




SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
(360) 378-2354 | (360) 378-2116
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MEMO

MEMO DATE: July 2, 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
Mineral Resource Lands Overlay
BRIEFING DATE: July 16, 2021
ATTACHMENT: A. San Juan County Code 18.35.015 Mineral resource lands district
B. Correspondence between staff and mining property owners

FEEDBACK REQUESTED: Please provide staff with a preliminary recommendation on the possible areas for designation under the Mineral Resource Lands Overlay (MRLO) requested by the property owners.

PUBLIC COMMENTS: 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 July 15 will be provided to the Planning Commission. Please focus public comments on the discussion topics contemplated in this memo.

BACKGROUND: The Comprehensive Plan (*Plan*) and San Juan County Code (SJCC) include goals, policies, and development regulations for the MRLO. The MRLO is the mechanism provided in the *Plan* for designating mineral resource lands on the Official Maps. No lands currently are designated MRLO. To designate land under the MRLO the *Plan* policies require a property owner to apply for designation. Requiring an application is a local choice. Per *Plan* policy, the MRLO is not allowed in the shoreline jurisdiction, Activity Centers, Rural Residential, Natural, or Conservancy land use designations.

The principal function of the MRLO is to provide mining operations protection from nuisance claims. A nuisance claim is a legal challenge to a land use which asserts that a use is interfering with a property owner's reasonable use and enjoyment of their land. Nonconforming uses are particularly susceptible to nuisance claims. More information about nuisances is available on the Municipal Research and Services Center (MRSC) website at <http://mrsc.org/home/explore-topics/legal/regulation/nuisances-regulation-and-abatement/what-is-a-nuisance.aspx>. The San Juan County MRLO regulations provide relief from nuisance claims in SJCC 18.35.015(C)(1), which states:

“Nuisance. The following shall not be considered a nuisance: mineral resource extraction and processing activities, operations (except between 7:00 p.m. and 7:00 a.m. and on weekends), facilities or appurtenances thereof, conducted or maintained for commercial mineral

resource extraction and processing purposes on land designated as mineral resource land, regardless of past or future changes in the surrounding area land use or land use designation.”

Allowed uses in the MRLO are defined by the underlying land use designation per SJCC 18.35.015(B) (Attachment A). The MRLO does not change the allowable and prohibited uses on designated properties. In rural designations, mining and mineral extraction is prohibited in all designations except Rural General Use (RGU). As a result, existing mining operations outside of RGU are nonconforming and will continue to be nonconforming under the MRLO unless SJCC 18.30.040 is amended. Changes to nonresidential nonconforming uses require a conditional use permit. Nonconforming uses can be modified, expanded, replaced, and can continue operating provided the degree of nonconformity is not increased (SJCC 18.40.310).

The combination of nonconformity and lack of protection from nuisance claims exposes existing mining operations to possible legal challenges. Legal exposure to nuisance claims for mining operations can jeopardize this important part of the local economy. Mining operations provide vital construction materials and employment. During the *Plan* update, staff has been directed by the Council to look for areas that might qualify the MRLO.

Requests for MRLO Designation: In 2020, staff reached out to property owners in the County with either an active mining permit from the state or mining use code in the County parcel data. Four owners replied, requesting the MRLO designation on eight parcels. The correspondence is included in Attachment B. One property owner requested the MRLO prior to 2020. In total, 5 property owners have requested designation on 10 parcels. Table 1 shows the parcel number, address, island, and owner for each parcel. Maps 1 and 4 show an aerial of each parcel that has requested designation and the area proposed for the MRLO designation.

Table 1. Mining Parcels.

TPN	Site Address	Island	Owner	Mining Use Status ¹
363244001000	65 Gill Ln	San Juan	EGG LAKE QUARRY LLC	Nonconforming
363250021000	Gill Ln	San Juan	EGG LAKE QUARRY LLC	Nonconforming
363250023000	185 Crestview Dr	San Juan	EGG LAKE QUARRY LLC	Nonconforming
450113005000	Trevathan Hollow Rd	San Juan	WEST VALLEY HOLDINGS LLC	Nonconforming
450111003000	Saanich Rd	San Juan	WEST VALLEY HOLDINGS LLC	Nonconforming
260221001000	508 Elsie Rd	Orcas	DOLPHIN BAY QUARRY PROPERTY LLC	Nonconforming
260222001000	436 Quarry Ln	Orcas	BOXEUR CORPORATION	Nonconforming
260223001000	685 Mountain Crest Dr	Orcas	MOUNTAIN CREST QUARRY LLC	Nonconforming
272750007000	Gravel Pit Rd	Orcas	BOXEUR CORPORATION	Nonconforming
272750002000	186 Gravel Pit Rd	Orcas	BOXEUR CORPORATION	Conforming

Note:

1. Mining and mineral extraction activities are prohibited in the Rural Farm Forest, Agricultural Resource, and Forest Resource land use designations and allowed by conditional use permit if existing in the Rural Industrial land use designation per SJCC 18.30.040 Land use table – Rural, resource, and special land use designations.

Map 1. Proposed MRLO on TPNs 450113005000 and 450111003000.



Map 2. Proposed MRLO area on TPNs 363244001000, 363250021000, and 363250023000.



Map 3. Proposed MRLO on TPNs 260221001000, 260222001000, and 260223001000.



