70,000 for SJC; this population estimate does not include the impact of visitors (studies have demonstrated that the seasonal impact of visitors more than doubles the resident population). By reference the current estimated population of SJC in 2019 is ~16,000.

As shown on the SJC web site at

<https://www.sanjuanco.com/1753/Comp-Plan-Update-Current-Drafts>

(as of 21 Feb 2021),

“ Appendix 1. Population Forecast and Land Capacity Analysis, *draft coming soon*” <emphasis mine>



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

Indicates that DCD has not yet completed it's LCA. The most recent LCA draft is at:

https://www.sanjuanco.com/DocumentCenter/View/19296/2019-11-04_Zack_Memo_w_att_LCA_Report_2nd_Draft_PC-CC_Briefings_11-19

This 246 page document is strikingly difficult to parse. It is unclear to this reader, with a PhD in urban geography from U.W., exactly what is being said about buildout, if anything. Using GDLI data supplied by SJC in 2019, and looking at categories 0-5 (all SJC lands not including the Town of Friday Harbor), under the assumption that a landowner has a right to build a home on any parcel (with possible minor restrictions due to slopes, etc.), the buildout population (not using LCA methodology which may be appropriate for 2036 planning but is not relevant at buildout) is calculated as a bit over 43000, or about 2.5 times the current population of ~16,000. The Town of FH, comprising about 700 acres, is dominated by parcels whose density assignment is 100 development units (du's) per acre, which, if developed, would create a buildout population that, at >90,000, seems little short of insane.

However, this is what SJC data shows. Documentation of my calculations is at:

<http://doebay.net/sunshine/GDLICharts.xlsx>

which I would be happy to explain (if needed) since it was designed to be a quick portrait and not polished up for prime time.

A review of DCD findings in 2019

http://doebay.net/sunshine/2019-04-01_DCD_Annual_Docket_AZ_PC_04-19-2019.pdf

states that this docket request is superfluous because the 2018 Council rejected it:

Staff Analysis:

A request for the same amendment was submitted during the 2018 annual docket process. The 2018 docket was resolved with Resolution 31-2018. At that time, no further action was required because the other components of the Comprehensive Plan such as the Land Capacity Analysis address similar information and are currently included in the Comprehensive Plan Update. (Attachment B.3)

I cannot find any documentation as to why Council overturned the PC's unanimous recommendation that the request be implemented.

The newest version of the LCA is not available; the most recent previous version references maximum buildout in:

E. Calculate and Map Maximum Commercial, Industrial, and Mixed-Use Building Capacity (pg 22, line 4, Appendix 1, LCA methodology)

but does not reference rural lands buildout. Attachment B to Appendix 1 discusses comments submitted by residents (including me). DCD replies suggest that I am not calculating buildout according to the LCA process (which I admit: I don't believe it is applicable. At buildout, market and seasonal occupancy factors do not apply. At buildout, the county is "full".)



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Note that buildout population estimates do not reflect actual impact, as the visitor population is not included in the LCA or any CP analysis. As noted earlier, based on past history, the visitor population is about 2x the resident population during the busy season.

Further, the LCA only talks about land capacity, not livability capacity. There is no discussion about whether the capacities calculated have viability considering carrying capacity limitations (e.g., water, ferries, emergency evacuation,), or whether these capacities meet the Vision Statement standards about what has been collectively chosen as the county's aspirations.

There are very few remaining individuals who followed the litigation starting in 1999 who know that SJC's attempt at providing a "buildout analysis" in the 1998 CP was buried on page 21 of Appendix 1 of the CP in table 20 which, as my 1999 brief (at <http://www.doebay.net/appeal/jsbrief.pdf>) demonstrated, was seriously flawed. Table 20 predicted a buildout population of about 48,000 people. The actual number, validated by the WWGMHB and unchallenged by SJC, was about 175,000 people (not counting visitors).

I am understandably concerned that SJC will again attempt to bury an inaccurate buildout figure in an essentially inconsequential location in the CP, leaving the impression that the Vision Statement, considered the CP's "north star", has been honored.

Consequently it is imperative that the residents of SJC have a comprehensive and thorough portrait of what their future is likely to be, explicitly including the full range of impacts generated by visitors. This portrait needs to be compared with the resident-chosen Vision and GMA and all deficiencies explicitly documented.

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

GMA *requires* that a county's CP be internally consistent. As a specific example, SJC has an obligation to ensure that rural lands in the county are not characterized by sprawl, generally defined by the GMA Hearings Boards as average rural lands densities less than 1 dwelling unit/5 acres. Of the ~17000 legal tax parcels in SJC in 2019, ~8500 are non-conforming in rural land designations, creating an estimated rural lands buildout density for those non-conforming parcels of 1 du/3 acres. By GMA standards, this is sprawl. Current SJC rural lands densities are approximately 1 du/4 acres, which is also by definition sprawl (this can be validated at <http://www.doebay.net/appeal/SJC%20CP%20index%20rural%20lands.pdf>; this legal document was generated, under duress, by SJC during the litigation period.)

Separately, SJC has an obligation to ensure that there is consistency between the vision statement, describing a small rural county not wanting to change much, and its development potential. A truth in planning component as requested would explicitly illuminate these and other discrepancies and provide a solid fact-based platform for public conversation.



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dcd@sanjuanco.com | www.sanjuanco.com

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

- Yes, indicate UGA _____
 No

6. Does this proposal increase population or employment capacity?

No.



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

FILE NUMBER 21-0004
SAN JUAN COUNTY DOCKET INITIAL REVIEW

Applicant:	SJC DCD	File No.:	21-0004
Description of Proposal: Amend Chapter 15.12 San Juan County Code (SJCC) Flood Hazard Control Regulations to allow agricultural and accessory structures located in the Special Flood Hazard Areas (SFHA) to be wet floodproofed in lieu of the elevation or dry floodproofing requirement without a variance. This change would allow property owners, including farmers, more flexibility for floodproofing agricultural and accessory structures in the floodplain.			
<input type="checkbox"/>	Comprehensive Plan Text Amendment		
<input checked="" type="checkbox"/>	Development Regulation Amendment		

SEPA Required: YES

Public Outreach/Notification Requirements:

<input type="checkbox"/>	300-foot posted notification – for map amendments for five or fewer parcels
<input type="checkbox"/>	300-foot mailed notification and agency notification – this amendment will potentially affect adjacent properties within 300 feet of a proposal
<input type="checkbox"/>	Subarea or Overlay Wide Notification – this amendment will affect or potentially affect a neighborhood, subarea or multiple properties within an overlay or designation. Number of properties affected:
<input checked="" type="checkbox"/>	Countywide Notification – this amendment will apply countywide or affect many properties throughout the County

Recommended Additional Public Outreach:

<input type="checkbox"/>	Community Meeting(s)	<input type="checkbox"/>	Area-Wide Mailing	<input type="checkbox"/>	Countywide Mailing	<input checked="" type="checkbox"/>	Publication
<input checked="" type="checkbox"/>	Web –page	<input type="checkbox"/>	Press Release	<input type="checkbox"/>	Public Participation Plan	<input type="checkbox"/>	Other (reference below*)

****Depending on the scope of the proposed development regulation amendments, additional public notice may be necessary.***

Priority:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | A- Required by law for GMA Compliance or otherwise |
| <input type="checkbox"/> | B- Items needed to achieve important public policy objectives of a countywide nature |
| <input type="checkbox"/> | C- Items that can be considered as part of a larger CP update or subarea planning process |
| <input type="checkbox"/> | D- Items needed to provide clarity and certainty to the UDC and CP by removing inconsistencies and ambiguities |
| <input type="checkbox"/> | E- Items of lesser priority to be considered on a future year work program |
| <input checked="" type="checkbox"/> | F - Obsolete, previously resolved or not recommended for further consideration |

Scope of Work Necessary to Complete the Amendment:

This would require going through the code amendment process to allow agricultural and accessory structures in the SFHA to be wet floodproofed without a variance. Staff's involvement in the code amendment process includes:

- 5 meetings: 2 with the Planning Commission and 3 with the County Council, including briefings and public hearings
- Multiple staff reports
- Development of performance standards
- Public Participation (amount depends on scope of Council recommendation). Because this policy has the potential to increase flexibility for farmers developing agricultural structures in the floodplain, the County could specifically seek input from the Agricultural Resources Committee.

Changes to the following Comprehensive Plan Goals and Policies:

N/A

Changes to the following sections of the Unified Development Code:

SJCC 15.12 Flood Hazard Control Regulations

Staff Analysis: The purpose of this docket request is to bring to the County Council's, Planning Commission's, and public's attention that San Juan County has the option to adopt this new policy from FEMA. Property owners currently can use wet floodproofing if they get a variance. Implementing the new FEMA policy would allow property owners to wet floodproof agricultural and accessory structures *without* a variance, increasing flexibility for floodproofing. To adopt this policy in the development code, the County would need to go through the code amendment process.

Staff Recommendation: Do not add a project amending the Flood hazard control regulations to the DCD work program. Given that this policy change is not required, there is already a pathway for property owners to use wet floodproofing, and that the public has not raised floodproofing options as an issue, staff does not recommend adding this request to the DCD work plan.



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135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
 (360) 378-2354 | (360) 378-2116
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DATE RECEIVED
February 26, 2021

Comprehensive Plan Text/SJC Code* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	Department of Community Development	Name of Agent:	Sophia Cassam
Address	135 Rhone Street	Address	
City, State, Zip	Friday Harbor, WA 98250	City, State, Zip	
Phone	(360) 370-7589	Phone	
Email	sophiac@sanjuanco.com	E-mail	

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.

	Sophia Cassam	02/26/2021
<i>Signature</i>	<i>Printed Name</i>	<i>Date</i>
_____	_____	_____
<i>Signature</i>	<i>Printed Name</i>	<i>Date</i>

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

1. Comprehensive Plan amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.

N/A

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

Amend Chapter 15.12 San Juan County Code (SJCC) Flood Hazard Control Regulations to allow agricultural and accessory structures located in the Special Flood Hazard Areas (SFHA) to be wet floodproofed in lieu of the elevation or dry floodproofing requirement without a variance. Attachment A explains agricultural and accessory structures and wet and dry floodproofing.

3. Why is the amendment being proposed?

FEMA issued new policy #104-008-03 in 2020 regarding the approval of agricultural and accessory structures being proposed in the Special Flood Hazard Area (100-year floodplain). As a participant in the National Flood Insurance Program (NFIP), San Juan County has the option to amend its floodplain regulations in accordance with the policy and new guidance from FEMA to allow for wet floodproofing of agricultural buildings and accessory structures without a variance.

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

Allowing agricultural and accessory structures located in SFHAs to be wet floodproofed without a variance is consistent with San Juan County's Comprehensive Plan and development code. Wet floodproofing gives property owners, including farmers, more flexibility in how they floodproof agricultural and accessory structures in the floodplain. Policies throughout the Comprehensive Plan support property rights and flexible standards for agriculture. For example, Land Use Element General Policy 1 states:

Balance the public's interest in the management of community growth and its associated impacts, with the protection of individual property rights through adoption of a coordinated set of goals, policies and regulations to guide future development in the County.

Allowing another floodproofing option for certain structures FEMA has deemed appropriate protects individual property owners' right to develop on their property. The Land Use Element also includes goals and policies promoting agriculture and commercial agriculture. This proposed change increases flexibility for farmers who require agricultural structures in the SFHA.

Chapter 15.12 SJCC Flood Hazard Control Regulations includes provisions for flood hazard reduction with specific standards for nonresidential structures. These structures must be elevated one foot or more above base flood elevation or be dry floodproofed. The development regulations also allow applicants to request a variance from the type and extent of required floodproofing. With a variance, some applicants may develop nonresidential structures in the SFHA with wet floodproofing. The proposed code amendment would specifically allow accessory and agricultural structures to be developed in the SFHA with wet floodproofing without a variance.

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

- Yes, indicate UGA: Friday Harbor, Lopez Village and Eastsound (all contain some land in an SFHA)
- No

6. Does this proposal increase population or employment capacity?

No, this proposal does not increase population or employment capacity in San Juan County.

FEMA Explanations of Agricultural and Accessory Structures and Wet and Dry Floodproofing**Agricultural and Accessory Structures**

According to FEMA Policy #104-008-03:

An *agricultural structure* means a structure (defined below) that is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock; an agricultural structure specifically excludes any structure used for human habitation.

An *accessory structure* means a structure (defined below) that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

Wet and Dry Floodproofing, and “Structure”

According to FEMA Floodplain Management Bulletin P-2140:

Wet floodproofing is the use of flood damage resistant materials and construction techniques to minimize flood damage to structures by intentionally allowing floodwater to enter and exit automatically (without human intervention) to minimize unequal pressure of water on walls (called hydrostatic load or pressure). Wet floodproofing also requires structures to be anchored to resist flooding, have mechanical and utility equipment elevated or protected, and have flood openings installed in walls.

Dry floodproofing is a combination of measures that results in structures, including attendant utilities and equipment, being watertight with all elements substantially impermeable to the entrance of floodwater and with structural components having the capacity to resist flood loads.

Structure: For floodplain management purposes, a structure is a walled and roofed building that is principally above ground, where walled is considered “two or more outside rigid walls” and roofed is “a fully secured roof.”

FEMA Policy and Management Bulletin

The FEMA Policy and Floodplain Management Bulletin provide greater detail on the above terms.

- FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures. Issued February 2020.

Link: https://www.fema.gov/sites/default/files/2020-09/fema_agricultural-structures-policy_02-2020.pdf

- FEMA Floodplain Management Bulletin P-2140. July 2020.

Link: https://www.fema.gov/sites/default/files/2020-09/fema_agricultural-structures_policy-guidance_08-20-20.pdf



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

FILE NUMBER 21-0005
SAN JUAN COUNTY DOCKET INITIAL REVIEW

Applicant:	Miles Becker	File No.:	21-0005
<p>Description of Proposal: Improve the clarity of development standards related to trees and strengthen tree protections by creating a new code section SJCC 18.60.270 Trees. This request includes two parts:</p> <ol style="list-style-type: none"> 1. Consolidate tree regulations in the development code into one new section specifically for trees. 2. Add general tree retention and protection standards in a new code section. 			
<input type="checkbox"/>	Comprehensive Plan Text Amendment		
<input checked="" type="checkbox"/>	Development Regulation Amendment		

SEPA Required: YES

Public Outreach/Notification Requirements:

<input type="checkbox"/>	300-foot posted notification – for map amendments for five or fewer parcels
<input type="checkbox"/>	300-foot mailed notification and agency notification – this amendment will potentially affect adjacent properties within 300 feet of a proposal
<input type="checkbox"/>	Subarea or Overlay Wide Notification – this amendment will affect or potentially affect a neighborhood, subarea or multiple properties within an overlay or designation. Number of properties affected:
<input checked="" type="checkbox"/>	Countywide Notification – this amendment will apply countywide or affect many properties throughout the County

Recommended Additional Public Outreach:

<input type="checkbox"/>	Community Meeting(s)	<input type="checkbox"/>	Area-Wide Mailing	<input type="checkbox"/>	Countywide Mailing	<input checked="" type="checkbox"/>	Publication
<input checked="" type="checkbox"/>	Webpage	<input type="checkbox"/>	Press Release	<input checked="" type="checkbox"/>	Public Participation Plan	<input type="checkbox"/>	Other (reference below*)

****Depending on the scope of the proposed development regulation amendments, additional public notice may be necessary.***

Priority:	
<input type="checkbox"/>	A- Required by law for GMA Compliance or otherwise
<input type="checkbox"/>	B- Items needed to achieve important public policy objectives of a countywide nature
<input type="checkbox"/>	<i>C- Items that can be considered as part of a larger CP update or subarea planning process</i>
<input checked="" type="checkbox"/>	D- Items needed to provide clarity and certainty to the UDC and CP by removing inconsistencies and ambiguities
<input type="checkbox"/>	E- Items of lesser priority to be considered on a future year work program
<input type="checkbox"/>	F - Obsolete, previously resolved or not recommended for further consideration
Scope of Work Necessary to Complete the Amendment:	
<p>This would require going through the code amendment process to add a new section to the development standards for Tree Retention and Protection. Staff's involvement in the code amendment process includes:</p> <p>Minimum 5 meetings: 2 with the Planning Commission and 3 with the County Council, including briefings and public hearings</p> <ul style="list-style-type: none"> ○ Additional meetings with stakeholder groups such as the Conservation District and other stakeholder groups will probably be necessary ● Multiple staff reports ● Development of new tree protection standards ● Public Participation (amount depends on scope of Council recommendation). 	
Changes to the following Comprehensive Plan Goals and Policies:	
N/A	
Changes to the following sections of the Unified Development Code:	
Creation of a new section SJCC 18.60.270 Tree Retention and Protection	

Staff Analysis:

Part 1: Consolidate tree regulations in the development code into one new section specifically for trees.

