

Sophia Cassam

From: James McCubbin <james@sanjuans.org>
Sent: Monday, September 19, 2022 4:09 PM
To: Comp Plan Update
Cc: Christine Minney; Cindy Wolf; Jamie Stephens; R. Brent Lyles
Subject: Re: Friends of the San Juans comments to County Council on Comp Plan Update
Attachments: 2022-09-15 Friends Comp Plan overall comments to CC.docx.pdf

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Dear County Council Members,
I've come to realize that the letter sent to you last week mistakenly included a "draft" watermark.
Please find a clean version of the letter attached to this email.
I apologize for the confusion/distraction of the watermark.
-James

D. James McCubbin (he/him) | **Legal Director & Staff Attorney** | **Friends of the San Juans**
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On Thu, Sep 15, 2022 at 4:34 PM James McCubbin <james@sanjuans.org> wrote:

Hello County Council Members,
Please see attached letter from Friends of the San Juans regarding the Council's review of the Comp Plan Update.
Thank you for your consideration.
-James McCubbin

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September 15, 2022

County Council of San Juan County

delivered via email to: compplancomments@sanjuanco.com

Re: Comments for County Council review of the San Juan County Comprehensive Plan Update.

Dear County Council Members,

Thank you for engaging in a series of meetings to review the San Juan County Comprehensive Plan Update. We appreciate your detailed review of the draft prior to your public hearing.

1. [Why is Friends of the San Juans commenting now -- didn't Friends participate in the Planning Commission proceedings?](#)

Friends has previously submitted numerous public comments to the Planning Commission, both in writing and verbally. Unfortunately, a number of important language recommendations were not addressed by the Planning Commission. This letter is intended to focus on Friends' most significant remaining concerns and includes several specific proposed language changes for the Comprehensive Plan Update.

2. [Are there any concerns about the County Council's Comp Plan Update public process?](#)

Yes. We find it concerning that a bare minimum notice was given for the commencement of your review of the Comp Plan Update. Your review began before the Planning Commission has even made its recommendation, which raises questions about the validity of your entire review process.

Moreover, your notice for the September 12, 2022, meeting was posted less than one business day ahead of the meeting, and did not include the staff report. The public was not given adequate notice that you would be conducting and completing your pre-hearing review of several Elements, notably including the Land Use & Rural Element which was a focus of extensive public interest before the Planning Commission.

We note that the County has adopted a Public Participation Plan that requires more than minimal meeting notices. The Plan provides that “The County recognizes that one notification method may not be easily accessible to all members of the public or county residents; therefore, the County will utilize multiple notification methods to ensure early and continuous public participation throughout the Comprehensive Plan and development regulations update process.” *San Juan County, Public Participation Plan*, page 10 (emphasis added).¹

The inadequacy of the notice for your September 12 meeting was confirmed by the absence of any members of the public at your meeting, even after so much expression of public interest on the Land Use & Rural Element in front of the Planning Commission.

We recognize that it is important to complete this overdue process. However, after spending so much time and effort on the process, it does not make sense to rush the final and most important stage of review of the Comp Plan Update in front of the County Council. We ask that you encourage and enable meaningful public participation consistent with the Public Participation Plan, and not just rush through this process with minimal notice. We also ask that you reopen your discussion of the Land Use Element in order to address the concerns outlined below. (We would have submitted these comments in advance if adequate public notice had been given.)

3. Is Friends satisfied that the Comprehensive Plan Update draft meets legal requirements?

No. Friends is very concerned that several aspects of the factual foundations of the Comprehensive Plan Update are deeply flawed. **The Land Capacity Analysis and Natural Resource Land Designations have fundamental flaws which raise questions about the legitimacy of the entire Comprehensive Plan Update process and draft Plan.** We have

¹ San Juan County Resolution 21-2016, Attachment D:
<https://www.sanjuanco.com/DocumentCenter/View/8673/>

previously submitted numerous comments to the Planning Commission detailing these concerns.

It is not technically too late for the County to go back and address these vital core issues. However, Friends recognizes that as a practical matter, doing so would result in a significant delay of the Comp Plan Update process, and significant public expense. A legal challenge upon these issues would similarly result in additional delays and public expense. Friends also acknowledges that the County is swiftly approaching commencement of the *next* Comp Plan Update process. We are optimistic that with new County leadership, and lessons learned from the current update process, the next update process will include more thorough and accurate Land Capacity Analysis and Natural Resource Land Designations, without the need for protracted litigation.

4. Specific proposed language amendments:

We request that you consider and adopt the following important changes into the Comprehensive Plan Update.

a. Urban Growth Areas (Exhibit D: Section B, Element 4, Land Use and Rural)

The Comprehensive Plan needs to do more to focus development within urban growth areas. This is the best way to promote our economy while conserving natural resources, and is required by the Growth Management Act.

