



MEMO

REPORT DATE: June 5, 2023

TO: San Juan County Council
San Juan County Planning Commission

FROM: Sophia Cassam, Planner III *sc*

SUBJECT: 2023 Annual Docket: Initial briefing and staff recommendations for proposed text amendments to the SJC Comprehensive Plan and San Juan County Code Title 18 Unified Development Code

BRIEFINGS: County Council: June 27, 2023
Planning Commission: June 16, 2023

ATTACHMENTS:

- A. Table summarizing Annual Docket text amendment requests and staff recommendations
- B. Annual Docket requests and review forms
 - B.1 Request 23-0001: Friends of the San Juans
 - B.2 Request 23-0002: Connally and Oettinger
- 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

PURPOSE: To brief the County Council and Planning Commission on the 2023 Annual Docket (Docket) text amendment applications and staff recommendations prior to the Planning Commission public hearing planned for July 21, 2023. DCD will answer questions about the Docket applications at the briefing. DCD is not currently requesting feedback or recommendations from the County Council or Planning Commission.

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 noon on June 15th will be provided to the Planning Commission. Written public comments received by noon on June 26 will be shared with the County Council. Comments should refer to the 2023 Docket requests. All comments on the 2023 Docket will be posted online at: <https://www.sanjuanco.com/1658/Annual-Docket>.

2023 DOCKET APPLICATIONS: Attachment A summarizes the two completed 2023 Docket text amendment applications and provides a staff recommendation for each. Attachment B includes copies of each application.

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

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 applications 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 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. Throughout the docket process written public comments will be shared with the Planning Commission and County Council. The County Council will hold a public hearing, considering the staff and Planning Commission recommendations and public testimony. They will act on the 2023 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. If added to the DCD work plan, all Comprehensive Plan and code amendments 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.

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

- **June 16, 2023:** Planning Commission initial briefing and setting a public hearing
- **June 27, 2023:** County Council initial briefing
- **July 21, 2023:** Planning Commission public hearing, deliberations, and recommendations
- **August 8, 2023:** County Council briefing on the Planning Commission's recommendation. Set public hearing.
- **Late August/Early September 2023:** County Council public hearing, deliberations, and adoption of a docket resolution

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 six years were postponed until after the Comprehensive Plan periodic update process. While the Comprehensive Plan update is over, past requests in the docket queue

have not been added to the DCD work plan yet due to a lack of staffing capacity and because other mandatory planning projects have taken priority. Once on the DCD work plan, most proposed amendments will be standalone code amendment projects, which typically take 6-18 months to complete, depending on complexity. New requests are submitted every year and can quickly accumulate, as shown below in Table 1. The table includes eight projects that the County Council added to the future DCD work plan by resolution during past docket processes.

Table 1. Docket Queue.

Docket #	Request	Applicant
18-0005, 20-0006	Coastal Cutthroat Trout	Jenny DeGroot
19-0003	Habitat Buffer	Fred Klein
21-0008	Stormwater	Alexandra Gayek
21-0001	Commercial Composting in Agricultural Resource Land	Thomas Bennett
21-0005	Tree Code	Miles Becker
21-0006	Eastsound Subarea Plan	EPRC
21-0002	Indoor Tennis in RFF	Orcas Tennis Club
22-0005	Agritourism and Rural Land Use Designations (alternative to a proposed map amendment)	Glad Acres Farm

STAFF ANALYSIS: The staff analysis of the 2023 Annual Docket requests are summarized below. See attachment B for full application and review forms.

B.1 Request 23-0001: Friends of the San Juans

Request: Amend the definition of Bed and Breakfast Residence in SJCC 18.20.020 to require permit holders to provide hot breakfasts prepared on-site and to clarify that lodging units must be in a singular owner-occupied structure.

