

## Sophia Cassam

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**From:** sabernheim@gmail.com  
**Sent:** Friday, July 22, 2022 2:07 PM  
**To:** Comp Plan Update  
**Cc:** Sheila Gaquin; Steve Smith; nickk@sanjuanco.com  
**Subject:** Comp Plan MAP CHANGES 20-0002 parcel 173533001

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Dear Chair Gaquin, and Commissioners Smith and Knoellinger:

I have a question about the procedure used to consider updates to the Orcas Island comprehensive plan maps, in connection with the public hearing coming up on August 19, 2022.

On May 21, 2021 the Planning Commission considered a [Map Change Proposal](#), assigned number 20-0002, a request to change parcel 173533001 from FOR to RFF, to de-designate the parcel at the owner's request from Forest Resource Land to Rural Farm Forest. The Commission made a [preliminary recommendation](#) to change the land use designation on the subject parcel *and the four 5-acre parcels to the south* from FOR to RFF. Here is the recommendation: [https://www.sanjuanco.com/DocumentCenter/View/26355/2036-Comprehensive-Plan-Map-Change-Proposals\\_Orcas](https://www.sanjuanco.com/DocumentCenter/View/26355/2036-Comprehensive-Plan-Map-Change-Proposals_Orcas). No applications were ever submitted to de-designate the four additional parcels. The public hearing is August 19, 2022.

Questions:

- Can the Planning Commission correctly recommended de-designation of four parcels from Forest Resource [FOR] to Rural Farm Forest [RFF] if no one has ever submitted any application to do so ?
- Does the Planning Commission's recommendation comply with the map change process set out in SJCC 18.90.030 if four parcels are to be de-designated from FOR to RFF without any application from anyone to do so and without any showing the properties are improperly designated as resource lands ?
- If it violates the County Code to propose de-designation of the four parcels to the south without any application to do so, should the Planning Commission reevaluate its recommendation to de-designation the single parcel ?

Possible Answers:

- Isn't this effort by the Planning Commission to de-designate resource lands without anyone's application to do so arbitrary ?
- If the County wants to de-designate these four parcels, shouldn't it follow the process set out in SJCC 18.90.030 and submit a proper application and show how the resource designation is inappropriate ?
- Why wouldn't de-designating the single parcel without de-designating the four additional parcels create an unlawful enclave ?

[The County Code Describes the Procedure for Map Changes.](#) Amendments to the Comprehensive Plan Official Maps are the mechanism by which the Comprehensive Plan land use district designation applicable to property can be changed to reflect such things as changed circumstances, new land use needs, new land use policies, or inconsistencies between designations, area characteristics and the goals and policies as well as purpose and intent of the Comprehensive Plan. 18.90.030A. The San Juan County Code contains criteria and procedures to be followed before Amendments can be made to the Comprehensive Plan Official Maps. SJCC 18.90030. The County Council shall actively seek and encourage input on proposed amendments to the official maps. 18.90.025.

Map Changes Require Applications. Anyone may propose an amendment to the official maps, subject to following the correct procedure. 18.90.030B.

1. First, every request for amendment of the official maps must be submitted to the planning department between January 1s and March 1<sup>st</sup> in order to be considered. 18.90.030C.
2. Second, every request shall be in writing and include detailed information about each parcel to be de-designated: its historic use, its suitability for forest resource us, its water supply, etc.. 18.90.030D.1.
3. Third, every request shall identify clearly the areas for which the change is requested and the reasons for the change. 18.90.030D.2.
4. Fourth, the applicant must show the property is not appropriately designated under the FOR designation. 18.90.030D.3.
5. Even after the applicant prepares a satisfactory written application for de-designation of the parcel, and if the written application is filed in time, there must be publication of a notice of a public hearing and notice and hearing to the affected property owners and neighbors (18.90.030E.1) and proper posting (18.90.030E.2.)

Only then, after written application in the proper form filed during the proper time, and only then after notice and hearing, can the application be approved, and then only if all of the following criteria are met:

- a. The changes would benefit the public health, safety, or welfare.
- b. The change is warranted because of one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan.
- c. The change is consistent with the criteria for land use designations specified in the Comprehensive Plan.
- d. *The change, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations.*
- e. The benefits of the change will outweigh any significant adverse impacts of the change.

Here, there is no written application to change any of the four additional parcels to the south of the applicant's own parcel. There is no mention in any of the materials that anyone has submitted an application between January 1<sup>st</sup> and March 1<sup>st</sup> to de-designate the four parcels in question. There are no applications in the record from those four parcel owners, or from the county council, or from anyone. So, in this case, has the Planning Commission exceeded its authority by deciding to de-designate resource lands without any written application by anyone in support of that action ?

Can the County arbitrarily de-designate resource lands without any application ? "3. If a proposal would remove a resource land designation from property, the *applicant* must provide information demonstrating that the property is not appropriately designated as agricultural land or forest land under RCW [36.70A.170](#)." SJCC 19.80.030D.3. Here, there is no evidence in the record that any *applicant* or anyone else provided any information showing de-designation was appropriate. There is no applicant to de-designate these parcels in the first place.

Under 18.90.030 B, the County Council or the Planning Commission or the Planning Department or any interested party could apply to change the map, but to do so requires that the statutory procedure be followed, i.e., apply between January and March (18.90.030 C), and submit a written application for each parcel (subpart D), etc. Here, instead of following the proper procedure, has the Planning Commission bootstrapped an application for one parcel to make a change to lots of other parcels without proper application or proper notice ?

Why didn't the county planning department follow the procedure in the Code ? Can the county de-designate any land when nobody, not even itself, applies ? Please help me understand this situation.

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