




SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

MEMO DATE: May 6, 2021
TO: San Juan County Planning Commission
CC: Erika Shook, AICP, DCD Director
FROM: Adam Zack, Planner III 
SUBJECT: San Juan County Comprehensive Plan
Element B.2 Land Use and Rural
Natural Resource Land Designation Review
DISCUSSION: May 21, 2021
ATTACHMENT: A. Sheila Gaquin Question, Email dated April 15, 2021
B. David Kane Question, Email dated April 16, 2021
C. Sheila Gaquin Question, Email dated April 17, 2021
D. Nick Knoellinger Question, Email dated April 18, 2021
E. Public Comments Received April 2 through May 6, 2021

PURPOSE: To provide answers to follow up questions from the Planning Commission.

PUBLIC COMMENTS: The public comment period on the Natural Resource Land Designation Review runs from April 2 to May 21, 2021. The Draft *Natural Resource Land Designation Review Phase One and Two Results (Report)* was initially provided with a staff memo dated April 2, 2021. The *Report* is posted online at <https://www.sanjuanco.com/DocumentCenter/View/22652/>. Please send all public comments to compplancomments@sanjuanco.com. Please do not copy the County Council, Planning Commission members, or County staff. Written public comments received by May 20 will be provided to the Planning Commission. Please focus public comments on the discussion topics contemplated in the *Report*.

RECOMMENDED PROCESS: During the May 21 Planning Commission meeting, the following process is recommended:

- Staff will brief the Planning Commission on the contents of this memo;
- The Planning Commission can ask additional questions;
- The Planning Commission discusses their preliminary recommendations for the Land Use Review requests discussed in the *Report*. The discussion should be in the form of a motion, second, and additional discussion. Staff recommends the following motion:

I move the Planning Commission [insert preliminary recommendation] as a preliminary recommendation for the possible Official Map change listed on page [X] of the Report dated April 2, 2021.

- Staff will maintain a list of the Planning Commission preliminary recommendations. Public can comment on the preliminary recommendations at the Official Map workshops to be held after the Planning Commission has a complete list of preliminary Official Map recommendations; and
- If the Planning Commission would like additional follow up, they can put together a list of questions for staff. Staff will prepare answers to the Planning Commission follow up questions for the June meeting.

The discussion of natural resource land designations can continue to the June 18 meeting if needed.

BACKGROUND: The County is required by the Growth Management Act (GMA) to review natural resource land designations, policies, and development regulations during the mandated periodic review (WAC 365-196-480(1)(b)). Reviewing natural resource land designations must be done on an area-wide basis. The County is not required to reevaluate the entire designation process and should primarily focus on consistency with the *Plan* designation criteria (WAC 365-196-480(2)(e)). The *Report* provides the results of the first two phases of evaluation of natural resource land designations during the *Plan* update. Appendix A of the Report includes the methodology used in the designation review. The Planning Commission was briefed on natural resource lands, the methodology for this designation review, and corresponding policies in 2020.

Two previous staff memos provided additional information about natural resource lands and the designation review process.

- September 3, 2020 Natural Resource Lands Staff Report for September 18 Planning Commission meeting <https://www.sanjuanco.com/DocumentCenter/View/21090/>
- December 29, 2020 Natural Resource Land Goals and Policies Staff Report for January 15, 2021 Planning Commission Meeting <https://www.sanjuanco.com/DocumentCenter/View/21615/>

PLANNING COMMISSION QUESTIONS: During the April 16, 2021 briefing and via email, the Planning Commission requested staff responses to the following questions:

1. Provide more information about the long-term commercial significance index (LCSI) threshold used in Phase One of the analysis. Specifically, what is the justification for setting the long-term commercial significance index threshold at 38?
2. What is the process for designating more lands either agricultural resource or forest resource lands beyond those considered in the report? What are the pros and cons of undertaking that project? What is the scope of work for undertaking that project?
3. What will the process be for the Planning Commission to propose preliminary changes to natural resource land designations?
4. If land use designations change from a natural resource land designation to a rural designation, how would that affect land divisions (Attachment A)?
5. How was the LCSI calculated? How were the results validated? Specifically, how was the LCSI on TPN 25184002000 calculated? Is the score here correct (Attachment B)?
6. Questions about requests 18-0019 and 20-0004 (Attachment C)?
7. U.S. Census data and population figures (Attachment D)?

1. LCSI Commercial Significance Threshold

The Planning Commission asked for additional information about setting the Long-term Commercial Significance Index (LCSI) commercial significance threshold at 38. First, it is helpful to revisit the explanation provided on page 3 of the *Report*:

Lands with an AG LCSI score greater than or equal to 38 were considered commercially significant. On a traditional letter grading scale 38 out of 50 points is a 76 percent or a “C”. The average AG LCIS score on the 17,324 parcels in the County was 24.57. If the AG LCSI is graded on a curve where the mean score is 24.57, a score of 38 is a 96 percent, or a very solid “A”. When grading on a curve, the mean score becomes the “C” or average grade.

A similar explanation is provided for FO LCSI on page 8 of the *Report*.

Setting the LCSI threshold at 38 generally captures a high number of commercially significant resource lands while excluding parcels that have some aspects of commercial significance but are not uniquely valuable as natural resource lands. Parcels with active natural resource operations averaged LCSI scores at or above 38, indicating that that range of scores corresponds with commercial natural resource lands. Parcels with an LCSI score between 30 and 38 show a much wider variation in onsite conditions and include many lands that are not uniquely valuable as natural resource lands. The LCSI threshold of 38 narrows the focus of the analysis to commercially significant lands without excluding too many parcels that might be commercially significant.

Part of the review process for the *Report* included comparing parcels with varying LCSI scores throughout the County. Staff compared the LCSI results on parcels with assumed greater commercial significance. Examples of areas with assumed greater commercial significance are places with known productive natural resource lands like the San Juan Valley for agriculture and central Blakely Island for forestry. Once staff had completed the scoring of parcels and validated the results (see the answer to question 5 below), scores for areas with assumed higher commercial significance were reviewed. For example, the AG LCSI on the 158 parcels that

are already designated agricultural resource (AG) in the San Juan Valley where there is known agricultural activity was examined. In this area, the mean AG LCSI is 39.08 and the median is 39.13. The same process for looking at LCSI scores on assumed commercially significant areas was repeated throughout the County. For reference, Table 1 below provides an example of seven areas throughout the County with assumed high commercial significance and provides the mean and median LCSI scores for those areas.

Table 1. Average LCSI Scores for Sample Areas with Assumed Higher Commercial Significance.

Area	Mean LCSI	Median LCSI
San Juan Valley	AG LCSI 39.08	AG LCSI 39.13
South Lopez	AG LCSI 41.28	AG LCSI 41.75
North Lopez	AG LCSI 38.35	AG LCSI 38.25
West Valley Road	AG LCSI 37.37	AG LCSI 38
Crow Valley	AG LCSI 37.36	AG LCSI 37
Turtleback	FO LCSI 37.97	FO LCSI 38
Blakely Interior	FO LCSI 37.71	FO LCSI 37

Source: Natural Resource Land Designation Review Report.

