



# COUNCIL AGENDA ACTION SHEET

<b>Meeting Date:</b> _____		
<b>Subject:</b> _____		
<b>Presenter:</b> _____		
<b>Type of Agenda Item:</b>	<b>Type of Action Needed:</b> <i>(Multiple boxes can be checked, if necessary)</i>	
<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Discussion Only	<input type="checkbox"/> Pass Motion
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Decision / Direction	<input type="checkbox"/> Pass Resolution
<input type="checkbox"/> Scheduled Business	<input type="checkbox"/> Sign Letter / Document	<input type="checkbox"/> Pass Ordinance
	<input type="checkbox"/> Set Public Hearing	<input type="checkbox"/> Execute Contract

**Summary / Background Information** *(Please be as concise and clear as possible – no more than 200 words)*

**Fiscal Impact**

**Recommendation**

**Suggested Motion**



## MEMO

**REPORT DATE:** April 19, 2024

**TO:** San Juan County Council

**FROM:** Brooke K. Sullivan, PhD, Planner IV

**SUBJECT:** 2024 Annual Docket: Initial briefing for proposed text and official map amendments to the SJC Comprehensive Plan and San Juan County Code Title 18 Unified Development Code

**BRIEFINGS:** April 30, 2024

**ATTACHMENTS:**

- A. Table summarizing Annual Docket text amendment requests
- B. Annual Docket requests
  - B.1 Request 24-0001: Port of Friday Harbor
  - B.2 Request 24-0002: Joe Symons
  - B.3 Request 24-0003: Fred Klein
  - B.4 Request 24-0004: Lopez Village Planning Review Committee
  - B.5 Request 24-0005: Friends of the San Juan Islands (1)
  - B.6 Request 24-0006: Friends of the San Juan Islands (2)
  - B.7 Request 24-0007: Orcas Power and Light Cooperative (1)
  - B.8 Request 24-0008: Orcas Power and Light Cooperative (2)
- C. Email list of applicants requesting amendments
- D. RCW 36.70A.470(2) and SJCC 18.90.020 Legislative Procedures
- E. San Juan County Annual Docket Process

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**PURPOSE:** To brief the County Council on the 2024 Annual Docket (Docket) process and the text and official map amendment applications received between January 1 and March 1 of 2024. DCD will answer questions about the Docket process and applications at the briefing. DCD is not currently requesting direction from the County Council.

**2024 DOCKET APPLICATIONS:** Attachment A summarizes the eight 2024 Docket text and official map amendment applications received. Attachment B includes copies of each application. More detailed review of the applications against the approval criteria will take place after the initial briefing with council and prior to briefing the Planning Commission on final staff recommendations.

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

**PUBLIC COMMENTS:** Please send all public comments to [brookes@sanjuancountywa.gov](mailto:brookes@sanjuancountywa.gov). Please do not copy the County Council, Planning Commission members, or other County Staff. Written public comments received by noon on April 29th will be provided to the County Council. Comments should refer to the 2024

Docket requests. All comments on the 2024 Docket will be posted online at: <https://www.sanjuanco.com/1658/Annual-Docket>.

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

- **April 30, 2024:** County Council initial briefing.
- **May 17, 2024:** Planning Commission initial briefing and setting a public hearing.
- **June 21, 2024:** Proposed planning Commission public hearing date.
- **July 9, 2024:** County Council Briefing on Planning Commission recommendations and set a public hearing.
- **September 2024:** Proposed County Council public hearing, deliberations, adoption of a resolution regarding text amendments and adoption of an ordinance regarding map amendment.

**BACKGROUND:** The Growth Management Act (RCW 36.70A.470(2)) and San Juan County Code (SJCC) 18.90.020 allow any interested party to propose amendments to the San Juan County Comprehensive Plan (*Plan*), Official Maps, and SJCC Title 18 Unified Development Code (UDC). The community proposes amendments through the Annual Docket process (Attachment D and Attachment E). The County Council considers the applications and decides whether to add them to future Department of Community Development (DCD) work programs by resolution or to adopt Official Map amendments by ordinance. The RCW 36.70A.130(2) allows the County to make amendments to the *Plan* text and official maps once per year except as provided in RCW 36.70A.130 and the *Plan*. Amendments to the UDC may be adopted at any time.

**LOCAL CHOICE:** None of the changes requested in the 2024 Annual Docket are required. Adding any of these requests to future DCD work plans would be a local choice. If the County Council chooses to pursue the docket requests proposed this year, the projects must be balanced with other projects already on the DCD work plan. Many docket requests that the Council added to the DCD work plan in the past six years were postponed until after the last Comprehensive Plan periodic update process. Past requests in the docket queue have not been addressed yet due to a lack of staffing capacity and because other mandatory planning projects have taken priority. Once initiated, most proposed amendments will be standalone code amendment projects, which typically take 6-18 months to complete, depending on complexity. New requests are submitted every year and can quickly accumulate, as shown below in Table 1. The table includes ten projects that the County Council added to the future DCD work plan by resolution during past docket processes.

**Table 1. Docket Queue.**

Docket #	Request	Applicant
18-0005, 20-0006	Coastal Cutthroat Trout	Jenny DeGroot
19-0003	Habitat Buffer	Fred Klein
21-0008	Stormwater	Alexandra Gayek
21-0001	Commercial Composting in Agricultural Resource Land	Thomas Bennett
21-0005	Tree Code	Miles Becker
21-0006	Eastsound Subarea Plan	EPRC
21-0002	Indoor Tennis in RFF	Orcas Tennis Club
22-0005	Agritourism and Rural Land Use Designations (alternative to a proposed map amendment)	Glad Acres Farm
23-0001	Bed and Breakfasts units and meals	Friends of the San Juan Islands
23-0002	MRLO criteria require reports from qualified professional	Nina Connally and Richard Oettinger

**IMPLEMENTATION:** The Growth Management Act (RCW [36.70A.470\(2\)](#)) allows any interested person to request amendments to the UDC or the San Juan County Comprehensive Plan policies or Official Maps. Amendments to the Comprehensive Plan text and Official Maps may not be considered more frequently than once per year except as provided in RCW [36.70A.130\(2\)](#) and the County’s Comprehensive Plan. Procedures for amendments to the San Juan County Code, Comprehensive Plan text and Comprehensive Plan Official Maps are provided in Chapter 18.90 SJCC. Attachment D includes the applicable code sections from Chapter 18 SJCC.

Annual Docket requests are received between January 1 and March 1 of each year. They may be received as text amendments to the Comprehensive Plan and development code (SJCC Title 16 or Title 18) or as Official Map amendments. In addition to the UDC, the proposed Official Map amendments are reviewed in consideration of the County’s Comprehensive Plan. There are policies for rural land use designations considered through the docket process in Comprehensive Plan Section B, Element 2, Land Use. The policies for rural land use designations are in Section 2.5 Rural Lands in the Land Use Element. Staff evaluate whether the proposed amendments meet the Comprehensive Plan criteria when making recommendations to the Planning Commission and County Council. The Land Use Element is available to view online in full at <https://www.sanjuan.co/DocumentCenter/View/27604/>. Changing the land use designation of a property requires amendment of the San Juan County Comprehensive Plan Official Map sheets.

SJCC 18.90.020(C) requires that the Planning Commission hold a public hearing on the Docket. After the public hearing, the Planning Commission will deliberate and recommend to the County Council which Docket items should be added to DCD’s annual work program. Following receipt of the recommendations, County Council will hold a public hearing, considering the staff and Planning Commission recommendations and public testimony. The County Council will act on the 2024 Docket text amendment requests via resolution and on approved Official Map amendments via ordinance. Then, the DCD will update upcoming work plans to include the projects the Council has added through the Docket. Throughout the docket process written public comments will be shared with the Planning Commission and County Council.

The decision being made at the public hearings is not whether to adopt the requested text amendments, but whether to add the requested changes as projects on the DCD work plan. The merits of the proposed code changes do not need to be discussed line-by-line during the Docket process. If added to the DCD work plan, all Comprehensive Plan and code amendments will undergo a public process in the future during which staff, the Planning Commission, the public, and County Council will closely assess the changes.

**STAFF ANALYSIS:** The staff analysis of the 2024 Annual Docket requests are summarized below. See attachment B for full applications.

### **B.1 Request 24-0001: Port of Friday Harbor**

**Request:** Redesignate the underlying land use designations of two parcels (351341006000 and 351341008000) at Jensen’s Marina and Shipyard Cove from Rural Residential (RR) to Rural Industrial (RI) through an Official Map amendment. The proposal includes a list of adjacent property owners, a Warranty Deed, SEPA Checklist, a supplemental narrative, and a map of the proposed changes.

#### Proposed Amendment

The Port of Friday Harbor (Port) is requesting an Official Map amendment for underlying land use designations in Shipyard Cove associated with two parcels commonly referred to as Jensen’s Bay Marina (351341006000) and Shipyard Cove (351341008000). The applicant asserts the parcels are part of an active marina and are currently used for industrial purposes, including marine fabrication, boat yard, marine services, marine transportation, marina and temporary staff lodging. The request for an Official Map amendment is an effort by the Port to make future development and current uses consistent with the underlying land use designation.

**Analysis:** The applicant is proposing a change to the Comprehensive Plan Official Maps, including redesignating the underlying land use of two shoreline parcels from Rural Residential (RR) to Rural Industrial (RI). Currently, parcel 351341006000 is owned by the Port of Friday Harbor (Port) and managed with the Washington State Department of Natural Resources (WDNR) under Port Management Agreement (PMA) #20-080023. Parcel 351341008000 includes a filled tideland, which is owned by the Washington State Department of Natural Resources and is leased to the Port under AQUATIC LEASE #20-A10492. The Port also owns a second parcel (351341005000) adjacent to and west of the two parcels proposed for Official Map amendments. All three parcels managed by the Port fall within the Shoreline Jurisdiction, however, only parcel # 351341005000 is currently zoned RI. The shoreline designation for each of the Port parcels is Port, Marina and Marine Transport (PMT). Surrounding land use designations include Rural Residential (west), Rural Farm Forest and Friday Harbor UGA (south) and Rural Industrial (east). North of all parcels is Washington State publicly owned tideland.



The historic, current and proposed uses of the two parcels are consistent with a Rural Industrial land use designation. The portions of the parcels that are outside of the Shoreline Designation are steep slopes, unlikely to be developed, and have not and do not include residential uses. The proposal, if accepted, may remove opportunities for future residential uses and could support expansion of industrial uses on the Port and DNR owned parcels in Shipyard Cove consistent with their Management Plan.

**Preliminary Staff Recommendation:** Staff recommends adopting an Official Map Amendment to support this request. The parcels are and have been serving essential functions in the public interest consistent with the Rural Industrial Land Use Designation.

## B.2 Request 24-0002: Joe Symons

**Request:** Add an executive summary and ‘build-out analysis’ to the Introduction of the Comprehensive Plan (CP).

### Proposed amendment

The applicant is requesting a new component to be added to the CP, analogous to an executive summary, which would include a summarized "Build-Out Analysis" (BOA) in which the impacts of population growth and development on County finances, community cohesiveness, environmental challenges, and experience of living in the San Juan Islands is examined. The Build Out Analysis (the full documentation of which is in the CP's Appendix) would not be limited to the 20-year planning horizon but would run forward to describe the full set of impacts are likely to be when all development potential currently on the books (i.e., the current density map) is exhausted.

**Analysis:** A build-out analysis is not required through Growth Management Act (GMA) planning processes. In the Comprehensive Plan, there is a Table (Element B – Section 2.1D) that clarifies total housing development capacity. Still, the applicant remains concerned about the impacts of development on the quality of life in San Juan County and has asked that Council again consider this request.

**Preliminary Staff Recommendation:** This request is obsolete, as it has been previously resolved in docket resolutions from 2018, 2019 and 2021. Council has not added this to the DCD work plan in past years.

## B.3 Request 24-0003: Fred Klein

**Request:** Reduce habitat buffer protections commensurate with water quality buffer reductions associated with wetlands in UGAs.

### Proposed amendment

The applicant proposes habitat and water quality buffers be given the same standards for reduction in UGAs. Currently, SJCC 18.35.100, Wetlands - Protection Standards provides for two types of wetland buffers: 1) Water Quality, and 2) 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.”

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, about Habitat Buffers, which empowers the director to “reduce the standard buffer widths in an urban growth area.”

**Analysis:** Without commensurate reductions in Habitat buffer widths, development uses remain limited in wetland buffers and applicants must still adhere to the mitigation requirements of SJCC 18.35 when wetland buffers are impacted.

**Staff Recommendation:** This request is obsolete because it was previously addressed in Docket request #19-0003 and was added to the DCD work plan by resolution. DCD is planning to address the 2019 request during the Critical Areas Ordinance update.

#### **B.4 Request 24-0004: Lopez Village Plan Review Committee**

**Request:** The LVPRC is asking for a series of specific code updates to Title 18, in reference to the Lopez Village UGA, that the LVPRC feels will better implement the intent of the Lopez Village Plan. The request includes amendments pertaining to design review, pedestrian circulation, landscaping, parking lots, roads and driveways.

##### Proposed amendments

- Section 18.30.210 Land Use Controls in Lopez Village urban growth area, the Lopez Village reserve area and the Lopez marine LAMIRD.
- Section 18.30.720 Lopez Village planning review committee.
- Section 18.30.720 D2, Page 1/27. Revise to read: Provide early design guidance prior to the development of detailed project plans for persons proposing development in the Lopez Village urban growth area.
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- Table 18.39.760 Setbacks and Dimensional Standards Note 2, Page 9/27. Delete the Table setback exemption for pedestals and vaults.
- Section 18.30.940 Pedestrian Circulation. A, Page 25/27. Revise to Read: All development in Lopez Village of multi-family, commercial and institutional projects must include adjacent paths as shown on Connectivity Plan, Map 7, page 46 in the Plan, as well as paths to connect the projects to these paths, and all subdivisions must provide easements and paths that connect to adjacent paths shown in adopted County plans for public trails.
- Section 18.30.940 Pedestrian Circulation. B, Page 25/27. Revise to Read: Pedestrian paths in Village commercial, Village institutional and Village residential designations must be designed and constructed in accordance with Lopez Village standard plans. (Ord. 11-2019 34)

- Section 18.30.890 Landscape Plans. A2, Page 22/27. Revise to Read: Existing or proposed structures, paths, driveways, parking lots, fences, and retaining walls or other impervious surfaces.
- Section 18.30.840 Landscaping. C, Page 16/27. Revise to Read: All development on sites adjacent to the trees identified on Tree Planting Plan- Map 2 will require the trees on the plan to be planted by the developer at the time of the onsite landscaping.
- Section 18.30.860 Parking Lot Landscaping A. Page 16/27. Revised to Read: Parking lots that front on public roads require landscaping that creates a visual barrier. Include a mix of evergreen and deciduous trees, shrubs and ground covers identified in Table 18.30.880, appropriate to the degree of screening required and spaced to achieve the screening within three years.
- Section 18.30.860 Parking Lot Landscaping A 2, Page 16/27. Delete this item.
- Section 18.30.860 Parking Lot Landscaping A3, Page 16/27. Revise to read: Include landscaping of trees, shrubs and ground covers for a minimum distance of eight feet between the right of way or path boundary and the parking.
- Section 18.30.960 Road and Driveway Standards. L, Page 26/27. Revise to read: New parking lots must be placed away from public roads and behind buildings on Weeks Road, Fisherman Bay Road and Lopez Road. On other public roads new on-site parking lots must be placed away from public roads and behind buildings unless an eight-foot-wide visual barrier of landscaping is provided per 18.30.860.
- Section 18.30.960 Road and Driveway Standards, O, Page 27/27. Delete this item.