Amendment proposed by applicant

San Juan County Code, Title 18, section 18.20.020 “B” Definitions

“Bed and breakfast residence” means a hospitality commercial use containing one to two lodging units without cooking facilities, which provides overnight accommodation and must provide daily hot breakfast meals which are prepared on site, in an owner-occupied existing single-family residence that is entirely contained within a single building including the owner-occupied portion and all lodging units.

Analysis: The applicant is proposing that the County amend the regulations in the UDC for Bed and Breakfast Residences to prevent this code from being used to operate accommodations similar to vacation rentals. Bed and Breakfast Residence is a commercial activity allowed in resource lands and some rural land use designations. It is defined in SJCC 18.20.020 “B” definitions as follows:

“Bed and breakfast residence” means a hospitality commercial use containing one to two lodging units without cooking facilities, which provides overnight accommodation and breakfast meals in an owner-occupied existing single-family residence.

The proposal is to require future permit holders to provide hot breakfasts prepared on-site and to clarify that lodging units must be in a singular owner-occupied structure. Breakfasts cooked on-site for guests are allowed but not required by the performance standards for this activity in SJCC 18.40.260 Hospitality commercial establishments – Bed and breakfast residences. Additionally, DCD has permitted Bed and Breakfast Residences in lodging units detached from the structure occupied by the owner. In the hearing examiner decision regarding appeal 22-0004, a “dwelling unit” was found to include detached habitable accessory structures. A dwelling unit can be made up of multiple structures that make up whole. Thus, Bed and Breakfast Residence lodging units may be permitted in detached structures such as bunkhouses. Bed and Breakfast Residences are not allowed in Accessory Dwelling Units (ADUs) because they are dwelling units separate from the primary residence.

The applicant lists two primary concerns: (1) that the Bed and Breakfast Residence regulations currently allow property owners to bypass vacation rental regulations and (2) that multi-building accommodations have greater impacts on resource lands than accommodations in single buildings. The applicant cites multiple Growth Management Act (GMA) statutes and Comprehensive Plan policies to support their request in their application. The GMA requires and the Comprehensive Plan states the intention to conserve resource lands and prevent urban sprawl. The applicant states that allowing Bed and Breakfast Residence accommodations in detached structures is contrary to the GMA and the Comprehensive Plan.

Staff reviewed the Bed and Breakfast regulations of other nearby jurisdictions and found that Bed and Breakfast accommodations are commonly allowed in detached structures. Breakfast service is also not typically strictly required. Island and Skagit counties allow Bed and Breakfast accommodations in detached units, including Accessory Dwelling Units, and allow but do not require breakfast service. Chelan County’s regulations are similar to San Juan County’s in that the definition states that lodging units are in a single-family residence and that food service is provided for guests. San Juan County’s and Chelan County’s definitions neither explicitly allow nor prohibit detached structures from being used for accommodations, and they both state that food is provided but do not specify how. Chelan County does, however, state that Bed and Breakfast accommodations exclude short-term rentals.

Recommendation: If the County Council is concerned about Bed and Breakfast Residence permits being used in some cases like vacation rental permits, they should consider clarifying the definition and performance standards for this use. The vacation rental permit caps established in 2022 in SJCC 18.40.275(N) may lead property owners to explore alternative options for hospitality activities. The current regulations for Bed and Breakfast Residences allow property owners to rent rooms in separate structures with little interaction or sharing of space, making them a close alternative to a vacation rental for property owners with detached bedrooms and bunkhouses. If the Council is not concerned about this flexibility, the Bed and Breakfast Residence regulations are adequate and no amendments are necessary.

If the Council decides to pursue this request to amend the definition of Bed and Breakfast Residence in SJCC 18.20.020 “B” definitions, SJCC 18.40.260 Hospitality commercial establishments – Bed and breakfast residences would need to be amended as well. This section contains the performance standards for Bed and Breakfast Residences and would need to be amended to include any additional requirements reflected in the definition.

B.3 Request 23-0002: Connally & Oettinger

Request: Amend the criteria for the Mineral Resource Land Overlay (MRLO) in the Comprehensive Plan Land Use Element policy 2.4.C.1.i to require a report prepared by a qualified professional verifying

commercial quantities of known or potential extractable mineral resources.