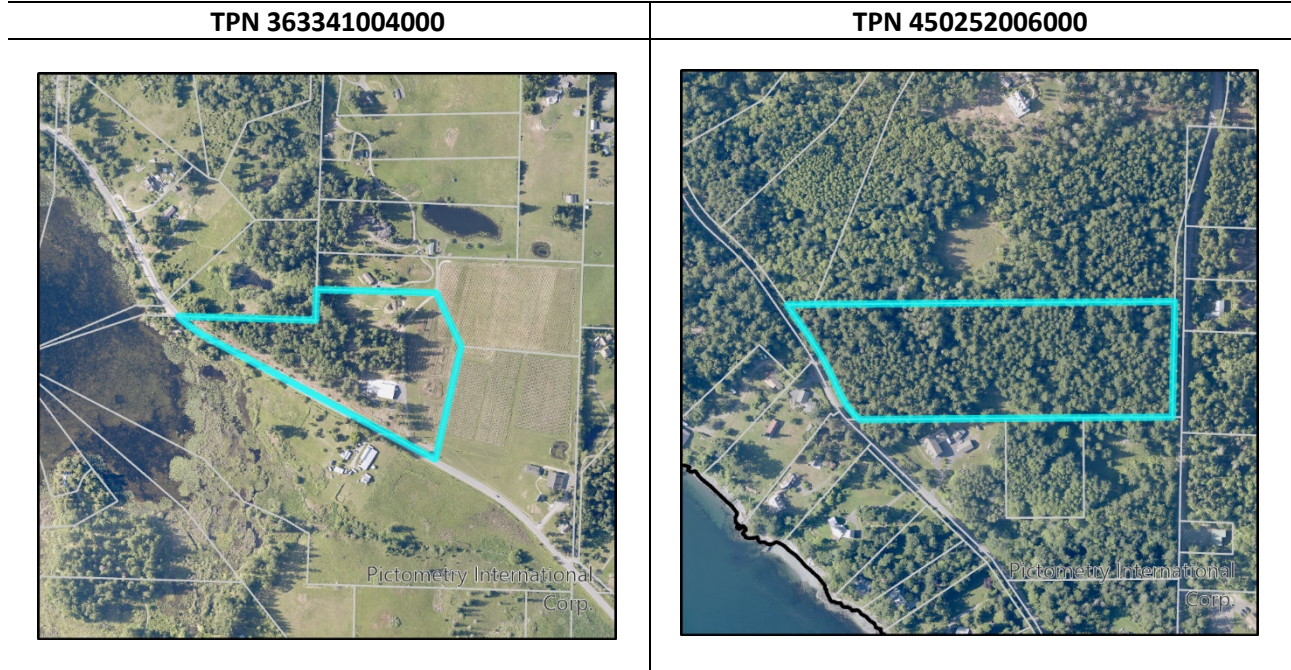
Another indicator of places with existing commercial agricultural operations, suggesting greater commercial significance, are properties that participate in the current use and open space agricultural taxation programs. Showing up on the Voluntary Stewardship Program (VSP) Farm Map is another indicator that a parcel probably has an active agriculture operation. The AG LCSI on parcels that either participate in an agricultural tax program or show up on the VSP Farm Map was provided in the *Report* on page 4. Parcels in the agricultural tax program have a mean AG LCSI of 43.70 and a median AG LCSI of 44.25. Parcels shown on the VSP Farm Map have a mean AG LCSI of 40.31 and a median AG LCSI of 41.50.

Parcels that participate in a forestry tax program like Designated Forest Land (DFL) or the Open Space Timberland (OSTL), can also be assumed to have a higher commercial significance because they have existing forestry operations. Parcels that participate in DFL or OSTL have a mean FO LCSI of 43.42 and a median FO LCSI of 43.75.

The average LCSI scores ranged between 37 and 43 on parcels in areas with known resource operations and in areas with assumed higher commercial significance. Setting a threshold at or above forty would only include the top 2 percent of scores and would probably miss some commercially significant lands. The scores on lands with known resource operations suggested that the LCSI threshold should be set in the upper thirties. To establish the lower range of the LCSI threshold, parcels that scored between 30 and 38 were examined.

Many parcels have an AG or FO LCSI score between 30 and 38. As the LCSI score decreases, more parcels will be in that range of scores, but many of these parcels will not be specifically agricultural or forestland. Because more parcels have scores in these ranges, they have a greater degree of variation of the onsite conditions. For example, TPNs 363341004000 and 450252006000 scored an AG LCSI of 36.25; just below the AG LCSI commercial significance threshold. These two parcels typify the increased variation in onsite conditions for parcels that score below 38. Figure 1 shows the 2019 aerial photographs of each parcel. TPN 363341004000 clearly has some agricultural activities taking place, it participates in an agricultural tax program and is a larger parcel. TPN 450252006000 is a larger parcel, it is surrounded by lower-intensity development, and does not participate in an agricultural tax program. TPN 450252006000 also does not appear to have any active agricultural operations. Though TPN 450252006000 has an AG LCSI score in the mid-thirties it is probably not commercially significant for agriculture. If the threshold is lowered, this kind of variation in onsite conditions will be more prevalent.

Figure 1. TPNs 363341004000 and 450252006000 2019 Aerial Photograph.



Source: SJC GIS.

Setting an LCSi threshold requires a balance between too exclusive and too inclusive. If the LCSi threshold is lowered, it becomes less descriptive of commercial significance because lower scores have a greater degree of variation in the onsite conditions. Setting the threshold higher is more exclusive and increases the likelihood that parcels in that score range are commercially significant, but if the threshold is too high it might exclude some commercially significant parcels. As shown in the example in Figure 1, some farm parcels are captured with a lower score, but more nonfarm parcels will also be captured by lowering the threshold. Increasing the variation in parcels that fit under the LCSi threshold also reduces the effectiveness of the threshold because a lower LCSi threshold is more general.

Another example of the increased variation in onsite conditions on parcels that have an LCSi in the mid-thirties is along Portland Fair Road on San Juan. Some parcels in this area have AG LCSi scores between 30 and 36.25, some agricultural soils, and are larger parcels. The area along Portland Fair Road is primarily residential and is not an agricultural area. Map 1 shows an aerial photograph of this area and the AG LCSi scores for all the parcels. The average AG LCSi on the 27 parcels shown in Map 1 is 27.75.

Map 1. AG LCSI Scores Around Portland Fair Road.



Source: SJC GIS.

The area around Douglas and Bailer Hill roads has predominately higher AG LCSI scores and can be contrasted with the area shown in Map 1. Map 2 shows an aerial photograph of this area with the AG LCSI scores for 23 parcels there. The average AG LCSI on these parcels is 38.25. This area has established agricultural uses and an average AG LCSI score at or above the threshold. Comparing Maps 1 and 2 provides an example of how higher LCSI scores indicate a higher likelihood that the area is commercially significant natural resource land.

Map 2. AG LCSI Scores Around Douglas and Bailer Hill Roads.



Source: SJC GIS.

Setting the LCSi threshold at 38 generally captures a high number of commercially significant resource lands while excluding parcels that have some aspects of commercial significance but are not uniquely valuable as agricultural or forest resource lands. As outlined above, known resource lands like those that participate in special tax programs or have been identified as areas with existing commercial operations tend to have an average LCSi higher than 38. On the other hand, parcels with an LCSi score below 38 have a greater variation in onsite conditions and are less likely to be resource lands. The LCSi threshold of 38 appropriately narrows the analysis to commercially significant lands without excluding too many parcels that might be commercially significant.

For reference, the LCSi figures discussed in Table 1, Figure 1, Map 1, and Map 2 are based on the results in the current version of the *Report*. The AG LCSi totals might change slightly because the automated script was corrected for a minor error. The details of this correction are discussed with the answer to Question 5 below. These scores might increase or decrease by 2.5 to 5 points. The general conclusion that an LCSi of 38 indicates commercial significance is not affected by the correction to the script.

No single threshold will perfectly capture only commercially significant lands and exclude those that are not. The data analysis in Phases One and Two are incomplete without a human element to interpret the results. The *Methodology* accounts for this during Phases Three. The purpose of Phase Three is to gather input from the public, specifically from the Planning Commission, to incorporate into the interpretation of the results from Phases One and Two. The structure of the *Methodology* incorporates data analysis with local knowledge and public input. In so doing, the phases of the analysis in total will be a complete analysis of whether the natural resource land designations are consistent with the goals and policies of the *Plan*.

