



Approved as modified at the October 17, 2025 Planning Commission meeting.

The modification is shown in strike out below.

SAN JUAN COUNTY PLANNING COMMISSION MEETING
MINUTES OF THE SEPTEMBER 19, 2025 MEETING

The meeting of the San Juan County Planning Commission was called to order by Chair, Rick Hoffman, at 8:34 a.m. in the County Council hearing room, Legislative Building, 55 Second Street, Friday Harbor, and San Juan Island.

Planning Commission

Members Present: By Microsoft Teams: Sheila Gaquin, Serina Adams, Bill Bangs, Gary Franklin and Rick Hoffman.

Planning Commission

Member Absent: Peter Kilpatrick

**Department of Community
Development (DCD) Staff**

Present: Present in person: Lynda Guernsey, AS II.
By Microsoft Teams: Sophia Cassam, Planner III AICP

Public Works Staff Present: Jesse Douglas-Seitz, Deputy Director/County Engineer

Administrative Items

Confirm Agenda

Note to the public listening, that public testimony during the hearing will be limited to three minutes due to the large number of public wishing to comment.

Minutes of ~~June 20, 2025~~ September 19, 2025

Moved by Sheila Gaquin, seconded by Serina Adams, to approve the minutes as submitted. Adams-yes, Bangs-yes, Sheila Gaquin-yes, Gary Franklin-abstain, and Rick Hoffman-yes. Motion passed four yes votes and one abstention (Franklin).

Introduction of Sev Jones, New Director of the Department of Community Development

Sev Jones introduced himself and stated his positive outlook for the department going forward

Public Access Time

The following spoke:

Magali Cota, Friends of the San Juans

Public access was closed as there was no one else who wished to speak.

Briefings

2026 Six Year Transportation Improvement Program (TIP) 2026-2031- Jesse Douglas-Seitz, Deputy Director of Public Works/County Engineer

Jesse Douglas-Seitz went through a presentation of the 2026 Six Year Transportation Improvement Program (TIP) 2026-2031 and responded to questions and comments from the Planning Commission.

Moved by Gary Franklin, seconded by Bill Bangs to recommend the 2026 Six Year Transportation Improvement Program (TIP) 2026-2031 as presented. Adams-yes, Bangs-yes, Sheila Gaquin-yes, Gary Franklin-yes, and Rick Hoffman-yes. Motion passed unanimously.

2025 Comprehensive Plan Periodic Update – Sophia Cassam, Planner III

Public hearing on the 2025 Comprehensive Plan Periodic Update – Sophia Cassam, Planner III

Sophia Cassam went through a presentation of the Comprehensive Plan update background and went through what has been updated coming forward to the hearing.

Public comment was opened and the following spoke:

Chris Greacen, Lopez Island	Eric Gaston, Orcas Island	Tyler Otten, Orcas Island
Jaime Beechum et. al. Orcas Island	Bob Connell, Orcas Island (spoke twice)	Kein Sterling, Lopez Island
Vince Dauciunas, OPALCO	David Bill, Orcas Island	Chom Greacen, Lopez Island
Maria Burke, Orcas Island	Patty Miller, Orcas Island (spoke twice)	Marty Vowels, Orcas Island (spoke twice)
Barb Skotte, Orcas Island	Faith Van De Putte, Lopez Island	Magali Cota, Friends of the San Juans
Forest Miller, San Juan Island	Morgan Arrington, Orcas Island	Michelle Larson, Orcas Island
Grant Telfer, Orcas Island		

Public comment was closed as there wasn't anyone else that wished to speak.

Discussion was then held between the Planning Commission and Sophia Cassam, to respond to questions, comments, and suggestions.

Deliberations

By Consensus, to add the clarification edits to Master Plan Resorts as presented by Sophia Cassam.

By Consensus, to accept the Utilities Policy 4.5 and 7.3 with the following change in both: delete the words "avoid" and "and compensate for".

By Consensus, in Land Use, Policy 4.5, accept the language with the deletion of "other" and replace with "non-EPF"

Findings

Moved by Gary Franklin, seconded by Sheila Gaquin, the Planning Commission accepts the Findings as presented in the draft ordinance, Findings 1. through 14. With the modification to number 11. The Findings are listed below and the modification in number 11 is highlighted. Adams-yes, Bangs-abstain, Sheila Gaquin-yes, Gary Franklin-yes, and Rick Hoffman-yes. Motion passed with four yes votes and one abstention (Bangs).

1. 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).
2. 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 M).

3. The San Juan County Comprehensive Plan includes the elements required in RCW 36.70A.070 as follows:

- a. The Land Use and Rural Element (Exhibit C), in conjunction with the Official Maps (Exhibits T, U, and V), establishes the general distribution, location, extent of future land uses. The Land Use Element and Official Map designate areas for population densities and building intensities. The Land Use Element includes an estimate of population growth. Along with other components of the *Plan*, the Land Use and Rural Element has policies for promoting physical activity and addressing stormwater runoff.
- b. The Housing Element (Exhibit E) and Appendix 5 Housing Needs Assessment and Racially Disparate Impacts Assessment (Exhibit N) ensures the vitality and character of established residential neighborhoods. The Housing Element and Appendix 5 include:
 - i. An inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth;
 - ii. A statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;
 - iii. Identification of sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;
 - iv. Adequate provisions for existing and projected needs of all economic segments of the community;
 - v. Identification of Local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing; and
 - vi. Policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions.
 - vii. Identification of areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments
 - viii. Antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.
- c. The Capital Facilities Element (Exhibit G) and Appendix 7 Capital Facilities Plan (Exhibit P) consist of:
 - ix. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;
 - x. A forecast of the future needs for such capital facilities;

- xi. The proposed locations and capacities of expanded or new capital facilities;
 - xii. A six-year plan that will finance such capital facilities within projected funding capacities and clearly identify sources of public money for such purposes; and
 - xiii. 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.
- d. The Utilities Element (Exhibit H) and Appendix 8 Utilities Inventory (Exhibit Q) include the general location, proposed location, and capacity of all existing and proposed utilities.
 - e. The Land Use and Rural Element (Exhibit C) 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.
 - f. The Transportation Element (Exhibit G) implements and is consistent with the Land Use and Rural Element. The level of service analyses, including the new required multimodal transportation LOS analysis, in Appendix 6 Transportation (Exhibit Q) 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.
 - g. The Economic Development Element (Exhibit K) establishes local goals, policies, objectives, and provisions for economic growth, vitality and a high quality of life.
 - h. The 2022 Recreation, Open Space, and Stewardship Plan (ROSS) implements and is consistent with the capital facilities plan element as it relates to park and recreation facilities.
 - i. The Climate element is designed to result in reductions in overall greenhouse gas emissions and enhance resiliency to and avoid the adverse impacts of climate change, including efforts to reduce localized greenhouse gas emissions and avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities. The Climate Element includes a greenhouse gas emissions reduction subelement and a resiliency subelement.
4. The *Plan* includes four optional elements as allowed by RCW 36.70A.080. The optional elements are:
- a. Governance Element (Exhibit C);
 - b. Water Resources (Exhibit E);
 - c. Historic and Archaeological Resources Element (Exhibit J); and
 - d. Administration Element (Exhibit L).
5. 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 (Exhibits T, U, V) and Land Use and Rural Element (Exhibit C) 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.

