



Friends *of the* San Juans

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To: SJC Planning Commissioners and Council Members
From: Lovel Pratt, Marine Protection and Policy Director
Date: October 13, 2020

Subject: Comments on SJC's Comprehensive Plan Update, September 30, 2020 version of the Preliminary Draft: Element B.2 Land Use and Rural – Strikeout/Underline section and the August 7, 2020 Staff Briefings on Accessory Dwelling Unit (ADU) Policy and Regulations and Rural Residential Cluster Development

Submitted via email: compplancomments@sanjuanco.com

Comments on UGA goals and policies:

2.3.A Urban Growth Areas:

New Goal 1 Policy 3 does not appear to address [WAC 365-196-310](#) Urban growth areas:

(4)(c)(vi) Consideration of critical areas issues. Although critical areas exist within urban areas, counties and cities should avoid expanding the urban growth areas into areas with known critical areas extending over a large area.

Goal 1 Policy ~~45~~, retain the sentence (currently in strike-out): “Critical Areas within growth areas should be preserved and enhanced.”

Both the Lopez and Eastsound UGAs include critical areas with significant nearshore and wetland resources including freshwater and estuarine wetlands, feeder bluffs, eelgrass and surf smelt, sand lance and pacific herring forage fish spawning habitats. As requested in our August 18, 2020 comments (attached), please direct staff to address [WAC 365-196-485](#) (1)(c):

(1)(c) Counties and cities are required to identify open space corridors within and between urban growth areas for multiple purposes, including those areas needed as critical habitat by wildlife.

Please also direct staff to also address these sections of WAC 365-196-485:

(3)(c) Critical areas should be designated and protected wherever the applicable environmental conditions exist, whether within or outside of urban growth areas. Critical areas may overlap each other, and requirements to protect critical areas apply in addition to the requirements of the underlying zoning.

(4)(b) When considering expanding the urban growth area, counties and cities should avoid including lands that contain large amounts of mapped critical areas. Counties and cities should not designate new urban areas within the one hundred-year flood plain unless no other alternatives exist, and if included, impacts on the flood plain must be mitigated. RCW 36.70.110(8) prohibits expansion of the urban growth area into the one hundred-year flood plain in some cases. See WAC 365-196-310.

(4)(c) If critical areas are included in urban growth areas, they still must be designated and protected.

Comments on Rural Residential Clusters:

FSJ supports the staff recommendation to strike SJCC 18.60.260(D) 4 which allows affordable housing development to occur without a binding legal agreement. FSJ does not support the other staff recommendations which would provide a 50% increase in the allowable density of each rural residential cluster coupled with reduced affordable housing requirements. Under these staff recommended changes, the negative impact of increased density on rural character would no longer be outweighed by the positive benefit of affordable housing. Any increased density in rural areas through Rural Residential Cluster developments should be linked to permanently affordable housing benefits.

- Issue 1 - Limits to the number of units and developments allowed: FSJ does not support the staff recommendation to update SJCC 18.60.230(C)(5)(b) to allow a maximum of twelve dwelling units in a rural residential cluster. This would be a 50% increase to the allowable density of each rural cluster and would further exacerbate the patterns of sprawl within rural areas, impacting open space, scenic and cultural resources.
- Issue 2 - Limits to the size of cluster development structures: While option B (change SJCC 18.60.230(C)(6) to increase the maximum allowed square footage for dwellings and accessory structures to 2,000 square feet) might be simple for DCD to implement, it would be very difficult for DCD to enforce given that SJC code allows accessory structures that do not require permits.
- Issue 3 - Cluster development ownership requirements -- and Issue 4 - Assurance of Affordability Requirements: FSJ does not support the staff recommendation to remove the requirement that a public agency or a business or nonprofit corporation in the business of providing affordable housing own the property where a Rural Residential Cluster is to be constructed. In addition, FSJ does not support the staff recommendation to remove SJCC 18.60.230(C)(3)(b):

Prior to issuance of any building permit for the project, the applicant shall grant a restrictive use easement for the site to San Juan County for the purpose of affordable housing development, subject to such conditions and limitations as the County may require.

Affordable housing agencies, businesses and nonprofits ensure that affordable housing is the mission of a Rural Residential Cluster. SJC should maintain its authority to oversee the appropriate affordable housing requirements that warrant Rural Residential Cluster developments.