Map 4. Proposed MRLO on TPNs 272750007000 and 272750002000.



Staff Recommendation: Staff recommends designating the existing mining operations that have submitted requests for designation under the MRLO. Maps 1 through 4 above show the areas recommended for designation. These parcels have a known presence of mineral resources evidenced by the existing mining operations there. These operations have been operating for many years providing vital aggregate material for construction and road maintenance. Providing these operations protection from nuisance claims for mining activities will help to ensure these crucial resources will be available in the future.

The Comprehensive Plan (*Plan*) establishes criteria for designating MRLO in Element B.2 Land Use and Rural (Land Use Element). The *Plan* designation criteria are proposed for amendment during the *Plan* update. The amended criteria are established in Land Use Element Policy 2.4.5.c.1. This policy is provided below with ~~strikeout~~ and underline to show the proposed amendments.

1. Upon application by a landowner, lands which are characterized by all of the following criteria may be designated as a Mineral Resource Land Overlay District (MRLO) on the ~~Comprehensive Plan~~ Official Maps:
 - a. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional or the land has a legally established mining operation and the County Council adopts findings that the land has commercial significance for mineral resources;
 - b. Current or future land use will not exceed a residential density of one dwelling unit per ten acres;
 - c. Are not within an Activity Center, Rural Residential, Natural or Conservancy designation or any Shoreline designation; and
 - d. Are not within a wetland or fish and wildlife habitat conservation area as defined in this *Plan*.

The parcels proposed for designation under the MRLO have active mining operations that have operated for at least 25 years. All lands proposed for designation are developed at a residential density below one dwelling unit per ten acres. The regulations in SJCC 18.35.015 Mineral resource lands district limit the residential density to not exceed one dwelling per ten acres. The future land use will not exceed one dwelling unit per ten acres. All of the parcels proposed for designation are not within an Activity Center, Rural Residential, Natural, or Conservancy designations. None of the parcels proposed for designation are in the shoreline jurisdiction. County maps indicate that there are wetlands on some parcels with submitted requests. The wetlands are not proposed to be included in the area designated under the MRLO. Maps 1 through 4 above show the proposed area to be designated MRLO with the mapped wetlands removed. Mapped wetlands will not be included in the MRLO. The areas proposed for designation are not within mapped fish and wildlife habitat conservation areas. Removing the wetlands and fish and wildlife habitat conservation areas creates a split designation on the parcels with those areas. The areas proposed for designation under the MRLO meet the designation criteria established in the *Plan*.

The criteria for making changes to the *Plan* Official Maps is established in SJCC 18.90.030(F)(1), which states:

1. Comprehensive Plan Official Map Amendments. The County may approve an application or proposal for a Comprehensive Plan Official Map amendment if all of the following criteria are met:
 - a. The changes would benefit the public health, safety, or welfare.

b. The change is warranted because of one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan.

c. The change is consistent with the criteria for land use designations specified in the Comprehensive Plan.

d. The change, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations.

e. The benefits of the change will outweigh any significant adverse impacts of the change.

The proposed MRLO designation shown on maps 1 through 4 is consistent with SJCC 18.90.030(F)(1)(a). The change will benefit the public welfare by helping to ensure that mineral resources continue to be locally available. These materials are essential for road maintenance and new construction. Having mineral resources locally available benefits the public further by reducing the transportation costs and additional carbon emissions that would be result from trucking in aggregate material from the mainland. In addition to the benefit of having aggregate material locally available, designating these lands under the MRLO will help to preserve the employment provided by local mining operations. Furthermore, designation will help the County maintain and enhance this natural resource industry, advancing statewide planning goal 8 (RCW 36.70A.020(8)).

The proposed MRLO designation is consistent with SJCC 18.90.030(F)(1)(b). The change is warranted because there is a need for mineral resource lands in the County. There are currently no designated mineral resource lands in the County. Mineral resource lands provide important raw materials for maintaining public infrastructure and to support new construction. Without the protection from nuisance claims granted by the MRLO, there is a possibility that these important operations could be jeopardized by legal actions taken by neighboring property owners. Because it is in the public interest to have mineral resource lands designated and there are no lands designated under the MRLO, there is a demonstrable need for lands designated under the MRLO.

The proposed MRLO designation is consistent with SJCC 18.90.030(F)(1)(c). As discussed above, the proposed change is consistent with the proposed MRLO designation criteria in *Plan* Element B.2 Land Use and Rural Policy 2.4.5.c.1.

The proposed MRLO designation is consistent with SJCC 18.90.030(F)(1)(d). The change does grant privileges beyond those enjoyed by property owners in the vicinity but there is a public purpose which justifies the different designation. The public purpose is ensuring that mineral resources continue to be available for new construction and road maintenance. It is in the public interest to ensure that aggregate materials continue to be provided by local mining operations.

The proposed MRLO designation is consistent with SJCC 18.90.030(F)(1)(e). The benefits of continuing to have mineral resources locally produced outweighs the potential impacts from these operations. The MRLO does not change the allowable and prohibited uses on designated properties. There is a reasonable expectation that mineral resource lands will have nuisance impacts to neighboring property owners, but it is unlikely the proposed change will increase these impacts given that the lands proposed for designation already have

existing mining operations and the MRLO does not significantly change the regulations that apply to mining operations. Some environmental impacts can be expected from mining operations but the proposed change is unlikely to increase these impacts because the mining uses are already legally existing and the MRLO does not allow a greater range of mining land uses outside what is already allowed on the subject properties.