Proposed amendment

Element 2, Land Use and Rural, Policy 2.4.C.1.i

(1) Upon application by a landowner, lands which are characterized by all of the following criteria may be designated as a Mineral Resource Land Overlay District (MRLO) on the Plan Official Maps:

- i. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional ~~or the land has a legally established mining operation, and the County Council adopts findings that the land has commercial significance for mineral resources;~~

Analysis: The applicants are requesting that the County strike out policy language in the Mineral Resource Lands Overlay (MRLO) designation criteria in the Comprehensive Plan. The policy states that the County may designate the MRLO by establishing findings determining whether lands have a known or potential extractable resource in commercial quantities without a geologic and economic report prepared by a qualified professional if the land has a legally established mining operation. The development code currently requires this report.

This policy was added to the MRLO designation criteria during the 2036 Comprehensive Plan periodic update. However, during the early 2023 Comprehensive Plan-related code amendments project, the Council chose not to codify this MRLO designation criterion and to continue to require a geologic and economic report. The report provides the Council with a necessary determination from a qualified professional regarding long-term commercial significance. Because the Council decided not to amend the code, the language should be removed from the Comprehensive Plan for consistency.

Docket request 23-0003 originally requested for the language to be removed from the development code as well, under the assumption that it would be codified by the Council during the Comprehensive Plan-related code amendments. Because the Council decided not to codify the language, the development code part of the original request is no longer relevant for consideration.

Recommendation: Staff recommends this docket request. This is a priority Comprehensive Plan amendment and should be implemented soon after the Council passes the docket resolution. The amendment resolves current inconsistency between the Comprehensive Plan and development code. This can be more of a housekeeping-type project which will require a low amount of staff resources.

ATTACHMENT A. 2023 Annual Docket Summary Table

Request #	Keyword	Proponent	Summary of Request	Type of Amendment	SJCC/Comp Plan Sections	Request Documents	Staff Recommendation	Category
23-0001	Bed and Breakfast Residence	Friends of the San Juans	Amend the regulations for Bed and Breakfast Residences to require lodging units to be in the same building occupied by the owner and to clarify that breakfast cooked on-site must be served.	UDC	SJCC 18.20.020 SJCC 18.40.260	https://www.sanjuanco.com/DocumentCenter/View/28209/2023-Docket-Application-23-0001-FOTSJ	Consider amending if Council is concerned about Bed and Breakfast Residence permits being used in some cases like vacation rental permits. If the Council is not concerned about this flexibility, the Bed and Breakfast Residence regulations are adequate and no amendments are necessary.	E
23-0002	MRLO Criteria	Nina Connally & Richard Oettinger	Amend the criteria for the Mineral Resource Land Overlay (MRLO) in the Comprehensive Plan to require a report prepared by a qualified professional verifying commercial quantities of known or potential extractable mineral resources.	Comprehensive Plan	Land Use Element policy 2.4.C.1.i	https://www.sanjuanco.com/DocumentCenter/View/28210/2023-Docket-Application-23-0002-Connally-Oettinger	Staff recommends this docket request. The amendment resolves current inconsistency between the Comprehensive Plan and development code.	D

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



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Comprehensive Plan Text/SJC Code* Amendment Request

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

APPLICANT INFORMATION:
Name of Applicant: Friends of the San Juans
Name of Agent: D. James McCubbin
Address: P.O. Box 1344
City, State, Zip: Friday Harbor, WA, 98250
Phone: 360-298-7615
Email: james@sanjuans.org

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: [Handwritten Signature]
Printed Name: D. James McCubbin
Date: Feb. 9, 2023

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.
Revise San Juan County Code, Title 18, section 18.20.020 "B" definitions, definition of "Bed and breakfast residence", as follows (underlining indicates proposed language to be added):
"Bed and breakfast residence" means a hospitality commercial use containing one to two lodging units without cooking facilities, which provides overnight accommodation and must provide daily hot breakfast meals which are prepared on site, in an owner-occupied existing single-family residence that is entirely contained within a single building including the owner-occupied portion and all lodging units.