**Analysis:** The Lopez Village Plan (LVP) Review Committee reviewed and crafted specific suggested code updates they feel improve consistency of the code with the approved LVP. The committee presents landscaping, parking, circulation, and setback requests that appear to be minor edits consistent with the intention of the Lopez Village Plan, the Comprehensive Plan, the Shoreline Management Program and the Critical Areas Ordinances.

**Staff Recommendation:** This request should be approved. Requested amendments are needed to provide clarity and certainty to the Unified Development Code or Comprehensive Plan by removing inconsistencies and/or ambiguities the Lopez Village Plan as adopted October 14, 2019. This project could potentially be resolved through the current comprehensive plan code update process.

## **B.5 Request 24-0005: Friends of the San Juan Islands**

**Request:** This proposal is to adopt Code language to prohibit new commercial power-generation facilities that use fossil fuels as a primary source of fuel, and to limit permitting for commercial power-generation facilities to only facilities using renewable energy.

### Proposed amendment

The applicant proposes a new Code section be adopted to expressly provide that “Commercial power-

generation through use of fossil fuels as a primary fuel source is prohibited in all land use designations.” In conjunction with this request, the applicant proposes a definition for “Commercial power-generation facility” in UDC section 18.20.030 be adopted, as follows:

“Commercial power-generation facility” means equipment or machinery that produces electricity from renewable sources to power a commercial enterprise or for distribution to recipient(s) other than the property owner. Note: commercial power-generation through use of fossil fuels as a primary fuel source is not included in this definition and is prohibited in all land use designations.

**Analysis:** The applicant is proposing amendments to the code to prevent the development of fossil-fuel power generation facilities in San Juan County. Prohibiting fossil fuel power generators can assist the County in combating climate change and safeguarding the environment. Transitioning to renewable energy sources such as solar, wind, and hydroelectric power can mitigate these harmful effects. Additionally, fossil fuel extraction and combustion pose numerous environmental risks, including habitat destruction, water contamination, and adverse health effects on communities living near extraction sites. By phasing out fossil fuel power generators, we can pave the way for a cleaner, more sustainable energy future, reducing our reliance on finite resources and mitigating the devastating impacts of climate change. Currently, San Juan County land use code does not differentiate between renewable and non-renewable, or fossil fuel power generation facilities in the Allowable and Prohibited Uses Tables of 18.30.030 or 18.30.040. All power generation facilities are required to apply for a Conditional Use Permit, including participation in a hearing with the Hearing Examiner prior to approval. While the environmental benefits of this change are clear, the economic implications of this change are unknown. Specifically, the implications of this prohibition on providers, the local economy and energy independence goals of the community require thorough consideration by the Town of Friday Harbor, providers, and a meaningful program of public engagement prior to elimination.

**Staff Recommendation:** Reject. Staff do not recommend putting this project on the DCD work plan currently. Staff recommend adopting code prohibiting non-renewable power generation only after specific goals and policies in Element 8 have addressed this issue as part of a comprehensive plan update.

## B.6 Request 24-0006: Friends of the San Juan Islands (2)

**Request:** Update the Comprehensive Plan to encourage location of solar generation facilities on or over existing impervious surfaces when feasible and update the UDC to allow conditional use permits for commercial power-generation facilities in Rural Farm Forest (RFF) land use designations and to add special conditions for any such use on Resource Lands.

### Proposed amendment

The specific amendments would be to 18.30.040 Land use table – Rural, resource, and special land use designations: under “Utility Uses”, provisions for “Commercial power-generation facilities”.

This line of the table is proposed to be amended as follows:

- A) under RFF: change from “N” to “C”; and
- B) under Resource Lands AG and FOR: add a reference to special condition language, requiring that a Conditional Use Permit may only be granted for projects designed to coordinate with agriculture or forest use and minimize adverse impacts upon current and potential future agriculture or forest use of the resource lands.

Land Uses	Rural Designations					Resource Lands		Special Lands	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Utilities Uses									
Commercial power-generation facilities	C	N	NC	P/C	P/C	C*	C*	N	N

\* Conditional Use Permit may only be granted for projects designed to coordinate with agriculture or forest use and minimize adverse impacts upon current and potential future agriculture or forest use of the resource lands.

**Analysis:** Current Code language prohibits the development of commercial power-generation facilities in Rural Farm Forest areas, while allowing it as a conditional use on Resource Lands. When none of the very limited Rural Industrial and Rural Commercial lands are available for a power-generation facility, the current Code language permits the development of commercial power generation on Resource Lands, which are intended to remain primarily used for agriculture and forestry. Comprehensive Plan Policy 8.5.A.5.1 says “Locate new utility facilities away from, or construct them in a manner compatible with, critical areas, resource lands, and shorelines.” The Comprehensive Plan promotes the generation and use of renewable energy in the County, and OPALCO is working on establishing more renewable energy generation facilities throughout the islands, particularly through establishment of solar generation facilities. The proposed Code amendment may open more options to utilize less sensitive land for this type of use, while also helping to better preserve Resource Lands. At the same time, the County could promote location of solar generation facilities on existing impervious surfaces, and this docket request also proposes to adopt a policy change in the Comprehensive Plan to that effect.

**Staff Recommendation:** Staff recommend approving this request and adding a project to DCD’s work plan, as clarity on siting commercial power generation facilities is needed in the code to achieve important public policy objectives of a countywide nature.

### B.7 Request 24-0007: Orcas Power and Light Cooperative

**Request:** The applicant requests a new Land use “agri-solar generation” be added to the Agricultural and Forestry Uses.

#### Proposed amendment

This proposal adds a new definition and new use to the Agricultural and Forestry Uses section of Table 18.30.040 land use table – rural, resource, and special land use designations. The proposed new land use would be called “Agri-solar generation” and designed to foster increased local renewable energy and diversify farm income to improve the stressed economics of local food production. The applicant states that healthier farming economics will support increased local food production and a thriving farm community. This proposal requests ‘agri-solar’ generation be allowed in all rural areas (RGU, RR, RFF, RI, RC) and AG Resource Lands, and conditional use in Forest Resource Lands (FOR). Special Lands (C, N) would be prohibited. This is summarized in the table below.

Table 18.30.040

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
Agricultural and Forestry Uses										
Agri-solar generation	P	P	P	P	P	P	C	N	N	

A definition for “Agri-solar generation” in UDC section 18.20.010 should also be adopted as follows: “Agri-solar generation” means equipment or machinery that produces fossil-free electricity from solar renewable energy sources co-located with Rural Designation and Resource Lands used for agriculture and can include energy storage.

**Analysis:** The applicant believes changes to the code may assist the county in meeting their climate and agricultural goals. The code does not currently support ‘agri-solar’ power generation and existing projects can run into obstacles in Agricultural Resource land since the solar arrays often cover greater than 20% of the parcel and with greater than 10% impervious surfaces. The value and risks of ‘agri-solar’ are not well-studied in Western Washington but are a growing movement nationwide.

**Staff Recommendation:** Approve. Staff recommend approving this request and putting a project on DCD’s workplan to investigate the opportunities and constraints associated with ‘agri-solar’ cooperative power generation land uses in San Juan County so we can better address future proposals and prevent unintended losses to aesthetic resources, shorelines, resource lands and critical area functions.

### B.8 Request 24-0008: Orcas Power and Light Cooperative (2)

**Request:** Add a new Land Use, “Utility renewable power-generation facilities” to the Utilities Uses section of Table 18.30.040.

Proposed amendment

The applicant describes the proposed new use be called “Utility renewable power-generation facilities” for renewable energy systems that are unlike legacy non-renewable fossil-fueled power generation systems. They propose to allow provisional/conditional use permitting for utility renewable power-generation facilities in all rural areas (RGU, RR, RFF, RI, RC) and AG Resource Lands, and conditional use in Forest Resource Lands (FOR). Special Lands (C, N) would be prohibited. This is summarized in the table below.

Table 18.30.040

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
Utilities Uses										
Utility renewable power-generation facilities	P/C	P/C	P/C	P/C	P/C	P/C	C	N	N	

The applicant suggests that a definition for “Utility renewable power-generation facilities” in UDC section 18.20.210 should also be adopted as follows:

“Utility renewable power-generation facilities” means equipment or machinery that produces fossil-free electricity from renewable energy sources by electric utilities co-located with Rural Designation and Resource Lands and can include energy storage.”

**Analysis:** The applicant believes the proposed changes to the land use code are consistent with county planning and code documents and may assist the county in further meeting their energy, climate and agricultural goals. Specifically, they expect commercial solar facilities to prevent power outages and blackouts and increase affordability by reducing surges in mainland power markets at a lower cost than roof-top solar. Currently, there is no distinction between renewable and non-renewable power generation facilities.

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
<b>Utilities Uses</b>										
Commercial communication facilities	N	N	N	P	N	N	N	N (C at Mt. Constitution Sites)	N	
Commercial power-generation facilities	C	N	N	P/C	P/C	C	C	N	N	
Community sewerage treatment facilities	N	N	N	N	N	N	N	N	N	
Category “A” joint use wireless facility <sup>(10)</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Category “B” joint use wireless facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Storage and treatment of sewerage, sludge and septage systems other than lagoons	C	C	C	C	C	C	C	N	N	
Utility distribution lines	P	P	P	P	P	P/C	P/C	P/C	P/C	
Utility facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Utility substations	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Utility transmission lines	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Water storage tanks, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	
Water treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	
Unnamed utility uses	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	C	

**Staff Recommendation:** Reject. Staff do not recommend this request be added to the DCD workplan at this time. The code already allows for this use and unnamed utility uses. It is a lower priority item that could be considered in a future year’s work plan. In addition, work on other docket requests recommended by staff may provide clarity on the need to differentiate between power generation facilities in terms of land use.

**DRAFT ATTACHMENT A. 2024 Annual Docket Summary Table**

Request #	Keyword	Proponent	Summary of Request	Type of Amendment	SJCC/Comp Plan Sections	Request Documents	Preliminary Staff Recommendation	Category
24-0001	Port of Friday Harbor Land Use Designation Official Maps Changes	Port of Friday Harbor c/o Todd Nicholson	Redesignate two Rural Residential (RR) parcels on Port of Friday Harbor property at Jensen's Marina to Rural Industrial (RI), allowing for industrial uses outside of the shoreline Port, Marina and Transportation (PMT) district.	Site Specific Map Designation	Official Maps	<a href="https://www.sanjuancountywa.gov/DocumentCenter/View/29506/2024-Docket-Application_24-0001_LANDUSE-24-0022-Port-of-FH_Map-Redes">https://www.sanjuancountywa.gov/DocumentCenter/View/29506/2024-Docket-Application_24-0001_LANDUSE-24-0022-Port-of-FH_Map-Redes</a>	Approve. The site is and has been serving essential public functions consistent with the PMT land use designation and does not have residential units or plans to develop any residential uses in the future.	B
24-0002	Executive Summary	Joe Symons	Add an executive summary and 'build-out analyses' to the Introduction of the Comprehensive Plan.	Comprehensive Plan Text Amendment	Section A, Introduction	<a href="https://www.sanjuancountywa.gov/DocumentCenter/View/29499/2024-Docket-Application_24-0002_Symons">https://www.sanjuancountywa.gov/DocumentCenter/View/29499/2024-Docket-Application_24-0002_Symons</a>	Obsolete. This request has been resolved prior and no further action was recommended.	F
24-0003	Habitat Buffer Reductions	Fred Klein	Reduce habitat protection commensurate with water quality buffer reductions associated with wetlands in UGAs	SJC Code Amendment	SJCC 18.35.100.A.2	<a href="https://www.sanjuancountywa.gov/DocumentCenter/View/29500/2024-Docket-Application_24-0003_Klein">https://www.sanjuancountywa.gov/DocumentCenter/View/29500/2024-Docket-Application_24-0003_Klein</a>	Obsolete. This request has been resolved prior and was previously added to the DCD work plan.	F
24-0004	Land Use Controls in Lopez Village	LVPRC c/o Barbara Thomas	Various amendments to the 2019 Lopez Village Subarea Plan (LVSP) code to implement the LVSP pedestrian circulation, landscaping, and parking policies.	SJC Code Amendment	SJCC 18.30.210, 18.30.720, 18.30.760, 18.30.840, 18.30.860, 18.30.940, 18.30.960	<a href="https://www.sanjuancountywa.gov/DocumentCenter/View/29501/2024-Docket-Application_24-0004_LVPRC">https://www.sanjuancountywa.gov/DocumentCenter/View/29501/2024-Docket-Application_24-0004_LVPRC</a>	Approve. Current code does not provide adequate support or implementation for the Lopez Village Plan as adopted October 14, 2019 and this request could be resolved through the current comprehensive plan update.	C
24-0005	Fossil Fuel Power Generation Facilities	FSJI c/o D. James McCubbin	Adopt code language to prohibit new commercial power-generation facilities that use fossil fuels as a primary source of fuel and limit permitting for commercial power generation facilities to only facilities using renewable energy.	SJC Code Amendment	New UDC section and SJCC 18.20.030	<a href="https://www.sanjuancountywa.gov/DocumentCenter/View/29502/2024-Docket-Application_24-0005_FOTSJ">https://www.sanjuancountywa.gov/DocumentCenter/View/29502/2024-Docket-Application_24-0005_FOTSJ</a>	Reject. Staff do not recommend putting this project on the DCD work plan at this time. Staff recommend adopting code prohibiting non-renewable power generation only after specific goals and policies in Element 8 have addressed this issue as part of a comprehensive plan update.	E
24-0006	Conditional Use Permitting for Power-Generation Facilities	FSJI c/o D. James McCubbin	Encourage the location of solar generation facilities on or over existing impervious surfaces when feasible and allow conditional use permitting for commercial power-generation facilities in RFF areas and to add special conditions for any such proposed use on Resource Lands.	SJC Code and Comprehensive Plan Text Amendment	Section B, Element 8.5B, SJCC 18.30.040	<a href="https://www.sanjuancountywa.gov/DocumentCenter/View/29503/2024-Docket-Application_24-0006_FOTSJ_2">https://www.sanjuancountywa.gov/DocumentCenter/View/29503/2024-Docket-Application_24-0006_FOTSJ_2</a>	Approve. Clarity around siting commercial power-generation facilities is urgently needed as the County transitions away from non-renewable power and energy independence.	B
24-0007	Agriculture and Forestry Use: Agri-solar generation	OPALCO c/o Russell Guerry	Add a new land use, "agri-solar generation" to the Agricultural and Forestry Uses section of Table 18.30.040 that is allowed in all rural land use designations (RGU, RR, RFF, RI, RC, AG, and FOR) with the exception of Conservation and Natural designations.	SJC Code Amendment	SJCC 18.30.040	<a href="https://www.sanjuancountywa.gov/DocumentCenter/View/29505/2024-Docket-Application_24-0008_OPALCO_2">https://www.sanjuancountywa.gov/DocumentCenter/View/29505/2024-Docket-Application_24-0008_OPALCO_2</a>	Approve. A project reviewing the best available science and relevant land use implications for 'agri-solar' projects is needed to ensure critical areas, resource lands and shorelines are adequately protected and preserved for future generations.	B
24-0008	Utility Use: Renewable-power generation facilities	OPALCO c/o Russell Guerry	Add a new land use "utility renewable power-generation facilities" to the Utilities Uses of Table 18.30.040 that is allowed in all rural land use designations (RGU, RR, RFF, RI, RC, AG, and FOR).	SJC Code Amendment	SJCC 18.30.040	<a href="https://www.sanjuancountywa.gov/DocumentCenter/View/29504/2024-Docket-Application_24-0007_OPALCO">https://www.sanjuancountywa.gov/DocumentCenter/View/29504/2024-Docket-Application_24-0007_OPALCO</a>	Reject. There is no immediate need to differentiate between renewable and non-renewable power generation, and other socket requests could help resolve whether this distinction is needed or not.	E