The regulations for trees in the development code are located in three different chapters of the San Juan County Code: 18.35 Critical Areas, 18.40 Performance and Use Specific Standards, and 18.50 Shoreline Master Program (SMP). These regulations apply to trees in the following specific circumstances: trees in critical area buffers (Chapter 18.35 SJCC), forest practices (Chapter 18.40 SJCC), and trees in the shoreline jurisdiction (Chapter 18.50 SJCC). There are no general management or protection standards for trees that are not in a critical area buffer or shoreline jurisdiction or that are not being harvested.

Staff has seen and heard multiple times from the public that the tree regulations in the development code are challenging to understand and implement due to how the regulations are written and organized. Staff at times also finds the tree regulations difficult to apply because some standards for tree protection zones, forestry practices, and tree removal mitigation are unclear. The applicant is suggesting consolidating the regulations in the three sections above into one new tree code section as a way of clarifying the tree regulations. Understandably, for someone looking specifically for tree regulations, it would be helpful to have all the needed information in one centralized location in the development code. However, tree protection and removal standards are essential parts of the Critical Areas code and the SMP. Tree standards that apply only in critical areas *are* Critical Areas code. Similarly, tree standards that apply only in the shoreline *are* part of the SMP. All the regulations that apply to a protected jurisdiction should be in the code section for that jurisdiction.

The tree regulations in the development code need to be clarified and reorganized so staff and the public can implement tree-related regulations. Rather than consolidating the tree regulations, they can be updated in their existing code sections. Input from local tree experts, who work frequently with the tree regulations and with members of the public trying to understand the regulations, should be involved in the update processes. The Critical Areas code and SMP are somewhat controversial, and any time they are opened for amendment the County is exposed to the possibility of appeal. Rather than opening the Critical Areas code and SMP only to make these specific changes, the tree regulations could be amended at the time of the next Critical Areas and SMP updates.

Staff recommends improving the clarity and organization of tree regulations during the next Critical Areas and SMP updates. Staff does not recommend consolidating the tree regulations into one code section.

Part 2: Add general tree retention and protection standards in a new code section.

Trees everywhere in the County provide ecosystem services and are vital to the ecology of the Islands. Currently, there are only protection standards for trees in critical area buffers and the shoreline jurisdiction. Tree protection is supported directly and indirectly in goals and policies throughout the Comprehensive Plan. The development code can be improved for general tree retention, tree protection during development, and tree canopy stewardship in the County.

The applicant highlights the issue of trees becoming hazards after construction activities that damage trees, particularly their roots, intended to be retained. To prevent healthy trees intended to be retained from becoming hazard trees, the applicant is proposing standards for tree protection during development activities. Other recommendations for maintaining tree canopy in the County include requirements for tree replacement, general tree retention standards, and protections for “significant” or “exceptional” trees and trees in groves.

Adding a new code section with a combination of tree retention and protection regulations and recommendations for trees anywhere in the County—not just in critical areas and the shoreline—would help preserve the overall tree canopy in the Islands, thereby protecting wildlife habitat and natural resources, and strengthening our resilience to climate change. To adopt a new code section for tree retention and protection the County would need to go through the code amendment process in SJCC 18.90.020 Legislative procedures. Because the new code section would affect all parcels everywhere in the County, a public participation plan should be enacted, including public outreach and workshops. The County should specifically solicit feedback from tree experts such as arborists and foresters. The regulations must be meaningful and feasible for the County to implement. Part of the implementation of

the code should include informational and educational materials for the public and outreach to local tree and building professionals who may be affected by the code change.

Staff Recommendation: If the County Council wishes to pursue this request, a project to develop a new code section for tree retention and protection could be added to the DCD work plan for 2024, after the Comprehensive Plan update and other higher priority projects are complete. This code amendment process would take approximately one year due to the extent of public outreach necessary.



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DATE RECEIVED

Comprehensive Plan Text/SJC Code* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	<u>Miles Becker</u>	Name of Agent:	_____
Address	<u>PO Box 943</u>	Address	_____
City, State, Zip	<u>Lopez Island, WA 98261</u>	City, State, Zip	_____
Phone	<u>360-393-1829</u>	Phone	_____
Email	<u>Beckermiles6@gmail.com</u>	E-mail	_____

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.

	<u>Miles Becker</u>	<u>2/26/21</u>
<i>Signature</i>	<i>Printed Name</i>	<i>Date</i>
_____	_____	_____
<i>Signature</i>	<i>Printed Name</i>	<i>Date</i>

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

1.	Comprehensive Plan – Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.
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2.	San Juan County Code Title 15, Title 16 or Title 18. Describe proposed amendment and/or attach proposed text changes. List code sections proposed for amendment.
	Attached is the proposed amendment in a document Tree Code Proposal 2021. We are proposing a new section 18.60.270 Tree Retention and Protection.

3. Why is the amendment being proposed?

1) To improve the clarity of SJCC with regard to restrictions on tree removal and responsibilities for tree protection.

2) To strengthen the protection of valuable trees and canopy cover, a vital part of the natural beauty and ecological function of the county that is supported by Title 18 Unified Development Code.

1) Improve Clarity

Problem

As professional arborists and architects providing tree services or building designs to county residents, we commonly encounter confusion by property owners about the number, size, and location of trees they are allowed to remove from their property. Their confusion is partly due to the difficulty in finding the relevant sections of code as it is currently organized. Small pieces of tree regulations are listed under a few sections. Of primary importance are:

- 18.35 – Critical Areas (e.g. 18.35.100 – wetlands),
- 18.40.180 – Conversion Option Harvest Plan (e.g. 18.40.180(C) – minimum standards),
- 18.50 – Shoreline Master Program (e.g. 18.50.110 – clearing, grading, fill, excavation and vegetation management).

Not only does the distribution of tree code throughout the text make it more difficult for land owners to find, there can appear to be inconsistencies between regulations in separate sections. For example, in critical areas, all trees 12 inches in trunk diameter measured at 4.5 feet above grade (dbh) are to be retained, a percentage of 12-inch diameter trees can be harvested in a COHP, all trees need to be shown on a development site plan within a shoreline area, and only trees with a dbh greater than 6 inches need to be shown on a project permit application in other areas. Another example is the use of the term “tree protection zone” to mean either the area within the dripline of a single tree or the protected area around a group of trees. As it is currently written, the code may seem confusing to some, which, in our experience, makes land owners less able to comply with the code.

Proposed Solution

As a practical matter, providing county land owners an unambiguous and obvious set of regulations on trees will make it easier for the public to comply with the code. It will also make it easier for different county reviewers in the planning department to be consistent in checking for code compliance. We propose that tree regulations are listed under their own section as SJCC 18.60.270 entitled Trees and referred to as the county tree code. A section titled for trees will make it easier to find and help establish the priority of regulations described in other sections, which can be referred to in this main section.

2) Strengthen Tree Protection

Problem

Individual trees and the entire canopy of the county are inseparable from the character of the islands. Our trees and forests attract new residents and visitors, bring enjoyment to people, and provide vital services such as storm water management, shoreline stabilization, shading and cooling, and homes and food for wildlife. Many home owners recognize these values and express a desire to keep trees on their property. However, there is often a perceived conflict between retaining trees for their benefits and removing them for development or mitigating risk, such as a large tree falling on a house in a wind storm. As a result, trees that are of value to the home owner or trees that contribute vital services to the county are accidentally or unnecessarily lost. Over time, these small losses can add up to changing the physical character and function of the islands.

Proposed Solution

There are currently no tools in the SJCC for people to protect their trees during construction or to check their perception of risk. Most home owners and contractors are not aware of nor do they have experience with the levels of tolerable disturbance or risk for trees on their property. We propose adding a new section as SJCC 18.60.270 titled Trees that introduces a process for considering options to protect trees during construction and possibly for more general circumstances. It also introduces a framework for professional expertise and knowledge to guide decisions.

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

The GMA envisions a better future for people in Washington. A large component of a high standard of living is environmental quality, of which trees contribute. Encouraging tree retention will help the county achieve a high standard of living for its citizens in the long-term while allowing reasonable use and development of private lands.

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

- Yes, indicate UGA _____
- No** – the proposal as it is written only applies to RR, RGU, N, and C land use zoning.

6. Does this proposal increase population or employment capacity?

Because the responsibility is on the tree removal applicant to provide documentation from a qualified professional, there is the potential for an increase in work requests for professionals in the arboriculture industry.

Proposed San Juan County Tree Code Docket Process 2021

February 26, 2021

Definitions

Best management practices (BMPs) - adherence to tree health care standards detailed in the current edition of the American National Standards Institute (ANSI) A300 and the current edition of the International Society of Arboriculture (ISA) BMPs including the special companion publication to the ANSI A300, Best Management Practices for Utility Pruning of Trees.

Canopy - the collective branches and foliage of a group of trees' crowns.

Canopy Cover - the area covered by the canopy of trees on the parcel.

Certified Arborist - a tree professional certified by the American Society of Consulting Arborists and/or the International Society of Arboriculture (ISA).

County – San Juan County, Washington.

Critical root zone - the International Society of Arboriculture (ISA) definition of CRZ as an area equal to one-foot radius from the base of the tree's trunk for each one inch of the tree's diameter at 4.5 feet above grade (referred to as diameter at breast height). Example: A 24-inch diameter tree would have a critical root zone radius (CRZ) of 24 feet. The total protection zone, including trunk, would be 50 feet in diameter.

Crown - that portion of the tree's stem that is occupied by branches with live foliage.

Development activity - a subdivision or short subdivision; construction or demolition of single-family, multifamily, or commercial buildings; any activity that requires federal, state, or local approval for the use or modification of land or its resource, that includes, but is not limited to, additions, enlargements, or alterations to existing structures, construction of retaining walls, decks, driveways, and garages, clearing and grading activity, and activity in the right-of-way that is not exempt from permit requirements.

Development impact area – the area on a site affected by proposed site improvements, including buildings, structures, parking and loading areas, landscaping, and paved or graveled areas. The development impact area also refers to areas devoted to storage of materials, vehicle or machine access, or construction activities such as grading, filling, trenching, changing soil composition, or other excavation necessary to install utilities or access.

dbh - an acronym for tree diameter at breast height which means the diameter of existing trees measured 4.5 feet above the ground line on the high side of the tree. For the purposes of code enforcement, if a tree has been removed and only the stump remains, the size of the tree shall be the diameter of the top of the stump.

Drip line - delineated by a vertical line extended from the outermost branch tips to the ground, or six-foot radius from the stem of the tree, whichever is greater.

Exceptional tree - a viable tree, which because of its unique combination of size and species, age, location, and health is worthy of long-term retention, as determined by the Planning Director. To be considered exceptional, a tree must meet the following criteria:

1. The tree must be included in and have a diameter at breast height (DBH) that is equal to or greater than the threshold diameters listed in Table 1;

2. The tree shall not be considered to pose an unreasonable risk of failure; and
3. If retained, the tree can be expected to remain viable with reasonable and prudent management and care.

Table 1

Tree Species	Scientific Name	DBH (inches)
Bigleaf maple	<i>Acer macrophyllum</i>	34
Douglas fir	<i>Pseudotsuga menziesii</i>	32
Garry oak	<i>Quercus garryana</i>	16
Grand fir	<i>Abies grandis</i>	32
Madrona	<i>Arbutus menziesii</i>	12
Red alder	<i>Alnus rubra</i>	34
Shorepine	<i>Pinus contorta</i>	28
Western hemlock	<i>Tsuga heterophylla</i>	28
Western red cedar	<i>Thuja plicata</i>	32

Grove – a group of eight or more trees that are at least 12 inches in diameter, or Pacific madrone trees that are at least 6 inches in diameter, and that form a continuous canopy. A grove is spatially separated from a forest stand and differentiated by its isolation of a group of fewer than 20 trees. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area.

Hazardous tree – a tree with a high or extreme risk rating as defined by the International Society of Arboriculture and assessed by a certified arborist.

Inner critical root zone - an area encircling the base of a tree equal to one-half the diameter of the critical root zone. Disturbance of this area beneath a tree would cause significant impact to the tree, potentially life threatening, and would require maximum post-care treatment to retain the tree.

Limits of disturbance - the boundary between the area of minimum protection around a tree and the allowable site disturbance as determined by a certified arborist.

Risk - in the context of trees is the cross-referencing of the likelihood of a tree failure occurring and the severity of the associated consequences to a target.

Significant tree - a tree eight inches or greater in diameter (dbh) or a required replacement tree of any size. Unless growing in an environmental critical area or critical area buffer, red alder, Scouler’s willow, and black cottonwood are only considered significant with a dbh larger than 12 inches. Dead trees shall not be considered significant trees. Invasive tree species should not be considered as significant.

Snag – a standing dead tree with value for wildlife habitat, nutrient cycling, and other ecological functions.

Target - people, property, or activities that could be injured, damaged, or disrupted by a tree.

Tree removal - the direct or indirect removal of a tree(s) through actions including, but not limited to: clearing, cutting, girdling, topping, or causing irreversible damage to roots or stems; destroying the structural integrity of trees through improper pruning; poisoning; filling, excavating, grading, or trenching within the dripline that results in the loss of more than 20 percent of the tree’s root system; or the removal of greater than 50 percent of the live crown of the significant tree through any of these processes.

Topping - the cutting back of limbs to stubs within the tree's crown or the cutting back of limbs or branches to lateral branches that are less than one-third of the diameter of the limb or branch that is cut.

Viable tree - a significant tree that a certified arborist has determined to be in good health with a low likelihood of failure, is a species that is suitable for its location, and is therefore worthy of long-term retention.

[EXAMPLES:

City of Kirkland – 95.10

City of Lake Forest Park – 16.14.030

City of Seattle – 25.11.020

Town of Hunts Point – 8.25.20]

18.60.270 Tree Retention and Protection

A. Purpose and Intent. San Juan County recognizes trees and other vegetation as essential elements of the physical and social environment. The overall objective of this tree code is to conserve trees and wooded areas in San Juan County in order to protect the established character of the community. The goals outlined in this section will be achieved in part through regulatory enforcement.

The purposes of these regulations are to:

1. Promote the health, safety, and general welfare of the people of San Juan County in a manner consistent with the purposes addressed in the county's comprehensive plan;
2. Preserve the county's physical and aesthetic character by preventing indiscriminate removal or destruction of trees on developed and undeveloped property;
3. Retain trees and ground cover to reduce air pollution, sequester carbon, provide wildlife habitat and other ecosystem services;
4. Promote and ensure careful construction methods, techniques, and procedures that will minimize impact to significant trees, on and off site, and to require site restoration, replanting and successful vegetation establishment following construction;
5. Preserve the following dominant characteristics historically present on county lands:
 - a. The presence of trees of substantial size (24-inch dbh or greater);
 - b. Forest and tree components of view corridors and shoreline character;
6. Retain the presence of natural areas with tree species native to forested lands of the county;
7. Minimize surface water runoff and diversion, to retain undisturbed native soil for absorbing and filtering runoff, to promote ground water recharge, to prevent soil erosion, siltation and water pollution in the marine waters of San Juan County;
8. Preserve the existing and unique advantages of the rural and village environment for quiet, secluded, and peaceful residential living;

9. Implement the goals and objectives of the Washington State Environmental Policy Act and the State Shoreline Management Act;

[EXAMPLES:

City of Kirkland – 95.10

City of Lake Forest Park – 16.14.010; 16.14.020

Town of Hunt’s Point – 8.25.040]

B. Permit Applicability.

1. Restrictions on tree removal. A permit is required to remove the following trees:
 - a. An exceptional tree,
 - b. More than 12 significant trees per acre in a calendar year,
 - c. A significant tree in a grove.
 - d. Trees that were included in a development plan as a replacement tree within the last 5 years.
2. Exemptions. The following activities are exempt from the provisions of this section:
 - a. Normal and routine pruning and maintenance within the arboriculture industry Best Management Practices that does not include topping;
 - b. Abatement of hazardous tree or tree parts as approved by the planning director and evidenced by a Hazard Tree Evaluation Form completed by a qualified professional;
 - c. Emergency activities necessary to remedy an immediate threat to public health, safety, or welfare;
 - d. Tree removal undertaken as part of tree and vegetation management and revegetation of public parkland and open spaces by responsible public agencies or departments;
 - e. Tree removals on private property under a tree and vegetation management plan that has been approved by a public agency or department for the purposes of enhancing ecological function, such as restoration to historic canopy cover;
 - f. Tree removal approved as part of a tree and vegetation plan in either forestry and harvest operations on Designated Forest Land, within a Critical Area (SJCC 18.35), or within the protected shoreline zone (SJCC 18.50);
 - g. The removal of trees or other vegetation included on the Washington State A, B, or C or San Juan County noxious weeds lists.

C. General Provisions

1. Relationship to other county codes and ordinances. In addition to the standards in this section, requirements described in other sections, such as critical areas (SJCC 18.35), Designated Forest Lands, or within the protected shoreline (SJCC 18.50) also apply to tree retention and vegetation management.

