

Adam Zack

From: Kyle Loring <kyle@loringadvising.com>
Sent: Friday, April 9, 2021 2:52 PM
To: Comp Plan Update
Cc: Adam Zack; Erika Shook; R. Brent Lyles
Subject: FSJ comments re: County's NRL Designation review
Attachments: FSJ cmts re SJC Comp Plan NRL results PC w encl.pdf

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Dear Department of Community Development,

Please find attached comments to the Planning Commission on behalf of Friends of the San Juans. These comments address the current status of the County's natural resource lands designation review under its Comprehensive Plan update. Friends appreciates the efforts that the County has made to explore its lands and suitable designations per the Growth Management Act directive to conserve farm and forest lands. The attached comments raise three primary questions for the Planning Commission briefing scheduled for April 16, 2021:

(1) what is the process for finalizing a natural resource land designation review methodology that accurately reflects properties' long-term commercial significance for agriculture or forestry;

(2) why isn't the County proposing to designate agricultural and forest resource lands that qualify as having long-term commercial significance for those industries? and

(3) why would the Comprehensive Plan designation criteria for natural resource lands omit a factor like soil type, which reflects in part the land's suitability for farming and forestry?

We appreciate your attention to these questions and look forward to working with you to ensure the long-term success for our local farms and forestlands.

Sincerely,
Kyle Loring

Kyle A Loring (*he/him*)

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Via Email

April 9, 2021

San Juan County Planning Commission
c/o SJC Department of Community Development
135 Rhone Street
Friday Harbor, WA 98250
compplancomments@sanjuanco.com

Re: SJC Natural Resource Land Designation Review

Dear Planning Commissioners:

I am writing to you on behalf of Friends of the San Juans (“Friends”) to address the Department of Community Development’s (“DCD”) most recent information and proposals for the County’s Natural Resource Land (“NRL”) Designation Review. DCD’s April 2, 2021 memorandum (“Memo”) and attached report of the phase one and two results (“Report”) reflect a substantial amount of work toward better understanding and conserving our community’s farm and forest lands. This level of commitment to these indispensable lands is reassuring, especially when such a high percentage of our community passionately supports the multiple benefits that local farming and forestry provide us here.

We are writing this letter in response to the Memo and Report, though, because they leave at least the following three fundamental questions about the process unresolved, and we ask that you explore them during your April 16th briefing:¹

- (1) has the NRL Designation Review Methodology been finalized with a public process that responded to comments, and does it accurately measure a property’s long-term commercial significance for farming or forestry?
- (2) after committing so much effort to analyzing whether existing designations are appropriate, and learning that a substantial number of parcels warrant designation as forest and agricultural resource lands under its proposed methodology, why wouldn’t the County propose to make those designations?
- (3) would the new Comprehensive Plan designation criteria eliminate site-specific

¹ These comments do not address the site-specific NRL dedesignation proposals, which first require finalization of the designation criteria and review methodology.

factors about the land itself, like soil type, as they appear to have done?

As our community's public representatives, we are relying on you to oversee a clear, sensible process that ensures that we maintain our farm and forest lands as needed for those industries to continue into the future. This letter intends to raise questions before the County makes irreversible decisions that would undermine that goal. We have summarized our concerns about these overarching questions below.

Before exploring the questions, it is useful to review the emphasis that the Growth Management Act ("GMA") places on the long-term conservation of farm and forest land.² The Washington legislature adopted the GMA in 1990 "in response to public concerns about rapid population growth and increasing development pressures in the state."³ Among its first requirements, the GMA directed counties to designate agricultural and forest resource lands "not already characterized by urban growth and that have long-term significance for commercial production."⁴ In addressing agricultural resource lands, the Washington Supreme Court stated in *City of Redmond v. CPSGMHB* that "[t]he significance of agricultural land preservation in the GMA can be seen in the very timing of key actions mandated in the statute," – the GMA required designation of NRLs prior to adoption of comprehensive plans or urban growth areas.⁵ Once lands have been designated for resource use, the GMA directs counties to adopt regulations that assure their conservation.⁶

These strict protections are necessary because population growth, the loss of local markets, global competition, and the absence of a new generation of farmers all impose pressure to convert resource lands to other uses and undermine the long-term viability of those uses.⁷ As the Growth Management Hearings Board declared in *Forster Woods Homeowners' Association v. King County*, "RCW 36.70A.020(8), .060, and .170...create a *forest resource conservation imperative* that imposes an affirmative duty on local governments to designate and conserve forest resource lands in order to assure the maintenance and enhancement of the forest resource industry."⁸ And state regulations direct counties to

² *Weyerhaeuser, et al. v. Thurston County*, WWGMHB Case 10-2-0020c, Amended FDO, 21 (June 17, 2011) (declaring that "[t]he importance of natural resource land designation is underscored by the fact designation of natural resource lands is the first imperative of the GMA).

