



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

REPORT DATE: July 28, 2020

TO: San Juan County Council
CC: Mike Thomas, County Manager
Erika Shook, AICP, DCD Director

FROM: Sophia Cassam, Planner I 

SUBJECT: 2020 Docket of Proposed Text Amendments to the Comprehensive Plan and Unified Development Code (UDC): Planning Commission Recommendations

HEARING: August 25, 2020

ATTACHMENTS: A. Draft Resolution on the 2020 Docket
B. Draft Planning Commission Minutes, Findings, and Recommendation
C. Staff recommendations and summary of requests

Requested Action: Adopt a resolution on the 2020 Docket of proposed text amendments to the Comprehensive Plan and Unified Development Code (UDC).

Proposed Motion: Approve a Resolution Setting a 2020 Docket of Proposed Amendments to the San Juan County Comprehensive Plan and Title 18 of the San Juan County Code.

Background: The Growth Management Act (RCW 36.70A.470(2)) allows any interested person to request amendments to SJCC Title 18 (the UDC) or the San Juan County Comprehensive Plan policies or official maps. This process is known as the annual "Docket" process.

The San Juan County Department of Community Development (DCD) accepted 2020 Docket applications between January 1 and March 1, 2020. Seven requests for text amendments were received. A summary and staff recommendation for each are provided in Attachment C. The staff analysis and copies of the application for each request is included in a staff report dated May 11, 2020, available here: <https://www.sanjuanco.com/DocumentCenter/View/20379/>

The Planning Commission was briefed on the Docket requests and staff recommendations on June 19, 2020. Then, County Council was briefed on the requests and staff recommendations on June 23, 2020. The Planning Commission held a public hearing regarding this matter on July 17, 2020. The Planning Commission made a recommendation on the 2020 Docket on July 17, 2020, after the public hearing (Attachment B). Staff briefed Council on the Planning Commission recommendation on July 21, 2020.

Planning Commission Recommendation: After the public hearing on July 17, 2020, Planning Commission voted to forward the findings and recommendation in Attachment B to the County Council. In their recommendation, Planning Commission agreed with staff recommendations for each of the 2020 Docket requests. Table 1 below outlines their recommendations on the seven requests.

Table 1. 2020 Annual Docket Planning Commission Recommendation

Request #	Applicant	Keyword	Planning Commission Recommendation
20-0001	DHPRC	Deer Harbor Hamlet Subarea Plan map and development regulations	Consider during the <i>Plan</i> update.
20-0002	Homes for Islanders	Rural Residential Cluster Development	Consider during the <i>Plan</i> update.
20-0003	Janet Alderton	Port of Entry	Consider as a public comment on the draft Transportation Element.
20-0004	John Campbell	Affordable Housing Definition	Consider during the <i>Plan</i> update.
20-0005	Shanks, Alderton, et al.	Port of Entry	Consider as a public comment on the draft Transportation Element.
20-0006	Jennifer De Groot	Coastal Cutthroat Trout	Consider during the critical area code update following the <i>Plan</i> update.
20-0007	SJC DCD	UGA Map Corrections	Incorporate corrections into the Plan update.

Public Comments

Staff received two public comments for the 2020 Docket on July 16, 2020. One comment was a misdirected comment on the draft Land Use element. That comment is being considered with the Comprehensive Plan update. Staff received a second comment on July 16, 2020, from Michael Durland of Deer Harbor. Mr. Durland’s comment was about the docket process, and he sent his comment to Council as well. To this date, DCD has not received public comments on specific 2020 Docket requests.

Draft Resolution

The draft resolution has been approved as to form by Deputy Prosecuting Attorney, Amy Vira (Attachment A). After deliberations, County Council could decide to adopt the attached draft resolution. If Council makes substantial changes to the draft resolution, staff will prepare a new draft reflecting Council’s decision.