6. 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.
 - a. The County and its consultants 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.
 - b. The *LCA* in Appendix A (Exhibit M) demonstrates that the *Plan* and development regulations do not provide sufficient capacity to accommodate the forecasted growth required in RCW 36.70A.115. The *LCA* demonstrated a deficit in capacity for 227 housing units to serve the 0-80% Area Median Income (AMI) population in the Eastsound Urban Growth Area.
 - c. The *Land Capacity Analysis (LCA)* utilized data which was accurate at the time the methodologies for the study were established.
 - d. On January 27, 2025, the County Council reviewed the *LCA* methodology and provided direction to staff regarding which Official Map amendments to pursue to increase 0-80% AMI housing capacity in Eastsound.
 - e. On March 6, 2025, the Eastsound Planning Review Committee recommended proposed Official Map amendments to increase 0-80% AMI housing capacity in Eastsound.
7. The County provided for early and continuous public participation during the *Plan* update process. The public was able to participate in the process in the following ways:
 - a. Submitting written public comments on proposed amendments and staff reports;
 - b. Filling out an online survey;
 - c. Engaging in pop-up studios, public workshops, and open house events;
 - d. Engaging with the project webpage at <https://engage.sanjuancountywa.gov/2025-comp-plan-update>; and
 - e. Providing comments during public access time at Planning Commission and County Council meetings.
8. RCW 36.70A.150 requires the County to identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, stormwater management facilities, recreation, schools, and public uses. Appendix 6 Transportation (Exhibit Q) identifies lands useful for transportation uses. Appendix 7 Capital Facilities Plan (Exhibit R) identifies lands useful for public uses. Appendix 8 Utilities (Exhibit S) identifies lands useful for utility uses. These appendices identify lands useful for public purposes.
9. RCW 36.70A.160 requires the County to identify open space corridors within and between UGAs. Open space corridors include lands useful for recreation, wildlife habitat, trails, and connection of critical areas. The ROSS identifies these corridors.
10. RCW 36.70A.170 requires the County to designate agricultural, forestry, and mineral natural resource lands, which are not characterized by urban growth and have long-term commercial significance for the production of natural resources. The Land Use and Rural Element (Exhibit C) and the *Plan* Official Maps (Exhibits T, U, and V) designate

natural resource lands. The natural resource land designations are consistent with the guidelines to classify agriculture, forest and mineral lands in Chapter 365-190 WAC.

- a. The Land Use and Rural Element contains policies for mineral resource lands and the *Plan* Official Maps include a mineral resource lands overlay layer; however, San Juan County has not designated any parcels as mineral resource lands.
- b. San Juan County plans to designate mineral resource lands on the *Plan* Official Maps in 2026 at which time the County will fulfil the requirements of the current periodic update.

11. The following Official Map amendments comply with the GMA and meet the criteria for approval in SJCC 18.90.030(F). Official Map amendments 1-7 in Table 4 sufficiently address the capacity deficit for 227 housing units serving 0-80% AMI households in the Eastsound UGA.

Table 4. Proposed Official Map Amendments

	Area Name	Parcel(s)	Current Designation	Proposal
1	Eastsound Density Increase (upzone) Area A	Parcels west of North Beach Road, between Twigs Ln and Bartel Rd	Eastsound Residential (4 units per acre)	Eastsound Residential (min. 4 – max. 12 units per acre)
2	Density Increase (upzone) Area B	All parcels designated Village Commercial and Village Commercial Limited	Village Commercial (VC) (min. 4 – max. 40 units per acre), Village Commercial Limited (VCL) (min. 4 – max. 40 units per acre)	Increase min. density in VC/VCL to min.12.
3	VR to VC	271414021000 271414023000 271414024000	Village Residential (VR)(min. 4 - max. 12 units per acre)	Village Commercial (VC) (min. 12 – max. 40 units per acre)
4	VR to VCL	271414003000	Village Residential (VR)(min. 4 - max. 12 units per acre)	Village Commercial Limited (VCL) (min. 12 – max. 40 units per acre)
5	Expansion Area A	271223009000	Eastsound Rural Residential (1 unit per 5 acres)	Eastsound Residential (min. 4 – max. 12 units per acre)
6	Expansion Area B	271141002000 271141001000	Eastsound Rural (1 unit per 5 acres)	Eastsound Residential (min. 4 – max. 12 units per acre)
7	Expansion Area C	271132003000	Eastsound Rural Residential (1 unit per 5 acres)	Eastsound Residential (min. 4 – max. 12 units per acre)
8	Roche Harbor Master Planned Resort Expansion	361922001000 462411002000 462412001000 462411003000	Rural Residential (1 unit per 5 acres)	Master Planned Resort (no increase to 180 dwelling units allowed by

		361922002000		the Roche Harbor Resort Master Plan)
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12. RCW 36.70A.200 requires the County to include in its *Plan* a process for identifying and siting essential public facilities. The Land Use and Rural Element (Exhibit C) includes policies and San Juan County Code 18.30.055 and 18.80.190 establish a process for identifying and siting essential public facilities.
13. The *Plan* is internally consistent as required by WAC 365-196-500. All assumptions about growth are based on the same population forecast from OFM. The Administration Element (Exhibit L) establishes a mechanism for ongoing review of the *Plan's* implementation and adjustment of its terms to remain internally consistent.
14. The Comprehensive Plan update adopted by this ordinance partially satisfies the requirement to periodically review and revise the San Juan County Comprehensive Plan. The Periodic Update requirement will be fully satisfied when the County adopts an ordinance designating Mineral Resource lands on the Official Maps and amending the Countywide Planning Policies and Friday Harbor Urban Growth Area as needed in coordination with the Town of Friday Harbor in 2026.

Recommendation

Moved by Sheila Gaquin, seconded by Gary Franklin, that the Planning Commission recommends to the County Council the draft ordinance with approved changes as presented today. Adams-yes, Bangs-no, Sheila Gaquin-yes, Gary Franklin-yes, and Rick Hoffman-yes. Motion passed with four yes votes and one no vote (Bangs).