2. Process for Designating More Natural Resource Lands Beyond Those Considered in the *Report*

Before going through the process for designating more natural resource lands, background on what is required during the *Plan* update provides important context. The scope of work for the Comprehensive Plan update was established by Resolution 21-2016. The scope of work included one line item related to agriculture and forest resource land designations on page one of Attachment B, which states:

“Review land designation forest land in and outside of shoreline jurisdiction”

In addition to the scope of work, the County is required by the Growth Management Act (GMA) to review natural resource land designations. The requirement is established in WAC 365-196-480(1)(b) and (2)(e), which state:

(b) Counties and cities planning under the act must review their natural resource lands designations, comprehensive plans, policies, and development regulations as part of the required periodic update under RCW 36.70A.130(1) and 36.70A.131.

[...]

(e) The review of existing designations should be done on an area-wide basis, and in most cases, be limited to the question of consistency with the comprehensive plan, rather than revisiting the entire prior designation and regulation process. However, to the extent that new information is available or errors have been discovered, the review process should take this information into account. Review for consistency in this context should include whether the planned use of lands adjacent to agricultural, forest, or mineral resource lands will interfere with the continued use, in an accustomed manner and in accordance with the best

management practices, of the designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

The GMA requirement is focused specifically on consistency with the Comprehensive Plan rather than a complete revisitation of the designation and regulation process. This important distinction is made because revisiting the designation process is a major undertaking that involves a significant commitment of County resources. Revisiting the prior designation process is not required by the state law and would be a local planning choice. Because a revisitation of the designation process is an optional project and a major commitment of resources, the County Council must initiate this process.

If the Planning Commission would like to recommend revisiting the prior natural resource land designation process beyond the scope of work for the Comprehensive Plan update to the County Council. The Planning Commission can submit recommendation to the County Council to direct staff to revisit the previous designation process. The County Council can then decide to add the project the Department of Community Development (DCD) work plan.

Scope of Work

Revisiting the entire previous designation process would be a substantial project. A revisitation of the designation process would take roughly 2 to 3 years, not including the time a potential appeal would add. An appeal of the new natural resource land designations is very likely because the designation changes intersect with both private property rights and the interests of local advocacy groups. If the new natural resource land designations are appealed, it would add another 1.5 to 2 years to the project. An appeal would also require work from the Prosecuting Attorney's office. Given the likelihood of an appeal, the project is likely to take 3 to 4 years in total. This significant commitment of County resources that revisiting the designation process would require is the reason the County Council, and not the Planning Commission, would need to direct staff to undertake the project through the annual docket process.

The most significant time commitment of this project would be the required public outreach. Engaging stakeholders early and often in the revisitation of the designation process would be vital to increase public buy-in of the decisions and reduce the likelihood of an appeal. Given the sensitive nature of these decisions, even extensive public participation is unlikely to avert an appeal. Natural resource land designations are a heavily litigated aspect of the GMA. Overall, the public participation component of this kind of project will make up the majority of the time spent.

The list of activities below provides a high-level overview of the steps that would be required for revisiting the natural resource land designation process. This project would take place at the same time that staff is working on the other projects the County Council has added to the DCD work program. This list includes the steps for the Planning Commission to recommend the County Council to direct staff to undertake this project.

1. Planning Commission makes a recommendation to Council to add the project to the DCD work program (January – Summer 2022, 6-8 months)
 - a. Planning Commission submits a recommendation to the County Council;
 - b. Staff makes a recommendation to the County Council; and
 - c. County Council decides whether to direct staff to undertake the project.
2. Staff works with the Planning Commission to prepare a preliminary draft of amended natural resource land designations (Fall – Winter 2023, 4-6 months. Total time: 10 months to 1 year)

- a. The Planning Commission will work through initial alternatives over the course of several meetings;
 - b. The County Council will be briefed on the progress of the project; and
 - c. The public will be able to comment at Planning Commission meetings throughout the initial drafting of possible changes.
3. Public process to refine the preliminary draft of natural resource land designation changes (Spring – Summer 2023, 6-8 months. Total time: 1.5-2 years)
 - a. Stakeholder engagement with citizen advisory committees such as the Agricultural Resources Committee and other organizations such as the San Juan Islands Conservation District, and
 - b. Community workshops on affected islands. There would be at least three workshops. Given the Countywide nature of the project, more than three workshops would likely be required.
 4. The Planning Commission incorporates public feedback into the draft of possible changes (Fall 2023 – Winter 2024, 4-6 months. Total time: 2-2.5 years)
 - a. The Planning Commission refines their draft of proposed changes over the course of several meetings;
 - b. The County Council will be briefed on the project progress; and
 - c. Once the draft has been refined, the Planning Commission will hold public hearings and arrive at their recommendation to County Council.
 5. The County Council considers the Planning Commission recommendation (Winter – Spring 2024, 3-6 months. Total time: 2.75-3 years)
 - a. The County Council will consider the recommendation and propose alternatives;
 - b. The Prosecuting Attorney’s office reviews the recommendation and proposed alternatives;
 - c. The County Council holds public hearings to gather public input on the Planning Commission recommendation and alternatives; and
 - d. The County Council adopts changes to the Official Maps.
 6. If the adopted changes are appealed to the Western Washington Growth Management Hearings Board (WWGMHB), DCD staff and the Prosecuting Attorney’s office prepare a defense (3-6 months after the appeal is filed. Total time: 3.25-3.5 years)
 7. The WWGMHB issues a decision.
 - a. Depending on the WWGMHB decision, implementing changes or addressing the Final Decision and Order will add 6 months to 1.5 years to the project. Total project time commitment: 4-5.5 years.

Pros and Cons of Revisiting the Previous Designation Process

Developing a list of pros for revisiting the previous designation process is difficult without a clearly defined objective for the project. A defined objective would assist in analyzing whether and how a revisit could achieve the stated objective. In other words, revisiting the previous designation process just to revisit it does not have any clear advantages. If the Planning Commission defined the reasons they might be interested in revisiting the previous designation process, staff can provide analysis on whether the project could accomplish the stated goals.

Some of the drawbacks of revisiting the prior designation process include:

- Revisiting the designation process is a significant undertaking that will take about 4-5 years, delaying other planning projects, such as *Plan* update implementation, code amendment projects the County Council has prioritized, and the shoreline permit cumulative effects analysis required by San Juan County Code 18.50.020(E)(3); and
- Revisiting the designation process would expose natural resource land designations to appeal.

A possible reason for making changes to land use designations to reduce regulatory barriers for agriculture and forestry. There is no evidence to suggest that there are significant regulatory barriers related to the land use designations for starting a new farm or forestry operation. Making a change to a resource land designation would not affect whether farming and forestry are allowed because these uses are allowed outright in nearly every land use designation throughout the County. Map 3 shows the areas in the County where the land use designation allows agriculture outright, meaning a land use permit is not required to initiate a new farm operation. Map 4 shows the areas in the County where the land use designations allows forestry outright, meaning a land use permit is not required to conduct forest practices. These natural resource land uses are allowed outright in almost every land use designation in the County.

Staff does not recommend revisiting the previous designation process because it has significant drawbacks and no clear advantages. Revisiting the previous designation process would be a significant commitment of County resources that would delay other planning projects. The possibility of an appeal of amended natural resource land designations is would further commit County resources and could lead to undesired outcomes. Amending land use designations is not likely to increase the areas where agriculture and forest practices are allowed because they are allowed outright in nearly every land use designation.

