

Code Correction Ordinance Public Hearing

San Juan County Planning Commission

December 20, 2019

Ordinance and Public Comments

- ▶ An Ordinance Correcting Code Inconsistencies and Inaccuracies; Amending San Juan County Code 18.20.160, 18.30.055, 18.70.030, 18.70.060, and 18.80.140.
- ▶ Ordinance is approved as to form.
- ▶ No public comments received on the SEPA DNS or ordinance.

Purpose: Correct 5 issues related to changes in law or irregularities in past ordinances

- ▶ Correct codification of siting/permitting of Essential Public Facilities;
- ▶ Define “personal wireless service facility consistent with Ord. 10-2012;
- ▶ Make boundary line modification regulations consistent with state law.
- ▶ Making SJCC 18.70.060(B)(10)(a) comply with a court ruling that it violated state law; and
- ▶ Make SJCC 18.80.140(I)(1) Table 8.4 addressing SEPA appeals of nonproject actions consistent with state law.

Essential Public Facilities (EPFs)

- ▶ Amend EPF regulations consistent with Ord. 10-2011 regarding siting and permitting of EPFs.
- ▶ Ord. 25-2012 also amended this code using an earlier version of 18.30.050(E) than the one adopted in Ord. 10-2011.
- ▶ Amend EPF regulations to reflect the changes Ord.10-2011.

Personal Wireless Facilities (PWSF)

- ▶ Amend PWSF definition adopted in Ordinance 10-2012 consistent with state law.
- ▶ In the amendment, “Telecommunications Act of 1996” was inadvertently struck out and need to be re-adopted.

Boundary Line Modifications (BLMs)

- ▶ Amend the BLM regulations in SJCC 18.70.030(A)(1)(a) for consistency with RCW 58.17.040(6).
- ▶ Add the full state requirement: 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.”**

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.
- ▶ Superior Court ruled that it violated RCW 82.02.020 as a tax on land subdivision, was invalid and should not be applied.
- ▶ **It has not been applied since the ruling.**
- ▶ Delete this provision from code.

SEPA Appeals: Nonproject Actions

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