



## MEMO

**REPORT DATE:** September 5, 2023

**TO:** San Juan County Council

**FROM:** Sophia Cassam, Planner III

**SUBJECT:** Annual Docket: Requests for Comprehensive Plan Map Amendments  
Briefing on Planning Commission Recommendations

**BRIEFING:** September 12, 2023

**ATTACHMENTS:**

- A. Draft Ordinance Regarding the 2023 Annual Docket and Site-Specific Re-Designation Requests 23-0003, 23-0004, And 23-0005, Amending the San Juan County Comprehensive Plan Official Maps
- B. Public Comments

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### PURPOSE

- To brief the County Council on the Planning Commission's recommended draft ordinance regarding the three Comprehensive Plan Official Map amendment requests received through the Annual Docket process.
- To set a public hearing for October 17, 2023.

### PUBLIC COMMENTS

Please send all public comments to [sophiac@sanjuanco.com](mailto:sophiac@sanjuanco.com). Please do not copy the County Council, Planning Commission members, or other County Staff. Written public comments received by noon on September 11th will be provided to the Council. Comments should refer to the 2023 Docket Comprehensive Plan Map amendment requests. All comments on the 2023 Docket will be posted online at: <https://www.sanjuanco.com/1658/Annual-Docket>.

### BACKGROUND

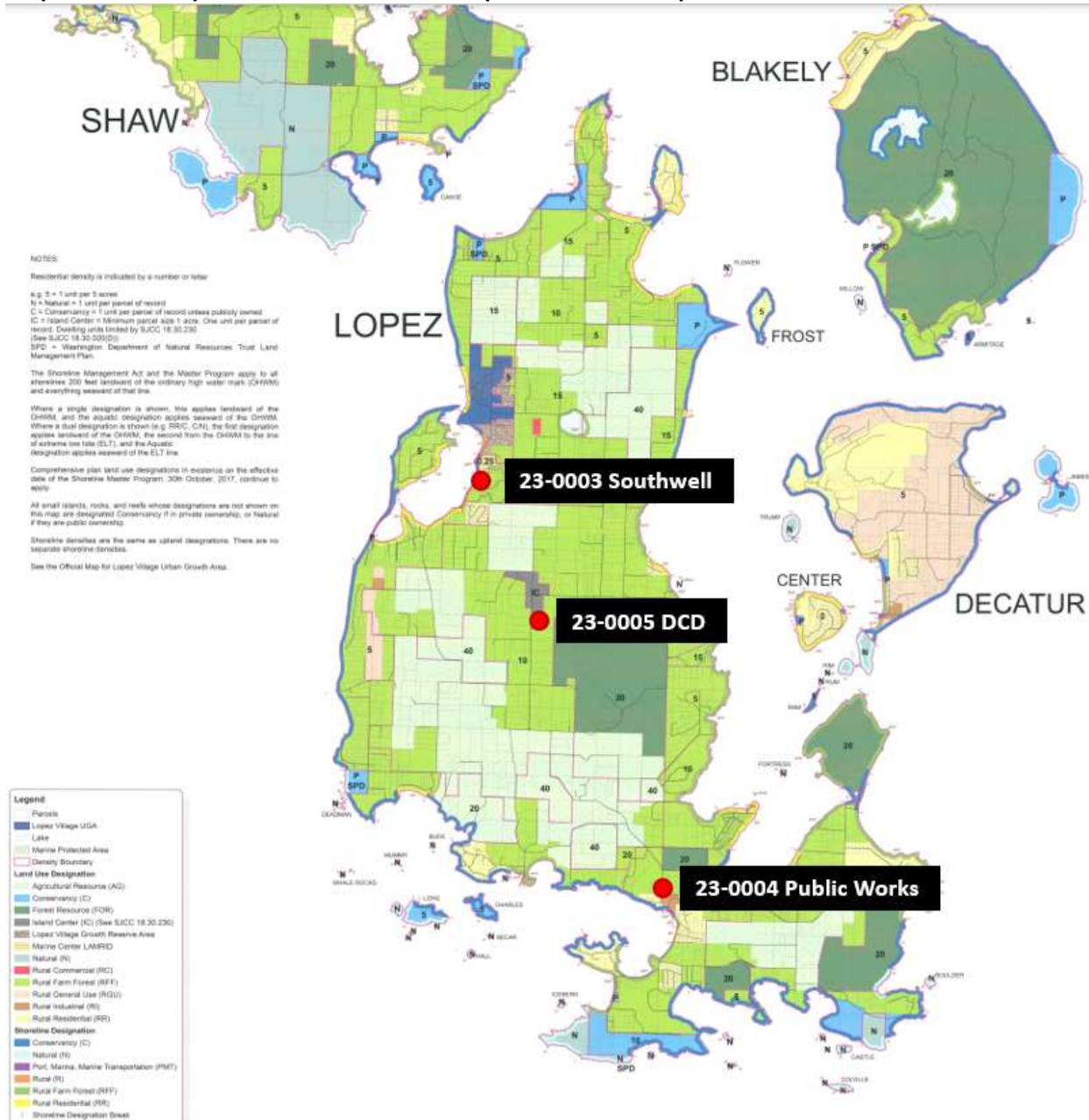
The County accepts requests for Comprehensive Plan Official Map amendments each year through the Annual Docket process. These map amendment requests are also known as requests for site-specific redesignation. Requests can include amendments to a land use designation, residential density, or urban growth area boundary. Anyone can submit a request. Typical applicants include individual property owners, businesses, and County departments. Map amendment requests must follow the processes and criteria in the Unified Development Code (UDC) and Comprehensive Plan.

During the 2023 Annual Docket process, the Department of Community Development received three requests for site-specific redesignations. Staff briefed the Planning Commission and County Council on the requests in June and July 2023. Previous staff reports provide key background information:

- A staff report dated June 5, 2023 explains the Official Map amendment process, relevant UDC and Comprehensive Plan sections, and summarizes this year's three requests. The staff report is available online here: <https://www.sanjuanco.com/DocumentCenter/View/28255/>
- A staff report dated July 10, 2023 provides staff's analysis and recommendations regarding the proposed Official Map amendments. The staff report is available here: <https://www.sanjuanco.com/DocumentCenter/View/28407/>

The three requests are on Lopez Island and are shown in Map 1 below.

**Map 1. 2023 Comprehensive Plan Official Map Amendment Requests**



## **PLANNING COMMISSION RECOMMENDATION**

On August 18, 2023, the Planning Commission held a public hearing and recommended a draft ordinance regarding the proposed Comprehensive Plan Official Map amendments. The Planning Commission's recommended draft ordinance is provided in Attachment A. The draft ordinance includes a draft District 3 Official Map reflecting the proposed amendments as recommended by the Planning Commission. Section R of the background in the draft ordinance shows the recommendations and findings of fact for each proposed amendment (Attachment A, page 4).

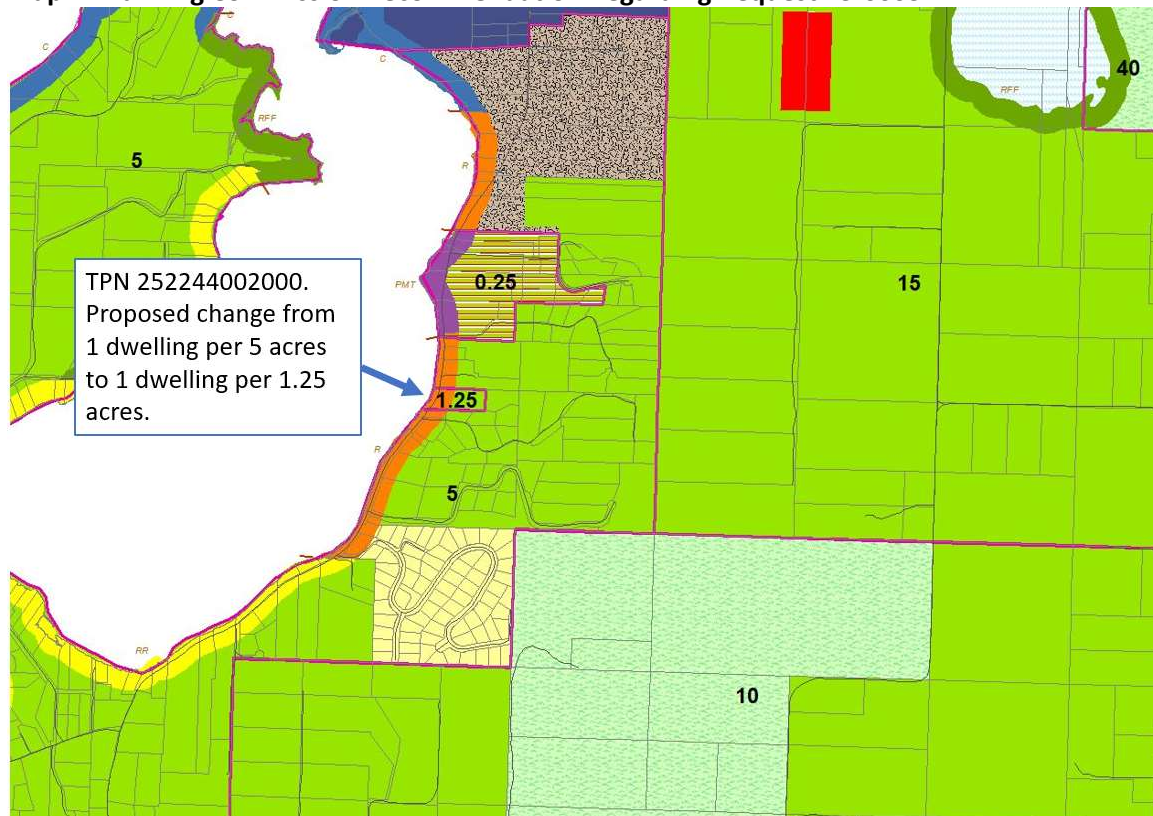
The following section summarizes each request, provides the staff and Planning Commission recommendations, and shows close-up map excerpts of the proposed map amendments.