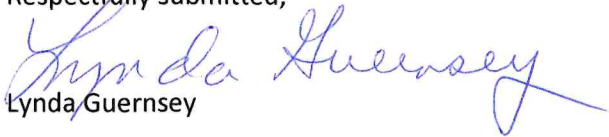
Return to Admin Items

Sophia Cassam reminded the Planning Commission that the public hearing on the Roche Harbor Master Planned Resort activity center plan amendment will be coming forward at their October 17th regular meeting and showed the Planning Commission again the timeline going forward for the Comp Plan update.

Adjournment

Moved Gary Franklin, seconded by Sheila Gaquin, to adjourn the meeting at 1:15 p.m. it was unanimously agreed upon. The next meeting of the Planning Commission will be Friday, October 17, 2025 at 8:30 a.m. in the County Council hearing room, Legislative Building, 55 Second Street, Friday Harbor, San Juan Island.

Respectfully submitted,


Lynda Guernsey

Attachment A – Minority Report submitted by Bill Bangs September 30, 2025

Minority Report

To: San Juan County Council

From: Bill Bangs, Member, San Juan County Planning Commission, Position #2

Date: September 30, 2025

Re: Planning Commission Vote of September 19, 2025 - Comprehensive Plan Legal Compliance Analysis and Policy Review

Executive Summary

This report identifies potential legal vulnerabilities in the proposed Comprehensive Plan that warrant County Council attention before adoption. The analysis focuses on statutory compliance requirements where modification could strengthen the Plan's defensibility before the Growth Management Hearings Board.

Priority Issues Requiring Council Decision:

1. **UGA Expansion Compliance:** Staff analysis shows proposed expansion creates 52-unit surplus beyond documented 227-unit need, which may be "more land than necessary." (RCW 36.70A.110(2)) While the GMA allows a reasonable market factor, this is not clearly specified in the staff documentation. There is risk that the proposed expansion could trigger transportation LOS failure (see item 6, below).
2. **Water Resources Requirements:** As WRIA 2, San Juan County remains subject to first decision requirements for independent water availability determinations, requiring specific policy framework in the Comprehensive Plan. County shall also establish sustainable water availability for long term planning per RCW 36.70A.070(1).
3. **Utilities Element Completeness:** Current draft lacks facility locations and capacities required by RCW 36.70A.070(4).
4. **Housing Implementation Framework:** Regulatory barriers may prevent achievement of documented housing needs, creating potential GMA compliance exposure. The proposed map amendments primarily address land designation density ranges that may not be commensurate with the housing types needed for the various economic tiers per Commerce advisory guidance and other jurisdictional policies.
5. **Essential Public Facilities Framework:** Renewable energy facility siting provisions require clarification to comply with RCW 36.70A.200. Such provisions should follow standard county guidelines and not be subject to extraordinary conditions that could lead to a de facto ban on such facilities.
6. **Transportation Element Consistency with Land Use:** Resolve the potential conflict between the land capacity mandate and the transportation concurrency/adequate facilities mandate resulting from the Eastsound UGA Map Amendment proposal.

Background and Purpose

On September 19, 2025, the Planning Commission recommended County Council adoption of the updated Comprehensive Plan. I abstained from voting on Finding 11 regarding GMA compliance of map amendments and voted against the overall recommendation due to the compliance concerns and policy concerns detailed in this report.

This report is submitted pursuant to SJCC §2.226.110 and addresses three questions: (1) Does this Plan comply with Growth Management Act requirements? (2) Do any compliance gaps materially affect county residents? (3) How can identified issues be resolved to strengthen the Plan?

The analysis relies on statutory requirements, case law, and technical documentation. Research sources included planning and legal research resources. All interpretations and recommendations are my responsibility.

The topics addressed herein are complex. The discussions and lists of references in this report may be incomplete. What is legally required and what are "best practices" are subject to interpretation. I expect that the Council may wish to consult with the Prosecuting Attorney on issues of legal compliance, the risks of being challenged, and the risk of losing any such challenge.

This report is submitted as citizen member of the Planning Commission. I am not an attorney or licensed planner. The analysis and recommendations are offered to assist the County Council's deliberations.

1. Map Amendments for Eastsound UGA

Legal Framework

RCW 36.70A.110(2) requires that UGAs "shall not include more land than is necessary to accommodate the urban growth projected to occur...for the succeeding twenty-year period together with a reasonable land market supply factor."

WAC 365-196-310(4)(b) states counties "should first consider the potential of increasing capacity of existing urban areas through allowances for higher densities or redevelopment" before considering expansion.

Compliance Analysis

The August 6, 2025 staff report documents a 227-unit deficit in 0-80% AMI housing. However, the proposed amendments would generate capacity for 279 units, creating a 52-unit surplus beyond demonstrated need.

Capacity Calculations:

- Documented need: 227 units (0-80% AMI)
- Proposed capacity: 279 units
- Surplus: 52 units above requirement

Infill Analysis Concerns: The underlying assumptions may understate feasible infill potential:

- 5% ADU participation rate (comparable jurisdictions report 8-15%) – original land capacity analysis assumed only one ADU per lot when two are now allowed
- Limited upzoning yielding only 48 additional units
- No analysis of minimum density requirements, cottage courts, or parking management

Expansion Sizing: Area A (OPAL parcel) provides 107 units, combined with upzoning (48 units) = 155 units, reducing deficit to 72 units. Areas B and C contribute the additional 85 units creating the surplus.

Recommended Actions

1: Limit Initial Expansion

- Restrict expansion to Area A only, eliminating surplus capacity
- Implement new land use designation ERC1224-50 (clustered development, 12-24 du/ac, 50% coverage maximum) or similar that clearly bounds the size of any final development and specifies a range of densities appropriate to the desired housing types.
- Reserve Areas B and C for future consideration only upon demonstration of continued need

2: Enhanced Infill Analysis

- Reassess ADU participation using published Commerce advisory guidance and comparable jurisdiction data
- Analyze broader minimum density applications (minimum 8 du/ac)
- Evaluate cottage courts, small multifamily, and parking flexibility

Policy Framework: Strengthen infill policies:

- Streamlined ADU permitting with pre-approved designs
- Expedited review for affordable housing projects
- Affordable housing density bonuses for all upzoned areas

Note that the original land capacity analysis (in the Housing Element) generally follows the standard Commerce-approved methodology, the estimate of added capacity provided by a combination of upzoning (infill) and expansion of the Eastsound UGA lacked some of the details of that methodology. As a minimum, the proposed map adjustments should be accompanied by an updated land capacity analysis consistent with the requirement that a County is required to "show its work" (Sky Valley v. Snohomish County (95-3-0068c, FDO 3/12/96)) and include all relevant factors including market factors and seasonal occupancy.