³ *King County v. CPSGMHB*, 142 Wn.2d 543, 546, 14 P.3d 133 (2000).

⁴ RCW 36.70A.170(1)(b); see *City of Redmond v. CPSGMHB*, 136 Wn.2d 38, 47-48, 959 P.2d 1091 (1998).

⁵ 136 Wn.2d at 47-48.

⁶ RCW 36.70A.060(1), .170, .030(8), .030(10).

⁷ See, e.g., *TS Holdings, LLC v. Pierce County*, CPSGMHB Case No. 08-3-0001, FDO, 12 (Sept. 2, 2008) (addressing ARLs).

⁸ CPSGMHB Case No. 01-3-0008c, FDO, 14-21 (Nov. 6, 2001) (emphasis in original).

designate sufficient NRLs to maintain and enhance the economic viability of the agricultural and forestry industries in the county over the long term.⁹ For agriculture, that means sufficient lands and capacity to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.¹⁰ For forestry, that means at least the minimum amount of FRLs needed to retain supporting forestry businesses like loggers, mills, forest product processors, equipment supplies, and equipment maintenance and repair facilities.¹¹

In light of the GMA's emphasis on preventing the permanent conversion of farm and forest land to incompatible residential, commercial, or industrial uses, we urge you to review with staff the questions below.

1. Has the NRL Designation Review Methodology Been Finalized With a Public Process That Responded to Comments, and Does It Accurately Measure a Property's Long-Term Commercial Significance for Farming or Forestry?

The DCD Memo notes that the Planning Commission was briefed and commented on the Designation Review Methodology ("Methodology") at a September 18, 2021 meeting but does not indicate whether the methodology or the long-term commercial significance index ("Index") that constitutes its primary component has been finalized.¹² It does note that only minor changes have been made.¹³ Notwithstanding the lack of an approved methodology, staff appear to have applied the draft methodology to conduct a countywide review of parcels for consistency with its criteria. The criteria should be finalized before that evaluation can be considered complete. As the County finalizes those criteria, Friends strongly recommends that it apply a heavy presumption in favor of retaining as NRLs lands that are currently designated as agricultural or forest resource lands.

Even more importantly, as Friends noted in a January 13, 2021 comment letter, the Methodology suffers from several flaws. That comment letter is attached hereto as Attachment A. To summarize, Friends explained that the methodology:

(1) does not evaluate the amount of designated agricultural or forest resource land necessary to maintain and enhance the economic viability of those industries in San Juan

⁹ WAC 365-190-050(5), -060(5).

¹⁰ WAC 365-190-050(5).

¹¹ WAC 365-190-060(5).

¹² Memo, at 3. We understand that September 2021 is a future date, and were not sure which meeting was intended with that reference.

¹³ Memo, at 3.

County, as required by WAC 365-190-050(5) and 365-190-060(5);

(2) undervalues commercially-significant resource lands on Shaw Island and non-ferry-served islands;

(3) omits a clear explanation for the Index factor scores and the varying weights that result in false distinctions between similar parcels, as well as the County's prioritization of individual criteria that are not prioritized under the GMA; and

(4) does not explain how the individual criteria should apply in the context of San Juan County. For example, nearly all parcels in the county are near public roads and thus there is no meaningful distinction for commercial agricultural purposes between being "adjacent" to a public road or "more than 1,000 feet from a public road," yet the former receives a score of 4 while the latter receives a score of Zero. Likewise, there is no clear rationale for awarding a parcel more than ½ mile from an urban area a score of 4 while awarding a parcel just ¼ mile away, just closer than ¼ mile from an urban area a Zero. The Index also does not explain why the parcel size criterion should be granted uniform double weight regardless of the products that might be farmed on the parcel based on its soils and whether those products need more or less space. Nor does it not explain why enrollment in a current-use tax program evidences farming productivity, or why higher-intensity uses and smaller surrounding lots are less compatible with commercial agriculture when development patterns in the islands demonstrate that residents prioritize views of island-scale agriculture. Although highly complex, the current Index system will merely serve to create false distinctions between parcels with similar commercial significance.

The arbitrary distinctions established by the Index system must be resolved prior to a countywide evaluation of the long-term commercial significance of individual parcels. For at least several of the factors, like availability of roads, availability of public services, proximity to urban growth areas, and proximity to markets, a better approach would be to assign a threshold yes/no factor. Other criteria should have simplified factor scores. Friends intends to provide specific recommendations for analyzing each criterion at a future date.

