

Friends *of the* San Juans

To Sophia Cassam, Planner III; Planning Commissioners; and County Council
From: Eva Schulte, Executive Director, Friends of the San Juans

Re: Planning Commission review of Land Use and Rural Element

Date: January 17, 2025

For 45 years, Friends of the San Juans has been engaged in comprehensive planning in San Juan County with the goal of protecting island resources and communities such as agricultural and forest resource lands. Friends of the San Juans is grateful for the opportunity to respond to the proposed updates to the Land Use and Rural Element.

We are seeking some clarification and further explanation on a few points in the draft element. After your discussion at the Planning Commission level, Friends may submit more detailed comments and recommendations.

Critical Areas

The consultant's memo starts by referencing "balancing growth with conservation." It is important to clarify that this overall approach does not apply to critical areas, which of course are required to be protected.¹ The actual language in the Comp Plan does promote the protection of critical areas, Friends wants to be sure that that it is clear that the consultant's statement is not applicable to critical areas.

New Policy LRU-35.1 *Protect the functions and values of Critical Areas, giving special consideration to anadromous fish **and protecting the habitats of all terrestrial and aquatic species found in the Islands.***

This draft update language proposes to revise a critical area policy so that it reads, "Protect the functions and values of Critical Areas, giving special consideration to anadromous fish and protecting the habitats of all terrestrial and aquatic species found in the islands." While this appears to be positive policy language, it should be added as a separate policy because not all

¹ Growth Management Act, RCW 36.70A.060(2)

"Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170."

Washington State Department of Ecology v. City of Kent, Central Puget Sound Growth Management Hearings Board, Case No. 05-3-003, Final Decision and Order, 52 (2006)

"The Supreme Court explained that a city or county's discretion to balance GMA goals is not a license to ignore the GMA's explicit requirements. Thus 'balancing' and 'deference' come into play when GMA mandates have been satisfied." citing Quadrant Corporation v. GMHB, 154 Wn.2d 224, 246-247, 110 P.3d 1132 (2005).

habitats of terrestrial and aquatic species qualify as critical areas and by combining these policies it could dilute protections for critical areas.

Farmworker Housing

New Policy LRU-14.4 *Establish an exemption option for non-residential agricultural buildings necessary for production and storage such as barns, equipment shelters and greenhouses from land use permit requirements.*

Regarding the exemption option for non-residential agricultural buildings like barns, equipment shelters, and greenhouses, Friends would like clarity on what this exemption would apply to -- e.g., building permits, environmental regulations (ag is largely exempt already from critical areas protections), or the requirement to avoid developing productive agricultural soils?

New Policy LRU- 14.8 - *Encourage the development of farmworker housing by providing incentives including fee waivers and expedited permitting. Farmworker housing units shall not be counted as residences in density allowances.*

Friends recommends that if farmworker housing is allowed, it be prohibited from becoming a vacation rental in the future.

Regarding the proposal for farmworker housing to not be counted as residences for density considerations, while this might be appropriate, but it would benefit from a related policy discussing potential impacts from this increased density -- e.g. water and septic.

Development of Additional Housing Units

The housing analysis concludes that San Juan County needs to consider increasing densities in the Eastsound Urban Growth Area (UGA) or expanding it, or both (page 7). More information is needed on development patterns and how the existing density, incentives, and disincentives are affecting development in the Eastsound UGA before a determination is made regarding increasing densities, expanding the UGA, or both.

Thank you,

Eva Schulte
Executive Director