



# Friends *of the* San Juans

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July 12, 2022

**To: San Juan County Planning Commission**

*delivered via email to: [compplancomments@sanjuanco.com](mailto:compplancomments@sanjuanco.com)*

**Subject: Comments for the Public Hearing on July 15, 2022, on the San Juan County Comprehensive Plan Update**

Dear Planning Commissioners,

Thank you for the extensive work you and DCD Staff have done on the San Juan County Comprehensive Plan Update. It is exciting that we have finally reached the public hearing stage of this process. While a collective sense of achievement and sigh of relief is warranted, it is important to keep in mind that there is still important work to be done before the Planning Commission makes a recommendation to the County Council.

***Why is Friends of the San Juans submitting comments now — haven't we heard from Friends before?***

During the pre-hearing draft process, Friends submitted numerous public comments, both in writing and verbally. Unfortunately, a number of important language recommendations have not yet been incorporated into the hearing draft. This letter proposes several specific language changes for the Comprehensive Plan Update draft, focused on climate resiliency and on protecting and restoring the San Juan Islands and the Salish Sea for people and nature.

***Can the Planning Commission still change language in the Comprehensive Plan Update draft at this "late date"?***

Yes. The purpose of your public hearing on the draft is, of course, to take public comments, which may then lead to improvements of the draft. **It is important that the Planning Commission remain open to amending the Comprehensive Plan Update draft document in response to comments received at the hearing,** to ensure that this is a legitimate hearing

process in compliance with legal requirements. In that spirit, thank you for carefully considering the public comments submitted in writing and at the public hearing, consistent with the County's Public Participation Plan.<sup>1</sup>

*Is Friends of the San Juans satisfied that this draft of the Comprehensive Plan Update meets legal requirements?*

No. Friends continues to be very concerned that several aspects of the factual foundations of the Comprehensive Plan Update are deeply flawed. **The Natural Resource Land Designations, based on the Long-Term Commercial Significance Indices, and the Land Capacity Analysis have fundamental flaws which raise questions about the legitimacy of the entire Comprehensive Plan Update process and draft Plan.** We have previously submitted numerous comments to the Planning Commission detailing these issues. Others have raised noteworthy concerns about whether the draft Plan's goals and policies are consistent with its Vision Statement, and we agree that the Plan's goals and policies are not sufficient to fully realize the Plan's Vision.

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, not to mention 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 at DCD, the Planning Commission, and the County Council, and with lessons learned from the current update process, the next update process will include a more thorough and accurate Land Capacity Analysis and Natural Resource Land Designations, without the need for protracted litigation.

*Specific proposed language amendments*

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We request that the Planning Commissioners consider and incorporate the following important changes in the Comprehensive Plan Update prior to passing on your recommended final draft to the County Council. The additional language we are proposing is indicated below as underlined text (sample), and the text that should be removed is indicated as strike-through (~~sample~~).

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

## 1. 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 San Juan County's rural character, and it is required by the Growth Management Act.

**2.1.F Growth Management and Resource Protection<sup>2</sup>:** 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 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 4<sup>3</sup>:** 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 Policy<sup>4</sup>:** 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.

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<sup>2</sup> 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=](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=).

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

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

**2.3.A URBAN GROWTH AREAS, Goal 1<sup>5</sup>:** 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 9<sup>6</sup>:** The encouragement of single-family housing within UGAs is inconsistent with other policies. (See for example Policy 7, just above this policy, which states, “Standards should also be developed to prohibit new development during the phasing period that would physically preclude eventual higher densities.”). It is also incompatible with the legal 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.

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

### **a. Net Gain policy for Forest Resource Lands**

**2.2.F Natural Resource Conservation, new Policy<sup>7</sup>:** 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).

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

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

<sup>7</sup> At pdf pages 60-61 of the July 5, 2022 Staff report with attachment.

## b. Net Gain policy for Agricultural Resource Lands

**2.2.N Agriculture, Policy 3<sup>8</sup>:** 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 Resources Lands that have more acreage than the de-designated parcel(s).

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

**2.3 Urban Growth Areas, Policy 3<sup>9</sup>:** 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 6<sup>10</sup>:** 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.

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

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

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

## 4. Transportation (Exhibit G, Section B, Element 6)

### a. Nonmotorized transportation

**6.2.A.3(f)<sup>11</sup>:** 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:

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;

### b. Ferries and Barges

**6.4.B, Policy 10(b)<sup>12</sup>:** 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.C<sup>13</sup>:** 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:

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

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

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

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.

**6.4.C, Policy 2<sup>14</sup>:** 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.

## 5. Climate Change

Finally, because it is extremely important, we are also asking again that the Planning Commission include a Climate Change Element in the Comprehensive Plan Update. **We cannot do too much right now to address climate change, which is the greatest threat ever to the San Juan Islands, our way of life, and our children's futures.** Although the hearing 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, particularly with respect to development. 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 adapted 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 Planning Commission's recommendations to the County Council.

Please see Friends' proposed language for a Climate Change Element in comments submitted on June 6, 2022.<sup>15</sup>

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

<sup>15</sup> [https://www.sanjuanco.com/DocumentCenter/View/26254/2022-06-06\\_PUB\\_Friends-of-the-San-Juans\\_Climate-Change-Element](https://www.sanjuanco.com/DocumentCenter/View/26254/2022-06-06_PUB_Friends-of-the-San-Juans_Climate-Change-Element)

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

Sincerely,

A handwritten signature in black ink, appearing to read "R. Brent Lyles". The signature is stylized with a large initial "R" and a long horizontal stroke at the end.

R. Brent Lyles  
Executive Director