



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

REPORT DATE: June 24, 2022

TO: San Juan County Council

FROM: Brooke Sullivan, Planner III *BS*
Sophia Cassam, Planner II *SC*

SUBJECT: 2022 Annual Docket Briefing
Planning Commission Recommendations

ATTACHMENT: A. 2022 Annual Docket Summary Table with DCD Staff and Planning Commission Recommendations
B. Draft Resolution XX-2022 on the 2022 Docket

PURPOSE: To inform the San Juan County Council of the Planning Commission’s recommendations on the 2022 Annual Docket following the public hearing and commission deliberations held on June 17, 2022.

ACTION REQUESTED: Please set a public hearing on the 2022 Annual Docket on Tuesday, August 2, 2022 to begin at or after 9:15 a.m.

PUBLIC COMMENTS: Please send all public comments to BrookeS@sanjuanco.com. Please do not copy the County Council, Planning Commission members, or other County staff. Written public comments received by noon on the day prior to the public hearing, tentatively set for August 2, will be presented to Council. Comments should refer to specific 2022 Docket requests.

To view the public comments submitted to date on the 2022 Docket, please visit <https://www.sanjuanco.com/1658/Annual-Docket>

BACKGROUND: Through the Annual Docket process, interested parties submit requests for changes to the Unified Development Code, Comprehensive Plan, and Official Maps. Staff, the Planning Commission, and the County Council consider whether to add the requests to the Department of Community Development (DCD) future work program. Ultimately, the County Council adopts the docket by resolution and sets the DCD work program (Attachment B). The docket resolution includes a list of requests to be added to the DCD work program in order of priority and a list of requests that require no further action.

Five complete applications were received in 2022 (Appendix A). Complete applications and staff analysis are available in the May 10, 2022 staff report: <https://www.sanjuanco.com/DocumentCenter/View/25863/>. Request 22-0004 was subsequently withdrawn by the applicant and is no longer being considered as part of the Annual Docket process.

On May 20, 2022 staff briefed the Planning Commission on the Annual Docket requests. The County Council was initially briefed on the 2022 Docket applications on June 7, 2022.

PLANNING COMMISSION RECOMMENDATION: On June 17, 2022, the Planning Commission held a public hearing on the 2022 Docket. After receiving public testimony, the Planning Commission made a recommendation for inclusion into the DCD work plan. Following the public hearing, the Planning Commission made the following recommendation:

1. The Planning Commission recommends no further action on 22-0001, and 22-0002.
2. The Planning Commission recommends adding two docket requests to the DCD workplan in the following order:
 - a. 22-0005
 - b. 22-0003

Request 22-0003

Currently the definition of an “Accessory dwelling unit (ADU)” means a living area that is accessory to the principal residence, located on the same lot, and that provides for sleeping quarters, kitchen, and sanitation facilities. An ADU may be internal, attached or detached. We have interpreted this to mean there is a single owner for the land, home and ADUs. DCD staff feel that this change creates some ambiguity related to such things as the responsible parties for enforcement issues, permit issuance and provision of utilities. Staff has found there may be better tools out there to accomplish this goal and would be glad to discuss this with OPAL and other organizations that provide affordable housing in perpetuity.

Request 22-0005

Docket request 21-0005 was of particular interest to the public. The request was submitted by GTB Farms of San Juan Island requesting a change to the land use designation for parcel # 350814001000. The Planning Commission received eight written comments from seven members of the public. People also attended and provided testimony in person and virtually.

Per San Juan County Code 18.90.030(F), the County may only amend Comprehensive Plan Official Maps if all the following criteria are met (emphasis added):

- a. The changes would benefit the public health, safety, or welfare.
- b. The change is warranted because of one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan.
- c. The change is consistent with the criteria for land use designations specified in the Comprehensive Plan.
- d. The change, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations.
- e. The benefits of the change will outweigh any significant adverse impacts of the change.

DCD staff do not feel this request satisfies the required criteria. However, staff does support adding a project to the DCD work plan exploring options for increasing economic viability of local agriculture and forestry related businesses and products. The Agricultural Resources Committee has expressed interested

working with DCD to facilitate this potential project. DCD Staff and Planning Commission recommendations are summarized in Attachment A.

LOCAL CHOICE: None of the changes requested in the 2022 Annual Docket are required. It is a local choice to add any of these requests to the future DCD work program. The projects the County Council recommends adding to the DCD future work program must be balanced with other projects already on the DCD work program. Each docketed project requires a commitment of County resources, typically 6 to 18-months and as such, this can extend the DCD work program significantly. The County receives new docket requests each year and new required projects may arise. Because the projects requested in the 2022 Docket are a local choice, the Council may recommend adding some docket requests of higher priority to the DCD work program and may choose to not recommend other projects.