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



## SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 F  
(360)  
dcd@LANDUSE-24-0022 PORT OF FRIDAY HARBOR  
SITE SPECIFIC MAP REDESIGNATION**Comprehensive Plan Map Amendment Application**

(Site Specific Map Re-Designation)

**APPLICANT AND AGENT INFORMATION:**

Name of Applicant:	<u>Todd Nicholson</u>	Name of Agent:	<u>Todd Nicholson</u>
Address	<u>P.O.Box 889</u>	Address	<u>P.O.Box 889</u>
City, State, Zip	<u>Friday Harbor, WA, 98250</u>	City, State, Zip	<u>Friday Harbor, WA, 98250</u>
Phone Number	<u>360-378-2688</u>	Phone Number	<u>360-749-0664</u>
Email	<u>ToddN@PortFH.org</u>	E-mail	<u>ToddN@PortFH.org</u>

**PROPERTY OWNER INFORMATION:**

Name of Owners:	<u>Port of Friday Harbor</u>	Phone Number	<u>360-378-2688</u>
Address	<u>204 Front Street</u>	E-mail	<u>ToddN@PortFH.org</u>
City, State, Zip	<u>Friday Harbor, WA, 98250</u>		

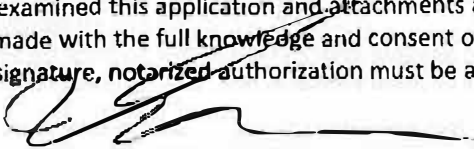
**PROPERTY INFORMATION:**

List the Tax Parcel Numbers (TPN) &amp; property information for each property included in the proposal. Attach a separate page if necessary.

Tax Parcel Number:	<u>351341006000</u>	Land Use/Shoreline Designation:	<u>RR/PMT</u>	Parcel size:	<u>1.71 Ac</u>
Tax Parcel Number:	<u>351341008000</u>	Land Use/Shoreline Designation:	<u>RR/PMT</u>	Parcel size:	<u>1.77 Ac</u>
Tax Parcel Number:	_____	Land Use/Shoreline Designation:	____/____	Parcel size:	_____
Tax Parcel Number:	_____	Land Use/Shoreline Designation:	____/____	Parcel size:	_____

**PERMIT CERTIFICATION (Must be signed by all property owners of record or a notarized agent signature provided.)**

I have examined this application and attachments and know the same to be true and correct, and certify that this application is being made with the full knowledge and consent of all owners of the affected property. (Signed by property owner or agent. For agent signature, notarized authorization must be attached.)

	<u>Todd Nicholson, ED POFH</u>	<u>1/25/2024</u>
Signature	Printed Name	Date
Signature	Printed Name	Date
Signature	Printed Name	Date

For DCD Use Only

Complete Application:  YES  NO

Amt. Paid:

Date Received:

Receipt Number: 0000

**DESCRIPTION OF PROPOSAL:**  
**Change the land use designation from RR to RI to be consistent with the PMT shoreline designation and current/historic use.**

**CHECK ALL THAT APPLY:**  
 Redesignation of Land-Use designation,  
 Redesignation of Shoreline designation  
 Redesignation of maximum allowable residential density  
 Other \_\_\_\_\_

**PROPERTY INFORMATION:**  
 List the Tax Parcel Numbers (TPN) & property information for each property included in the proposal. Attach a separate page if necessary.

Tax Parcel Number: 351341006000 Land Use/Shoreline Designation: RR/PMT Proposed Density: NA  
 Tax Parcel Number: 351341008000 Land Use/Shoreline Designation: RR/PMT Proposed Density: NA  
 Tax Parcel Number: \_\_\_\_\_ Land Use/Shoreline Designation: \_\_\_\_\_/\_\_\_\_\_ Proposed Density: \_\_\_\_\_

Tax Parcel Number: \_\_\_\_\_ Land Use/Shoreline Designation: \_\_\_\_\_/\_\_\_\_\_ Proposed Density: \_\_\_\_\_  
 General location of property: \_\_\_\_\_

Island: **San Juan** Total acres of proposal: \_\_\_\_\_

List all existing use(s) on property: **Marine industrial, Marine fabrication, boat yard, marina services, marine transportation, marina, temporary staff lodging (to be demolished in 2024)**

List any special tax categories that apply to the property, such as Open Space or Designated Forest Land **Publicly owned Port land**

Describe existing and proposed method of sewage disposal **Comercial septic system**

Describe existing and proposed water supply **Town water, no change proposed**

Did you attend a pre-application meeting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Has this proposal been previously submitted?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes – which year?	_____
---	--	--	--	----------------------	-------

**PLEASE ANSWER OR ATTACH INFORMATION FOR QUESTIONS 1-12, AS THEY APPLY TO YOUR PROPOSAL**

**1. Why is the amendment being proposed?**  
 This change is requested to match the land designation to the historic and current use. The Port's adjoining parcel, 351341005000, is currently designated RI/PMT. Matching the land designations of the contiguous Port parcels will support the combined redevelopment plan and environmental clean up of the combined Shipyard Cove/ Jensen Boatyard properties.

**2. How would the map amendment benefit the public health, safety, or welfare?**  
 The current rural industrial uses on the parcel support critical Port and private jobs and activities. The PMT uses like the commercial barge landing is essential for all residential and commercial activities on San Juan Island. Moving the boat haul out pier and portions of the Jensen boatyard to this parcel are essential for the environmental clean up of the historic Jensen parcel contamination.

PLEASE ANSWER OR ATTACH INFORMATION FOR QUESTIONS 1-12, AS THEY APPLY TO YOUR PROPOSAL

3. Describe how the amendment is warranted due to one or more of the following: changed circumstances; a demonstrable need for a considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined i

The majority of the current and historic uses of this parcel are not allowed in the RR designation. It appears that the RR designation was an oversight as it is wholly incompatible with several decades of light and heavy industrial use, construction yard use, and boatyard/marina commercial use. An RI/PMT designation allows the status quo use to continue consistent with the purpose, criteria and goals outlined in the Comprehensive Plan for RI lands.

4. Describe how the proposed amendment is consistent with the criteria for land use designations specified in the Comprehensive Plan

The current uses on this parcel: Unnamed commercial uses, construction yard, heavy industrial, light industrial, light manufacturing, outdoor storage yard, recycling and salvage yard, unnamed industrial uses.

All of these current uses P, P/C, or C in the requested RI designation, and all of them are not allowed in the RR designation.

The parcel does not have permanent residential use and the temporary staff lodging facilities are being demolished in 2024. The RI designation will prohibit residential uses on the parcel which is consistent with the Port's intended use.

5. Describe how the amendment, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunity which justifies different designations.

The only other RI parcel in the area is the adjoining Port parcel. The nearby RR parcels are all currently developed as residential use properties.

Redesignating this parcel as RI will not change the current use – it merely matched the land use designation to the actual and historic use of the parcel.

6. Describe how the benefits of the change will outweigh any significant adverse impacts of the change.

The change will safeguard the continued availability of needed marine industrial services and bring the historic and current uses into compliance with the goals of the Comprehensive Plan. There would be minimal adverse impacts since this action is not seeking to change the actual use of the parcel.

7. How is this proposal consistent with the Growth Management Act (GMA) – RCW 36.70A?

The County Comprehensive Plan, land designations, and allowable land uses were developed consistent with RWC 36.70A. The exercise of matching the historic and current land uses to the appropriate Comprehensive Plan land use designation is intrinsically consistent with RWC 36.70A.

8. Does this proposal include an Urban Growth Area (UGA) expansion?

Yes

No

9. If yes, which UGA?

10. Attach map(s) of the property that shows existing buildings, roads, water bodies, wetlands and other environmentally sensitive areas, shoreline environment, and density designations of the property and abutting properties. (In most instances, copies of GIS Legal p

Attached

11. Attach a list of the names and mailing addresses for all owners of property within 300 feet of the boundaries of the subject proper

**PLEASE ANSWER OR ATTACH INFORMATION FOR QUESTIONS 1-12, AS THEY APPLY TO YOUR PROPOSAL**

Attached

12. Attach a completed and signed State Environmental Policy Act (SEPA) Environmental Checklist, including the supplemental sheet f

Attached

13. Attach copy of deed(s), and a legal description of the property for which the amendment is requested.

Attached

Properties within 300' of parcels 351341006000 & 351341008000:

Parcel 351313004000

Gregory L. and Kimberly A. Stein

6303 108<sup>th</sup> Ave, Kirkland, WA 98033-7243

Parcel 351392515000

San Juan Community Home Trust

PO Box 2603, Friday Harbor, WA 98250-2603

Parcel 351392516000

Community Property LLC

c/o Larry Soll

4291 Westside Rd., Friday Harbor, WA 98250-8545

Parcel 351344001000

MEBN Inc.

19 Best Place, Friday Harbor, WA 98250-6001

Parcel 351341005000

Port of Friday Harbor

PO Box 889, Friday Harbor, WA 98250-0889

When recorded return to:  
Todd S. Nicholson  
Port of Friday Harbor, a municipal corporation  
PO Box 889  
Friday Harbor, WA 98250

SAN JUAN COUNTY WASH.  
REAL ESTATE EXCISE TAX  
AMOUNT PAID \$147600.00  
TML  
Dec 17 2019  
082440  
RHONDA PEDERSON  
COUNTY TREASURER

San Juan County, WA	2019-1217020
F. Milene Henley, Auditor	
D-SWD	12/17/2019 03:08:00 PM
Str=1 ORENC	\$107.50
Recorded at the request of: CHICAGO TITLE BELLINGHAM	

Filed for record at the request of:



**CHICAGO TITLE**  
COMPANY OF WASHINGTON

315 Court Street, PO Box 790  
Friday Harbor, WA 98250

Escrow No.: 245415640

### STATUTORY WARRANTY DEED

THE GRANTOR(S) Barnhill Construction Company, a California corporation  
for and in consideration of Ten And No/100 Dollars (\$10.00) and other good and valuable  
consideration  
in hand paid, conveys, and warrants to Port of Friday Harbor, a municipal corporation

the following described real estate, situated in the County of San Juan, State of Washington:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Abbreviated Legal: (Required if full legal not inserted above.)

Ptn. Gov. Lot 6, 13-35-3

Tax Parcel Number(s): 351341006000

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

**STATUTORY WARRANTY DEED**  
(continued)

Dated: December 16, 2019

Barnhill Construction Company

BY: *Shelley L. Barnhill*

Shelley L. Barnhill  
Vice President & Secretary

State of WASHINGTON  
County of SAN JUAN

I certify that I know or have satisfactory evidence that Shelley L. Barnhill is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as Vice President & Secretary of Barnhill Construction Company to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

*See A Hecker*

Name: \_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

Unofficial Copy

# California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Santa Cruz

S.S.

On 12-16-2019 before me, Tom Mattinson, Notary Public

personally appeared Shelly L. Barnhill

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



## OPTIONAL INFORMATION

### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of \_\_\_\_\_

containing \_\_\_\_\_ pages, and dated \_\_\_\_\_

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) \_\_\_\_\_

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other \_\_\_\_\_

representing: \_\_\_\_\_

**Additional Information**

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

form(s) of identification  credible witness(es)

Notarial event is detailed in notary journal on:

Page # \_\_\_\_\_ Entry # \_\_\_\_\_

Notary contact: \_\_\_\_\_

Other

Additional Signer  Signer(s) Thumbprints(s)

**EXHIBIT "A"**  
Legal Description

That portion of Government Lot 6, Section 13, Township 35 North, Range 3 West, W.M., in San Juan County, Washington, described as follows:

Beginning at a point on the North side of County Road marked by an iron rod 1 inch in diameter around which is a 1 1/4 inch by 3 foot iron pipe, which point is 1188.4 feet South and 1244.3 feet West of the quarter section corner between Sections 13 and 18, Township 35 North, Range 3 and 2 respectively, West, W.M.; thence North 59°31' East along old fence to meander line; thence Northwestery along meander line to West line of said Lot 6; thence South to the North and East margin of the County Road; thence along the said margin Southerly to the point of beginning;

EXCEPT roads.

Unofficial  
Copy

**EXHIBIT "B"**  
Exceptions

1. Boundary Agreement and the terms and conditions thereof:  
Recording Date: September 30, 1962  
Recording No.: 56001
2. Deed and Boundary Agreement and the terms and conditions thereof:  
Recording Date: October 9, 1962  
Recording No.: 56048
3. A lease with certain terms, covenants, conditions and provisions set forth therein.  
Lease No.: 10492  
Dated: November 12, 1974  
Lessor: State of Washington, acting by and through the Department of National Resources  
Lessee: San Juan Shipyards, Inc.  
Recording Date: June 12, 1975  
Recording No.: 88723
4. Record of Survey:  
Recording Date: October 20, 1981  
Recording No.: 118921
5. Record of Survey:  
Recording Date: March 5, 1991  
Recording No.: 91171930
6. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

Unofficial Copy

# SEPA<sup>1</sup> Environmental Checklist

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## Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

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<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

## A. Background

[Find help answering background questions<sup>2</sup>](#)

**1. Name of proposed project, if applicable:**

Shipyards Cove parcel land use redesignation

**2. Name of applicant: Port of Friday Harbor**

**3. Address and phone number of applicant and contact person:**

PO box 889, Friday Harbor, WA 982502

Todd Nicholson

360-298-7739

**4. Date checklist prepared:**

January 25, 2024

**5. Agency requesting checklist:**

San Juan County

**6. Proposed timing of schedule (including phasing, if applicable):**

Redesignation by 12/31/2024

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

No, nonproject action

**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

Phase 1 ESA

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

None, nonproject action

**10. List any government approvals or permits that will be needed for your proposal, if known.**

San Juan County

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on**

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<sup>2</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

**this page. (Lead agencies may modify this form to include additional specific information on project description.)**

Redesignate land use designation of parcels 351341006000 & 351341008000 from RR/PMT to RI/PMT to align with current usage.