On a related note, if DCD ultimately chooses to take a numerical approach to determining whether lands have long-term commercial significance, it must explain how the number it chooses meets that definition. For example, as it currently stands, DCD decided that a score of 38 is considered commercially significant.¹⁴ The use of that number does not appear to reflect an independent assessment that parcels with that number qualify as commercially

¹⁴ San Juan County, Natural Resource Land Designation Review, 3 (April 2, 2021) ("Report").

significant, but instead that they are roughly 50% higher than the average score countywide for long-term commercial significance based on the preliminary scoring methodology. The County should provide a logical explanation for a score that demonstrates long-term commercial significance based on the proposed natural resource use, not on how certain parcels score relative to parcels countywide. Ultimately, the County needs to determine what score shows that a parcel bears the hallmarks of commercial significance.

2. After Committing So Much Effort To Analyzing Whether Existing Designations Are Appropriate, and Learning That A Substantial Number of Parcels Warrant Designation As Forest and Agricultural Resource Lands Under Its Proposed Methodology, Why Wouldn't County Propose To Make Those Designations?

Although the designation methodology that the County has applied to NRLs does not accurately capture their long-term commercial significance, the County should nonetheless propose to change designations consistent with a final review once it corrects those flaws. Even though the County's analysis concludes that a significant number of parcels are incorrectly designated under its methodology, it does not propose to redesignate any parcels other than locations where property owners have requested dedesignation. For example, according to Figure 3 of the Report, 323 parcels that currently are not designated as agricultural resource land meet Comp Plan designation criteria and have a higher long-term significance.¹⁵ Yet none of them would be designated as agricultural resource lands as a result of the substantial process that the County just completed. Figure 4 likewise shows substantial numbers of parcels that are not appropriately designated based on the County's analysis of forest resource lands, yet none of them would be designated or dedesignated.¹⁶

After having spent considerable amounts of staff time and energy to conduct a countywide analysis of the long-term commercial significance for farm and forest lands, the County should finish the job and designate as agricultural or forest resource lands those parcels that have long-term commercial significance. The County should first determine the amounts of NRLs necessary to sustain farming and forestry in the islands. Then, as explained above and in Friends' January 13th comments, it should revise its designation methodology to accurately capture a parcel's commercial significance by eliminating arbitrary scoring and multiplier figures. And a heavy presumption should apply in favor of retaining lands that have been designated as NRL based on conditions like soils unless it is shown that those conditions have changed since the original designation in a manner to undermine their use for farming or

¹⁵ Report, at 23.

¹⁶ Report, at 24.

forestry.

As the County conducts its countywide assessment, it should apply a net gain approach that ensures that designation changes result in additional farm and forest land designations to compensate for annual docket proposals that, as with the site-specific proposals currently under review, are anticipated to request dedesignation of NRLs rather than new NRL designations. This would also be consistent with the GMA directive to designate NRLs.

3. Would the New Comprehensive Plan Designation Criteria Eliminate Site-Specific Factors About the Land Itself, Like Soil Type, As They Appear To Have Done?

The proposed Comprehensive Plan revisions appear to eliminate the consideration of soil type in determining under the Comprehensive Plan whether lands would qualify for designation as NRLs. The Legislature understandably deemed characteristics of the land like soil type to be an essential factor for determining whether lands are suitable for farming or forestry.¹⁷ State regulations further declare that whether land “is capable of being used for agricultural production” depends primarily on physical and geographic characteristics and does not depend on the landowner’s intent.¹⁸ Consequently, the Comp Plan currently inquires whether parcels have “soils capable of supporting long-term commercial agricultural production” based on soil types the Natural Resources Conservation Service has deemed suitable in SJC.¹⁹ And “lands that the DNR private forest land grades map identifies as Forest Land Grades 1-5” can be designated as FRLs under the Comp Plan if they also satisfy other criteria.²⁰

Yet this criterion appears to have been eliminated in favor of factors that reflect landowner intent, like whether a parcel is currently being farmed or managed for forestry or is adjacent to such areas.²¹ While this approach would broadly expand the number of parcels that could qualify for NRL based on landowner intent for the land by removing the parcel size and soil criteria, it would preclude the designation and preservation of suitable parcels as NRLs unless they were currently being farmed or forested and would not incorporate parcels capable of being used. While the County should maintain the proposed designation criteria, it should also retain for agricultural land designation, those parcels with prime farmland soil²² and, for

¹⁷ WAC 365-190-050(3)(c), 165-190-060(2)(c).

¹⁸ WAC 365-190-050(3)(b)(i).