3. *Why is the amendment being proposed?*

Amendment of the definition of “bed and breakfast residence” is needed to achieve vital public policy goals and consistency among Code provisions. The current definition of “bed and breakfast residence” has been interpreted to allow guest accommodations to be established in multiple buildings, and allows operators of these accommodations a choice of whether or not to provide breakfast meals. The current code language allows land uses which are inconsistent with the legal and policy goals of the Growth Management Act, Comprehensive Plan, and other sections of the County Code. In particular, the current Code language allows establishment of “bed and breakfast residence” accommodations which serve as vacation rentals while bypassing vacation rental regulations, and which encroach upon the County’s resource lands.

- **Vacation rentals:** The current definition of “bed and breakfast residence” allows for the development of accommodations which operate as vacation rentals, while avoiding regulations applicable to vacation rentals. In May 2022, the San Juan County Council adopted Ordinance 05-2022, which established a cap on permits for vacation rentals, codified at UDC section 18.40.275. Notwithstanding these restrictions, in November 2022, a functional vacation rental was established on Orcas Island through use of “bed and breakfast residence” permitting. A “bed and breakfast residence” permit was issued for an accommodation in a separate building from the owners’ residence. The primary residence does not have a suitable kitchen for preparation of guest meals, and the permit does not require that any breakfasts be served for this “bed and breakfast.” The accommodation includes a complete living space, including cooking facilities. The owners immediately advertised availability of the accommodation as a “vacation rental by owner” on VRBO.com. The accommodation could not have received a vacation rental permit, because the cap for Orcas Island vacation rentals had already been exceeded. Nonetheless, this new and fully functional vacation rental now exists through use of “bed and breakfast residence” permitting as a loophole that avoids the County’s limitation on vacation rentals. (See Permit LANDUSE-22-0058; and VRBO listing at <https://www.vrbo.com/2929360>.) Amendment of the definition as proposed will eliminate this loophole.
- **Resource lands:** The current definition of “bed and breakfast residence” allows for the development of accommodations in multiple buildings on resource lands. In 2022, the County issued a permit for a “bed and breakfast residence” with guest accommodations in multiple separate buildings, all on agricultural resource lands. (Permit No. LANDUSE-22-0024, affirmed by the County Hearing Examiner in APPEAL-22-0004.) The current definition of “bed and breakfast residence” will allow the establishment of more multi-building commercial accommodations on other resource lands in the future. Multi-building accommodations have a much greater impact on resource lands than a classic true bed and breakfast within a proprietor’s residence. This commercial rural sprawl is inconsistent with the Growth Management Act and inconsistent with the County’s policies to conserve resource lands for agriculture and forestry. The proposed amendments to the definition of “bed and breakfast residence” would limit such operations to a single building, to harmonize policy goals and eliminate code inconsistencies.

The proposed amendments to the definition of “bed and breakfast residence” will clarify that the entirety of a “bed and breakfast residence” must be contained within a single building, and that breakfasts which are prepared on site must be provided to guests. These amendments to the definition will ensure that “bed and breakfast residence” accommodations do not encroach on resource lands, and are not simply vacation rentals under a different name that avoid regulations applicable to vacation rentals.

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

The proposed amendments to the definition of “bed and breakfast residence” are consistent with the policy goals of the Growth Management Act, Comprehensive Plan, and other County Code provisions by protecting designated resource lands, avoiding further development sprawl, and eliminating a loophole that allows avoidance of regulations applicable to vacation rentals. Applicable provisions which are consistent with and most relevant to the proposed amendments include the following:

Growth Management Act:

- RCW 36.70A.020 Planning goals. Particularly (1), (2), and (8):
 - (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
 - (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
 - (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.060 Natural resource lands and critical areas—Development regulations. Particularly (1)(c) specifying an intent “to assure the conservation of agricultural, forest, and mineral resource lands”.
- RCW 36.70A.177 Agricultural lands—Innovative zoning techniques—Accessory uses. Particularly subsection (3) requiring that nonagricultural accessory uses of agricultural lands “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”.