The cumulative impacts of the multiple changes recommended by staff are significant and must be given adequate consideration and review in relation to their effect on both rural character and their ability to provide permanently affordable housing.



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To: SJC Planning Commissioners and Council Members

From: Lovel Pratt, Marine Protection and Policy Director

Date: August 18, 2020

Subject: Comments on SJC's Comprehensive Plan Update, July 2, 2020 version of the Preliminary Draft: Element B.2 Land Use and Rural – Strikeout/Underline section and the August 7, 2020 Staff Briefings on Accessory Dwelling Unit (ADU) Policy and Regulations and Rural Residential Cluster Development

Submitted via email: compplancomments@sanjuanco.com

San Juan County (SJC) has an opportunity to prioritize the protection and recovery of our rural character and natural resources in this update of the Land Use and Rural Element. SJC's ability to maintain its rural character has been further challenged since the last update to the Land Use Element. Several changes have occurred that raise questions about the effectiveness of these goals and policies and the ability of current regulations and voluntary measures to maintain the rural character of SJC's rural lands including:

1. Prior to a lawsuit in 2010, the Subdivision Design Standards and Conservation Design Requirements for land divisions in resource land, conservancy, and rural designations (in 18.70.060(B)(10)(a)) required all subdivisions to set aside 60% of the land as open space. Now, a 30% minimum required open space or landscaped area is all that is required for development in all rural land use designations and there are no set aside requirements for resource and special land use designations (see 18.60.050 Table 6.2. Density, Dimension, and Open Space Standards for Rural, Resource, and Special Land Use Districts).
2. One of the largest trends impacting the rural character of San Juan County in recent years has been the proliferation of vacation rentals. There are currently no limitations on the number of vacation rental permits issued by San Juan County. In addition to the erosion of rural character, the unregulated growth of vacation rentals has negatively impacted the quality of neighborhood and community life and further exacerbated a long-term, affordable housing shortage. Adequately regulating vacation rentals will be paramount to preserving rural character and quality of life in San Juan County in the coming years.
3. The recent Critical Areas Ordinance update clearly allows for reasonable use exceptions where it was previously assumed that the presence of critical areas would preclude development. In addition, the land capacity analysis excluded critical areas wholesale, an assumption of protection that is not supported by the associated code.
4. Economic and social changes have influenced development and re-development patterns. More recreational infrastructure, guest accommodations, and vacation rental-related amenities are included with single-family residential development and re-development. These changes are establishing patterns of sprawl within rural areas and

do not preserve and protect open space, scenic, and cultural resources.

5. There is insufficient housing capacity to accommodate the forecasted increase of 4,180 dwelling units over 2016 levels if housing units continue to grow at an average annual rate of 209 per year (the average annual rate from 1980 to 2016).
6. According to the [Economic Analysis of Resource Lands](#), there is the potential that 57% of SJC's Agricultural Resource Lands and 55% of Forest Resource Lands do not meet the criteria for Resource Land designation. Note that vacation (transient) rentals are prohibited in Resource Land designations (see https://www.sanjuanco.com/DocumentCenter/View/2426/06-2001_Prohibit-Transient-Rental-of-Guest-Houses-and-Single-Family-in-Designated-Resource-Lands-PD). One consequence of the de-designation of Agricultural and Forest Resource Lands could be the further proliferation of vacation rentals and associated impacts.

As a result of the significant new challenges facing the preservation of rural character in San Juan County since the last comprehensive plan update, which would be further compounded by staff recommendations regarding Rural Residential Clusters, FSJ urges the county to include additional language and tools in this update to protect rural character consistent with the objectives of the community. Specific recommendations and recommended sections of the code that would strengthen rural character protections, include:

1. Expand the criteria for Resource Land designation to ensure forest and agricultural land acreages remain comparable to current;
2. Revise 18.60.050 Density, dimension, and open space standards Table 6.2. Density, Dimension, and Open Space Standards for Rural, Resource, and Special Land Use Districts:
 - a. Consider increasing the minimum required open space or landscaped area to rural land use designations
 - b. Consider increasing the Minimum Front or Road Setbacks and the Minimum Rear and Side Setbacks
 - c. Consider requiring the Design Standards and Conservation Design Requirements that were formerly required for land divisions in resource land, conservancy, and rural designations in 18.70.060(B)(10)(a) for all development in resource land, conservancy, and rural designations.
3. Re-evaluate what types of rural residential accessory structures are appropriate in rural, resource and conservancy lands and the permitting that should be required