## Docket Request 23-0003, Southwell

**Table 1. Project Data for Docket Request 23-0003**

Project Data	
Applicant	Linda Southwell
Agent	Jamie Grifo
Site address	3101 Fisherman Bay Rd
Tax parcel	252244002000
Acreage	2.53 acres
Land Use Designation	Rural Farm Forest (RFF)
Density	1 dwelling per 5 acres
Proposal	Change density to 2 dwellings per 2.53 acres (effectively 1 dwelling per 1.25 acres)
Surrounding land use	North: RFF 5, Residential East: RFF 5, Residential South: RFF 5, Residential West: Fisherman Bay
Application Processing	
Link to Application	<a href="https://www.sanjuanco.com/DocumentCenter/View/28206/">https://www.sanjuanco.com/DocumentCenter/View/28206/</a>
Date Submitted	February 24, 2023
Date Deemed Complete	March 31, 2023
Notice of Application	Due July 18, 2023
SEPA Determination	DNS
Staff Recommendation	Not recommended
Planning Commission Recommendation	Recommended

**Map 2. Planning Commission Recommendation Regarding Request 23-0003.**

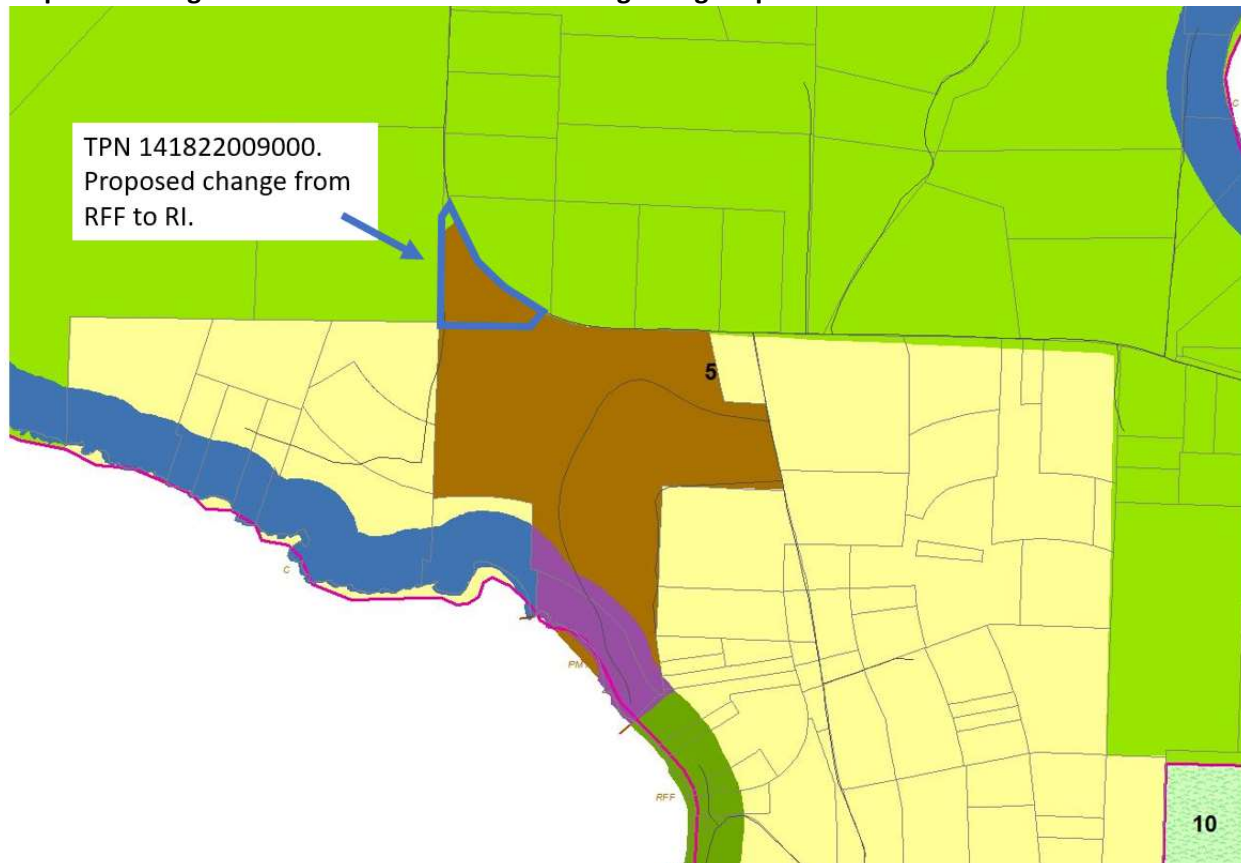


## Docket Request 23-0004, Public Works

**Table 2. Project Data for Docket Request 23-0004**

Project Data	
Applicant	San Juan County Public Works
Site address	25 Calle Aguila Rd
Tax parcel	141822009000
Acreage	1.3 acres
Land Use Designation	Rural Farm Forest (RFF)
Density	1 dwelling per 5 acres
Proposal	Change land use designation to Rural Industrial (RI)
Surrounding land use	North: RFF 5, Residential East: RFF 5, Residential South: RI 5, Public Works government services West: RFF 5, Undeveloped
Application Processing	
Link to Application	<a href="https://www.sanjuanco.com/DocumentCenter/View/28207/">https://www.sanjuanco.com/DocumentCenter/View/28207/</a>
Date Submitted	February 27, 2023
Date Deemed Complete	March 31, 2023
Notice of Application	Due July 18, 2023
SEPA Determination	DNS
Recommendation	Map amendment recommended
Planning Commission Recommendation	Recommended

**Map 3. Planning Commission Recommendation Regarding Request 23-0004.**

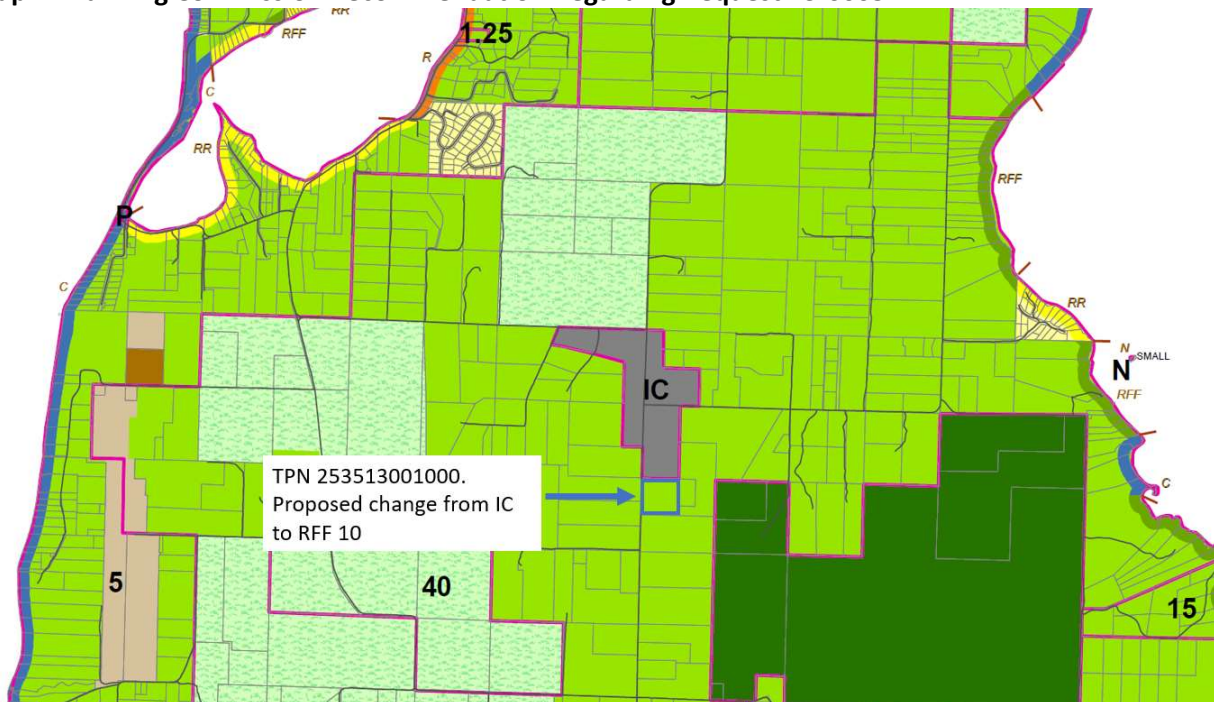


## Docket Request 23-0005, Department of Community Development

**Table 3. Project Data for Docket Request 23-0005**

Project Data	
Applicant	San Juan County Department of Community Development
Site address	86 School Road
Tax parcels	253512004000, 253513001000
Acreage	9.51 acres, 9.90 acres respective to above parcels
Land Use Designation	Island Center LAMIRD
Density	1 dwelling per parcel, min. parcel size 1 acre
Proposal	Change land use designation to RFF and density to 1 dwelling per 10 acres
Surrounding land use	North: Island Center, educational services East: RFF, residential and undeveloped land South: RFF, undeveloped land West: RFF, residential and undeveloped land
Link to Application	<a href="https://www.sanjuanco.com/DocumentCenter/View/28208/">https://www.sanjuanco.com/DocumentCenter/View/28208/</a>
Date Submitted	February 28, 2023
Date Deemed Complete	March 31, 2023
Notice of Application	Due July 18, 2023
SEPA Determination	DNS
Recommendation	Map amendment recommended
Planning Commission Recommendation	Amend southern parcel, TPN 253513001000, as proposed. Do not amend the northern parcel, TPN 253512004000

**Map 4. Planning Commission Recommendation Regarding Request 23-0005.**



**NEXT STEPS**

After the September 12 briefing, the next step in the Official Map amendment process is a County Council public hearing. Staff requests that the County Council set a public hearing for October 17, 2023.

**Table 4. Tentative Schedule for 2023 Annual Docket Map Amendment Process.**

Date	Step
September 12	Briefing to Council on Planning Commission recommendation (1 <sup>st</sup> touch on ordinance)
September 26 (optional)	Draft ordinance 2 <sup>nd</sup> touch (if needed)
October 17	Council public hearing

**Ordinance No. \_\_\_ - 2023**

**REGARDING THE 2023 ANNUAL DOCKET AND SITE-SPECIFIC RE-DESIGNATION  
REQUESTS 23-0003, 23-0004, AND 23-0005, AMENDING THE SAN JUAN COUNTY  
COMPREHENSIVE PLAN OFFICIAL MAPS.**

**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.** San Juan County adopted the San Juan County Comprehensive Plan (Comprehensive Plan) and Official Maps to comply with the Growth Management Act (GMA), Chapter 36.70A RCW.

**E.** SJCC 18.90.020 Legislative Procedures establishes the procedures for the annual docket required by RCW 36.70.A.470(2).

**F.** SJCC 18.90.030 Amendments to Comprehensive Plan Official Maps establishes the procedures for amendment of the Comprehensive Plan Official Maps.

**G.** San Juan County Code (SJCC) 18.90.030 contains procedures for the amendment of Comprehensive Plan land use designations as site-specific re-designations. Such requests are placed on the County’s annual docket of Comprehensive Plan amendments (Docket).