RESOLUTION NO. ____ - 2020

A RESOLUTION SETTING A 2020 DOCKET OF PROPOSED AMENDMENTS TO THE SAN JUAN COUNTY COMPREHENSIVE PLAN (COMPREHENSIVE PLAN) AND TITLE 18 SAN JUAN COUNTY CODE (SJCC).

BACKGROUND

- A. The Growth Management Act (GMA) was passed by the State Legislature in April 1990;
- B. The Board of County Commissioners voted to plan under the GMA in November 1990;
- C. RCW 36.70A.470(2) states:
 “Each county and city planning under RCW 36.70A.040 shall include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130”;
- D. SJCC 18.90.020 Legislative procedures establishes the procedures for the annual docket required by RCW 36.70A.470(2);
- E. 2020 Docket applications for Comprehensive Plan or development regulation amendments were accepted by the San Juan County Department of Community Development (DCD) between January 1 and March 1, 2020;
- F. Seven 2020 Docket requests were received, as shown in Attachment A;
- G. Staff evaluated the 2020 Docket requests and forwarded recommendations on them to the County Council and Planning Commission in a staff report dated May 11, 2020;
- H. On June 19, 2020, staff briefed Planning Commission on the 2020 Docket applications;
- I. On June 23, 2020, staff briefed County Council on the 2020 Docket applications;
- J. On July 2, 2020, DCD published a County-wide news flash and a DCD news flash on the County website advertising the July 17, 2020 Planning Commission public hearing. Applicants were personally notified via email about the Planning Commission public hearing, with an invitation and instructions for providing testimony virtually;
- K. The July 17, 2020, Planning Commission public hearing was duly advertised in the *Journal of the San Juan Islands* and the *Islands Sounder* on July 1, 2020;

1 L. On July 17, 2020, Planning Commission held a public hearing on the 2020 Docket
2 applications;

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4 M. On July 17, 2020, following the public hearing the Planning Commission deliberated on
5 public testimony and staff recommendations;

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7 N. The Planning Commission recommended that 2020 Docket requests 20-0001, 20-0002,
8 20-0004 and 20-0007 be considered for the Department of Community Development work
9 program during the Comprehensive Plan update;

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11 O. The Planning Commission recommended that 2020 Docket requests 20-0003 and 20-
12 0005 be considered as public comments on the draft Transportation Element during the
13 Comprehensive Plan update;

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15 P. The Planning Commission recommended that 2020 Docket request 20-0006 be
16 considered during the critical areas code update;

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18 Q. On July 21, 2020, staff briefed the County Council on the Planning Commission's
19 recommended actions;

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21 R. The County Council set a public hearing for August 25, 2020;

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23 S. The August 25, 2020, County Council public hearing was duly advertised in the *Journal*
24 *of the San Juan Islands* and the *Islands Sounder* on July 29, 2020;

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26 T. On July 29, 2020, DCD emailed letters to applicants notifying them of the County
27 Council public hearing and inviting them to provide testimony; and

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29 U. On August 25, 2020, following the public hearing, the County Council deliberated on the
30 2020 Docket applications, Planning Commission recommendations and staff recommendations.

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32 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of San Juan County, state
33 of Washington, as follows:

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35 The 2020 Docket requests shown in Attachment A be addressed as follows:

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37 1. 20-0001: Consider this request during the update to the Comprehensive Plan Deer Harbor
38 Hamlet Plan. Consider amendment of SJCC 18. 18.30.260 Commercial Zoning
39 Requirements; 18.30.270 Deer Harbor community center overlay district; and 18.30.310
40 Permitted land uses during the Comprehensive Plan update.
41
42 2. 20-0002: Consider amendment of the Rural residential cluster development code: SJCC
43 18.60.230 – Affordable housing, 18.60.230 – Maximum allowable residential density and
44 number of dwelling units, 18.60.230 – Allowed and Accessory Uses, and Accessory
45 Structures, and 18.60.260 – Affordable housing during the Comprehensive Plan update;
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1 RANDALL K. GAYLORD
2 APPROVED AS TO FORM ONLY

3
4
5 By: _____
6 Date

Bill Watson, Member
District 1, San Juan

7
8 **ATTACHMENTS**
9 A. 2020 Docket

DRAFT



DRAFT
SAN JUAN COUNTY PLANNING COMMISSION MEETING
MINUTES OF THE JULY 17, 2020 MEETING

The meeting of the San Juan County Planning Commission was called to order by Chair, Camille Uhlir, at 8:32 a.m. in the County Council hearing room, Legislative Building, 55 Second Street, Friday Harbor, and San Juan Island.