2. Pruning or cutting trees on public property by a private property owner is prohibited unless permission is explicitly granted in writing by the public authority.
3. Private utility companies may be issued a tree removal permit for public safety issues, mitigating risk from hazard trees, and construction. All utility work on trees covered by an issued permit shall be performed under the supervision of a qualified professional at the sole expense of the private utility company.

D. Tree Removal Unrelated to Development Activity

1. Significant Trees. This section applies to parcels zoned Rural Residential (RR), Rural General Use (RGU), Natural (N), and Conservancy (C). The removal of more than 12 trees per acre in a calendar year requires a tree removal permit. A significant tree removed under a permit must be replaced with a tree or trees whose canopy will be similar or greater than the removed tree(s) at the time of maturity. A planting plan for replacement trees shall follow the standards provided in 18.60.270(G).
 - a. Replacement trees are not required for the removal of dead or hazardous trees that are documented by a certified arborist.
 - b. Removal trees shall be converted to a snag for wildlife habitat when possible.
2. Exceptional Trees. Exceptional trees, defined in Table 1, cannot be removed nor topped unless they meet one or more of the following criteria:
 - a. They are dead or hazardous. Documentation must be provided by a qualified professional along with a county Hazard Tree Evaluation Form.
 - b. Their removal will enhance ecosystem function and/or promote slope stability.
3. Groves. No more than one third of significant trees in a grove can be removed. Removing a tree or trees from a grove will not be approved if doing so increases the failure chances of another tree in the grove, as documented by a certified arborist.

E. Tree Removal Associated with Development.

1. Retention Requirement. Development proposals for any clearing, grading, or new construction in parcels zoned Rural Residential (RR), Rural General Use (RGU), Natural (N), and Conservancy (C) shall retain trees as follows:
 - a. A minimum of 45 tree credits per acre shall be retained. Properties unable to retain this minimum tree credit may meet the requirement by planting new trees that meet the standards of 18.60.270(G). Tree credits are assigned to a viable retained tree based on its dbh as follows:

DBH (inches)	Credits
< 8	0
8 – 16	1
> 16 – 24	2
> 24 – 36	3
> 36	4

- b. In addition to the retention requirements, the development proposal shall be designed to minimize the removal of large trees and maximize on-site tree retention as follows:
 - i. Site improvements for a development activity shall be designed and located to minimize tree removal during and following construction.
 - ii. The following trees shall be prioritized for retention:
 - 1. Exceptional trees;
 - 2. Trees with a diameter of more than 24 inches dbh;
 - 3. Trees that are part of a grove;
 - 4. Native conifer tree species; and
 - 5. Landmark or historical trees as determined by the Planning Director.
 - c. Trees shall not be removed outside the development impact area.
 - d. Tree removal for the site landscaping purposes shall be limited to those trees that will pose a future safety hazard to existing or proposed site improvements.
 - e. Provide replacement trees pursuant to SJCC 18.60.270(G).
2. Retention of Exceptional Trees. Development proposals applicable to this section shall retain exceptional trees. Removal of exceptional trees shall be limited to the following circumstances:
- a. Its retention will likely result in an unavoidable hazardous situation;
 - b. Retention of an exceptional tree(s) will limit the allowable gross floor area available under Title 15 by more than 15 percent. Consider Exceptional Tree protection opportunities in the design and location of building footprints, parking areas and other structures.

F. Tree Removal Permit and Protection Plan.

- 1. Tree removal requests that are unrelated to a development activity that fit the criteria of SJCC 18.60.270(D), shall be submitted in a permit application that provides the following information:
 - a. A map showing the location of each removal tree and the total acreage of the site with a calculation of proposed tree removals per acre.
 - b. Individual tree evaluation, including dbh, dripline or critical root zone, viability, and structure.
 - c. For the removal of a hazardous tree, submit a San Juan County Hazard Tree Evaluation Form completed and signed by a certified arborist.
 - d. A tree planting and establishment plan that meets the standards of SJCC 18.60.270(G).
- 2. For tree removals associated with development, a tree removal permit, tree protection plan, and tree planting plan (18.60.270(G)) shall be submitted with a general building permit for any clearing, grading, or new construction in parcels zoned Rural Residential (RR), Rural General Use (RGU), Natural (N), and Conservancy (C).

- a. A site plan with the surveyed location of all significant and exceptional trees whose critical root zone is within five feet of the development area, as well as the existing and proposed developments, shall be submitted with the permit application.
 - b. The planning director shall require a tree protection report by a certified arborist that provides the following information on trees in the development impact area:
 - i. Details on each trees' species, condition, dbh, dripline, critical root zone, viability, and assessment of risk with a numbering system that corresponds to the site plan;
 - ii. Evaluation of the anticipated effects of proposed construction on the viability of the tree(s) and a recommendation for either removal or retention;
 - iii. A hazardous tree assessment, if applicable;
 - v. Plans for implementation of any necessary tree protection or replacement measures.
 - c. The number of tree credits per acre to be retained.
 - d. Disturbance is not allowed within the inner critical root zone of an exceptional tree planned for retention unless the planning official approves a tree protection plan prepared by a qualified professional that prevents significant loss of tree stability or health at closer limits of disturbance.
 - e. Significant trees on neighboring properties whose dripline overhangs the development area must be included in the site plan and tree protection plan if the tree is to be retained.
3. Tree protection measures implemented during development include but are not limited to:
- a. Erect and maintain a six-foot high chain link fence at the limit of disturbance around protected trees.
 - b. Install signs at 15 feet intervals along the entirety of the protective tree fence. Signs shall state at a minimum "Tree and Soil Protection Area, Entrance Prohibited" and provide the county phone number for code enforcement to report violations.
 - c. Prohibit excavation or compaction of soil or other potentially damaging activities within the protective fencing, unless approved by a qualified professional.
 - d. If equipment is authorized to operate within the protected zone, the soil and critical root zone of a tree must be covered with mulch to a depth of at least six (6) inches or with plywood, steel plates or similar material in order to protect roots and soil from damage caused by heavy equipment.
 - e. Minimize root damage by hand-cutting any roots over two inches in diameter that are exposed during construction.
 - f. Prune crowns of protected trees to prevent accidental damage to branches from machinery or building activity.
 - g. Maintenance of trees throughout construction period by watering and mulching.
 - h. Use alternatives to trenching if it increases the likelihood of survival and decreases the likelihood of failure of a retained tree.

[EXAMPLES

City of Kirkland - 95.34

City of Seattle – 25.11.050]

G. Tree Replacement

1. Trees that are cut pursuant to a tree permit shall be replaced as specified in subsections a and b of this section, or a fee in lieu shall be paid as specified in subsection c of this section.

- a. Removed trees shall be replaced at the following ratio of the diameter of the removed tree to the number of replacement trees:

DBH (inches)	Replacement trees
Less than 12	1
12 – 24	2
24 – 36	3
Greater than 36	5

- b. Replacement trees.

- i. Location. Preference for planting replacement trees on-site. The location of all tree plantings shall be included on the site plan submitted with the permit. Planting locations shall be selected to allow sufficient space for the tree to reach maturity without conflict, such as growing into overhead utility lines or large branches encroaching on neighboring properties.
- ii. Species. Native tree species removed shall be replaced by a minimum of 50 percent of the same species. Non-native tree species shall be replaced by a minimum of 50 percent native species appropriate for the site conditions. All replacement tree plantings must be a species on the San Juan County Approved Tree Species List. Invasive species defined by the San Juan Islands Conservation District or similar authority on plant material in the county shall not be planted. The planning director will not approve shrubs or dwarf tree cultivars for replacement trees.
- iii. Size. Conifer species shall be a minimum of 6 feet tall and broadleaf species a minimum caliper of 1.5 inches at the time of planting. All replacement trees shall meet the minimum standards for size and quality according to the current edition of the ANSI Z60.1 standard for nursery stock.
- iv. Adjustments. The planning director may reduce the number of replacement trees when other measures designed to mitigate the tree loss and associated canopy cover are considered to be effective and consistent with the purposes of this chapter.

- c. Fee in lieu. If a certified arborist determines there is insufficient area to replant on the site or within the adjacent public right-of-way, the planning director may authorize payment of a fee-in-lieu provided:

- i. There is insufficient area on the lot or adjacent right-of-way for proposed on-site tree replacement to meet the tree replacement requirements of this chapter; or
- ii. Tree replacement or management provided within public right-of-way or a public park in the vicinity will be of greater benefit to the community.

- iii. Fees provided in lieu of on-site tree replacement shall be determined based upon:
 - a. The expected tree replacement cost including labor, materials, and maintenance for each replacement tree; and
 - b. The most current Council of Tree and Landscaper Appraisers Guide for Plant Appraisal.
- d. Maintenance. All applicants or their successors in interest are required to maintain replacement trees until they are independently viable. Replacement trees that die prior to meeting the definition of a significant tree must be replaced by a tree that meets the criteria of this section.

H. Enforcement

1. Violations of this chapter may be addressed by the county administrator pursuant to the provisions set forth below.
 - a. Liability for violations of this chapter shall be the joint and several responsibility of the landowner and any person performing activity.
 - b. Removal of existing trees in violation of this chapter will require an appraisal of the tree value by a qualified arborist using the trunk formula method in the current edition of the Council of Tree and Landscape Appraisers' Guide for Plant Appraisal. The cost of the appraisal shall be paid by the person(s) who removed existing trees in violation of this chapter and are jointly and severally liable.
 - c. Tree replacement is required in accordance with SJCC 18.60.270(G) at the cost of the property owner and/or applicant.
 - d. In addition to tree replacement, the administrator shall require that the persons found in violation of this chapter or the conditions of a permit pay the appraised value of the trees, as established in subsection (1)(b) of this section, into the county tree account. A person may appeal the amount imposed under this section in accord with SJCC.
 - e. Stop Work Order. If a violation of this chapter or an approved tree permit occurs on property on which work is taking place pursuant to a San Juan County development or building permit, the building official may suspend some or all of the work as appropriate through issuance of a stop work order. The building official shall remove the stop work order when the county determines that the violation has been corrected or when the county has reached an agreement with the violator regarding rectification of the violation.
2. In order to assure compliance with the standards and requirements of this chapter, private foresters, arborists, loggers, and contractors involved in development activity within the land use zoning applicable to this chapter shall be required to sign and submit to the county, on a form approved by the county, a statement acknowledging the county's tree protection requirements.
3. Private contractors involved in land clearing operations who do not provide the above statement shall be prohibited from performing tree removal and land clearing services in San Juan County, and they shall be in violation of this chapter and may be prosecuted under this chapter, the county's civil penalties ordinance, or as otherwise provided by law.



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

FILE NUMBER 21-0006

SAN JUAN COUNTY DOCKET INITIAL REVIEW

Applicant:	Eastsound Planning and Review Committee	File No.:	21-0006
Description of Proposal: Various proposed changes to Chapter 18.30 Article VIII SJCC. Topics include design standards, landscaping and screening, vacation rentals, parking, signage, and street development standards in addition to various proposed changes to the allowed uses in the land use tables.			
<input type="checkbox"/>	Comprehensive Plan Text Amendment		
<input checked="" type="checkbox"/>	Development Regulation Amendment		

SEPA Required: YES

Public Outreach/Notification Requirements:

<input type="checkbox"/>	300-foot posted notification – for map amendments for five or fewer parcels
<input type="checkbox"/>	300-foot mailed notification and agency notification – this amendment will potentially affect adjacent properties within 300 feet of a proposal
<input checked="" type="checkbox"/>	Subarea or Overlay Wide Notification – this amendment will affect or potentially affect a neighborhood, subarea or multiple properties within an overlay or designation. Number of properties affected:
<input checked="" type="checkbox"/>	Countywide Notification – this amendment will apply countywide or affect many properties throughout the County

Recommended Additional Public Outreach:

<input checked="" type="checkbox"/>	Community Meeting(s)	<input type="checkbox"/>	Area-Wide Mailing	<input type="checkbox"/>	Countywide Mailing	<input checked="" type="checkbox"/>	Publication
<input checked="" type="checkbox"/>	Web –page	<input type="checkbox"/>	Press Release	<input checked="" type="checkbox"/>	Public Participation Plan	<input type="checkbox"/>	Other (reference below*)

****Depending on the scope of the proposed development regulation amendments, additional public notice may be necessary.***

Priority:	
<input type="checkbox"/>	A- Required by law for GMA Compliance or otherwise
<input type="checkbox"/>	B- Items needed to achieve important public policy objectives of a countywide nature
<input type="checkbox"/>	<i>C- Items that can be considered as part of a larger CP update or subarea planning process</i>
<input checked="" type="checkbox"/>	D- Items needed to provide clarity and certainty to the UDC and CP by removing inconsistencies and ambiguities
<input checked="" type="checkbox"/>	E- Items of lessor priority to be considered on a future year work program
<input type="checkbox"/>	F - Obsolete, previously resolved or not recommended for further consideration
Scope of Work Necessary to Complete the Amendment:	
<p>To carry out this request, staff would work with the EPRC to draft changes of the Eastsound subarea plan along the lines of what has been proposed in the docket request. The EPRC may choose to hold a public hearing or do some community outreach before making an official recommendation on the proposed draft ordinance of changes. The Planning Commission would need to be briefed on the draft changes and they would hold a public hearing before making a recommendation. The County Council would be briefed on the EPRC proposed changes and the Planning Commission recommendation before holding a public hearing on the ordinance.</p> <p>The one request about prohibiting vacation rentals in ADUs in the Village Commercial land use designation can be considered during the Comprehensive Plan update.</p>	
Changes to the following Comprehensive Plan Goals and Policies:	
N/A	
Changes to the following sections of the Unified Development Code:	
Various changes throughout SJCC Chapter 18.30 Article VIII Eastsound Subarea Plan	

Staff Analysis:

The Eastsound Planning and Review Committee (EPRC) is recommending numerous changes of the Eastsound Subarea Plan for the purposes of clarifying the development code, improving quality of life in Eastsound, increasing economic opportunities, and protecting natural resources. The proposed changes are not required; but rather, they are changes the EPRC has identified as necessary improvements to the existing Eastsound development code, some of which could resolve issues the committee has noticed and experienced.

The proposed changes are extensive. If this project is to be moved forward, there should be a plan for a thorough public process. The public process could include workshops with the EPRC over the course of several meetings in addition to the standard code amendment process. This project would likely require 1 to 1.5 years due to the necessary public outreach and the required code amendment process.

One part of this request can be considered during the Comprehensive Plan update. The EPRC is requesting to change the land use table to prohibit vacation rentals in ADUs in the Village Commercial land use designation. This request can also be considered during the work DCD is doing on vacation rentals as part of the moratorium.

Staff Recommendation: If the County Council wishes to pursue this request, add a substantial review of the development regulations for Eastsound, including the changes brought forward by the EPRC in their application, to the DCD work plan. The review project could take place after Comprehensive Plan update and other higher priority projects, in 2023-2024. Staff recommends considering the request to prohibit vacation rentals in ADUs in the Village Commercial land use designation during the Comprehensive Plan update.



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135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
 (360) 378-2354 | (360) 378-2116
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DATE RECEIVED
 San Juan County
 Department of Community
 Development
 February 26, 2021

Comprehensive Plan Text/SJC Code* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	Eastsound Planning and Review Committee	Name of Agent:	Leith Templin
Address		Address	44 Haven Street
City, State, Zip	Eastsound, WA	City, State, Zip	Eastsound, WA 98245
Phone	360-317-7091	Phone	360-317-7091
Email	EastsoundPlanningReview@gmail.com	E-mail	LeithTemplin@hotmail.com

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.		
Signature	Leith Templin <i>Printed Name</i>	03/01/2021 <i>Date</i>
Signature	Charles Toxey <i>Printed Name</i>	03/01/2021 <i>Date</i>

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

1. Comprehensive Plan amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.

EPRC hears public comment, reviews permits, and works with the Eastsound community, builders, and utility providers to identify needed changes in the Eastsound Subarea Plan. The attached list of suggested changes which will close loopholes, expand commercial opportunities, protect residents from harm, enhance the public's enjoyment of Eastsound, and protect its natural resources. A brief problem statement will precede each suggested change.

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

These are all Title 18 amendments, specifically in the Eastsound Subarea Plan.

3. Why is the amendment being proposed?

See the attached document. These changes fall into the categories of:

- Fixing loopholes
- Correcting erroneous errors
- Clarifying misleading language
- Adding commercial opportunities in appropriate places within Eastsound
- Enhancing and Protecting residential areas, schools, and neighborhood institutions
- Protecting the Eastsound watershed
- Promoting affordable housing parks and industrial activity by creating better screening options

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

EPRC has separately sent recommendations to County Staff on all matters directly dealing with density and land use. These proposed changes work completely in tandem with and promote GMA principles by protecting effective respectful intersections between industrial, commercial and residential areas.

