

**Ordinance No. \_\_\_\_\_ - 2008**

**An Ordinance Amending Chapter 18.90 of the San Juan County Code to Eliminate the Timing Limitation for Amendments to the San Juan County Unified Development Code (Title 18), Clarify Amendment Procedures, and Ensure Consistency with the San Juan County Charter and State Law**

**BACKGROUND**

- A. The Growth Management Act in RCW 36.70A.130(2) states that Counties may revise their Comprehensive Plan no more frequently than once per year, except in certain circumstances.
- B. San Juan County Code Section 18.90.020(H) extends the limitation on amendments to amendments of its Unified Development Code (UDC), which includes the Shoreline Master Program, and includes other provisions more restrictive than RCW 36.70A.130(2).
- C. The County finds that these additional limitations and provisions will delay the County's efforts to simplify and update the UDC.
- D. The San Juan County Council desires to assure that the County Code is consistent with the San Juan County Charter.
- E. The County Council considered this proposed amendment as part of the 2008 docket of Comprehensive Plan and Unified Development Code changes.
- F. The required 60-day notice was delivered to the Washington State Department of Community, Trade and Economic Development on June 27, 2008 and given the project the Material ID of 13142.
- G. The County Planning Commission conducted a duly advertised public hearing on January 18, 2008 and received public testimony.
- H. The Planning Commission was concerned about the public having difficulty keeping track of changes to the development codes.
- I. The Planning Commission did not find compelling reasons that these changes would solve the problems identified.
- J. The Planning Commission recommended denial of the amendments as proposed, but also recommended that if the ordinance were adopted that a sunset clause be added, that the emergency provisions in section H.4 be retained, and that code revisions be limited to not more than four (4) sets of code revisions per year.
- K. After the Planning Commission hearing, the County Council approved Resolution 48-2008 which is a prioritized work plan containing over 100 sections of the UDC and Comprehensive Plan needing review and potential modification.
- L. The County Council conducted a duly advertised public hearing on this matter on September 9, 2008, and considered the evidence in the record.

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

Section 1. Findings. The County Council makes the following findings of fact:

- A. The County's existing development codes are in many cases excessively complex, confusing, contradictory and outdated.
- B. Given the backlog of items in the docket of code amendments approved by the County Council, limiting code changes to one time per year will significantly delay County efforts to improve its development codes.
- C. The County Council disagrees with the findings and recommendations of the Planning Commission and finds that temporarily eliminating limitations on amendments to the UDC will help the County simplify and update its development codes, ultimately reducing confusion and costly litigation.

Section 2. 18.90.020. San Juan County Ordinance 15-2005 Section 3, Exhibit B, Reference 1a and San Juan County Code 18.90.020 are hereby amended to read as follows:

**18.90.020 Legislative procedures.**

- A. Procedures. All proposed amendments to this code and requests to amend the official maps and/or Comprehensive Plan shall be handled according to the applicable procedures established in RCW 36.70, RCW 36.70A, RCW 36.32.120, the Comprehensive Plan and in this Chapter section. 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 ~~board of County commissioners (BOCC)~~.
- B. Planning Department. The planning department shall evaluate all requests to modify this code and forward recommendations to the planning commission and County Council ~~BOCC~~ for consideration.
- C. Planning Commission. The planning commission shall hold a public hearing and make recommendations to the County Council ~~BOCC~~ on all legislative decisions specified in this section. The public hearing shall be held in accordance with the requirements the Comprehensive Plan, RCW 36.70 and this Chapter.
- D. County Council. ~~Board of County Commissioners (BOCC)~~. ~~The BOCC~~ For amendments to development codes, the County Council may at its option consider the planning commission's recommendation in a public hearing held in accordance with the requirements of ~~the Comprehensive Plan~~ RCW 36.70 and this Chapter. Proposed amendments to the Comprehensive Plan and the official maps require a public hearing before the County Council.
- E. Public Notice. Notice of the public hearing or public meeting shall be provided ~~to the public~~ as set forth in the Comprehensive Plan, ~~and described in SJCC 18.80.030 and all other notice required by~~ RCW 36.32.120.

- F. Implementation. The County Council BOCC decision shall become effective no sooner than 10 working days after ~~by passage of an ordinance or resolution~~, except in the case of an emergency.
- G. Legislative Enactments Not Restricted. Nothing in this section or the permit processing procedures shall limit the authority of the County Council BOCC to make changes to the County's Comprehensive Plan or the County's Unified Development Code (this code) as part of an annual revision process.
- H. Amendments to the Comprehensive Plan text and official maps ~~and this code~~ may not be considered more frequently than once per year except as provided in RCW 36.70A.130(2). After December 31, 2010, this limitation shall also apply to amendments to the Unified Development Code. ~~herein. The following types of Comprehensive Plan amendments can be considered *more frequently* than once a year, provided that all of the requirements for amendments found in Section D.3.3., Plan Amendment Procedures, and this Section 18.90.020 have been met, and appropriate steps have been taken to ensure public participation.~~
- ~~1. Changes necessary to resolve an appeal of a Comprehensive Plan or development regulation filed with a growth management hearings board or with the court.~~
  - ~~2. The initial adoption of a subarea plan or activity center plan that does not modify the Comprehensive Plan policies and designations applicable to the subarea or activity center.~~
  - ~~3. The amendment of the capital facilities element of a Comprehensive Plan that occurs concurrently with the adoption or amendment of the County budget.~~
  - ~~4. Whenever an emergency exists. The Board of County Commissioners will review a potential emergency situation to determine if the situation does, in fact, necessitate an emergency Comprehensive Plan amendment. Findings must demonstrate a need of community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Emergency amendments must be necessary to immediately avoid an imminent danger to public health and safety, or to prevent serious environmental degradation.~~

Section 3. Savings Clause.

This ordinance shall not affect any pending suit or proceeding; or any rights acquired; or liability or obligation incurred under the sections amended or repealed; nor shall it affect any proceeding instituted under those sections. All rights and obligations existing prior to adoption of this ordinance shall continue in full force and effect.

Section 4. Severability.

If any provision of this ordinance or its application to any person is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected. Remaining sections of the ordinance shall be interpreted to give effect to the spirit of the ordinance prior to removal of the portions declared invalid.

Section 5. Effective Date.

This ordinance shall take effect on December 2, 2008.

Section 6. Codification.

Section 2 shall be codified.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2008.

**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

By: \_\_\_\_\_  
Ann Larson – Clerk Date:

REVIEWED BY COUNTY  
ADMINISTRATOR

\_\_\_\_\_  
Pete Rose Date:

APPROVED AS TO FORM ONLY  
RANDALL K. GAYLORD

By: \_\_\_\_\_  
Date:

\_\_\_\_\_  
Howard Rosenfeld, Chair  
District 3, Friday Harbor

\_\_\_\_\_  
Gene Knapp, Vice-Chair  
District 5, Orcas East

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Kevin M. M. Ranker, Member  
District 1, San Juan South

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Rich Peterson, Member  
District 2, San Juan North

\_\_\_\_\_  
Alan Lichter, Member  
District 4, Orcas West/Waldron

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Bob Myhr, Member  
District 6, Lopez/Shaw