Comprehensive Plan: (references are to the updated Plan adopted by Ordinance 20-2022, which will take effect prior to any potential adoption of the proposed definition amendments)

- Section A. Introduction and Vision - 2036 Vision - Preamble: “WE THE PEOPLE, citizens of San Juan County, value our healthy natural environment, vibrant and diverse community, self-sufficiency, interdependence, privacy, personal freedom, independence, and stewardship of our common resources.”
- Section A. Introduction and Vision - 2036 Vision - Natural Environment: “As careful stewards of these islands and waters, we conserve resources, preserve open space, and take appropriate action to assure healthy land and marine environments. We recognize the integral role that forests play in the stewardship of our air, soils and water resources.”
- Section A. Introduction and Vision - 2036 Vision - Agriculture: “We invest resources to ensure that agricultural lands are preserved and to maintain and enhance agricultural viability. We recognize the integral role that agriculture plays in the stewardship of our soils and water resources.”
- Section A. Introduction and Vision - County Profile - Key Challenges – Tourism Management: “Communities around the world are learning to manage tourism in order to promote balanced economies, high quality of life for residents, and protection of the natural environment from degradation. Tourism management strategies are needed to protect the quality of life and natural resources on the Islands.”

- Section A. Introduction and Vision - County Profile - Key Challenges - Preserving Rural Character: “With mindful planning, the County can face the challenge of preserving natural beauty, open space, natural resources, wildlife habitat, rural lifestyles and quality of living while accommodating the necessary development that comes with population growth.”
- Section A. Introduction and Vision - Attachment 1 - GMA Planning Goals. Particularly:
 - “Reduce Sprawl -- Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.”
 - “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.”
- Section B. Element 2, Land Use and Rural. 2.1 Introduction:
 - “. . . this element is integral in realizing the community vision for land use: Neighborhoods, hamlets, villages, towns, and other activity centers are clearly defined to conserve, rural, agricultural, forest, mineral resource lands and critical areas.”
 - “Under the GMA, the County must designate natural resource lands with long-term commercial significance for the production of agricultural, timber, and mineral resources. Natural resource lands must be preserved from incompatible land uses to ensure that they remain available for resource industries.”
 - Figure 1 Land Use Categories, depicting Natural Resource areas at the far end of the spectrum designated for “Less Intense Built Environment”.
- Section B. Element 2, Land Use and Rural. 2.1.B Land Use Concept. Particularly “. . . the land use concept attempts to preserve open space, protect critical areas, maintain and improve the quality of air, water, soil and land resources, and protect the historic and cultural character of the islands.”
- Section B. Element 2, Land Use and Rural. 2.1.F Growth Management and Resource Protection. “To ensure that critical areas and rural resources are protected, and that urban governmental services will not be required outside of urban growth areas and LAMIRDs, in addition to the density requirements Plan policies address limits on capital facility development in the rural areas, conservation subdivision standards and other site design and performance standards.”
- Section B. Element 2, Land Use and Rural. 2.2.A General Goal and Policies. Policy 11: “*Vacation rental* (short-term, i.e., of less than thirty days) of a principal, single-family residential unit or an accessory dwelling unit should be subject to standards similar to those for hospitality commercial establishments but should be classified as a residential use for purposes of land use regulation.” (italics in original)
- Section B. Element 2, Land Use and Rural. 2.2.A General Goal and Policies. Policy 12: “Limit the number of vacation rental permits on each island via permit caps established in San Juan County Code Title 18.”
- Section B. Element 2, Land Use and Rural. 2.2.F Natural Resource Conservation. Goal: “To preserve nonrenewable natural resources and conserve renewable natural resources for the benefit of existing and future generations.”
- Section B. Element 2, Land Use and Rural. 2.2.F Natural Resource Conservation. Policy 1: “Conserve soils capable of supporting long-term agricultural production identified by the Natural Resources Conservation Service (NRCS).”