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

- Yes, indicate UGA - Eastsound UGA
 No

6. Does this proposal increase population or employment capacity?

Not directly. However, it prevents ADUs from being used as vacation rentals in Village Commercial which makes them available for long term residential use and it could make it possible to allow affordable housing in the form of mobile home parks in more areas if they were better screened.

Docket – Comprehensive Plan Change Request EPRC February 2021

18.30.670 Design Standards – Request to change exemption language. There is currently an exception to the standards which was written to allow an individual to build a personal private home in whatever style desired: individual homes being such a tiny percentage of overall buildings that the impact to Eastsound’s architectural character would be minimal. The exemption reads, “with the exception of single family residences.” Recent development of multiple residential units has not followed the design standards citing the poorly worded exception because the units were all intended for a single family. This has had a negative impact on Eastsound. We recommended to Staff the removal of SFRs from Village Commercial. But, in case SFRs are allowed to remain, we recommend removing the exemption for SFRs in Village Commercial from the Design Standards – and keeping the exemption in VRI with a change in the language to “a single family residence built on a single parcel in VRI, not multiple dwellings and/or on multiple parcels.” or other language which meets that intent.

Description of Required Screening in land use tables - Several of the tables starting at **18.30.470 (tables 9,11,12,13,14,15,18,19)** reference the minimum screening height of “vegetation” required in 18.30.670 but fail to reference that this vegetation must include shrubs and trees, a 5 foot planting depth, and that it must achieve at least 80% opacity of the thing being screened. If builders or planners look at these tables, they might mistakenly believe they only have to put in a single 2 foot row of shrubs or a single fence 5 feet high. Please update the landscaping sections in each table to say “Screening is to provide a visual barrier at least five feet high, five feet deep with mix of evergreen trees and shrubs to achieve a sight-obscuring screen of at least 80 percent opacity.”

18.30.540 Eastsound airport district. Table 16. The Port of Orcas has doubled its land holdings in recent years and is planning a major expansion which will add hangars, a helipad, warehouse structures and a terminal building onto what is currently open space fields facing Mount Baker Road, Sea View Road, and possibly North Beach Road in the near future. The old terminal buildings were far from public roads and had no visual impact on the surrounding properties. So, there was no need for screening them. These new buildings will be prominent, abutting public roads and in close proximity to private homes, schools and places of worship, Add a Landscaping requirement in Table 16 Eastsound Airport District. Add “New development shall be designed to conserve natural site features to the extent possible. Outside of the runway and taxiway no object zones, 20 feet of treed screening landscaped buffers (in compliance with FAA height limits and SCC18.40.030 through 18.40.032) are required along public street frontage and along property lines adjacent to non-airport land use designations.”

Country Corner Commercial Screening - There also is no Landscaping requirement cited for Country Corner Commercial in **Table 17** where legacy Outdoor Storage is improperly screened. Please add a screening requirement to table 17.

18.30.670 D. a. More types of screening needed— The current description of Screening in Eastsound has only one 5 foot tall option with 80% opacity which barely screens a car, a dumpster or a small boat, but definitely not a building, a line of boats, recreational vehicles, work trucks or a lot of the things that need to be screened in densifying town. Please add an increased level of landscaped screening of mixed evergreens up to 15 or 20 feet high at maturity and up to 99% opacity which could make allowing a wider range of uses such as Outdoor Storage, mobile home parks, and RV parks acceptable in more places.

18.30.560 Eastsound rural residential – Required Clustering. The code states, “All residential developments of 5 or more units or any residential development on a lot or lots in common ownership of 10 acres or more is required to be designed as a cluster of buildings and appurtenances. A minimum of 30 percent of the site shall be retained in open space. All cluster development shall be connected to public water and sewer systems.” This appears to be at odds with requirement for properties outside the UGA not to be hooked up to sewer or water.

Table 5 - VC Vacation Rentals – No vacation rentals should be allowed in ADUs in VC. ADUs meet GMA goals specifically to promote affordable long-term housing.

18.30.640 Payment in lieu – Eastsound village parking fund states “The County council, after receiving the recommendations of the EPRC and the County council’s designee, shall annually establish a fee-in-lieu charge which is based on the average current cost of providing a completed parking space in the village commercial district. An additional charge of \$250.00 shall be included in the fee-in-lieu charge which shall be devoted to the repair and maintenance of the space so created.” The current fee-in-lieu charge has not been updated in decades instead of being updated per the plan, and could not possibly pay for a parking space in Eastsound. EPRC recommends adding the following fee reference for fee-in-lieu to this section of the Eastsound Subarea Plan – fee equal to ‘10% of the current year assessed land value of an average ¼ acre parcel in Village Commercial land use designation.’ or similar.

18.30.660 Signs. 1) Recent problems have occurred with signs being mounted so low that pedestrians could easily hit their heads when walking on the sidewalk. 2) Brightly illuminated ATM machines, gas pumps and charging stations which are lighted from within have been permitted and installed which do not meet code, and, 3) there have been discussions of businesses wanting multiple freestanding signs. In B. 3. Under the public

hazard section, please clarify that signs over walkways should be above head height, at least 7 feet. Please also clarify further under B. 4. that ATMs, ATM signs, fuel pumps and electric charging stations are not exempt from the requirement that signs should not be illuminated from within. Under B. 5. Please indicate that only one freestanding sign is allowed.

18.30.700 Street development standards Curb, gutter and sidewalk are not the only street standards now. Section B should be removed entirely. Section D should include “public paths” Section E should not only reference curb, gutter and sidewalks. It should state “all street improvements established for their street which may include curbs, gutters, sidewalks, public paths,” or the equivalent.

The following are suggested changes to the Eastsound Subarea Allowable Use Tables

- Animal Shelters – Apply the phrase “must be enclosed” (which currently applies to SLI) to all locations in the Subarea, to reduce noise. Or, as an alternative, in 18.40.050 code for Kennels references “indoor facilities only.” This would not prevent the facility from having outside dog run areas. It would just mean the animals would be housed indoors.
- Landscaping, Lawn and Garden Centers, Nurseries and Retail Plant Sales – Change to Yes for 400 square feet or less in Marina, Airport and Country Corner Commercial. Add caveat that “No night lighting” of greenhouses is permitted 8pm to 8am unless glass is opaque. Change to Prov for structures/greenhouses over 400 square feet. This will allow very small nursery and greenhouses (no bigger than a two-car garage) in commercial areas without negatively affecting neighbors.
- Garbage and Solid Waste Transfer Stations – Change to No in Service and Light Industrial – Eastsound’s aquifer would be in jeopardy from solid waste leaching into ground water, and our garbage and transfer needs are being met well in an area which does not leach into the Eastsound watershed or the swale.
- Light Manufacturing – Require manufacturing to be enclosed in buildings and outside storage to be screened in all land uses, not just in some land uses. Airport and SLI are co-located with residential and institutional uses. Enclosing manufacturing and screening outside storage just makes sense.
- Storage and Treatment of Sewerage, Sludge and Septage, Lagoon Systems – Add “enclosed” to SLI for aquifer concerns and containment. I.e., no ‘open’ lagoons.
- Library – Allow in VRI. Libraries are definitive institutional uses and should be allowed in VRI.
- Museum – Allow in VRI. Museums are exemplary of institutions and are perfect for VRI.
- Outdoor Recreation Developments– No in Natural. We understand that commercial tent camping is considered an Outdoor recreation development. Tent camping takes a negative toll on natural areas. Review state parks camping areas

for reference. We want Madrona Point and other natural areas to be enjoyed by the public but not commercial tent camping or playing fields in Parks.

- Outdoor Shooting Ranges – No in SLI. We don't see why the safety risks and noise associated with outdoor shooting ranges should be allowed anywhere in Eastsound. However, we have no objection to having indoor shooting ranges in SLI.
- Mobile Home Parks – We strongly support the establishment of mobile home parks in the interest of affordable housing but should not be visible from County roads. We suggest adding a new level of Screening which requires a deeper planting area and 99% opacity which would make them more acceptable where they are allowed now and possibly make them acceptable in other land uses.
- Helipads Private or Emergency – There is no reason to have helipads anywhere except in the Eastsound Airport land use designation. Some of the rejected iterations of the Airport Master Plan showed a helipad close to the Montessori School. Thankfully, the final version located it farther away. Add caveat in Airport “No Helipads within 100 feet of residences or schools.”
- Utility Facilities Including Storage, Maintenance, Service, Operations and Other Support Offices – Keep YES in Service Park with caveat – Yes to Storage and Utility Support Buildings and No to Offices.
- Agricultural Uses and Activities – YES for SLI and Airport. This allows unused land to be planted or hayed until it is needed for other purposes. Per Adam's input, add a caveat that no agricultural buildings, barns, etc. should be allowed in SLI or Airport.
- Nurseries – We see no reason not to allow this commercial activity on Country Corner properties. YES in Country Corner Commercial.

02/25/2021



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

FILE NUMBER 21-0007
SAN JUAN COUNTY DOCKET INITIAL REVIEW

Applicant:	Rachelle Ericsson	File No.:	21-0007
Description of Proposal: Change SJCC 18.40.220 Drive-through window services to allow eating establishments as an allowable use of drive through windows.			
<input type="checkbox"/>	Comprehensive Plan Text Amendment		
<input checked="" type="checkbox"/>	Development Regulation Amendment		

SEPA Required: YES

Public Outreach/Notification Requirements:

<input type="checkbox"/>	300-foot posted notification – for map amendments for five or fewer parcels
<input type="checkbox"/>	300-foot mailed notification and agency notification – this amendment will potentially affect adjacent properties within 300 feet of a proposal
<input type="checkbox"/>	Subarea or Overlay Wide Notification – this amendment will affect or potentially affect a neighborhood, subarea or multiple properties within an overlay or designation. Number of properties affected:
<input checked="" type="checkbox"/>	Countywide Notification – this amendment will apply countywide or affect many properties throughout the County

Recommended Additional Public Outreach:

<input type="checkbox"/>	Community Meeting(s)	<input type="checkbox"/>	Area-Wide Mailing	<input type="checkbox"/>	Countywide Mailing	<input checked="" type="checkbox"/>	Publication
<input checked="" type="checkbox"/>	Web –page	<input type="checkbox"/>	Press Release	<input type="checkbox"/>	Public Participation Plan	<input type="checkbox"/>	Other (reference below*)

****Depending on the scope of the proposed development regulation amendments, additional public notice may be necessary.***

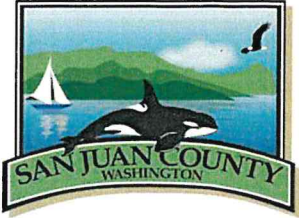
Priority:	
<input type="checkbox"/>	A- Required by law for GMA Compliance or otherwise
<input type="checkbox"/>	B- Items needed to achieve important public policy objectives of a countywide nature
<input type="checkbox"/>	<i>C- Items that can be considered as part of a larger CP update or subarea planning process</i>
<input type="checkbox"/>	D- Items needed to provide clarity and certainty to the UDC and CP by removing inconsistencies and ambiguities
<input type="checkbox"/>	E- Items of lessor priority to be considered on a future year work program
<input checked="" type="checkbox"/>	F - Obsolete, previously resolved or not recommended for further consideration
Scope of Work Necessary to Complete the Amendment:	
<p>This change would require going through the code amendment process to add eating establishments as an allowed use for drive-through windows. Staff's involvement in the code amendment process includes:</p> <ul style="list-style-type: none"> • Minimum 5 meetings: 2 with the Planning Commission and 3 with the County Council, including briefings and public hearings • Multiple staff reports • Development of performance standards for drive-through restaurants • Public Participation (amount depends on scope of Council recommendation). 	
Changes to the following Comprehensive Plan Goals and Policies:	
N/A	
Changes to the following sections of the Unified Development Code:	
SJCC 18.40.220 Drive-through window services	

Staff Analysis:

Currently, banking, postal service, and ferry ticketing are the only uses allowed to have drive-through windows. If the code were changed to add eating establishments as an allowable use of drive-through windows, the change would apply to any place eating establishments are allowed. Eating establishments are allowed in the following land use designations: Village Commercial, Hamlet Commercial, Master Planned Resort, Rural General Use, Rural Commercial, and in various commercial and industrial designations in the subareas. Establishments with drive-through windows must be on lots with ample space for at least 120 feet of off-street vehicle-queuing space.

This is the first request DCD has received for a code change to allow eating establishments to have drive-through windows. Making the change would require the County to go through the code amendment process established in SJCC 18.90.020 Legislative procedures.

Staff Recommendation: If the County Council would like to add this project to the DCD work plan, staff recommends adding it as a lower priority item to be completed after the Comprehensive Plan update is adopted and implemented and after higher-priority projects are finished.



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135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
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S.J.C. DEPARTMENT OF
MAR 1 2021
COMMUNITY DEVELOPMENT

Comprehensive Plan Text/SJC Code* Amendment Request

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

APPLICANT INFORMATION:

Name of Applicant:	Rachelle Ericsson	Name of Agent:	
Address	P.O. box 2622	Address	
City, State, Zip	F.H., Wa. 98250	City, State, Zip	
Phone	(360) 626-3393	Phone	
Email	statners@yahoo.com	E-mail	

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.

<u>Rachelle Ericsson</u> Signature	<u>Rachelle Ericsson</u> Printed Name	<u>2-28-21</u> Date
_____ Signature	_____ Printed Name	_____ Date

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

1. Comprehensive Plan amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment. N/A

2. San Juan County Code Title 15, Title 16 or Title 18 amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List code sections proposed for amendment.
I am proposing the code SJCC 18.40.220 be altered to allow coffee kiosks/restaurants drive-through window services. This would allow needed safety measurements for the public during + after the covid pandemic.

3. Why is the amendment being proposed? Public safety needs to be implemented now & for the future in keeping our locals / tourists safe. Allowing drive-through facilities in the county will enable the public, especially the elderly / immune compromised individuals take-out / drive-through services.

4. How is the proposed amendment consistent with the Growth Management Act (RCW 36.70A), Comprehensive Plan and development regulations? Economic Development. Implementing restaurant / kiosks drive-through services enables the public safe take-out, additional jobs & peace of mind conveniences.

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

Yes, indicate UGA Lopez Village / Eastsound

No

6. Does this proposal increase population or employment capacity? Yes, on both population and employment. People are afraid to dine in / be around others and drive-through services would promote the public to dine-out more which in turn would provide additional employment & increase population due to safe services will be available.



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135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
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 dcd@sanjuanco.com | www.sanjuanco.com

FILE NUMBER 21-0008
SAN JUAN COUNTY DOCKET INITIAL REVIEW

Applicant:	Alexandra Gayek	File No.:	21-0008
<p>Description of Proposal: Various changes and additions to SJCC Chapter 18.60 Development Standards related to stormwater: 18.60.060 Clearing and Grading Standards, 18.60.070 Storm Drainage Standards, and 18.60.050 Density, Dimension, and Open Space Requirements. Changes are proposed to address drinking water needs and stormwater problems and to improve ecosystem sustainability. A related change to Element 4, Water Resources of the Comprehensive Plan is proposed as well.</p>			
<input checked="" type="checkbox"/>	Comprehensive Plan Text Amendment		
<input checked="" type="checkbox"/>	Development Regulation Amendment		

SEPA Required: YES

Public Outreach/Notification Requirements:

<input type="checkbox"/>	300-foot posted notification – for map amendments for five or fewer parcels
<input type="checkbox"/>	300-foot mailed notification and agency notification – this amendment will potentially affect adjacent properties within 300 feet of a proposal
<input type="checkbox"/>	Subarea or Overlay Wide Notification – this amendment will affect or potentially affect a neighborhood, subarea or multiple properties within an overlay or designation. Number of properties affected:
<input checked="" type="checkbox"/>	Countywide Notification – this amendment will apply countywide or affect many properties throughout the County

Recommended Additional Public Outreach:

<input type="checkbox"/>	Community Meeting(s)	<input type="checkbox"/>	Area-Wide Mailing	<input type="checkbox"/>	Countywide Mailing	<input checked="" type="checkbox"/>	Publication
<input checked="" type="checkbox"/>	Web –page	<input type="checkbox"/>	Press Release	<input checked="" type="checkbox"/>	Public Participation Plan	<input type="checkbox"/>	Other (reference below*)
<i>*Depending on the scope of the proposed development regulation amendments, additional public notice may be necessary.</i>							

Priority:	
<input type="checkbox"/>	A- Required by law for GMA Compliance or otherwise
<input checked="" type="checkbox"/>	B- Items needed to achieve important public policy objectives of a countywide nature
<input type="checkbox"/>	<i>C- Items that can be considered as part of a larger CP update or subarea planning process</i>
<input type="checkbox"/>	D- Items needed to provide clarity and certainty to the UDC and CP by removing inconsistencies and ambiguities
<input type="checkbox"/>	E- Items of lesser priority to be considered on a future year work program
<input type="checkbox"/>	F - Obsolete, previously resolved or not recommended for further consideration
Scope of Work Necessary to Complete the Amendment:	
<p>Updating the stormwater code would be a multi-phase project including research, public participation, stormwater plan updates, the code amendment process, and implementation. The project would require both DCD and Public Works staff, a public participation plan, and would take approximately 1 – 1.5 years.</p> <p>The requested change to the Comprehensive Plan can be incorporated into the draft Water Resources Element during the ongoing Comprehensive Plan update.</p>	
Changes to the following Comprehensive Plan Goals and Policies:	
Section B, Element 4 Water Resources	
Changes to the following sections of the Unified Development Code:	
18.60.060 Clearing and Grading Standards, 18.60.070 Storm Drainage Standards, and 18.60.050 Density, Dimension, and Open Space Requirements	

Staff Analysis:Comprehensive Plan

The applicant requested one change to the Comprehensive Plan in Section B, Element 4 Water Resources, which would add a statement that the County's stormwater regulations are customized for conditions specific to San Juan County. San Juan County's geologic and geographic conditions are one of a kind in Washington State, presenting unique challenges and opportunities for stormwater management. Staff

recommends making this change during the Comprehensive Plan update to emphasize that the County's stormwater practices should be thoughtfully shaped around the setting of the Islands.