Map 3. Areas in the County Where Agriculture is Allowed Outright.



Source: SJC GIS.

Map 4. Areas in the County Where Forest Practices are Allowed Outright.



Source: SJC GIS.

3. Planning Commission Process for Proposing Changes to Natural Resource Land Designations During the Comprehensive Plan Update

As the Planning Commission considers their preliminary recommendations for natural resource land designations, they might decide to recommend changing designations on lands not discussed in the *Report*. The Planning Commission will begin discussing possible changes to natural resource land designations at their meeting on May 21, 2021. The discussion should first focus on the land use designation review requests and staff recommendations detailed in the *Report* before moving on to other potential proposals. The drawbacks discussed in the answer to Question 2 should be considered when weighing whether to make changes beyond those contemplated in the *Report*.

If the Planning Commission would like to propose changes to land use designations during the Comprehensive Plan update, including natural resource land designations, the general process will be as follows:

1. The Planning Commission proposes a possible land use designation change. The possible change should be:
 - a. Geographically defined, referring to a specific area, and
 - b. The proposal should be put in a motion, with a second, further discussion, and voted on by the group.
2. If the Planning Commission agrees by motion to move forward with a possible land use designation change:
 - a. The possible change will be added to the list of preliminary Official Map changes to be considered during the Official Map public workshops;
 - b. The Planning Commission can ask staff for additional information about the possible change. The additional information can be provided at a subsequent meeting;
 - c. Staff will prepare a notification list of the affected property owners and neighbors;
 - d. Affected property owners and neighbors will be notified in advance of the next public meeting during which the proposal will be discussed;
 - e. Planning Commission will review the list of preliminary Official Map changes at public meetings before the Official Map public workshops;
 - f. Affected property owners and neighbors will be notified in advance of the Official Map public workshops and provided with information on how to participate;
 - g. The Planning Commission will get comments from affected property owners and neighbors at the Official Map public workshops;
 - h. The Planning Commission can respond to public comments on the proposed Official Map changes at the Official Map public workshops or at the public work sessions that will follow. The affected property owners and neighbors will be notified of the public work sessions that follow the public workshops;
 - i. The Planning Commission can ask staff for additional information in preparing their response to public comments. Responses to these questions will be provided at the work sessions that follow the workshops;
 - j. The Planning Commission will refine their draft of changes to the Official Maps in advance of the public hearings;
 - k. The Planning Commission will hold at least one public hearing on the Comprehensive Plan update, which will include the changes to the Official Maps. The public hearing includes deliberations;
 - l. After holding the public hearing, the Planning Commission adopts findings and makes a recommendation on the Comprehensive Plan update, which includes changes to the Official Maps, to the County Council; and
 - m. The County Council considers the Planning Commission recommendation during their own deliberations on the Comprehensive Plan update. The County Council must hold at least one public hearing before adopting the Comprehensive Plan update.

4. Land Division Implications of Changing Natural Resource Land Designations

In an email dated April 15, 2021, Sheila Gaquin provided the following comment on Request 20-0004 (Attachment A):

The applicant, Orcas Vision Project, mentions a possibility of a rural cluster for affordable housing—which I support whole-heartedly. However this request involves approximately 90 acres across 4 tax lots—far more than is needed or allowed for a cluster development. I am concerned that if all that acreage is re-designated as RFF, it could potentially be divided into roughly 18 or 19 parcels, significantly increasing the density of the Pole Pass area. If the owner is determined to pursue an affordable housing project, the 17 acre parcel along the Deer Harbor Road, TPN 261723002000, would provide ample room for a cluster development, without re-designating the other parcels.

The residential densities established on the Official Map are not tied to the land use designations. Maximum density, the number of dwelling units allowed per acre, is a separate component of the Official Maps from the land use designations. The land use designation can be changed from Forest Resource (FOR) to Rural Farm Forest (RFF) without increasing the residential density. The staff recommendation for Request 20-0004 in the *Report* only recommends changing the land use designation without making a change to the residential density on the subject parcels.

The change in land use designation from FOR to RFF without a corresponding increase in residential density would allow the property owner to develop a rural residential cluster development (affordable housing) without increasing the number of market rate dwelling units allowed. Changing the land use designation without increasing density gives the property owner the choice to develop affordable housing as described in their request without allowing the additional land division Ms. Gaquin is concerned about.

5. LCSI Calculations and Result Validation

In an email dated April 16, 2021, David Kane asked several questions about the data validation process and provided an example parcel TPN 25184002000 (Attachment B). During the presentation on April 16, 2021, staff did not detail the data validation process employed during Phases One and Two of the analysis. The results of the first two phases were validated by staff between November 2020 and March 2021. The validation process had several steps.

First, the automated script for the individual steps of the analysis was reviewed to ensure the steps and formulas were accurately applying the criteria. This included making sure that the automated steps were referring to the correct and current data sets related to each criterion. For example, AG LCSI Criterion 1 requires the calculation of the percentage of each lot covered by prime and unique farmland soils as categorized by the Natural Resource Conservation Service (NRCS). There are over thirty different prime and unique farmland soil types in San Juan County as mapped by the NRCS. Soil types are coded in this data using a four-digit number and four different subclasses. In creating the script to conduct this spatial data analysis (comparing the size of the parcel with amount of farmland soils in the area), staff made sure that the analysis utilized the current NRCS soil survey and that the script was referring to the correct prime and unique farmland soil types defined in the soil survey report. This kind of confirmation was conducted for each of the LCSI criteria prior to running the automated portion of the analysis. The automated steps are structured like math equations (if X, then Y, return Z). Before the script was run, the steps were reviewed to ensure the logic, including the order of operations, would generally result in the scores defined in the *Methodology*.

After the automated steps were reviewed and run, staff began the process of validating the results by hand. The general steps used to validate the results were as follows:

1. Select parcels that were assigned a specific score for the criteria (i.e. parcels scored 4 for AG Criterion 4, meaning it is outside the service areas of both water and sewer systems);
2. Check results on those parcels to ensure that the score is correct (i.e. ensure that parcels that score 4 for AG Criterion 4 are actually outside the service areas of both water and sewer systems);
3. Identify parcels that were not assigned the correct score for the criteria (i.e. parcels that are within the service areas of either water or sewer systems that were scored 4 for AG Criterion 4);
4. Determine if the parcel score was incorrect due to an error in the automated script and correct the script if necessary;
5. If the script worked correctly but the parcel was miscategorized because the parcel has unique circumstances that might not get captured by the automated process, manually edit the results to the correct score; and
6. This process was repeated for each score.

In Mr. Kane’s email, he asked specific questions about the scores for TPN 251844002000 and the water and sewer service area criteria for both AG and FO LCSIs. This parcel will illustrate how the validation steps outlined above are applied. Table 2 below shows the AG and FO LCSI criteria scores and the total AG and FO LCSI scores for this parcel. In the table, the scores for AG Criterion 4, AG Criterion 8, and FO Criterion 1 are highlighted because those were the specific scores Mr. Kane asked about. Looking at a specific criterion score is step 1 of the validation steps detailed above.

Table 2. AG and FO LCSI Scores for TPN 251844002000.

AG Criterion 1	AG Criterion 2	AG Criterion 3	AG Criterion 4	AG Criterion 5	AG Criterion 6	AG Criterion 7	AG Criterion 8	AG Criterion 9	AG LCSI Total
8	2	0	2	4	8	2.5	2.5	6	35
FO Criterion 1	FO Criterion 2	FO Criterion 3	FO Criterion 4	FO Criterion 5	FO Criterion 6	FO Criterion 7	FO Criterion 8	FO LCSI Total	
3	6	8	2.5	0	4	5	6	34.5	

Source: Natural Resource Land Designation Review Phase One and Two Report.