- Section B. Element 2, Land Use and Rural. 2.2.F Natural Resource Conservation. Policy 2: “Conserve forest lands in the Washington Department of Natural Resources’ forest grades 1-5 classification for long-term timber production.”
- Section B. Element 2, Land Use and Rural. 2.4 Resource Lands. Goal: “To recognize and protect the physical conditions and characteristics of agricultural and forest resource lands, including social and environmental benefits, which are conducive to the use of such lands for long-term commercial production.”
- Section B. Element 2, Land Use and Rural. 2.4 Resource Lands. Policy 3: “Preserve natural resource lands for their social, economic, and environmental benefits.
 - a. The economic benefits include but are not limited to:
 - i. employment opportunities;
 - ii. living wage jobs;
 - iii. food security; and
 - iv. a farming community.
 - b. The environmental benefits include but are not limited to:
 - i. carbon sequestration;
 - ii. soil health; and
 - iii. water quality.
 - b. Social benefits include but are not limited to:
 - i. maintaining scenic landscapes; and
 - ii. access to recreation.”
- Section B. Element 2, Land Use and Rural. 2.4 Resource Lands. Policy 6: “Establish clearly defined Resource Lands designations which protect and conserve long-term commercially significant agricultural and forest lands, associated uses, and benefits. The designations are: Agricultural, Forest, and Mineral Resource Lands.”
- Section B. Element 2, Land Use and Rural. 2.4 Resource Lands. a. Agricultural Resource Lands. Goal: “To ensure the conservation of agricultural resource lands of long-term commercial significance for existing and future generations, and protect these lands from interference by adjacent uses which may affect the continued use of these lands for production of food and agricultural products.”
- Section B. Element 2, Land Use and Rural. 2.4 Resource Lands. a. Agricultural Resource Lands. Policy 5: “Limit the location of new roads and road realignments, access routes and other nonagricultural public and private facilities, to the least disruptive locations within agricultural areas.”
- Section B. Element 2, Land Use and Rural. 2.4 Resource Lands. a. Agricultural Resource Lands. Policy 6: “Establish development standards for agricultural accessory uses, farmstands, agritourism and farm-based businesses that allow these uses while preventing the conversion of agricultural resource land to permanent incompatible uses.”
- Section B. Element 2, Land Use and Rural. 2.4 Resource Lands. b. Forest Resource Lands. Goal 1: “To protect and conserve forest lands of long-term commercial significance for sustainable forest productivity and provide for uses which are compatible with forestry activities while maintaining water quality, water quantity, and fish and wildlife habitat.”
- Section B. Element 2, Land Use and Rural. 2.4 Resource Lands. b. Forest Resource Lands. Goal 2: “To protect forest lands that provide significant ecosystem services by protecting air and water quality,

reducing forest fire risks, providing access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species.”

- Section B. Element 2, Land Use and Rural. 2.4 Resource Lands. b. Forest Resource Lands. Policy 5: “Create land use incentives to preserve large parcels and open space in forest resource lands without converting the land to permanent incompatible non-forest uses.”
- Section B. Element 5, Housing. 5.4 Housing Projections and Inventory - Occupancy Status. “The San Juan Islands’ status as a vacation destination affects the occupancy demographics of housing units in the County, as many of the vacant homes have out-of-county owners and are used only seasonally and/or as vacation rentals. According to the 2015 American Community Survey, homes for seasonal, recreational or occasional use make up 81 percent of vacant homes in the County. San Juan County’s housing challenge is not necessarily due to a sheer lack of housing units, but rather, a lack of units available for year-round residents to purchase or rent affordably.”
- Section B. Element 5, Housing. 5.4 Housing Projections and Inventory - Vacation Rentals.
 - “Many island residents are concerned about the potential effects of vacation rentals (VR) and expansion of tourism on the community and the environment. The rise of online vacation rental services has created new pressures on vacation destination community housing supplies, often in unexpected ways.”
 - “Community conversations identified many concerns with vacation rentals. Primary concerns include the saturation levels in certain neighborhoods and subdivisions, development of multiple vacation rentals on one parcel similar to a hotel, nuisances, potential trespassing, corporate ownership of multiple properties, and the potential for vacation rentals to impact the availability of long-term rentals.”