**H.** 2023 Docket applications for 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.

**I.** SJCC 18.90.020 (B) Legislative procedures states:

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

1 **J.** Jamie Grifo, on behalf of Linda Southwell, applied for a site-specific redesignation of Tax  
2 Parcel Number (TPN) 252244002000 on February 24, 2023 through the annual docket  
3 process.  
4

- 5 **1.** The application requested that the County amend the density of TPN  
6 252244002000 from 1 dwelling unit per 5 acres to 2 dwelling units per 2.53 acres.  
7
- 8 **2.** The application was deemed complete on March 31, 2023 and was assigned the  
9 docket application number 23-0003.  
10
- 11 **3.** An environmental checklist was prepared by the applicant for the proposed density  
12 amendment to the Official Comprehensive Plan Land Use Map. The Department  
13 of Community Development published a notice of Determination of Non-  
14 significance (DNS) on May 26, 2023, pursuant to WAC 197-11-350.  
15
- 16 **4.** The SEPA DNS was sent to the WA State Department of Ecology and posted to  
17 the SEPA register on May 26, 2023. It was assigned material identification number  
18 202302542. The comment period on the SEPA determination was May 26 through  
19 July 19, 2023. The SEPA determination was published in the Journal of the San  
20 Juan Islands and the Island Sounder on June 7, 2023.  
21
- 22 **5.** In a July 10, 2023 staff report, staff determined that the proposal is inconsistent  
23 with applicable state and local requirements. Staff recommended denial of the  
24 proposal.  
25

26 **K.** The Department of Public Works applied for a site-specific redesignation of TPN  
27 141822009000 on February 27, 2023 through the annual docket process.  
28

- 29 **1.** The application requested that the County amend the land use designation of TPN  
30 141822009000 from Rural Farm Forest to Rural Industrial.  
31
- 32 **2.** The application was deemed complete on March 31, 2023 and was assigned the  
33 docket application number 23-0004.  
34
- 35 **3.** An environmental checklist was prepared by the applicant for the proposed density  
36 amendment to the Official Comprehensive Plan Land Use Map. The Department  
37 of Community Development published a notice of Determination of Non-  
38 significance (DNS) on May 26, 2023, pursuant to WAC 197-11-350.  
39
- 40 **4.** The SEPA DNS was sent to the WA State Department of Ecology and posted to  
41 the SEPA register on May 26, 2023. It was assigned material identification number  
42 202302543. The comment period on the SEPA determination was May 26 through  
43 July 19, 2023. The SEPA determination was published in the Journal of the San  
44 Juan Islands and the Island Sounder on June 7, 2023.  
45

- 1           **5.** In a July 10, 2023 staff report, staff determined that the proposal is consistent with  
2           applicable state and local requirements. Staff recommended approval of the  
3           proposal.  
4
- 5   **L.** The Department of Community Development applied for a site-specific redesignation of  
6   TPNs 253512004000 and 253513001000 on February 28, 2023 through the annual docket  
7   process.  
8
- 9           **1.** The application requested that the County amend the land use designation of TPNs  
10          253512004000 and 253513001000 from Island Center LAMIRD to Rural Farm  
11          Forest.  
12
- 13          **2.** The application was deemed complete on March 31, 2023 and was assigned the  
14          docket application number 23-0005.  
15
- 16          **3.** An environmental checklist was prepared by the applicant for the proposed density  
17          amendment to the Official Comprehensive Plan Land Use Map. The Department  
18          of Community Development published a notice of Determination of Non-  
19          significance (DNS) on May 26, 2023, pursuant to WAC 197-11-350.  
20
- 21          **4.** The SEPA DNS was sent to the WA State Department of Ecology and posted to  
22          the SEPA register on May 26, 2023. It was assigned material identification number  
23          202302544. The comment period on the SEPA determination was May 26 through  
24          July 19, 2023. The SEPA determination was published in the Journal of the San  
25          Juan Islands and the Island Sounder on June 7, 2023.  
26
- 27          **5.** In a July 10, 2023 staff report, staff determined that the proposal is consistent with  
28          applicable state and local requirements. Staff recommended approval of the  
29          proposal.  
30
- 31   **M.** The Planning Commission was briefed on the proposals and the staff analysis and  
32   recommendations on July 21, 2023.
- 33   **N.** The County Council was briefed on the proposal on August 8, 2023.
- 34   **O.** SJCC 18.90.020 (C) Legislative procedures states:  
35                   *“Planning Commission. The planning commission shall hold a public*  
36                   *hearing and make recommendations to the County council on all legislative*  
37                   *decisions specified in this section”.*
- 38   **P.** On August 2, 2023, the Department of Community Development advertised an August 18,  
39   2023 Planning Commission public hearing the Journal of the San Juan Islands and Islands’  
40   Sounder.
- 41   **Q.** The Planning Commission held a duly advertised public hearing on August 18, 2023.

- 1 **R.** Following the public hearing, the Planning Commission issued the following findings and  
2 recommendations:
- 3 **1.** Docket Request 23-0003: The Planning Commission recommends amending the  
4 density of TPN 252244002000 from 1 dwelling unit per 5 acres to 1 dwelling unit  
5 per 1.25 acres.
- 6 i. The proposed amendment allows the subject parcel to be consistent with the  
7 surrounding achieved density; and
- 8 ii. The Planning Commission urges the County Council to evaluate the density  
9 of surrounding properties in the vicinity and consider amending the  
10 Comprehensive Plan Official Map density in this area to be consistent with  
11 the achieved density.
- 12 **2.** Docket Request 23-0004: The Planning Commission recommends amending the  
13 land use designation of TPN 252244002000 from Rural Farm Forest to Rural  
14 Industrial.
- 15 i. The proposed amendment is consistent with the criteria established in SJCC  
16 18.90.030 and the Comprehensive Plan; and
- 17 ii. The proposed amendment would allow Public Works to conduct operations  
18 efficiently at the MacKaye Harbor Public Works site.
- 19 **3.** Docket Request 23-0005: The Planning Commission recommends amending the  
20 land use designation of TPN 253513001000 from Island Center LAMIRD to Rural  
21 Farm Forest. The Planning Commission does not recommend amending the land  
22 use designation of TPN 253512004000 from Island Center LAMIRD to Rural Farm  
23 Forest at this time.
- 24 i. The proposed amendment is consistent with the criteria established in SJCC  
25 18.90.030 and the Comprehensive Plan;
- 26 ii. The proposed amendment provides the opportunity for a Rural Residential  
27 Cluster Development to be developed;
- 28 iii. The proposed amendment is consistent with the public testimony received  
29 during the Planning Commission public hearing on this matter.
- 30 **S.** In compliance with RCW 36.70A.106, a notice of the County's intent to adopt a  
31 Comprehensive Plan amendment was transmitted to the Washington State Department of  
32 Commerce on August 3, 2023.
- 33 **T.** Staff briefed the County Council on the Planning Commission recommendation and  
34 presented with the initial draft of this ordinance on September 12, 2023. At the briefing,  
35 the County Council set a public hearing on the ordinance on October 17, 2023.
- 36 **U.** SJCC 18.90.020 (D) Legislative procedures states:

1                   *“County Council. All amendments to the development code, Comprehensive*  
2                   *Plan, and official maps require a public hearing before the County*  
3                   *council”.*

4       **V.**     The County Council public hearing was advertised in the Journal of the San Juan Islands  
5             and the Island Sounder on October 4, 2023.

6       **W.**     The County Council held a duly advertised public hearing and deliberated on the proposal  
7             on October 17, 2023.

8             **NOW, THEREFORE, BE IT ORDAINED** by the County Council of San Juan County,  
9     State of Washington, as follows:

10                   **SECTION 1. The County Council makes the following findings:**

11                   **A.** Site-specific map amendments can be considered annually under SJCC 18.90.030 in a  
12                   Comprehensive Plan amendment docket.

13                   **B.** SJCC 18.90.030 establishes criteria and procedures for site-specific map changes, re-  
14                   designations and text amendments. The amendments to the Official Land Use Maps of the  
15                   San Juan County Comprehensive Plan shown in Exhibit A were evaluated and reviewed as  
16                   part of the 2023 Docket process. The proposal meets the procedural review requirements of  
17                   the SJCC.

18                   **C.** The public was provided notice and opportunity to review and comment on the proposed  
19                   re-designations and the environmental impact of their adoption. This meets the  
20                   requirements of SJCC 18.90.030 and RCW 36.70A.140.

21                   **D.** [placeholder for findings regarding Docket Request 23-0003]

22                   **E.** [placeholder for findings regarding Docket Request 23-0004]

23                   **F.** [placeholder for findings Docket Request 23-0005]

24                   **G.** The San Juan County Comprehensive Plan Official Maps, as amended by this action, were  
25                   prepared as required by RCW 36.70A.040 (1) and meet the requirements of and are  
26                   consistent with the GMA, Chapter 36.70A RCW.

27                   **SECTION 2. Amendments to the Comprehensive Plan Official Map:**

28     The San Juan County Comprehensive Plan, Official Map and Ord. 20-2022 § 3 is amended as  
29     shown on attached Exhibit A. The land use designation for the following properties are hereby  
30     amended: [placeholder for TPNs and approved designation changes]

1           **SECTION 3.   Effective date:**  
2

3   This ordinance shall take effect on the 10th working day after adoption.  
4  
5

DRAFT

1 ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2023.

