



# 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

## MEMO

**MEMO DATE:** January 3, 2020  
**TO:** San Juan County Planning Commission  
**CC:** Erika Shook, AICP, Director DCD  
**FROM:** Adam Zack, Planner III   
**SUBJECT:** 2036 Comprehensive Plan Update  
Section B2, Land Use Element

---

**Purpose:** Links to the Growth Management Act (GMA), [Chapter 36.70A Revised Code of Washington](#) (RCW) and the procedural criteria for GMA in [Chapter 365-196 Washington Administrative Code](#) (WAC) are provided to help the Planning Commission prepare updates to the Land Use Element of the Comprehensive Plan. The Planning Commission may want to review these laws and guidelines prior to discussions about land use issues and urban growth area boundaries. Links to certain Growth Management Hearings Board cases are also provided for future reference.

**Background:** The Washington State Legislature adopted the GMA in 1990. Together, the RCWs tell the County what must be done and the WACs explain how to do it.

The legislative findings in RCW 36.70A.010 explain the reason for adopting GMA, it states:

“The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public’s interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.”

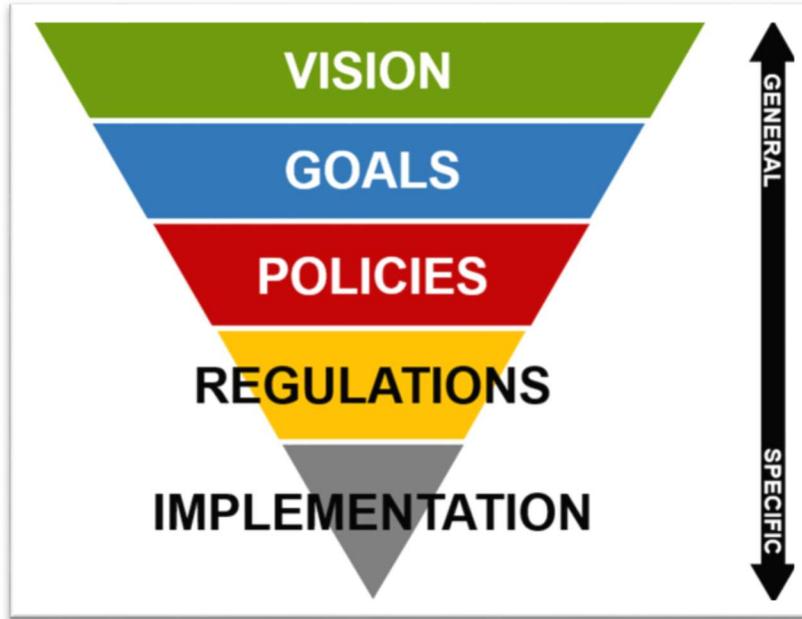
Land use is one of the required elements of the comprehensive plan (RCW 36.70A.070). Links to RCW and WAC sections specifically related to the land use element are provided later in this report. They provide policy direction on a host of topics including:

- Land use designation criteria;
- How specific uses should be addressed; and
- Where future land uses should be located as shown on the Comprehensive Plan Official Map.

The goals and policies in the land use element further articulate the community’s vision. Ultimately, the goals and policies in the land use element are implemented through the development regulations in the Unified

Development Code (UDC), Title 18 San Juan County Code (SJCC). Figure 1 shows how the Comprehensive Plan is used. The high level Comprehensive Plan vision statement is reflected in goals and policies. The goals and policies are used to guide the development of development regulations, and are used in decision-making for implementation actions and projects.

**Figure 1. Comprehensive Plan Framework Model.**



**Links to Land Use Related RCW and WAC Sections:** Table 1 below provides links to land use element related sections of Chapter 36.70A RCW. Table 2 provides links to land use element related sections of Chapter 365-196 WAC. Please review these RCWs and WACs in preparation for working on the Land Use Element. Copies of these RCW and WAC sections were included as Attachment D of a Memo dated November 15, 2019 (<https://www.sanjuanco.com/DocumentCenter/View/19351>).