Development Regulations:

- UDC 18.10.020.B.1-4:
 - “B. Purpose. The general purposes of this Unified Development Code are:
 - 1. To encourage land use decision making in accordance with the public interest, protection of private property rights and the public good, and applicable laws of the state of Washington;
 - 2. To protect the general public health, safety, and welfare;
 - 3. To implement the San Juan County Comprehensive Plan goals and policies through land use and other regulations;
 - 4. To provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;”
- UDC Table 18.30.040, which prohibits Bed and Breakfast Inns and Hotels in multiple buildings on resource lands, and generally prohibits commercial uses on resource lands.
- UDC 18.30.053 Development permits and resource lands. Particularly the notation of purpose “to ensure that the use of such lands [adjacent to resource lands] shall not interfere with the continued use in the accustomed manner and in accordance with best management practices of those lands designated for resource purposes.”
- UDC 18.40.120 - 18.40.170, placing limitations on conversions of land to non-forestry use.

- UDC 18.40.260 Hospitality commercial establishments – Bed and breakfast residences.
- UDC 18.40.275.N, codification of Ordinance 05-2022, which established a cap on permits for vacation rentals.

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*

* This proposal does not specifically affect any UGA, but could affect proposed bed and breakfast residences located within a UGA.

6. *Does this proposal increase population or employment capacity?*

No.



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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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:	Nina Connally and Richard Oettinger	Name of Agent:	_____
Address	249 Gill Lane	Address	_____
City, State, Zip	Friday Harbor, WA 98250	City, State, Zip	_____
Phone	360-298-2122 (Nina)	Phone	360-317-6194 (Richard)
Email	nina8.connally@gmail.com	E-mail	ricko4747@gmail.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.

Nina L Connally

2/26/2023

Signature

Printed Name

Date

Richard Oettinger

2/26/2023

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 this link: <https://www.sanjuanco.com/1079/Comprehensive-Plan-Update>

Go to: Section B, Elements →

https://www.sanjuanco.com/DocumentCenter/View/27604/Section-B_Ele_2_Land_Use_12-12-2022_CLEAN →

Located in: Section B, Element 2. Land Use and Rural Page 34 of 61

c. Mineral Resource Lands

Goal

Assure that mineral resource lands of long-term commercial significance are conserved in order to provide continued and economical local access to valuable minerals, particularly those used for construction materials.



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Policies

(1) Upon application by a landowner, lands which are characterized by all of the following criteria may be designated as a Mineral Resource Land Overlay District (MRLO) on the Plan Official Maps:

- i. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional ~~or the land has a legally established mining operation, and the County Council adopts findings that the land has commercial significance for mineral resources;~~

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.

MRLO Designation Criteria

Code Amendment: **SJCC 18.35.015(A)(1)**

A. Designation Procedures. A mineral resource land overlay district may be applied based upon the following criteria, only upon acceptance by the County of a complete application from a property owner and upon approval of a redesignation in accordance with SJCC 18.90.030. Mineral resource lands of long-term commercial significance are those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within 20 years and which are characterized by all of the following:

1. **Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional** ~~or the land has a legally established mining operation, and the County Council adopts findings that the land has commercial significance for mineral resources;~~

3. Why is the amendment being proposed?

Because the MRLO designation of a given mineral resource land has long-term and high-impact consequences to be endured by its neighboring citizen parcel owners, the San Juan County (SJC) Planning Commission, Department of Community Development, and County Council (hereinafter referred to as the county) have a civic duty to instate hard due diligence into the MRLO designation process to ensure mineral resource lands will have significant and long-term commercial mineral extraction life.