2

3 ATTEST: Clerk of the Council

COUNTY COUNCIL

4

SAN JUAN COUNTY, WASHINGTON

5

6

7 \_\_\_\_\_  
Sally Rogers, Clerk

Date

8

9 \_\_\_\_\_  
Cindy Wolf, Chair

10

District 2

11

12

13

REVIEWED BY COUNTY MANAGER

14

15

16

17 \_\_\_\_\_  
Jane Fuller, Vice-Chair

18

19 \_\_\_\_\_  
Michael J. Thomas

Date

District 3

20

AMY S. VIRA

21 APPROVED AS TO FORM ONLY

22

23 \_\_\_\_\_  
Christine Minney, Member

24

25 By: \_\_\_\_\_

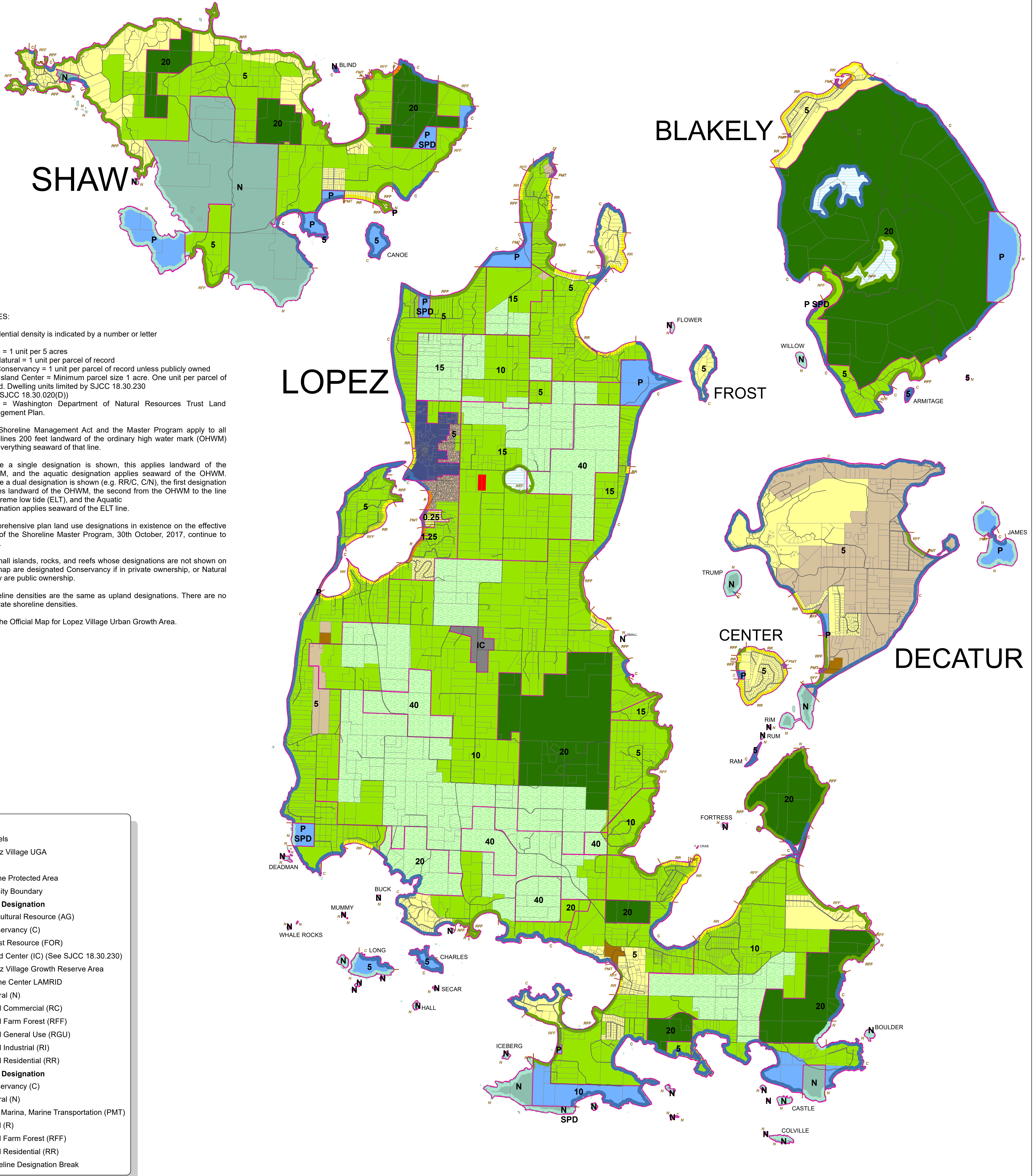
District 1

26

Date

27

**Exhibit A:** San Juan County Comprehensive Plan Official Map sheet for Lopez Island



**NOTES:**

Residential density is indicated by a number or letter

e.g. 5 = 1 unit per 5 acres  
 N = Natural = 1 unit per parcel of record  
 C = Conservancy = 1 unit per parcel of record unless publicly owned  
 IC = Island Center = Minimum parcel size 1 acre. One unit per parcel of record. Dwelling units limited by SJCC 18.30.230 (See SJCC 18.30.020(D))  
 SPD = Washington Department of Natural Resources Trust Land Management Plan.

The Shoreline Management Act and the Master Program apply to all shorelines 200 feet landward of the ordinary high water mark (OHWM) and everything seaward of that line.

Where a single designation is shown, this applies landward of the OHWM, and the aquatic designation applies seaward of the OHWM. Where a dual designation is shown (e.g. RR/C, C/N), the first designation applies landward of the OHWM, the second from the OHWM to the line of extreme low tide (ELT), and the Aquatic designation applies seaward of the ELT line.

Comprehensive plan land use designations in existence on the effective date of the Shoreline Master Program, 30th October, 2017, continue to apply.

All small islands, rocks, and reefs whose designations are not shown on this map are designated Conservancy if in private ownership, or Natural if they are public ownership.

Shoreline densities are the same as upland designations. There are no separate shoreline densities.

See the Official Map for Lopez Village Urban Growth Area.

**Legend**

- Parcels
- Lopez Village UGA
- Lake
- Marine Protected Area
- Density Boundary
- Land Use Designation**
- Agricultural Resource (AG)
- Conservancy (C)
- Forest Resource (FOR)
- Island Center (IC) (See SJCC 18.30.230)
- Lopez Village Growth Reserve Area
- Marine Center LAMRID
- Natural (N)
- Rural Commercial (RC)
- Rural Farm Forest (RFF)
- Rural General Use (RGU)
- Rural Industrial (RI)
- Rural Residential (RR)
- Shoreline Designation**
- Conservancy (C)
- Natural (N)
- Port, Marina, Marine Transportation (PMT)
- Rural (R)
- Rural Farm Forest (RFF)
- Rural Residential (RR)
- Shoreline Designation Break

ATTEST: Clerk of the Council  
 COUNTY COUNCIL  
 SAN JUAN COUNTY, WASHINGTON

By: Sally Rogers, Date: \_\_\_\_\_  
 Date: Cindy Wolf, Chair, Date: \_\_\_\_\_  
 District 2

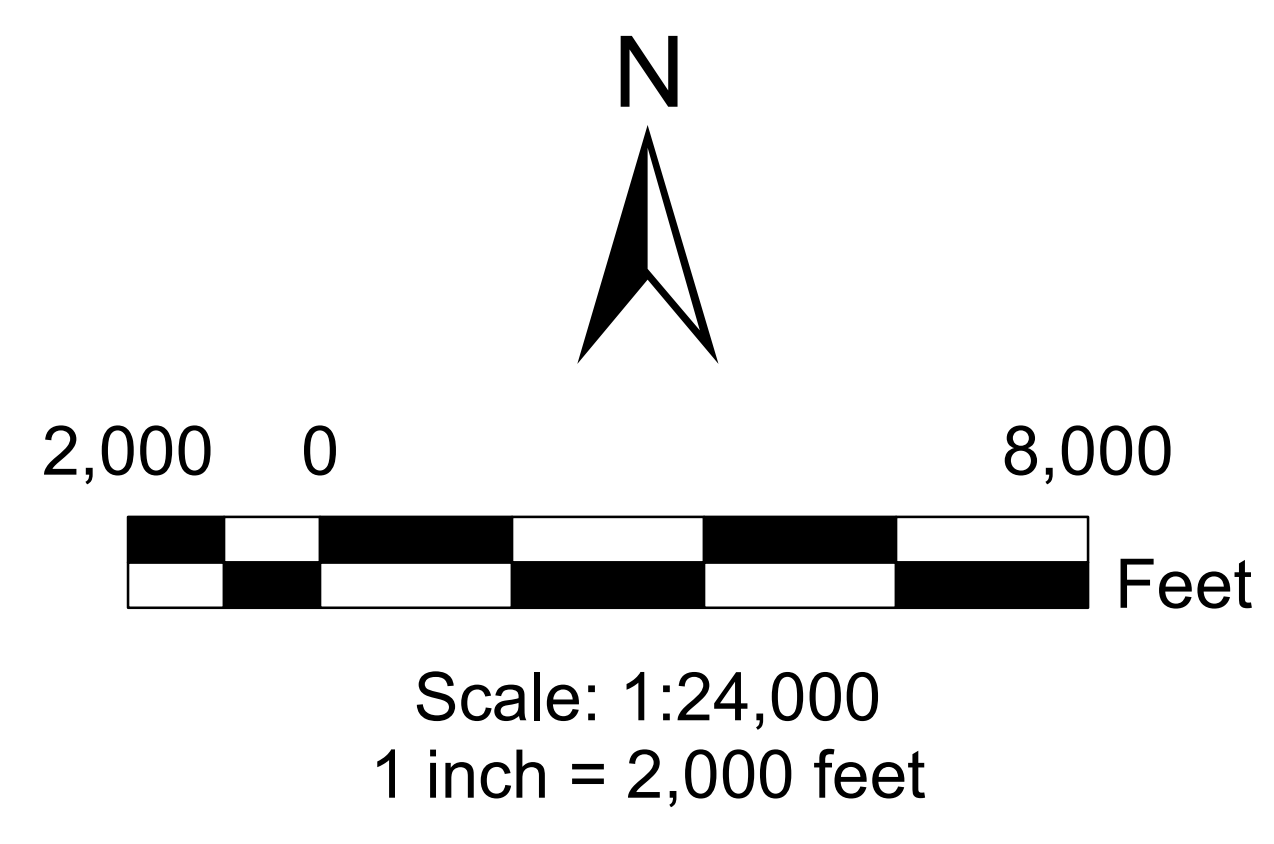
REVIEWED BY COUNTY MANAGER

By: Mike Thomas, Date: \_\_\_\_\_  
 Date: Jane Fuller, Vice-Chair, Date: \_\_\_\_\_  
 District 3

APPROVED AS TO FORM ONLY  
 RANDALL K. GAYLORD

By: \_\_\_\_\_, Date: \_\_\_\_\_  
 Date: Christine Minney, Member, Date: \_\_\_\_\_  
 District 1

Revisions:	
Ord. 11-2000	Ord. 47-2007
Ord. 12-2000	Ord. 48-2007
Ord. 13-2000	Ord. 49-2007
Ord. 5-2003	Ord. 37-2008
Ord. 12-2003	Ord. 46-2008
Ord. 13-2003	Ord. 49-2008
Ord. 14-2003	Ord. 3-2009
Ord. 2-2002	Ord. 11-2010
Ord. 5-2002	Ord. 12-2010
Ord. 7-2002	Ord. 13-2010
Ord. 7-2005	Ord. 14-2010
Ord. 9-2005	Ord. 20-2015
Ord. 13-2005	Ord. 21-2015
Ord. 15-2006	Ord. 1-2016
Ord. 2-2007	Eastsound Technical Map Correction - 06-21-16
Ord. 11-2007	Eastsound Technical Map Correction - 10-18-16
Ord. 22-2007	Ord. 11-2016
Ord. 23-2007	Ord. 12-2016
Ord. 24-2007	Ord. 12-2019
Ord. 25-2007	Town Ordinances 1685 and 1686
Ord. 26-2007	Ord. 20-2022



Comprehensive Plan  
 Land Use and Shoreline Master Program  
 District 3  
 San Juan County, Washington

Figure  
**3**

Drawn By: San Juan County GIS  
 Date Adopted: 11/2022  
 Revised: 7/2023

**DRAFT**

James P. Grifo  
The Law Office of James P. Grifo, LLC  
164 Dougherty Lane  
Friday Harbor, WA 98250

Re: Linda Southwell property located at 3101 Fisherman Bay Road,  
Lopez Island, Washington, support of her request to increase the  
Current 1 unit per 5 acres to allow 2 units per their 2.53 acres

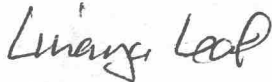
San Juan County Council,

My name is Linaya Leaf and I own the house/property at 3009 Fisherman Bay Road on Lopez Island, Washington, which I inherited from my parents. My mother, Lynette Davis Leaf, grew up on Lopez Island where her ancestors had homesteaded in the 1860's.