Development Code

The applicant is proposing various changes and additions to the stormwater regulations in the development code to better protect the environment, address stormwater runoff problems, control erosion and sedimentation, promote aquifer recharge, and meet human demand for drinking water. Many of the requested additions are adapted from the Department of Ecology's 2019 Stormwater Management Manual for Western Washington.

The Department of Community Development (DCD) and Public Works, which are the County departments that implement stormwater regulations and projects, have identified the need for a stormwater code update project within the next 2-3 years. One reason for performing a stormwater code update project is to consider the impacts of climate change and to incorporate state-level updates into the development code for stormwater. The current stormwater code relies on the 2005 stormwater management manual, old data, and does not account for climate change. Climate change is causing greater rainfall events, which lead to greater volumes of stormwater. Additional study regarding climate impacts on stormwater is needed to set effective standards for stormwater infrastructure. Another reason for updating the stormwater code is to make the regulations locally specific. As the applicant suggests, San Juan County's stormwater regulations should be thoughtfully tailored for the Islands. Considering local conditions would be part of the code amendment process.

Rather than opening the code to make the specific changes proposed by the applicant, the stormwater code should undergo a holistic review and update. This project could be carried out in 3 phases. The first phase would consist of researching projected climate impacts and best management practices for addressing climate change through the stormwater code. Staff has proposed a policy in the draft land use Element supporting a climate change land use study, which could be used to inform a stormwater code update project. Regulatory changes would occur in the second phase through a public process. The third phase would consist of implementation, including developing educational materials, performing outreach to developers and contractors, and updating the County website.

Staff Recommendation: Add a stormwater regulation update project to the DCD and Public Works work plans in 2022-2023. After the *Plan* update, this could be a higher priority project because it will improve the County's climate change resilience, clarify the stormwater standards, and help meet natural resource and environmental objectives countywide. The stormwater code update should focus on climate change, aquifer recharge, water quality, and stormwater management strategies customized for the San Juan County context. The requests and concerns brought forth in this docket application should be considered during the update. Consider the change to *Plan* Element 4, Water Resources during the Plan update.



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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

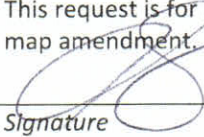
DATE RECEIVED
San Juan County
Department of
Community Development
Received March 1, 2021

Comprehensive Plan Text/SJC Code* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	<u>Alexandra Gayek</u>	Name of Agent:	_____
Address	<u>6866 Olga Rd</u>	Address	_____
City, State, Zip	<u>Olga, WA 98279</u>	City, State, Zip	_____
Phone	<u>360-376-5484</u>	Phone	_____
Email	<u>gayek07@hotmail.com</u>	E-mail	_____

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.

	<u>Alexandra Gayek</u>	<u>3/1/21</u>
Signature	Printed Name	Date
_____	_____	_____
Signature	Printed Name	Date

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

1. Comprehensive Plan amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.

See attached document for all remaining sections.

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

Docket Application 2021

Please Describe the Proposed Amendments

- 1. Comprehensive Plan amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.**

Proposed amendment to Comprehensive Plan Section B, Element 4 Water Resources Draft May 19, 2020, Section 4.5 Storm and Surface Water Management, p.7

Last sentence in first paragraph:

The County uses development design standards for stormwater that follow the Department of Ecology's latest guidance, [adapted and upgraded for conditions specific to San Juan County](#).

Reasons for proposed amendment:

The Department of Ecology's latest guidance on stormwater management is contained in the 2019 Stormwater Management Manual for Western Washington (SMMWW). This document states, in section I-1.1

More Stringent Requirements

Federal, state, and local permitting authorities with jurisdiction can require more stringent measures that are deemed necessary to meet locally established goals, state water quality standards, or other established natural resource or drainage objectives.

Water cleanup plans or Total Maximum Daily Loads (TMDLs) may also identify more stringent measures needed to restore water quality in an impaired water body.

Contrary to most counties in western Washington, development in San Juan County is not dominated by shopping malls, industrial complexes, large, speculative housing developments, large medical/hospital complexes, universities, or urban areas. It is dominated by small activity areas, agricultural lands and the sprawl of individually developed single family residences. More attention to the development of parcels perched high on hillsides for optimal views, and the cumulative impact of development of small, adjacent parcels both in hamlets and rural residential designations, and, is required.

Contrary to most counties in western Washington, the sole source of fresh water for all living beings in San Juan County is precipitation. Natural, undisturbed ecosystems hold the water from this precipitation in plants, animals, fungi, micro-organisms, soil, aquifers, streams, ponds, and wetlands in adequate supply for that life before it eventually reaches the ocean.

The only reasons for stormwater management are human demands for drinking water on islands with very little natural groundwater, and ecosystem disturbance by humans, through removal and replacement of natural vegetation, soil, and wetlands with roads, driveways, parking areas, buildings, septic systems, lawns, gardens, lined ponds, agriculture, logging operations, mining and other extraction including wells; the disturbance of natural water flow with all of the above, plus trails, fill, grading, dams, levees, stream diversion, ditches, swales, and drainage systems; erosion caused by construction practices, agricultural practices; and the use and disposal of toxic substances.

Current land use regulations and stormwater management practices in the county are inadequately protecting the natural ecosystems of the islands that would otherwise prevent much of the runoff (up to

99% in mature forest) and erosion and naturally maximize and protect aquifer recharge and wild species.

According to the 2005 – 2007 Puget Sound Conservation & Recovery Plan, to which our County Code currently refers for acceptable stormwater management practices:

The Issues

Stormwater runoff comes from rain or snow that falls on streets, parking areas, rooftops and other developed land that subsequently flows directly into Puget Sound or is routed there through drainage systems, streams, and rivers.

Stormwater runoff causes two major problems. First, when stormwater runoff moves over developed land it picks up and transports pollutants to receiving waters. This pollutant mix may include oil, grease, heavy metals, pesticides and other toxic chemicals, sediment, bacteria, and nutrients. The Department of Ecology (Ecology) estimates that of all the impaired water bodies identified for cleanup plans under the Clean Water Act, approximately one-third are polluted by stormwater runoff. These pollutants carried by stormwater runoff degrade the quality of surface waters, restrict harvesting in shellfish growing areas, harm or kill fish and other wildlife, limit recreational opportunities, contribute to sediment contamination in urban bays, and have the potential to pollute groundwater supplies.

The second major problem of stormwater runoff is the degradation or loss of habitat caused by increases in the volume of runoff from developed lands. In native forests of the Pacific Northwest, researchers estimate that less than one percent of rain or snow becomes surface runoff. Most of the precipitation infiltrates to the ground, is taken up by plants, or evaporates. When forests and prairies are cleared and replaced by streets, parking lots and buildings, hydrology is completely changed. Surface runoff increases dramatically and becomes stormwater runoff. Without adequate controls, increased stormwater flows overwhelm stream channels, undercutting and eroding stream banks, depositing excessive sediment, and altering fish and wildlife habitat. The federal agencies with authority under the Endangered Species Act (ESA) have identified habitat loss due to stormwater runoff as one of the factors limiting our ability to recover salmon species listed under the ESA.

The current language in Section B, Element 4.1 of the Comp Plan's May, 2020 Draft suggests instead that it is the geology of the region that is entirely responsible for the large amount of runoff from our islands, without any consideration/documentation of development's contribution to the high amount of runoff.

“The percentage of precipitation that actually becomes groundwater recharge is extremely low, often less than 10 percent. The islands’ geography is characterized by the rainshadow created by the Olympic Mountains to the south and Vancouver Island to the west, by predominantly steep terrain and bedrock geology, by small watershed catchment areas, and by extensive shoreline. These conditions result in lower rainfall than other areas of Western Washington, limited groundwater storage, and extensive runoff and drainage to the Salish Sea.”

Regardless of the reason for excess runoff, San Juan County's requirements for stormwater management are very different from those of most of western Washington. Our islands requires much more careful management.

Yet, current stormwater management practices are not only falling short of managing natural runoff so that it can meet human water needs, they are also inadequately mitigating stormwater problems directly caused by development and continuing human activity in developed areas.

This is evidenced by the loss of native species on land and in fresh and marine waters, and by the amount of stormwater collected in roadside ditches from upslope properties on which land has been

disturbed, citizen complaints about increased flooding downgradient from cleared forest and new construction, wells previously functioning year-round now going dry in summer, and changes in stream flow.

These observations, made simply by walking around my own neighborhood in Olga and talking with friends on Orcas Island, are consistent with known hydrologic changes from development, as stated in the 2019 SMMWW, 1-1.3:

Hydrologic Changes

As settlement occurs and the population grows, trees are logged and land is cleared for the addition of impervious surfaces such as rooftops, roads, parking lots, and sidewalks. Maintained landscapes that have much higher runoff characteristics typically replace the natural vegetation. The natural soil structure is also lost due to grading and compaction during construction. Roads are cut through slopes and low spots are filled. Drainage patterns are irrevocably altered. All of this results in drastic changes in the natural hydrology, including:

- Increased volumetric flow rates of runoff
- Increased volume of runoff
- Decreased time for runoff to reach a natural receiving water
- Reduced ground water recharge
- Increased frequency and duration of high stream flows during and after wet weather
- Reduced stream flows during the dry season
- Wetlands inundation during and after wet weather
- Reduced wetlands water levels during the dry season
- Greater stream velocities”

Stream flow impact is illustrated in the diagram at this link:

<https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMWW/Content/Resources/Images/Figures/ChangesInHydrologyAfterDevelopment.pdf>

Absence of returning coho for spawning in the Land Bank's Coho Preserve on Orcas Island is an example of the results of these hydrologic changes.

Understanding the larger context of water management and implementing regulations applicable to the larger context, including revising land use and density planning, is critical to reaching the County's Water Resources goals, as the SMMWW states in section 1-1.3:

The Role of Land Use and Lifestyles

Land use is tied to site development standards and where development occurs. This manual is not intended to direct those land use decisions or delve deeply into those topics. Most land use decisions occur prior to the project being proposed. This manual focuses on the management of the project. This manual can provide site development strategies to reduce the pollutants generated and the hydrologic disruptions caused by development.

The engineered stormwater conveyance, treatment, and detention systems advocated by this and other stormwater manuals can reduce the impacts from development to water quality and hydrology. However, they cannot replicate the natural hydrologic functions of the natural watershed that existed before development, nor can they remove enough pollutants to replicate

the water quality of pre-development conditions. Ecology understands that despite the application of appropriate practices and technologies identified in this manual, some degradation of urban and suburban receiving waters will continue, and some beneficial uses will continue to be impaired or lost due to new development. This is because land development, as practiced today, is incompatible with the achievement of sustainable ecosystems. Unless development methods are adopted that cause significantly less disruption of the hydrologic cycle, the cycle of new development followed by beneficial use impairments will continue.

In recent years, researchers ([May et al., 1997](#)) and regulators [e.g., ([King County Surface Water Management, 1996](#))] have speculated on the amount of natural land cover and soils that should be preserved in a watershed to retain sufficient hydrologic conditions to prevent stream channel degradation, maintain base flows, and contribute to achieving properly functioning conditions for salmonids. There is some agreement that preserving a high percentage (possibly 65 to 75%) of the land cover and soils in an undisturbed state is necessary. To achieve these high percentages in urban, urbanizing, and suburban watersheds, a dramatic reduction is necessary in the amount of impervious surfaces and artificially landscaped areas to accommodate our preferred housing, play, and work environments, and most significantly, our transportation choices.

Surfaces created to provide “car habitat” comprise the greatest portion of impervious areas in land development. Therefore, to make appreciable progress in reducing impervious surfaces in a watershed, we must reduce the density of our road systems, alter our road construction standards, reduce surface parking, and rely more on transportation systems that do not require such extensive impervious surfaces (rail, bicycles, walking).

Reducing the extent of impervious surfaces and increasing natural land cover in watersheds are also necessary to solve the water quality problems of sediment, temperature, toxicants, and bacteria. Changing public attitudes toward chemical use and preferred housing are also necessary to achieve healthy water ecosystems.

Until we are successful in applying land development techniques that result in matching the natural hydrologic functions and cycles of watersheds, management of the increased surface runoff is necessary to reduce the impact of the changes. [Figure I-1.3: Relationship Between Basin Development and Biotic Integrity in Puget Sound Lowland Streams](#) illustrates that significant biological impacts in streams can occur at even low levels of development associated with rural areas where stormwater runoff has not been properly managed. Improving our stormwater detention, treatment, and source control management practices should help reduce the impacts of land development in urban and rural areas. We must also improve the operation and maintenance of our engineered systems so that they function as well as possible. This manual is Ecology’s latest effort to apply updated knowledge in these areas.

The question yet to be answered is whether better management – including improved treatment and detention techniques – of the increased surface runoff from developed areas can work in combination with preservation of high percentages of natural vegetation and soils on a watershed scale to yield a minimally altered hydrologic and water quality regime that protects the water-related natural resources.

In summary, implementing improved engineering techniques and drastic changes in where and how land is developed and how people live and move across the land are necessary to achieve the goals in the federal Clean Water Act - to preserve, maintain, and restore the beneficial uses of our nation’s waters.

Assuming basic past and present adherence to current County Code, and recognizing that most of the basic thresholds and BMPs in the 2019 SMMWW are designed for areas different from our county yet remain the thresholds and BMPs reflected in our County Code, it is obvious that the management

practices required by the SMMWW need to be upgraded for our county.

Proposed amendments to County Code relate to **Comprehensive Plan Section B, Element 4 Water Resources Draft May 19, 2020, Section 4.5 Storm and Surface Water Management.**

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

Code changes in 18.60.060 Clearing and Grading Standards, 18.60.070 Storm Drainage Standards, and 18.60.050 Density, Dimension, and Open Space Requirements are needed to address drinking water needs and stormwater problems and improve ecosystem sustainability.

18.60.060 Clearing and grading standards.

B. Drainage and Erosion Control. This subsection shall apply to any development for which a permit is required by this code or which is permitted outright by regulations in Chapter [18.30](#) SJCC.

All grading activities shall be accomplished as follows:

1. Design and maintain adequate buffers of undisturbed native vegetation to minimize off-site impacts of surface water runoff, erosion, and sedimentation.
2. Design and construct all graded surfaces that are to be revegetated to slope gradients (generally less than 1:2 or 1:3 slopes) so that the graded surfaces will hold topsoil and to minimize surface runoff, erosion, and sedimentation.
3. Selectively salvage the upper six to 12 inches of topsoil, stockpile it, and respread over all disturbed areas to be revegetated.
4. Any area cleared or graded and not covered with gravel or an impervious surface shall be seeded and revegetated immediately on completion of the project. If erosion is probable, areas with exposed soil shall be protected by temporary means during construction. All disturbances ~~shall should at least be revegetated with grasses and forbs; include shrubs, and trees as appropriate in the revegetation effort. Use of~~ plant species native to the County, including trees and shrubs, is encouraged.
5. Natural vegetation shall be retained to the maximum extent possible in construction and operation of any use. All development shall ensure that soil erosion and sedimentation of drainage ways will be controlled to prevent damage to adjoining property and downstream drainage channels and receiving waters.
6. Surface drainage of runoff from precipitation shall be retained on the parcel where it originates in a manner that allows infiltration on the parcel, unless already being collected in a naturally occurring stream, pond, lake, or wetland whose boundaries extend beyond the parcel's boundaries. Unless because of contamination, or for scientific testing, it shall not be collected/detained for use or disposal anywhere other than on the parcel. It shall not be directed to or discharged into County roads or ditches within County rights-of-way unless approved by the County engineer, for example due to unenforceability of retention by upstream, upslope or upgradient owners.
7. A drainage analysis shall be prepared that includes the context of any development in the entire basin/watershed. if required by SJCC 18.60.070. Drainage controls may be required to regulate velocities and quantity of runoff water and to control pollutants, erosion, and sedimentation if it is

probable that damage could occur downstream to property or to water quality, or excess water could accumulate on adjacent downstream, downslope, or downgradient property. Such controls may include landscaping or reestablishing native vegetation, ponds, catch basins, and other control structures.