FSJ supports the staff recommendation to not make the proposed changes to the Accessory Dwelling Unit (ADU) code during the Comprehensive Plan update. However, FSJ would support a provision where the owner of property within a UGA could build an ADU (subject to local permitting requirements) for the purpose of affordable rental housing, with deed restrictions or other means to assure permanent affordability.

Regarding Rural Residential Clusters, FSJ supports the staff recommendation to strike SJCC 18.60.260(D) 4 which allows affordable housing development to occur without a binding legal

agreement. FSJ does not support the other staff recommendations which would provide a 50% increase in the allowable density of each rural residential cluster coupled with reduced affordable housing requirements. Under these staff recommended changes, the negative impact of increased density on rural character would no longer be outweighed by the positive benefit of affordable housing. Any increased density in rural areas through Rural Residential Cluster developments should be linked to permanently affordable housing benefits.

- Issue 1 - Limits to the number of units and developments allowed: FSJ does not support the staff recommendation to update SJCC 18.60.230(C)(5)(b) to allow a maximum of twelve dwelling units in a rural residential cluster. This would be a 50% increase to the allowable density of each rural cluster and would further exacerbate the patterns of sprawl within rural areas, impacting open space, scenic and cultural resources.
- Issue 2 - Limits to the size of cluster development structures: While option B (change SJCC 18.60.230(C)(6) to increase the maximum allowed square footage for dwellings and accessory structures to 2,000 square feet) might be simple for DCD to implement, it would be very difficult for DCD to enforce given that SJC code allows accessory structures that do not require permits.
- Issue 3 - Cluster development ownership requirements -- and Issue 4 - Assurance of Affordability Requirements: FSJ does not support the staff recommendation to remove the requirement that a public agency or a business or nonprofit corporation in the business of providing affordable housing own the property where a Rural Residential Cluster is to be constructed. In addition, FSJ does not support the staff recommendation to remove SJCC 18.60.230(C)(3)(b):

Prior to issuance of any building permit for the project, the applicant shall grant a restrictive use easement for the site to San Juan County for the purpose of affordable housing development, subject to such conditions and limitations as the County may require.

Affordable housing agencies, businesses and nonprofits ensure that affordable housing is the mission of a Rural Residential Cluster. SJC should maintain its authority to oversee the appropriate affordable housing requirements that warrant Rural Residential Cluster developments.

In addition, please direct staff to address the following:

1. [WAC 365-196-485](#) Critical areas (1)(c) which does not appear to be addressed, as required, in the current draft of this element. Note that Resource Lands also play a role in providing critical habitat for wildlife.
WAC 365-196-485 Critical areas (1)(c) Counties and cities are required to identify open space corridors within and between urban growth areas for multiple purposes, including those areas needed as critical habitat by wildlife.
2. Updates to this element reference that staff have removed sections and relocated them to the water resources element. However, see [WAC 365-196-485](#) Critical areas (1)(d): RCW 36.70A.070 (1) requires counties and cities to provide for protection of the quality and quantity of ground water used for public water supplies in the land use element. Where applicable, the land use element must review drainage,

flooding, and stormwater runoff in the area and in nearby jurisdictions, and provide guidance to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

Please address the requirements of WAC 365-196-485(1)(d) in this element. In addition to drinking water quality and stormwater planning, it is important that the appropriate element of SJC's Comprehensive Plan also address marine water quality and fresh water quality for other values beyond drinking water.

