



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

REPORT DATE: July 10, 2023

TO: San Juan County Planning Commission

FROM: Sophia Cassam, Planner III *sc*

SUBJECT: 2023 Annual Docket of Proposed Text Amendments
Draft Resolution and Information for Public Hearing

HEARING: Planning Commission: July 21, 2023

ATTACHMENTS: A. 2023 Annual Docket Text Amendments Draft Resolution
B. Public Comment

PURPOSE: To prepare the Planning Commission to make a recommendation to the County Council on the 2023 Docket of Proposed Comprehensive Plan and Unified Development Code Text Amendments at a public hearing on July 21, 2023.

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 July 20, 2023 will be provided to the Planning Commission before their public hearing on the 21st. Comments should refer to specific 2023 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 Title 18 SJCC Unified Development Code (UDC). The community proposes amendments through the Annual Docket process. The County Council considers the proposals and the staff and Planning Commission recommendations. Ultimately, the County Council decides whether to add the requests to the Department of Community Development (DCD) future work program.

In 2023, DCD received two Docket requests for text amendments to the *Plan* and UDC. Staff briefed the Planning Commission on the requests and provided recommendations at the June Planning Commission meeting. The full applications and staff analysis are available in the June 5, 2023 staff report: <https://www.sanjuanco.com/DocumentCenter/View/28256/>.

The role of the Planning Commission in the docket process is to review the docket requests and recommend to the County Council which requests to add to the future DCD work program.

PROCESS OVERVIEW: SJCC 18.90.020(C) requires that the Planning Commission hold a public hearing on the Annual Docket. At the July 21, 2023 Planning Commission meeting, staff will provide an overview of

the 2023 Docket requests and staff recommendations. Then, the Planning Commission will hold a public hearing and receive public testimony. After the public hearing, the Planning Commission will deliberate and recommend a draft resolution to the County Council (Attachment A).

The Planning Commission will make a recommendation on:

1. Which projects to take action on, and
2. The priority of those projects.

STAFF RECOMMENDATION: Staff made recommendations for the Annual Docket in the staff report dated June 5, 2023. Table 1 below shows the staff recommendations and lists projects in order of priority.

Table 1. Staff Recommendations on 2023 Annual Docket Text Amendment Requests.

Request #	Keyword	Recommendation
23-0002	Mineral Resource Lands Overlay	Add this project to the DCD work program as a higher priority item for Comprehensive Plan and UDC consistency.
23-0001	Bed and Breakfast Residence	Consider amending if concerned about Bed and Breakfast Residence permits being used in some cases like vacation rental permits. If not concerned about this flexibility no amendments are necessary.

SAMPLE MOTION LANGUAGE: The following sample motion can be used to structure the Planning Commission’s recommendation to the County Council. The Planning Commission can decide the order of priority and which projects require no further action.

I move that the Planning Commission recommend that the County Council add the following request(s) to the Department of Community Development future work program in the following order of priority:

1. 23-000X
2. 23-000X

No further action is needed for request(s) 23-000X and 2-000X.

NEXT STEPS: Once the Planning Commission has made a recommendation, staff will brief the County Council. Then, the County Council will hold a public hearing and approve a resolution. The briefing will likely be in August and the Public Hearing in September. Dates are to be determined.

COMMENTS RECIVED TO DATE: DCD has received one public comment regarding the annual docket text amendment proposals. The comment email is from David Robinson on San Juan Island in support of request 23-0001 (Attachment B).

RESOLUTION NO. ____ - 2023

**A RESOLUTION SETTING THE 2023 DOCKET OF PROPOSED TEXT
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 2023 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, 2023;
- F. Two 2023 Docket text amendment requests were received, as shown in Attachment A;
- G. On July 11, 2023, applicants were personally notified via email about the July 21, 2023 Planning Commission public hearing, with an invitation and instructions for providing testimony virtually;
- H. Staff evaluated the 2023 Docket requests and forwarded recommendations on them to the County Council and Planning Commission in a staff report dated June 5, 2023;
- I. On June 16, 2023, staff briefed Planning Commission on the 2023 Docket applications;
- K. On June 27, 2023, staff briefed the County Council on the 2023 Docket applications;
- L. The Planning Commission public hearing on July 21, 2023 was duly advertised in the *Journal of the San Juan Islands* and the *Islands Sounder* on July 5, 2023;

- 1 M. On July 21, 2023, Planning Commission held a public hearing on the 2023 Annual
2 Docket of Proposed Text Amendments;
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- 4 N. On July 21, 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 23-000X and 23-000X be added
8 to 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 2023 Docket requests: 23-000X and 23-000X
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- 14 Q. On July 25, 2023, staff briefed the County Council on the Planning Commission's
15 recommendation and asked the County Council to set a public hearing on the 2023 Docket of
16 Proposed Text Amendments for X Date, 2023;
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- 18 R. On July 25, 2023 the County Council set a public hearing on the 2023 Docket of
19 Proposed Text Amendments for X Date.
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- 21 S. On X Date, 2023, DCD emailed letters to applicants notifying them of the County
22 Council public hearing and inviting them to provide testimony;
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- 24 T. On X Date, 2023, staff provided a second briefing to prepare the County Council for the
25 public hearing;
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- 27 U. On X Date, 2023, the County Council public hearing was duly advertised in the *Journal*
28 *of the San Juan Islands* and the *Islands Sounder*;
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- 30 V. On X Date, 2023 the County Council held a public hearing; and
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- 32 W. On X Date, 2023, following the public hearing, the County Council deliberated on the
33 2023 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 A. That the 2023 Docket text amendment requests shown in Attachment A be addressed as
5 follows:

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7 1. 23-0001: Amend the regulations for Bed and Breakfast Residences to require lodging
8 units to be in the same building occupied by the owner and to clarify that breakfast
9 cooked on-site must be served.

10
11 **OR**

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13 The Council declines to take further action on this request;

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15 2. 23-0002: Amend the criteria for the Mineral Resource Land Overlay (MRLO) in the
16 Comprehensive Plan to require a report prepared by a qualified professional verifying
17 commercial quantities of known or potential extractable mineral resources.

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19 **OR**

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21 The Council declines to take further action on this request;

1 APPROVED this ____ day of _____, 2023.

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ATTEST: Clerk of the Council

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Sally Rogers, Clerk Date

Cindy Wolf, Chair
District 2, Orcas/Waldron

REVIEWED BY COUNTY MANAGER

Michael J. Thomas Date

Jane Fuller, Vice-Chair
District 3, Lopez/Shaw

AMY S. VIRA
APPROVED AS TO FORM ONLY

By: _____
Date

Christine Minney, Member
District 1, San Juan

ATTACHMENTS

- A. 2023 Annual Docket Summary Table with DCD Staff Recommendations

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

Sophia Cassam

From: David Robison, MLIS <david@robison.net>
Sent: Sunday, July 9, 2023 2:58 PM
To: Sophia Cassam
Subject: 2023 Docket Comments from Robison

You don't often get email from david@robison.net. [Learn why this is important](#)

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.

I am writing in support of Docket Application_23-0001_FOTSJ.

Given the shortage of affordable rental housing for local workers, it is particularly important that San Juan County have a full handle on its vacation rentals and bed and breakfast accommodations. The Friends of the San Juans' docket application helps to bring some order and clarity to what is and isn't allowed under the County's rules and regulations. This will allow the County to better understand and regulate rationally as we move forward.

Thank you,
David Robison

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"Woke = learning + compassion"—DFWR