This analysis should be revisited recognizing that new land use designations may be appropriate for some parcels (e.g., ER812 or ER1224 rather than ER412).

2. Water Resources Compliance

Legal Requirements

San Juan County (WRIA 2) remains subject to *Hirst v. Whatcom County*, 186 Wn.2d 648 (2016). The County **MUST** make independent water availability determinations - this is not discretionary. Failure to include enforceable water availability policies creates immediate GMHB challenge risk. (Note that even if this is already in the San Juan County Code, the policy should be in the Comprehensive Plan.)

RCW 36.70A.070(1), (5), (6) requires comprehensive plans to ensure water availability before permit issuance and protect surface and groundwater resources.

Current Draft Assessment

The Water Resources Element lacks the specific implementation mechanisms required under *Hirst*. Without enforceable provisions for sustainable yield determinations and independent adequacy findings, the County faces potential Growth Management Hearings Board challenge.

Missing Elements:

- Island-by-island sustainable yield determinations
- Independent county water availability assessment procedures
- Adaptive management framework linking water supply to land use allocations
- Enforceable standards rather than aspirational language

Recommended Policy Revisions

Policy WR 1.1 (Revised): The County shall determine island-by-island sustainable yield of groundwater and surface water using best available hydrogeologic data, recharge estimates, and instream flow requirements, updated periodically. The County shall also maintain or enhance infiltration of precipitation to support recharge of aquifers and freshwater systems.

Policy WR 3.2 (Revised): The County shall prepare and adopt island-specific water budgets, updated periodically, to establish quantified sustainable yield and to guide land use allocations, water conservation prioritization, and infrastructure planning.

Policy WR 4.1 (Revised): The County shall require an independent determination of adequate and sustainable water supply for all new and existing development prior to permit approval. Permit approval shall be denied if water supply is not demonstrated to be legally and physically available within the island's quantified sustainable yield, consistent with protection of existing rights and instream flows.

Policy WR 4.2 (New): Adaptive management shall apply: if monitoring or updated forecasts demonstrate water deficits on an island, the County shall revise land use assumptions, reduce growth allocations, or impose development moratoria until a sustainable balance is restored.

The requirement to determine water availability for long-term land use planning is embedded in the combination of the five provisions below - **jurisdictions are required to demonstrate that adequate water supplies (a public facility/service) exist or can be provided to support the growth projected in their comprehensive plans**, as shown through the capital facilities plan element's forecast of future needs.

1. Goal 12 - Public Facilities and Services (RCW 36.70A.020(12))

The GMA establishes Goal 12: "Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards."

2. Land Use Element (RCW 36.70A.070(1))

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.

3. Capital Facilities Plan Element (RCW 36.70A.070(3))

A capital facilities plan element must include: (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; and (d) at least a six-year plan that will finance such capital facilities.

The statute further requires jurisdictions 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. Urban Growth Areas (RCW 36.70A.110(3))

Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development.

5. Utilities Element (RCW 36.70A.070(4))

A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities is required.

RCW 36.70A.020(12), 36.70A.070(1)(3)(4), and 36.70A.110(3) collectively require jurisdictions to **demonstrate adequate water supplies exist or can be provided to support projected growth through integrated land use, capital facilities, and utilities planning.**

3. Essential Public Facilities Framework

Legal Requirements

RCW 36.70A.200(5) states "no local comprehensive plan or development regulation may preclude the siting of essential public facilities." The Growth Management Hearings Board has ruled that jurisdictions are required to provide EPFs with a "realistic siting pathway." (See Spokane County, City of Spokane, and Spokane Airport Board v. City of Airway Heights, EWGMHB No. 13-1-0007 (June 6, 2014) (RCW 36.70A.200(5) prohibits plans that "preclude the siting of essential public facilities," including by implication their operations or expansion).)

Washington's Clean Energy Transformation Act requires electric utilities are required to supply 100% GHG-neutral electricity by 2030, creating state policy supporting renewable energy development. (Unlike RCW 19.285.040 (15% renewable requirement, which only applies to utilities >25,000 customers), CETA applies to ALL electric utilities regardless of size.)

Compliance Concerns

Current draft provisions may create implementation challenges for renewable energy facilities:

- Broad restrictions on critical area siting without clear mitigation pathways
- Limited rural siting authority despite land requirements for utility-scale projects
- Subjective compatibility standards that could be inconsistently applied

Recommended Policy Amendments

Policy LU 4.2 (Revised): Do not preclude the siting and construction of essential public facilities, including utility-scale renewable energy generation and storage facilities. EPFs shall comply with existing regulations to the maximum extent practicable, but necessary EPFs may be permitted with conditions if compliance is not feasible, provided impacts are reasonably mitigated.

Policy LU 4.4 (Revised): Do not locate EPFs in critical areas or buffers unless impacts can be effectively avoided or mitigated in accordance with best available science. Where no practicable alternative exists, EPFs may be located if designed and conditioned to achieve no net loss of ecological function.

Policy LU 4.6 (New): The County shall establish a process for evaluating renewable energy generation and storage facilities for essential public facility designation based on their contribution to energy security, compliance with state clean energy requirements, and community benefit.

4. Utilities Element Requirements

Statutory Mandate

RCW 36.70A.070(4) requires comprehensive plans to include "the general location, proposed location, and capacity of all existing and proposed utilities." This requirement applies to all utilities necessary to serve projected population through 2045.

Current Draft Deficiencies

The Utilities Element does not include the required facility information:

- No proposed facility locations identified
- No MW/MVA capacity projections for future facilities
- No geographic mapping of proposed infrastructure
- Inadequate demand forecasting for planning period milestones

Implementation Recommendations

Immediate (Pre-Adoption):

- Add policy language committing to post-adoption technical analysis
- Establish framework for coordinating with utility providers
- Provide demand projections for 2045

Post-Adoption (2026):

- Coordinate with OPALCO on infrastructure capacity assessments
- Identify proposed utility facility locations and capacities
- Address submarine cable constraints and local generation requirements

Policy Additions: Policy UT 1.5 (New): The County shall coordinate with utility providers to develop quantified demand projections incorporating population growth, building electrification, electric vehicle adoption, and climate impacts.

Policy UT 2.4 (New): The County shall identify proposed utility facility locations and capacities necessary to serve projected growth, including electrical generation and storage facilities, transmission improvements, and utility infrastructure.