3. Please evaluate the analyses in the Economic Analysis of Resource Lands report. It is concerning that the report found that of the 13,884.2 acres currently designated as Agricultural Resource Lands, 7,879.7 acres potentially do not meet the current criteria; and of the 18,877.3 acres of currently designated as Forest Resource Lands, 10,304.0 acres potentially do not meet the current criteria. Please identify options for maintaining the rural character and other benefits that Resource Lands provide in addition to local commercial forestry and agriculture..
4. Please update the Land Capacity Analysis to address the facts that
 - a. There is insufficient housing capacity to accommodate the forecasted increase of 4,180 dwelling units over 2016 levels if housing units continue to grow at an average annual rate of 209 per year (the average annual rate from 1980 to 2016); and
 - b. The land capacity analysis excluded critical areas wholesale which is an assumption of critical area protections that are not supported by SJC's Critical Areas Ordinance.
5. Please provide consistency in the evaluations of the proposed changes to the Accessory Dwelling Unit (ADU) code and the proposed changes to Rural Residential Cluster development code.

Specific recommended changes to the July 2, 2020 version of the Preliminary Draft: Element B.2 Land Use and Rural – Strikeout/Underline section:

Page 2, lines 7-11

Retain language from former 2.1.A Purpose section (underlined – and embedded below FYI), underlined):

2.1.A Land Use Concept

San Juan County is faced with a number of critical land use issues, perhaps the most critical being protection of the primarily rural character and natural environment of the islands while allowing for growth and development that maintains these characteristics and a healthy, diverse economy and populace. This Element establishes the concepts for how San Juan County should grow and develop while protecting its exceptional quality of life and natural environment, and equitably sharing the public and private costs and benefits of growth. The concept establishes the overall direction for guiding residential, commercial, and industrial growth in a manner that protects public health and safety and private property rights while preserving rural character and the County's unique island atmosphere. The goals and policies in this element direct future decisions on land

use regulations, actions, procedures, and programs that will further implement the intent and purpose of the overall Plan.

FYI - FORMER VERSION (Page 8 (pdf page 16)):

2.1.A Purpose

San Juan County is faced with a number of critical land use issues, perhaps the most critical being protection of the primarily rural character and natural environment of the islands while allowing for growth and development that maintains these characteristics and a healthy, diverse economy and populace. The Land Use Element of the Comprehensive Plan (Plan), guided by the county-wide Vision Statement, establishes the desired character, quality, and pattern of development for the physical environment of the county. It represents the policy plan for growth over the next twenty years. The goals and policies in this element direct future decisions on land use regulations, actions, procedures, and programs that will further implement the intent and purpose of the overall Plan.]

Page 3 (pdf page 11), lines 20-21

Suggested changes (in underline/strike-out) more accurately describe SJC's marine waters and nearshore environments:

2.1.B Existing Land Use Pattern

San Juan County is located north of Puget Sound and ~~the Strait of Juan de Fuca, west of Rosario Strait, east of Haro Strait, and~~ south of the US-Canadian border and includes portions of the Strait of Juan de Fuca, Haro Strait, Boundary Pass, Georgia Strait and Rosario Strait. San Juan County has 410 miles of marine shoreline and 72% of the county's 621 square mile area is the marine environment.

Page 3 (pdf page 11), lines 28-35

Is the following statement (from the section below) still accurate? "Industrial development in the County is generally limited to small-scale manufacturing of locally-sourced consumer goods such as soaps and food products."

The County's three UGAs are the primary social and economic centers of San Juan, Lopez and Orcas islands. Existing residential development in Friday Harbor, an incorporated UGA, Eastsound and Lopez Village is comprised of single-family residences interspersed with multifamily development. Commercial development in the UGAs includes a mix of retail, food service, and visitor accommodations. The types of existing commercial development serve the needs of both the resident population and the seasonal visitor population; reflecting the significant effect of the tourist economy. Industrial development in the County is generally limited to small-scale manufacturing of locally-sourced consumer goods such as soaps and food products.

Page 5 (pdf page 13), lines 10-11

Additional language (underlined) is needed to show that the current housing development rates will exceed available housing capacity:

There is sufficient housing capacity to accommodate the forecasted 3,109 new residents or 1,524 new households. There is insufficient housing capacity to accommodate the forecasted increase of 4,180 dwelling units over 2016 levels if housing units continue to grow at an average annual rate of 209 per year (the average annual rate from 1980 to 2016).

Page 9 (pdf page 17), lines 37-39

Retain this section that staff has deleted. It is important to recognize the inherent challenges in retaining SJC's rural character. This language was added in response to the GMHB finding that the 1999 Comprehensive Plan was invalid. See [ordinance 11-2000](#).