The scores for AG Criterion 4 and FO Criterion 1 indicate that the parcel is within a water system service area and outside of a sewer system service area. Table 3 shows the AG Criterion 4 scoring conditions, Table 4 shows the AG Criterion 8 scoring conditions, and the FO Criterion 1 scoring conditions. These tables are excerpts from Tables A.1 and A.2 in Appendix A of the *Report*.

Table 3. AG Criterion 4 Scoring Conditions.

Criterion 4	
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 or large onsite septic service area
2	If within a community water system service area and outside a sewer system or large onsite septic service area
0	If within a community water system and sewer system or large onsite septic service area

Source: *Report* Appendix A.

Table 4. AG Criterion 8 Scoring Conditions.

Criterion 8	
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
0	If no neighboring parcel has the use codes listed above.

Source: *Report Appendix A.*

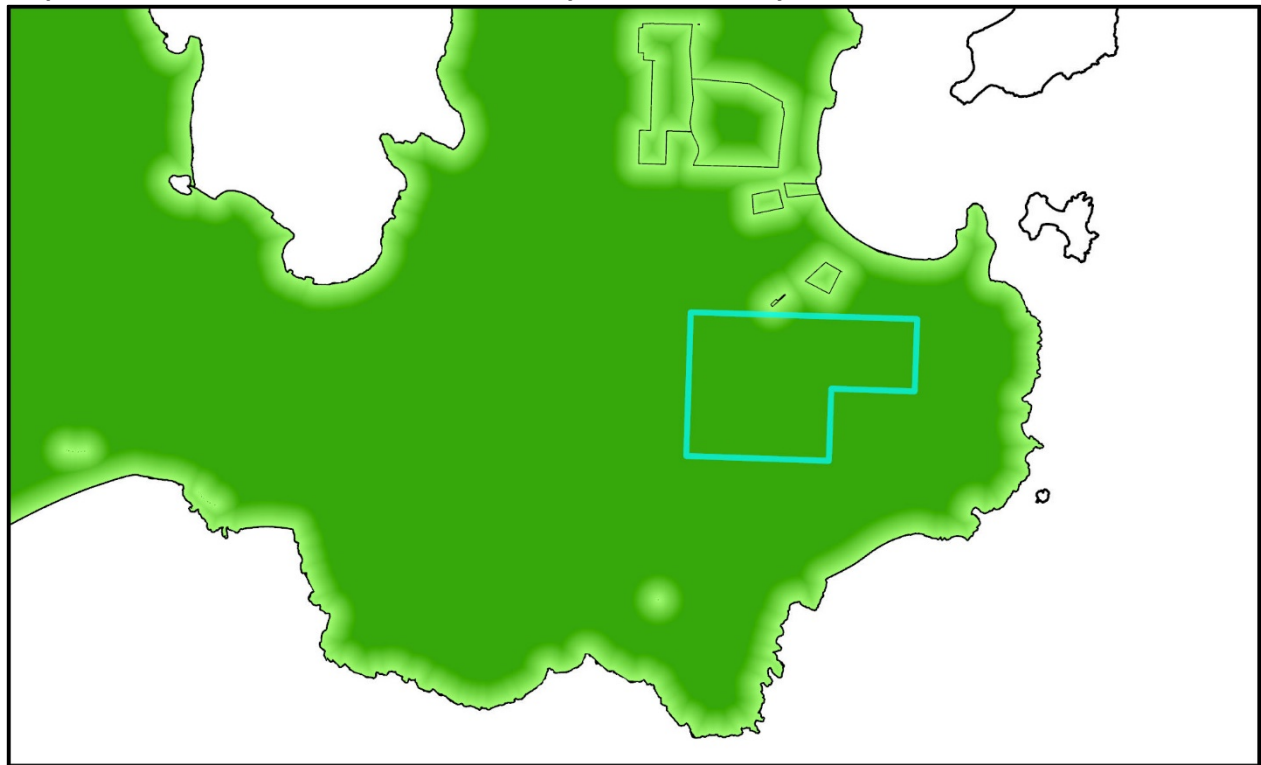
Table 4. FO Criterion 11 Scoring Conditions.

Criterion 1	
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 or large onsite septic service area
2	If within a community water system service area and outside a sewer system or large onsite septic service area
0	If within a community water system and sewer system or large onsite septic service area

Source: *Report Appendix A.*

The next step in validation is to check the results to make sure that the scores were correctly calculated. Table 2 shows that the sample parcel scored a 2 for AG Criterion 4 and a 3 for FO Criterion 1. These scores indicate that the parcel is within a community water system service area and outside a sewer system or large onsite septic service area (Tables 3 and 4). Map 3 shows the sample parcel with a blue outline and the Town of Friday Harbor Water System service area in green. The sample parcel is within the Town of Friday Harbor Water System service area. There is not a sewer system that serves this parcel. It is both within a water system service area and outside a sewer system or large onsite septic system service area. The scores for both AG Criterion 4 and FO Criterion 11 are correctly scored for this parcel.

Map 3. TPN 251844002000 and Town of Friday Harbor Water System Service Area.



Source: SJC GIS.

When the validation process showed a parcel is correctly scored, no further action was necessary. In some instances, parcels were not scored correctly by the automated process. In these cases, the automated script was reviewed to make sure its terms matched the *Methodology* criteria. If updates to the script were necessary, it was corrected and then run again.

The subject parcel score for AG Criterion 8 is a good example of when corrections to the script are necessary. Mr. Kane correctly points out that the subject parcel should have been scored 5 based on the use codes on surrounding parcels. After reviewing his comment, DCD staff worked with GIS staff to assess the terms in the script that calculated the score for AG Criterion 8 and found an error in the script. After we diagnosed the problem, GIS staff ran the script to correct AG Criterion 8 scores. This correction changed the score for the subject parcel (TPN 251844002000) from 35 to 37.5. This correction to the script either increased or decreased the scores on parcels with the error by 2.5 points.

In most instances during the validation process, the script matched the *Methodology* criteria and no edits were needed for the automated part of the analysis. Instead, incorrectly scored parcels had unique characteristics that did not work with the script. For example, some parcels were within one quarter mile of an urban growth area (UGA) but because the parcel is an unusual shape, its center point was outside of the buffer the script used to determine this location. When staff came across parcels with an incorrect score that resulted from this kind of situation, the score was manually corrected to be consistent with the *Methodology*.

The validation method described above was used to confirm the results for each of the AG and FO LCSI criteria before moving to the next step of the *Methodology*. A similar process was used to validate the results for each step of the analysis in Phase Two.

Because the script was corrected for AG Criterion 8, the *Report* will be updated with the corrected data and maps. The correction to the script only resulted in minor changes, the AG LCSI scores that changed only changed by between 2.5 and 5 points. The correction of the script did not affect the FO LCSI for forest resource lands. The changes to the results are not significant enough to alter the staff recommendations for the land use designation review requests, the majority of which were forest resource land designation change requests. An updated version of the *Report* will be provided to the Planning Commission soon.

6. Questions about requests 18-0019 and 20-0004

In an email dated April 17, 2021, Sheila Gaquin asked the following five questions about requests 18-0019 and 20-0004 (Attachment C). The questions are provided in bold and the staff response to each is provided after each question.

20-0004

1. Isn't the south-eastern parcel already RFF?

The southeastern parcel included with the request is currently designated Rural Farm Forest (RFF). The applicant was proposing a possible designation swap as an alternative to only de-designating the forest resource parcels. The analysis in the *Report* showed that this parcel is not commercially significant and does not meet the *Plan* designation criteria. No additional action is required for the southeastern parcel (TPN 261734001000).

