



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

MEMO DATE: October 6, 2023

TO: San Juan County Council

FROM: Sophia Cassam, Planner III

SUBJECT: 2023 Docket Text Amendments Public Hearing

HEARING DATE: October 17, 2023

ATTACHMENTS: A. Draft Resolution on the 2023 Docket of Proposed Text Amendments

PURPOSE: To provide the County Council with the draft resolution regarding the proposed Comprehensive Plan and San Juan County Code Title 18 Unified Development Code (UDC) text amendments requested through the 2023 Docket (Attachment A).

ACTION REQUESTED: Please pass a resolution on the 2023 Annual Docket Text Amendments, determining whether to add proposed amendments to the Department of Community Development (DCD) work plan.

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 October 16, 2023 will be provided to the Council before their hearing on the 17th. Comments should refer to specific 2023 Docket requests. To view the public comments submitted to date on the 2023 Docket, visit <https://www.sanjuanco.com/1658/Annual-Docket>

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 Council on the requests and provided recommendations at the June 27 County Council meeting. The full applications and staff analysis are available in the June 5, 2023 staff report: <https://www.sanjuanco.com/DocumentCenter/View/28256/>.

PLANNING COMMISSION RECOMMENDATION: On July 21, 2023, the Planning Commission held a public hearing and made a recommendation to the County Council. The Planning Commission recommended that both 2023 text amendment requests be added to the DCD future work program:

- 23-0001 (Bed & Breakfast Residence)
- 23-0002 (Mineral Resource Lands Overlay Designation Criteria)

Department of Community staff briefed the County Council on the Planning Commission's recommended draft resolution. The recommendation is reflected in the draft resolution in Attachment A to this staff memo.

PUBLIC HEARING: At the October 17, 2023, Council meeting, staff will brief the Council on the draft resolution, there will be a public hearing, and the Council may approve a resolution on the proposed Comprehensive Plan and UDC amendments. After the Council approves a resolution, proposed amendments will be added to the DCD future work program. The resolution may indicate when the Council would like DCD to work on the amendments via the legislative process established in SJCC 18.90.020.

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, 2023, 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 23-0001 and 23-0002 be added to
8 the Department of Community Development work program;
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- 10 P. On September 12, 2023, staff briefed the County Council on the Planning Commission's
11 recommendation and asked the County Council to set a public hearing on the 2023
12 Docket of Proposed Text Amendments for October 17, 2023;
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- 14 Q. On September 12, 2023 the County Council set a public hearing on the 2023 Docket of
15 Proposed Text Amendments for October 17, 2023.
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- 17 R. On October 3, 2023, DCD emailed letters to applicants notifying them of the County
18 Council public hearing and inviting them to provide testimony;
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- 20 T. On September 27, 2023, the County Council public hearing was duly advertised in the
21 *Journal of the San Juan Islands* and the *Islands Sounder*;
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- 23 U. On October 17, 2023 the County Council held a public hearing; and
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- 25 V. On October 17, 2023, following the public hearing, the County Council deliberated on
26 the 2023 Docket applications, Planning Commission recommendations, and staff
27 recommendations.
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29 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of San Juan County, state
30 of Washington, as follows:
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- 32 A. That the 2023 Docket text amendment requests shown in Attachment A be addressed as
33 follows:
34
- 35 1. 23-0001: Amend the regulations for Bed and Breakfast Residences to require lodging
36 units to be in the same building occupied by the owner and to clarify that breakfast
37 cooked on-site must be served.
38
 - 39 2. 23-0002: Amend the criteria for the Mineral Resource Land Overlay (MRLO) in the
40 Comprehensive Plan to require a report prepared by a qualified professional verifying
41 commercial quantities of known or potential extractable mineral resources.
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1
2 APPROVED this ____ day of _____, 2023.
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6 ATTEST: Clerk of the Council

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

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10 _____
11 Sally Rogers, Clerk Date

12 _____
13 Cindy Wolf, Chair
14 District 2, Orcas/Waldron

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16 REVIEWED BY COUNTY MANAGER

17
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19 _____
20 Michael J. Thomas Date

21 _____
22 Jane Fuller, Vice-Chair
23 District 3, Lopez/Shaw

24 AMY S. VIRA
25 APPROVED AS TO FORM ONLY

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27
28 By: _____
29
30 Date

31 _____
32 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 Request	Type of Amendment	SJCC/Comp Plan Sections	Request Documents	Staff Recommendation	Planning Commission 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.sanjua.nco.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.	Recommended	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.sanjua.nco.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.	Recommended	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