

Sophia Cassam

From: Steve Smith <orcasart@gmail.com>
Sent: Wednesday, August 3, 2022 1:25 PM
To: Comp Plan Update
Subject: Fwd: Comments on Findings
Attachments: Draft_Exhibit A_Findings ss.docx

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Lynda

Please share this email and attachment with the Planning Commissioners. It is my public comment to the Commission on the draft Findings.

Steve Smith

Attached is a Word doc that originated from the DCD. It includes the draft Findings that the DCD prepared for the Planning Commission to consider using.

I have turned on Track Changes and have added comments that help to explain some of my suggestions.

Please keep in mind that the suggestions that I make are based on my understanding of a very complex document. Even after almost two years of working with the document, it is very possible that I have a misunderstanding of some of the elements of the Comp Plan and appendixes that make up the document. I am happy to be corrected if that should be necessary. If my understanding is correct, then I believe that it is necessary to include at least some if not all of the Findings that I have added to the document for me to be able to vote on the Comp Plan. I welcome a revision of the language that I have suggested to make it more accurate and palatable.

I will suggest that we consider the Findings prior to any vote on the Comp Plan.

One other note. The suggested language provided by the DCD for Finding D has the Planning Commission finding that it has reviewed and recommends the Official Map be adopted by the County Council. The vote on this Finding is scheduled to occur prior to the Planning Commission or the public seeing the Official Map or the public hearing on the map is held. For a public hearing to be more than a farse, the public needs a reasonable amount of time to review the map and to formulate a response to it. There also needs to be a realistic chance of making an alteration to the map based on that public comment. If neither the Planning Commission nor the public has that opportunity, then neither the spirit nor the letter of the law will be met. The PC should not

vote to make this finding prior to reviewing or taking public input on the map, especially when the DCD is recommending that the map be changed after our August 5th meeting.

FINDINGS

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- A. RCW 36.70A.130 requires San Juan County to periodically review and, if needed, revise its comprehensive land use plan and development regulations to ensure that the plan and regulations comply with the Washington State Growth Management Act (GMA).
 - B. The Washington State Office of Financial Management (OFM) twenty-year population forecast is included in the proposed Appendix A Population Forecast and Land Capacity Analysis (Exhibit X).
 - C. RCW 36.70A.070 requires the *Plan* include the following:
 - 1. A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.
 - 2. A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community. In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified.
 - 3. A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of

1 meeting existing needs and to ensure that the land use element, capital facilities
2 plan element, and financing plan within the capital facilities plan element are
3 coordinated and consistent. Park and recreation facilities shall be included in the
4 capital facilities plan element.

- 5
6 4. A utilities element consisting of the general location, proposed location, and
7 capacity of all existing and proposed utilities, including, but not limited to,
8 electrical lines, telecommunication lines, and natural gas lines.
9
10 5. A rural element. Counties shall include a rural element including lands that are not
11 designated for urban growth, agriculture, forest, or mineral resources.
12
13 6. A transportation element that implements, and is consistent with, the land use
14 element.
15
16 7. An economic development element establishing local goals, policies, objectives,
17 and provisions for economic growth and vitality and a high quality of life.
18
19 8. A park and recreation element that implements, and is consistent with, the capital
20 facilities plan element as it relates to park and recreation facilities.
21

22 **D.** The San Juan County Comprehensive Plan includes the elements required in RCW
23 36.70A.070 as follows:

- 24
25 1. The Land Use and Rural Element (Exhibit X), in conjunction with the Official Map
26 (Exhibit X), establishes the general distribution, location, extent of future land uses.
27 The Land Use Element and Official Map designate areas for population densities
28 and building intensities. The Land Use Element includes an estimate of population
29 growth. ~~Along with other components of the Plan, the~~ The Land Use and Rural
30 Element has policies ~~for promoting physical activity and addressing stormwater~~
31 runoff.
32
33 2. The Housing Element (Exhibit X) and Appendix 5 Housing Needs Assessment
34 (Exhibit X) ~~review the following: ensures the vitality and character of established~~
35 ~~residential neighborhoods. The Housing Element and Housing Needs Assessment~~
36 ~~include:~~
37
38 a. An inventory and analysis of existing and projected housing needs that
39 identifies the number of housing units necessary to manage projected
40 growth;
41
42 b. A statement of goals, policies, objectives, and mandatory provisions for
43 the preservation, improvement, and development of housing, including
44 single-family residences;
45

Commented [SS1]: What is being ensured? It isn't stated. If the existing character of the established residential neighborhoods is what is being ensured, it is isn't true.