- 12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

PR GL 6 LYING WESTERLY OF MEANDER LINE EX CO RD Sec 13, T 35N, R 3W, and FILLED TIDELANDS ABUTTING TPN 351341006 PR GL 6 LOCATED BETWEEN THE MEAN HIGH WATER LINE & THE MEANDER LINE (SEE 351341008001 FOR IMPS ONLY ON DNR AQUATIC LEASE #20-A10492) Sec 13, T 35N, R 3W

At 1063 Turn Point Road, Friday Harbor, WA 98250

## **B. Environmental Elements**

### **1. Earth**

[Find help answering earth questions<sup>3</sup>](#)

- a. General description of the site:**

**Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:**

Steep slopes and flat

- b. What is the steepest slope on the site (approximate percent slope)?**

40%

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

Sand and gravel

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

No

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<sup>3</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>

- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

This question is not applicable to a nonproject action.

- f. **Could erosion occur because of clearing, construction, or use? If so, generally describe.**

This question is not applicable to a nonproject action.

- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

This question is not applicable to a nonproject action.

- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

This question is not applicable to a nonproject action.

## 2. Air

[Find help answering air questions<sup>4</sup>](#)

- a. **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

This question is not applicable to a nonproject action.

- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

This question is not applicable to a nonproject action.

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

This question is not applicable to a nonproject action.

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<sup>4</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

### 3. Water

[Find help answering water questions<sup>5</sup>](#)

**a. Surface:**

[Find help answering surface water questions<sup>6</sup>](#)

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Salish Sea.

- 2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

None, this question is not applicable to a nonproject action.

- 3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

None, this question is not applicable to a nonproject action.

- 4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

No, this question is not applicable to a nonproject action.

- 5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

Yes, easterly edge of parcel 351341008000.

- 6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

None, this question is not applicable to a nonproject action.

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<sup>5</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

<sup>6</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>

**b. Ground:**

[Find help answering ground water questions<sup>7</sup>](#)

- 1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

No, parcel is served by Town water. This question is not applicable to a nonproject action.

- 2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

None, this question is not applicable to a nonproject action.

**c. Water Runoff (including stormwater):**

- 1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

None, this question is not applicable to a nonproject action.

- 2. Could waste materials enter ground or surface waters? If so, generally describe.**

No, this question is not applicable to a nonproject action.

- 3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

No, this question is not applicable to a nonproject action.

**d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

None, this question is not applicable to a nonproject action.

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<sup>7</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

## 4. Plants

[Find help answering plants questions](#)

**a. Check the types of vegetation found on the site:**

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- orchards, vineyards, or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

**b. What kind and amount of vegetation will be removed or altered?**

None, this question is not applicable to a nonproject action.

**c. List threatened and endangered species known to be on or near the site.**

None known

**d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.**

None, this question is not applicable to a nonproject action.

**e. List all noxious weeds and invasive species known to be on or near the site.**

Scotch broom

## 5. Animals

[Find help answering animal questions](#)<sup>8</sup>

**a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.**

Examples include:

- **Birds: hawk, heron, eagle, songbirds, other: hawk, heron, eagle, songbird**

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<sup>8</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

- **Mammals:** deer, bear, elk, beaver, other: deer
- **Fish:** bass, salmon, trout, herring, shellfish, other: salmon, herring

**b. List any threatened and endangered species known to be on or near the site.**

Salmon

**c. Is the site part of a migration route? If so, explain.**

Unknown

**d. Proposed measures to preserve or enhance wildlife, if any.**

None, this question is not applicable to a nonproject action.

**e. List any invasive animal species known to be on or near the site.**

None known

## 6. Energy and natural resources

[Find help answering energy and natural resource questions<sup>9</sup>](#)

**a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

This question is not applicable to a nonproject action.

**b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No, this question is not applicable to a nonproject action.

**c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

None, this question is not applicable to a nonproject action.

## 7. Environmental health

[Health Find help with answering environmental health questions<sup>10</sup>](#)

<sup>9</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

<sup>10</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>

a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.**

1. **Describe any known or possible contamination at the site from present or past uses.**

No unresolved concerns from phase 1 ESA

2. **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

None known, this question is not applicable to a nonproject action.

3. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

None, this question is not applicable to a nonproject action.

4. **Describe special emergency services that might be required.**

This question is not applicable to a nonproject action.

5. **Proposed measures to reduce or control environmental health hazards, if any.**

This question is not applicable to a nonproject action.

b. **Noise**

1. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

This question is not applicable to a nonproject action.

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

This question is not applicable to a nonproject action.

3. **Proposed measures to reduce or control noise impacts, if any:**

This question is not applicable to a nonproject action.

## 8. Land and shoreline use

[Find help answering land and shoreline use questions<sup>11</sup>](#)

- a. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

Subject parcel is Rural residential designation and Rural industrial use. Rural Residential designation and use for neighbors. Adjacent Port parcel is Rural industrial designation and use.

This nonproject action will not alter adjacent land uses.

- b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

No.

1. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

No.

- c. **Describe any structures on the site.**

Marina services building & shop, 60' x 120' work shed, shop with temporary lodging space above.

- d. **Will any structures be demolished? If so, what?**

This question is not applicable to a nonproject action.

- e. **What is the current zoning classification of the site?**

NA

- f. **What is the current comprehensive plan designation of the site?**

RR

- g. **If applicable, what is the current shoreline master program designation of the site?**

PMT

- h. **Has any part of the site been classified as a critical area by the city or county? If so, specify.** No

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<sup>11</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

- i. **Approximately how many people would reside or work in the completed project?**

This question is not applicable to a nonproject action.

- j. **Approximately how many people would the completed project displace?**

This question is not applicable to a nonproject action.

- k. **Proposed measures to avoid or reduce displacement impacts, if any.**

This question is not applicable to a nonproject action.

- l. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**

This question is not applicable to a nonproject action.

- m. **Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

This question is not applicable to a nonproject action.

## 9. Housing

[Find help answering housing questions<sup>12</sup>](#)

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

None, this question is not applicable to a nonproject action.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

None, this question is not applicable to a nonproject action.

- c. **Proposed measures to reduce or control housing impacts, if any:**

None, this question is not applicable to a nonproject action.

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<sup>12</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

## 10. Aesthetics

[Find help answering aesthetics questions](#)<sup>13</sup>

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

None, this question is not applicable to a nonproject action.

- b. **What views in the immediate vicinity would be altered or obstructed?**

None, this question is not applicable to a nonproject action.

- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

None, this question is not applicable to a nonproject action.

## 11. Light and glare

[Find help answering light and glare questions](#)<sup>14</sup>

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**

None, this question is not applicable to a nonproject action.

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

None, this question is not applicable to a nonproject action.

- c. **What existing off-site sources of light or glare may affect your proposal?**

None, this question is not applicable to a nonproject action.

**Proposed measures to reduce or control light and glare impacts, if any:** None, this question is not applicable to a nonproject action.

- d.

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<sup>13</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

<sup>14</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

## 12. Recreation

[Find help answering recreation questions](#)

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**

Shipyards Cove Marina, Jensen Marina, fishing

- b. **Would the proposed project displace any existing recreational uses? If so, describe.**

No, this question is not applicable to a nonproject action.

- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

None, this question is not applicable to a nonproject action.

## 13. Historic and cultural preservation

[Find help answering historic and cultural preservation questions<sup>15</sup>](#)

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

No.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

None noted in cultural resources surveys.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Recent project permits unrelated to the nonproject action.

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

None, this question is not applicable to a nonproject action.

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<sup>15</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

## 14. Transportation

Find help with answering transportation questions<sup>16</sup>

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

Served by Turn Point Road. This question is not applicable to a nonproject action.

- b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

No.

- c. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

None, this question is not applicable to a nonproject action.

- d. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

None, this question is not applicable to a nonproject action.

- e. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

None, this question is not applicable to a nonproject action.

- f. **Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

No, this question is not applicable to a nonproject action.

- g. **Proposed measures to reduce or control transportation impacts, if any:**

None, this question is not applicable to a nonproject action.

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<sup>16</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

## 15. Public services

[Find help answering public service questions<sup>17</sup>](#)

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

No, this question is not applicable to a nonproject action.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

None, this question is not applicable to a nonproject action.

## 16. Utilities

[Find help answering utilities questions<sup>18</sup>](#)

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

Electric, water, septic

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

None, this question is not applicable to a nonproject action.

## C. Signature

[Find help about who should sign<sup>19</sup>](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X 

Type name of signee:

<sup>17</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>

<sup>18</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

<sup>19</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

**Position and agency/organization:**

**Date submitted:**

## **D. Supplemental sheet for nonproject actions**

[Find help for the nonproject actions worksheet<sup>20</sup>](#)

**Do not** use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

Not likely, this nonproject action is to align land use designation with the current usage.

- **Proposed measures to avoid or reduce such increases are:**

None

- 2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

Not likely, this nonproject action is to align land use designation with the current usage.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

None

- 3. How would the proposal be likely to deplete energy or natural resources?**

Not likely, this nonproject action is to align land use designation with the current usage.

- **Proposed measures to protect or conserve energy and natural resources are:**

None

- 4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

Not likely, this nonproject action is to align land use designation with the current usage.

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<sup>20</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

None

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

Not likely, this nonproject action is to align land use designation with the current usage.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

None

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

Not likely, this nonproject action is to align land use designation with the current usage.

- **Proposed measures to reduce or respond to such demand(s) are:**

None

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

Not likely, this nonproject action is to align land use designation with the current usage. Current uses are in compliance with current regulations.



## Supplemental Narrative, Designation change from RR/PMT to RI/PMT

The purpose of this change in Comprehensive Plan land designation is not for the purpose of allowing a new use. The purpose is to make the 100 plus year, continuous industrial uses conforming with the land designation and safeguard the continued use as an important industrial working waterfront.

Beginning in the 1920's or earlier, this site has been used continuously as industrial working waterfront. All of the current and historical uses including on the site are permitted or conditional uses in the RI designation, and all of the current uses are non-conforming in the RR designation.

We are currently working with the Town to include this site in the UGA and then annex into the Town as industrial land. The site is served by Town water and private septic. Upon annexation, the Port will partner with the Town, Home Trust, and private property owners to bring Town sewer the area.

The site is adjacent to a single residence on the West and the active RI designated Jensen Boatyard on the East. The Shipyard Cove (subject property) and Jensen marinas and industrial areas are master planned and operated as a joint facility. An ongoing environmental clean up on portions of both sites will require the relocation of the Jensen boat haul out pier to the Shipyard Cove site.

There is currently a transient lodging quarters above an old pole structure on the site. The Port has been issued a demo permit for this structure and will eliminate all lodging of any nature at this site in the next four months.

The site is unsuitable for agricultural or timber use and has never been used for that purpose.

The Port has conducted multiple cultural resource studies at the site and no cultural resources have been identified.

The historic and planned uses do not rely on natural resources beyond access to the Salish Sea for the marina and commercial barge landing.

Public services include access via Turn Point Road, Town water and Opalco electricity. These together with a private septic system are adequate for current and planned uses.

This requested change meets all of the criteria for a Comprehensive Plan Official Map Amendment:

- a. This change would benefit the public health, safety, and welfare by ensuring the continuation of critical public industrial and transportation infrastructure. The current PMT uses, like the barge landing that brings all gas, diesel, propane, and oxygen to the island, are only compatible and conforming in the RI designation. This designation change is also necessary to support the ongoing multi million dollar environmental clean up at this and the adjoining site.
- b. The change to the RI designation is more consistent with the purpose, criteria, and goals outlined in the Comprehensive plan when measured against the historical, current, and planned uses.
- c. The change is completely consistent with the criteria for the land use designations specified in the Comprehensive Plan. Further, all historical and current uses or inconsistent with the criteria for the current designation of RR.
- d. The requested change will not result in some property owners enjoying greater privileges or opportunities than others in the vicinity. The designation change supports the continuation of

the 100 year plus status quo. Further, the change is to safeguard that status quo for the benefit all San Juan Island residents.

- e. The benefit of this change in designation massively outweighs the any adverse impacts. The benefits include retaining the only boat lift served marine trades work area on San Juan Island and all of the associated jobs and services, supporting the clean up of over a 100 years of legacy contamination, maintaining the current and rare working waterfront industrial areas, and supporting the Comprehensive Plan goals for PMT shoreline designated lands.



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

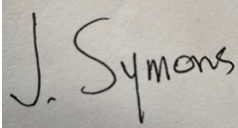
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 dcd@sanjuanco.com | www.sanjuanco.com

**Comprehensive Plan Text/SJC Code\* Amendment Request**

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

APPLICANT INFORMATION:			
Name of Applicant:	<u>Joe Symons</u>	Name of Agent:	<u>n/a</u>
Address	<u>3222 Pt. Lawrence Rd</u>	Address	_____
City, State, Zip	<u>Olga, WA 98279</u>	City, State, Zip	_____
Phone	<u>360 378 7577</u>	Phone	_____
Email	<u>joesymons@me.com</u>	E-mail	_____

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.

	<u>Joe Symons</u>	<u>18 Feb 2024</u>
<i>Signature</i>	<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.



## SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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In 2001 I submitted a formal request to the Planning Commission (PC) via the annual Docket process. The request did not ask for a specific change in the SJC Comprehensive Plan (CP). Rather, *the request asked for a thorough and comprehensive description of the anticipated long-term impact of the CP, specifically buildout, in layman's terms.* This could be described as a "truth in planning" document. The formal request, conforming to the docket format at the time, is available at <http://www.doebay.net/forthcoming.html>. The PC reviewed the request and unanimously voted that it should be done and be given the highest priority of county government. The PC finding is available at <http://www.doebay.net/SJCPCfindingsOct2001.pdf>. The BOCC (former term for the County Council) ignored the PC recommendation. Subsequent to this request and three identical requests (in 2018, 2019, and 2021), no action has been taken by DCD, PC or CC to re-explore, consider, implement or otherwise achieve the intent of this request.

**Given that there have been significant changes experienced by SJC in the past 23 years since the original request was made, and that County Council rejected my essentially-identical docket applications requesting a truth in planning section in 2018, 2019, and 2021, I re-submit a request for a comprehensive "truth in planning" component of the CP specifically geared to communicate in language understood by residents not formally trained in law or land use planning, and located right up front in the CP rather than buried in an Appendix.**

There is new urgency. There is a new Council. Past decisions do not set precedent.

The current request suggests that a new component to be added to the CP, analogous to an "executive summary", which would include a summarized "Build-Out Analysis" (BOA) in which the impacts on county finances, community cohesiveness, environmental challenges and experience of living in the San Juan Islands is examined. That is, the Build Out Analysis (the full documentation of which would be located in the CP's Appendix) would not be limited to the 20 year planning horizon but would run forward to illuminate what the full set of impacts are likely to be when all development potential currently on the books (i.e., the current density map) is exhausted.