¹⁹ SJC Comp Plan Section 2.3.D.5.a(1).

²⁰ SJC Comp Plan Section 2.3.D.5.b(1).

²¹ Report, at 25, 30.

²² Although the Comprehensive Plan current uses 10-acres as the minimum size for ARL designation, a 2017 agricultural viability paper reported that 40.4% of farmers who responded to an official survey farm 10 acres or less of land in San Juan County, indicating that a wide variety of parcel sizes can serve local farming needs. Rose

forest land designation, parcels with grades 1-5 soils on the DNR maps. This approach would also be consistent with the direction under the GMA to evaluate for designation both lands used and “capable of being used” for agriculture and forestry.²³

Thank you for the opportunity to provide these comments. We look forward to working with you to conserve our community’s resource lands consistent with the popular will of our residents and GMA directives.

Sincerely,



Kyle A Loring

cc: Erika Shook, SJC Department of Community Development
Adam Zack, SJC Department of Community Development
Brent Lyles, Friends of the San Juans

Encl.

Krebill-Prather, *Agricultural Viability in San Juan County*, prepared for WSU Social & Economic Sciences Research Center, 36 (March 2017).

²³ WAC 365-190-050(3)(b), -060(2)(b).

ATTACHMENT A



Friends *of the* San Juans

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P.O. Box 1344
Friday Harbor, WA 98250

To: SJC CD Staff, Planning Commissioners, and Council Members

From: R. Brent Lyles, Executive Director

Date: January 13, 2021

Subject: Comments on the proposed mineral resource land overlay proposed for the designation of mineral resource lands, the designation and de-designation of agricultural and forest resource lands, and the Long-Term Commercial Significance Index scoring system

Submitted via email: compplancomments@sanjuanco.com

Mineral Resource Lands

Of all the commercial operations that can occur on resource lands in SJC, mining is the most impactful to SJC's exceptional quality of life and natural environment; mining is the least compatible with all other land use designations. The proposal to confer resource land designation to legally established and existing mining operations by using the mineral resource land overlay (MRLO) as the land use designation raises questions and concerns.

1. Would the MRLO allow the existing mining operations to expand in size and/or intensity beyond that which is allowed under their current land use designation(s)?
2. Would the waiver of the currently required geologic and economic report prepared by a qualified professional set a precedent for waiving the required reports from qualified professionals for other types of land-use development?
3. In addition to SJC's outreach to existing mining operations, has SJC conducted outreach to the neighbors of the existing mining operations regarding the proposed changes to MRLO requirements?

The Natural Resource Land Designation Review Draft Methodology (Attachment D in the September 3, 2020 staff report) does not provide a Long-Term Commercial Significance Index (LCSI) scoring system or any other means of evaluating parcels for designation as mineral resource lands (by using the mineral resource land overlay (MRLO)). Parcels with agricultural and forestry operations are not being provided with the opportunity to receive resource land designation solely on the basis of having legally established and existing operations. SJC needs to address the many issues associated with designating mineral resource lands, including compatibility with existing development and land use designations, and impacts to SJC's environmental resources and rural and community character and quality of life.

Agricultural and Forest Resource Lands

Agricultural and forest resource lands provide San Juan County (SJC) with high value benefits in addition to their economic significance. There is strong public support for the complimentary values of resource lands in the health of our community and environment. Friends of the San Juans urges SJC to give more attention to these values in defining the framework for

designating and de-designating resource lands.

State law also recognizes the importance of these benefits as identified in WAC 365-190-060 (2)(c) which needs to be more thoroughly addressed in the designation of forest resource lands:

Counties and cities may also consider secondary benefits from retaining commercial forestry operations. Benefits from retaining commercial forestry may include protecting air and water quality, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism and access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species. These are only potential secondary benefits from retaining commercial forestry operations, and should not be used alone as a basis for designating or dedesignating forest resource lands.

The proposed revisions to the forestry policies include recreational activities and reducing forest fire risks, and they should be further revised to address all the benefits listed above.

While identical language is not expressly included for agricultural resource lands, WAC 365-190-050 (6) states:

Counties and cities may further classify additional agricultural lands of local importance. Classifying additional agricultural lands of local importance should include, in addition to general public involvement, consultation with the board of the local conservation district and the local committee of the farm service agency. It may also be useful to consult with any existing local organizations marketing or using local produce, including the boards of local farmers markets, school districts, other large institutions, such as hospitals, correctional facilities, or existing food cooperatives.

These additional lands may include designated critical areas, such as bogs used to grow cranberries or farmed wetlands. Where these lands are also designated critical areas, counties and cities planning under the act must weigh the compatibility of adjacent land uses and development with the continuing need to protect the functions and values of critical areas and ecosystems.