Some of the residential densities that were established in the 1979 Comprehensive Plan exceeded the density that is considered consistent with rural character by the Growth Management Hearings Boards established under Washington's Growth Management Act.

Page 10 (pdf page 18), lines 18-22

Additional language is needed (underlined) and the language that has been struck needs to be retained (italicized) in order to address the importance of SJC's marine resources.

2.2.A General Goal and Policies

Goal: To provide for the orderly use of San Juan County land, shorelines and water areas and to respect, protect, recover and maintain the natural beauty and land and marine and near-shore resources of the islands, maintain the rural, residential, agricultural atmosphere, *respect the natural environment and processes, recognize the marine orientation of the County*, and to regulate development in a manner which will protect the rights of private landowners and interests of the public.

Page 10 (pdf page 18), lines 26-28

Additional language is needed to emphasize the need for and challenge of retaining rural character:

2.2.A General Goal and Policies

Policies:

1. Manage community growth and its associated impacts, while protecting rural character, natural environments and individual property rights through adoption of a coordinated set of goals, policies and regulations to guide future development in the County.

Page 10, lines 30-31

Additional language (underlined) is needed to identify the importance of protecting natural resources.

2. Recognize and support the right of property owners to maintain and replace legal, non-conforming uses and structures while avoiding environmental impacts.

Page 10, lines 47-51

The additional language (underlined) is needed to address the fact that preserving rural character and natural resources will not be achieved by voluntary measures alone:

6. Implement the Vision of preserving rural character and limited natural resources by means of regulations and voluntary, incentive-based programs, and other strategies, to reduce the maximum number of residential structures in rural areas in a manner that is fair and equitable for property owners including encouraging property owners to keep parcels whole and to preserve open space.

Page 11 (pdf page 19), lines 28-31

The following underlined additions address recommended changes to SJC's vacation rental regulations:

11. Vacation rental (short-term, i.e., of less than thirty days) of a principal, single-family residential unit or an accessory dwelling unit should be subject to standards similar to those for hospitality commercial establishments but should be classified as a residential use for purposes of land use regulation, per state law.

The path to regulating vacation rentals (VRs) in a manner consistent with hospitality standards would include measures such as: requiring each VR to have a water meter and then to provide annual data to San Juan County on water usage; preventing VRs from occupancy that is in excess of allowed septic system design; and including sign-off by homeowners' associations, water users' associations, and road associations prior to the award of a permit.

Beyond creating consistency between the regulation of hospitality commercial establishments, there are a number of other regulatory options related to VRs that will be necessary to protect and preserve the quality of life in San Juan County. These measures include, most importantly, placing a cap on the total number of VR permits allowed within the County at a given time. This cap would ensure that VRs will not become a dominant use in residential neighborhoods, threatening the rural character.

In addition to a total cap, other methods that the County could utilize to manage impacts of VRs include:

- **Distinguishing between Home Shares (owner in residence with one room for rent under the same roof) and Vacation Rentals (whole house).** This would support people who need additional income to stay on island and allow residents who share their homes to serve as ambassadors for visitors—thus limiting the potential for negative impacts on neighbors.
- **Converting the land use permit system to a business license system, with an annual renewal process.** This policy would help to reduce speculation on the transfer of properties that hold VR permits and allow for attrition of permits when properties are sold (based on a system of

phasing out existing permits upon sale of property).

- Limit the location of future vacation rentals based on distance from one another, thus enabling neighborhoods to retain a majority of residences as owner-occupied or year-round rentals.

2.3.B Resource Lands

The recommended additional (underlined) language below identifies the broader economic benefits and ecological services provided by agricultural and forest resource lands. The suggested additions are based on recommendations in the Economic Analysis of Resource Lands report (pages 31 and 52). Without this or similar additional language there is the potential that 57% of all Agricultural Resource Lands and 55% of all Forest Resource Lands could be removed from Resource Land designation, according to the Economic Analysis of Resource Lands report. Of the 13,884.2 acres currently designated as Agricultural Resource Lands, 7,879.7 acres potentially do not meet the current criteria. Of the 18,877.3 acres of currently designated as Forest Resource Lands, 10,304.0 acres potentially do not meet the current criteria. This situation poses a serious threat to both rural character and the feasibility of forestry and agricultural operations.