PROCESS OVERVIEW: After receiving Annual Docket recommendations from the Planning Commission, the County Council will schedule and hold a public hearing. Following the hearing, the Council will determine by resolution which 2022 Docket requests will be added to the DCD work plan, and in what order. The County Council considers the applicant proposals alongside DCD staff and Planning Commission recommendations. Ultimately, it is the County Council that adopts the docket by resolution and sets the DCD work program (Attachment B).

DRAFT RESOLUTION: The Annual Docket resolution includes a list of requests to be added to the DCD work program in order of priority and a list of requests that require no further action. A draft resolution is included in Attachment B reflecting the Planning Commission's recommendation. The draft resolution can be edited at the upcoming County Council Annual Docket public hearing.

ATTACHMENT A. 2022 Annual Docket Summary Table with DCD Staff and Planning Commission Recommendations

| Request # | Keyword | Proponent | Summary of Request | Type of Amendment | SJCC/Comp Plan Sections | Request Documents | Staff Recommendation | Staff Recommended Category | Planning Commission Recommendation |
|--------------------------|---|-----------------------|---|---|---|---|---|----------------------------|---|
| 22-0001 | Boathouses and covered moorages | Port of Friday Harbor | Change SJCC 18.50.240(B)(6) to allow boathouses and covered moorages to be reoriented or adjusted within marinas to cover less environmentally sensitive areas. | UDC | SJCC 18.50.240(B)(6) | https://www.sanjuanco.com/DocumentCenter/View/25271/ | Staff do not recommend further consideration. In order to take action on over-water structures, the County will need to update the SMP. County could inform applicant of the proper process for SMP updates, currently scheduled for 2028. | F | No further action |
| 22-0002 | Transfer of Development Rights (TDR) | Sean DeMeritt | Allow the transfer of development rights. The applicant proposes this as a method of clustering development and promoting open space within UGAs. | UDC | 18.20.010(A) 18.20.200(T) 18.60.050(D) 18.70.060(B)(2) | https://www.sanjuanco.com/DocumentCenter/View/25267/ | Staff recognizes the importance of transfer of development rights (TDR) policies as a planning tool that may increase opportunities to conserve open space and promote other desired outcomes from the comprehensive plan. However, to accomplish this, staff recommend developing an inclusive TDR code (SJCC 18.60.40) that will provide applicants with clear guidance for implementing TDR throughout the county and in a variety of circumstances. | D | No further action |
| 22-0003 | Accessory Dwelling Unit (ADU) Ownership | OPAL | Change SJCC 18.40.240(F)(4) to allow ADUs to be owned by the owner of the principal residence, or the owner of the land if the owner is providing perpetual affordable housing (as defined in SJC 2.27). Currently, ADUs must be owned by the owner of the principal residence. This proposal is to allow landowners to develop ADUs for affordable housing when they are not the owner of the principal residence. | UDC | SJCC 18.40.240(F)(4) | https://www.sanjuanco.com/DocumentCenter/View/25268/ | Staff do not recommend further consideration. This change may impact the definition and intent of ADUs. Additionally, there is an existing process for developing housing clusters, planned unit developments (PUDs), condominiums and other binding site plans where the landowners and homeowners may be different entities. | F | Add to the DCD future work program after 22-0005 |
| 22-0004, LANDUSE-22-0044 | Roche Harbor MPR | New RH LLC | Expand the Roche Harbor Master Planned Resort Activity Center to include five parcels currently designated Rural Residential for resort development. | Comprehensive Plan text and official maps | Parcels 462412001000 462411002000 361922001000 462411003000 361922002000 | https://www.sanjuanco.com/DocumentCenter/View/25269/ | WITHDRAWN – NO ACTION NEEDED | F | WITHDRAWN – NO ACTION NEEDED |
| 22-0005, LANDUSE-22-0045 | GTB Farms | GTB Farms, LLC | Change the land use designation of this parcel from Rural Farm Forest to Rural Commercial. | Official maps | Parcel 350814001000 | https://www.sanjuanco.com/DocumentCenter/View/25270/ | While staff recognize the importance and value of agritourism, Staff do not recommend further consideration of this application. This change will result in a significant benefit/added value to the landowner and may expand allowable uses beyond forestry and farming related activity. Staff does see value in broadly considering how RFF and agricultural land allowable uses could be updated to increase opportunities for agritourism without broadly converting farms and forests to commercial properties. | F | Add to the DCD future work program before 22-0003 |

| 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 |

RESOLUTION NO. ____ - 2022

**A RESOLUTION SETTING THE 2022 DOCKET OF PROPOSED AMENDMENTS TO
THE SAN JUAN COUNTY COMPREHENSIVE PLAN (COMPREHENSIVE PLAN)
AND TITLE 18 SAN JUAN COUNTY CODE (SJCC).**