Agricultural lands of local importance should be identified with these benefits:

Protecting air and water quality, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species.

There is also value in having food production distributed throughout the islands, especially with regard to emergency preparedness. If there were a major disaster like an earthquake, the islands might have difficulty receiving supplies, and ferry service could be reduced or eliminated for an extended period of time.

Friends of the San Juans is concerned with the importance placed on larger parcel size in the proposed resource land designation/de-designation process. The Growth Management Act (GMA) regulations do not specify a minimum parcel size for either agricultural resource land

designation or forest resource land designation. What does SJC know about the size and scale of forest land operations and the forest products produced in SJC? In addition, SJC needs to clearly define how it will identify the appropriate amount of forest resource lands that would be sufficient to maintain and enhance the economic viability of SJC's forestry industries. The lack of data about local forestry operations and the lack of local forestry support organizations that engage in policy development is very concerning. The Washington State Department of Natural Resources' [2020 Forest Action Plan](#) could be a resource.

The size, scale and types of agricultural production in SJC are not the same as other WA State counties. 40.4% of SJC farmers who responded to a 2017 survey farmed 10 acres or less.¹ According to the most recent USDA Census of Agriculture, 1.0 to 9.9-acre farm operations in SJC increased 42% between 2007 and 2017 (as compared with a 20% increase state-wide); 72 farms averaging 5 acres in size comprise 23% of all farms in San Juan County (SJC).² GMA regulations clearly state that lands that are currently used for agricultural and/or forestry production **and** lands that are capable of such use must be evaluated for designation as resource lands (WAC 365-190-050 (2)(b)(i) and WAC 365-190-060 (2)(b)). In determining whether or not agricultural lands have long-term commercial significance "counties and cities should consider the following nonexclusive criteria, as applicable:" (WAC 365-190-050 (2)). The tax status criterion is nonexclusive and all criteria need to be evaluated for their applicability to SJC. The November 6, 2020 staff report states on page 2: "A search for parcels that had both farms on the VSP map and did not participate in the CUFA and OSFC programs brought up about 200 parcels that averaged about 20 acres in size." Presumably some of these existing farms that do not participate in the CUFA or OSFC current-use and open space agricultural tax programs are less than 10 acres. The agricultural resource lands policies as included in the 12-29-2020 draft Element B.2 Land Use and Rural could jeopardize the appropriate resource land designation or de-designation of a substantial number of agricultural parcels with long-term commercial significance.

Long-Term Commercial Significance Index scoring system

The proposed Natural Resource Land Designation Review Methodology includes a Long-Term Commercial Significance Index (LCSI) scoring system that raises significant concerns. The proposed scoring system will need to be tested and evaluated to ensure compliance with all GMA regulations and adjusted as needed.

Friends of the San Juans recommends the following:

1. Evaluate the amount of designated agricultural resource lands and forest resource

¹ Rose Krebill-Prather, *Agricultural Viability in San Juan County*, prepared for WSU Social & Economic Sciences Research Center, 36 (March 2017).

² United States Department of Agriculture (USDA) National Agricultural Statistics Service [Census of Agriculture](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1_Chapter_2_County_Level/Washington/st53_2_0008_0008.pdf). https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1_Chapter_2_County_Level/Washington/st53_2_0008_0008.pdf and https://www.nass.usda.gov/Publications/AgCensus/2012/Full_Report/Volume_1_Chapter_2_County_Level/Washington/st53_2_008_008.pdf

lands that would be sufficient to maintain and enhance the economic viability of SJC's agricultural and forestry industries by complying with both WAC 365-190-050 (5) and WAC 365-190-060 (5). Ensure that the results of the LCSI scoring system are consistent with these sections of the WAC:

- WAC 365-190-050 (5) When applying the criteria in subsection (3)(c) of this section, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.
 - WAC 365-190-060 (5) When applying the criteria in subsection (4) of this section, counties or cities should designate at least the minimum amount of forest resource lands needed to maintain economic viability for the forestry industry and to retain supporting forestry businesses, such as loggers, mills, forest product processors, equipment suppliers, and equipment maintenance and repair facilities. Economic viability in this context is that amount of designated forestry resource land needed to maintain economic viability of the forestry industry in the region over the long term.
2. Provide the additional data needed to identify resource lands of long-term commercial significance.
 - a. The County proposes to use the following sources of data:
 - SJC Comp Plan maps—land use designations;
 - SJC parcel data from the Assessor—parcel size, etc.;
 - SJC Assessor's Tax Map—enrollment in current use tax designations;
 - U.S. Department of Agriculture Natural Resource Conservation Service Soil Maps—soil suitability for agricultural production;
 - Washington Department of Natural Resources Private Forest Land Grade maps—location and extent of forest soils; and
 - SJC Voluntary Stewardship Program maps—location and type of agriculture.
 - b. This list should be supplemented with historic farming and forestry data, as well as information about parcels with current forestry operations, including those parcels that aren't currently enrolled in a forestry tax designation program.
 3. Explain the criteria used to initially identify resource lands and compare that with the LCSI and proposed criteria, including an explanation for why agricultural resource lands are currently only on San Juan, Orcas, and Lopez islands. The LCSI could perpetuate this land use designation bias in that it assigns lower scores to lands with long-term commercial significance that are located on Shaw Island and non-ferry served islands.
 4. Provide a clear explanation for the LCSI's different factor scores and the varying weights of the factor scores as applied to the subsections of WAC 365-190-050 (3)(c) and WAC 365-190-060 (4); furthermore, explain why the different factor scores and the varying weights of the factor scores are used when there is no priority or other relative value given to these subsections in the WAC. Arbitrary factor scores and score weights could

result in false distinctions between parcels that have similar long-term commercial significance.

5. Explain how the subsections of WAC 365-190-050 (3)(c) and WAC 365-190-060 (4) are applicable to the determination of long-term commercial significance of resource lands specifically in SJC.
6. Clearly define what, if any, SJC land use designations would be incompatible with agriculture and/or forest resource lands, and explain why.

Additional comments are embedded below in each of the criterion identified for the evaluation of parcels as resource lands in the Agricultural LCSi, Table 1 (starting on page 7 of the Natural Resource Land Designation Review Draft Methodology):

WAC 365-190-050 (3)(c) “The land has long-term commercial significance for agriculture. In determining this factor, counties and cities should consider the following nonexclusive criteria, as applicable:”

Criterion 1		
Comments: This criterion does not address WAC 365-190-050 (3)(b) “The land is used or capable of being used for agricultural production. This factor evaluates whether lands are well suited to agricultural use based primarily on their physical and geographic characteristics. Some agricultural operations are less dependent on soil quality than others, including some livestock production operations.”	Criterion	The classification of prime and unique farmland soils as mapped by the NRCS (WAC 365-190-050(3)(c)(i))
	Weight	X2
	Factor Scores	
	4	If more than 75% of parcel is prime farmland
	3	If between 50 and 75% of parcel is prime farmland
	2	If between 25 and 50% of parcel is prime farmland
1	If between 1 and 25% of parcel is prime farmland	
0	If no prime farmlands	

Criterion 2		
Comments: There is no explanation for treating parcels in the San Juans differently based on their distance from a public road or for awarding different scores based on “adjacency” or a 1,000-foot threshold. How important is access to public roads vs. private roads in SJC (given the type of public roads as compared with private roads and the scale and type of ag operations)?	Criterion	The availability of public facilities, including roads used in transporting agricultural products (WAC 365-190-050(3)(c)(ii))
	Weight	X1
	Factor Scores	
	4	If adjacent to public road
	2	If within 1,000 feet of a public road
0	If more than 1,000 feet from a public road	

Criterion 3		
Comments: Nov. 6, 2020 staff report (pg. 2): “A search for parcels that had	Criterion	Tax status, including whether lands are enrolled under the current use tax assessment. (WAC 365-190-050(3)(c)(iii))

<p>both farms on the VSP map and did not participate in the CUFA and OSFC programs brought up about 200 parcels that averaged about 20 acres in size.”</p> <p>WAC 365-190-050 states: “Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW” which doesn’t differentiate between lands that are currently used for agricultural production and lands that are capable of such use. The factor scores should be the same for both the current use and conservation programs.</p>	Weight	X1.5
	Factor Scores	
	4	If parcel in the current use farm and agriculture program
	3	If parcel in open-space farm conservation program
	0	If not in the current-use farm and agriculture or open-space farm conservation programs

Criterion 4		
<p>Comments: This criterion appears to penalize parcels that have long-term commercial significance if they have access to community water and sewer services (whether or not these community systems would be used for agricultural operations). The WAC does not specify whether the “availability of public services” is a benefit or a detriment to long-term commercial significance. Agricultural processing that requires regular testing of the water would benefit from a community water system.</p>	Criterion	The availability of public services (WAC 365-190-050(3)(c)(iv))
	Weight	X1
	Factor Scores	
	4	If outside a community water system and sewer system service area
	2	If within a community water system service area and outside a sewer system service area
	0	If within a community water system and sewer system service area