San Juan County Code 18.35.015 Mineral resource lands district.

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

1. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;
2. Current or future land use will not exceed a residential density of one dwelling unit per 10 acres;
3. Are not within an activity center, rural residential, natural or conservancy designation or any shoreline designation;
4. Are not within a regulated wetland or fish and wildlife conservation area pursuant to SJCC 18.35.085 through 18.35.140.

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

C. Nuisance and Disclosure Provisions.

1. Nuisance. The following shall not be considered a nuisance: mineral resource extraction and processing activities, operations (except between 7:00 p.m. and 7:00 a.m. and on weekends), facilities or appurtenances thereof, conducted or maintained for commercial mineral resource extraction and processing purposes on land designated as mineral resource land, regardless of past or future changes in the surrounding area land use or land use designation.
2. Disclosure. The disclosure statement in subsection (C)(2)(b) of this section shall be used under the following circumstances and in the following manner:
 - a. Approval of any land division, land use, building, or development of lands adjacent to or within 500 feet of lands designated as mineral resource land shall be conditioned on the execution by the applicant of a statement of acknowledgment containing the disclosure statement on forms provided by the department. The executed form shall be recorded by the County auditor in the same manner as a deed. However, if a disclosure conforming to the provisions of this subsection has been recorded for a prior permit, subsequent disclosures shall not be required.
 - b. The required disclosure statement is as follows:

If your real property is within five hundred (500) feet of real property within an area designated as Mineral Resource Land you may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, tree removal, odors, fumes, dust, smoke, the operation of machinery, and the storage and disposal of

ATTACHMENT A

aggregate products. One or more of the inconveniences described may occur as a result of extraction and processing operations which are in conformance with existing laws and regulations. San Juan County has determined that the use of certain real properties for mineral resource extraction and processing activities is necessary to ensure resource availability in the County. The County will not consider to be a nuisance those inconveniences or discomforts arising from extraction and processing operations, if such operations are consistent with commonly accepted best management practices and comply with local, state, and federal laws.



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S.J.C. DEPARTMENT OF

JAN 04 2018

Comprehensive Plan Map Amendment Application COMMUNITY DEVELOPMENT (Site Specific Map Re-Designation)

APPLICANT AND AGENT INFORMATION:			
Name of Applicant:	<u>Mike and Julie Carlson</u>	Name of Agent:	<u>Mike Carlson</u>
Address	<u>2165 West Valley Rd</u>	Address	<u>2165 West Valley Rd</u>
City, State, Zip	<u>Friday Harbor WA 98250</u>	City, State, Zip	<u>Friday Harbor WA 98250</u>
Phone Number	<u>360 378 4579</u>	Phone Number	<u>360 378 4579</u>
Email	<u>mcarlson@rockisland.com</u>	E-mail	<u>mcarlson@rockisland.com</u>

PROPERTY OWNER INFORMATION:			
Name of Owners:	<u>West Valley Holdings</u>	Phone Number	<u>360 378 4579</u>
Address	<u>2165 West Valley Rd</u>	E-mail	<u>mcarlson@rockisland.com</u>
City, State, Zip	<u>Friday Harbor WA 98250</u>		

PROPERTY INFORMATION:			
List the Tax Parcel Numbers (TPN) & property information for each property included in the proposal. Attach a separate page if necessary.			
Tax Parcel Number:	<u>450113005</u>	Land Use/Shoreline Designation:	<u>RFF/10</u> Parcel size: <u>17.8</u>
Tax Parcel Number:	<u>450111003</u>	Land Use/Shoreline Designation:	<u>RFF /10</u> Parcel size: <u>20.24</u>
Tax Parcel Number:	_____	Land Use/Shoreline Designation:	_____/____ Parcel size: _____
Tax Parcel Number:	_____	Land Use/Shoreline Designation:	_____/____ Parcel size: _____

PERMIT CERTIFICATION (Must be signed by all property owners of record or a notarized agent signature provided.)		
I have examined this application and attachments and know the same to be true and correct, and certify that this application is being made with the full knowledge and consent of all owners of the affected property. (Signed by property owner or agent. For agent signature, notarized authorization must be attached.)		
 _____ Signature	<u>Michael W. Carlson</u> Printed Name	<u>12/21/17</u> Date
 _____ Signature	<u>Julia F. Carlson</u> Printed Name	<u>12/21/17</u> Date
_____ Signature	_____ Printed Name	_____ Date
For CD&P Use Only Complete Application: <input type="checkbox"/> YES <input type="checkbox"/> NO		
Amt. Paid: _____ Date Received: _____		Receipt Number: 0000

DESCRIPTION OF PROPOSAL:

To revise the Comprehensive Plan Map from RFF10 to Mineral Resource Land. Both Parcels have historic rock Pits.