Planning Commission

Members Present: Present in person: Camille Uhlir. By Skype: Tim Blanchard, Michael Pickett, David Kane, and Steve Rubey.

Planning Commission

Member Excused: Dale Roundy.

Department of Community
Development (DCD) Staff

Present: Present in person: Erika Shook, Director; and Lynda Guernsey, AS II.
By Skype: Adam Zack, Planner III; and Sophia Cassam, Planner I.

Administrative Items

Confirm Agenda – No changes to agenda.

Minutes of June 19, 2020

Moved by Steve Rubey, seconded by Tim Blanchard, to approve the June 19, 2020 minutes as submitted. Michael Pickett – yes, David Kane – abstain, Steve Rubey – yes, Tim Blanchard – yes, and Camille Uhlir – yes. Motion passed with four yes votes, zero no votes, and one abstention (Kane). Motion passed.

DCD Update – Erika Shook, Director

1. Update as to how the Coronavirus issue is affecting DCD. Permits are slower but not all that much. Staff has been cross trained to help keep things going forward.
2. There are challenges with the Skype for Business approach to meetings and the County is moving toward using Microsoft Teams. Practice meetings will be scheduled so the transition goes smoothly.
3. For August’s meeting policy issues will be brought forward for the Planning Commission’s review. There will be a separate policy sheet for each issue.

Erika Shook then responded to questions and comments from the Planning Commission.

Public Access Time – There was no one to speak.

Public Hearings:

A Draft Ordinance Regulating Marijuana Production and Processing Facilities; Amending SJCC 18.20.130, 18.30.030, 18.30.040, 18.30.460; and Adding New Sections - Adam Zack, Planner III

Adam Zack gave a presentation on the draft ordinance regarding the regulation of marijuana production and processing.

Public testimony was opened and as there was no one to speak, closed with the option to reopen.

Adam Zack responded to questions and comments from the Planning Commission.

Deliberations

The Planning Commission went through the ordinance and accepted, by consensus, the staff changes in the ordinance, Sections 1 through 4, 9 and 10, and new Sections 5 through 8, with some changes in Section 7. The changes to Section 7 are:

Section 7, Item F. – To add the sentence from item H that reads: A mechanical engineer licensed in the State of Washington shall design the odor control system and consider guidance from the National Air Filtration Association. Delete the words “and consider” and replace with the word “using” from the sentence. Delete the word “muffled” in the second sentence and replace with the word “minimized”.

Section 7, Item H. – To delete the words “and consider” and replace with the word “using” from the second sentence.

Section 7, Item I., 2. – Delete number 2.

Moved by Camille Uhlir, seconded by David Kane, to recommend approval of the Draft Ordinance Regulating Marijuana Production and Processing Facilities; Amending SJCC 18.20.130, 18.30.030, 18.30.040, 18.30.460; and Adding New Sections as modified, and forward to the County Council. Tim Blanchard – yes, David Kane – yes, Michael Pickett – yes, Steve Rubey – yes, and Camille Uhlir – yes. Motion passed unanimously.

Note: Section 7 of the Ordinance with Planning Commission changes is attached to these minutes.

2020 Annual Docket: Proposed Amendments to the SJC Development Regulations and Comprehensive Plan -- Sophia Cassam, Planner I

Sophia Cassam gave a presentation on the 2020 Annual Docket proposed amendments.

Public testimony was opened and as there was no one to speak, closed with the option to reopen.

Sophia Cassam responded to questions and comments from the Planning Commission.