**Table 1. Land Use Element Related Sections of Chapter 36.70A RCW.**

Section	Link
36.70A.020 Planning Goals	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.020">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.020</a>
36.70A.070 Comprehensive Plans – Mandatory Elements	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.070">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.070</a>
36.70A.510 General Aviation Airports	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.510">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.510</a>
36.70.547 General Aviation Airports	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70.547">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70.547</a>
36.70A.360 Master Planned Resorts	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.360">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.360</a>
36.70A.362 Master Planned Resorts – existing resort may be included	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.362">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.362</a>
36.70A.150 Identification of lands useful for public purposes	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.150">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.150</a>

**Table 1. Land Use Element Related Sections of Chapter 36.70A RCW.**

Section	Link
36.70A.160 Identification of open space corridors	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.160">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.160</a>
36.70A.200 Siting of essential public facilities – limitation on liability	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.200">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.200</a>
36.70A.070 (5)(d) Limited Areas of More Intense Rural Development (LAMIRD)	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.070">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.070</a>
36.70A.110 Comprehensive Plans – Urban Growth Areas	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.110">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.110</a>
36.70A.115 Comprehensive Plans and development regulations must provide sufficient land capacity for development	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.115">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.115</a>
36.70A.050 guidelines for classifying resource lands	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.050">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.050</a>
36.70A.170 Natural resource lands and critical areas – designations	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.170">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.170</a>
36.70A.011 Findings – Rural lands	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.011">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.011</a>
36.70A.320 Presumption of validity – burden of proof – plans and regulations	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.320">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.320</a>
36.70A.035 Public participation – notice provisions	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.035">https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.035</a>

**Table 2. Land Use Element Related Sections of Chapter 365-196 WAC.**

Section	Link
365-196-050 Regional and local variations	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-050">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-050</a>
365-196-060 Goals	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-060">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-060</a>
365-196-405 Land use element	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-405">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-405</a>
365-196-455 Land use compatibility adjacent to general aviation airports	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-455">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-455</a>
365-196-460 Master planned resorts	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-460">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-460</a>
365-196-340 Identification of lands useful for public purposes	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-340">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-340</a>
365-196-335 Identification of open space corridors	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-335">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-335</a>
365-196-550 Essential public facilities	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-550">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-550</a>

**Table 2. Land Use Element Related Sections of Chapter 365-196 WAC.**

Section	Link
365-196-425 Rural Element (note: includes LAMIRD)	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-425">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-425</a>
365-196-300 Urban densities	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-300">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-300</a>
365-196-310 Urban growth areas	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-310">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-310</a>
365-196-320 Providing urban services	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-320">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-320</a>
365-196-325 Providing sufficient land capacity suitable for development	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-325">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-325</a>
365-196-330 Phasing development within the UGA	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-330">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-330</a>
365-196-480 Natural resource lands	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-480">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-480</a>
365-196-040 Standard of Review	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-040">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-040</a>
365-196-600 Public Participation	<a href="https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-600">https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-600</a>

**Growth Management Hearings Board (GMHB) San Juan County Case History:** The GMHB is a quasi-judicial body created by RCW 36.70A.250 to determine, among other things, whether a county or city planning under GMA is in compliance with Chapter 36.70A RCW. If a comprehensive plan is appealed, the appeal is considered by the GMHB. Table 3 below provides information about GMHB cases that might be of interest as we update the San Juan County Comprehensive Plan. All GMHB cases and decisions can be searched at <http://www.gmhb.wa.gov/search/case>.

**The links in Table 3 are provided for your reference and convenience, there is no need to do a comprehensive review of these cases.**