The HNA reports that it plans for the doubling of the number of residential units within the existing footprint of the Eastsound UGA by the year 2036. There is insufficient space for that many new single-family residences. As a result, the UGA will either not meet the projected needs or the character of the residential neighborhoods will change as multiple multifamily units will need to be added to neighborhoods which do not currently have that type of accommodation.

The increased density and increased traffic will change the character of the established neighborhoods.

1 c. Identification of sufficient land for housing, including, but not limited to,
2 government-assisted housing, housing for low-income families,
3 manufactured housing, multifamily housing, and group homes and foster
4 care facilities; and

5
6 d. Adequate provisions for existing and projected needs of all economic
7 segments of the community.

8
9 e. The Housing Element (Exhibit X) and Appendix 5 Housing Needs
10 Assessment (Exhibit X) have the following acknowledged deficiencies
11 and inconsistencies which will be addressed in the next iteration of the
12 Comprehensive Plan:

13
14 1. The Plan uses 2016 data. There have been substantial changes since
15 then including a population influx due to the pandemic that is not
16 reflected in this Plan. Plan elements that rely on population and
17 housing data will need to be updated when the State Office of
18 Financial Management releases updated data.

19 2. The pandemic caused a significant number of people to move to the
20 County who are not reflected in the 2016 data.

21 3. There has been a large increase in the number of people living in
22 “temporary” accommodations such as RVs, trailers, campers, and
23 tents. Many of these “temporary” units are exceeding the time allowed
24 for units that do not have a permit. The population residing in these
25 units is not counted nor have the capacity maps which identify the
26 available space for development been updated to reflect the capacity
27 that has been consumed by the temporary accommodations.

28 4. There are significant differences in housing options between the
29 islands that make up the County. The changes in housing availability
30 and options since the last Comprehensive Plan update are significantly
31 different for each island in the County.

32 5. The housing needs differ by island due to the differences in geography
33 and political structure.

34 6. A future Plan will account for the decrease in the inventory of year-
35 round rental housing units since 2010. The quantity of decrease in an
36 essential category of housing varies by island.

37
38 A future Plan will account for the need for rental units to replace the
39 ones lost. A future Plan will account will consider not only the change
40 in population but also the replacement of renters with owners when
41 determining compliance with meeting the needs of different housing
42 types and economic segments of the community.

43 7. This plan encourages new year-round rental units to be multifamily
44 units. It does this by allowing higher densities within the UGAs where

Commented [SS2]: The regulations are different for Friday Harbor than for County regulated areas.

Commented [SS3]: Historical population trend changes are used to estimate the demand for new housing units. Using the population trend without accounting for the shift from renters to owners causes an underestimation of the need for rental housing.

A large percentage of the renters who are evicted because a buyer converted their rental into a owner lived home are forced to leave the County because there are no alternative rentals to relocate to. The net population change does not account for the "forced" departure and replacement of a segment of the population.

1 the economics are more practical. A future Plan will account for the
2 shift of displaced year-round rental units from the rural areas to the
3 UGAs.

4 8. The plan encourages new development within the UGAs by providing
5 density bonuses and prohibiting the most affordable type of housing
6 units outside of the UGAs.

7 9. A future Plan will account for the four types of new housing demand.

- 8 a. People wanting to move to the County;
- 9 b. People who have a year-round job with an existing
10 employer in the County;
- 11 c. People who a seasonal job with an existing employer in the
12 County, and;
- 13 d. An age related segment of the residents of the County who
14 wish to downsize but remain in the County.

15 A future Plan will account for the different needs of each of these
16 types of demand.

17 10. A future Plan will use a total count of new residential units for
18 determining historical trends and projecting future needs.

19 11. A future Plan will use the effective density rate of existing
20 residential areas for determining the capacity of the UGAs for
21 additional residential units as a modifier of the maximum potential
22 density.

23 12. A future Plan will use as a modifier of the maximum potential
24 density the limitations that the following elements have when
25 determining the capacity of the UGAs:

- 26 a. Wetland and wetland buffers
- 27 b. Parking requirements
- 28 c. Minimum lot size requirements
- 29 d. Open space requirements
- 30 e. Building height limitations
- 31 f. Setback requirements
- 32 g. Floor to Area requirements

33 13. A future Plan will consistently use throughout the Plan the same
34 ratio of new year-round residential units to new seasonal residential
35 units when calculating the total number of units the Plan must
36 accommodate.

37 14. The Findings in D.2.3.e may be inconsistent with the other
38 sections of D.2.3.

Commented [SS4]: The current plan does not consider this questions because the law doesn't require it to consider the needs from this perspective. The Plan isn't being completed to discover what the community needs and how to best achieve it. Instead the plan is being completed as it is because it is going through a checklist of requirements by the State so that it can meet the letter of the law so that it can qualify for grants and loans. The plan does not identify the community needs or how to meet those.