BACKGROUND

- A. The Growth Management Act (GMA) was passed by the State Legislature in April 1990;
- B. The Board of County Commissioners voted to plan under the GMA in November 1990;
- C. RCW 36.70A.470(2) states:
“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”;
- D. SJCC 18.90.020 Legislative Procedures establishes procedures for the Annual Docket required by RCW 36.70A.470(2);
- E. Applications for the 2022 Annual Docket requesting Comprehensive Plan or development regulation amendments were accepted by the San Juan County Department of Community Development (DCD) between January 1 and March 1, 2022;
- F. Five 2022 Docket requests were received, as shown in Attachment A;
- G. On May 6, 2022, applicants were personally notified via email about the June 17, 2022 Planning Commission public hearing, with an invitation and instructions for providing testimony virtually;
- H. Staff evaluated the 2022 Docket requests and forwarded recommendations on them to the County Council and Planning Commission in a staff report dated May 10, 2022;
- I. On May 13, 2022, request 22-0004 was withdrawn by the applicant;
- J. On May 20, 2022, staff briefed Planning Commission on the 2022 Docket applications;
- K. On June 7, 2022, staff briefed the County Council on the 2022 Docket applications;
- L. The Planning Commission public hearing on June 17, 2022 was duly advertised in the *Journal of the San Juan Islands* and the *Islands Sounder* on June 1, 2022;

- 1 M. On June 17, 2022, Planning Commission held a public hearing on the 2022 Annual
2 Docket applications;
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- 4 N. On June 17, 2022, following the public hearing, the Planning Commission deliberated on
5 public testimony and staff recommendations;
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- 7 O. The Planning Commission recommended that requests 22-0005 and 22-0003 be added to
8 the Department of Community Development work program after the Comprehensive Plan
9 update, respectively;
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- 11 P. The Planning Commission recommended that no further action be taken on the following
12 2022 Docket requests: 22-0001, 22-0002;
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- 14 Q. On June 28, 2022, staff briefed the County Council on the Planning Commission's
15 recommendation and asked the County Council to set a public hearing on the 2022 Docket for
16 August 2, 2022;
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- 18 R. The County Council set a public hearing on the 2022 Annual Docket for August 2, 2022.
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- 20 S. On June 28, 2022, staff provided a second briefing to the County Council to relay the
21 Planning Commission's recommended actions and prioritizations;
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- 23 T. On June 29, 2022, DCD emailed letters to applicants notifying them of the County
24 Council public hearing and inviting them to provide testimony;
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- 26 U. The August 2, 2022 County Council public hearing was duly advertised in the *Journal of*
27 *the San Juan Islands* and the *Islands Sounder* on July 13, 2022;
28 and
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- 30 V. On August 2, 2022, following the public hearing, the County Council deliberated on the
31 2022 Docket applications, Planning Commission recommendations, and staff recommendations.
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1 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of San Juan County, state
2 of Washington, as follows:

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4 That the 2022 Docket requests shown in Attachment A be addressed as follows:

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- 6 1. 22-0001: The Council declines to take further action on this request;
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- 8 2. 22-0002: The Council declines to take further action on this request;
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- 10 3. 22-0003: Add a project for changes to SJCC 18.40.240(F)(4) to allow ADUs to be owned
- 11 by the owner of the principal residence, or the owner of the land if the owner is providing
- 12 perpetual affordable housing (as defined in SJC 2.27);
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- 14 4. 22-0005: Add a project to change the land use designation of parcel#350814001000 from
- 15 Rural Farm Forest to Rural Commercial;
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19 ADOPTED this ____ day of _____, 2022.

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23 ATTEST: Clerk of the Council

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

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Ingrid Gabriel, Clerk Date

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Christine Minney, Chair
District 2, Orcas/Waldron

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33 REVIEWED BY COUNTY MANAGER

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37 _____
Michael J. Thomas Date

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Cindy Wolf, Vice-Chair
District 1, San Juan

40 RANDALL K. GAYLORD
41 APPROVED AS TO FORM ONLY

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44 By: _____

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Jamie Stephens, Member
District 3, Lopez/Shaw

Date

- 1 **ATTACHMENTS**
- 2 **A.** 2022 Annual Docket Summary Table with DCD Staff and Planning Commission
- 3 Recommendations

DRAFT