I am writing to support my neighbor, Linda G. Southwell, in her request to the San Juan County Council Planning Commission to amend the San Juan County Comprehensive Plan Map to permit another living unit on her property at 3101 Fisherman Bay Road, by nominally increasing the maximum density for her property from the current 1 unit per 5 acres to allow for 2 units per her 2.53 acres.

My deep roots on Lopez Island are so important to me and my family and so are her's. Thank you for considering my letter of support.

Sincerely,



Linaya Leaf  
4421 SW Idaho Drive  
Portland, Oregon 97221  
Phone 1-406-670-8497

August 11, 2023

To: San Juan County Planning Commission

From: Doug Stevenson, Housing Lopez Board Member

Re: 2023 Docket Comprehensive Plan Map Amendment Request 23-0005 DCD

I am writing on behalf of the Housing Lopez Board to urge your support for changing the zoning of the southern two parcels of the Lopez School District land from the Island Center designation to the Rural Farm Forest designation. This will allow a cluster development of much needed affordable housing for school personnel on the southern most parcel.

As an organization dedicated to reducing the affordable housing gap for our most critically needed service workers, we helped support the district in its initial request for change a year and a half or two years ago. We have enjoyed county financial support for our first project for island workers, Fish Bay Cottages, that opened a year and a half ago. More recently, we have also received initial county support for the first phase of our next project in Lopez Village adjacent to the Post Office.

We were very pleased to see the staff report recommends support for the requested change. Please send this proposed amendment on to the County Council with your recommendation for adoption.

Hi Sophia,

In response to the question that came up during the planning commissioners meeting about why we need RI on the Lopez PW property:

Including the north parcel as RI to match the larger parcel to the south that PW already owns would provide continuity of use and reflect how the property will be used. While government offices are allowed on RFF and RI, we intend to use both parcels as a single entity that includes storing materials, a construction yard. This use is not permitted on RFF and having the use be discontinuous between the properties would cause confusion and would be logistically unrealistic to keep construction yard uses off part of the County property.

Do you have a calendar invite you can forward me for Friday's hearing?

Thanks,



**Mackenzie Sims | Project Manager**

[San Juan County Public Works](#)

1609 Beaverton Valley Road | Friday Harbor, WA 98250

Cell (360) 468-1370

[mackenzies@sanjuanco.com](mailto:mackenzies@sanjuanco.com)

NOTICE: All emails, and attachments, sent to and from San Juan County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)



August 16, 2023

San Juan County Planning Commission  
c/o Department of Community Development, attn: Sophia Cassam, Planner III  
Sent via email to: Sophia Cassam, [sophiac@sanjuanco.com](mailto:sophiac@sanjuanco.com)

**Re: Docket Request 23-0003 (Southwell), Public Comments**

Dear members of the San Juan County Planning Commission,

I am writing with public comments from Friends of the San Juans regarding Annual Docket Request 23-0003, Southwell proposed map amendment.

Friends of the San Juans is a nonprofit organization based in Friday Harbor, Washington. Friends was established in 1979 with a specific interest in the formation of San Juan County's first Comprehensive Plan. Friends continues to recognize the importance of responsible land use planning through the County's Comprehensive Plan and Code provisions, as we proceed with our mission to protect and restore the San Juan Islands and the Salish Sea for people and nature.

Docket Request 23-0003 is a proposal for a change in residential density to benefit a single parcel on Lopez Island, Tax Parcel Number (TPN) 252244002000<sup>1</sup>. The property is designated Rural Farm Forest and the existing density allowance is 1 dwelling unit per 5 acres.<sup>2</sup> The request is to change the density to "two units per 2.53 acres"<sup>3</sup>, which equates to 4 units per 5.06 acres; a proposed change to quadruple the density allowed for a single parcel as compared to the density allowance for the surrounding Rural Farm Forest area.

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<sup>1</sup> Application for Docket Request 23-0003, viewed at:

[https://www.sanjuanco.com/DocumentCenter/View/28206/2023-Docket-Application\\_23-0003\\_Southwell](https://www.sanjuanco.com/DocumentCenter/View/28206/2023-Docket-Application_23-0003_Southwell)

<sup>2</sup> Memo from Sophia Cassam, Planner III, to San Juan County Council and San Juan County Planning Commission, Subject "Annual Docket: Requests for Comprehensive Plan Map Amendments Staff Analysis and Recommendations", file "2023-07-10\_DCD\_Site-specific Redesignations\_Rec\_Cassam\_Staff Report\_PC\_CC", dated July 10, 2023 (hereinafter referenced as "July 10 Staff Memo"), page 3; and 2023 Annual Docket - Map Amendments slide presentation to County Council, file "2023-08-08\_Annual Docket\_Maps\_Staff Rec\_Presentation\_CC" (hereinafter referenced as "August 8 Staff Presentation"), slide 8.

<sup>3</sup> Application for Docket Request 23-0003.

Friends of the San Juans agrees with the Department of Community Development (DCD) Staff Conclusion that the proposed increase in density “is inconsistent with the criteria established in SJCC 18.90.030(F) and with the policies of the Comprehensive Plan Land Use Element.”<sup>4</sup> Friends further agrees with the Staff Recommendation that there should not be any amendment to the Comprehensive Plan Official Maps based upon the docket request.<sup>5</sup>

A Comprehensive Plan map amendment request may only be granted if all of the criteria set forth at San Juan County Code 18.90.030(F)(1) are satisfied. This Code provision provides<sup>6</sup>:

F. Criteria for Approval. These actions are reviewed for conformance with the applicable provisions of the Comprehensive Plan, the UDC, and as follows:

1. Comprehensive Plan Official Map Amendments. The County may approve an application or proposal for a Comprehensive Plan Official Map amendment if all of the following criteria are met:

- 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.

Friends agrees with the staff analysis pertaining to criteria a, c, d, and e.<sup>7</sup> It is clear that the applicant’s request to increase the density allotment on their single parcel to four times the

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<sup>4</sup> July 10 Staff Memo, page 9; and August 8 Staff Presentation, slide 18.

<sup>5</sup> *Ibid.*

<sup>6</sup> Code section accessed August 15, 2023 at: <https://www.codepublishing.com/WA/SanJuanCounty/#!/SanJuanCounty18/SanJuanCounty1890.html#18.90.030>

<sup>7</sup> July 10 Staff Memo at pages 7-8; August 8 Staff Presentation at slides 13 and 15-17.

density allowed in the surrounding zone would benefit only themselves and would satisfy none of the required criteria.

Friends does not agree that there are any “changed circumstances” or any other facts which satisfy criterion b. DCD Staff appears to have granted an inappropriately strained interpretation of criterion b in the most generous means possible in favor of the applicant, by finding that a “changed circumstance” exists because the applicant is seeking to divide their parcel through a court order. However, this approach and conclusion is improper and contrary to the purposes of the Growth Management Act, San Juan County Comprehensive Plan, and the San Juan County Code. The term “changed circumstances” must be interpreted and applied as looking for an objective change of circumstances pertaining to the land. DCD staff has erroneously applied the term as including a *subjective* change of circumstances *for the applicant*. Here, the only “change” is that the applicant seeks to divide their parcel because they desire to build a second home, and are attempting to do so through a court-ordered division (avoiding the typical subdivision process that would be subject to County review). There is no logical or practical distinction between this situation and any other property owner who decides they want to split up their property for financial gain or any other reason. Staff’s interpretation allowing the subjective desire of a property owner to count as a “changed circumstance” renders this criterion effectively meaningless, and would encourage sprawl in violation of the Growth Management Act as well as the purposes of the Comprehensive Plan and County Code. Nor is there any other factual basis to find that criterion b is satisfied for the present map amendment request. The Planning Commission should find that criterion b is not met for this application.

Docket Request 23-0003 must be denied because it does not meet the requirements of the San Juan County Code. In addition, Docket Request 23-0003 must be denied because its approval would constitute illegal spot zoning.

The Washington Supreme Court has long “denounced spot zoning categorically.” *Pierce v. King County*, 62 Wn.2d 324, 339, 382 P.2d 628, 638 (Wash. 1963).

The concept of spot zoning as an evil in the field of municipal growth is well recognized by nearly all authorities.

'Spot zoning is an attempt to wrench a single lot from its environment and give it a new rating . . . which affects only the use of a particular piece of property or a small group of adjoining properties and is not related to the general plan for the community as a whole, but is primarily for the private interest of the owner of the property so zoned; and it is the very antithesis of planned zoning. It has generally been held that spot zoning is improper, and that one or two building lots may not be marked off into a separate district or zone and benefitted by peculiar advantages or subjected to peculiar burdens not applicable to adjoining similar lands.'

*Pierce v. King County*, 62 Wn.2d 324, 338, 382 P.2d 628, 637 (Wash. 1963), citing 101 C.J.S. Zoning § 34.

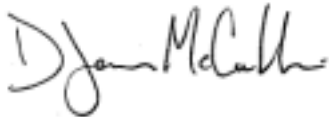
Illegal spot zoning is a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification (1) totally different from, and inconsistent with, the classification of surrounding land and (2) not in accordance with the comprehensive plan. *Citizens for Mount Vernon v. City of Mount Vernon*. 133 Wn.2d 861, 875, 947 P.2d 1208 (1997). The Court in *Citizens for Mount Vernon* held that the proposed rezoning through a planned unit development of a 39.3 acre parcel was unlawful because it would have constituted illegal spot zoning.

The proposal here to change the density designation of a single 2.53 acre parcel, to quadruple the density of the surrounding area, is a more obvious and extreme example of spot zoning than that found to be illegal in *Citizens for Mount Vernon*. Docket Request 23-0003 would clearly be unlawful if granted, and must be denied.

For each of the foregoing reasons, as well as those explained by DCD staff, Docket Request 23-0003 should be rejected.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "D. James McCubbin". The signature is written in a cursive, slightly slanted style.

D. James McCubbin  
Legal Director & Staff Attorney  
Friends of the San Juans

8/17/23

**SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

135 Rhone Street  
PO Box 947  
Friday Harbor, WA 98250  
360-378-2354

Dear Planning Commission

We are opposed to the school's application to designate both North and South school properties as Rural Farm Forest. We were told by school board member, Del Guenther, that the school was applying for a change in designation for the South portion in order to develop a small, clustered housing development of six units for affordable teacher housing south of the tennis courts and along Center Road. When we received the Notice of Public Hearing: Docket Request 23-0005 from the county, we were shocked that the North parcel, which includes the baseball fields and track, were included in this application.