CHECK ALL THAT APPLY:

- Redesignation of Land-Use designation,
- Redesignation of Shoreline designation
- Redesignation of maximum allowable residential density
- Other _____

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Tax Parcel Number: <u>450113005</u>	Land Use/Shoreline Designation: <u>RFF/10</u>	Proposed Density: <u>10</u>
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Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Proposed Density: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Proposed Density: _____

General location of property:	Trevathan Hollow Rd. off of West Valley Rd.	
Island: San Juan	Total acres of proposal: 38.04	
List all existing use(s) on property:	Shale extraction, recycling of soil, rock, concrete and asphalt , green waste composting, timber growing, aggregate material, reduction, screening and storage	
List any special tax categories that apply to the property, such as Open Space or Designated Forest Land	none	
Describe existing and proposed method of sewage disposal	none	

Describe existing and proposed water supply		NONE			
Did you attend a pre-application meeting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Has this proposal been previously submitted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes – which year?	_____

PLEASE ANSWER OR ATTACH INFORMATION FOR QUESTIONS 1-12, AS THEY APPLY TO YOUR PROPOSAL

1. Why is the amendment being proposed?

To amend the map to certify a currently “grandfathered” existing use of the land.

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

There is a solid need for aggregate resources as well as a place to recycle and reuse concrete, misc. aggregate waste, and composted green waste. Reusing waste helps reduce the need for raw materials and reduces the amount of materials that would otherwise be imported from off island.

3. Describe how the amendment is warranted due to one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan.

The main reason for the map ammendment is because the current use of the properties has been occurring for close to 40 years. Revising the map will make the use consistant with its historic use.

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

The subject properties are consistent in size and characteristics with SJC18.35.015 and the land has been historically used for over 40 years as such without issues.

5. Describe how the amendment, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations.

This area is undeveloped. There is one residence being built by a member of our family using Thevethan Hollow Rd. otherwise the only ownership beyond east property lines of TP450113001 and 450113004 is the 15 acres owned by the Boy Scouts of America Troop 90 for a camping and scouting activity location. Mineral resources are located where the mineral extraction (rock) and processing can be done. The current map disignation is RFF/10. The charictaristics of the parcels fit within the criteria specified under 18.35.015 Mineral resource lands district. The location is obscured by forest and access from public view.

6. Describe how the benefits of the change will outweigh any significant adverse impacts of the change. Since mineral extraction activities are consistent with the characteristics of the rural landscape. The change to the Mineral Resource land designation would benefit the surrounding area by discouraging sprawl and further subdivision.		
7. How is this proposal consistent with the Growth Management Act (GMA) – RCW 36.70A? The properties fit all criteria of 18.35.015 in the San Juan County UDC and the historic activities of the subject parcels have a history of long term commercial significance as described in RCW 36.70.170		
8. Does this proposal include an Urban Growth Area (UGA) expansion?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. If yes, which UGA?		
10. Attach map(s) of the property that shows existing buildings, roads, water bodies, wetlands and other environmentally sensitive areas, soil types (for resource lands or where otherwise appropriate) and other significant features, as well as the land-use, shoreline environment, and density designations of the property and abutting properties. (In most instances, copies of GIS Legal parcel maps or Assessor's maps provide suitable base maps on which to provide this information.)		
11. Attach a list of the names and mailing addresses for all owners of property within 300 feet of the boundaries of the subject property (using the names and addresses of those individuals as shown on the tax assessment rolls on the date the application is submitted)		
12. Attach a completed and signed State Environmental Policy Act (SEPA) Environmental Checklist, including the supplemental sheet for non-project actions.		
13. Attach copy of deed(s), and a legal description of the property for which the amendment is requested.		



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	<u>Michael W. Carlson</u>	<u>12/21/17</u>
Signature	Printed Name	Date
	<u>Julia F. Carlson</u>	<u>12/21/17</u>
Signature	Printed Name	Date
Signature	Printed Name	Date
For CD&P Use Only	Complete Application: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Amt. Paid:	Date Received:	Receipt Number: 0000



Pictometry International Corp., San Juan County Assessor's Office



This map is derived from San Juan County's Geographic Information System (GIS). It is intended for reference only and is not guaranteed to survey accuracy. The information represented on this map is subject to change without notice.

1 in = 400 feet



WV Holdings 450113003

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<p>6. Describe how the benefits of the change will outweigh any significant adverse impacts of the change.</p> <p>Since mineral extraction activities are consistent with the characteristics of the rural landscape. The change to the Mineral Resource land designation would benefit the surrounding area by discouraging sprawl and further subdivision.</p>		
<p>7. How is this proposal consistent with the Growth Management Act (GMA) – RCW 36.70A?</p> <p>The properties fit all criteria of 18.35.015 in the San Juan County UDC and the historic activities of the subject parcels have a history of long term commercial significance as described in RCW 36.70.170</p>		
8. Does this proposal include an Urban Growth Area (UGA) expansion?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. If yes, which UGA?		
10. Attach map(s) of the property that shows existing buildings, roads, water bodies, wetlands and other environmentally sensitive areas, soil types (for resource lands or where otherwise appropriate) and other significant features, as well as the land-use, shoreline environment, and density designations of the property and abutting properties. (In most instances, copies of GIS Legal parcel maps or Assessor’s maps provide suitable base maps on which to provide this information.)		
11. Attach a list of the names and mailing addresses for all owners of property within 300 feet of the boundaries of the subject property (using the names and addresses of those individuals as shown on the tax assessment rolls on the date the application is submitted)		
12. Attach a completed and signed State Environmental Policy Act (SEPA) Environmental Checklist, including the supplemental sheet for non-project actions.		
13. Attach copy of deed(s), and a legal description of the property for which the amendment is requested.		



existing easement to Boy Scout parcel

Recently constructed access road to serve 4501110001, 4501110003, 450113003 and 450113005

Boy Scouts property

West Valley Holdings

West Valley Holdings

West Valley Holdings

existing road to be abandoned

existing shale pit

existing shale pit



This map is derived from San Juan County's Geographic Information System (GIS). It is intended for reference only and is not guaranteed to survey accuracy. The information represented on this map is subject to change without notice.