8. For effective long-term weed control, ~~it is suggested that the landowner coordinate with the County weed control board to eradicate nuisance species.~~ organic vegetation management practices are recommended. In no event may herbicides or other harmful pollutants be used.

3. Why is the amendment being proposed?

As explained above for amendments to the Comp Plan, grass is inadequate to control stormwater runoff and aquifer recharge. Current management of stormwater runoff results a great deal of excess water into County roads or ditches within County rights of way, and on downstream/downgradient properties. Herbicides are known to be more persistent than originally advertised, and damaging to natural ecosystems well beyond the target plants; organic management practices have been demonstrated to be more effective, less costly over time, and are undeniably more protective to natural ecosystems.

The absence of drainage analysis and stormwater plans for small parcels and small projects on larger parcels is resulting in significant and unnecessary problems on downstream, downslope, or downgradient parcels and natural ecosystems, each of which may be cumulatively impacted from grading and clearing on multiple upstream, upslope, and/or upgradient parcels.

18.60.070 Storm drainage standards

All existing and new development and redevelopment must conform to the following standards and minimum requirements regarding Existing Development, New Development and Redevelopment Project Thresholds and Minimum Requirements, which are based on set by the Washington Department of Ecology Stormwater Management Manual for Western Washington, Publication No. ~~05-10-029 through 05-10-033~~ 19-10-021. Beyond these sections, all other requirements and guidance in the 2019 SMMWW must be met. In addition, the best management practices identified in the January 2005 Low Impact Development Technical Guidance Manual for Puget Sound, produced by the Puget Sound Action Team, are acceptable alternatives available as additional guidance for managing runoff, controlling soil erosion, and maximizing and protecting recharge.

Reasons for proposed amendment:

1. Existing patterns of stormwater runoff contradict the mandate to protect and preserve aquifers, as well as protecting natural hydrology and the natural ecosystems of which it is a part
2. Stormwater runoff must be prevented to the extent possible without removing existing structures and impervious surfaces.
3. The latest guidance from Dept of Ecology of which I am aware is the 2019 version of the Washington Department of Ecology Stormwater Management Manual for Western Washington, Publication No. 19-10-021. The 2019 version eliminates an important requirement for Basin/Watershed Planning that was present in the 2005 version to which

the County Code refers. It replaces *requiring* such planning with *promoting* such planning. As stated above, current requirements are inadequately addressing stormwater issues, so need to be made more stringent. It is specifically stated within SMMWW 2019 that local government may do this.

4. It is unclear how specific elements of the LIDTGM compare with the 2019 SMMWW, so to prevent confusion as to the intent, and to make the code enforceable, this wording is clearer.

Section A. Definitions. For the purposes of this section, the definitions as specified in the Glossary of the SMMWW and the following additional definitions at I-2.1 of the SMM shall apply:

Reason for proposed amendment:

Neither the 2005 nor the current SMMWW includes a similar definitions section. Section I-2.1 does not exist in the 2005 SMMWW to which this chapter supposedly refers. The current SMMWW does not mention “small parcel development,” nor specify any special, less stringent regulations for small parcels. Some of the proposed definitions are not in the current SMMWW.

1. “Small parcel development” is a development that creates or adds less than 5,000 square feet of impervious area, and that is either of the following:
 - a. The construction of an individual, detached, single-family residence, accessory dwelling unit, ~~or duplex,~~ accessory unit, or appurtenant unit; or
 - b. Land-disturbing activities of less than one acre, ~~that include grading of 100 or more cubic yards.~~
2. “Small grading project” is land disturbing activities that include grading of 100 or more cubic yards.

Reason for proposed amendment:

The cumulative impact on stormwater issues (runoff, controlling soil erosion, and maximizing and protecting recharge) from small changes to many nearby properties is not covered in the current standards. Nor is the total development to any single property including ALL structures and surfaces, not just dwellings, that, either all at once or over time, add up to crossing thresholds of allowed impervious surface area. Land-disturbing activities of all types in a neighborhood, as well as on a single parcel, can cause significant impact to stormwater issues.

3 “Existing Developed and Disturbed Land Parcel” is a parcel on which there has been or continues to be land disturbing activity or water disturbing activity, caused by humans or by non-native animal or plant species, or by fire, and whether or not such disturbance was initiated by current owner(s). Such disturbance includes, but is not limited to non-permitted or previously permitted non-compliant activity.

Reason for proposed amendment:

To clarify new section below giving requirements for such parcels.

4.2. “New development” means includes land-disturbing activities, structural development (construction, installation or expansion of a building or other structure), creation of impervious surfaces, Class IV General forest practices and COHP plans, and subdivision, short subdivision and binding site plans as defined in RCW 58.17.020. Land disturbing activities, including Class IV-general

forest practices that are conversions from timberland to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

5.3. “Redevelopment” means, includes, on an already developed site, the creation or addition of impervious surfaces, structural development, and replacement of impervious surface that is not part of routine maintenance; and also, land-disturbing activities that are associated with the above-activities. On a site that is already substantially developed (i.e., has 35% or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities.

6. “Hard surface” is an impervious surface, a permeable pavement, or a vegetated roof.

7.4. “Impervious surface” means a hard surface area which creates a barrier to the entry of water into the soil mantle in comparison with natural conditions prior to development, or which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include roofs, driveways, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces. A non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of Minimum Requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

8. 5. A “land-disturbing activity” means results in a change in the existing soil cover (both vegetative and nonvegetative) or the existing topography, and includes but is not limited to demolition, construction, clearing, grading, filling, and excavation. Any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

9. “Water-disturbing activity” means any activity that impacts water quality or quantity on downslope, downstream, or downgradient properties, or impacts groundwater including aquifers.

10. A “Rain Garden” is a non-engineered shallow landscaped depression, with compost-amended native soils and adapted plants. The depression is designed to pond and temporarily store stormwater runoff from adjacent areas, and to allow stormwater to pass through the amended soil profile. See SMMWW BMP T5.14: Rain Gardens.

11. “Harmful pollutant “ is a substance that has adverse effects to an organism including immediate death, chronic poisoning, impaired reproduction, cancer or other effects.

12. “Displaced surface water” is water displaced by an impervious in-ground structure such as a building foundation.

13. “Retention facility” is a type of drainage facility designed to collect and hold surface and stormwater runoff for a considerable length of time, then release it by evaporation, plant transpiration, and/or infiltration into the ground.

14. “Original or fully regrown native vegetation” on our islands consists of mature native forest, native riparian, shoreline, wetland vegetation and, on rocky outcrops, moss, lichens, and other native plants.

Reason for proposed amendments:

These definitions include the verbatim definitions in the 2019 SWMMWW for New Development, Redevelopment, Hard surface, Impervious surface, Land-disturbing activity, Harmful Pollutant. Other definitions clarify the meaning of new language.

(New Section): C. Existing Developed and Disturbed Land Parcel Minimum Requirements

1. All existing parcels in hamlet and rural districts on which less than 75% of original or fully regrown living native vegetation remains, regardless of the vegetation existing on the property at the time current ownership commenced, shall be required to maintain one or more rain gardens, natural depressions, or other retention facilities, cumulatively sufficient to retain excess runoff generated on the parcel. The outer edges of such retention facilities shall be set back a minimum of ten feet from any downslope, downstream, or downgradient property line. All outflow from gutters, drain pipes, sump pumps, septic systems, swales, ditches, or other stormwater or surface water that is collected and/or redirected to a surface exit point must be then retained in such facility/facilities so that it is contained on the parcel until it infiltrates into the soil and/or evaporates.

2. Residents on all parcels in all districts shall be required to protect surface and ground water from contamination by:

a. storing all harmful pollutants in leakproof containers in dry locations.

b. complying with prohibition of on site use or disposal of commercial herbicides, insecticides, fertilizers, soil

adjuvants, and other substances inconsistent with organic lawn, garden, and agricultural practices including raising chickens and feeding wildlife.

c. preventing harmful pollutants and other biohazardous materials from entering groundwater or open water via septic systems, spills or leakage on land or in water, burying or dumping.

d. washing off any sunscreen, insect repellent, lotion, deodorant, and any other personal care products applied to skin or hair prior to swimming in any lake, pond, stream, ocean, or other open water in the county.

d. complying with all available and relevant Source Control BMPs in Volume IV of 2019 SMMWW that are not superceded by Items 1. a., b., c. above, or other County Code.

Reason for this new section

Current regulations are written as if to assume that all significant impacts to stormwater, surface water, and groundwater occur at the time of permitted development. Yet, in the county, most parcels undergo many small changes over time, including many unpermitted activities that may individually and/or cumulatively cause significant impact. These include changes due to compaction, storms, corrosion, degeneration, leaching, increased number of residents, new and increased size of vehicles, uncareful use of dangerous pollutants, ignorance on the part of residents as to the impacts of their actions, small construction projects, and normal wear and tear.

Further, treating existing properties as automatically untouchable, or “grandfathered in” by previous regulations in place at the time of initial development or redevelopment, that failed to account for cumulative future development is illogical.

The two most critical changes are the implementation of requirements to increase infiltration of stormwater and surface water, and to reduce pollution of natural ecosystems and drinking water.

The 2019 SMMWW states in section I-1.5:

The method by which this manual controls the adverse impacts of development and redevelopment is through the application of Best Management Practices (BMPs).

BMPs are defined as schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

The primary *purpose* of using BMPs is to protect beneficial uses of water resources by:

- reducing pollutant loads and concentrations,
- reducing discharges (volumetric flow rates) that cause stream channel erosion, and
- reducing deviations from natural hydrology.

However, the impacts of development are not limited to new construction, or even permitted construction. County residents routinely add small, unpermitted structures, cut down trees, remove, alter, and plant new vegetation, mow, start raising chickens, add or remove propane tanks, add and use outdoor plumbing, dig ditches, drive vehicles across permeable surfaces, repair and wash vehicles, use all sorts of hazardous chemicals, and many other activities that cumulatively impact water resources. Storms uproot trees, creating land changes that can alter hydrology. Therefore, BMPs should be applied

to all parcels on which land-disturbing or water-disturbing activities are occurring or have occurred in the past and have left the parcel unrestored to its original native condition.

The following are a few references illustrating only one aspect of development and land use: groundwater contamination by individual septic systems, which is not addressed in the current stormwater drainage standards.

<https://www.usgs.gov/news/man-made-pollutants-finding-their-way-groundwater-through-septic-systems>

https://pubs.usgs.gov/wri/wri914011/pdf/wrir_91-4011_a.pdf

https://www.usgs.gov/special-topic/water-science-school/science/pharmaceuticals-water?qt-science_center_objects=0#qt-science_center_objects

D. New Development Project Thresholds (Adapted from 2019 SMMWW I-3.3, and referring to Minimum Requirements in section I-3.4)

All new development shall be required to comply with Minimum Requirement #2.

The following new development shall comply with Minimum Requirements #1 through #5 for the new and replaced hard surfaces and the land disturbed:

- Results in 1000 square feet, or greater, of new plus replaced hard surface area, or
- Has land disturbing activity of 2,000 square feet or greater.

Such development shall also:

a. For parcels on which stormwater is not collected via direct connection to drains in a municipal drainage system ie, in urban activity centers or resorts, situate all structures and impervious surfaces to allow for stormwater runoff from these surfaces and displaced surface water, , to be collected and retained on the parcel in rain gardens, natural depressions, or other retention facilities, the outer edges of which shall be set back a minimum of ten feet from any downslope or downgradient property line.

b. Create such retention facilities and drainage systems as are necessary to retain on the parcel until evaporation, plant transpiration and/or infiltration into the ground, all stormwater from h surface runoff , from surface water displaced by structures, and stormwater runoff from loss of natural retention due to removal of trees and other vegetation, including vegetation removed prior to current development or current ownership of the parcel.

c. Comply with the equivalent minimum requirements in the current SMMWW intended in “1 through 4 for small parcels in Section I-2.3 of the SMM, and shall employ the small parcel best management practices (BMPs) of Section II-5.10. Additional guidance is provided in Sections I-3.3, I-4, and II-5.9 of the SMM;” (I can't rewrite/replace this with current sections of the updated SMMWW, because I can't find the language in the 2005 SMM to which this section supposedly refers.)

d. Prepare a small parcel erosion, sediment control, and retention facility plot plan or illustration (or, show on other diagrams being prepared for the project, if appropriate) showing:

1) Vicinity map;

2) Location of the structure and its access;

3) All applicable setback requirements;

4) Location of all applicable erosion and sediment control BMPs and retention facilities;
and

5) Existing site features and sensitive areas.

The following new development shall comply with Minimum Requirements #1 through #9 for the new and replaced hard surfaces and the converted vegetation areas:

- Results in 2,000 square feet, or greater, of new plus replaced hard surface area, or
- Converts the lesser of 10% of parcel area or 1/4 acre, or more, of native vegetation to lawn or landscaped areas, or
- Converts 1 acre, or more, of native vegetation to pasture.

E. Redevelopment Project Thresholds (Adapted from 2019 SMMWW I-3.3, and referring to Minimum Requirements in section I-3.4)

All redevelopment shall be required to comply with Minimum Requirement #2.

The following redevelopment shall comply with Minimum Requirements #1 through #5 for the new and replaced hard surfaces and the land disturbed:

- Results in 1000 square feet or more, of new plus replaced hard surface area, or
- Has land disturbing activity of 2,000 square feet or greater.

The following redevelopment shall comply with Minimum Requirements #1 through #9 for the new hard surfaces and converted vegetation areas:

- Adds 2,000 square feet or more of new hard surfaces or,
- Converts the lesser of 10% of parcel area or ¼ acre, or more, of native vegetation to lawn or landscaped areas, or
- Converts 1 acre, or more, of native vegetation to pasture.

Additional Requirements for Redevelopment

Road-related projects shall comply with all the Minimum Requirements for the new and replaced hard surfaces (including pavement, shoulders, curbs, and sidewalks) and the converted vegetation areas if the new hard surfaces total 2,000 square feet or more and total 50% or more of the existing hard surfaces within the Site.

Other types of redevelopment projects shall comply with all the Minimum Requirements for the new and replaced hard surfaces and the converted vegetation areas if:

- the total of new plus replaced hard surfaces is 2,000 square feet or more, and
- For commercial or industrial projects: the valuation of the proposed improvements, including interior improvements, exceeds 50% of the assessed value of the existing Project Site improvements.
- For all other projects: the valuation of the proposed improvements, including interior improvements, exceeds 50% of the assessed value of the existing Site improvements.

Note on New Development and Redevelopment Sections: These sections are adapted from the 2019 SMMWW. I ran out of energy before completing a comparison of the references in the existing Code, because they do not exist in the 2005 SMM document to which this section of the code says it refers. Therefore, I suggested completely replacing these sections with those in the relevant 2019 SMMWW. I do not mean to propose that any previous standards be relaxed.

Code section 18.60.050 Density, dimension, and open space requirements

C. Measurement Methods. The following methods will be used to determine compliance with this code:

4. "Maximum lot coverage" is measured by the percentage of total surface area of a lot or lots within a single development occupied by all structures, excluding roof overhangs, and covered porches, awnings, carports, and decks over impervious surfaces not used for sales, storage or service, and including "temporary" structures such as shipping containers, yurts, tents, firewood piles, junk piles, garbage or other storage containers, and any maintenance equipment and/or vehicles situated for more than 30 cumulative days in any 12 month period on otherwise permeable surfaces in a particular activity center

6. "Impervious surface" is measured by calculating the horizontal land area of all surface areas that create a barrier to or retard the entry of water into the soil in comparison with natural conditions prior to any development, including but not limited to buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces. See also SJCC [18.60.070](#), Storm drainage standards.

8. "Undisturbed Land" is land with original native vegetation, soil, surface and subsurface geologic features, and hydrology, and without any non-native vegetation, human-made structures or impervious surfaces.

9. "Restored Land" is previously disturbed land that has had non-native vegetation, human-made structures and impervious surfaces removed, surface and subsurface geologic features and hydrology restored, and been replanted with native vegetation similar to original which is now established to the point of thriving without any human maintenance or intervention.

D. Open Space. Open space must be maintained in its natural condition, in agricultural or forestry use, or landscaped according to SJCC [18.60.160](#).

Table 6.1. Density, Dimension, and Open Space Standards for Activity Center Land Use Districts
Current:

Maximum Building Dimensions

Lot coverage ...Hamlet Residential – ~~50%~~

Affordable housing lots of 0.25 acre: 12%

Lots more than 0.25 acre, up to 1 acre: 10%

Maximum Lot coverage on parcels greater than 1 acre: 5,000 sq ft.