Commented [SS5]: The building permit data collected by the County tracks the number of new units with the following categories, 1, 2, 3, 4+. If an apartment is built with 10 units, it is included with the 4+ group. When the total count of new units is done, the count undercounts 6 units. As a result, multifamily units are undercounted. The undercounting of the number of units constructed causes an underestimation of the past demand and since our projections are based on that past data, our projections will also be underestimated.

Commented [SS6]: The Comp Plan now assumes that the maximum density will be achieved on the portion of the parcels that are developed. The effective density that has actually happened historically is a much smaller number. This Plan assumes 100% density is achieved on the parcels developed. The actual achieved densities vary by land use designation. Some do not exceed 50%. If the Plan assumes 100% is possible but in reality only 70% happens, then the Plan is overestimating by 30% what is available. If the minimum required is allowed, then less than is required is what is actually allowed.

Commented [SS7]: The Comp Plan now assumes that the maximum density will be achieved on the portion of the parcels that are developed. There are a number of regulations that prohibit the maximum density from being achieved. These are not a part of the calculation when deciding if there is enough density or space to meet the expected demand. As a result the potential available space is grossly overestimated.

Commented [SS8]: The County Council adopted a motions projecting a total housing growth for the county by 2036 to be 4,180 new units which includes both year-round and seasonal units. The County Council also adopted a motion projecting a population growth necessitating 1,524 units for year-round residents. The Comp Plan includes numbers for:
•4,180 total units (HNA 5.6 and table 5-16),
•1,524 year-round units (HNA 5.3.1 and table 5-1), and
•2,656 units seasonal units.

This ratio of year-round to seasonal units is inconsistent with the market factor formula that is used to determine the capacity for each land use designation. The market factor formula assigns a 50-50 ratio.

The current ratio is 57% of the residences are occupied year-round and 43% of the residences in the County are used seasonally.

... [1]

3. The Capital Facilities Element (Exhibit X) and Appendix 7 Capital Facilities Plan (Exhibit X) consist of:

- a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;
- b. A forecast of the future needs for such capital facilities;
- c. The proposed locations and capacities of expanded or new capital facilities;
- d. A six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and
- e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

4. The Utilities Element (Exhibit X) and Appendix 8 Utilities Inventory include the general location, proposed location, and capacity of all existing and proposed utilities.

5. The Land Use and Rural Element (Exhibit X) includes goals and policies for those lands that are not designated for urban growth, agriculture, forest, and mineral resources. The Plan keeps the Land Use and Rural goals and policies together in a single element to reflect that the entire County is primarily rural and ensure that goals and policies are consistent and coordinated to preserve rural character throughout the County.

- a. There is no definition of commercially viable for ag or forest services which is part of the criteria for designating land in a particular category.
- b. Some land that is designated as Ag land is covered with forests and cannot be used for agricultural purposes.
- 5. Some land that is designated as Forested and suitable for commercial forestry is without sufficient trees to be considered forested.

6. The Transportation Element (Exhibit X) implements and is consistent with the Land Use and Rural Element. The level of service analyses in Appendix 6 Transportation (Exhibit X) are based on the same assumptions about growth as the Land Use and Rural Element and Official Maps to ensure that transportation infrastructure will remain adequate to serve the needs of the County as new development occurs.

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7. The Economic Development Element (Exhibit X) establishes local goals, policies, objectives, and provisions for economic growth, vitality and a high quality of life.
 8. Appendix 11 Parks, Trails, Natural Areas, and Nonmotorized Transportation Plan (PTNA) implements and is consistent with, the capital facilities plan element as it relates to park and recreation facilities.
- E. The *Plan* includes four optional elements as allowed by RCW 36.70A.080. The optional elements are:
1. Governance Element (Exhibit X);
 2. Water Resources (Exhibit X);
 3. Historic and Archaeological Resources Element (Exhibit X); and
 4. Administration Element (Exhibit X).
- F. RCW 36.70A.110 requires the County to designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban. The Comprehensive Plan Official Maps (Exhibit X) and Land Use and Rural Element (Exhibit X) designate three urban growth areas (UGAs): Friday Harbor UGA, Eastsound UGA, and Lopez Village UGA. Urban growth is encouraged in these UGAs. The remaining rural and natural resource lands allow growth provided it is not urban in nature.
- G. RCW 36.70A.110 and 115 require the County to ensure that the *Plan* and development regulations provide sufficient capacity of land suitable for development to accommodate its allocated housing and employment growth. [See the plan deficiency points under Finding D.](#)
1. The County conducted a *Land Capacity Analysis (LCA)* as recommended by WAC 365-196-310(4)(b)(ii) to determine whether the *Plan* and development regulations provide sufficient capacity of land suitable for development to accommodate the forecasted housing and employment growth.
 2. The *LCA* in Appendix A (Exhibit X) demonstrates that the *Plan* and development regulations provide sufficient capacity to accommodate the forecasted growth as required in RCW 36.70A.115.
- H. RCW 36.70A.140 requires the County to establish and broadly disseminate to the public a public participation program to ensure public participation. On June 20, 2016, the County adopted a public participation plan with Resolution 21-2016.