2. The assessor's code for those properties and the surrounding ones in 94 – open space. Is there an alignment between the assessor's codes and land use designations?

The Assessor's use code is not related to the land use designation. The Assessor's office describes the use codes as follows:

The land use codes used by the assessor's office describe the primary use of the property as determined by the appraiser at the time of the physical inspection, generally occurring only once every six years. If there is more than one use or characteristic of the property, the codes will not reflect all uses or characteristics. The codes are not useful for determining allowable use under planning and development rules.

The easiest way to understand the difference between land use designations and the use codes is that the designation shown on the Official Map describes the planned future land use for a property and the use code approximates the existing use at the time of assessment.

3. Is "open space" a sub-category of the other land uses?

Open space is a descriptor of how that land is being used. A parcel can have more than one land use established on it. For example, a twenty-acre parcel could have one developed acre and no development on the remaining nineteen acres. In this case, the parcel would have a residential use on one acre and the remaining acreage would be open space. The use codes are a partial and approximate description of the uses on a given parcel. They do not provide a complete picture of the uses established on a given property.

18-0018

1. I wonder if the first property number is wrong. It's listed as 261711002000, should it be 260---?

Yes, this is a typo in the *Report*. The four parcels included with Request 18-0018 are 260643008000, 260643009000, 260643002000, and 260711002000.

2. The report says the property to the west hamlet residential, but it is listed on Polaris Map with a tax status CUFA, and assessor code 83. I believe that parcel may also have a conservation easement on it from the Land Bank – regardless, is the property still listed as Hamlet Residential?

Yes, the area to the west of the subject parcels is inside the Deer Harbor Hamlet and designated Hamlet Residential (HR). Current-Use Farm and Agriculture (CUFA) and the Assessor's use code both refer to the current use of the parcel. The HR designation relates to the planned future land use.

7. U.S. Census data and population figures

Nick Knoellinger asked about the availability of 2020 Census data (Attachment D). As of this writing, the 2020 Decennial Census results do not appear to be complete, but some of the data are available. The available Census Bureau data are posted on the U.S. Census Bureau website at: <https://data.census.gov/cedsci/>. Keep in mind that the Census data are either a point in time count (Decennial Census) or estimates (American Community Survey).

The population forecast the County is using for the *Plan* update was adopted by Resolution 27-2017. Based on that forecast, the County is expecting the countywide population to reach 19,423 people by the year 2036. This forecast is based on the County population growing in proportion to the statewide population. More information about the projected population growth in the coming years is provided in staff reports dated April 11, 2017, and May 30, 2017. These staff reports are posted on the website at:

- April 11, 2017 staff report: <https://www.sanjuanco.com/DocumentCenter/View/11845/>
- May 30, 2017 staff report: <https://www.sanjuanco.com/DocumentCenter/View/12210/>

Adam Zack

From: Lynda Guernsey
Sent: Thursday, April 15, 2021 1:26 PM
To: Adam Zack
Subject: FW: To Adam Zack

Hi Adam,

Please see the email below from Sheila Gaquin.

Regards,
Lynda

Lynda Guernsey, Administrative Specialist II – Direct Line (360) 370-7579 SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
(360) 378-2354 | 135 Rhone Street | PO Box 947 | Friday Harbor, WA 98250

-----Original Message-----

From: Sheila Gaquin <sheilag@sanjuanco.com>
Sent: Thursday, April 15, 2021 1:21 PM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Subject: To Adam Zack

Lynda, I'm not sure if I still need to send emails to staff through you, but just incase, could you please forward this to Adam Zack.

Thank you,
Sheila

Adam,

Lynda sent an email saying tomorrow's Planning Comm. meeting is a briefing, not a hearing, so I'm not sure how many points in your staff report will be discussed by the Planning Commission, so I wanted to send you my concerns about the Docket Request 20-0004 to de-designate 4 parcels from Forest Resource to Rural Farm Forest. The applicant, Orcas Vision Project, mentions a possibility of a rural cluster for affordable housing—which I support whole-heartedly. However this request involves approximately 90 acres across 4 tax lots—far more than is needed or allowed for a cluster development. I am concerned that if all that acreage is re-designated as RFF, it could potentially be divided into roughly 18 or 19 parcels, significantly increasing the density of the Pole Pass area.

If the owner is determined to pursue an affordable housing project, the 17 acre parcel along the Deer Harbor Road, TPN 261723002000, would provide ample room for a cluster development, without re-designating the other parcels.

I know it's getting to the end of the day, and you no doubt have a busy afternoon ahead, so you do not need to reply to this email, but perhaps could address my concerns tomorrow at the Planning Commission meeting?

Thank you for your time and all you do,
Sheila

Adam Zack

From: Lynda Guernsey
Sent: Friday, April 16, 2021 12:29 PM
To: Adam Zack
Subject: FW: Questions

Hi Adam,

Please see the email below from David Kane.
I have responded to his opening questions about distribution.

Regards,
Lynda

Lynda Guernsey, Administrative Specialist II – Direct Line (360) 370-7579
SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
(360) 378-2354 | 135 Rhone Street | PO Box 947 | Friday Harbor, WA 98250

From: David Kane <davidk@sanjuanoco.com>
Sent: Friday, April 16, 2021 12:23 PM
To: Lynda Guernsey <LyndaG@sanjuanoco.com>
Subject: Questions

Hi Lynda,

Is it correct that PC questions to Adam Zack need to be directed to you? vs the public go direct to Adam?

Request and Comment for Adam

#1 Adam could you please include the capability to overlay the 1932 Base Map on future presentation / screen shares? The 1932 map provides valuable context of historical significance.

#2 LCSi Scoring: Since the data set is relatively small, perhaps more human review?

As way of an example: Parcel 251840002 (50+ acres) currently has an AG LCSi of 35 when it probably should have a score of 39.5. And a FO LCSi score of 34 when it should probably be 37.5.

'AG Criteria 4' Since parcel is not served by Community Water or Sewer it should score 4, not 2.

'AG Criteria 8' Has neighboring parcel with Open Space designation and should score 5, not 2.5.

'FO Criteria 1' Parcel is outside a community water system and should score 5, not 2.5

Historical 1932 map shows this parcel at 99.9% pasture, the parcel is now partially forested with mature trees.

Adam Zack

From: Lynda Guernsey
Sent: Monday, April 19, 2021 8:31 AM
To: Adam Zack
Subject: FW: Questions for Adam
Attachments: doc from april 16 PC (dragged).pdf

Hi Adam,

Please see the email below from Sheila Gaquin.

Regards,
Lynda

Lynda Guernsey, Administrative Specialist II – Direct Line (360) 370-7579
SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
(360) 378-2354 | 135 Rhone Street | PO Box 947 | Friday Harbor, WA 98250

From: Sheila Gaquin <sheilag@sanjuanco.com>
Sent: Saturday, April 17, 2021 9:02 AM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Subject: Questions for Adam

Lynda, Please forward to Adam—thank. You.

Adam:

I have questions about the de-designation of the properties owned by Orcas Vision on Pg. 50-51 of your report.