## Growth Management Hearings Board (GMHB), San Juan County Case History

**Table 3. San Juan County GMHB Cases.**

Case Number	Year of Decision	Relevant Parties	Summary of Decision	Link to Final GMHB Document
95-2-0081	1996	Beckstrom, et al V. San Juan County	Reason: appeal of Ordinance 7-1995 adopting the Limited Development District Subarea Plan for Waldron Island. Closing Comment: SJC complied with GMA in adopting Ordinance 7-1995.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=919">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=919</a>
96-2-0020	1998	Rosewood Associates V. Town of Friday Harbor	Reason: The Town of Friday Harbor was found to be out of compliance with GMA because it had not adopted a comprehensive plan and development regulations. Closing Comment: the GMHB found the Town was in compliance by adopting Ordinance #1050 on December 18, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=795">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=795</a>
97-2-0002c	1998	SJC, Philip J. and Peggy Yeager V. WA Dept. of Ecology	Reason: Ecology denied SJC's proposed amendments to the SMP on October 25, 1996. Closing Comment: the GMHB remanded the case to Ecology for entry of a decision consistent with the Superior Court order of October 12, 1998.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=735">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=735</a>
97-2-0007	1997	Friends of the San Juans, et al V. San Juan County		
97-2-0006	1997	Frederick E. Ellis, Jr. V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=739">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=739</a>
97-2-0009	1997	L.E. Hendel V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2014">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2014</a>
97-2-0008	1997	John D. Goekler V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2013">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2013</a>
97-2-0011	1997	Gary Franco V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2016">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2016</a>
97-2-0010	1997	Jan Chamberlin-Lea, et al V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2015">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2015</a>

## Growth Management Hearings Board (GMHB), San Juan County Case History

Case Number	Year of Decision	Relevant Parties	Summary of Decision	Link to Final GMHB Document
97-2-0013	1997	Kenneth and Michaela Brostrom V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2018">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2018</a>
97-2-0012	1999	Michael W. Carlson, et al V. San Juan County	Reason: challenge of the Comprehensive Plan's compliance with GMA. Closing Comment: The GMHB found the County's Comprehensive Plan compliant with GMA on March 12, 1999.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=740">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=740</a>
97-2-0015	1997	Town of Friday Harbor V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2020">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2020</a>
97-2-0014	1997	Skye Burn, et al V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2019">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2019</a>
97-2-0017	1997	Fred R. Klein V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2022">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2022</a>
97-2-0016	1997	Ona Blue, et al V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2021">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2021</a>
97-2-0018	1997	Jack W. Cory V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2023">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2023</a>
97-2-0019	1997	Richard B. Barnes V. San Juan County	Reason: appeal of Ordinance 20-1996, adopting the Comprehensive Plan. This was also an appeal of Ordinance 3-1997 which repealed Ordinance 20-1996. Closing Comment: The County was ordered to adopt a comprehensive plan within 180 days of the GMHB decision, June 19, 1997.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2024">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2024</a>

## Growth Management Hearings Board (GMHB), San Juan County Case History

Case Number	Year of Decision	Relevant Parties	Summary of Decision	Link to Final GMHB Document
98-2-0003	1998	Marion L. For Weber V. Town of Friday Harbor	Reason: challenge to Town of Friday Harbor Comprehensive Plan. Closing Comments: the case was dismissed because of its failure to be received in the GMHB office within sixty days of the date of publication.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=685">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=685</a>
98-2-0015	1999	Jim and Kristin Williams V. San Juan County	Appeal was withdrawn	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=702">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=702</a>
99-2-0005	1999	San Juan Floatplane Defense Group, Washington Seaplane Pilots Association and Kenmore Air, INC V. San Juan County and WA Dept. of Ecology		<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=641">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=641</a>
99-2-0010c	2002	Town of Friday Harbor, Fred Klein, John Campbell, Lynn Bahrach et al V. San Juan County	Closing Comments: See 03-2-0003c	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=5848">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=5848</a>
99-2-0008	2000	Michael W. Carlson, William H. Carlson, John A. Bishop V. San Juan County	Adopting the Waldron Subarea Plan allowed this case to be dismissed.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=644">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=644</a>
00-2-0016	2001	Michael W. Carlson, et al V. San Juan County	Closing Comments: Having reviewed the record and the written materials, the Board finds that San Juan County has complied with the Growth Management Act with regard to the issues presented in this case.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=569">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=569</a>
00-2-0053	2001	Wallace and Susan Gudgell V. San Juan County	Reason: The October 2, 2000 designation of petitioner's shoreline property designation from urban to rural. Closing Comments: Petitioner has failed to sustain his burden of proving that the County's action failed to comply with the GMA. Accordingly, the County is in compliance with the GMA as to the redesignation of petitioner's property.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=624">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=624</a>
00-2-0062c	2005	Durland, et al V. San Juan County	Reason: San Juan County Comprehensive Plan 2000. Closing Comments: See Case No. 03-2-0003c Closing comments.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=268">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=268</a>
01-2-0006c	2001	Dorothy Austin Mudd V. San Juan County	Reason: San Juan County Ordinance 15-2000, an emergency interim ordinance, which was adopted without public participation under the authority of RCW 36.70A.390. Ordinance 15-2000 Emergency interim ordinance to clarify the Unified Development Code and Comprehensive Plan as they relate to concurrency with community water systems service urban growth areas and limited areas of more intensive rural development (activity centers). Closing Comments: Petitioner has failed in her burden of showing noncompliance and substantial interference with the goals of the Act.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=537">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=537</a>
01-2-0024	2002	Dorothy Austin Mudd V. San Juan County	Reason: San Juan County Ordinance 10-2001, an ordinance amending Chapter 8.06 SJCC rules and regulations regarding wells and water systems. Closing Comments: The Board concludes that no jurisdiction exists for it to rule on the challenge. Accordingly, the Board does not reach the SEPA issue.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=552">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=552</a>