2.1.F Growth Management and Resource Protection²: Friends proposes amending the language of this policy statement to clarify the prioritization of development within UGAs and LAMIRDs:

It is the policy of San Juan County to focus future development within Urban Growth Areas and LAMIRDs, and discourage development outside of those areas. To ensure that critical areas and rural resources are protected, and that urban governmental services will not be required outside of urban growth areas and LAMIRDs, in addition to the density requirements Plan policies address limits on capital facility development in the

² At pdf page 55 of the July 5, 2022 Staff report with attachments, https://www.sanjuanco.com/DocumentCenter/View/26400/2022-07-05_DCD_2036_Plan_Update_Draft_Ord_with-Exhibits_for-PC_PH_2022-07-15?bidId=.

rural areas, conservation subdivision standards and other site design and performance standards to focus development inside Urban Growth Areas and LAMIRDs, and discourage development outside of those areas.

2.2.A General Goal and Policies, Policy 4³: Clarification language proposed:

4. Direct development into urban growth areas and Activity Centers, and enable high density residential and mixed use development ~~into~~ within urban growth areas; and Activity Centers, to prevent sprawl and relieve growth pressure in the surrounding rural areas.

2.2.K Sewage Disposal, new Policy⁴: Proposed new policy to encourage focusing development in areas with community sewage treatment:

8. Encourage and incentivize development in areas with community sewage treatment facilities in order to reduce adverse cumulative impacts of individual sewage disposal systems.

2.3.A URBAN GROWTH AREAS, Goal 1⁵: This overall goal statement should be clarified as follows:

Goal 1: To recognize, ~~and provide for,~~ and encourage development within areas of compact urban development that includes urban-levels of uses and intensities which offer diverse employment opportunities, a variety of residential densities and housing types, commercial, industrial, institutional, recreational, and community uses. Development outside of these areas will be discouraged.

2.3.A URBAN GROWTH AREAS, Policy 9⁶: The encouragement of single-family housing within UGAs is inconsistent with other policies (see for example Policy 7 just above this policy, “Standards should also be developed to prohibit new development during the phasing period that would physically preclude eventual higher densities”), and is incompatible with the legal

³ At pdf page 56 of the July 5, 2022 Staff report with attachments.

⁴ At pdf pages 62-63 of the July 5, 2022 Staff report with attachments.

⁵ At pdf pages 67-68 of the July 5, 2022 Staff report with attachments.

⁶ At pdf page 69 of the July 5, 2022 Staff report with attachments.

requirements of the Growth Management Act. Amend this policy to read:

9. Encourage new residential development in urban growth areas to include a full range of ~~single- and~~ multi-family housing types. New areas added to an urban growth area should ~~permit~~ require minimum densities of at least 4 units per acre in order to support efficient public services and provide a full range of affordable housing opportunities in the future.

b. Resource Lands (Exhibit D: Section B, Element 4, Land Use and Rural)

i. Net Gain policy for Forest Resource Lands

2.2.F Natural Resource Conservation, new Policy⁷: Under the Goal, “To preserve nonrenewable natural resources and conserve renewable natural resources for the benefit of existing and future generations,” we recommend including a net gain policy, and especially recommend not just including a policy to adopt a policy. The same policy of net gain (or, at the least, no net loss) should also be applied to Agricultural Resource Lands. We propose the following language as a new Policy:

11. Any de-designation of Forest Resource Lands must coincide with the designation of Forest Resources Lands that have more acreage than the de-designated parcel(s).

ii. Net Gain policy for Agricultural Resource Lands

2.2.N Agriculture, Policy 3⁸: Under the Goal, “Protect agricultural land and promote diverse agricultural activities that enhance stewardship and economic viability, and maintain the rural character of San Juan County,” we recommend including a net gain policy, and especially recommend not just including a policy to adopt a policy. The same policy of net gain (or, at the least, no net loss) should also be applied to Forest Resource Lands. We propose the following language to restore Policy 3:

3. ~~Adopt a policy of no net loss of Agricultural Resource Land (ARL).~~ Any de-designation of Agricultural Resource Lands must coincide with the designation of Agricultural

⁷ At pdf pages 60-61 of the July 5, 2022 Staff report with attachments.

⁸ At pdf pages 63-64 of the July 5, 2022 Staff report with attachments.

Resources Lands that have more acreage than the de-designated parcel(s).

c. Critical Areas (Exhibit D: Section B, Element 4, Land Use and Rural)

2.3 Urban Growth Areas, Policy 3⁹: Policy 3 fails to address the provisions of WAC 365-196-310, Urban growth areas, which directs counties to “avoid expanding the urban growth areas into areas with known critical areas extending over a large area.” Friends recommends adding a new subparagraph h, and renumbering current h to i:

h. The area does not include critical areas extending over a significant portion of the area.