Page 29 (pdf page 37), line 10-27

Policies:

2. Apply site planning standards for land division activities on resource lands to ensure that agricultural and forest resource lands are conserved for long-term farm and forest uses and benefits.

3. ~~Strengthen~~ ~~Implement~~ [Note: retain “strengthen”] Right-to-Farm and Right-to-Forestry provisions which establish the high priority and favored use of Resource Lands for farming and forestry operations and assure that such uses will not be considered a nuisance or inconvenience to adjacent non-farm uses.

5. Establish clearly defined Resource Lands designations which protect and conserve long-term commercially significant and/or otherwise beneficial agricultural and forest lands and associated uses. The designations are:

a. Agricultural Resource Lands

Goal: To ensure the conservation of agricultural resource lands of long-term commercial significance and/or economic benefits and/or ecosystem services benefits and/or areas needed as critical habitat by wildlife for existing and future generations, and protect these lands from interference by adjacent uses which may affect the continued use of these lands for production of food and agricultural products.

Page 29 (pdf page 37), lines 31-41

Policies:

(1) Lands in current or historical agricultural use which are characterized by the following criteria may be designated as Agricultural Resource Lands:

i. Areas in parcels of ten acres or larger with soils capable of supporting long

- term commercial agricultural production described in the 2009 Soil Survey of San Juan County, Washington; or
- ii. Areas currently designated as Agricultural Resource Lands which provide wider economic benefits engendered by their rural character (e.g., aesthetic qualities, pastoral appearance) and/or ecosystem services (e.g., soil quality, water quality and critical aquifer recharge, carbon sequestration, and areas needed as critical habitat by wildlife); or
- iii. Lands which meet the criteria in (1)(i) or (1)(ii) above which are under conservation easement for agricultural use or which are enrolled in the Open Space-Agriculture taxation program.

Page 30 (pdf page 38), lines 11-32

Forest Resource Lands

Goal: To protect and conserve forest lands of long-term commercial significance for sustainable forest productivity and/or economic benefits and/or ecosystem services benefits and/or areas needed as critical habitat by wildlife and provide for uses which are compatible with forestry activities while maintaining water quality, water quantity, and fish and wildlife habitat.

Policies:

(1) Lands which are characterized by the following criteria may be designated Forest Resource Lands:

- i. are currently designated as Forest Resource Land providing wider economic benefits engendered by their rural character (e.g., aesthetic qualities) and/or ecosystem services (e.g., soil quality, water quality and critical aquifer recharge, carbon sequestration, and areas needed as critical habitat by wildlife);
- ~~ii.~~ are in Forest Land Grades 1-5 on the Department of Natural Resources Private Forest Land Grades map;
- ~~iii.~~ parcels are twenty acres or larger, or of a size meeting the Washington State requirements for timber open space designation;
- ~~iv.~~ are in a tax deferred status of Designated Forest Land or Open Space-Timber, or are state trust lands under forest management; and
- ~~v.~~ are being managed for the long-term production of forest products with few non-forest related uses present.

2.4.B Critical Areas

Page 32 (pdf page 40), lines 46-47

Additional language (underlined) is needed to better define the importance of protecting and recovering SJC's critical areas:

Critical areas are areas within the County that are important to the healthy function of natural ecosystems, are those areas needed as critical habitat by wildlife, as well as areas that can be hazardous to people and their property.

Page 33 (pdf page 41), lines 4-53

Do these goals and policies need updating to be consistent with the current Critical Areas Ordinance? See also WAC 365-196-485 (1)(e) Because the critical areas regulations must be consistent with the comprehensive plan, each comprehensive plan should set forth the underlying policies for the jurisdiction's critical areas program.