The designation of Island Center is appropriate for the north parcel which contains the ball fields and track. The designation of Rural Farm Forest is more appropriate for the southern portion which historically was agricultural and part of a view corridor. Development of clustered housing "in an open space conserving manner" which preserves the forest and view corridor as much as possible is appropriate for the southern parcel.

We were informed by School Board member, Del Gunther that the school wished to build six units on the south property and would submit an application to allow for this. Instead the San Juan County Department of Community Development has made an application to the county to change the designation of both properties. The Lopez School has not made a formal request for this designation change and we were told by Sophia Cassam, county planner, that there was never a formal request for this designation change from the Lopez School. School Board member Del Gunther had conversations via phone and email with the previous planner concerning the schools desire to develop clustered affordable housing on the south property. The result of these conversations led to the planner applying to change both parcels to Rural Farm Forest.

We feel misled. If the school wishes to develop one clustered housing project on the southern parcel, it does not need to change the designation of the north parcel to do this.

Some background history for the planning commission: The South school property was owned by Lyle Summers and was in a conservation easement with the San Juan Preservation Trust. The willow woodland and the south field/meadow were designated as an island view corridor by the San Juan Preservation Trust. The school removed the conservation easement by eminent domain so the school could develop tennis courts, even though Mark Brown had offered to sell his 10 acre property North of

the school at a discounted price. This property north of the school which had been owned by Mark Brown now houses the UPS sorting building and the future Lopez Pool.

We are not opposed to thoughtful affordable housing development and in fact, Liz is a founding member of the Lopez Community Land Trust. We are in favor of affordable housing but want to see small, low impact development that honors the historical nature of this land. The neighbors surrounding the school purchased their property when the south parcel was in a conservation easement and this is what we envisioned for our surrounding area. The school changed all of that when it condemned the conservation easement, the only easement the San Juan Preservation Trust has ever lost by condemnation.

The planning commission should, when the school submits an application to develop the south parcel for affordable housing take this historical nature of the property into consideration and as the RFF guidelines instruct design in "an open space preserving manner" and preserve the woodland, the Island Marble butterfly habitat and as much of the open meadow as is possible by limiting the clustered housing to six affordable housing units as presented to us by school board member Del Gunther.

We object to the North School property which contains the ball fields and track, being designated Rural Farm Forest. We wish to see this parcel remain in the Island Center designation. We do support the South school parcel being redesignated to Rural Farm Forest. There is no reason that both parcels need to be lumped together as Rural Farm Forest.

Sincerely,

*Liz Scranton*  
*Teri Linneman*

Liz Scranton  
Teri Linneman  
4559 Center Road  
Lopez Island, WA 98261  
360-622-9299

## Sophia Cassam

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**From:** Linden Rhoads <lindenr@seattleventures.com>  
**Sent:** Friday, August 25, 2023 10:28 AM  
**To:** Sophia Cassam; Norman Gollub  
**Subject:** Fwd: Docket Request 23-0003 Southwell

You don't often get email from lindenr@seattleventures.com. [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.

FYI my email to Councilwoman Fuller.

Begin forwarded message:

**From:** Linden Rhoads <lindenr@seattleventures.com>  
**Date:** August 25, 2023 at 10:25:01 AM PDT  
**To:** janef@sanjuanco.com  
**Subject:** **Docket Request 23-0003 Southwell**

Dear County Councilwoman Fuller,

I am writing as a concerned San Juan County property owner to express my objection to the Planning Commission's recent decision on August 18th allowing the subdivision of a 2.52-acre property into two 1.25-acre lots in an area zoned RFF-5 (Rural Farm Forest). Although I am not yet directly affected by this specific decision, I am deeply concerned about the precedent it sets for land use in our county. The next matter before you could concern property more impactful to me.

As per the criteria outlined in SJCC 18.90.030 (F) and the Comprehensive Land Use Element, a subdivision amendment is to meet all elements of the five-point criteria test to be approved. According to the information available, this subdivision meets *none* of them. The Department of Community Development (DCD) advised against it, and the Friends of the San Juans concurred with DCD's analysis.

It is disconcerting that the Planning Commission went against these expert recommendations. The introduction of the concept of "achieved effective density" to justify this decision is not only novel but also not supported by existing policy or legislation. This creative rationale could lead to further erosion of the Comprehensive Plan for the county and potentially instigate litigation costs that the county can ill afford.

Spot zoning, which this decision seems to emulate, is invalid in Washington State if it is primarily for the private interest of the owner and not the community. Making ad hoc exceptions to appropriate and established land use policy in disregard to your responsibility to act with integrity regarding our zoning laws will lead to haphazard and potentially damaging development.

I respectfully urge the San Juan County Council members to collectively vote no on this decision and ensure that future considerations align more fully with the established criteria as well as the broader vision for sustainable land use in our community.

Thank you for your attention to this matter. I look forward to your prompt action to rectify this situation at your upcoming meeting.

Sincerely,

Linden Rhoads  
966 Grindstone Harbor Rd  
Orcas Island, WA 9828

## Sophia Cassam

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**From:** Linden Rhoads <lindenr@seattleventures.com>  
**Sent:** Friday, August 25, 2023 10:27 AM  
**To:** Christine Minney  
**Cc:** Sophia Cassam; Norman Gollub  
**Subject:** Docket Request 23-0003 Southwell

You don't often get email from lindenr@seattleventures.com. [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.

Dear County Councilwoman Minney,

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I respectfully urge the San Juan County Council members to collectively vote no on this decision and ensure that future considerations align more fully with the established criteria as well as the broader vision for sustainable land use in our community.

Thank you for your attention to this matter. I look forward to your prompt action to rectify this situation at your upcoming meeting.

Sincerely,

Linden Rhoads  
966 Grindstone Harbor Rd  
Orcas Island, WA 9828

## Sophia Cassam

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**From:** Linden Rhoads <lindenr@seattleventures.com>  
**Sent:** Friday, August 25, 2023 10:46 AM  
**To:** Cindy Wolf  
**Cc:** Sophia Cassam; Norman Gollub  
**Subject:** Docket Request 23-0003 Southwell

You don't often get email from lindenr@seattleventures.com. [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.

Dear County Councilwoman Wolf,

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It is disconcerting that the Planning Commission went against these expert recommendations. The introduction of the concept of "achieved effective density" to justify this decision is not only novel but also not supported by existing policy or legislation. This creative rationale could lead to further erosion of the Comprehensive Plan for the county and potentially instigate litigation costs that the county can ill afford.

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I respectfully urge the San Juan County Council members to collectively vote no on this decision and ensure that future considerations align more fully with the established criteria as well as the broader vision for sustainable land use in our community.

Thank you for your attention to this matter. I look forward to your prompt action to rectify this situation at your upcoming meeting.

Sincerely,

Linden Rhoads  
966 Grindstone Harbor Rd  
Orcas Island, WA 98280

## Sophia Cassam

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**From:** Jeff Lehman <jllehman@earthlink.net>  
**Sent:** Monday, August 28, 2023 11:15 AM  
**To:** Jane Fuller  
**Cc:** Mike Thomas; Norman Gollub; Sophia Cassam; Jeff Lehman  
**Subject:** DOCKET REQUEST 23-0003 - Southwell

Dear County Council Member Fuller,

Hi, Jane... I'm writing to ask you to vote NO on an egregious decision made by the Planning Commission on August 18, 2023. That decision runs against the expert recommendations made by the Dept of Community Development, and was further challenged by the Friends of the San Juans. Before the vote was taken there was NO option for legal opinion to be offered by the county, but Sophia Cassam, Planner III, did point out – when asked by one of the Planning Commission members – that the decision, “if litigated, would be hard to defend”.

This docket request met NONE of the five criteria in SJCC 18.90.030 (F) or the criteria in The Comprehensive Land Use Element that it needed to pass, yet it still did. That's confusing given that we have to follow the rules and laws. The Planning Commission made the huge leap of faith finding this request “consistent with surrounding achieved density” - which is a land use concept that doesn't exist in WA state. They effectively created a RFF-1.25 designation which also doesn't exist in WA state.

This amendment is clearly the poster child for “spot zoning” which is invalid in the state of Washington if it only benefits a private land owner. (WA State Attorney General's website.) This isn't about creating affordable housing in the Lopez Urban Growth Area. In this case it only benefits a one-third private land owner - who is the only party of the ownership group requesting it. If this amendment is passed it creates precedent and opens the door to legal exposure for the county from other land owners who want the same privilege. There were also no assessments done about the impact this precedent would set regarding water/sewer/septic or transportation throughout the county. This isn't just one little request for a subdivision change, it will affect the entire county.

As pointed out in the Planning Commission's findings, they urged “the County Council to evaluate the density of surrounding properties in the vicinity and consider amending the Comprehensive Plan Official Map Density in this area to be consistent with the achieved density.” (Docket Request 23-0003 findings 8/18/23) As Sophia Cassam pointed out in the meeting these requests are usually done in Urban Growth Areas and it's “a big process”. That could take years. If the County Council decides to re-evaluate at a future date, that's your choice – subject to a specific legal process. For now though, Docket Request 23-0003 does not meet any of the standards for acceptance, and no future standards changes are on the horizon, so it requires an unequivocal NO vote.

The below Polaris maps should help clarify the magnitude of what this precedent might bring.

If approved there are **at least** 83 ADDITIONAL 1.25 acre units in the immediate area on Lopez where landowners could potentially make similar requests. All of these units are outside of the Lopez Urban Growth Area and currently zoned RFF-5. Do any of us really want to see the islands grow out of control so quickly? Every star below represents one additional 1.25 acre lot in the immediate area. This is counter to our Comprehensive Land Use Plan. Note that this map represents just one small segment of Lopez Island.

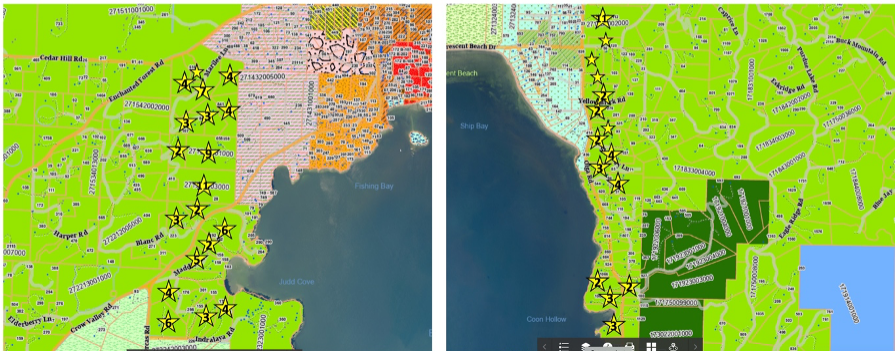
Impact of applying 1 dwelling per 1.25 acre change in density to nearby properties to 3101 Fisherman Bay Road. Stars indicate the number of additional housing units that would be allowed. Note: common areas excluded



There are also **at least** 128 additional 1.25 acre units in the Eastsound area alone on Orcas Island where landowners could potentially make similar requests. Every star below can represent one or more new units (the numbers are located inside the stars).