5. Housing Implementation Framework

Legal Requirements

RCW 36.70A.070(2)(d) requires adequate provisions for existing and projected needs of all economic segments. HB 1220 (2021) requires housing elements to document specific programs and actions needed to achieve availability.

Implementation Gap Analysis

The Housing Element documents need for 569 extremely low-income units by 2045 but current regulatory framework may prevent achievement of this target.

Regulatory Barriers:

- Guest house limitation system restricts alternative housing to 12 permits annually
- Zoning restrictions on housing types suitable for low-income households
- Complex permitting processes without affordable housing prioritization

Recommended Regulatory Framework

Goal H4 (New): Remove regulatory barriers that prevent development of housing affordable to all economic segments, with priority on housing serving households at 0-80% Area Median Income.

Policy H4.1 (New): By December 2026, the County shall complete a comprehensive review of development regulations to identify and remove barriers to affordable housing production, including guest house allocation systems, zoning restrictions on alternative housing types, and permitting processes that lack affordable housing prioritization.

Policy H4.2 (New): The County shall establish expedited permitting procedures for developments with 50% or more units affordable to households at 80% AMI or below, including streamlined review timelines and reduced fees.

Implementation Strategy:

- Evaluate guest house lottery system effectiveness
- Review ADU regulations for state law compliance
- Assess alternative housing type permissions
- Develop affordable housing incentive programs beyond density bonuses

6. Transportation and Land Use Elements

The draft Transportation Element includes exploration of active networks including more extensive (and safer) bicycle lanes, complete roads, and public transportation. None of these are supported by proposed implementation and funding plans and not all may be feasible on all islands. However, there are two issues that should be added to the transportation element and assigned the highest priority -both should be the responsibility of the Public Works Department.

The first issue is that the basic transportation infrastructure, existing roads, bridges, and public docks should be properly and timely maintained for safety, long life, and level of service. Note that this not a legal issue but rather a policy issue. This leads to a new transportation policy as follows.

Transportation Priority Policy TP-1. All county roads, intersections, bridges, and docks shall be regularly maintained for safety and longevity. All shall be upgraded as needed to maintain the desired level of service to support forecasted growth.

The second issue is road access for the expansion area for the Eastsound UGA: Washington's Growth Management Act (GMA) and the Growth Management Hearings Board (GMHB) expect a county to handle the *tension* between the land capacity mandate and the transportation concurrency/adequate facilities mandate when they conflict, as appears to be happening with the Eastsound UGA proposal.

1. The Two Conflicting GMA Duties

Duty	Citation	What it Demands
Plan for & accommodate forecasted housing growth	RCW 36.70A.115; RCW 36.70A.070(2)	Counties must designate enough land, at suitable densities and with development regulations, to accommodate their 20-year housing allocation.
Keep transportation LOS standards & concurrency	RCW 36.70A.070(6)(a)– (b)	Comprehensive plans must include transportation improvements/strategies so new development does not cause adopted LOS to fall below standard unless improvements are “concurrent with the development.” If probable funding is lacking, the <i>land use element must be reassessed</i> .

These requirements must be met together; one is not optional.

2. What the GMHB and Courts Have Said

- **Concurrency is not optional** — plans that create growth with no funded transportation fix have been remanded. *Taxpayers for Responsible Gov't v. Oak Harbor* (WWGMHB 1996); *McCormick v. Snohomish Co.* (2011).
- **Reassessment duty is real** — RCW 36.70A.070(6)(a)(iii) requires local governments to *either secure funding or revisit the land use assumptions* if transportation financing falls short.
- **No “paper” capacity** — The Board has rejected capacity analyses that assume land can develop where infrastructure clearly cannot support planned densities without improvements (several UGA and urban center cases).

Below is an example policy set to satisfy both the housing land capacity and the transportation concurrency/road adequacy requirements over the 20-year planning period. Note that the current TIP does not address the needed Eastsound UGA road access or its funding.

LU-III – Provide Adequate Urban Land Supply

San Juan County shall maintain a supply of land within designated Urban Growth Areas (UGAs) sufficient to accommodate the twenty-year population and housing allocation adopted under RCW 36.70A.115. The Land Capacity Analysis (LCA) shall be updated with each periodic plan review and shall adjust for changes in densities, development constraints, and infrastructure availability.

LU-H2 – Link Land Capacity to Infrastructure

The County shall count residential capacity in the LCA only where adequate public facilities, including transportation access consistent with adopted level-of-service (LOS) standards, are planned and reasonably funded as required by RCW 36.70A.070(6).

LU-H3 – Phasing of Development

Where transportation facilities serving an area are at or near adopted LOS standards, **the County shall allow new residential development only in phases tied to the timing of funded road and emergency access improvements.** Development approvals shall be conditioned to withhold final plat or building permit issuance until the improvements needed to maintain LOS and provide adequate emergency access are constructed or financially committed.

T-1 – Level of Service Standards

The County adopts the following LOS for the Eastsound Urban Growth Area road system:
LOS D. These standards apply to concurrency evaluations for development approvals.

T-2 – Transportation Concurrency Management

The County shall maintain a transportation concurrency management ordinance that prohibits approval of development that would cause adopted LOS to be exceeded unless:

1. The needed transportation improvements or strategies are in place at the time of development; or
2. A financial commitment is in place to complete the improvements or strategies within six years.

T-3 – Emergency Access Standards

New urban residential developments exceeding 30 dwelling units shall have at least two points of vehicular and emergency access unless the Fire Marshal certifies that a single access meets current fire code and emergency response standards. The County shall plan and program secondary access to serve Eastsound UGA expansion areas.

T-4 – Capital Facilities & Financing

The County shall include in the six-year Capital Facilities Plan and Transportation Improvement Program (TIP) the road widening, intersection improvements, and secondary emergency access routes necessary to maintain LOS and public safety in the Eastsound UGA. Probable funding sources (RHET, impact fees, state/federal grants, developer contributions) shall be identified.

T-5 – Reassessment Trigger

If the County determines during the annual concurrency/transportation monitoring that probable funding for programmed road improvements is insufficient to maintain LOS, the County shall initiate a reassessment of the Land Use Element as required by RCW 36.70A.070(6)(a)(iii). Reassessment may include adjusting UGA boundaries, lowering allowable densities, or delaying planned housing capacity until funding is secured.

IMP-1 -- Monitoring & Reporting

The County shall annually monitor housing production, land capacity utilization, and transportation concurrency status for each UGA. A public report shall document LOS performance, programmed project funding, and any recommended plan amendments.

These policies show a plan-level commitment to accommodate housing only where roads can serve it or will be funded, with a clear statutory reassessment path if the financing doesn't materialize — exactly the approach the GMHB has upheld.