1 in = 400 feet



WV Holdings 450113003

Pictometry International Corp., San Juan County Assessor's Office

5/19/20

Attn. Adam Zack

I the owner of Dolphin Bay Quarry Inc.
am very interested in upgrading to
(MRLO) land use.

TPN 260221001000

DNR permit # 70-012787

Thank you

John K. Johnson

SJC DEPARTMENT OF
MAY 22 2020
COMMUNITY DEVELOPMENT



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
 (360) 378-2354 | (360) 378-2116
 dcd@sanjuanco.com | www.sanjuanco.com

Comprehensive Plan Map Amendment Application

(Site Specific Map Re-Designation)

APPLICANT AND AGENT INFORMATION:

Name of Applicant: <u>Mountain Crest Quarry, LLC</u>	Name of Agent: _____
Address <u>P.O. Box 212</u>	Address _____
City, State, Zip <u>Eastsound, WA 98245</u>	City, State, Zip <u>SJC DEPARTMENT OF</u>
Phone Number <u>360-376-2618</u>	Phone Number <u>MAY 27 2020</u>
Email <u>cat@32549@gmail.com</u>	E-mail <u>COMMUNITY DEVELOPMENT</u>

PROPERTY OWNER INFORMATION:

Name of Owners: <u>John D & Christine A. Thompson</u>	Phone Number <u>360-376-2618</u>
Address <u>P.O. Box 212</u>	E-mail <u>cat@32549@gmail.com</u>
City, State, Zip <u>Eastsound, WA 98245</u>	

PROPERTY INFORMATION:

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

Tax Parcel Number: <u>210223001000</u>	Land Use/Shoreline Designation: <u>RS /</u>	Parcel size: <u>8.9412 AC</u>
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Parcel size: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Parcel size: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Parcel size: _____

PERMIT CERTIFICATION (Must be signed by all property owners of record or a notarized agent signature provided.)

I have examined this application and attachments and know the same to be true and correct, and certify that this application is being made with the full knowledge and consent of all owners of the affected property. (Signed by property owner or agent. For agent signature, notarized authorization must be attached.)

<u>John D. Thompson</u> Signature	<u>John D. THOMPSON</u> Printed Name	<u>5/21/2020</u> Date
<u>Christine A. Thompson</u> Signature	<u>Christine A. Thompson</u> Printed Name	<u>5/21/2020</u> Date
_____ Signature	_____ Printed Name	_____ Date

For CD&P Use Only	Complete Application: <input type="checkbox"/> YES <input type="checkbox"/> NO
Amt. Paid:	Date Received: _____ Receipt Number: 0000

DESCRIPTION OF PROPOSAL:

Update San Juan Comprehensive Plan official maps to reflect MRLO designation on the property

CHECK ALL THAT APPLY:

- Redesignation of Land-Use designation,
- Redesignation of Shoreline designation
- Redesignation of maximum allowable residential density
- Other _____

PROPERTY INFORMATION:

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

Tax Parcel Number: <u>260223001000</u>	Land Use/Shoreline Designation: <u>RS /</u>	Proposed Density: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Proposed Density: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Proposed Density: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Proposed Density: _____

General location of property: Mountain Crest Drive off from Dolphin Bay Road

Island: Orcas Total acres of proposal: 8.9412 AC

List all existing use(s) on property: Commercial shop; surface mining; stock piling of soils and commercial burning

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

Describe existing and proposed method of sewage disposal
Septic system installed per permit 2005-038-02

Describe existing and proposed water supply
none. Proposed dug well per letter from San Juan County Health & Community Svcs dated 2/2/07 (see attached)

Did you attend a pre-application meeting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Has this proposal been previously submitted?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes - which year?	_____
---	--	--	--	----------------------	-------

PLEASE ANSWER OR ATTACH INFORMATION FOR QUESTIONS 1-12, AS THEY APPLY TO YOUR PROPOSAL

1. Why is the amendment being proposed?
To reflect MRLO designation on maps

SJC DEPARTMENT OF
MAY 27 2011
COMMUNITY DEVELOPMENT

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

3. Describe how the amendment is warranted due to one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan.

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

5. Describe how the amendment, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations.

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

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

SJC DEPARTMENT OF
MAY 27 2021
COMMUNITY DEVELOPMENT

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

Yes

No

9. If yes, which UGA?

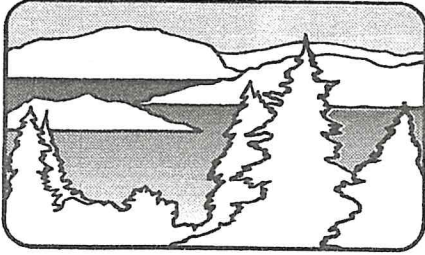
10. Attach map(s) of the property that shows existing buildings, roads, water bodies, wetlands and other environmentally sensitive areas, soil types (for resource lands or where otherwise appropriate) and other significant features, as well as the land-use, shoreline environment, and density designations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