**Eastsound, Orcas Island Example**

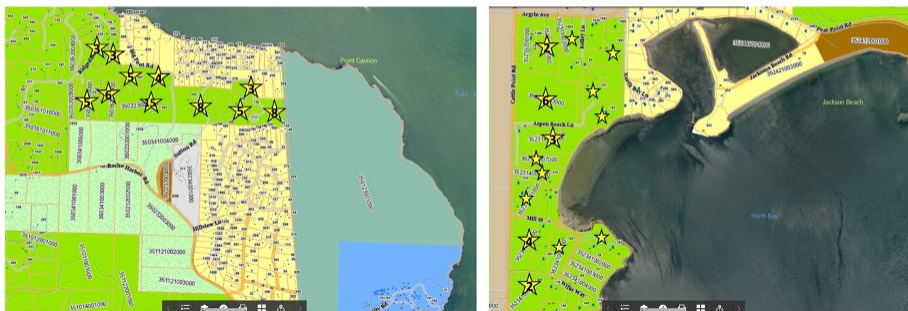
Impact of applying 1 dwelling per 1.25 acre change in density precedent established by Planning Commission recommendation in 3101 Fisherman Bay Road Docket request. Stars indicate the number of additional housing units that would be allowed. Note: common areas excluded



And finally, there are **at least** 91 additional 1.25 acre units in the immediate area of Friday Harbor where landowners could potentially make a similar map amendment request. Every star below can represent one or more new units (the numbers are located inside the stars).

**Friday Harbor, San Juan Island Example**

Impact of applying 1 dwelling per 1.25 acre change in density precedent established by Planning Commission recommendation in 3101 Fisherman Bay Road Docket request. Stars indicate the number of additional housing units that would be allowed. Note: common areas excluded



PLEASE VOTE NO on Docket Request 23-0003 at your next decision meeting.

Thank you for your time.

Jeff

Jeff Lehman  
239 Gibbs Road  
Orcas Island, WA 98245

## Sophia Cassam

---

**From:** Jeff Lehman <jllehman@earthlink.net>  
**Sent:** Monday, August 28, 2023 11:15 AM  
**To:** Christine Minney  
**Cc:** Mike Thomas; Norman Gollub; Sophia Cassam; Jeff Lehman  
**Subject:** DOCKET REQUEST 23-0003 - Southwell

Dear County Council Member Minney,

Hi, Christine... I'm writing to ask you to vote NO on an egregious decision made by the Planning Commission on August 18, 2023. That decision runs against the expert recommendations made by the Dept of Community Development, and was further challenged by the Friends of the San Juans. Before the vote was taken there was NO option for legal opinion to be offered by the county, but Sophia Cassam, Planner III, did point out – when asked by one of the Planning Commission members – that the decision, “if litigated, would be hard to defend”.

This docket request met NONE of the five criteria in SJCC 18.90.030 (F) or the criteria in The Comprehensive Land Use Element that it needed to pass, yet it still did. That's confusing given that we have to follow the rules and laws. The Planning Commission made the huge leap of faith finding this request “consistent with surrounding achieved density” - which is a land use concept that doesn't exist in WA state. They effectively created a RFF-1.25 designation which also doesn't exist in WA state.

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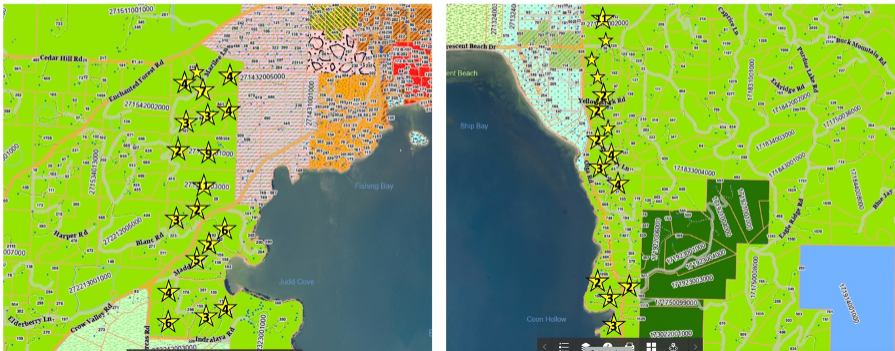
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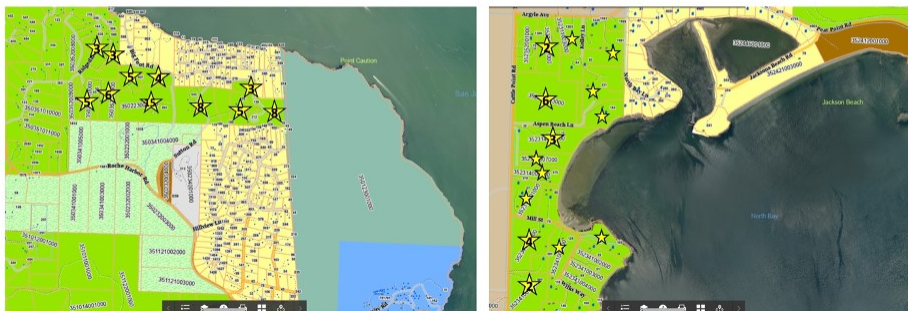
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PLEASE VOTE NO on Docket Request 23-0003 at your next decision meeting.

Thank you for your time.

Jeff

Jeff Lehman  
239 Gibbs Road  
Orcas Island, WA 98245

## Sophia Cassam

---

**From:** Jeff Lehman <jjlehman@earthlink.net>  
**Sent:** Monday, August 28, 2023 11:17 AM  
**To:** Cindy Wolf  
**Cc:** Mike Thomas; Norman Gollub; Sophia Cassam; Jeff Lehman  
**Subject:** DOCKET REQUEST 23-0003 - Southwell

Dear County Council Member Wolf,

Hi, Cindy... I'm writing to ask you to vote NO on an egregious decision made by the Planning Commission on August 18, 2023. That decision runs against the expert recommendations made by the Dept of Community Development, and was further challenged by the Friends of the San Juans. Before the vote was taken there was NO option for legal opinion to be offered by the county, but Sophia Cassam, Planner III, did point out – when asked by one of the Planning Commission members – that the decision, “if litigated, would be hard to defend”.

This docket request met NONE of the five criteria in SJCC 18.90.030 (F) or the criteria in The Comprehensive Land Use Element that it needed to pass, yet it still did. That's confusing given that we have to follow the rules and laws. The Planning Commission made the huge leap of faith finding this request “consistent with surrounding achieved density” - which is a land use concept that doesn't exist in WA state. They effectively created a RFF-1.25 designation which also doesn't exist in WA state.

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As pointed out in the Planning Commission's findings, they urged “the County Council to evaluate the density of surrounding properties in the vicinity and consider amending the Comprehensive Plan Official Map Density in this area to be consistent with the achieved density.” (Docket Request 23-0003 findings 8/18/23) As Sophia Cassam pointed out in the meeting these requests are usually done in Urban Growth Areas and it's “a big process”. That could take years. If the County Council decides to re-evaluate at a future date, that's your choice – subject to a specific legal process. For now though, Docket Request 23-0003 does not meet any of the standards for acceptance, and no future standards changes are on the horizon, so it requires an unequivocal NO vote.

The below Polaris maps should help clarify the magnitude of what this precedent might bring.

If approved there are **at least** 83 ADDITIONAL 1.25 acre units in the immediate area on Lopez where landowners could potentially make similar requests. All of these units are outside of the Lopez Urban Growth Area and currently zoned RFF-5. Do any of us really want to see the islands grow out of control so quickly? Every star below represents one additional 1.25 acre lot in the immediate area. This is counter to our Comprehensive Land Use Plan. Note that this map represents just one small segment of Lopez Island.

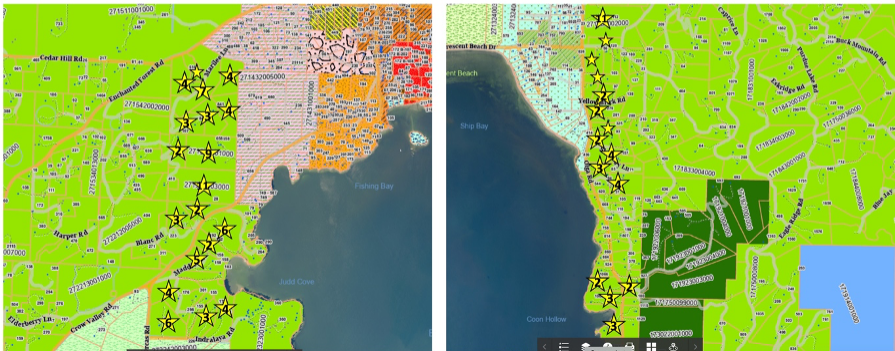
Impact of applying 1 dwelling per 1.25 acre change in density to nearby properties to 3101 Fisherman Bay Road. Stars indicate the number of additional housing units that would be allowed. Note: common areas excluded



There are also **at least** 128 additional 1.25 acre units in the Eastsound area alone on Orcas Island where landowners could potentially make similar requests. Every star below can represent one or more new units (the numbers are located inside the stars).

**Eastsound, Orcas Island Example**

Impact of applying 1 dwelling per 1.25 acre change in density precedent established by Planning Commission recommendation in 3101 Fisherman Bay Road Docket request. Stars indicate the number of additional housing units that would be allowed. Note: common areas excluded



And finally, there are **at least** 91 additional 1.25 acre units in the immediate area of Friday Harbor where landowners could potentially make a similar map amendment request. Every star below can represent one or more new units (the numbers are located inside the stars).

**Friday Harbor, San Juan Island Example**

Impact of applying 1 dwelling per 1.25 acre change in density precedent established by Planning Commission recommendation in 3101 Fisherman Bay Road Docket request. Stars indicate the number of additional housing units that would be allowed. Note: common areas excluded



PLEASE VOTE NO on Docket Request 23-0003 at your next decision meeting.

Thank you for your time.

Jeff

Jeff Lehman  
239 Gibbs Road  
Orcas Island, WA 98245

To: Christine Minney, San Juan County Council Member, District 1

From: Keith Schreiber, Property Owner, Eastsound, Orcas

Regarding: San Juan County Planning Commission Docket Request 23-0003 (Southwell)

I'm writing to strongly urge you to stand for sound and reasonable land use in our county by overruling the egregious decision made by the San Juan County Planning Commission at their August 18, 2023 meeting, through your NO vote when this issue comes before the Council.