Conclusion

The proposed Comprehensive Plan provides substantial progress toward addressing county needs through 2045. The issues identified in this analysis represent opportunities to strengthen legal defensibility and implementation effectiveness. Adopting this plan with the identified gaps creates substantial litigation risk and may result in GMHB invalidation requiring costly replanning.

Addressing these compliance concerns before adoption will:

- Reduce Growth Management Hearings Board challenge risk
- Provide clearer implementation guidance
- Strengthen the Plan's effectiveness in serving residents
- Ensure statutory requirements are met

The recommendations focus on achievable policy framework improvements and realistic implementation strategies that enhance plan compliance while maintaining community objectives.

Recommendation: The County Council should consider adopting the specific policy language revisions outlined in this report to strengthen plan compliance and implementation effectiveness.

Appendix A: Legal Citations and Authority

A.1 Growth Management Act - Core Requirements

RCW 36.70A.110(2) - Urban Growth Areas: "Urban growth areas shall not include more land than is necessary to accommodate the urban growth projected to occur in the county or city for the succeeding twenty-year period together with a reasonable land market supply factor and shall consider the densities and types of land use within the urban growth area."

RCW 36.70A.110(3): directs that urban growth be located **first** in areas already characterized by urban growth with adequate facilities —i.e., prioritize existing UGAs and serviced areas before expanding.

RCW 36.70A.070(4) - Utilities Element: "A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines."

RCW 36.70A.070(1), (5), (6) - Water Resources:

- (1) "A land use element designating the proposed general distribution and general location and extent of the uses of land...shall include an analysis of the relationship between development patterns and the provision of adequate public facilities and services."
- (5) "Counties planning under this chapter shall ensure the availability of potable water before permit issuance."
- (6) "All comprehensive plans shall include a plan...for the protection of the quality and quantity of groundwater used for public water supplies."

RCW 36.70A.070(2)(d) - Housing Element: "A housing element ensuring the vitality and character of established residential neighborhoods that: (d) Makes adequate provisions for existing and projected needs of all economic segments of the community."

RCW 36.70A.200 - Essential Public Facilities: "(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities... (5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities."

A.2 Washington Administrative Code Requirements

WAC 365-196-310(4)(b) - UGA Expansion: "If future growth forecasts exceed current capacities, counties and cities should first consider the potential of increasing capacity of existing urban areas through allowances for higher densities, or for additional provisions to encourage redevelopment. If counties and cities find that increasing the capacity of existing urban areas is not feasible or appropriate based on the evidence they examine, counties and cities may consider expansion of the urban growth area to meet the future growth forecast."

WAC 365-196-030(2) - Commerce Guidance: Provides that Commerce guidance documents "do not have regulatory effect" but establish best practices for plan compliance.

A.3 Case Law and Hearings Board Precedent

Hirst v. Whatcom County, 186 Wn.2d 648, 381 P.3d 1 (2016): Counties are required to make independent determinations of water availability and cannot rely solely on Department of Ecology's rules or assumptions of adequacy for Growth Management Act compliance.

Sky Valley v. Snohomish County (95-3-0068c, FDO 3/12/96) is a compliance / remand order in which portions of Snohomish County's Growth Management Act compliance under its General Plan / County plan were remanded. One of the key features of this order (and others in its lineage) is the expectation that the County is required to "**show its work**" — that is, provide **transparent, documented, analytical reasoning** for changes it makes, particularly regarding urban growth area (UGA) boundaries and expansions.

A.4 State Energy Policy Framework

Clean Energy Transformation Act (CETA) - Chapter 19.405 RCW:

- RCW 19.405.040: Requires 100% clean electricity by 2045
- RCW 19.405.030: Establishes interim targets (coal elimination by 2025, carbon neutrality by 2030)

Energy Independence Act - RCW 19.285: Establishes renewable energy portfolio standards for utilities (but only for "qualifying" utilities serving more than 25,000 customers).

A.5 Housing Legislation

HB 1220 (2021) - Housing Element Requirements: Codified requirements for housing elements to document specific programs and actions needed to achieve housing availability, including identification of regulatory barriers.

HB 1337 (2021) - ADU Requirements: Codified at RCW 36.70A.680-.681: Requires cities and counties to allow two ADUs on residential lots in urban growth areas.

A.6 San Juan County Code References

SJCC 18.90.030(F) - Comprehensive Plan Amendment Criteria: Establishes criteria for approval of Comprehensive Plan Official Map amendments, including requirement for "demonstrable need" for additional UGA land.

SJCC §2.226.110 - Planning Commission Minority Reports: Authorizes commission members to submit minority reports to County Council.

Appendix B: Technical References and Supporting Documentation

B.1 Primary Technical Documents

San Juan County Land Capacity Analysis (2024-2025)

- Prepared by Leland Consulting Group
- Available as Appendix I to draft Comprehensive Plan
- Documents 227-unit deficit in 0-80% AMI housing categories for Eastsound UGA
- Methodology and assumptions for market factors, ADU participation, density calculations, and seasonally-occupied housing

Department of Community Development Staff Reports:

- July 31, 2025: "Eastsound UGA Site-specific Redesignation Recommendation"
- August 6, 2025: "Comprehensive Plan Update: Eastsound UGA Official Map Amendments"
- Contains detailed capacity calculations showing 279-unit capacity vs. 227-unit need

B.2 Water Resource Technical Analysis

WRIA 2 (San Juan County) Status:

- Confirmed exemption from SB 6091 "Hirst Fix" provisions
- Subject to original Hirst v. Whatcom County requirements
- Department of Ecology WRIA mapping and classification

Island-Specific Water Studies:

- 2022 Lopez Groundwater Monitoring Report
- 2021 Lopez Groundwater Monitoring Report
- 2013 Lopez Seawater Intrusion Model
- 2013 San Juan County Groundwater Monitoring Report
- 2009 San Juan County Groundwater Monitoring Report
- USGS: "Is Seawater Intrusion Affecting Ground Water On Lopez Island, Washington?" (2012)

Water Resource Management Documentation:

- San Juan County (WRIA 2) Implementation Plan 2006
- Water Resource Management Plan 2004
- Available at: sanjuancountywa.gov/439/Water-Resource-Management

B.3 Utility Infrastructure Analysis

Regional Electricity Demand Projections:

- Pacific Northwest Utilities Conference Committee: 30% demand growth projected through 2034
- ICF Analysis: 25% U.S. electricity demand growth by 2030, 78% by 2050
- Washington-specific factors: EV adoption (146,000 registered EVs, 4th nationally), building electrification

OPALCO Infrastructure:

- Current submarine cable capacity constraints
- Planned infrastructure improvements and timeline
- Renewable energy integration capacity

B.4 Comparable Jurisdiction Analysis

ADU Participation Rates:

- Seattle: Streamlined permitting achieving 2-6 week approvals with pre-approved plans
- Comparable rural/island jurisdictions with documented participation rates
- State law requirements: 2 ADUs per lot, reduced parking requirements, owner-occupancy elimination

UGA Expansion Precedent:

- Growth Management Hearings Board decisions on expansion sizing
- Infill-first requirements in comparable counties
- Density requirement effectiveness in affordable housing production

B.5 Housing Market Analysis

Income and Housing Cost Data:

- Area Median Income (AMI) calculations for San Juan County
- Housing cost analysis by income bracket (0-30%, 30-50%, 50-80%, 80-120%, 120%+ AMI)
- Projected need: 569 extremely low-income units by 2045

Regulatory Barrier Documentation:

- Guest house limitation system: 12 permits annually countywide
- Current zoning restrictions on alternative housing types
- Permitting timeline analysis for affordable vs. market-rate housing

B.6 Critical Infrastructure Assessment

Transportation Analysis:

- Level of Service assessments for Eastsound intersections
- North Beach Rd/Mt. Baker Rd intersection projected to reach LOS F by 2045
- Transportation improvement requirements for expansion areas

Utility Service Capacity:

- Eastsound Water Users Association capacity analysis
- Eastsound Sewer and Water District: Phase 1 upgrade completed, Phase 2 planned 2026
- Current system operating at 56% capacity

Appendix C: Recommended Policy Language Summary

This appendix provides complete recommended policy language organized by Comprehensive Plan element for County Council consideration.

C.1 Water Resources Element

Recommended Policy WR 1.1 (Revised): The County shall determine island-by-island sustainable yield of groundwater and surface water using best available hydrogeologic data, recharge estimates, and instream flow requirements, updated at least every five years. The County shall also maintain or enhance infiltration of precipitation to support recharge of aquifers and freshwater systems.

Current Policy WR 1.1: Maintain or enhance the infiltration of precipitation throughout watersheds to ensure adequate recharge to streams, wetlands, lakes, ponds, and aquifers, and nearshore flow to marine waters.

Recommended Policy WR 3.2 (Revised): The County shall prepare and adopt island-specific water budgets, updated at least every five years, to establish quantified sustainable yield and to guide land use allocations, water conservation prioritization, and infrastructure planning.

Current Policy WR 3.2: Support the establishment of localized water budgets using current hydrogeologic surveys and surface water hydrologic analysis, to inform water conservation prioritization, use efficiency, and repairs.

Recommended Policy WR 4.1 (Revised): Consistent with Hirst decision requirements, the County shall require an independent determination of adequate and sustainable water supply for all new and existing development prior to permit approval. Permit approval shall be denied if water supply is not demonstrated to be legally and physically available within the island's quantified sustainable yield, consistent with protection of existing rights and instream flows.

Current Policy WR 4.1: Ensure new and existing development has adequate water availability and discharge/treatment systems prior to permit approval to prevent impairment of existing users including neighboring wells, downstream/gradient landowners, and fish and wildlife that rely upon freshwater habitats.

Recommended Policy WR 4.2 (New): Adaptive management shall apply: if monitoring or updated forecasts demonstrate water deficits on an island, the County shall revise land use assumptions, reduce growth allocations, or impose development moratoria until a sustainable balance is restored.

C.2 Land Use Element - UGA Policies

Recommended Policy LU 2.3.2 (New): UGA expansions shall include only land necessary to accommodate projected growth plus a reasonable market factor. Before approving any expansion beyond the minimum necessary to address documented capacity deficits, the County shall: a.

Demonstrate that increasing capacity within existing UGAs through density increases or redevelopment incentives is not feasible; b. Provide updated land capacity analysis showing continued need for additional land; c. Phase expansion implementation to allow monitoring of actual development rates.

Recommended UGA Expansion Implementation (Eastsound-Specific): For Eastsound UGA, expansion shall be limited to areas that address documented capacity needs without creating surplus capacity beyond the 20-year requirement plus reasonable market factor. Initial expansion shall be confined to Area A with clustered development standards (ERC1224-50 designation). Additional expansion areas may be considered only upon demonstration of continued need through updated land capacity analysis.

New Land Use Designation: ERC1224-50 (Eastsound Residential Clustered):

- Purpose: Allow residential development in clusters at densities between 12-24 dwelling units per acre
- Maximum development coverage: 50% of total parcel area
- Minimum cluster separation: 100 feet with preserved open space
- Design standards: Clusters shall preserve natural features, provide community amenities, and maintain visual compatibility
- Affordable housing requirement: Minimum 30% of units affordable to households at 80% AMI or below

C.3 Essential Public Facilities Policies

Recommended Policy LU 4.2 (Revised): Do not preclude the siting and construction of essential public facilities, including utility-scale renewable energy generation and storage facilities that serve regional energy security needs. Essential public facilities shall comply with existing regulations to the maximum extent practicable, but necessary facilities may be permitted with conditions if full compliance is not feasible, provided impacts are reasonably mitigated and the facility serves an essential public purpose.

Current Policy LU 4.2: Do not preclude the siting and construction of EPFs. When possible, require that EPFs comply with existing regulations and policies.

Recommended Policy LU 4.3 (Enhanced): When EPFs cannot comply with existing regulations and policies, or existing non-conforming facilities need expansion, develop special siting, design, and approval procedures that: (a) consider impacts on surrounding land uses; (b) consider service quality and facility need; (c) include meaningful public involvement; (d) require substantial impact mitigation; (e) prevent incompatible uses near airports. Conditional use permits may not be denied solely because all impacts cannot be fully mitigated if the facility serves an essential public purpose and impacts are substantially reduced through mitigation.

Recommended Policy LU 4.4 (Revised): Do not locate essential public facilities in critical areas or their buffers unless impacts can be effectively avoided or mitigated in accordance with best available science. Where no practicable alternative exists for essential facilities, siting may

be permitted if designed and conditioned to achieve no net loss of ecological function. Site plans must outline how climate-related hazards will be avoided or mitigated.

Current Policy LU 4.4: Do not locate EPFs within critical areas or their buffers unless no practicable alternative exists. Site plans must outline how climate-related hazards will be avoided.

Recommended Policy LU 4.5 (Revised): Permit the siting of renewable energy generation and storage essential public facilities in rural areas when their scale, function, or land requirements make them unsuitable for UGAs or LAMIRDs. Other EPFs may be located outside UGAs or LAMIRDs if their operation warrants a rural location. Performance standards shall ensure compatibility with rural character while recognizing renewable EPFs as essential to energy security and statewide clean energy goals.