## Growth Management Hearings Board (GMHB), San Juan County Case History

Case Number	Year of Decision	Relevant Parties	Summary of Decision	Link to Final GMHB Document
01-2-0026	2002	San Juan County V. Town of Friday Harbor	Closing Comments: Stipulation and Order of Dismissal filed on 2/26/02. County stipulates and agrees to dismissal of the case.	N/A
02-2-0001	2002	Dylan Stephens V. San Juan County	Reason: San Juan County's failure to adopt a shoreline master program amendment as a violation of the Shoreline Management Act.  Closing Comments: The GMHB has jurisdiction to determine compliance with the SMA only "as it relates to the adoption of Shoreline Master Program or amendments thereto." San Juan County did not adopt an amendment to its SMP regarding transient rental, although it initially planned to do so. The PFR only alleges violations of the SMA. Under this record, there is no jurisdiction for the Board to address the issues in the PFR.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=505">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=505</a>
03-2-0003c	2007	Friends of the San Juans, Lynn Bahrych, and Joe Symons V. San Juan County	Reason: Ordinance 03-2-0002 (December 3, 2002) and San Juan County's Determination of Nonsignificance issued August 13, 2002. (Note: This is the appeal of the ADU code).  Closing comments: Compliance achieved - The adoption of SJCC 18.40240(G)(4)(b) by Ordinance 12-2007 cures the noncompliance of San Juan County's ADU regulations with the GMA. Closed with 06-2-0024c.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=161">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=161</a>
03-2-0021	2004	Stephen F. Ludwig V. San Juan County	Reason: challenge to the adoption of a report entitled: <i>Lopez Village Water Supply Report and Recommendations and Part 1 of the Abbreviated Water System Plan</i> , the related SEPA DNS, and Resolution 83-2003.  The petitioner withdrew the case because the GMHB did not yet have jurisdiction. The petitioner retained the right to appeal to the GMHB when they had jurisdiction.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=456">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=456</a>
05-2-0015	2005	Friends of the San Juans, Lynn Bahrych, and Joe Symons V. San Juan County	Reason: Ordinance No. 3-2005, adopted on April 12, 2005. This was a moratorium on detached ADU on parcels smaller than 10 acres.  Closing Comments: All parties in this case indicated that the issues raised in this case have been decided by the Compliance Order (2005) issued in Case No. 03-2-0003c on July 21, 2005. Petitioner also failed to file an opening brief by the deadline set forth in the Prehearing Order of June 27, 2005, constituting another reason to dismiss the case.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=331">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=331</a>