The Planning Commission, a non-elected appointed board, has decided contrary to the expert, reasoned, and thorough recommendation of the County DCD staff. The requested amendment is seriously flawed and should not be approved as it stands in clear violation of the San Juan County Code and would likely result in creating serious negative impact throughout the county.

Specific issues with this request that would support a NO vote include:

*Inconsistent application of the County Code and Growth Management Act*

This request does not meet the criteria for site-specific redesignations in SJCC 18.90.030. While the applicant has based this request on a "Changed Condition" which is one of five conditions in San Juan County Code 18.90.030(F)(1), This section clearly requires ALL the listed criteria to be met prior to approval of an amendment changing the underlying land use designation. The only "change" is that the applicant seeks to divide their parcel because they desire to build a second home and are attempting to do so through a court-ordered division thus avoiding the typical subdivision process that would be subject to County review.

*The requested amendment is a perfect example of "spot zoning."*

Approval of this amendment would directly benefit a single piece of property and would be solely in the interest of the owner. The proposed amendment would not support the whole or greater community. It would quadruple the allowable density of this single parcel over that of the surrounding parcels, an obvious and extreme example of spot zoning that the Washington Supreme Court has determined to be illegal.

*Weakens SJCC Code enforcement and creates potential for significant legal risk to the County.*

If this amendment is passed it would create a precedent to circumvent the SJCC Development Code as other landowners seek the same benefit that a change in allowable density would provide. Property owners seeking to subdivide to the higher density that may initially be rejected by DCD could pursue legal action as they would be denied the benefits provided to others under this amendment.

*Approval of this amendment would be in violation of SEPA requirements.*

This application was determined to be Not Significant (DNS) under SEPA. I believe that the DNS was incorrectly determined. The application only looked at the single property and did not fully include the subsequent impact of increased density from adjacent and similar zoned properties that would seek approval under the amendment. Should it be approved, this subdivision change becomes precedent and will affect the entire county. The impact on water, sewers, transportation, etc. would be great. This is clearly not unsubstantial as the DNS determination would indicate.

To ensure clear, equally enforced land use through the County, I urge you to VOTE NO on approving Docket Request 23-0003 at your next decision meeting.

Thank you for your consideration.

Keith Schreiber  
73 Sunset Avenue  
Eastsound, Orcas Island, WA 98245

To: Cindy Wolf, San Juan County Council Member, District 2

From: Keith Schreiber, Property Owner, Eastsound, Orcas

Regarding: San Juan County Planning Commission Docket Request 23-0003 (Southwell)

I'm writing to strongly urge you to stand for sound and reasonable land use in our county by overruling the egregious decision made by the San Juan County Planning Commission at their August 18, 2023 meeting, through your NO vote when this issue comes before the Council.

The Planning Commission, a non-elected appointed board, has decided contrary to the expert, reasoned, and thorough recommendation of the County DCD staff. The requested amendment is seriously flawed and should not be approved as it stands in clear violation of the San Juan County Code and would likely result in creating serious negative impact throughout the county.

Specific issues with this request that would support a NO vote include:

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This request does not meet the criteria for site-specific redesignations in SJCC 18.90.030. While the applicant has based this request on a "Changed Condition" which is one of five conditions in San Juan County Code 18.90.030(F)(1), This section clearly requires ALL the listed criteria to be met prior to approval of an amendment changing the underlying land use designation. The only "change" is that the applicant seeks to divide their parcel because they desire to build a second home and are attempting to do so through a court-ordered division thus avoiding the typical subdivision process that would be subject to County review.

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*Weakens SJCC Code enforcement and creates potential for significant legal risk to the County.*

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To ensure clear, equally enforced land use through the County, I urge you to VOTE NO on approving Docket Request 23-0003 at your next decision meeting.

Thank you for your consideration.

Keith Schreiber  
73 Sunset Avenue  
Eastsound, Orcas Island, WA 98245

To: Jane Fuller, San Juan County Council Member, District 3

From: Keith Schreiber, Property Owner, Eastsound, Orcas

Regarding: San Juan County Planning Commission Docket Request 23-0003 (Southwell)

I'm writing to strongly urge you to stand for sound and reasonable land use in our county by overruling the egregious decision made by the San Juan County Planning Commission at their August 18, 2023 meeting, through your NO vote when this issue comes before the Council.

The Planning Commission, a non-elected appointed board, has decided contrary to the expert, reasoned, and thorough recommendation of the County DCD staff. The requested amendment is seriously flawed and should not be approved as it stands in clear violation of the San Juan County Code and would likely result in creating serious negative impact throughout the county.

Specific issues with this request that would support a NO vote include:

*Inconsistent application of the County Code and Growth Management Act*

This request does not meet the criteria for site-specific redesignations in SJCC 18.90.030. While the applicant has based this request on a "Changed Condition" which is one of five conditions in San Juan County Code 18.90.030(F)(1), This section clearly requires ALL the listed criteria to be met prior to approval of an amendment changing the underlying land use designation. The only "change" is that the applicant seeks to divide their parcel because they desire to build a second home and are attempting to do so through a court-ordered division thus avoiding the typical subdivision process that would be subject to County review.

*The requested amendment is a perfect example of "spot zoning."*

Approval of this amendment would directly benefit a single piece of property and would be solely in the interest of the owner. The proposed amendment would not support the whole or greater community. It would quadruple the allowable density of this single parcel over that of the surrounding parcels, an obvious and extreme example of spot zoning that the Washington Supreme Court has determined to be illegal.

*Weakens SJCC Code enforcement and creates potential for significant legal risk to the County.*

If this amendment is passed it would create a precedent to circumvent the SJCC Development Code as other landowners seek the same benefit that a change in allowable density would provide. Property owners seeking to subdivide to the higher density that may initially be rejected by DCD could pursue legal action as they would be denied the benefits provided to others under this amendment.

*Approval of this amendment would be in violation of SEPA requirements.*

This application was determined to be Not Significant (DNS) under SEPA. I believe that the DNS was incorrectly determined. The application only looked at the single property and did not fully include the subsequent impact of increased density from adjacent and similar zoned properties that would seek approval under the amendment. Should it be approved, this subdivision change becomes precedent and will affect the entire county. The impact on water, sewers, transportation, etc. would be great. This is clearly not unsubstantial as the DNS determination would indicate.

To ensure clear, equally enforced land use through the County, I urge you to VOTE NO on approving Docket Request 23-0003 at your next decision meeting.

Thank you for your consideration.

Keith Schreiber  
73 Sunset Avenue  
Eastsound, Orcas Island, WA 98245

## Sophia Cassam

---

**From:** Indranil Ghosh <indranil@ghoshfamily.com>  
**Sent:** Wednesday, August 30, 2023 6:28 PM  
**To:** Christine Minney; Cindy Wolf; Jane Fuller  
**Cc:** Mike Thomas; Norman Gollub; Sophia Cassam  
**Subject:** Re: Docket Request 23-0003, Southwell

Some people who received this message don't often get email from indranil@ghoshfamily.com. [Learn why this is important](#)

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**TO:**  
Christine Minney (District 1)  
Cindy Wolf (District 2)  
Jane Fuller (District 3)  
**CC:**  
Mike Thomas - County Manager  
Norman Gollub (Interim DCD Director)  
Sophia Cassam (Planner III)

Dear County Council members,

I am writing to let you know that I strongly oppose Docket Request 23-0003. It is clear that the applicant's request to increase the density allotment on their single parcel would benefit only themselves and does not meet the established criteria needed for approval. The DCD made this clear when they offered to refund the cost of the application, and let the applicant move on. (As referenced in a May 5th 2023 Grifo letter).

The applicant's request should never have been brought in the first place. The well-choreographed neighbor support as seen in the televised hearing and comment letters is disingenuous, as Southwell appears to only be a 1/3 owner of the property in question (3101 Fisherman Bay Road, Lopez Island, WA 98261) While any interested party can make a Docket Request, this one seems particularly far-fetched. The request meets none of the five criteria on which it should be judged.

The County Council needs to be aware of this. This is not a popularity contest. This map amendment is not for the good of the community since it only helps one person. It is your duty to oppose this request based on the law.

With due respect, if Southwell wants to build a house on Lopez, why can't she buy a legally buildable lot and put it on that, just like the rest of us have to? Why subject the County to all the legal contortions that would follow based on the precedent created by this ill-advised map amendment request?

I would ask that you vote "NO" on this matter.

Indranil Ghosh  
2882 Crow Valley Road,  
Eastsound, WA  
(360) 389-3270

## Sophia Cassam

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**From:** Stephanie DeVaan <StephanieL@msn.com>  
**Sent:** Sunday, September 3, 2023 12:34 AM  
**To:** Christine Minney  
**Cc:** Mike Thomas; Norman Gollub; Sophia Cassam  
**Subject:** Docket Request 23-0003 Southwell

Some people who received this message don't often get email from stephanieL@msn.com. [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.

Hello,

I am writing today in support of the emails sent by Jeff Lehman and Linden Rhoads regarding Docket Request 23-0003 Southwell. As a San Juan County property owner I echo their concern that an ad-hoc decision regarding the subdivision of one property will set a precedent that compromises the Comprehensive Plan and does so without the careful study, consideration, and strategic planning that such a decision deserves.

I respectfully urge the San Juan County Council members to collectively vote no on this decision and ensure that future considerations align more fully with the established criteria as well as the broader vision for sustainable land use in our community. Thank you for your consideration in this matter.

Sincerely,  
Stephanie DeVaan  
1074 Grindstone Harbor Rd  
Orcas, WA 98280

## Sophia Cassam

---

**From:** Stephanie DeVaan <StephanieL@msn.com>  
**Sent:** Sunday, September 3, 2023 12:36 AM  
**To:** Cindy Wolf  
**Cc:** Mike Thomas; Norman Gollub; Sophia Cassam  
**Subject:** Docket Request 23-0003 Southwell

Some people who received this message don't often get email from stephanieL@msn.com. [Learn why this is important](#)

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Sincerely,  
Stephanie DeVaan  
1074 Grindstone Harbor Rd  
Orcas, WA 98280

## Sophia Cassam

---

**From:** Stephanie DeVaan <StephanieL@msn.com>  
**Sent:** Sunday, September 3, 2023 12:37 AM  
**To:** Jane Fuller  
**Cc:** Mike Thomas; Norman Gollub; Sophia Cassam  
**Subject:** Docket Request 23-0003 Southwell

Some people who received this message don't often get email from stephanieL@msn.com. [Learn why this is important](#)

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Sincerely,  
Stephanie DeVaan  
1074 Grindstone Harbor Rd  
Orcas, WA 98280