Deliberations

Moved by Tim Blanchard, seconded by David Kane, to recommend approval of the 2020 annual docket as presented in the staff report dated July 2, 2020 and forward to the County Council. Tim Blanchard – yes, David Kane – yes, Michael Pickett – yes, Steve Rubey – yes, and Camille Uhlir – yes. Motion passed unanimously.

Briefings about the San Juan County Comprehensive Plan 2036 Update Project:

Section B.2, Preliminary Draft Land Use and Rural Element - Adam Zack, Planner III

Adam Zack gave a presentation on the preliminary drafts and responded to question and comments from the Planning Commission.

Adjournment

Moved by Michael Pickett, seconded by Steve Rubey, to adjourn the meeting at 11:09 a.m. and the motion passed unanimously. The next meeting of the Planning Commission is scheduled for Friday, August 21, 2020, at 8:30 a.m. in the County Council hearing room, Legislative Building, 55 Second Street, Friday Harbor, San Juan Island.

Respectfully submitted,

Lynda Guernsey

Attachment A: Section 7 of the Draft Marijuana Ordinance with Planning Commission changes.



San Juan County Planning Commission

DRAFT FINDINGS AND RECOMMENDATIONS

HEARING DATE: July 17, 2020

SUBJECT: 2020 Annual Docket: Proposed Amendments to the SJC Development Regulations and Comprehensive Plan

APPLICANT: San Juan County

LOCATION: San Juan County

COMMISSION MEMBERS PARTICIPATING: Camille Uhlir, Tim Blanchard, Steve Rubey, Michael Pickett, and David Kane

COMMUNITY DEVELOPMENT AND PLANNING

RECOMMENDATION: Approval

PLANNING COMMISSION

RECOMMENDATION: Approval

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS:

The San Juan County Planning Commission hereby recommends to the County Council, approval of the 2020 Annual Docket: Proposed Amendments to the SJC Development Regulations and Comprehensive Plan as outlined in the staff report dated July 2, 2020.

The vote of the Planning Commission on the above described recommendation is as follows:

<u>Name</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Camille Uhlir	X		
Tim Blanchard	X		
Steve Rubey	X		
Michael Pickett	X		
David Kane	X		

RECOMMENDED this 17th day of July, 2020, which constitutes the date of the Planning Commission's action, per State law.

