



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250

(360) 378-2354 | (360) 378-2116

dcd@sanjuanco.com | www.sanjuanco.com

May 6, 2020

Owner Name

Owner Address

City, State, Zip

Re: San Juan County Comprehensive Plan Update 2036

Mineral Resource Land Overlay and TPN

Dear Property Owner:

Our records indicate that TPN may have a mining operation on it. The County is in the process of updating the San Juan County Comprehensive Plan (*Plan*) including review of mineral resource lands. The *Plan* includes Official Maps showing adopted land use designations, similar to zoning. These designations indicate what regulations apply to a parcel.

The Mineral Resource Land Overlay (MRLO) is a land use district that provides protection from nuisance claims. The *Plan* includes goals and policies for a MRLO designation; however, no parcels have ever been designated under it. The complete MRLO regulations from San Juan County Code 18.35.015 are attached. The MRLO limits the allowed residential density to one dwelling unit per ten acres. During the update, staff will likely propose to update the MRLO regulations in SJCC 18.35.015 to allow mineral extraction and processing as an outright allowed use on all lands designated MRLO (no provisional or conditional use permit would be required).

Because we are updating the *Plan*, we want to familiarize you with the mineral resource land review process and ask if you want to apply for a Mineral Resource Land Overlay (MRLO) designation on the referenced parcel(s). Some mining operations are nonconforming to their land use designation. Having a MRLO designation could have several advantages including better protection from nuisance claims related, and better financing

Both the *Plan* and County Code allow owners to request the MRLO designation. **If you are interested in applying for the MRLO designation, please fill out and return the attached form to me. No fee is required** because the request will be rolled into the *Plan* update.

The County Council will decide whether to designate any properties under the MRLO during discussions and public hearings about the *Plan* Element 2, Land Use after a recommendation from staff and the Planning Commission. We hope to brief the Planning Commission and County Council on proposed MRLO

map changes in early summer (pending COVID-19 response delays). The *Plan* is expected to be adopted in early 2021.

If you are interested in having an MRLO designation, please reply by June 1, 2020.

Please subscribe for public notices about the Plan update at: <https://www.sanjuanco.com/list.aspx> by selecting Comprehensive Plan Update in the NewsFlash category.

For more information about the Plan update, go to the project webpage at: <https://www.sanjuanco.com/1079/Comprehensive-Plan-Update>

Please contact me if you have any questions about the attached application, mineral resource land review process, MRLO, or *Plan* update.

Sincerely,

Adam Zack
Planner III
AdamZ@sanjuanco.com
(360) 370-7580

Comprehensive Plan Section 2.5.A Mineral Resource Lands Overlay

Goal: Assure that *mineral resource lands of long-term commercial significance* are conserved in order to provide continued and economical local access to valuable minerals, particularly those used for construction materials.

Policies (2.5.A.1–4):

1. Upon application by a landowner, lands which are characterized by the following criteria may be designated as a Mineral Resource Land Overlay District on the *Comprehensive Plan* Official Maps:
 - a. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;
 - b. Current or future land use will not exceed a residential density of one dwelling unit per ten acres;
 - c. Are not within an Activity Center, Rural Residential, Natural or Conservancy designation or any Shoreline designation; and
 - d. Are not within a wetland or fish and wildlife conservation area as defined in this *Plan*.
2. Protect mineral resource lands of long-term commercial significance from incompatible land uses and land use patterns so that access to existing and potential resources is maintained. With appropriate design and performance standards land uses such as agriculture, forestry and some industries, and low-intensity residential uses (average density at least ten acres per unit), are compatible with mineral extraction and processing while other uses such as medium- to high-intensity residential uses are not. Resource protection should be accomplished without loss of existing density potential.
3. Existing and potential sources of sand, gravel, and rock vary in size and distribution; those which are most likely to provide for long term production with only minimal impact on the environment should receive the highest priority for protection through designation with a Mineral Resource Lands overlay district and attendant regulations to protect long-term access and use potential.
4. Allow those activities associated with long-term mineral extraction which enhance the commercial viability of extraction operations to locate within designated mineral resource lands, subject to performance standards to minimize negative impacts on the surrounding area.

SJCC 18.35.015 Mineral resource lands district.

A. Designation Procedures. A mineral resource land overlay district may be applied based upon the following criteria, only upon acceptance by the County of a complete application from a property owner and upon approval of a redesignation in accordance with SJCC 18.90.030. Mineral resource lands of long-term commercial significance are those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within 20 years and which are characterized by all of the following:

1. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;

2. Current or future land use will not exceed a residential density of one dwelling unit per 10 acres;
3. Are not within an activity center, rural residential, natural or conservancy designation or any shoreline designation;
4. Are not within a regulated wetland or fish and wildlife conservation area pursuant to SJCC 18.35.085 through 18.35.140.

B. Allowable and Prohibited Uses. Allowable and prohibited uses within mineral resource lands overlay districts are specified in Tables 18.30.030 and 18.30.040 for the underlying designation. All uses must comply with any applicable performance standards (Chapter 18.40 SJCC) and development standards (Chapter 18.60 SJCC), unless otherwise specified in this code.