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

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

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

SJC DEPARTMENT OF
MAY 27 2011
COMMUNITY DEVELOPMENT



Health & Community Services
San Juan County

P.O. Box 607 • 145 Rhone, Friday Harbor, WA 98250
Phone: (360) 378-4474 Fax: (360) 378-7036

February 4, 2004

John & Christine Thompson
Earthworks Company, Inc.
P.O. Box 212
Eastsound, WA 98224

Re: Parcel Number: 2602-23001
Quarry Maintenance & Storage Building

SJC DEPARTMENT OF
MAY 27 2004
COMMUNITY DEVELOPMENT

Dear Mr. & Mrs. Thompson:

Our department has received your request to possibly utilize a dug well to supply water to a maintenance and storage building on the above referenced property. A dug well is being proposed due to a drilled well (700 feet deep) being dry. The maintenance building will contain a bathroom for employees and as such is required to have a water supply that meets community water system standards. Dug wells can be utilized for community water systems but generally require extensive treatment due to being under the influence of surface water.

Your request is to attempt to develop a dug well, constructed in accordance with the State Department of Ecology standards, to supply the bathroom. If the dug well is under the influence of surface water then you propose to either provide bottled water for drinking and label the faucets with "non-potable water" signs or install the required treatment components.

Our department has reviewed your request and conceptually agrees with it. Listed below are the items that will need to be addressed depending upon the course of action selected. I have broken it into two options; option 1 providing treatment & option 2 providing bottle water.

Option 1: Provide Treatment to Surface Water Standards

1. Apply for a Community Well Site Inspection (application enclosed) prior to digging the well.
2. Construct the well to DOE standards.
3. Conduct water quality testing to determine quality of water. Tests to include bacteriological, inorganic chemical, and microscopic particulate analysis (MPA).

4. Have water system, including treat components, designed by a professional engineer. The design will need to be submitted to our department and the State Department of Health for review and approval.
5. Construct the water system per the approved design.

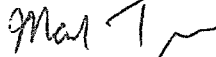
Option 2: Utilize Well for “Non-potable Uses” Only & Provide Bottle Water

1. Apply for a Community Well Site Inspection (application enclosed) prior to digging the well.
2. Construct the well to DOE standards.
3. Apply for a variance to allow the use of bottled water.
4. Utilize non-potable water line (purple pipe) to feed all fixtures.
5. Label all faucets with “Non-Potable Water” signs.
6. Record a notice to title indicating that the water system is not approved & is for non-potable use only.
7. Provide bottled water for employees.

By completing one of the above listed options you will be able to meet your water supply needs for your facility. These options only apply to the request as presented in your letter dated December 18, 2003 (received 1/5/2004). Any changes to the proposal or facility will require a review and approval by our department.

Please feel free to contact me at 378-4474, if you have any questions.

Sincerely



Mark Tompkins
Environmental Health Manager

C: Dr. Frank James, Health Officer
File

San Juan County Polaris

San Juan County

Find address or place

SIC DEPARTMENT OF
MAY 27 2020
COMMUNITY DEVELOPMENT



+

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📍

Mountain

260311009000

260314006000

260314002000

Mountain Crest Dr

085

260223001000

260222001000

100ft

846

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Filed for recording at request of and
after recording mail to:

Laura Minton Breckenridge
Skagit Law Group, PLLC
P.O. Box 336
Mount Vernon, WA 98273

SAN JUAN COUNTY WASH
REAL ESTATE EXCISE TAX
AMOUNT PAID \$0
JUL 03 2019
081864
RHONDA PEDERSON
COUNTY TREASURER

San Juan County, WA
F. Milena Henley, Auditor
QCD
Pgs=2 CHRISTIEB

2019-0709007
07/09/2019 01:25 PM
Total:\$102.50



Recorded at the request of:
SKAGIT LAW GROUP PLLC

The information contained in this boxed section is for recording purposes only pursuant to RCW 65.04, and is not to be
relied upon for any other purpose, and shall not affect the intent of or any warranty contained in the document itself.

Document Title: QUIT CLAIM DEED
Grantors: JOHN D. THOMPSON and CHRISTINE A. THOMPSON, husband and wife
Grantee: MOUNTAIN CREST QUARRY, LLC, a Washington limited liability company
Abbreviated Legal: Quarry Residual Lot, PLAT OF NORTHERN LIGHTS, S2 T36N R2W
Tax Parcel Number: 260223001000
Property ID: 8318
Reference Number(s) of Documents Affected: N/A

SJC DEPARTMENT OF
MAY 27 2020
COMMUNITY DEVELOPMENT

QUIT CLAIM DEED

THE GRANTORS, JOHN D. THOMPSON and CHRISTINE A. THOMPSON, husband and wife, for and in consideration of the transfer of capital from individuals to a limited liability company (mere change in form of ownership), hereby convey and quit claim to MOUNTAIN CREST QUARRY, LLC, a Washington limited liability company, all of Grantors' right, title, and interest in and to the following described real estate situated in the County of San Juan, State of Washington, together with all after-acquired title of the Grantors therein:

"Quarry Residual Lot," PLAT OF NORTHERN LIGHTS, according to the Plat thereof, recorded in Volume 6 of Short Plats, at pages 126 and 126A, in the office of the Auditor of San Juan County, Washington, being a portion of the Southeast Quarter of the Northeast Quarter, the Northeast Quarter of the Southeast Quarter of Section 3, and the Southwest Quarter of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 2, all in Township 36 North, Range 2 West of W.M.