Here's a section from the FDO (Final Decision and Order) (<http://www.doebay.net/appeal/fdo.html>) by the WWGMHB (Western Washington Growth Management Hearings Board) 1999:

“At the very inception of the GMA process in 1992, the Board of County Commissioners (BOCC) made a policy decision that existing densities established in 1979 for the 1980 CP would not be changed and would not be the subject of any discussion. As the County acknowledged at the HOM <Hearing on the Merits>, this policy decision was made without any analysis from staff, the public or the BOCC themselves.



## SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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A great deal of time in public hearings thereafter involved repeated requests for the BOCC to reverse this policy. The frustration this decision caused was eloquently summarized in the introduction of the brief of *amici* as follows:

"It is common knowledge in the San Juan County community that the density zoning enacted in 1979 after years of freedom to develop almost at will, was controversial, aroused passions and involved no evaluation of the cumulative impacts of development on rural character or conservation of natural or cultural resources. The preference of landowners was surely the single most influential criteria (*sic*) applied. Though a valid and useful beginning for local planning at that time, it is an understatement to say this process was more arbitrary than evaluative and by no means can be deemed to comply with state law requirements for obtaining the widest range of beneficial uses of the environment, achieving a balance between population and resource use, or providing a rational basis for directing development patterns and accommodating change based on designation of lands and evaluation of impacts. RCW 43.21C.020(2)(c),(f) and 36.70A."

While it would be surprising, it is not impossible for densities adopted in 1980 to comply with the Act. The CP and UDC are clothed with a presumption of validity, RCW 36.70A.320(1), and it is **petitioners' burden to show noncompliance under the clearly erroneous standard**. <emphasis mine> RCW 36.70A.320(2). While a serious argument could be made that the retention of 1980 densities without public input violated RCW 36.70A.140, the parties, including the County, have framed the issues to avoid, and specifically requested that we not simply find, a public participation procedural violation. All parties request that we address compliance of the current CP and UDC with the GMA. We carefully examined the record and reviewed the arguments to determine if this fundamental decision to retain 1980 densities was also a fatal flaw.

### **CONSISTENCY**

As demonstrated above, the official maps that establish various densities for rural and R/L areas are often totally inconsistent with the CP. For example, in rural residential (RR) designations under CP 2.3.B(c), one of the criteria for designation is 2 to 5-acre minimum lot size. The official maps allow maximum densities of 1du/\_ac. Petitioner Klein's exhibits demonstrate that one-third to one-half of all CP designations were inconsistent with the official maps' allowable densities. A March 27, 1998 memorandum



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from the prosecuting attorney to the BOCC (Ex.170925 et. seq.) set forth in detail the various inconsistencies between the CP, UDC and official maps.

Intervenor Symons correctly pointed out that the maps were also significantly inconsistent with the vision statement set forth as the guiding principle for the CP. These inconsistencies, caused by the retention of 1980 densities, do not comply with the GMA.

Additionally, for the same reasons we find that all zoning classifications or basic density allowances that allow for lots less than 5 acres in size in any rural designated zone substantially interfere with goals 1, 2, 8, 9, 10, 12 and 14 (RCW 90.58.020) RCW 36.70A.480. “

The words “substantially interfere” mean that the density map for rural areas is under an “invalidity” order, which means that SJC cannot proceed with the CP without “fixing” these densities. The WWGMHB doesn’t tell them how to fix it; they have to do something and then come back to see if it passes the smell test. Thus began multiple rounds of litigation that did not “resolve” until 2007 and “resolve” meant that SJC settled over the guest house issue. That said, the resulting density map remains both unexamined and likely substantially inconsistent with the [Vision Statement](#).

It’s been that way to this day.

What I have been asking and continue to ask for, more or less as an unauthorized and unpaid representative of “wisdom” and the likely aspirations of the vast majority of locals, is that we simply know the truth.

A 2020 survey to assess resident experience regarding tourist impacts found that “very few residents think the islands “can handle more tourists” (6%), and 94% report the islands are at capacity (52%) or over capacity (42%) during the peak summer months.” Note that “at capacity” could be more clearly described as “full”, and “over capacity” as “too full”.

GMA does not require a county to plan for the impact of visitors. When the county is “full”, adding more people, either as full time residents or visitors, should be done with clear deliberation, not, as currently exists, as the unrestricted default option.

No such deliberation has ever occurred.

The consistency of council decisions to date suggest that the Council does not want to know what our density map permits and *in particular does not want the residents to know*.



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The BOA includes by definition an impact analysis. These impacts focus on themes, expressed in the official Vision Statement, that the residents of San Juan County care about: impacts such as, but not limited to, the environment, transportation, housing, sense of community cohesiveness and the fiscal implications of new development on government services. All of this information should be described with a variety of easily understood maps, charts, graphics, photographs, spreadsheets, narratives, etc.

A "truth in planning" presentation is a layman-friendly term for a BOA. These analyses do not involve rocket science. An excellent article reviewing what a BOA can do is found at <http://conservationtools.org/guides/42-build-out-analysis>. San Juan County has a sophisticated GIS system and highly professional staff that can perform this task.

Supportive material for this request includes the 2004 Cost of Community Services study, funded by American Farmland Trust and the Friends of the San Juans at:

<http://doebay.net/appeal/COCSReportExecSum51804.pdf>

This document demonstrates the tax implications on existing residents for new residential development. The short version is that for every dollar of new tax revenue from a new residence, it costs the county \$1.32. That \$0.32 shortfall is paid for by existing tax payers, who are effectively subsidizing wealthy new second homers.

In addition, in 2000 SJC funded a "Study of Socioeconomic Impacts of Growth Pressure in Selected Seasonal/Resort Communities." located at <http://www.doebay.net/appeal/socioeconomicgrowth.pdf>.

This has been identified as the "Nantucket" study. Its conclusion is stark: SJC is not an exception to the transformation of beautiful small rural communities into havens for the wealthy, but is simply about 20 years behind. We are now 20+ years further down the road than when the study was authored. BOCC and CC have ignored this report. For all I know, the current Council may not even know that this report exists and was funded by the county.

It should be noted that *neither of these documents* is either mentioned or available on the SJC website.

These supportive materials reinforce the need for a transparent, comprehensive, easily understood executive summary, located in the CP's Introduction referencing the full BOA located elsewhere in the CP. This executive summary succinctly, explicitly and accurately describes the likely conditions at, and leading toward, buildout.

Specifically, the Introduction to the CP at:



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<https://www.sanjuancountywa.gov/DocumentCenter/View/25489/2022-03-22-Draft-Section-A-Intro-Staff-Report-for-04-01-2022-PC>

states:

“The goals and policies in the *Plan* are the framework within which the County creates and implements development regulations, programs, and other plans. The 2036 Vision, developed by the community, is the *Plan’s* North Star, guiding the *Plan* elements and leading the County toward the future we strive for every day. (page 4, lines 31-34)

The Vision is a statement of values that guide the goals and policies of each *Plan* element.” (page 5 lines 3-4)

The islands have limited resources and house unique and fragile natural ecosystems. The effects of climate change may be exacerbated by population growth, as growth requires new development and leads to greater greenhouse gas emissions. Planning for growth has never before been so imperative. (pg 10, lines 15-17)

Given that the CP is being updated, the Introduction (or an Appendix) should include important background material. The current version of the CP avoids mentioning the BOCC decision regarding prohibiting committee conversations about density, says nothing about the litigation and the County's multi-year failure to meet CP compliance under GMA, and fails to mention, much less include, important documents such as the COCS and Nantucket reports.

San Juan County's institutional memory regarding the CP's evolution is essentially non-existent. Multiple staff, PC and CC changes have taken place; virtually no one knows how we got to where we are. A thorough portrait of this history exists only at [doebay.net/appeal](http://doebay.net/appeal) which includes a detailed record of the litigation, of the political processes and of the context within which the current CP can be interpreted. A glance at the SJC's two paragraph description of the history of the county (at <http://www.sanjuanco.com/668/History>) is entirely inadequate—see for yourself.

**It is essential that this proposed executive summary to the CP be located in the Introduction, preferably following the SJC Vision Statement, so that a time-challenged reader can get to the real meat of the CP immediately.**

The comprehensive vision statement analysis requested would, located in an Appendix, *explicitly demonstrate* precisely how the goals, policies and UDC regulations *fulfill and/or fail to fulfill* the SJC certified Vision Statement. Options for how to bring the CP into compliance with the Vision Statement would be offered as part of this 'truth in planning' summary. Given that the CP has been, and will continue to be, crafted under the provisions of the Growth Management Act, the BOA and the summary analysis would additionally specifically identify



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how the CP meets, or fails to meet, the 14 principles of GMA, with particular attention to the Act's first and second principles.

My request specifically asks that any future CP policy or UDC changes would have to explicitly and comprehensively demonstrate that they account for and ensure that the Vision Statement and GMA goals are specifically referenced and reviewed for compliance and do not remain unmentioned, diluted, ignored, bypassed or marginalized. All future CP modifications would be so identified and concomitantly incorporated in a revised executive summary to insure clarity and consistency with the intent of this addition to the CP.

## 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.

No specific county code changes are requested at this time.

## 3 Why is the amendment being proposed?

The current SJC CP fails to communicate the full extent of the development potential inherent in the density map created in 1979. The BOCC "opted in" to create the current CP under GMA in 1992 and established citizen committees in each District to craft a new CP; however, the BOCC prohibited committee discussion of the 1979 density designations. Petitioners challenged the CP before the Western Washington Growth Management Hearings Board (WWGMHB) over a several year period from 1999-2007; in almost all cases, SJC lost. Under duress, SJC made modifications to the density map in order to remove the burden of non-compliance under GMA. The resulting changes, however, have never been articulated in any easy-to-understand summary document and included in the CP. The explosive growth of second homes and tourist accommodations since 1999 shows no sign of deceleration. A first-approximation estimate of the buildout potential under the existing density regulations suggests a buildout population in excess of 130,000 for SJC; this population estimate does not include the impact of visitors (studies have demonstrated that the seasonal impact of visitors more than doubles the resident population) nor does it include the impact of ADUs. By reference the US Census population of SJC in 2020 is ~17,788. Estimates by the US Census show an approximate growth of full time population to about 19100 as of 2023.

As shown at

[https://www.sanjuancountywa.gov/DocumentCenter/View/25519/2022-03-21\\_Comprehensive\\_Plan\\_Appendix\\_1\\_draft](https://www.sanjuancountywa.gov/DocumentCenter/View/25519/2022-03-21_Comprehensive_Plan_Appendix_1_draft) (pg 86)



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### B. Population Forecast

In 2016, there were 16,314 people living in the County. According to the population forecast in Section I of this Appendix, 19,423 residents are expected by 2036. This forecasted population growth will result in 3,109 additional people. At a rate of 2.04 people per household, the County forecasts 1,524 new households by 2036. The final capacity data indicates that the projected number of households corresponds with the number of possible dwelling units that could be developed under the existing Plan and development regulations. Countywide, there is final capacity for 2,461 new dwelling units (Table 12) and an excess final capacity of 937 dwelling units countywide (2,461 dwellings – 1,524 new households = 937 dwelling unit excess capacity).

Thus, by now (early 2024), the population growth predicted to occur by 2036, and for which SJC's CP is supposed to plan for, *has already occurred, 12 years before the end of the planning period in 2036*. SJC's CP update was due to have been completed in 2016 but was not certified by SJC until 2023, one year before the *next* CP update, due this year (2024). Given that CP updates are due every 8 years, we are now 8 years into a 20 year planning horizon (2016-2036) and we have already exceeded the population the CP has supposed to have planned for.

Looking forward, assuming the growth rate that the US Census has for SJC (approx 2.5%/year: see

<https://www.census.gov/quickfacts/fact/table/sanjuancountywashington/PST045222>)

continues, we could expect a 2036 full time population of  $19000 \times (1.025^{12}) \approx 25,500$ , or about 3000 more people than the CP estimate of ~3000 growth in population from 2016 to 2036. (That's about two (2) times more than what was anticipated).

An alternate way of estimating this population growth is to note that from 2016 to 2023—seven years—the population of the county increased ~3000 people, that is, the amount that DCD had planned for by 2036. Assuming the growth rate would remain about the same, the next seven years—from 2023 to 2030—would bring another 3000 people, and yet there are still six years left (2030-2036) to the end of the 20 year planning period 2016 to 2036. If the growth rate continued as it has, for the period 2030-2036 there would be *almost another 3000 full time residents in the county* by the end of the planning period, that is, there would be almost 6000 people *who were not planned for* by the CP. Under this estimate of population growth, the CP for 2016-2036 would have planned *for only about one third of the anticipated population*.

Visitor population increases, which consume the same resources as permanent residents (water, ferry space, restaurants, parking, etc.) are not included in this planning.

However, this information only refers to the 20 year planning horizon that SJC is bound to plan for under GMA. Residing on the density map (which even Google cannot locate) is the actual legal density of each of the approx 18000 parcels in SJC (Note: I have never seen nor been able to locate an actual “density map” for the current CP). Density data is available within the TPN spreadsheet downloadable from the county web site.



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When asked to compute the total buildout population (maximum dwelling units—DU—times a well-established count of about 2 people per DU), the buildout population is over 130,000. This number *does not include visitors or the impact of ADU's*.

Documentation of my calculations is at:

<http://doebay.net/sunshine/GDLICharts.xlsx>

A review of DCD findings in 2019

([http://doebay.net/sunshine/2019-04-01\\_DCD\\_Annual\\_Docket\\_AZ\\_PC\\_04-19-2019.pdf](http://doebay.net/sunshine/2019-04-01_DCD_Annual_Docket_AZ_PC_04-19-2019.pdf))

states that this docket request is superfluous because the 2018 Council rejected it:

### **Staff Analysis:**

A request for the same amendment was submitted during the 2018 annual docket process. The 2018 docket was resolved with Resolution 31-2018. At that time, no further action was required because the other components of the Comprehensive Plan such as the Land Capacity Analysis address similar information and are currently included in the Comprehensive Plan Update. (Attachment B.3)

I cannot find any documentation as to why Council overturned the PC's unanimous recommendation that the request be implemented.

The most recent version of the LCA references maximum buildout in:

**E. Calculate and Map Maximum Commercial, Industrial, and Mixed-Use Building Capacity** (pg 22, line 4, Appendix 1, LCA methodology)

But does not reference rural lands buildout. Attachment B to Appendix 1 discusses comments submitted by residents (including me). DCD replies suggest that I am not calculating buildout according to the LCA process. (No one I have spoken to outside the county has any respect for or belief in the LCA process created by SJC by employees that no longer work for the county.)

Note that buildout population estimates do not reflect actual impact, as the visitor population is not included in the LCA or any CP analysis. As noted earlier, based on past history, the visitor population is about 2x the resident population during the expanding "summer" season.

Further, the LCA only talks about land capacity, not livability capacity. There is no discussion about whether the capacities calculated have viability considering carrying capacity limitations (e.g., water, ferries, emergency evacuation, etc.), or whether these capacities meet the Vision Statement standards about what has been collectively chosen as the county's aspirations.