C. Nuisance and Disclosure Provisions.

1. Nuisance. The following shall not be considered a nuisance: mineral resource extraction and processing activities, operations (except between 7:00 p.m. and 7:00 a.m. and on weekends), facilities or appurtenances thereof, conducted or maintained for commercial mineral resource extraction and processing purposes on land designated as mineral resource land, regardless of past or future changes in the surrounding area land use or land use designation.

2. Disclosure. The disclosure statement in subsection (C)(2)(b) of this section shall be used under the following circumstances and in the following manner:

a. Approval of any land division, land use, building, or development of lands adjacent to or within 500 feet of lands designated as mineral resource land shall be conditioned on the execution by the applicant of a statement of acknowledgment containing the disclosure statement on forms provided by the department. The executed form shall be recorded by the County auditor in the same manner as a deed. However, if a disclosure conforming to the provisions of this subsection has been recorded for a prior permit, subsequent disclosures shall not be required.

b. The required disclosure statement is as follows:

If your real property is within five hundred (500) feet of real property within an area designated as Mineral Resource Land you may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, tree removal, odors, fumes, dust, smoke, the operation of machinery, and the storage and disposal of aggregate products. One or more of the inconveniences described may occur as a result of extraction and processing operations which are in conformance with existing laws and regulations. San Juan County has determined that the use of certain real properties for mineral resource extraction and processing activities is necessary to ensure resource availability in the County. The County will not consider to be a nuisance those inconveniences or discomforts arising from extraction and processing operations, if such operations are consistent with commonly accepted best management practices and comply with local, state, and federal laws.



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Comprehensive Plan Map Amendment Application

(Site Specific Map Re-Designation)

APPLICANT AND AGENT INFORMATION:	
Name of Applicant: _____	Name of Agent: _____
Address _____	Address _____
City, State, Zip _____	City, State, Zip _____
Phone Number _____	Phone Number _____
Email _____	E-mail _____

PROPERTY OWNER INFORMATION:	
Name of Owners: _____	Phone Number _____
Address _____	E-mail _____
City, State, Zip _____	

PROPERTY INFORMATION:		
List the Tax Parcel Numbers (TPN) & property information for each property included in the proposal. Attach a separate page if necessary.		
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Parcel size: _____
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Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Parcel size: _____

PERMIT CERTIFICATION (Must be signed by all property owners of record or a notarized agent signature provided.)		
I have examined this application and attachments and know the same to be true and correct, and certify that this application is being made with the full knowledge and consent of all owners of the affected property. (Signed by property owner or agent. For agent signature, notarized authorization must be attached.)		
_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Date</i>
_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Date</i>
_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Date</i>
For CD&P Use Only	Complete Application: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Amt. Paid:	Date Received:	Receipt Number: 0000

DESCRIPTION OF PROPOSAL:

- CHECK ALL THAT APPLY:**
- Redesignation of Land-Use designation,
 - Redesignation of Shoreline designation
 - Redesignation of maximum allowable residential density
 - Other _____

PROPERTY INFORMATION:
 List the Tax Parcel Numbers (TPN) & property information for each property included in the proposal. Attach a separate page if necessary.

Tax Parcel Number: _____ Land Use/Shoreline Designation: _____/_____ Proposed Density: _____

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Tax Parcel Number: _____ Land Use/Shoreline Designation: _____/_____ Proposed Density: _____

Tax Parcel Number: _____ Land Use/Shoreline Designation: _____/_____ Proposed Density: _____

General location of property: _____

Island: _____ Total acres of proposal: _____

List all existing use(s) on property: _____

List any special tax categories that apply to the property, such as Open Space or Designated Forest Land

Describe existing and proposed method of sewage disposal

Describe existing and proposed water supply

Did you attend a pre-application meeting?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Has this proposal been previously submitted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes – which year?	_____
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PLEASE ANSWER OR ATTACH INFORMATION FOR QUESTIONS 1-12, AS THEY APPLY TO YOUR PROPOSAL

1. Why is the amendment being proposed?

2. How would the map amendment benefit the public health, safety, or welfare?

3. Describe how the amendment is warranted due to 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.

4. Describe how the proposed amendment is consistent with the criteria for land use designations specified in the Comprehensive Plan.

5. Describe how the amendment, 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.

6. Describe how the benefits of the change will outweigh any significant adverse impacts of the change.

7. How is this proposal consistent with the Growth Management Act (GMA) – RCW 36.70A?

8. Does this proposal include an Urban Growth Area (UGA) expansion?

Yes

No

9. If yes, which UGA?

10. Attach map(s) of the property that shows existing buildings, roads, water bodies, wetlands and other environmentally sensitive areas, soil types (for resource lands or where otherwise appropriate) and other significant features, as well as the land-use, shoreline environment, and density designations of the property and abutting properties. (In most instances, copies of GIS Legal parcel maps or Assessor's maps provide suitable base maps on which to provide this information.)

11. Attach a list of the names and mailing addresses for all owners of property within 300 feet of the boundaries of the subject property (using the names and addresses of those individuals as shown on the tax assessment rolls on the date the application is submitted)

12. Attach a completed and signed State Environmental Policy Act (SEPA) Environmental Checklist, including the supplemental sheet for non-project actions.

13. Attach copy of deed(s), and a legal description of the property for which the amendment is requested.

