



Friends *of the* San Juans

360.378.2319
www.sanjuans.org

P.O. Box 1344
Friday Harbor, WA 98250

May 16, 2019

Comments: 2019 San Juan County Docket # 19-0003

Submitted by: Friends of the San Juans
Jennifer Barcelos, Staff Attorney
jennifer@sanjuans.org

1. Mr. Klein's proposed change to wetland buffers is not consistent with Best Available Science (**SEE:** *WEAN v. Island County*, WWGMHB Case No. 08-2-0026c; *Bunten et al.* 2016).
 - a. We strongly disagree that the that lack of habitat buffer reduction allowance in the county's CAO is "was an inadvertent oversight" on the part of the authors of the CAO.
2. The proposed change to wetland buffers is not a correct interpretation of the GMA requirement to designate and protect critical areas (*DOE/CTED v. City of Kent*, CPSGMHB Case No. 05-3-0034).

SEE ALSO: *Pilchuck Audubon Society v. Snohomish County*, 95-3-0047c, FDO (12/6/95), at 24. *The requirement that critical areas are to be protected in the urban area is not inconsistent with the Act's predilection for compact urban development.*

SEE ALSO: *Bremerton v. Kitsap County*, 95-3-0039c, FDO (10/6/95), at 31. *It is significant that the Act required cities and counties to identify and conserve resource lands and to identify and protect critical areas before the date that IUGAs had to be adopted. This sequence illustrates a fundamental axiom of growth management: "the land speaks first."* (**SEE:** *CAO Handbook*, Commerce 2018)

3. Before considering changes to critical area development regulations, there are GMA-mandated agency notification requirements that the County would need to meet, including 60-day notice to the Washington Department of Commerce. Considering this request as part of the docket or Comp Plan update is inconsistent with proper procedure for amending the county's Critical Areas Ordinance. (**SEE:** WAC 365-196-630)
4. Out of respect for limited staff, Planning Commission, and County Council time, any changes to the CAO should not be considered until the next regularly-required development regulation update.



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SEE ALSO:

Bunten, D., R. Mraz, L. Driscoll and A. Yahnke. 2016. **Wetland Guidance for CAO Updates, Western Washington Version**. Washington State Department of Ecology, Publication No. 16-06-001. Olympia, Washington.

Granger, T., T. Hruby, A. McMillan, D. Peters, J. Rubey, D. Sheldon, S. Stanley, E. Stockdale. April 2005. **Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands**. Washington State Department of Ecology, Publication #05-06-008. Olympia, WA.

Western Washington Growth Management Hearings Board; **Camano Action for a Rural Environment (CARE) and Whidbey Environmental Action Network (WEAN) v. Island County**; Case No. 08-2-0026c, Final Decision and Order

Adam Zack

From: Lynda Guernsey
Sent: Thursday, May 16, 2019 1:11 PM
To: Adam Zack
Subject: FW: 2019 Docket Comments from Friends of the San Juans
Attachments: FSJ_2019_docket_comments.pdf

Hi Adam,

Please see the email below and attachment that came into the DCD inbox.

Regards,
Lynda

Lynda Guernsey, Administrative Specialist II – Direct Line (360) 370-7579
SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
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98250

-----Original Message-----

From: Jennifer Barcelos <jennifer@sanjuans.org>
Sent: Thursday, May 16, 2019 11:51 AM
To: Community Development <cdp@sanjuanco.com>
Subject: 2019 Docket Comments from Friends of the San Juans

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Adam,

Please find attached comments from Friends of the San Juans re: the 2019 San Juan County Docket.

Best wishes,
Jennifer Barcelos

Jennifer Barcelos
Director of Law & Policy
Staff Attorney
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