2.3 Urban Growth Areas, Policy 6¹⁰: Restore last sentence regarding critical areas (currently in strike-out):

Adopt subarea plans or location-specific designations and standards for urban growth areas to guide land use and development in these areas. including identification of residential, commercial, industrial, and open space and park areas. Land use districts and development standards for subareas should be consistent with GMA direction to develop compact urban areas and to retain and enhance community character and values. Critical Areas within growth areas should be preserved and enhanced.

d. Transportation (Exhibit G, Section B, Element 6)

i. Nonmotorized transportation

6.2.A.3(f)¹¹: Restore prior language at 6.2.A.3(f) with slight amendment, because other language in 6.2.A.3 is focused on nonmotorized traffic to ferry terminals, activity centers, and points of interest, but encouraging and supporting nonmotorized transportation is important throughout the County:

⁹ At pdf page 68 of the July 5, 2022 Staff report with attachments.

¹⁰ At pdf page 69 of the July 5, 2022 Staff report with attachments.

¹¹ At pdf page 152 of the July 5, 2022 Staff report with attachments.

Provides a safe and efficient network of trails within and beyond activity centers for bicyclists, equestrians, pedestrians, nonmotorized marine traffic and encourages nonmotorized transportation as a viable, healthy, non-polluting alternative to single-occupancy vehicles throughout the County;

ii. Ferries and Barges

6.4.B, Policy 10(b)¹²: Amend language to clarify that alternate modes of transportation should be evaluated for impacts, rather than simply promoted without evaluation:

Evaluate environmental impacts and identify appropriate mitigations for any additional ~~Promote~~ alternative modes of transportation, such as private ferry systems, barges, air transportation, and passenger-only services, which could reduce need for expanded vehicle terminal facilities in the islands;

6.4.C¹³: Level of Service (LOS) standards should be described for barge landing sites. The County has multiple versions of working lists that include over 400 barge landing sites. While it is likely not the intent of the County that all of those sites become marine transportation facilities, the potential future use of the extensive list of identified barge landing sites would benefit from a more robust public process that balances the need for barge landing sites with their possible environmental, aesthetic, and other impacts. Lacking restoration of LOS language for barge sites, Friends recommends at least amending the third paragraph under 6.4.C to read:

The availability of sufficient barge landing sites and storage areas, and their safe use, are required to accommodate business development and road building, especially if materials for road building must come from off-island providers. Barge landing sites are also critical for emergency situations. Hundreds of existing barge landing sites already serve the County's islands. Expansion of existing barge landing sites and/or establishment of new barge landing sites will be approved only when existing landing sites are inadequate to serve public needs.

¹² At pdf page 167 of the July 5, 2022 Staff report with attachments.

¹³ At pdf page 168 of the July 5, 2022 Staff report with attachments.

6.4.C, Policy 2¹⁴: Friends supports the inclusion of a policy on public barge landing sites but recommends text regarding the appropriate siting and design of such facilities.

Support the development of one public barge landing site per island, that is appropriately sited, environmentally responsible, and consistent with the Shoreline Master Plan and where adequate parking space is available.

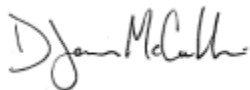
e. Climate Change

Finally, because it is extremely important, we are also asking again that the County Council include a Climate Change Element in the Comprehensive Plan Update. **We cannot do too much to address climate change, the greatest threat ever to the San Juan Islands, our way of life, and our childrens' futures.** Although the Update draft includes language to address climate change scattered across various elements, it lacks an overall statement of the County's policies and goals to address climate change. The County has previously adopted multiple policy statements regarding climate change, including within the County Charter itself. Those policy statements should be included in the Comprehensive Plan as core policy elements for the future of development in San Juan County. Friends has compiled the County's existing policies into a proposed Climate Change Element for adoption into the Comprehensive Plan. **It is not too late to include the Climate Change Element in the Comp Plan!** We urge you to include the Climate Change Element in the Comprehensive Plan Update.

Please see Friends' proposed language for a Climate Change Element in comments submitted to the Planning Commission on June 6, 2022.¹⁵

Thank you again for your public service and consideration of these comments.

Sincerely,



D. James McCubbin
Legal Director & Staff Attorney

¹⁴ At pdf page 169 of the July 5, 2022 Staff report with attachments.

¹⁵https://www.sanjuanco.com/DocumentCenter/View/26254/2022-06-06_PUB_Friends-of-the-San-Juans_Climate-Change-Element