



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
 (360) 378-2354 | (360) 378-2116
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DATE RECEIVED

Comprehensive Plan Text/SJC Code* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	Fred R. Klein	Name of Agent:	n/a
Address	545 Sunset Ave.	Address	
City, State, Zip	Eastsound, WA 98245	City, State, Zip	
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This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket <i>(signed on hard copy sent via US Mail)</i>		
<i>Signature</i>	Fred R. Klein	02/19/2024
	<i>Printed Name</i>	<i>Date</i>
<i>Signature</i>	<i>Printed Name</i>	<i>Date</i>

Please Describe the Proposed Amendments (attach additional pages if you need more space):

1. Comprehensive Plan – Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.

This Docket Request would add language to the SJC Comprehensive Plan at SJCC 18.35.100.A.2

This Docket Request proposes that *Habitat Buffers* for wetlands which fall within Urban Growth Areas may be reduced commensurate with the reductions allowed under existing regulations for *Water Quality Buffers* for those wetlands which fall within Urban Growth Areas.

The Eastsound Urban Growth Area (UGA) is believed to be the only UGA in San Juan County which has wetlands. There are a few parcels with small, isolated, Class III wetlands, one of which has been designated for high density residential development with a high potential for creation of community workforce housing.

Virtually all of the perimeter of the major wetland within the Eastsound UGA, known as “the Eastsound swale”, has been developed years ago, thus any changes to wetland buffers within a UGA would have no impact on Eastsound’s principal wetland.



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Absent this proposed amendment to the required width of a wetland *Habitat buffer* which would allow, as do the current regulations for the wetland *Water Quality buffer*, for the *Habitat buffer* of wetlands to be reduced within the UGA subject to certain mitigations. A site with a small, isolated wetland cannot reach its full development potential, primarily because of its recent re-designation to allow for high density housing within the portion of the island which has been designated to receive compact urban development...its Urban Growth Area, or UGA.

Thus this Docket request will affect only a very small percentage of the wildlife habitat area buffers of Orcas Island and ZERO reduction of wetland habitat area itself, yet it is critical to meeting the mandate of the WA State Growth Management Act (GMA) to provide land area within the UGAs for concentrated, compact development in order to reduce development pressure on rural lands.

2. San Juan County Code Title 15, Title 16 or Title 18. Describe proposed amendment and/or attach proposed text changes. List code sections proposed for amendment.

This Docket Request concerns SJCC 18.35.100, Wetlands - Protection Standards.

As such, there are two types of wetland buffers: *Water Quality*, and *Habitat*. The Protection Standards for both types of wetland buffers are spelled out in 18.35.100.

Per 18.35.100.A.1: The *Water Quality Buffer* is determined by following 4 Steps; (step #s 1, 2, & 3 are omitted for brevity). Within Step 4, the regulation states in part:

“The director may reduce the standard buffer widths in an urban growth area when impacts to critical areas are mitigated according to SJCC 18.35.040 and the buffer reduction is consistent with all other applicable requirements of this section provided:

“a. The buffer of a Category I or II wetland shall not be reduced to less than 75 percent of the required buffer or 50 feet, whichever is greater, and

“b. The buffer of a Category III or IV wetland shall not be reduced to less than 50 percent of the required buffer, or 25 feet, whichever is greater.”

The only plausible reason for provisions in the regulations to reduce the *Water Quality* buffer within a UGA is to allow for the compact, high density development as envisioned by the GMA.

Per 18.35.100.A.2: The *Habitat Buffer* is determined by following 3 Steps (omitted for brevity); there is NO Step 4. There is NO specific language, with regard to *Habitat Buffers*, which empowers the director to “reduce the standard buffer widths in an urban growth area.”

The adopted regulation offers no explanation for this omission.

And, it is clear in the text of the regulations which determine the required *Habitat Buffers* that the criteria are intertwined with those for *Water Quality Buffers*.

Without commensurate reductions in *Habitat* buffer widths, the beneficial results to the community from the reduction of the *Water Quality* buffer widths within an UGA cannot be achieved.

Absent any specific language to account for why wetland *Water Quality Buffers* within a UGA MAY be reduced whereas wetland *Habitat Buffers* within a UGA MAY NOT be reduced suggests that the crafting of the existing regulation has not achieved an appropriate balance between a healthy environment and a healthy community with housing opportunities for all segments of its population.



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Therefore, this Docket Request is submitted to amend the Wetlands - Protection Standards so they empower the director to reduce the wetland *Habitat Buffers* within an Urban Growth Area to the same percentages and minimums as the existing regulations provide for the wetland *Water Quality Buffers* as follows:

PROPOSED TEXT CHANGE: at 18.35.100.A.2, at the end of Step 3, **ADD TEXT** shown in ***Bold italics***:

“Step 4. Determine whether or not the wetland falls within an urban growth area.

The director may reduce the standard Habitat buffer widths in an urban growth area when impacts to critical areas are mitigated according to SJCC 18.35.040 and the buffer reduction is consistent with all other applicable requirements of this section provided:

“a. The Habitat buffer of a Category I or II wetland shall not be reduced to less than 75 percent of the required buffer or 50 feet, whichever is greater, and

“b. The Habitat buffer of a Category III or IV wetland shall not be reduced to less than 50 percent of the required buffer, or 25 feet, whichever is greater.”

3. Why is the amendment being proposed?

Without commensurate reductions in Habitat buffers within the UGA, the beneficial results to the community of the reduction of the Water Quality standard buffer widths within a UGA are not achieved; such benefits include allowing for compact urban growth in the UGA which reduces development pressures in rural lands as intended and creates housing opportunities for all segments of the population as required by the WA State GMA.

The affected wetlands within the Eastsound UGA are but a small percentage of the wetlands on Orcas Island, and with required mitigation, the overall environmental impact of reduction of Habitat Buffers within the UGA will be de minimus, but the impact on development potential for workforce housing will be substantial due to extremely limited undeveloped land area within the UGA with the appropriate zoning. Adopting this amendment will support the County's policy that 50% of residential development should occur in its UGAs, thus reducing development pressure on rural lands...and...it will support compliance with the Growth Management Act's primary goal of encouraging growth in existing communities and discouraging the conversion of rural lands into low density sprawl.

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

A fundamental principle of the GMA is to encourage intensive development in compact urban growth areas and to discourage the conversion of rural lands into low density sprawl; SJC is committed to accommodating 50% of its anticipated growth within its UGAs; this proposed amendment is consistent with that goal and will reduce development pressure on rural lands.

5. Does this proposal impact an Urban Growth Area (UGA)? Lopez Village, Eastsound and the Town of Friday Harbor are the only UGAs in the County.

Yes, the Eastsound UGA; perhaps in Lopez Village and Friday Harbor if wetlands exist.

No



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6. Does this proposal increase population or employment capacity?

This proposal does not increase population; however, SJC is committed to encouraging compact urban development which can provide affordable housing for the community workforce. Thus, this amendment will increase the potential for island businesses to provide housing for essential staff and workers.





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- Yes, indicate UGA _____
- No

6. Does this proposal increase population or employment capacity?



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