Maximum Impervious surface area, including maximum lot coverage:

Parcels 1 acre or less: 20%

Parcels greater than 1 acre: 7,500 sq.ft.

Minimum Required Undisturbed or Restored Land -

Parcels 1 acre or less – 10%

Parcels over 1 acre - 20%

Minimum Required Open Space or Landscaped Area - 30% including Undisturbed or Restored Land and Retainment facilities -

Affordable housing lots of 0.25 acre – 68%

Lots of more than 0.25 acre, up to 1 acre – 70%

Lots of more than 1 acre – 70% plus the remainder of total sq ft minus 7,500 sq ft.

5. —Setbacks do not apply to mail boxes, wells, pump houses, bus shelters, ~~septic systems and drainfields~~, landscaping (including berms), utility apparatus such as poles, wires, pedestals, manholes, and vaults, and other items as approved by the administrator.

Reason for proposed change:

Addition of retention facility, and containment of water originating on the parcel to be retained on the parcel require septic systems and drainfields to be set back, possibly further than the minimum of 10 ft

Table 6.2 Density, Dimension, and Open Space Standards for Rural, Resource, and Special Land Use Districts

Set-Aside Requirements

Minimum Required Undisturbed or Restored Land – all Rural and Resource – same as table 6.1

Minimum required open space or landscaped area, including undisturbed or restored land plus land for retention facilities – RGU and RR 90%; RFF 85%. *

*Add note 17: Parcels abutting lined county roads and containing buildings require a minimum 10 ft wide strip of landscaped, undisturbed, or restored land sufficient to serve as a visual barrier between the road and the closest building(s) to the road.

~~11. Required only for parcels over one acre in size.~~

Reason for proposed change:

There needs to be regulation for all parcels, not just those over one acre in size. Currently, parcels under one acre have zero open space regulation, which makes no sense.

Reason for all these changes to Tables 6.1 and 6.2:

For purposes of achieving the goals of reducing stormwater runoff and protecting and recharging aquifers, for any new development or redevelopment, maximum lot coverage must consider the total impact on impeding water infiltration into the soil, and be dramatically reduced in the predominant areas of construction: hamlet and rural land use districts.

3. Why is the amendment being proposed?

Unless more specifically explained immediately after specific sections above, all amendments are being proposed for the reasons described at length in the explanation for the one proposed amendment to the Comprehensive Plan. In short, current stormwater management practices are inadequately addressing environmental protection, stormwater runoff problems, erosion and sedimentation, aquifer protection and recharge, human demand for drinking water, and overall environmental protection. Even if managed to the letter of currently proposed regulations, as stated in the 2019 SMMWW Section I-1.3, *“land development, as practiced today, is incompatible with the achievement of sustainable ecosystems.”* Anything less than the most stringent and careful management possible is unacceptable, and must be accompanied by drastic changes to our County development standards and regulations. At the very least, as stated in the 2019 SMMWW Section I-1.3, *“a dramatic reduction is necessary in the amount of impervious surfaces and artificially landscaped areas to accommodate our preferred housing, play, and work environments, and most significantly, our transportation choices.”*

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

As described in the explanations inserted throughout this document, the proposed amendments make the County Code more consistent with the Comprehensive Plan. They make the Code's development regulations up to date and comprehensible, since current regulations refer to outdated and non-existent state documents. They also fill some gaps in the development tables to make them comprehensible and thorough, and more consistent with the Comprehensive Plan.

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

Yes. The Chapter 18.60.070, new section C applies to all parcels in all districts, and sections D. New Development and E. Redevelopment sections that already impact UGAs have proposed changes that would impact the same range of parcels as current code impacts.

6. Does this proposal increase population or employment capacity?

Yes. The proposals would increase job opportunities in planning, engineering, construction, landscaping, agricultural production of native species for revegetation, environmental education and environmental specialists. All of these jobs could be filled by current islanders already working in similar fields, so it would not increase housing requirements or population.

Our islands would be more beautiful, quiet, peaceful, and healthy for all.

2021 Docket Applicant Email List

Application #	Applicant Name	Email Address
21-0001	Thomas Bennett	thomasebennett@gmail.com
21-0002	Applicant: Orcas Tennis Club Agent: Rick Hughes	orcastc@gmail.com starwave96@hotmail.com
21-0003	Joe Symons	joesymons@me.com
21-0004	SJC Department of Community Development	sophiac@sanjuanco.com
21-0005	Miles Becker	Beckermiles6@gmail.com
21-0006	Applicant: Eastsound Planning and Review Committee Agent: Leith Templin	eastsoundplanningreview@gmail.com leithtemplin@hotmail.com
21-0007	Rachelle Ericsson	stetners@yahoo.com
21-0008	Alexandra Gayek	Gayek07@hotmail.com

RCW 36.70A.470 Project review—Amendment suggestion procedure—Definitions

(2) Each county and city planning under RCW 36.70A.040 shall include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130.

18.90.020 Legislative procedures.

A. Procedures. All proposed amendments to this code and proposed amendments to the official maps and/or Comprehensive Plan shall be handled according to the procedures established in Chapters 36.70 and 36.70A RCW, RCW 36.32.120, the County Charter, and the County code. This process will ensure formal public notice and public hearings, evaluation, and recommendations from the planning department's professional, technical perspective and from the planning commission's knowledgeable lay perspective. Final action is reserved for the County council.

B. Planning Department. The department shall evaluate all requests to modify this code and forward recommendations to the planning commission and County council for consideration.

C. Planning Commission. The planning commission shall hold a public hearing and make recommendations to the County council on all legislative decisions specified in this section.

D. County Council. All amendments to the development code, Comprehensive Plan, and official maps require a public hearing before the County council.

E. Public Notice. Notice of all public hearings will be given in conformance with applicable law. The department shall maintain a printed list of proposed development code and Comprehensive Plan amendments, and shall include a copy of the list on its web site. A single e-mail list shall be maintained by the department. All those requesting the service shall receive all department notices digitally.

F. Implementation. The County council decision shall become effective no sooner than 10 working days after passage of an ordinance except in the case of an emergency.

G. Comprehensive Plan Amendments. Amendments to the Comprehensive Plan text and official maps may not be considered more frequently than once per year except as provided in RCW 36.70A.130(2) and the Comprehensive Plan.

H. Unified Development Code (UDC) Amendment. Amendments to the UDC may be adopted at any time. (Ord. 32-2010 § 1; Ord. 50-2008 § 1; Ord. 15-2005 § 3; Ord. 16-2002 § 1; Ord. 2-1998 Exh. B § 9.2)

Scope of Work for Text Amendments to UDC and Comprehensive Plan

Text Amendments to the Comprehensive Plan and SJCC Title 18 (UDC)

The list below is a scope of work for text amendments to the Comprehensive Plan and UDC. If a proposal requires amendments to both documents, the same process is required but the analysis and staff resources committed to the amendments will be increased. The UDC can be amended at any time whereas the Comprehensive Plan can only be amended once per year with minor exceptions such as adoption of a subarea plan and responses to Growth Management Hearings Board (GMHB) orders.

1) County Council directs staff to begin the amendment process

2) Staff prepares initial analysis

- A) Analyze proposal for consistency with Comprehensive Plan and County Policies.
 - 1) Compare proposal with applicable State Laws.
 - (a) Growth Management Act (GMA) Chapter 36.70A RCW, and
 - (b) GMA requirements in Chapter 365-196 WAC.
 - 2) Staff prepares State Environmental Policy Act (SEPA) documents:
 - (a) Prepare a SEPA checklist for non-project action, and
 - (b) Prepare a draft SEPA determination based on the checklist.
- B) Draft an initial staff report with staff recommendations and draft ordinance.
 - 1) Staff must coordinate with the Prosecuting Attorney's office for legal review of the proposed amendments.

3) Staff briefs the County Council on the proposed amendments

- A) Staff presents the draft ordinance and staff recommendations to the County Council.
- B) Materials are transmitted to the Council a minimum of ten days prior to the briefing.
- C) Council gives direction on proposed amendments and directs staff to bring the proposal before the Planning Commission.

4) Planning Commission considers the proposed amendment

- A) Staff presents an initial briefing on the proposed code amendment.
- B) Planning Commission sets a public hearing on the proposed amendment.
- C) Staff prepares a public hearing and SEPA determination notice to be published in the Journal of the San Juan Islands and the Island Sounder.
 - 1) Publication of the SEPA determination and comment period is usually combined with the public hearing notice.
 - (a) The SEPA determination and proposed ordinance must be sent to the WA State Department of Ecology (Ecology) and other agencies with jurisdiction; and
 - (b) An administrative and public record of the SEPA determination, its distribution, and publication must be maintained by staff.
 - 2) The comment period on the SEPA determination must be a minimum of fourteen days.

Scope of Work for Text Amendments to UDC and Comprehensive Plan

- 3) The comment period covers a minimum of ten days prior to the public hearing. Written public comments on the proposal are processed as follows:
 - (a) Electronic and printed copies are filed in the administrative and public records;
 - (b) Copies of written comments are provided the Planning Commission at the public hearing;
 - (c) Electronic copies are posted to the County Website; and
 - (d) Staff keeps track of each comment that comes in and provides their recommendations as part of the presentation to the Planning Commission at the public hearing.
- D) The WA State Department of Commerce (Commerce) must be notified of the proposed amendment no less than sixty days in advance;
 - 1) Staff completes a notice of proposed amendment form and letter;
 - 2) Notice of proposed amendments are sent to Commerce; and
 - 3) Correspondence with Commerce is tracked in the administrative and public records
- E) Staff prepares a staff report and presentation for the public hearing that outlines:
 - 1) Written public comments received prior to the public hearing;
 - 2) Any additional clarification the Planning Commission requested at the initial briefing; and
 - 3) Any further analysis of applicable policies and state laws needed.
- F) The Planning Commission holds a public hearing on the proposed amendments.
 - 1) Staff presents the proposed amendments prior to public testimony, outlining the information in the staff report.
 - 2) The public provides testimony on the proposed amendments.
 - 3) The Planning Commission can close the public hearing after public testimony and begin their deliberations on the proposed amendments or continue the public hearing to a later meeting if they feel that additional testimony and written comments are necessary.
- G) Planning Commission begins deliberating on their recommendation to County Council regarding the proposed amendments.
 - 1) Deliberations often take place at the next meeting following the public hearing but can take place at the same meeting following the public hearing.
 - (a) The Planning Commission can ask staff questions that might result in additional technical analysis, this usually involves a supplemental staff report and briefing at a later meeting;
 - (b) The Planning Commission may decide to re-open the public hearing at a later meeting to gather additional public testimony on the proposal;
 - (c) Deliberations may take place at more than one Planning Commission meeting, depending on the Commission's meeting agendas; and
 - (d) Planning Commission may keep the record open through the process to allow the public the opportunity to provide further written comments.
 - 2) The Planning Commission works through the proposal with staff to determine alternatives based on public comments and additional staff analysis.
- H) The Planning Commission arrives at their recommendation to County Council.
 - 1) Planning Commission makes official Findings and Recommendation and approve it by vote.

Scope of Work for Text Amendments to UDC and Comprehensive Plan

5) Staff briefs County Council on the Planning Commission's Findings and Recommendation

- A) Staff prepares the Planning Commission recommended ordinance and the prosecuting attorney reviews it.
- B) Staff prepares a staff report that includes:
 - 1) Planning Commission meeting minutes and Findings and Recommendation to County Council;
 - 2) Any further analysis needed in considering the proposed alternatives;
 - 3) Documentation of the SEPA process and notice to Commerce; and
 - 4) Public comments received with a staff analysis and recommendation.
- C) Staff prepares a presentation to the County Council outlining the contents of the staff report.
- D) Staff briefs County Council.
- E) County Council sets a public hearing.
- F) Staff prepares a public hearing notice to be published in the Journal of the San Juan Islands and the Island Sounder.
- G) The comment period covers a minimum of ten days prior to the public hearing. Written public comments on the proposal are processed as follows:
 - 1) Electronic and printed copies are filed in the administrative and public records for the code amendment;
 - 2) Electronic copies are posted to the County Website;
 - 3) Copies of written comments are provided to the County Council at the public hearing, Council can request electronic or hard copies of comments; and
 - 4) Staff keeps track of each comment that comes in and provides their recommendations as part of the presentation to the County Council at the public hearing.
- H) Staff prepares a staff report and presentation for the public hearing that outlines:
 - 1) Written public comments received prior to the public hearing;
 - 2) Any additional clarification the County Council requested at the initial briefing; and
 - 3) Any further analysis of applicable policies and state laws needed.

6) County Council holds a public hearing on the proposed amendment

- A) The County Council holds a public hearing on the proposed amendments.
 - 1) Staff presents the proposed amendments prior to public testimony, outlining the information in the staff report;
 - 2) The public provides testimony on the proposed amendments; and
 - 3) The County Council can close the public hearing after public testimony and begin their deliberations on the proposed amendments. Alternately, they may continue the public hearing or deliberations to a later date if additional testimony and written comments are desired.

- B) County Council deliberates and takes action on the proposed amendments.

Scope of Work for Text Amendments to UDC and Comprehensive Plan

- 1) The County Council can direct staff to conduct additional technical analysis, this usually involves a supplemental staff report and another briefing;
 - 2) The County Council may decide to re-open the public hearing at a later meeting to gather additional public testimony;
 - 3) Deliberations may take place at more than one County Council meeting;
 - 4) If additional alternatives are identified or substantial changes are made to the draft ordinance, another public hearing may be necessary; and
- C) The County Council works through the proposal with staff to determine preferred amendments based on public comments, the Planning Commission's Findings and Recommendations, and additional staff analysis.
- D) If the County Council makes the decision to adopt the ordinance:
- 1) Staff adds physical and electronic copies of the adopted ordinance to the administrative and public records;
 - 2) Council Clerk posts the approved ordinance to the County website and publishes a notice of adoption; and
 - 3) Code amendments become effective 10 days after adoption, unless another effective date is specified or in the case of an emergency.

7) An appeal period follows the adoption of the ordinance

- A) Comprehensive Plan and UDC amendments may be appealed to the Growth Management Hearings Board per state law.
- B) Amending one sub-section of the development code opens the entire sub-section for appeal during the appeal period. For example: if SJCC 18.40.240 (A) is amended, all of SJCC 18.40.240 can be subject to appeal within the appeal period.
- C) Appeals require additional time from Department of Community Development and Prosecuting Attorney staff.

From: David Turnoy <davidgeri@rockisland.com>
Sent: Tuesday, March 16, 2021 11:33 AM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Subject: In support of Joe Symons' docket request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Planning Commissioners,

A small group of people has been working for 30 years to preserve the quality of life we enjoy here in the San Juan Islands. Participants have come and gone, but the one constant throughout this whole period has been Joe Symons. Joe and a few others spent the 1990's working to try to get the county to bring the Comprehensive Plan (CP) into compliance with the Growth Management Act (GMA). Joe and friends eventually won in court, but nothing of substance was done to address the violations. (You can read about this at <http://www.doebay.net/appeal.html>.) Next Joe submitted a formal docket request to the Planning Commission (PC) in 2001 asking for a truth in planning document, basically a version of the Comprehensive Plan in layman's terms. The PC reviewed the request and unanimously voted that it should be done and be given the highest priority of county government. Unfortunately, this request was ignored by the County Council (CC), and there has been no further action taken in the last 20 years. Joe renewed his request in 2018 and 2019, but both applications were rejected by the CC. We now have a new council, and Joe is renewing his request once again including a request for a Build-Out Analysis (BOA).

If you have ever looked at the Vision Statement that is supposed to be the guide for the rest of the Comprehensive Plan, the following sentence encapsulates the vision well: "We...recognize that these rural islands are an extraordinary treasure of natural beauty and abundance, and that independence, privacy and personal freedom are values prized by islanders." The vision calls for all of us to be good stewards of our primarily rural environment. Unfortunately, the Vision Statement has never been operationalized into specific actions, rather, it sits on a shelf while the county continues to grow. Instead, the density map still on the books from 1980 has never been examined for consistency with the Vision Statement, and these regulations could easily lead to an eventual full-time population of 70,000 in the county; visitors would be in addition to that.

How many people can live in our county while still being true to the Vision Statement? We don't know, as a BOA has never been done. The BOA would include an impact analysis focused on themes from the official Vision Statement including the environment, transportation, housing, sense of community cohesiveness and the fiscal implications of new development on government services. [For every new residence bringing in \$1 in tax revenue, the county spends \$1.32; in other words, growth does not pay for itself.] And how about water? How many people can our available water resources support without expensive desalination and water hauling? Hopefully a water inventory will be done shortly, as Senator Lovelett is sponsoring funding for this in the state senate.