Criterion 5		
<p>Comments: WAC 365-190-050(3)(c)(v) doesn’t specify whether a parcel’s relationship or proximity to urban growth areas is a benefit or a detriment. Is the staff correct in stating that parcels with long-term commercial significance that are near UGAs will face additional pressure to develop with incompatible uses? Or is proximity to a UGA a benefit in terms of access to markets (e.g., see criterion 9 below)? It would be appropriate to exclude parcels from agricultural designation based on WAC 365-190-050(3)(a) “The land is not already characterized by urban growth. To evaluate this factor,</p>	Criterion	Relationship or proximity to urban growth areas (WAC 365-190-050(3)(c)(v))
	Weight	X1
	Factor Scores	
	4	If more than one-half mile away from a UGA
	2	If between one half and one quarter mile of a UGA
	0	If closer than one quarter mile or within a UGA

counties and cities should use the criteria contained in WAC 365-196-310 .”		
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Criterion 6		
<p>Comments: GMA regulations do not establish a minimum parcel size for natural resource land designations. SJC could identify different parcel sizes that are adequate for long-term commercial significance for different types of farming. Also, is the scoring difference appropriate, for commercial purposes, between a 1.99-acre parcel and a 5.01-acre parcel? 5.01 acres is worth 4 points (2X2) and 1.99 acres = 0. How will parcels that are exactly 2 or 5 or 10 or 20 acres be scored for this criterion? Suggested revision: If parcel is 20 acres or larger If parcel is 10 acres to 19.99 acres Etc.</p>	Criterion	Predominant parcel size (WAC 365-190-050(3)(c)(vi))
	Weight	X2
	Factor Scores	
	4	If parcel larger than 20 acres
	3	If parcel larger than 10 and less than 20 acres
	2	If parcel larger than 5 and less than 10 acres
	1	If parcel larger than 2 and less than 5 acres
0	If parcel less than 2 acres	

Criterion 7		
<p>Comments: How does the size of adjacent parcels determine compatibility with and/or designation of agricultural resource land? This criterion assumes that smaller surrounding parcels are less compatible with parcels that have long-term commercial significance for agriculture and that parcels less than 2 acres would have no compatibility. The WAC does not specify what parcel sizes would constitute a land use settlement pattern that would or would not be compatible with agricultural practices and no SJC-based analysis has been provided for the scoring of this criterion. In addition, the consideration of the compatibility of different land use designations need to be done at a macro scale and not a parcel-by-parcel scale.</p>	Criterion	Land use settlement patterns and their compatibility with agricultural practices (WAC 365-190-050(3)(c)(vii))
	Weight	X1.25
	Factor Scores	
	4	If average adjacent parcel size is 20 acres or larger
	3	If average adjacent parcel size is larger than 10 and less than 20 acres
	2	If average adjacent parcel size is larger than 5 and less than 10 acres
	1	If the average adjacent parcel size is larger than 2 and less than 5 acres
0	If the average adjacent parcel size is less than 2 acres	

Criterion 8		
<p>Comments: This criterion assumes that single-family residential development is an applicable “intensity of nearby land uses” that should be a criterion for identifying parcels that have long-term commercial significance for agriculture. The LCSJ needs to clearly define what, if any, SJC land use designations would be incompatible</p>	Criterion	Intensity of nearby land uses (WAC 365-190-050(3)(c)(viii))
	Weight	X1.25
	Factor Scores	
	4	If any neighboring parcel has AG or open space Assessor’s use code
2	If any neighboring parcel has a single-family residential use code and no neighboring parcel has an AG or open space Assessor’s use code	

with agricultural resource lands.	0	If no neighboring parcel has the use codes listed above.
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Criterion 9		
Comments: It appears that proximity to markets is being defined by a combination of ferry service and islands with UGAs. In addition to on-island direct-to-customer sales of all products, any island with access to USPS and/or UPS and/or FedEx has equal access to markets for many products.	Criterion	Proximity to markets (WAC 365-190-050(3)(c)(xi))
	Weight	X1.5
	Factor Scores	
	4	If on San Juan, Lopez, or Orcas Islands
	3	If on Shaw Island
	1	If on Stuart, Waldron, Blakely, or Decatur Islands
0	If on any other island	

Additional comments are embedded below in each of the criterion identified for the evaluation of parcels as resource lands in the Forest Resource Land LCSI, Table 3 (starting on page 10 of the Natural Resource Land Designation Review Draft Methodology):

WAC 365-190-060 (4) “Counties and cities must also consider the effects of proximity to population areas and the possibility of more intense uses of the land as indicated by the following criteria as applicable:”