The changing of the MRLO designation criteria to add a non-scientific assessment option that relies on the County Council to merely adopt historic “findings” per below is not acceptable to the neighboring citizens. The County Council is not qualified nor has the time to perform the proper due diligence for the task. And again, due to the permanence of a MRLO designation, the neighboring citizens respectively request the county to require **present-day scientific proof** substantiating the land has commercial long-term significance for mineral resources.

In closing, we respectfully request that the county amend and return the MRLO Designation Criteria Code Amendment, SJCC 18.35.015(A)(1) to have only the rigorously fair and scientific criterion for MRLO designation as outlined below:

MRLO Designation Criteria

Code Amendment: SJCC 18.35.015(A)(1)

A. Designation Procedures. A mineral resource land overlay district may be applied based upon the following criteria, only upon acceptance by the County of a complete application from a property owner and upon approval of a redesignation in accordance with SJCC 18.90.030. Mineral resource lands of long-term commercial significance are those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within 20 years and which are characterized by all of the following:

1. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional ~~or the land has a legally established mining operation, and the County Council adopts findings that the land has commercial significance for mineral resources;~~

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

Our proposed amendment is consistent with the Washington State Growth Management Act (**GMA**) because the essence of the GMA enables local control with continuous public participation. As local citizens of San Juan County who own parcels next to a mineral resource land, we need the code that governs its designation procedures have the utmost due diligence that ensures long-term commercial significance.

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?

Yes, if the mineral resource land is **proven** to have long-term commercial significance (which the current code defines as at least 20 years), then there exists a direct and positive outcome for long-term increased employment capacity.

2023 Docket Applicant Email List

Application #	Applicant Name	Email Address
23-0001	Applicant: Friends of the San Juans Agent: James McCubbin	james@sanjuans.org
23-0002	Applicant: Nina Connally and Richard Oettinger	Nina8.Connally@gmail.com Ricko4747@gmail.com

Legislative Procedures

RCW [36.70A.470\(2\)](#)

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)

ATTACHMENT E



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San Juan County Docket Process

The Growth Management Act at RCW 36.70A.470(2) allows any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to request amendments to the San Juan County Comprehensive Plan or suggest Comprehensive Plan policy amendments or development regulation amendments. This process is known as the annual "Docket" process. Development Regulations are those contained in Titles 16 and 18 of San Juan County Code.

How do I suggest a change to the Comprehensive Plan or Development Regulations?

Complete one of the following application forms for each proposed amendment and submit it to the Community Development Department. There is a fee for a Comprehensive Plan Map Amendment, but no fee for a Comprehensive Plan Policy or Development Regulation amendment. Each request must be submitted on its own form.

- [Comprehensive Plan Map Amendment Form](#)
- [Comprehensive Plan Policy or Development Regulation Amendment Form](#)

What happens after I submit a proposed amendment?

Community Development staff will review the application and determine if the application is complete. If the application does not include the information requested in the application form, staff will contact the applicant to request the additional information.

Since the County's docket schedule is very short, applications that are not complete as of March 1 may be deferred to a subsequent year's docket. All applications are placed on the Initial Docket, but Council might not place all the proposals onto the Final Docket.

Initial Docket Review

The Initial Docket will be created and Community Development staff will categorize each proposal as follows:

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



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Final Docket Review

The Planning Commission and Council will consider the Initial docket and determine which items will be placed on the Final docket for review and consideration. Possible outcomes as a result of Council review of the initial docket include:

- Review and adoption in the same year
- Deferral to a subsequent year
- Considered as part of a larger planning project (such as the 2022 Comprehensive Plan Update)
- Not considered or adopted

How long does a proposed amendment take?

The length of time for review will vary depending upon the size and complexity of the amendment, Council priorities, and other work in progress. All applications submitted before March 1 will be considered in the same year.