## Growth Management Hearings Board (GMHB), San Juan County Case History

Case Number	Year of Decision	Relevant Parties	Summary of Decision	Link to Final GMHB Document
05-2-0022c	2009	John M. Campbell et al V. San Juan County	<p>Reason: The Petition for review alleges that San Juan County does not comply with RCW 36.70A.110 in designation of the Eastsound UGA due to the capital facilities planning for wastewater and drainage services, failing to include sufficient land for projected population growth, boundaries and sizing of the UGA and the failure to include Petitioner's property in the Eastsound UGA.</p> <p>Closing comments: Closed with the Eastsound portion of 05-2-0019c &amp; 05-2-0022c The issue discussed was whether San Juan County has achieved compliance with regard to the area found to be non-compliant in the Board's Compliance Order of January 30, 2009. The board finds that the action of San Juan County has achieved Compliance by amending its comprehensive plan's capital facilities element as required by prior order of this board so as to achieve compliance with RCW 36.70A.110(4), 36.70A.020(2) and 36.70A.070. Therefore, the board enters a finding of compliance and the Eastsound Portion of this case is closed.</p>	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=340">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=340</a>
06-2-0024c	2007	James Nelson et al V. San Juan County	<p>Reason: Ordinance 7-2006, an ordinance amending the ADU code (SJCC 18.40.240).</p> <p>Closing Comments: The adoption of SJCC 18.40.240(G)(4)(b) by Ordinance 12-2007 cures the noncompliance of San Juan County's ADU regulations with the GMA. The County's ADU regulations now comply. 06-2-0024c &amp; 03-2-0003c were closed together.</p>	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=217">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=217</a>
07-2-0013	2008	Michael Durland and Kathleen Fennell V. San Juan County	<p>Reason: Adoption of Ordinance 26-2007 adopting the Deer Harbor Hamlet Plan.</p> <p>Closing comments: By the adoption of the amendment to definition in 14.E of the County's development regulations for the Deer Harbor Hamlet, San Juan County has removed the inconsistency in the Deer Harbor Plan elements as well as between the plan and the development regulations. Compliance achieved.</p>	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=70">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=70</a>
07-2-0014	2008	Griffin Bay Preservation Committee V. San Juan County	<p>Reason: Review of San Juan County Resolution No. 32-2007 adopted August 7, 2007, which incorporated and adopted the San Juan County Comprehensive Six-Year Transportation Improvement Program for 2008-2013.</p> <p>Closing comments: Order Dismissing the Case issued on 2/20/08 in response to the Stipulation as to Mootness filed on 2/8/08 - Parties agreed that the issues of this case are made moot by the County's adoption of Resolution 4-2008 passed on January 15, 2008. GBPC withdraws Petition and both parties request dismissal.</p>	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=73">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=73</a>
08-2-0006	2009	John Campbell V. San Juan County	<p>Reason: The petitioner contended that there was a failure of the County to amend its Housing Element to analyze affordable housing needs and to provide affordable housing.</p> <p>Closing Comments: The GMHB found that San Juan County has achieved compliance by reviewing and revising its Comprehensive Plan's Land Use and Housing Elements as required by RCW 36.70A.130 (1) and (4) and the prior order of this Board. The board now enters a finding of compliance.</p>	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=93">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=93</a>