SAN JUAN COUNTY PLANNING COMMISSION

Chair or Vice-Chair

Date

Co-signor

Date

Summary of 2020 Annual Docket Requests and Staff Recommendations

Request # and Category*	Keyword	Proponent	Summary of Request	Type of Amendment	SJCC/Comp Plan Sections	Scanned Request Documents	Staff Recommendation
20-0001 C	Deer Harbor Hamlet	Deer Harbor Planning and Review Committee – Sheila Gaquin, Anne Marie Shanks and Mike Douglas	<p>1) Remove Community Center Overlay District from Deer Harbor Plan to eliminate existing roadblocks to the development of small business activities.</p> <p>2) Amend various parts of the Deer Harbor UDC land use tables to encourage development of small businesses and affordable housing, and to preserve sense of community and conserve natural resources.</p> <p>3) Add “and its Environs” to DHPRC’s area of oversight because, due to Deer Harbor’s geography, activities occurring in the “environs” inherently affect the hamlet.</p>	Comp Plan Text, Map, UDC	<p>Deer Harbor Hamlet Plan:</p> <p>18.30.250(C) – Deer Harbor plan review committee</p> <p>18.30.260(A)&(B) – Commercial Zoning Requirements</p> <p>18.30.270(A), (B) & (C) – Deer Harbor community center overlay district</p> <p>18.30.310 – Permitted land uses</p>	https://www.sanjuanco.com/DocumentCenter/View/20025/	<p>Consider this request during the Comprehensive Plan update.</p> <p>1) Staff met with DHPRC and gave an overview of the issues of commercial uses in the Deer Harbor Subarea Plan to Council in the March 17, 2020, Land Use Rural Issues staff report. Staff will incorporate these proposals in the <i>Plan</i> update</p> <p>2) Staff will incorporate these proposals in the Plan update.</p> <p>3) Staff does not recommend adding “and its Environs” to DHPRC’s defined area of oversight. Staff has showed DHPRC how to look up permit information in the proposed “environs” so that they can comment if they choose. No code change is needed.</p>
20-0002 C	Rural Residential Cluster Development	Homes for Islanders – Justin Roche, San Juan Island	<p>Expand and increase the utilization of rural residential cluster development for affordable housing. There are four changes requested:</p> <p>1) Delete SJCC 18.60.230(C)(3)(b) limiting cluster developments to only one of the four methods of assuring affordability listed in SJCC 18.60.260(D).</p> <p>2) Implement the 2009 Housing Element policy allowing 12 dwelling units in rural residential cluster developments, rather than the 8 currently allowed in SJCC 18.60.230(C)5b.</p> <p>3) Increase the floor area limitation for dwelling units to 1,750 sq. ft. to allow for more bedrooms to accommodate larger families.</p> <p>4) Allow more middle income affordable units by deleting SJCC 18.60.260(G)</p>	UDC Text	<p>Rural residential cluster development:</p> <p>18.60.230(C)(3)(b) – Affordable housing</p> <p>18.60.230(C)(5)(b) – Max. allowable residential density and number of dwelling units</p> <p>18.60.230(C)(6)(e) – Allowed and Accessory Uses, and Accessory Structures</p> <p>18.60.260(G) – Affordable housing</p>	https://www.sanjuanco.com/DocumentCenter/View/20026/	<p>Consider the following four requests regarding housing affordability and rural residential clusters during the Plan update. Staff will bring these requests and their corresponding policy and code changes forward at a future briefing and discussion with Planning Commission and with County Council.</p> <p>Rural residential clusters were presented as a topic for public feedback during 2018 Comprehensive Plan community workshops. That feedback and this request are recommended to proceed with the Comprehensive Plan update.</p>
20-0003 C	Port of Entry	Janet Alderton, Deer Harbor	<p>Remove specified text in Draft Element 6, Transportation about exploring Lopez and Orcas as International Ports of Entry. The applicant states that striking out the stated policies will eliminate unnecessary spending and prevent over tourism. The existing international ports of entry on San Juan Island are sufficient for San Juan County.</p>	Draft Comp Plan Text	Draft Transp. Element 6.2.B, 6.3.A	https://www.sanjuanco.com/DocumentCenter/View/20027/	<p>Consider this request as a public comment on the draft Transportation Element.</p> <p>This docket request pertains to a Comprehensive Plan element that is currently in draft form. The request was forwarded to Public Works and is being considered during the update of the Transportation Element.</p>
20-0004 D	Affordable Housing Definition	John Campbell, Orcas Island	<p>Amend definition of affordable housing in SJCC 18.60.260(B) to read: “Affordable housing is housing where the occupants pay no more than 30 percent of gross monthly income for <u>rent or mortgage, total housing costs, including the cost of property taxes and insurance for homeowners and monthly utilities, excluding telephone, for owners and renters.</u>”</p> <p>The applicant’s stated intent is to simplify the affordable housing application process, and to rectify apparent discrepancies between the SJCC 18.60.260 definition of affordable housing and WAC 365-196-140(2)(e)(A).</p>	UDC Text	18.60.260 – Affordable housing	https://www.sanjuanco.com/DocumentCenter/View/20028/	<p>Make the affordable housing definition throughout the Plan consistent with the definition in the Affordable Housing Program code in SJCC 2.27.030 as part of the Plan update. Analyze amendment of SJCC 18.60.260(B).</p> <p>The definition in SJCC 2.27.030 includes in the 30 percent quota: mortgage, property taxes, and insurance for owners; and rent and utilities for renters.</p>
20-0005 C	Port of Entry	Alderton, Shanks, Cooper, Hoague, Ehrlichman, Johnson, Oaksen, Mayer, Scott, Kass – Orcas Island	<p>Remove specified text in Draft Element 6, Transportation, about exploring Lopez and Orcas as Ports of Entry. Strike out: 6 “Encourage the development of privately owned and operated passenger-only <i>electric</i> ferries that would provide transportation between the County islands and mainland and Canadian destinations. <u>International travel will only be through the ports of entry on San Juan Island.</u>”</p> <p>The requestors state that additional ports of entry are unnecessary with the existing locations on San Juan Island, and that new ports will increase noise, pollution and congestion.</p>	Draft Comp Plan Text	Draft Transportation Element 6.2.B, 6.3.A	https://www.sanjuanco.com/DocumentCenter/View/20029/	<p>Consider this request as a public comment on the draft Transportation Element.</p> <p>This docket request pertains to a Comprehensive Plan element that is currently in draft form. The request was forwarded to Public Works and is being considered during the update of the Transportation Element.</p>
20-0006 E	Coastal Cutthroat Trout	Jennifer De Groot	<p>Coastal Cutthroat Trout (CCT) should be listed as a species of local importance in the County under SJCC 18.35.115. CCT in SJC are a native and hybridized stock. Populations are small and vulnerable to extirpation due to habitat loss, habitat fragmentation, overharvest, competition with introduced species, and anthropogenic climate change. Formally recognizing Coastal Cutthroat Trout as a species of local importance is an attempt to better protect the remaining populations of CCT in SJC.</p>	UDC Text	<p>18.35.115 – FWHCA Types of conservation areas</p> <p>18.35.140 – FWHCA nomination of species or habitat of local importance</p>	https://www.sanjuanco.com/DocumentCenter/View/20030/	<p>Consider this request during the critical areas update after the Comprehensive Plan update is complete.</p> <p>This docket request was submitted previously in 2018. Council decided that the request will be added to the DCD work plan following the Comprehensive Plan update, and that it will be addressed using the process in 18.30.140 18.35.140 Fish and wildlife habitat conservation areas, Nomination of species or habitats of local importance.</p>