Criterion 1		
Comments: This criterion appears to penalize parcels that have long-term commercial significance if they have access to community water and sewer services (whether or not these community systems would be used for forestry operations).	Criterion	The availability of public services and facilities conducive to the conversion of forest land. (WAC 365-190-060(4)(a))
	Weight	X1.5
	Factor Scores	
	4	If outside a community water system and sewer system service area
	2	If within a community water system service area and outside a sewer system service area
	0	If within a community water system and sewer system service area

Criterion 2		
Comments: How does the proximity to SJC UGAs determine compatibility with and/or designation of forest resource lands?	Criterion	The proximity of forest land to urban and suburban areas and rural settlements. (WAC 365-190-060(4)(b))
	Weight	X1.5
	Factor Scores	
	4	If more than one-half mile away from an UGA, activity center, or LAMIRD
	2	If between one half and one quarter mile of an UGA, activity center, or LAMIRD
	0	If within an UGA, activity center, or LAMIRD

Criterion 3		
<p>Comments: GMA regulations do not establish a minimum parcel size for natural resource land designations.</p> <p>How will parcels that are exactly 5 or 10 or 15 or 20 acres be scored for this criterion?</p> <p>Suggested revision:</p> <p>If parcel is 20 acres or larger</p> <p>If parcel is 15 acres to 19.99 acres</p> <p>If parcel is 10 acres to 14.99 acres</p> <p>Etc.</p>	Criterion	The size of the parcels. (WAC 365-190-060(4)(c))
	Weight	X2
	Factor Scores	
	4	If parcel larger than 20 acres
	3	If parcel larger than 15 and less than 20 acres
	2	If parcel larger than 10 and less than 15 acres
	1	If parcel larger than 5 and less than 10 acres
0	If parcel less than 5 acres	

Criterion 4		
<p>Comments: How does the size of adjacent parcels determine compatibility with and/or designation of forest resource land? The WAC does not specify what parcel sizes would constitute a land use settlement pattern that would or would not be compatible with forestry operations and no SJC-based analysis has been provided for the scoring of this criterion. In addition, the consideration of the compatibility of different land use designations needs to be done at a macro scale and not parcel-by-parcel.</p>	Criterion	The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands. (WAC 365-190-060(4)(d))
	Weight	X1.25
	Factor Scores	
	4	If average adjacent parcel size is 20 acres or larger
	3	If average adjacent parcel size is larger than 10 and less than 20 acres
	2	If average adjacent parcel size is larger than 5 and less than 10 acres
	1	If the average adjacent parcel size is larger than 2 and less than 5 acres
0	If the average adjacent parcel size is less than 2 acres	

Criterion 5		
<p>Comments: Why are there different factor scores for the current use taxation programs?</p>	Criterion	Property tax classification. (WAC 365-190-060(4)(e))
	Weight	X2
	Factor Scores	
	4	If parcel in the designated forestland (DFL) tax program
	3	If parcel is in the open-space timber land tax program
	0	If not in the DFL or open-space timber land tax program

Criterion 6		
<p>Comments: Identifying what is needed for the viability of commercial production on forest resource lands requires much more than the consideration of access to markets with what appears to be defined as ferry</p>	Criterion	Local economic conditions which affect the ability to manage timberlands for long-term commercial production [interpreted as access to markets] (WAC 365-190-060(4)(f))
	Weight	X1
	Factor Scores	
	4	If on San Juan, Lopez, Shaw, or Orcas Islands
	3	If on Stuart, Waldron, Blakely, or Decatur Islands
	0	If on any other island

service.		
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Criterion 7		
Comments: How would commercial or industrial land uses in SJC be incompatible with commercial forest land? No SJC-based analysis has been provided for the scoring of this criterion.	Criterion	History of land development permits issued nearby (WAC 365-190-060(4)(g))
	Weight	X1.25
	Factor Scores	
	4	If any neighboring parcel has forestry or open space Assessor's use code
	2	If any neighboring parcel has a single-family residential or undeveloped use code and no neighboring parcel has a forestry or open space Assessor's use code
	0	If any neighboring parcel has a commercial, industrial, or multi-family use code

Criterion 8		
Comments: Does PFLG address all forestry operations in SJC and, if not, are these factor scores and weight appropriate?	Criterion	Private Forest Land Grade (PFLG) (WAC 365-190-060(2)(c))
	Weight	X2
	Factor Scores	
	4	If any part of the parcel has PFLG 1
	3	If any part of the parcel has PFLG 2
	2	If any part of the parcel has PFLG 3
	1	If any part of the parcel has PFLG 4
	0	If PFLG is blank or 0