## Growth Management Hearings Board (GMHB), San Juan County Case History

Case Number	Year of Decision	Relevant Parties	Summary of Decision	Link to Final GMHB Document
08-2-0030	2008	Stephen F. Ludwig V. San Juan County	Reason: Adoption of Ordinance 17-2008, an ordinance reducing the Lopez Village UGA. Closing Comments: The board found that the petitioner lacked standing and dismissed the case.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2289">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=2289</a>
09-2-0014	2010	John Campbell V. San Juan County	Reason: Challenging San Juan County Ordinance 16-2009 - amendments to comprehensive plan housing element. Closing Comments: The board found that San Juan County's adoption of Ordinance No. 16-2009 complies with the GMA.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=10">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=10</a>
10-2-0012	2011	Friends of the San Juans V. San Juan County	Reason: Challenge to adoption of Ordinance 2-2010 regarding Essential Public Facilities - siting in areas of Critical Areas/Natural Resource Lands. Closing Comments: The Board determines SJCC 10-2010 addresses the inconsistencies between the Comprehensive Plan and development regulations, non-compliant sections on critical areas and natural resource lands. The Board finds that the County's challenged provisions now comply with the GMA.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=3730">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=3730</a>
13-2-0012c	2015	Friends of the San Juans et al V. San Juan County	Reason: Appeal of the CAO. San Juan County Ordinance Nos. 26-2012 (General Regulations for Critical Areas), 27-2012 (Critical Area Regulations for Geologically Hazardous Areas and Frequently Flooded Areas), 28-2012 (Critical Area Regulations for Wetlands), and 29-2012 (Critical Area Regulations for Fish and Wildlife Habitat Conservation Areas) Closing Comments: The Board finds San Juan County has achieved compliance with RCW 36.70A.172, RCW 36.70A.060(2), RCW 36.70A.172(1), and RCW 36.70A.030(5) in regards to its allowance of exemptions from its standard critical areas regulations, in regards to sleeved and water-tight sewer lines, and utility lines in wetlands.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=3779">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=3779</a>
13-2-0019	2013	William H. Wright V. San Juan County	Reason: Challenge to SEPA Checklist 2013-4-24 and Determination of Nonsignificance 2013-4-24 (documents related to CAO). Closing Comments: The Board is authorized by statute to dismiss a petition for review if the petition is frivolous. The Board must dismiss a petition when the Board determines jurisdiction was not properly invoked, since the Board has no power to adjudicate that particular case. Consequently, the Board finds and concludes as follows: (1) there was no final, appealable decision made by the Department of Ecology, (2) any challenge alleging violations of Chapter 43.21C RCW in regards to SMA amendments can only be raised in conjunction with a final DOE decision, (3) the PFR is frivolous, and (4) Petitioner failed to invoke the Board's jurisdiction to consider a shoreline master program amendment and/or a SEPA violation. The Petition for Review is dismissed.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=3331">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=3331</a>
14-2-0005	2014	William H. Wright V. San Juan County	Reason: Challenge to San Juan County Ordinance 2-2014, an ordinance regarding critical areas. Closing Comments: The matter was dismissed as the Petitioner failed to invoke the jurisdiction of the Board.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=3560">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=3560</a>

**Growth Management Hearings Board (GMHB), San Juan County Case History**

Case Number	Year of Decision	Relevant Parties	Summary of Decision	Link to Final GMHB Document
16-2-0001	2017	Friends of the San Juans V. San Juan County	Reason: Thurman Re-designation, appeal by Friends of the San Juans.  Closing Comments: The Petitioner challenged a San Juan County ordinance, which de-designated four parcels totaling approximately 30 acres from designated forestland to a rural category. Based on the County’s failure to include and consider mandated de-designation criteria, the Board found violations of RCW 36.70A.170 and RCW 36.70A.130(1)(d). The County repealed the ordinance, the Board found compliance, and dismissed the case.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=5551">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=5551</a>
17-2-0001	2017	Bret and Kathryn Thurman V. San Juan County	Reason: Thurman Re-designation, appeal by Thurmans.  Closing Comments: This matter was a challenge of the compliance action taken by the County in the 2016 case. The Petitioners alleged that the County’s action in repealing the de-designation ordinance in Case No. 16-2-0001 was required to follow the natural resource lands designation criteria, arguing it constituted a comprehensive plan amendment. The Board found that repeal of the challenged ordinance, in this instance, deprived the Board of jurisdiction and dismissed.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=5602">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=5602</a>
17-2-0009	2019	Friends of the San Juans V. San Juan County and WA Dept. of Ecology	Reason Appeal of the SMP.  Closing Comments: This case resulted in changes to soft shoreline armoring definitions and a requirement to track the cumulative impacts of shoreline permitting, among other minor changes to the SMP	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=6328">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=6328</a>
17-2-0010	2018	Friends of the San Juans and Michael Durland V. San Juan County and WA Dept. of Ecology	SMP appeal, dismissed. Friends’ appeal consolidated in case 17-2-0009.	<a href="http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=6086">http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&amp;id=6086</a>