20-0007 D	UGA Map Corrections	SJC DCD	<p>Correct two scrivener's errors in the Friday Harbor Urban Growth Area (FHUGA) on the Comprehensive Plan Official Maps for consistency with Ordinance 47-2007. That ordinance set the current FHUGA boundary.</p> <p>Correction area 1: Change TPNs 3513925100 and 35139251000 from Rural Residential to Friday Harbor Incorporated UGA. Area 1 is two adjacent parcels on Pear Point at the confluence of Warbass Way, Harrison Street and Turn Point Road.</p> <p>Correction area 2: Change triangle area on TPNs 35149902000 and 35149617000. Area 2 is on two Port of Friday Harbor parcels straddling the start of Franklin Drive off of Spring Street.</p>	Comp Plan Official Maps	Comp Plan Official Maps	https://www.sanjuanco.com/DocumentCenter/View/20077/	<p>Incorporate two Plan Official Map corrections into the Plan update.</p> <p>Both proposed map corrections provide consistency with Ordinance 47-2007, which designated phase one of the FHUGA. While the FHUGA boundaries have been updated since 2007, correction areas 1 and 2 were never re-designated on the Official Maps. The application shows that the request complies with the policies for UGAs in Element B.2 Land Use Section 2.3.A in the Comprehensive Plan. Both areas would be corrected to the Friday Harbor Incorporated UGA designation during the Comprehensive Plan update.</p>
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Categories
Category A – Required by law for GMA Compliance or otherwise
Category B – Items needed to achieve important public policy objectives of a countywide nature
Category C – Items that can be considered as part of a larger Comprehensive Plan Update or subarea planning process
Category D – Items needed to provide clarity and certainty to the Unified Development Code or Comprehensive Plan by removing inconsistencies and/or ambiguities
Category E – Lower priority items to be considered on a future year work program
Category F – Obsolete, previously resolved or not recommended for further consideration