There are very few remaining individuals who followed the litigation starting in 1999 (the CP was signed in December of 1998) who know that SJC's attempt at providing a "buildout analysis" was buried on page 21 of Appendix 1 of the CP in table 20 which, as my 1999 brief



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(at <http://www.doebay.net/appeal/jsbrief.pdf>) demonstrated, was seriously flawed. Table 20 predicted a buildout population of about 48,000 people. The actual number, validated by the WWGMHB and unchallenged by SJC, was about 175,000 people (not counting visitors).

I am understandably concerned that SJC will again attempt to bury an inaccurate buildout figure in an essentially inconsequential location in the CP, leaving the impression that the Vision Statement has been considered as the CP’s “north star” and has been honored.

Consequently it is imperative that the residents of SJC have a comprehensive and thorough portrait of what their future is likely to be, explicitly including the full range of impacts generated by visitors. This portrait needs to be compared with the resident-chosen Vision and GMA and all deficiencies explicitly documented.

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

GMA *requires* that a county's CP be internally consistent. As a specific example, SJC has an obligation to ensure that rural lands in the county are not characterized by sprawl, generally defined by the GMA Hearings Boards as average rural lands densities less than 1 dwelling unit/5 acres. Of the ~17000 legal tax parcels in SJC in 2019, ~8500 are non-conforming in rural land designations, creating an estimated rural lands buildout density of 1 du/3 acres. By GMA standards, **this is sprawl**. Current SJC rural lands densities are approximately 1 du/4 acres, which is also by definition sprawl (this can be validated at <http://www.doebay.net/appeal/SJC%20CP%20index%20rural%20lands.pdf>; this legal document was generated, under duress, by SJC during the litigation period.)

Separately, SJC has an obligation to ensure that there is consistency between the vision statement, describing a small rural county not wanting to change much, and its development potential. A truth in planning component as requested would explicitly illuminate these and other discrepancies and provide a solid fact-based platform for public conversation.

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

- Yes, indicate UGA \_\_\_\_\_  
No



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6. Does this proposal increase population or employment capacity?

No.



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DATE RECEIVED
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**Comprehensive Plan Text/SJC Code\* Amendment Request**

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

<b>APPLICANT INFORMATION:</b>			
Name of Applicant:	<b>Fred R. Klein</b>	Name of Agent:	<b>n/a</b>
Address	<b>545 Sunset Ave.</b>	Address	
City, State, Zip	<b>Eastsound, WA 98245</b>	City, State, Zip	
Phone	<b>360 298 5640</b>	Phone	
Email	<b>FreddytheK10@gmail.com</b>	E-mail	

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>	<b>Fred R. Klein</b>	<b>02/19/2024</b>
	<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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1. Comprehensive Plan amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.



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



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3. Why is the amendment being proposed?

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

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

- Yes, indicate UGA \_\_\_\_\_
- No

6. Does this proposal increase population or employment capacity?



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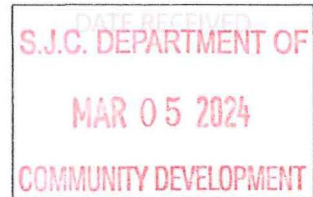
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Received by email  
 February 27, 2024




### Comprehensive Plan Text/SJC Code\* Amendment Request

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

#### APPLICANT INFORMATION:

Name of Applicant:	<u>Lopez Village Planning Review Committee</u>	Name of Agent:	<u>Barbara Thomas, Chair</u>
Address	<u>Lopez Village</u>	Address	<u>859 Cross Road</u>
City, State, Zip	<u>Lopez Island WA 98261</u>	City, State, Zip	<u>Lopez Island WA, 98261</u>
Phone	<u>See Agent</u>	Phone	<u>360 468-2083</u>
Email	<u>See Agent</u>	E-mail	<u>sftbayfarm@rockisland.com</u>

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.

	<u>Barbara Thomas</u>	<u>Feb. 28, 2024</u>
Signature	Printed Name	Date
Signature	Printed Name	Date

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

1. Comprehensive Plan amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.

**No Comprehensive Plan amendments are being requested.**

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

**San Juan County Code Title 18 amendments.**

**Section 18.30.210 Land Use Controls in Lopez Village urban growth area, the Lopez Village reserve area and the Lopez marine LAMIRD.**

**See attached changes.**



## SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250  
(360) 378-2354 | (360) 378-2116  
dcd@sanjuanco.com | www.sanjuanco.com

Section 18.30.720 Lopez Village planning review committee.

Section 18.30.720 D2, Page 1/27. Revise to read: Provide early design guidance prior to the development of detailed project plans for persons proposing development in the Lopez Village urban growth area.

Table 18.39.760 Setbacks and Dimensional Standards Note 2, Page 9/27. Delete the Table setback exemption for pedestals and vaults.

Section 18.30.940 Pedestrian Circulation. A, Page 25/27. Revise to Read: All development in Lopez Village of multi-family, commercial and institutional projects must include adjacent paths as shown on Connectivity Plan, Map 7, page 46 in the Plan, as well as paths to connect the projects to these paths, and all subdivisions must provide easements and paths that connect to adjacent paths shown in adopted County plans for public trails.

Section 18.30.940 Pedestrian Circulation. B, Page 25/27. Revise to Read: Pedestrian paths in Village commercial, Village institutional and Village residential designations must be designed and constructed in accordance with Lopez Village standard plans.(Ord. 11-2019 34)

Section 18.30.890 Landscape Plans. A2, Page 22/27. Revise to Read: Existing or proposed structures, paths, driveways, parking lots, fences, and retaining walls or other impervious surfaces.

Section 18.30.840 Landscaping. C, Page 16/27. Revise to Read: All development on sites adjacent to the trees identified on Tree Planting Plan- Map 2 will require the trees on the plan to be planted by the developer at the time of the onsite landscaping.

Section 18.30.860 Parking Lot Landscaping A. Page 16/27. Revised to Read: Parking lots that front on public roads require landscaping that creates a visual barrier. Include a mix of evergreen and deciduous trees, shrubs and ground covers identified in Table 18.30.880, appropriate to the degree of screening required and spaced to achieve the screening within three years.

Section 18.30.860 Parking Lot Landscaping A 2, Page 16/27. Delete this item.

Section 18.30.860 Parking Lot Landscaping A3, Page 16/27. Revise to read: Include landscaping of trees, shrubs and ground covers for a minimum distance of eight feet between the right of way or path boundary and the parking.



## SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Section 18.30.960 Road and Driveway Standards, L, Page 26/27. Revise to read: New parking lots must be placed away from public roads and behind buildings on Weeks Road, Fisherman Bay Road and Lopez Road. On other public roads new on-site parking lots must be placed away from public roads and behind buildings unless an eight foot wide visual barrier of landscaping is provided per 18.30.860.

Section 18.30.960 Road and Driveway Standards, O, Page 27/27. Delete this item.

3. Why is the amendment being proposed?

**These amendments are being proposed because the current Code is not in alignment with and does not support or implement the Lopez Village Plan as adopted October 14, 2019.**

See goals attached.

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

The Lopez Village Plan as adopted is consistent with the Growth Management Act (RCW 36.70A)

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

- Yes, indicate UGA\_\_\_\_ Yes the Lopez Village UGA\_\_\_\_\_
- No

6. Does this proposal increase population or employment capacity?

**This proposal supports successful growth of the commercial activities of the Village by increasing the walkability of the Village, the visual organization of the Village, and the accessibility of Village commercial and institutional activities from Village residential and Village parking areas.**

The Goal of 18.30.720 D2, Page 1/27 is to convey a significant measure of due respect for those proposing development actions and for the Plan itself. The outcome of this meeting is expected to result in and conclude with a motion that reflects the essential facts exchanged. 18.30.720 D3, Page 1/27 is expected to take place after plans have been submitted for permit.

The Goals and Policies of the Plan as written and adopted provide for a clearly defined public framework within which the Commercial, Institutional and Residential zones can be developed.

See: Connectivity Plan, Map. 7, Page 46 of the Plan.  
Tree Planting Plan, Map2, Page 26 of the Plan.

These maps should be implemented as the Village develops and therefore should be included in the Code.

The Goals and Policies that support the changes implementing the Connectivity Plan (pathways) include:

Healthy Community Goal 1. Page 70 of the Plan. Achieve a vital, healthy quality of life for all people.

Healthy Community Goal 4 - Policy 4a1. Page 70 of the Plan. Design the Village to support walking and human scale.

Healthy Community Goal 5 - Policy 5b. Page 71 of the Plan. Create a system of Village roads, convenient and accessible pathways, bike lanes and multi-use trails with appropriate streetscapes and human scale features.

Healthy Community Goal 6. Page 71 of the Plan. Develop a safe, convenient, walkable environment.

Healthy Community Goal 6 - Policy 6b. Page 71 of the Plan. Shape the built environment to promote pedestrian-scale design qualities critical to a good walking environment.

Built Environment Goal 2 - Policy 2e. Page 77 of the Plan. Incorporate walkability and connectivity between development and significant destinations.

The Goals and Policies that support the changes implementing the Tree Planting Plan (landscaping) include:

Healthy Community Goal 6 - b2. Page 71 of the Plan. Provide visual definition to streets and other public spaces through the shape and form of buildings, walls, trees and other vertical elements.

Landscaping Goal1. Page 78 of the Plan. Establish landscaping as an important, integrated component of the character and quality of the Village.

Landscaping Goal 1 - Policy 1a. Page 78 of the Plan. Adopt a landscape plan for the commercial core and transportation corridors.

Landscaping Goal 1 - Policy 1b. Page 78 of the Plan. Develop community-driven landscaping regulations, standards and guidelines that:

Improve aesthetics;

Enhance circulation routes and wayfinding;

Provide a framework for land use transitions, define use edges and connections.

Landscaping Goal 1- Policy 1c. Page 78 of the Plan. Preserve existing significant trees and understory vegetation during new development to the fullest extent practical.

Landscaping Goal 1 - Policy 1d. Page 78 of the Plan. Require landscaping that continues the tradition of planting shade canopy trees and integrating them into the landscape habitats.

Goals and Policies that support Revisions to the Parking Section 18.30.960 include:

Parking Goal 1. Page 81 of the Plan. Limit or eliminate the need for additional commercial parking.

Parking Goal 2. Page 81 of the Plan. Locate and size parking requirements to support users while enhancing the Village experience.

Parking Goal 3 - Policy 3b. Page 82 of the Plan. Develop regulations with a preference for visually screening and landscaping parking lots.

Parking Goal 4. Page 82 of the Plan. Develop specific parking requirements for the commercial core that reduce or eliminate future private parking requirements and preserve the Village experience by limiting visual and circulatory impacts of motor vehicles.

Parking Goal 4 - Policy 4c. Page 82 of the Plan. Require shared parking, clustering of separate parking areas located away from main roads and placement of parking areas behind proposed buildings.

DATE RECEIVED

**Comprehensive Plan Text/SJC Code\* Amendment Request**

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

**APPLICANT INFORMATION:**

Name of Applicant:	<u>Friends of the San Juans</u>	Name of Agent:	<u>D. James McCubbin</u>
Address	<u>P.O. Box 1344</u>	Address	<u>P.O. Box 1344</u>
City, State, Zip	<u>Friday Harbor, WA 98250</u>	City, State, Zip	<u>Friday Harbor, WA 98250</u>
Phone	<u>360-378-2319</u>	Phone	<u>360-378-2319</u>
Email	<u>james@sanjuans.org</u>	E-mail	<u>james@sanjuans.org</u>

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County's annual docket process.

*Eva Schulte, by D. James McCubbin*

Signature



Signature

Eva Schulte

Printed Name

D. James McCubbin

Printed Name

Date

Date

**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.**

N/A

- 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 proposal is to adopt Code language to prohibit new commercial power-generation facilities that use fossil fuels as a primary source of fuel, and to limit permitting for commercial power-generation facilities to only facilities using renewable energy.

A new Code section should be adopted to expressly provide that "Commercial power-generation through use of fossil fuels as a primary fuel source is prohibited in all land use designations."

A definition for "Commercial power-generation facility" in UDC section 18.20.030 should also be adopted, as follows:

"Commercial power-generation facility" means equipment or machinery that produces electricity from renewable sources to power a commercial enterprise or for distribution to recipient(s) other than the property owner. Note: commercial power-generation through use of fossil fuels as a primary fuel source is not included in this definition, and is prohibited in all land use designations.

### 3. Why is the amendment being proposed?

This proposal is proposed to prevent development of fossil-fuel power generation facilities in San Juan County. Prohibiting fossil fuel power generators is imperative for combating climate change and safeguarding the environment. These generators emit vast quantities of greenhouse gases, primarily carbon dioxide, which significantly contribute to global warming and air pollution. Transitioning to renewable energy sources such as solar, wind, and hydroelectric power is essential to mitigate these harmful effects. Additionally, fossil fuel extraction and combustion pose numerous environmental risks, including habitat destruction, water contamination, and adverse health effects on communities living near extraction sites. By phasing out fossil fuel power generators, we can pave the way for a cleaner, more sustainable energy future, reducing our reliance on finite resources and mitigating the devastating impacts of climate change.

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

**Growth Management Act:** The proposal is consistent with the Planning Goals of the Growth Management Act, particularly for the environment (RCW §36.70A.020(10)), public facilities and services (RCW §36.70A.020(12)), and climate change and resiliency (RCW §36.70A.020(14)).

**Comprehensive Plan:** This proposal will facilitate increased local production of renewable energy while reducing impacts upon resource lands. The proposal is consistent with the Comprehensive Plan, including in particular the following sections:

- 2036 VISION
  - 2036 VISION, NATURAL ENVIRONMENT: “As careful stewards of these islands and waters, we conserve resources, preserve open space, and take appropriate action to assure healthy land and marine environments. We recognize the integral role that forests play in the stewardship of our air, soils and water resources.”
  - 2036 VISION, ENERGY AND RESOURCES: “Our community strives for energy independence and zero waste. We use renewable energy, materials, and natural resources on a sustainable basis.”
- ELEMENT 2. LAND USE AND RURAL
  - 2.2.C Energy, Policy 2: “Provide opportunities for the development and use of alternative energy resources which are compatible with the natural environment.”
- ELEMENT 8. UTILITIES
  - 8.5.A General Goals and Policies, Goal 5: “Protect and preserve natural habitats and environments while also providing for the location and extension of necessary utility facilities.”
  - 8.5.B Utility-Specific Goals and Policies, Electricity Goal 6: “Minimize the environmental impacts of electricity production and use while promoting energy independence.”

**Unified Development Code:** The proposal is to change the Code, but is consistent with the overall policy goals of the Code in accordance with the Growth Management Act and Comprehensive Plan as described above.

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

Yes, indicate UGA \_\_\_\_\_

No

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

No

DATE RECEIVED

### Comprehensive Plan Text/SJC Code\* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	<u>Friends of the San Juans</u>	Name of Agent:	<u>D. James McCubbin</u>
Address	<u>P.O. Box 1344</u>	Address	<u>P.O. Box 1344</u>
City, State, Zip	<u>Friday Harbor, WA 98250</u>	City, State, Zip	<u>Friday Harbor, WA 98250</u>
Phone	<u>360-378-2319</u>	Phone	<u>360-378-2319</u>
Email	<u>james@sanjuans.org</u>	E-mail	<u>james@sanjuans.org</u>

This request is for a text amendment to the Comprehensive Plan or development regulations, not a comprehensive plan map amendment. I understand that this request will be reviewed according to the County’s annual docket process.