TOGETHER WITH AND SUBJECT TO a non-exclusive easement over and across the road right-of-way and utility easements designated as 'Mountain Crest Drive' as a means of ingress and egress and for the location, installation and maintenance of utilities as shown on the map of the Plat and as granted by the Dedication of Short Plat of Northern Lights.

Michael P. Rahilly & Cynthia J. Hawkins Rahilly (TP#260223002000)

P O Box 207

Eastsound, WA 98245

Boxeur Corporation (TP#26022001000)

P O Box 628

Eastsound, WA 98245

Northern Lights Short Lot Owners (TP#260314006000)

c/o Mark Gibbons

P O Box 1581

Eastsound, WA 98245

Mark Sawyer (TP#260311009000)

77 E J Young Road

Olga, WA 98279

John D. and Christine A. Thompson (TP#260314001000)

P O Box 212

Eastsound, WA 98245

SJC DEPARTMENT OF
MAY 27 2020
COMMUNITY DEVELOPMENT

DESCRIPTION OF PROPOSAL:
Application for MRLO designation

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

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

Tax Parcel Number: 260 222 001 000 Land Use/Shoreline Designation: 85 / _____ Proposed Density: _____
 Tax Parcel Number: 27275 000 2000 Land Use/Shoreline Designation: 85 / _____ Proposed Density: _____
 Tax Parcel Number: 27275 000 7000 Land Use/Shoreline Designation: 18 / _____ Proposed Density: _____
 Tax Parcel Number: _____ Land Use/Shoreline Designation: _____ / _____ Proposed Density: _____

General location of property: Eastsound, WA

Island: Orcas Island Total acres of proposal: 93.7368

List all existing use(s) on property:

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

Describe existing and proposed method of sewage disposal

Describe existing and proposed water supply

Did you attend a pre-application meeting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Has this proposal been previously submitted?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes – which year?	_____
---	--	--	--	----------------------	-------

PLEASE ANSWER OR ATTACH INFORMATION FOR QUESTIONS 1-12, AS THEY APPLY TO YOUR PROPOSAL

1. Why is the amendment being proposed? *Boxeur Corporation is proposing that the MRLO designation be applied to clarify the use of the land on all three affected parcels. Three parcels of land have been and are currently being used for mineral extraction each with different use designations.*

2. How would the map amendment benefit the public health, safety, or welfare? *The MRLO would provide prospective purchasers of nearby properties of the use of the allowed use of the land in order for the prospective purchaser to better understand the impact that mineral extraction might have on their use of the prospective purchase. The designation might insure that the valuable mineral resources continue to be available for use as such even with changes in nearby properties.*

3. Describe how the amendment is warranted due to one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan. This amendment is warranted due to consideration by the County at this time of application of the MRLO. Applicant is not requesting additional land in the current use but that current use is clarified in instances where Special or Conditional use applies.

4. Describe how the proposed amendment is consistent with the criteria for land use designations specified in the Comprehensive Plan. The three parcels are all currently used for mineral extraction which is consistent with the MRLO which is provided in the Comprehensive Plan.

5. Describe how the amendment, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations. This amendment will not change the current use of the land. Current adjacent property owners may or may not be currently also engaged in mineral extraction. The amendment does not change any use but confirms and advises the public of such use.

6. Describe how the benefits of the change will outweigh any significant adverse impacts of the change. No significant adverse impacts are known.

7. How is this proposal consistent with the Growth Management Act (GMA) – RCW 36.70A? This proposal has been suggested by the Dept. of Community Development under provisions of the Plan Update 2036.

8. Does this proposal include an Urban Growth Area (UGA) expansion?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. If yes, which UGA?	N/A	

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

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

12. Attach a completed and signed State Environmental Policy Act (SEPA) Environmental Checklist, including the supplemental sheet for non-project actions. *Not included*

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

Tax Parcel # 272750002000

San Juan County Public Works
c/o Solid Waste
PO Box 729
Friday Harbor, WA 98250-0729