As of last year, our population was 17,340. Our population easily doubles in the summer. If build-out could reach 70,000, we are looking at possibly 140,000 people here in the summer. If we are to plan intelligently for the future, we need to know what our county will look like when the build-out population is reached, which is why we need a BOA completed. If the impacts found from the BOA violate our Vision Statement, we must change our regulations to honor the Vision Statement.

If you would like to look at Joe's docket request to read more detail about his BOA request, go to doebay.net/sunshine/Docketsubmission2021.pdf. Two other good links where you can explore the context of the big issues involved can be found at <http://www.doebay.net/appeal.html> and at doebay.net/bigpicture.pdf. In addition, <http://doebay.net/appeal/pathlessibook.pdf> is a site where you can find related essays.

I would like the county to do an analysis of how many people can live here without changing our quality of life. This may be called a build-out analysis, a carrying capacity analysis, or a truth in planning document. I encourage the Commissioners to ask the county council to direct county staff to undertake this study.

Thank you,
David Turnoy
Orcas Island

From: stephen shubert <scs73@rockisland.com>
Sent: Tuesday, March 16, 2021 12:36 PM
To: San Juan County Council <councilvm@sanjuanco.com>
Cc: Lynda Guernsey <LyndaG@sanjuanco.com>; EricaS@sanjuanco.com
Subject: build-out analysis

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I am a resident of San Juan Island, and I care about the future of our county. We are a group of islands, and therefore have limited capacity for growth. Our resources are limited, and our county can't sustain our current quality of life if our population grows to more than a certain number. What is that number? We don't know, as the county has not prepared a build-out analysis (BOA to study the effect of population growth on our resources and quality of life.

Joe Symons has submitted a docket request that asks the county to do this study. In order to plan intelligently for the future and maintain the wondrous place that is our county, please approve his request and set the county staff in motion. The BOA would include an impact analysis focused on themes from the official Vision Statement including the environment, transportation, housing, sense of community cohesiveness and the fiscal implications of new development on government services. While water is one of the most important elements, I understand there is an excellent chance that the state and USGS will be taking care of doing a water inventory.

It is very necessary to analyze the carrying capacity of the islands. There are already wells going dry, septic tank issues, and OPALCO forecasts shortages in electricity in the near future as the infrastructure becomes more green (which is vitally important to mitigate climate change). I urge you support for a real study of the future of the islands. Thank you.

From: Barbara Wollman <birdwalker@interisland.net>
Sent: Tuesday, March 16, 2021 6:29 AM
To: San Juan County Council <councilvm@sanjuanco.com>
Cc: Lynda Guernsey <LyndaG@sanjuanco.com>; EricaS@sanjuanco.com
Subject: the future of our unique islands

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I am a resident of San Juan Island, and I care about the future of our county. We are a group of islands, and therefore have limited capacity for growth. Our resources are limited, and our county can't sustain our current quality of life if our population grows to more than a certain number. What is that number? We don't know, as the county has not prepared a build-out analysis (BOA to study the effect of population growth on our resources and quality of life.

Joe Symons has submitted a docket request that asks the county to do this study. In order to plan intelligently for the future and maintain the wondrous place that is our county, please approve his request and set the county staff in motion. The BOA would include an impact analysis focused on themes from the official Vision Statement including the environment, transportation, housing, sense of community cohesiveness and the fiscal implications of new development on government services. While water is one of the most important elements, I understand there is an excellent chance that the state and USGS will be taking care of doing a water inventory.

Thank you for your attention to my request,
Barbara Wollman
23 year full time resident

From: Pam Jenkins <pamelajenkins@centurytel.net>
Sent: Wednesday, March 17, 2021 4:17 PM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Subject: We need this info to plan for our county's future

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

March 17, 2021

To the members of the Planning Commission,

I am a retired Orcas Island School teacher who cares about the future of our county.

In my nearly 40 years as a resident on Orcas Island, I have seen the population more than double. We are a group of islands, and therefore have limited capacity for growth. Our resources are limited, and our county can't sustain our current quality of life if our population grows to more than a certain number. What is that number? We don't know, as the county has not prepared a build-out analysis (BOA to study the effect of population growth on our resources and quality of life.

Joe Symons has submitted a docket request that asks the county to do this study. In order to plan intelligently for the future and maintain the wondrous place that is our county, please approve his request and set the county staff in motion. The BOA would include an impact analysis focused on themes from the official Vision Statement including the environment, transportation, housing, sense of community cohesiveness and the fiscal implications of new development on government services. While water is one of the most important elements, I understand there is an excellent chance that the state and USGS will be taking care of doing a water inventory.

We really can't wait any longer.

Thank you,

Pam Jenkins

PO Box 168

Olg

From: Beverly Leyman <bevleyman@gmail.com>
Sent: Tuesday, March 16, 2021 7:32 PM
To: Lynda Guernsey <LyndaG@sanjuanico.com>
Subject: BOA

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Dear Lynda,

The Vision Statement declares, in part, “We...recognize that these rural islands are an extraordinary treasure of natural beauty and abundance, and that independence, privacy and personal freedom are values prized by islanders.” The vision calls for all of us to be good stewards of our primarily rural environment. Unfortunately, the Vision Statement has never been operationalized into specific actions, rather, it sits on a shelf while the county continues to grow. Instead, the density map still on the books from 1980 has never been examined for consistency with the Vision Statement, and these regulations could easily lead to an eventual full-time population of 70,000 in the county; visitors would be in addition to that.

It is vital that we know how many people can live in our county and still be true to The Vision Statement.

I strongly urge that a Built-Out Analysis be done now.

Beverly Leyman
Eastsound

From: Alice B. Acheson <aliceba7@gmail.com>
Sent: Sunday, March 21, 2021 8:17 PM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Subject: For the Planning Commission's consideration

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Dear Lynda,

You know I am a resident of San Juan Island and care about the future of our group of islands that have limited capacity for growth. Our resources – especially water – are limited, and our county can't sustain our current quality of life if our population grows to more than a certain number.

What is that number? We don't know because our county (San Juan) has not prepared a build-out analysis (BOA) to study the effect of population growth on our resources and quality of life.

Joe Symons has submitted a docket request for the county to do this study. Please approve his request and set the county staff in motion.

The BOA would include an impact analysis that includes environment, water, transportation, housing, sense of community cohesiveness, and the fiscal implications of new development on government services.

I hope I can depend on your vote to accept the docket request from Joe Symons.

Sincerely,
Alice B. Acheson

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Alice B. Acheson, Book Marketing/Publishing Consultant
P. O. Box 735
Friday Harbor, WA 98250
360/378-5850
<https://sites.google.com/view/alice-b-acheson>



Virus-free. www.avg.com

From: egreub at rockisland.com <egreub@rockisland.com>
Sent: Monday, March 22, 2021 10:32 AM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Subject: For Your Consideration

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I am a resident of San Juan Island and care about the future of our group of islands that have limited capacity for growth. Our resources – especially water – are limited, and our county can't sustain our current quality of life if our population grows to more than a certain number.

What is that number? We don't know because our county (San Juan) has not prepared a build-out analysis (BOA) to study the effect of population growth on our resources and quality of life.

Joe Symons has submitted a docket request for the county to do this study. Please approve his request and set the county staff in motion.

The BOA would include an impact analysis that includes environment, water, transportation, housing, sense of community cohesiveness, and the fiscal implications of new development on government services.

I hope I can depend on your vote to accept the docket request from Joe Symons.

Ed Greub
51 Private Place
Friday Harbor, WA 98250

From: David Turnoy <davidgeri@rockisland.com>
Sent: Wednesday, March 24, 2021 10:48 AM
To: Erika Shook <erikas@sanjuanco.com>
Subject: Fwd: In support of Joe Symons' docket request

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From: "davidgeri" <davidgeri@rockisland.com>
To: "erikas" <erikas@sanjuanco.com>
Sent: Tuesday, March 16, 2021 11:35:34 AM
Subject: In support of Joe Symons' docket request

Hi Erika,

I have written the following note to the county council and planning commission:

A small group of people has been working for 30 years to preserve the quality of life we enjoy here in the San Juan Islands. Participants have come and gone, but the one constant throughout this whole period has been Joe Symons. Joe and a few others spent the 1990's working to try to get the county to bring the Comprehensive Plan (CP) into compliance with the Growth Management Act (GMA). Joe and friends eventually won in court, but nothing of substance was done to address the violations. (You can read about this at <http://www.doebay.net/appeal.html>.) Next Joe submitted a formal docket request to the Planning Commission (PC) in 2001 asking for a truth in planning document, basically a version of the Comprehensive Plan in layman's terms. The PC reviewed the request and unanimously voted that it should be done and be given the highest priority of county government. Unfortunately, this request was ignored by the County Council (CC), and there has been no further action taken in the last 20 years. Joe renewed his request in 2018 and 2019, but both applications were rejected by the CC. We now have a new council, and Joe is renewing his request once again including a request for a Build-Out Analysis (BOA).

If you have ever looked at the Vision Statement that is supposed to be the guide for the rest of the Comprehensive Plan, the following sentence encapsulates the vision well: "We...recognize that these rural islands are an extraordinary treasure of natural beauty and abundance, and that independence, privacy and personal freedom are values prized by islanders." The vision calls for all of us to be good stewards of our primarily rural environment. Unfortunately, the Vision Statement has never been operationalized into specific actions, rather, it sits on a shelf while the county continues to grow. Instead, the density map still on the books from 1980 has never been examined for consistency with the Vision Statement, and these regulations could easily lead to an eventual full-time population of 70,000 in the county; visitors would be in addition to that.

How many people can live in our county while still being true to the Vision Statement? We don't know, as a BOA has never been done. The BOA would include an impact analysis focused on themes from the official Vision Statement including the environment, transportation, housing, sense of community cohesiveness and the fiscal implications of new

development on government services. [For every new residence bringing in \$1 in tax revenue, the county spends \$1.32; in other words, growth does not pay for itself.] And how about water? How many people can our available water resources support without expensive desalination and water hauling? Hopefully a water inventory will be done shortly, as Senator Lovelett is sponsoring funding for this in the state senate.

As of last year, our population was 17,340. Our population easily doubles in the summer. If build-out could reach 70,000, we are looking at possibly 140,000 people here in the summer. If we are to plan intelligently for the future, we need to know what our county will look like when the build-out population is reached, which is why we need a BOA completed. If the impacts found from the BOA violate our Vision Statement, we must change our regulations to honor the Vision Statement.

If you would like to look at Joe's docket request to read more detail about his BOA request, go to doebay.net/sunshine/Docketsubmission2021.pdf. Two other good links where you can explore the context of the big issues involved can be found at <http://www.doebay.net/appeal.html> and at doebay.net/bigpicture.pdf. In addition, <http://doebay.net/appeal/pathlessibook.pdf> is a site where you can find related essays.

I would like the county to do an analysis of how many people can live here without changing our quality of life. This may be called a build-out analysis, a carrying capacity analysis, or a truth in planning document. I have encouraged the planning commission to support and the council to call for doing this study.

Thank you,
David Turnoy
Orcas Island

From: Ande Finley <andefinley@gmail.com>

Sent: Tuesday, March 23, 2021 9:27 AM

To: San Juan County Council <councilvm@sanjuanco.com>; Lynda Guernsey <LyndaG@sanjuanco.com>;
EricaS@sanjuanco.com

Subject: Request for Completion of a Build-Out Analysis

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I am a resident of Lopez Island and I care about the future of our county, which being comprised of islands, has limited capacity for growth. Our resources are limited, and our county can't sustain our current quality of life if our population grows to more than a certain number. But we don't know that number because the County has not prepared a build-out analysis (BOA) to study the effect of population growth on our resources and quality of life.

I have recently become aware that Joe Symons has submitted a docket request that asks the County to do this study. In order to plan intelligently for the future and maintain the special character of our home, please approve his request and set the County staff in motion. The BOA would include an impact analysis focused on themes from the official Vision Statement including the environment, transportation, housing, sense of community cohesiveness and the fiscal implications of new development on government services. While water is one of the most important elements, I understand there is an excellent chance that the state and USGS will be taking care of doing a water inventory.

Thank you for your attention to this critical matter!

Andrea Finley

From: Deb Langhans <bethechange5@rockisland.com>
Sent: Saturday, March 27, 2021 9:51 AM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Cc: EricaS@sanjuanco.com; San Juan County Council <councilvm@sanjuanco.com>
Subject: I'm very concerned...
Importance: High

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March 26, 2021

Dear Director Shook & All Others on the San Juan County Council:

As a resident of San Juan Island, I care deeply about the future of our county in general and the quality of life on our "rock" in particular. In addition to watching real estate development soar in recent years, I've also become mindful of city dwellers nationwide now flocking to more rural and untouched areas in the wake of our pandemic. These statistics trouble me, especially since I'm aware that our county has not prepared any BOA (build-out-analysis) to study the effects of population growth on our island resources and quality of life.

I'm also aware that Joe Symons has submitted a docket request asking the county to conduct that BOA. I'm writing now to express my firm support of his request. Such a BOA would hopefully comprise an impact analysis inspired by themes from the official Vision Statement; it would include the impact on the environment, transportation, housing, fiscal implications of new development on government services, and the quality of community life as a whole.

This pandemic has highlighted the crucial need for solid family and community cohesiveness and security. Mother Earth is screaming at us to protect and preserve her limited resources. Despite how tempting it might be to avail ourselves of the opportunities that come with growth, it's my ardent belief that other timeless values must supersede profit. Please act on behalf of those as quickly as possible for the sake of our county and our island.

Sincerely,

Deb~
Deb Langhans
460 Kanaka Bay Rd.
Friday Harbor



Sophia Cassam

From: Lynda Guernsey
Sent: Monday, March 29, 2021 9:24 AM
To: Sophia Cassam
Subject: FW: Hello! Support of the Vision Statement; Request for Buildout Analysis

Hi Sophia,

Please see the comment email below.

Regards,
Lynda

Lynda Guernsey, Administrative Specialist II – Direct Line (360) 370-7579
SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
(360) 378-2354 | 135 Rhone Street | PO Box 947 | Friday Harbor, WA 98250

From: Georgette Wong <georgette_wong@yahoo.com>
Sent: Monday, March 29, 2021 8:46 AM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Subject: Hello! Support of the Vision Statement; Request for Buildout Analysis

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Lynda!

I hope this note finds you and your family well. Thank you for being so welcoming and helpful during my short time on the Planning Commission. I really appreciate how you helped me get up to speed, and ensure I had all the mailings.

I saw there were some big changes to the Planning Commission after I left. I'm happy to see all the positions are now filled.

Would you kindly pass my note onto the Planning Commission?

I am writing in support of the Build-Out Analysis, which I see as key in keeping the rural character as laid out in the Vision Statement. In my small time on the Planning Commission, I asked for an inventory of water resources, as I saw that was one of the keys to understanding the capacity/carrying limits on the islands. We knew there were a few main sources with a lot of different small wells. I see now that Sen. Lovelett is proposing a similar inventory statewide. With so many people wanting to come to the San Juans -- and now more than ever due to the pandemic -- it would be helpful to understand the impacts on the environment, transportation, housing, sense of community cohesion. Last but definitely not least, it is essential to determine the fiscal implications of new development on government services. The County already seems underfunded. I understand that for every \$1 in new tax revenue, the county spends \$1.32. The County, then, is in effect, subsidizing growth. This is unsustainable.

I want our county to remain a quiet, rural, environmentally sustainable community. We still have time to plan adequately for the transformation that has already begun, but I don't know how much longer we have.

Thank you for being open to this input, and for your service on the Planning Commission.

Best,
Georgette

Sophia Cassam

From: Erika Shook
Sent: Friday, April 2, 2021 2:19 PM
To: Sophia Cassam; Adam Zack
Subject: FW: Support for a Buildout Analysis

Erika Shook, Director - Direct Line (360) 370-7571
SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
360-378-2354 | 135 Rhone Street | PO Box 947 | Friday Harbor, WA 98250

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From: Natalie Menacho <hello@nataliemenacho.com>
Sent: Thursday, April 1, 2021 8:15 PM
To: Erika Shook <erikas@sanjuanco.com>
Subject: Support for a Buildout Analysis

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Hi Erika!

Happy Friday!

I would be remiss if I didn't add my name (again) as a supporter of Joe Symons' docket, request for a thorough buildout analysis, and request for a truth in planning document.

We all moved here because we value the island way of life and rural character of our county. We're in a housing crisis for long-term rentals and there is a boom of development. It's scary. I'm concerned that without reform and really knowing what we're working with, we're gonna find ourselves regretting action not taken sooner. We live on islands. Our natural resources are limited (as well as the time of folks like you making planning decisions) and I support seeking out the tools we need to tell us

where our boundaries are in terms of preserving our way of life, while still allowing for thoughtful expansion and change.

Thank you for considering my request. I would really love to see moves toward a performing a thorough buildout analysis so informed decisions can be made. Thank you!

Have a great weekend!

Natalie Menacho

Orcas Island