*Eva Schulte, by D. James McCubbin*

Signature



Signature

Eva Schulte

Printed Name

D. James McCubbin

Printed Name

Date

Date

**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.**

Supplement Section B, Element 8, 8.5.B Utility-Specific Goals and Policies, Electricity, Policy #2, to promote location of solar projects on existing impervious surfaces. Add a second sentence to this Policy, stating “Encourage location of solar generation facilities on or over existing impervious surfaces when feasible.”

2. Work with the San Juan County Conservation District and OPALCO to promote community solar projects and provide technical assistance and incentives to increase individual home solar installations. Encourage location of solar generation facilities on or over existing impervious surfaces when feasible.

**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 proposal is to allow conditional use permitting for commercial power-generation facilities in Rural Farm Forest areas, and to add special conditions for any such use proposed on Resource Lands.

The specific amendments would be to 18.30.040 Land use table – Rural, resource, and special land use designations; under “Utility Uses”, provisions for “Commercial power-generation facilities”.

This line of the table is proposed to be amended:

- A) under RFF: change from “N” to “C”; and
- B) under Resource Lands AG and FOR: add a reference to special condition language, requiring that a Conditional Use Permit may only be granted for projects designed to coordinate with agriculture or

forest use and minimize adverse impacts upon current and potential future agriculture or forest use of the resource lands.

Land Uses	Rural Designations					Resource Lands		Special Lands	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Utilities Uses									
Commercial power-generation facilities	C	N	NC	P/C	P/C	C*	C*	N	N

\* Conditional Use Permit may only be granted for projects designed to coordinate with agriculture or forest use and minimize adverse impacts upon current and potential future agriculture or forest use of the resource lands.

### 3. Why is the amendment being proposed?

The current Code language prohibits development of commercial power-generation facilities in Rural Farm Forest areas, while allowing it as a conditional use on Resource Lands. When none of the very limited Rural Industrial and Rural Commercial lands are available for a power-generation facility, the current Code language inappropriately forces the development onto Resource Lands. OPALCO is working on establishing more renewable energy generation facilities throughout the islands, particularly through establishment of solar generation facilities. The proposed Code amendment will open up more appropriate land for this type of use, while also helping to preserve Resource Lands. At the same time, the County should promote location of solar generation facilities on existing impervious surfaces, so this docket request also proposes to adopt a policy change in the Comprehensive Plan to that effect.

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

**Growth Management Act:** This proposal will facilitate increased local production of renewable energy while reducing impacts upon resource lands. The proposal is consistent with the Planning Goals of the Growth Management Act, particularly for natural resource industries (RCW §36.70A.020(8)), the environment (RCW §36.70A.020(10)), public facilities and services (RCW §36.70A.020(12)), and climate change and resiliency (RCW §36.70A.020(14)).

**Comprehensive Plan:** This proposal will facilitate increased local production of renewable energy while reducing impacts upon resource lands. The proposal is consistent with the Comprehensive Plan, including in particular the following sections:

- 2036 VISION
  - 2036 VISION, NATURAL ENVIRONMENT: “As careful stewards of these islands and waters, we conserve resources, preserve open space, and take appropriate action to assure healthy land and marine environments. We recognize the integral role that forests play in the stewardship of our air, soils and water resources.”
  - 2036 VISION, ENERGY AND RESOURCES: “Our community strives for energy independence and zero waste. We use renewable energy, materials, and natural resources on a sustainable basis.”

2036 VISION, AGRICULTURE: “The San Juan Islands have a rich agricultural heritage that remains culturally and economically significant. We invest resources to ensure that agricultural lands are preserved and to maintain and enhance agricultural viability. We recognize the integral role that agriculture plays in the stewardship of our soils and water resources. Diverse agricultural activities are essential to the health and well-being of our community, contributing to the social, economic and environmental fabric of our islands.”

- ELEMENT 2. LAND USE AND RURAL

- 2.2.C Energy, Policy 2: “Provide opportunities for the development and use of alternative energy resources which are compatible with the natural environment.”
- 2.2.F Natural Resource Conservation, Policy 1: “Conserve soils capable of supporting long-term agricultural production identified by the Natural Resources Conservation Service (NRCS).”
- 2.2.F Natural Resource Conservation, Policy 2: “Conserve forest lands in the Washington Department of Natural Resources’ forest grades 1-5 classification for long-term timber production.”
- 2.2.N Agriculture, Policy 2: “Protect farmland and encourage productivity by designation and zoning, including innovative zoning techniques and accessory uses listed in RCW 36.70A.177.”

- ELEMENT 8. UTILITIES

- 8.5.A General Goals and Policies, Goal 5: “Protect and preserve natural habitats and environments while also providing for the location and extension of necessary utility facilities.”
- 8.5.A General Goals and Policies, Policy 5.1: “Locate new utility facilities away from, or construct them in a manner compatible with, critical areas, resource lands, and shorelines.”
- 8.5.B Utility-Specific Goals and Policies, Electricity Goal 6: “Minimize the environmental impacts of electricity production and use while promoting energy independence.”
- 8.5.B Utility-Specific Goals and Policies, Electricity Policy 6.7: “Ensure that solar installations are sited and designed in a manner that minimizes impacts on agricultural land, allows for flexibility in future agricultural activity and maximizes potential for multiple benefits from ‘agrivoltaics’.”

**Unified Development Code:** The proposal is to change the Code, but is consistent with the overall policy goals of the Code in accordance with the Growth Management Act and Comprehensive Plan as described above.

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

- Yes, indicate UGA \_\_\_\_\_
- No

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

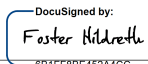
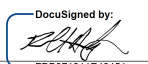
No

## Comprehensive Plan Text/SJC Code\* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	Orcas Power and Light Coopertive	Name of Agent:	Russell Guerry
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Phone	360-317-6534	Phone	360-317-6534
Email	<a href="mailto:rguerry@opalco.com">rguerry@opalco.com</a>	E-mail	<a href="mailto:rguerry@opalco.com">rguerry@opalco.com</a>

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

 <small>DocuSigned by: Foster Hildreth 6B1FF8BE452A4CC...</small>	<b>Foster Hildreth</b>	<b>2/28/2021</b>
<i>Signature</i>	<i>Printed Name</i>	<i>Date</i>
 <small>DocuSigned by: Russell Guerry FD8971911E48451...</small>	<b>Russell Guerry</b>	<b>2/28/2021</b>
<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 amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.**

**N/A**

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

This proposal adds a new **Land Use** to the **Agricultural and Forestry Uses** section of **Table 18.30.040** land use table – rural, resource, and special land use designations. The proposed new land use would be called **“Agri-solar generation”** and designed to foster increased local renewable energy and diversify farm income to improve the stressed economics of local food production. Healthier farming economics will support increased local food production and a thriving farm community.

This proposal allows use permitting for agri-solar generation in all rural areas (RGU, RR, RFF, RI, RC) and AG Resource Lands, and conditional use in Forest Resource Lands (FOR). Special Lands (C, N) would be prohibited. This is summarized in the table below.

**Table 18.30.040**

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
<b>Agricultural and Forestry Uses</b>										
Agri-solar generation	P	P	P	P	P	P	C	N	N	

A definition for “Agri-solar generation” in UDC section 18.20.010 should also be adopted as follows:

“Agri-solar generation” means equipment or machinery that produces fossil-free electricity from solar renewable energy sources co-located with Rural Designation and Resource Lands used for agriculture, and can include energy storage.

### 3. Why is the amendment being proposed?

Climate change is accelerating globally. Washington state’s 2021 Energy Strategy, Climate Commitment Act, and Clean Energy Transformation Act set a very high bar to reduce carbon emissions by 50% by 2030 and net-zero by 2050. The entire region is racing against the clock to decommission fossil-fueled power generation and replace it with clean renewables. The County’s recent Greenhouse Gas (GHG) Inventory Identified fossil-fueled transportation and heating contribute to 81% of County GHG emissions. The state and federal governments are providing a variety of grants and incentives to accelerate a rapid transition to electric heating and driving. These grants are substantial and require a timely response, necessitating permitting certainty wherever possible.

But Washington is reducing fossil generation faster than replacing it with renewables. OPALCO and northwest energy forecasters both expect an increased probability of major region power outages and blackouts. The more local generation we have in place, the better the County can ride through outages and avoid surges in mainland power market rates. Those rate surges fall especially hard on the vulnerable.

Agri-solar generation is being deployed in farmland across the world and is proving much more cost-effective and efficient compared to rooftop solar. In less than a year, the most recent planned Bailer Hill agri-solar project will more than double the local energy in the county, compared to all the rooftop solar in the county, which took 13 years to build. And at a small fraction of the price and time to build rooftop solar. Current permitting limitations put the grants for that project at risk. Those grants include important Washington Clean Energy Funds for helping low-income households with energy from the Bailer Hill agri-solar project.

The 2022 USDA Ag Census of San Juan County farmland economics shows that we have 264 farms, on 19,571 acres, averaging 74 acres per farm. Even with government subsidies, **each farm is losing an average of \$3,754 dollars per year.** And the cost of farmland is rising rapidly as our population swells. The economics are not sustainable. If we want to increase local food production, we need healthy farm economics. Agri-solar has been shown to increase farmland productivity, and it provides dual use of the sun - producing food and producing energy. That energy produces an additional income for the farm of about \$8,300 per acre per year, turning the typical farm here cashflow positive. **35% of county electricity use could be generated with just 540 acres of agri-solar – that’s just 2.8% of all Ag land.**

Oregon State University College of Agricultural Sciences has been leading the way on Agri-solar. Here is what they and others have to say:

*"A recent [OSU study](#) estimates that converting just 1% of American farmland to agrivoltaics could meet our national renewable energy targets and save water and create a sustainable long-term food system. It will also create new revenue opportunities for family farms which are currently facing increasing economic challenges, with a 23% increase in bankruptcy filings over the past year."*

*"Agrivoltaics provide a rare chance for [true synergy](#): more food, more energy, lower water demand, lower carbon emissions, and more prosperous rural communities."*

*"Agrivoltaics aims to transform this competition into [synergy](#): farming operations and solar development can coexist and reap benefits by sharing land. These arrangements are called agrivoltaic systems, and their widespread implementation can help popularize solar energy in agriculture-dependent communities hesitant to welcome solar development."*

For further background on the important agri-solar work OSU, the National Renewable Energy Labs, and others are doing, we encourage the reader to watch this short informative video, [Harvesting the Sun](#).

*"Across the country, farmers, landowners, researchers, and solar companies are working together to harvest the sun twice: once with crops, honey, pollinators, and forage for grazing animals, and again with solar panels. This co-location of solar and agriculture is known as agri-solar or agri-voltaics. In Harvesting the Sun, the leading voices of the agri-voltaic movement come together to share their stories and shine a light on a climate solution that can increase farm profitability, save valuable water, improve the soil, provide shade for farm workers, develop valuable ecosystem services, and increase the resiliency of rural communities."*

Referring to the current Land Uses, Agricultural and Forestry Uses section below, the agricultural uses, especially when on AG land, are commonly Y, with a few provisional, conditional, or P/C. This helps strike a balance for critical energy systems the public depends on. The proposed **Agri-solar generation** Land Use is shown in **BLUE**. It will offer substantial public benefit, especially for farmers, and transform the County's local energy capabilities.

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
<b>Agricultural and Forestry Uses</b>										
Agricultural activities	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
<b>Agri-solar generation</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>C</b>	<b>N</b>	<b>N</b>	
Forest practices, no processing <sup>(8)</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Lumber mills, portable	Y	Y	Y	Y	Y	Y	Y	P/C		N
Nurseries	Y	N	Y	Y	Y	Y	Y	N		N
Small-scale slaughterhouses	P	N	P	Y	Y	P	P	N		N
Unnamed agricultural and forestry uses	C	C	C	C	C	C	C	N		N

Accelerating major local renewable energy capacity ensures a cleaner, more sustainable energy future, reducing our use of fossil fuels and mitigating the devastating impacts of climate change.

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

**Growth Management Act:** This proposal is consistent with the Planning Goals of the Growth Management Act, particularly for RCW §36.70A.020:

- Environment - reduce greenhouse gas emissions, improving air and water quality. Agri-solar can contribute to GHG emissions reduction and the preservation of Ag lands by improving the economics of the Ag businesses.
- Economic development - local energy generation replaces increasingly expensive mainland power. Agri-solar can help retain and expand Ag businesses by enhancing the revenue per acre, especially on land used for low-value products such as hay, silage, etc.
- Public facilities and services.
- Climate change and resiliency - support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

**Comprehensive Plan:** This proposal will facilitate increased local production of renewable energy while reducing GHG emissions and increasing local energy resilience, consistent with the Comprehensive Plan, including in particular the following sections:

- 2036 VISION - ENERGY AND RESOURCES: “Our community strives for energy independence and zero waste. We use renewable energy, materials, and natural resources on a sustainable basis.” “We invest resources to ensure that agricultural lands are preserved and to maintain and enhance agricultural viability.”
- 2.2C ENERGY
  - POLICY 2 Provide opportunities within land use designations for the development and use of alternative energy resources which are compatible with the natural environment.
- ELEMENT 8. UTILITIES

- 8.5.B Utility-Specific Goals and Policies, Electricity Goal 6: “Minimize the environmental impacts of electricity production and use while promoting energy independence.”
- “The need for locally generated electricity from wind, solar, tidal, and other sources are vitally important to prevent economic disruption and preserve the County’s environment. The County Vision states, “Our community strives for energy independence...we use renewable energy.” **To achieve this vision will require significant land and water areas to host local renewable energy** and tidal power sites.”
- **“To increase energy independence from the mainland will require predictable permitting processes**, to ensure timely achievement of grant funding and site development. This is particularly so for agri-solar applications on Rural Farm Forest and Ag land. Just as improved wireless land use designations fostered rapid improvement of wireless services in the county, updating land use designations for local renewable energy sites can help accelerate achieving the vision of “energy independence.”

**Unified Development Code:** The proposal is to change the Code and is consistent with the overall policy goals of the Code in accordance with the Growth Management Act and Comprehensive Plan, as detailed above.