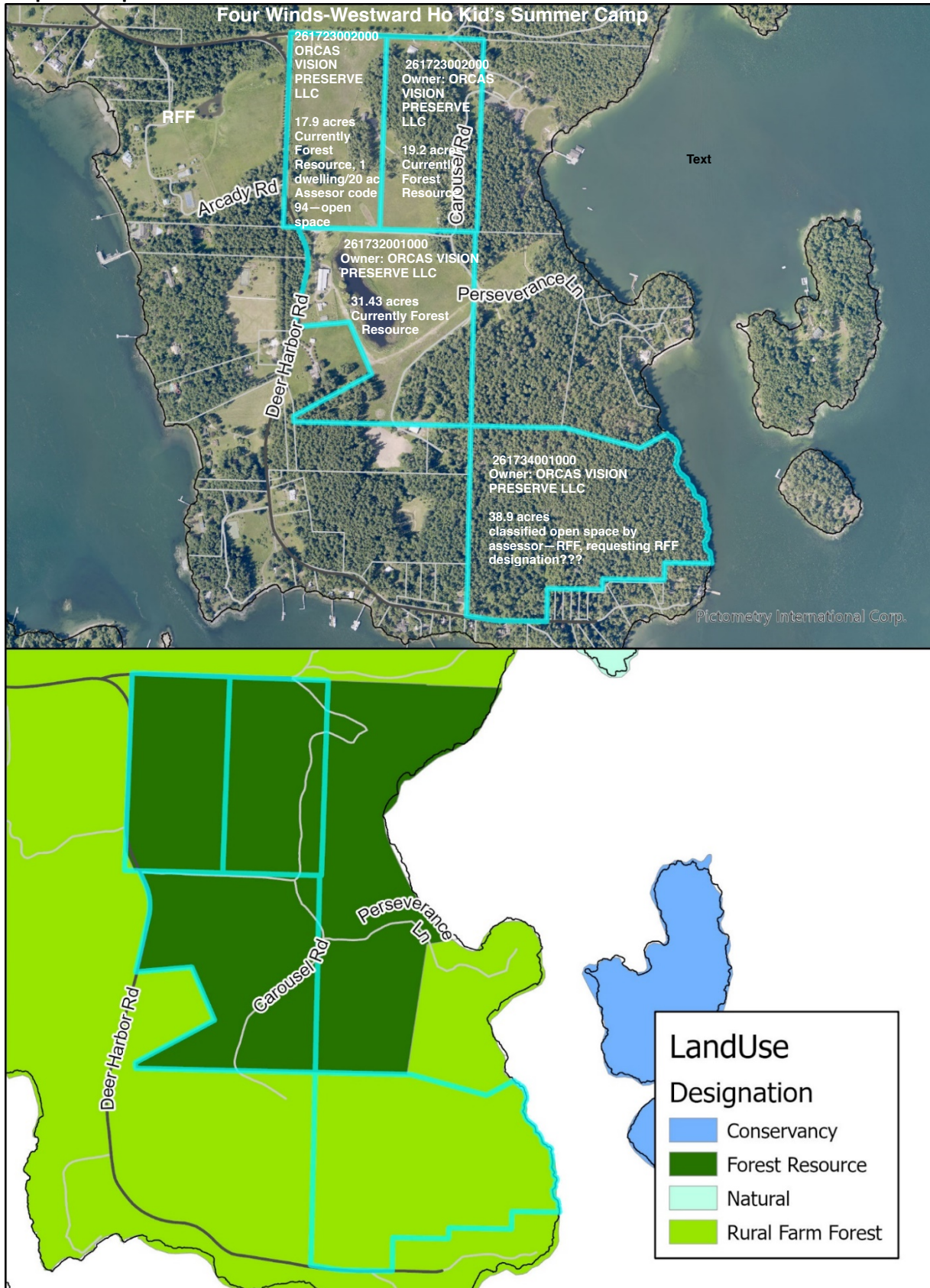
1. Isn't the south-eastern parcel already RFF?
2. The assessor's code for those properties and the surrounding ones in 94—open space. Is there an alignment between the assessor's codes and land use designations?
3. Is "open space" a sub-category of the other land uses?

On page 41, the TPN for the 4 properties owned by the Thurmans, I have these questions:

1. I wonder if the first property number is wrong. It's listed as 2617110020000, should it be 260—?—?
2. The report says the property to the west hamlet residential, but it is listed on Polaris Map with a tax status CUFA, and assessor code 83. I believe that parcel may also have a conservation easement on it from the Land Bank—regardless, is the property still listed as Hamlet Residential?

Thank you Adam for your patience in fielding all these questions!!!
Sheila

Map 26. Request 20-0004.



Perhaps, closer attention to possible redesignation of the few remaining large parcels may be prudent as conversion of these commercially significant AG and FO parcels would undoubtedly negatively damage rural character.

Link to **AG** LCSI Parcel Map <https://data2017-01-09t190539232z-sjcgis.opendata.arcgis.com/datasets/ag-lcsi-parcels>

Link to **FO** LCSI Parcel Map <https://data2017-01-09t190539232z-sjcgis.opendata.arcgis.com/datasets/fo-lcsi-parcels>



FO LCSI Parcels

FO Natural Resource Land Designation Review data

data2017-01-09t190539232z-sjcgis.opendata.arcgis.com

?

Thank you,

David Kane

Adam Zack

From: Lynda Guernsey
Sent: Monday, April 19, 2021 8:32 AM
To: Adam Zack
Subject: FW: Information

Hi Adam,

Please see the email below from Nick Knoellinger.

Regards,
Lynda

Lynda Guernsey, Administrative Specialist II – Direct Line (360) 370-7579
SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
(360) 378-2354 | 135 Rhone Street | PO Box 947 | Friday Harbor, WA 98250

From: Nicholas Knoellinger <nicholask@sanjuanco.com>
Sent: Sunday, April 18, 2021 7:41 PM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Subject: Information

Good Evening Lynda,

I was wondering if there was a way to get the current information from the most recent census (2020). As we are talking about land use and potential changes I'm curious to see what the updated census report is so I can make the best decisions I can going forward. Any help with this would be greatly appreciated.

Thank You,

Nick Knoellinger
Planning Commissioner
San Juan County, Washington

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

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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*)
LORING ADVISING PLLC
PO Box 3356 | Friday Harbor, WA 98250
360-622-8060 | www.loringadvising.com

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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).

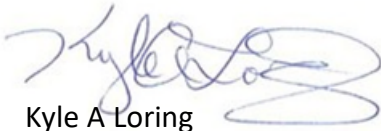
²¹ Report, at 25, 30.

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,

A handwritten signature in blue ink, appearing to read "Kyle A Loring", with a large, stylized flourish at the end.

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

360.378.2319
www.sanjuans.org

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

Adam Zack

From: Ted Moores <tmoores@comcast.net>
Sent: Wednesday, April 14, 2021 2:45 PM
To: Comp Plan Update
Subject: re Land user view request designation change.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Adam;

My wife, Janny Padelford and I own the property immediately north of request 18-0019 on the waterfront, and my wife's sister, Carol, owns the adjacent land from the road to our property.

We do appreciate all the work you've all done looking at the designations and arriving at a good updated plan. Our concern is just one part of the Thurman / Stephanie O'Day plan.

It seems logical and inevitable to us that the 30 acres would be divided. However, the way its divided has the largest parcel, 15 acres, running a narrow strip down to the water, creating a waterfront building site on a parcel much narrower than any other parcel along that shore and 4 waterfront sites where there has been one for decades.

Janny's family has owned the property immediately north of Thurmans for over 70 years, and when we divided it 30+ years ago we made a point of maintaining the privacy (visual and auditory), forest cover and distance that everyone along the shore had been used to. The change of the Thurman property to 4 waterfront sites feels like a huge shift in density and the waterfront site of the 15 acre parcel feels extremely intrusive. If the 15 acre parcel did not go to the water, leaving 3 waterfront sites, we believe that the subdivision could be a reasonable and viable change.

Ted Moores, Janny Padelford

Adam Zack

From: seraphim at rockisland.com <seraphim@rockisland.com>
Sent: Thursday, April 15, 2021 1:13 PM
To: Comp Plan Update
Subject: RE: Land Use Review Request Designation Change for TPN: 141611001000 Request Number: 19-0004

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15 April, 2021

Adam Zack
Planner III
Department of Community Development
San Juan County, WA

Greetings,

I am offering the following comments RE: Land Use Review Request Designation Change for TPN: 141611001000 Request Number: 19-0004

I fully support the staff recommendation to NOT de-designate this parcel owned by the Jean Michl Estate.