Goals:

1. Protect the functions and values of Critical Areas, giving special consideration to anadromous (migratory) fish.
2. Allow for use of property to the greatest extent possible while protecting Critical Area functions and values.
3. Establish Critical Area requirements that are balanced and related to impacts.
4. Establish funding mechanisms to support Critical Area protection programs including funding for voluntary measures such as education, technical assistance, and cost share programs

Policies

1. In conformance with the GMA, in designating and protecting critical areas establish regulations that protect critical areas, based on consideration of the best available science.
2. Adopt policies and regulations to protect functions and values of critical areas.
3. Develop voluntary and incentive-based programs to protect the overall functions and values of critical areas and other natural resources. Voluntary actions may include education, technical assistance, water conservation, stewardship programs, implementation of best management practices, and restoration activities. [NOTE - this language was removed from the previous version. Retain? "One purpose of these programs is to mitigate impacts resulting from authorized exemptions and exceptions."]
4. Manage and mitigate the impacts of land use and development on site.
5. Consider the positive effect of all State, Federal and local environmental protection programs when developing Critical Area regulations.
6. Adopt protection standards that vary based on site characteristics to the extent possible.
7. Implement the provisions of adopted Salmon Recovery and Marine Area Stewardship Plans, giving special consideration to anadromous fish.
8. Monitor and enforce permit requirements and Best Management Practices designed to protect critical areas
9. Control or eradicate invasive and/or noxious weeds in conformance with RCW 17.10.
10. Allow reasonable use exceptions and nonconforming uses.

Page 37 (pdf page 45), lines 1-18

Additional underlined language is needed to address all of SJC watershed management components:

2.4.E Watershed Management

Goal: To protect surface and ground water quality and quantity used for drinking water

and necessary to support freshwater ecosystems and the shoreline habitats and marine areas sensitive to land use and development activities.

Policies

1. Identify surface water bodies and groundwater recharge areas used for public drinking water supplies which include the forests and fields designated as Resource Lands, and, if appropriate, establish a watershed management overlay designed to address the particular water quality and quantity needs for the selected areas.
2. Identify critical freshwater and marine habitat areas, including but not limited to fish bearing streams, commercial and recreational shellfish areas, forage fish spawning sites, eelgrass, and kelps, and establish watershed management overlays for them that, in addition to shoreline management provide sufficient protection from the impacts of upland uses and developments to maintain their habitat quality.
3. Use a watershed or basin planning, and geomorphic shoreforms based approach for managing water, aquatic ecosystems and other natural resources when feasible.

Page 42 (pdf page 50), lines 31-47

Please run a parcel size analysis (minimum, maximum, mean, mode) for rural residential densities outside of LAMIRDs, activity centers, and master planned resorts. Is the following statement (from “Existing Rural Development” below) accurate? “Rural residential densities outside of LAMIRDs, activity centers, and master planned resorts ranges between one dwelling per five acres to one dwelling per fifteen acres.”

Existing Rural Development

Much of the rural land in the County is either undeveloped or developed with residential uses. Rural lands are interspersed with natural resource uses including farms and forestlands. Rural residential densities outside of LAMIRDs, activity centers, and master planned resorts ranges between one dwelling per five acres to one dwelling per fifteen acres. The predominant development pattern in rural areas has led to many of the scenic areas, robust natural environment, and lifestyle that characterize much of the County.

Additional underlined language inserts stronger goal oriented language and more accurately depicts residential development:

Residential Development

Residential development in the rural areas ~~is~~ shall be integrated into the visual and natural landscape because it is typically by requiring setbacks from the roadways and separation ~~see~~ from adjacent development by open spaces and landscaped areas. There are some existing neighborhoods that were platted prior to the establishment of maximum densities by this Plan. These neighborhoods are characterized by smaller parcel sizes than many other rural areas ~~but~~ and some retain vegetative buffers and open spaces where possible thanks to the ‘cabin-in-the-woods’ aesthetic preferred by many property owners ~~even~~ before the County adopted development regulations. The goal of the Rural Element is that ~~The~~ the natural environment predominates over the built

environment in ~~most residential~~ all rural areas outside of LAMIRDs, activity centers, and master planned resorts.

Page 43 (pdf page 51), lines 1-2

Is the following statement true given the allowable use of desalination as a water source? This language appears to date back to when proving water availability excluded the use of desalination.

The primary factor that limits residential density in these areas is the availability of water and septic services.

Page 43 (pdf page 51), line 22

Suggested goal for the Rural Element:

3.2 GENERAL RURAL GOALS AND POLICIES

Goal: To protect the rural character of the County, development regulations require the natural environment to predominate over the built environment in most residential rural areas.