**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.**

NO

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

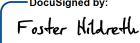

NO

## Comprehensive Plan Text/SJC Code\* Amendment Request

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

APPLICANT INFORMATION:			
Name of Applicant:	Orcas Power and Light Coopertive	Name of Agent:	Russell Guerry
Address	183 Mount Baker Road	Address	183 Mount Baker Road
City, State, Zip	Eastsound, WA 98245	City, State, Zip	Eastsound, WA 98245
Phone	360-317-6534	Phone	360-317-6534
Email	<a href="mailto:rguerry@opalco.com">rguerry@opalco.com</a>	E-mail	<a href="mailto:rguerry@opalco.com">rguerry@opalco.com</a>

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

<p><small>DocuSigned by:</small>    <small>6B1FF8BE452A4CC...</small></p> <p><i>Signature</i></p>	<p><b>Foster Hildreth</b></p> <p><i>Printed Name</i></p>	<p><b>2/28/2021</b></p> <p><i>Date</i></p>
<p><small>DocuSigned by:</small>    <small>FD8971911E48451...</small></p> <p><i>Signature</i></p>	<p><b>Russell Guerry</b></p> <p><i>Printed Name</i></p>	<p><b>2/28/2021</b></p> <p><i>Date</i></p>

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

- Comprehensive Plan amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List Comprehensive plan section, page numbers, title and policies proposed for amendment.**

N/A

- San Juan County Code Title 15, Title 16 or Title 18 amendments (if applicable). Describe proposed amendment and/or attach proposed text changes. List code sections proposed for amendment.**

This proposal adds a new **Land Use** to the **Utilities Uses** section of **Table 18.30.040** land use table – rural, resource, and special land use designations. The proposed new land use would be called “**Utility renewable power-generation facilities**” for modern renewable energy systems that are clean and quiet, unlike legacy non-renewable fossil-fueled power generation systems that may be deployed in the code’s current “**Commercial power-generation facilities**” land use.

This proposal allows provisional/conditional use permitting for utility renewable power-generation facilities in all rural areas (RGU, RR, RFF, RI, RC) and AG Resource Lands, and conditional use in Forest Resource Lands (FOR). Special Lands (C, N) would be prohibited. This is summarized in the table below.

**Table 18.30.040**

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	N
<b>Utilities Uses</b>										
Utility renewable power-generation facilities	P/C	P/C	P/C	P/C	P/C	P/C	C	N	N	N

A definition for “Utility renewable power-generation facilities” in UDC section 18.20.210 should also be adopted as follows:

“Utility renewable power-generation facilities” means equipment or machinery that produces fossil-free electricity from renewable energy sources by electric utilities co-located with Rural Designation and Resource Lands, and can include energy storage.”

**3. Why is the amendment being proposed?**

Climate change is accelerating globally. Washington state’s 2021 Energy Strategy, Climate Commitment Act, and Clean Energy Transformation Act set a very high bar to reduce carbon emissions by 50% by 2030 and net-zero by 2050. The entire region is racing against the clock to decommission fossil-fueled power generation and replace it with clean renewables. The County’s recent Greenhouse Gas (GHG) Inventory Identified fossil-fueled transportation and heating contribute to 81% of County GHG emissions. The state and federal governments are providing a variety of grants and incentives to accelerate a rapid transition to electric heating and driving. These grants are substantial and require timely response, necessitating permitting certainty wherever possible.

But Washington is reducing fossil generation faster than replacing it with renewables. OPALCO and northwest energy forecasters both expect an increased probability of major region power outages and blackouts. The more local generation we have in place, the better the County can ride through outages and avoid surges in mainland power market rates. Those rate surges fall especially hard on the vulnerable.

Utility-scale renewable generation is much more cost-effective and efficient compared to rooftop solar. In less than a year, the most recent planned Bailer Hill project will more than double the local energy in the county, compared to all the rooftop solar in the county, which took 13 years to build. And at a small fraction of the price and time to build rooftop solar. Current permitting limitations put the grants for that project at risk. Those grants include important Washington Clean Energy Funds for helping low-income households with energy from the Bailer Hill agri-solar array.

Referring to the current Land Uses, Utility Uses section below, the utility functions are commonly provisional/conditional (P/C) or, in some cases, P or Y. This helps strike a balance for critical energy systems the public depends on. The proposed **Utility renewable power generation** land use is shown in BLUE.

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
<b>Utilities Uses</b>										
Category “A” joint use wireless facility <sup>(10)</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Category “B” joint use wireless facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility distribution lines	P	P	P	P	P	P/C	P/C	P/C	P/C	P/C
Utility facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
<b>Utility renewable power generation facilities</b>	<b>P/C</b>	<b>P/C</b>	<b>P/C</b>	<b>P/C</b>	<b>P/C</b>	<b>P/C</b>	<b>C</b>	<b>N</b>	<b>N</b>	<b>N</b>
Utility substations	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility transmission lines	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C

The urgency to develop local energy resources in a timely manner is not unlike the urgency of developing the Joint Use Wireless Facilities that OPALCO and the County collaborated on to quickly transition meager wireless and legacy dial-up and DSL broadband facilities to modern communication system standards. That joint use wireless land use facilitated and revolutionized local communication and broadband services. The proposed **Utility renewable power-generation facilities** Land Use will offer similar public benefits and transformation of County local energy capabilities.

Accelerating major local renewable energy capacity ensures a cleaner, more sustainable energy future, reducing our use of fossil fuels and mitigating the devastating impacts of climate change.

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

**Growth Management Act:** This proposal is consistent with the Planning Goals of the Growth Management Act, particularly for RCW §36.70A.020:

- Environment - reduce greenhouse gas emissions, which will improve air and water quality.
- Economic development (local energy generation replaces increasingly expensive mainland power),
- Public facilities and services.
- Climate change and resiliency - support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

**Comprehensive Plan:** This proposal will facilitate increased local production of renewable energy while reducing GHG emissions and increasing local energy resilience, consistent with the Comprehensive Plan, including in particular the following sections:

- 2036 VISION - ENERGY AND RESOURCES: “Our community strives for energy independence and zero waste. We use renewable energy, materials, and natural resources on a sustainable basis.”
- 2.2C ENERGY
  - POLICY 2 Provide opportunities within land use designations for the development and use of alternative energy resources which are compatible with the natural environment.
- ELEMENT 8. UTILITIES
  - 8.5.A General Goals and Policies, Goal 5: “Protect and preserve natural habitats and environments while also providing for the location and extension of necessary utility facilities.”
  - 8.5.B Utility-Specific Goals and Policies, Electricity Goal 6: “Minimize the environmental impacts of electricity production and use while promoting energy independence.”
  - “The need for locally generated electricity from wind, solar, tidal, and other sources are vitally important to prevent economic disruption and preserve the County’s environment. The County Vision states, “Our community strives for energy independence...we use renewable energy.” **To achieve this vision will require significant land and water areas to host local renewable energy** and tidal power sites.”
  - “**To increase energy independence from the mainland will require predictable permitting processes**, to ensure timely achievement of grant funding and site development. This is particularly so for agri-solar applications on Rural Farm Forest and Ag land. Just as improved wireless land use designations fostered rapid improvement of wireless services in the county, updating land use designations for local renewable energy sites can help accelerate achieving the vision of “energy independence.”

**Unified Development Code:** The proposal is to change the Code and is consistent with the overall policy goals of the Code in accordance with the Growth Management Act and Comprehensive Plan, as detailed above.

**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.**

- NO

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

- NO

## 2024 Docket Applicant Email List

Application #	Applicant Name	Email Address
24-0001	Applicant: Port of Friday Harbor Agent: Todd Nicholson	<a href="mailto:toddn@portfh.org">toddn@portfh.org</a>
24-0002	Applicant: Joe Symons	<a href="mailto:joesymons@me.com">joesymons@me.com</a>
24-0003	Applicant: Fred Klein	<a href="mailto:freddythek10@gmail.com">freddythek10@gmail.com</a>
24-0004	Applicant: Lopez Village Plan Review Committee Agent: Barbara Thomas	<a href="mailto:sftbayfarm@rockisland.com">sftbayfarm@rockisland.com</a>
24-0005	Applicant: Friends of the San Juan Islands Agent: James McCubbins	<a href="mailto:james@sanjuans.org">james@sanjuans.org</a>
24-0006	Applicant: Friends of the San Juan Islands Agent: James McCubbins	<a href="mailto:james@sanjuans.org">james@sanjuans.org</a>
24-0007	Applicant: Orcas Power and Light Cooperative Agent: Russell Guerry	<a href="mailto:rguerry@opalco.com">rguerry@opalco.com</a>
24-0008	Applicant: Orcas Power and Light Cooperative Agent: Russell Guerry	<a href="mailto:rguerry@opalco.com">rguerry@opalco.com</a>



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**ANNUAL DOCKET LEGISLATIVE PROCEDURES**

**State of Washington RCW [36.70A.470](#) Project review—Amendment suggestion procedure—Definitions.**

(2) Each county and city planning under RCW [36.70A.040](#) shall include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW [36.70A.130](#).

**San Juan County Code 18.90.020 Legislative procedures.**

- A. Procedures. All proposed amendments to this code and proposed amendments to the official maps and/or Comprehensive Plan shall be handled according to the procedures established in RCW Chapters [36.70](#) and [36.70A](#) RCW, RCW [36.32.120](#), the County Charter, and the County code. This process will ensure formal public notice and public hearings, evaluation, and recommendations from the planning department's professional, technical perspective and from the planning commission's knowledgeable lay perspective. Final action is reserved for the County council.
- B. Planning Department. The department shall evaluate all requests to modify this code and forward recommendations to the planning commission and County council for consideration.
- C. Planning Commission. The planning commission shall hold a public hearing and make recommendations to the County council on all legislative decisions specified in this section.
- D. County Council. All amendments to the development code, Comprehensive Plan, and official maps require a public hearing before the County council.
- E. Public Notice. Notice of all public hearings will be given in conformance with applicable law. The department shall maintain a printed list of proposed development code and Comprehensive Plan amendments and shall include a copy of the list on its web site. A single e-mail list shall be maintained by the department. All those requesting the service shall receive all department notices digitally.
- F. Implementation. The County council decision shall become effective no sooner than 10 working days after passage of an ordinance except in the case of an emergency.
- G. Comprehensive Plan Amendments. Amendments to the Comprehensive Plan text and official maps may not be considered more frequently than once per year except as provided in RCW [36.70A.130\(2\)](#) and the Comprehensive Plan.
- H. Unified Development Code (UDC) Amendment. Amendments to the UDC may be adopted at any time. (Ord. 32-2010 § 1; Ord. 50-2008 § 1; Ord. 15-2005 § 3; Ord. 16-2002 § 1; Ord. 2-1998 Exh. B § 9.2)

## San Juan County Code 18.90.030 Amendments to Comprehensive Plan Official Maps.

- A. Purpose of Amendments to Comprehensive Plan Official Maps. Amendments to the Comprehensive Plan Official Maps are the mechanism by which the Comprehensive Plan land use district designation or density applicable to property can be changed to reflect such things as changed circumstances, new land use needs, new land use policies, or inconsistencies between designations, area characteristics and the goals and policies as well as purpose and intent of the Comprehensive Plan.
- B. Who May Initiate. The County council, planning commission, department, or any other interested party may propose an amendment to this code or the Comprehensive Plan and the official maps at any time subject to the requirements of this section.
- C. Time Limitations. Requests for amendment of the official maps (redesignation or density change) shall only be submitted to the planning department between January 1st and March 1st of any year for consideration during the remainder of that year. Requests submitted after March 1st shall be returned to the applicant for resubmittal the following year. This limitation does not apply to requests by the County council.
- D. Application Procedure.
  - 1. The request shall be in writing, in a form approved by the planning director, and shall include the following information:
    - a. Historic use of the property and adjoining lands;
    - b. Allowable population density of the surrounding area as measured by the maximum allowable residential density;
    - c. Existing soil and sewage disposal conditions;
    - d. Description of existing water supply;
    - e. Suitability for agricultural or timber use;
    - f. Known archaeological or historical resources on the property;
    - g. Natural resources involved;
    - h. Availability of existing public services and utilities; and
    - i. Names of abutting property owners.
  - 2. Through the use of legal descriptions and maps, the application shall identify clearly the areas for which the change is requested. The reason or reasons for the request shall be clearly stated. The application shall describe how the proposed change meets all of the criteria for approval listed in subsection (F) of this section.
  - 3. If a proposal would remove a resource land designation from property, the applicant must provide information demonstrating that the property is not appropriately designated as agricultural land or forest land under RCW [36.70A.170](#).
- E. Notice of Hearing. The following notice provisions are required in addition to publication of notice of public hearing.
  - 1. For Comprehensive Plan Official Map amendments involving any number of parcels the applicant shall mail a notice of hearing at least 30 days prior to the planning commission hearing to all directly affected property owners and to all property owners within 300 feet of the proposal's outer boundary line.

2. For Comprehensive Plan Official Map amendments involving five parcels or fewer, the applicant shall mail a notice of hearing to all property owners within 300 feet of the boundaries of all subject properties at least 30 days prior to the planning commission hearing, using the names and addresses shown on the tax assessment rolls. The notice of hearing shall be deemed to have been provided on the date the notices are deposited in the mail. The applicant shall provide the director with a declaration of mailing and a list of those individuals to whom the notice was mailed. All notices returned to the applicant must be submitted to the director for inclusion in the file.

3. For Comprehensive Plan Official Map amendments involving five parcels or fewer, the applicant shall post a notice of hearing on each of the subject properties in accord with the provisions of SJCC [18.80.030\(A\)\(2\)\(c\)](#) prior to the planning commission hearing.

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.

2. Map Change. Following approval of a Comprehensive Plan Official Map amendment, the County shall amend the official maps to reflect the change. The County shall also indicate on the official maps the number of the ordinance adopting the change.

3. Concomitant Agreement. The County is specifically authorized to enter into a concomitant agreement as a condition of any Comprehensive Plan Official Map amendment. Through that agreement, the County may impose development conditions designed to mitigate potential impacts of the use or development that may occur as a result of such an amendment.

G. Appeals. Appeals of County council decisions under this section must be filed with the Growth Management Hearings Board as provided by state law. (Ord. 6-2011 § 2; Ord. 16-2002 § 2; Ord. 2-1998 Exh. B § 9.3)



## **San Juan County Annual Docket Process**

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

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

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

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

### **What happens after I submit a proposed amendment?**

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

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

### **Initial Docket Review**

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

- A - Required by law for GMA Compliance or otherwise
- B - Items needed to achieve important public policy objectives of a countywide nature
- C - Items that can be considered as part of a larger Comprehensive Plan Update or subarea planning process
- D - Items needed to provide clarity and certainty to the Unified Development Code or Comprehensive Plan by removing inconsistencies and/or ambiguities
- E- Lower priority items to be considered on a future year work program

F- Obsolete, previously resolved, inconsistent with state law, or not recommended for further consideration.

### **Final Docket Review**

The Planning Commission and Council will consider the Initial docket and determine which items will be placed on the Final docket for review and consideration as part of the future DCD work plan.

Possible outcomes because of Council review of the initial docket include:

- Review and adoption in the same year
- Deferral to a subsequent year
- Considered as part of a larger planning project (such as the 2025 Comprehensive Plan Update)
- Not considered or adopted

### **How long does a proposed amendment take?**

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

### **Annual Comprehensive Plan Docket Calendar**

*December* - Publish notice of docket application due date

*January 1* – Applications open

*March 1* - Docket application submittal deadline

*April* - DCD staff assembles initial docket

*May* - Staff Briefs County Council and Planning Commission on initial docket

*June* - Council sets public hearing to adopt final docket and map amendments

*October* - Planning Commission public hearing and recommendation on final docket.

*November* - Council public hearing on final docket.

*December* - Council adopts final docket.