I strongly believe that zoning designations should be stable - and going forward should protect and preserve the existing land systems. This area (500+ acres) - from the Michl's land to the is BLM lands - is lightly developed and contains important ecosystems that should be kept intact. I appreciate that the natural resource land designations are based on areas rather than individual parcels. This has not always been the case. Because of my concerns I placed a Conservation Easement with the San Juan Preservation Trust on my 23+ acres in 2009.

Also, re-designation of the Michl's land would put more pressure on an already stressed water resource. Our well has salt water intrusion. Nearby Cape Saint Mary Estates has had water shortage problems since it's inception. Eight more homes could be a significant addition to the current problem.

Thank you for your careful consideration,

Sincerely,

Cynthia Dilling

612 Cape Saint Mary Road

Lopez Island, WA 98261

seraphim@rockisland.com

Adam Zack

From: George Lawson <glawson4005@gmail.com>
Sent: Thursday, April 15, 2021 10:08 PM
To: Comp Plan Update
Subject: Fwd: Land Use Review Request Designation Change for TPN: 141611001000 Request Number:19-0004

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----- Forwarded message -----

From: George Lawson <glawson4005@gmail.com>
Date: Thu, Apr 15, 2021 at 9:56 PM
Subject: Land Use Review Request Designation Change for TPN: 141611001000 Request Number:19-0004
To: <compplancomments@sanjuanCo.com>

15 April, 2021

Adam Zack
PlannerIII
Dept of Community Development
San Juan County, WA

Dear Mr. Zack and Other Appropriate Parties:

Thank you for your clear and professional letter of April 7, 2021.

In regards to the request of the Jean Michl Estate (see reference above) to de-designate the referenced property from Forest Resource (FOR) to Rural Farm Forest (RFF), DO NOT de-designate this parcel owned by the Jean Michl Estate.

I urge you to maintain the staff recommendation regarding this property. My property abuts the Michl property, and in order to preserve the natural character and ecology of this general area I put my acreage and home footprint in a Conservation Easement with the San Juan

Preservation Trust. I did this because of the general area's high fire danger due to this logged, dry, shallow soil forest, the current aquifer stress, and because my property is part of several properties in this area that constitute a fragile, contiguous, interdependent "eco-system" of plants, trees and wildlife. Changing the designation of the Michl Estate property to allow for more intensive development may threaten the vulnerable health of this area.

I fully support the staff recommendation in regards to maintaining the current designation of Forest Resource (FOR) for the Jean Michl Estate.

Regards,

George A. Lawson

642 Cape St. Mary Road

Lopez Island, Wa. 98261

360 468 4005

glawson4005@gmail.com

Adam Zack

From: Monte <monte@rockisland.com>
Sent: Thursday, April 15, 2021 8:21 PM
To: Comp Plan Update
Subject: RE: Land Use Review Request Designation Change for TPN: 141611001000 Request Number: 19-0004

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15APR21

Adam Zack
Planner III
Department of Community Development
San Juan County, WA

Subject: RE: Land Use Review Request Designation Change for TPN: 141611001000 Request Number: 19-0004

15 April, 2021

Adam Zack
Planner III
Department of Community Development
San Juan County, WA

Greetings,

I am offering the following comments RE: Land Use Review Request Designation Change for TPN: 141611001000 Request Number: 19-0004

I fully support the staff recommendation to NOT de-designate this parcel owned by the Jean Michl Estate.

In the application "Comprehensive Map Amendment Request" item #1, the applicant states that there are "few non-forest related uses present." That finding should favor leaving the land in the current FOR designation.

In the same application, item #2 the applicant mentions farmland to the west. That parcel has probably been farmland for 100 years. The applicant implies that it was recently put into farm use. Further, the applicant mentions that farm land to the west and does not mention the properties to the south which are forested and/or in a land preservation program. This puts serious doubt to the claim that a proposed "density of 1-du/10 ac would be consistent with these surrounding properties." (item #4)

The applicant notes that five acre lots could be used for agriculture. That land would have to be clear-cut to be used for agriculture. I think research will show that there are few, if any, successful five acre agriculture operations on Lopez Island.

I do not see how clearing and attempting agriculture activity on five acre parcels will preserve the "rural character" of the surrounding properties as stated by the applicant.(item #4)

I concur with the staff recommendation to NOT approve the de-designation.of this large parcel of forest land. It fits the requirements for FOR.

Thank you for the opportunity to give my input on this matter.

Sincerely,
Monte Midkiff
530 Cape Saint Mary Road
Lopez Island, WA 98261
monte-at-rockisland dot com

Adam Zack

From: CJ Dorland <cdorland@indemotorsports.com>
Sent: Tuesday, April 20, 2021 9:45 AM
To: Adam Zack
Cc: Dad; CJ Dorland
Subject: Comments for Request Number: 20-0004

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Comments for Request Number: 20-0004

My name is CJ Dorland and I am the beneficiary of the Christopher J Dorland Trust which owns a nearby home to the above referenced request number located on TPN: 261731002000 with home address of 270 Perseverance Lane. Thank you for mailing me the proposed County Comprehensive Plan update and request for a land use designation change submitted by my neighbor. Below are my comments and questions regarding this proposed change:

1. Applicant submitted a request form that is not complete. There are numerous unanswered questions and missing attachments. I do not understand how the San Juan County Department of Community Development can legally recommend approval of an invalid request form from the owner. Please explain?
2. The application clearly states that TPN 261734001000: "The large parcel currently designated RFF is a dense forest with minimal access to roads and utilities. It would benefit from being preserved as a forest". I fully agree that this particular parcel is not suitable for any affordable housing and should be preserved as a forest. This parcel should be removed from consideration to accommodate affordable housing as part of this request.
3. In a recent conversation with owner's representative, Alison Kartiganer, it was stated by her that the owner has no interest in building affordable housing on TPN 261732001000 because it has existing structures, a pond, and gardens that make it undesirable to build affordable housing there. This parcel should also be removed from consideration to accommodate affordable housing as part of this request.
4. Applicant states in question 6 on the request form, "We cannot think of adverse impacts of the change." No benefits were listed but there are obvious significant adverse affects that are created by any new housing development such as the following: Increased traffic and significant impacts on Deer Harbor Rd. as well as interior roads, adverse affect on the water table for all nearby properties on a well system, increased noise and light pollution, increased use of public services, which are already very limited in the Deer Harbor area, impact on local schools, and increased drainage runoff. The accumulative affect of all these impacts will adversely affect the property values and quiet enjoyment of nearby property owners like me.
5. I fully understand the need and desire for more affordable housing on Orcas Island but this proposed amendment for these parcels is an overreach with approx 110 acres under consideration to accommodate affordable housing in a remote and rural area. It is not compatible with historical and existing land uses of any of the surrounding properties. I would be agreeable to affordable housing on TPN's 261723002000 and 261723001000 but would ask the Community Development Department to require, as a condition of approval, an environmental impact report, 100 year assured water supply, mitigation measures for impacts caused by traffic, drainage, noise, and light pollution. I would also like to ask the Community Development Department to require, as a condition of approval, 100% of all neighbors within a 5 mile radius approve the proposed affordable housing development for these 2 parcels once a master development plan and all required studies have been completed and properly submitted.

Thank you for your time and consideration. I can be reached at (818) 620-3938 or cdorland@indemotorsports.com should you have any questions or would like further feedback.

CJ DORLAND

President

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