

Code Correction Ordinance Briefing

San Juan County Planning Commission

November 15, 2019

Project Webpage and Notices

- ▶ **Project webpage:** <https://www.sanjuanoco.com/1646/2019-Code-Correction-Ordinance>.
- ▶ **November 6, 2019: SEPA Determination of Nonsignificance
Comment Deadline: November 22, 2019.**
- ▶ **Commerce acknowledged a 60-day notice of intent to amend
code on November 4, 2019.**
- ▶ **Send comments to LindaK@sanjuanoco.com.**

Public Hearings and Council Action

- ▶ December 20, 2019: Public hearing before Planning Commission.
- ▶ November 6, 2019: Publication of public hearing notice and SEPA DNS.
- ▶ January or February 2020: County Council action.

Essential Public Facilities (EPFs)

- ▶ Amend EPF regulations consistent with Ord. 10-2011.
- ▶ Ord. 10-2011 amended regulations regarding siting and permitting of EPFs (formerly codified as 18.30.050(E)).
- ▶ Ord. 25-2012 also amended regulations regarding EPF siting and permitting. It used an earlier version of SJCC 18.30.050(E) rather than then the one adopted in Ord. 10-2011.
- ▶ The EPF regulations must be amended to reflect the changes Council adopted in Ord.10-2011.

Personal Wireless Facilities (PWSF)

- ▶ Amend the definition of PWSF.
- ▶ Ordinance 10-2012 amended the PWSF regulations.
- ▶ The definition was amended to include towers and transmission cables and to exempt amateur radio towers and antennas.
- ▶ In the amendment, “Telecommunications Act of 1996” was inadvertently struck out making the definition nonsensical.
- ▶ The inadvertently stricken words need to be re-adopted.

Boundary Line Modifications (BLMs)

- ▶ Amend the BLM regulations consistent with state law.
- ▶ RCW 58.17.040(6) allows under certain circumstances, the boundaries of platted lots to be modified without being subject to the subdivision statutes. To be exempt, platted or unplatted lots **must not “create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.”**
- ▶ SJCC 18.70.030(A)(1)(a) only includes part of this requirement and needs to be amended to reflect the entire provision.

60 Percent Open Space: Subdivision and short subdivision design and development standards.

- ▶ Amend SJCC 18.70.060.B.10.a to comply with a court ruling.
- ▶ A Superior Court Judge ruled that it violates RCW 82.02.020 as a tax on the subdivision of land, was invalid and should not be applied.
- ▶ **It was not applied after the ruling.**
- ▶ This provision must be deleted from the code.

SEPA Appeals: Nonproject Actions

- ▶ Amend how SJCC 18.80.140(I)(1) addresses SEPA appeals of nonproject actions.
- ▶ It states that Table 8.4 shows the appeal path for these actions and references Chapter 36.70C RCW, the Land Use Petition Act (LUPA).
- ▶ LUPA addresses **project actions**. This incorrect reference must be deleted along with Table 8.4.
- ▶ Nonproject appeals go to superior court or state boards as already stated in SJCC 18.80.140(I)(1).

Questions?



18.70.060 Subdivision and short subdivision design and development standards.

- ▶ 10. Conservation Design Requirements. All land divisions in resource land, conservancy, and rural designations (outside of areas of more intensive rural development), and all shoreline areas shall protect open space and scenic resources as well as natural resources by meeting the following design and development requirements:
 - ▶ a. At a minimum, 60 percent of the area of the parcel to be divided shall be maintained as open space area from which all construction related to residential use (houses, residential outbuildings, parking and residential landscaping) shall be excluded. Wells, septic systems, biofiltration, and ponds approved as pumper supply points, may be placed within the nonbuilding area of a parcel.