- 1 I. The County provided for early and continuous public participation during the *Plan* update
2 process. The public was able to participate in the process in the following ways:
3
- 4 1. Submitting written public comments on proposed amendments and staff reports;
 - 5
 - 6 2. Providing comments during public access time at Planning Commission and
7 County Council meetings;
 - 8
 - 9 3. Filling out an online survey; and
 - 10
 - 11 4. Engaging in pop-up studios, public workshops, and open house events.
 - 12
- 13 J. RCW 36.70A.150 requires the County to identify lands useful for public purposes such as
14 utility corridors, transportation corridors, landfills, stormwater management facilities,
15 recreation, schools, and public uses. Appendix 6 Transportation (Exhibit X) identifies
16 lands useful for transportation uses. Appendix 7 Capital Facilities Plan (Exhibit X)
17 identifies lands useful for public uses. Appendix 8 Utilities (Exhibit X) identifies lands
18 useful for utility uses. These appendices identify lands useful for public purposes.
19
- 20 K. RCW 36.70A.160 requires the County to identify open space corridors within and between
21 UGAs. Open space corridors include lands useful for recreation, wildlife habitat, trails,
22 and connection of critical areas. The PTNA, *Plan* Appendix 11 identifies these corridors.
23
- 24 L. RCW 36.70A.170 requires the County to designate agricultural, forestry, and mineral
25 natural resource lands, which are not characterized by urban growth and have long-term
26 commercial significance for the production of natural resources. The Land Use and Rural
27 Element (Exhibit X) and the *Plan* Official Maps (Exhibit X) designate natural resource
28 lands. The natural resource land designations are consistent with the guidelines to classify
29 agriculture, forest and mineral lands in Chapter 365-190 WAC.
30
- 31 1. WAC 365-190-040(3) requires the County to review and, if needed, update natural
32 resource land designations. WAC 365-196-480(2)(e) requires that review of
33 existing natural resource land designations be done on an area-wide basis. The
34 County conducted a countywide review of natural resource land designations, the
35 results of which were available to the public, Planning Commission, and County
36 Council in a staff report dated April 2, 2021.
37
 - 38 2. Pursuant to WAC 365-196-480(2)(e) and Chapter 365-190 WAC, the County
39 updated its natural resource land designations on the *Plan* Official Maps. Analysis
40 of each natural resource land designation change was based on the requirements in
41 Chapter 365-1960 WAC and *Plan* policies. This analysis was included in a staff
42 report dated April 2, 2021.
43
 - 44 3. The lands designated as agricultural, forestry, and mineral resource lands on the
45 Official Maps are not characterized by urban growth, have long-term commercial

1 significance for their respective resource, and are used or capable of being used for
2 production of natural resources.
3

4 **M.** RCW 36.70A.200 requires the County to include in its *Plan* a process for identifying and
5 siting essential public facilities. The Land Use and Rural Element (Exhibit X) includes
6 policies and San Juan County Code 18.30.055 and 18.80.190 establish a process for
7 identifying and siting essential public facilities.
8

9 **N.** The *Plan* is internally consistent as required by WAC 365-196-500. All assumptions about
10 growth are based on the same population forecast from OFM. The Administration Element
11 (Exhibit X) establishes a mechanism for ongoing review of the *Plan*'s implementation and
12 adjustment of its terms to remain internally consistent.
13

14 **O.** The Comprehensive Plan (*Plan*) update adopted by this ordinance satisfies the requirement
15 to periodically review and revise the San Juan County Comprehensive Plan.
16

DRAFT

The County Council adopted a motions projecting a total housing growth for the county by 2036 to be 4,180 new units which includes both year-round and seasonal units. The County Council also adopted a motion projecting a population growth necessitating 1,524 units for year-round residents. The Comp Plan includes numbers for:

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The current ratio is 57% of the residences are occupied year-round and 43% of the residences in the County are used seasonally.

County Council ordinances adopted ratios which are significantly different from the current ratios.

The ordinances adopted by the Council are referenced in the plan but not consistently used in the plan.