Current Policy LU 4.5: Do not locate other facilities outside an UGA or LAMIRD unless its operation warrants a rural location.

Recommended Policy LU 4.6 (New): The County shall establish a process for evaluating renewable energy generation and storage facilities for essential public facility designation based on their contribution to energy security, compliance with state clean energy requirements, and community benefit. Facilities meeting EPF designation shall be provided a realistic siting pathway while maintaining appropriate environmental protections.

C.4 Utilities Element

Recommended Policy UT 1.5 (New): The County shall coordinate with utility providers to develop quantified demand projections for electricity, water, and sewer services for 2030, 2035, 2040, and 2045, incorporating population growth, building electrification, electric vehicle adoption, and climate impacts.

Recommended Policy UT 2.4 (New): The County shall identify proposed utility facility locations and capacities necessary to serve projected growth through 2045, including but not limited to electrical generation and storage facilities, transmission improvements, water system upgrades, and sewer capacity expansions. This information shall be developed in coordination with utility providers and updated as part of the comprehensive plan review cycle.

Recommended Policy UT 3.3 (New): Given submarine cable capacity constraints, the County shall establish minimum local renewable energy generation and storage requirements to ensure grid resilience and reliability. New developments creating significant electrical demand shall demonstrate either available grid capacity or provision of adequate on-site generation and storage.

Recommended Policy UT 4.1 (New): The County shall establish electrical impact fees proportionate to projected infrastructure demands and pursue state and federal funding opportunities for utility infrastructure improvements necessary to serve planned growth.

C.5 Housing Element

Recommended Goal H4 (New): Remove regulatory barriers that prevent development of housing affordable to all economic segments, with priority on housing serving households at 0-80% Area Median Income.

Recommended Policy H4.1 (New): By December 2026, the County shall complete a comprehensive review of development regulations to identify and remove barriers to affordable housing production, including but not limited to: a. Guest house allocation systems that limit affordable housing development; b. Zoning restrictions on alternative housing types suitable for low-income households; c. Parking requirements that increase housing costs without corresponding transportation alternatives; d. Permitting processes that lack prioritization for affordable housing projects.

Recommended Policy H4.2 (New): The County shall establish expedited permitting procedures for developments with 50% or more units affordable to households at 80% AMI or below, including streamlined review timelines, reduced fees, and priority processing.

Recommended Policy H4.3 (New): The County shall allow alternative housing types suitable for low-income households, including tiny home communities, manufactured housing parks, and workforce housing with alternative utility systems where conventional infrastructure is not feasible.

Enhanced Policy H2.1 (Revised): The County shall facilitate development of a variety of housing types and densities to accommodate projected housing needs. This includes enabling clustered development at densities sufficient to achieve affordable housing production while preserving rural character through design standards and open space preservation. Minimum densities shall be established in areas with adequate infrastructure to ensure efficient land use.

C.6 Monitoring and Adaptive Management

Recommended Policy MM 1.1 (New): The County shall establish annual monitoring protocols for: a. Housing production by income category and geographic area; b. Water resource consumption and aquifer sustainability indicators; c. Infrastructure capacity utilization and needed improvements; d. UGA development patterns and infill success rates; e. Renewable energy facility development and grid capacity.

Recommended Policy MM 1.2 (New): Based on annual monitoring results, the County shall prepare biennial reports to the Planning Commission and County Council with recommendations for plan amendments, regulatory adjustments, or implementation strategy modifications needed to achieve plan objectives.

Recommended Policy MM 1.3 (New): When monitoring indicates plan assumptions are not being met or regulatory changes are needed to address unforeseen circumstances, the County shall initiate adaptive management procedures including stakeholder engagement, technical analysis, and consideration of plan amendments to address changed circumstances.

C.7 Transportation and Land Use Policies

LU-III1 – Provide Adequate Urban Land Supply

San Juan County shall maintain a supply of land within designated Urban Growth Areas (UGAs) sufficient to accommodate the twenty-year population and housing allocation adopted under RCW 36.70A.115. The Land Capacity Analysis (LCA) shall be updated with each periodic plan review and shall adjust for changes in densities, development constraints, and infrastructure availability.

LU-H2 – Link Land Capacity to Infrastructure

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LU-H3 – Phasing of Development

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T-1 – Level of Service Standards

The County adopts the following LOS for the Eastsound Urban Growth Area road system:
LOS D. These standards apply to concurrency evaluations for development approvals.

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2. A financial commitment is in place to complete the improvements or strategies within six years.

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T-4 – Capital Facilities & Financing

The County shall include in the six-year Capital Facilities Plan and Transportation Improvement Program (TIP) the road widening, intersection improvements, and secondary emergency access routes necessary to

maintain LOS and public safety in the Eastsound UGA. Probable funding sources (REET, impact fees, state/federal grants, developer contributions) shall be identified.

T-5 – Reassessment Trigger

If the County determines during the annual concurrency/transportation monitoring that probable funding for programmed road improvements is insufficient to maintain LOS, the County shall initiate a reassessment of the Land Use Element as required by RCW 36.70A.070(6)(a)(iii). Reassessment may include adjusting UGA boundaries, lowering allowable densities, or delaying planned housing capacity until funding is secured.

IMP-1 – Monitoring & Reporting

The County shall annually monitor housing production, land capacity utilization, and transportation concurrency status for each UGA. A public report shall document LOS performance, programmed project funding, and any recommended plan amendments

C.8 Implementation Priorities and Timeline

Critical for December 2025 Adoption:

1. Water resources policies WR 1.1, 3.2, 4.1, 4.2 (Hirst compliance)
2. Eastsound UGA map amendments finalized
3. EPF policies LU 4.2, 4.4, 4.5, 4.6 (renewable energy framework)
4. Utilities policies UT 1.5, 2.4 (technical analysis commitment)
5. Housing policies H4.1, H4.2 (regulatory barrier framework)

Post-Adoption Implementation (2026-2027):

1. Technical studies for water availability, utility capacity
2. Regulatory barrier assessment and code amendments
3. Monitoring system establishment and baseline data collection
4. Adaptive management protocol development

Resource Requirements:

- Technical consulting for updated land capacity analysis, water resource analysis (hydrogeologist), and utility analysis (OPALCO)
- Enhanced planning staff coordination and legal review

Implementation Note: These policy revisions address the specific legal compliance concerns identified in this minority report while providing practical implementation guidance. The County Council should prioritize adoption of critical policy language for December 2025 adoption, with detailed implementation procedures to follow in 2026.