San Juan County Land Bank
350 Court St, Suite 6
Friday Harbor, WA 98250

S.J.C. DEPARTMENT OF
JUN 01 2020
COMMUNITY DEVELOPMENT

Tim & Marcetta Holmes
2492 Orcas Rd
Eastsound, WA 98245

Upshift LLC
PO Box 1333
Eastsound, WA 98245

Monika Irene Esseily TTEE
24702 Jeremiah Dr
Dana Point, CA 92629-1098

L & L Partnership
PO Box 267
Lynden, WA 98264-0267

Dolphin Bay Properties
PO Box 179
La Conner, WA 98257-0179

Tax Parcel # 272750007000

Upshift LLC
PO Box 1333
Eastsound, WA 98245

Richard A Schmitt
2564 Orcas Rd
Eastsound, WA 98245

Morgan Borman & Katie Wilkins
PO Box 595
Eastsound, WA 98245

John C & Faith E Heath
161 Montgomery Lane
Eastsound, WA 98245

Laura S Wrobel
PO Box 1145
Eastsound, WA 98245

Marta-Maria V Nelson
2783 Orcas Rd
Eastsound, WA 98245

Robert D & Iris J Eastman
PO Box 211
Eastsound, WA 98245

Monika Irene Esseily TTEE
24702 Jeremiah Dr
Dana Point, CA 92629-1098

Tax Parcel #260222001000

Driftwood Ranch
PO Box 628
Eastsound, WA 98245

Kyle & Kami Griffin
95 Swordfern Lane
Eastsound, WA 98245

Mark Sawyer
77 EJ Young Rd
Olga, WA 98279-9343

Raymond & Caitlyn Harvey
728 Discovery Way
Eastsound, WA 98245-8501

Mark Gibbons
PO Box1581
Eastsound, WA 98245-1581

Mountain Crest Quarry
PO Box 212
Eastsound, WA 98245-0212

Michael P & Cynthia J Rahilly
PO Box 207
Eastsound, WA 98245-0207

Ronald Rene Leddusire & Lisa Jo Marquette
23422 96th Ave W
Edmonds, WA 98020-5616

Bruce Wilson & Mary Jane Elgin
205 Myers St
Eastsound, WA 98245-5927

Dolphin Bay Quarry Properties LLC
PO Box 179
La Conner, WA 98257-0179

Sue Erin Stone TTEE
13119 NE 70th Dr
Kirkland, WA 98033-8344

Gregory Waldron
174 Ridgeway Lane
Eastsound, WA 98245-8600

Marty Mead
PO Box 316
Eastsound, WA 98245-0316

James D & Kathleen J Walsh
281 Quarry Lane
Eastsound, WA 98245-9241

Loren & David Allen Ray
PO Box 1144
Eastsound, WA 98245-1144

“Sand & Gravel Quarry #1” w/Ready-Mix Concrete & Sea Island Corp. Offices TP#: 272750002000

Comp Plan Designation: RI – Rural Industrial.

12571 BOXEUR CORPORATION for Year 2019 - 2020 [New Search](#) [Property Search](#) [Sales Search](#) [Map Search](#)

[Details](#) [Map](#)

Click on a title bar to expand or collapse the information.

[Expand All](#)

Property

Account

Property ID:	12571	Abbreviated Legal Description:	JOHNSTON'S HOME TRACTS LTS 2-3-4 (43.65AC) Sec 27, T 37N, R 2W
Tax Parcel #:	272750002000	Agent Code:	
Type:	Real		
Tax Area:	0374 - ORCAS/CEMETERY	Land Use Code	85
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	37	Section:	27
Range:	2	Legal Acres:	45.2024

Location

Address:	186 Gravel Pit Rd ORCAS ISLAND,	Mapsco:	
Neighborhood:	Crow Valley Central- Area 01-Comm	Map ID:	ORCAS ISLAND
Neighborhood CD:	24016		

Owner

Name:	BOXEUR CORPORATION	Owner ID:	14764
Mailing Address:	PO BOX 628 EASTSOUND, WA 98245-0628	% Ownership:	100.000000000000%

[Exemptions:](#)

Pay Tax Due

Select the appropriate checkbox next to the year to be paid. Multiple years may be selected.

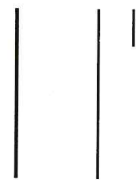
<input type="checkbox"/> Year - Statement ID	Tax	Assessment	Penalty	Interest	Total Due
<input type="checkbox"/> 2020 - 10012 (Balance)	\$2574.23	\$74.73	\$0.00	\$0.00	\$2648.96

Total Amount to Pay: \$

[Proceed to Payment Cart](#)

*Convenience Fee not included

- Concrete and concrete batch plants- Conditional Use
- Construction yards- Possible Provisional or Conditional Use
- Heavy equipment rental services: Provisional
- Heavy industrial: Conditional
- Light Industrial: Possible Provisional or Conditional Use



"S&G Quarry #2": Mostly Vacant & Unused Parcel Contiguous to the Eastern Line of Sand & Gravel Quarry. TP#: 272750007000

Comp Plan Designation: AG – Agricultural Resource. Parcel fronts on Orcas Rd to East and Gravel Pit Rd to South.

San Juan County Assessor Homepage | Treasurer Homepage

12574 BOXEUR CORPORATION for Year 2019 - 2020 [New Search](#) [Property Search](#) [Sales Search](#) [Map Search](#)

[Details](#) | [Map](#)

Click on a title bar to expand or collapse the information.

[Expand](#)

Property

Account

Property ID:	12574	Abbreviated Legal Description:	JOHNSTON'S HOME TRACTS LT 1 EX N5 45.2 & EX CO RD (10.35AC) Sec 27, T 37N, R 2W
Tax Parcel #:	272750007000	Agent Code:	
Type:	Real	Land Use Code	18
Tax Area:	0374 - ORCAS/CEMETERY	DFL	N
Open Space:	N	Remodel Property:	N
Historic Property:	N	Section:	27
Multi-Family Redevelopment:	N	Legal Acres:	11.8415
Township:	37		
Range:	2		

Location

Address:		Map ID:	ORCAS ISLAND
Neighborhood:	Crow Valley Central- Area 01-General		
Neighborhood CD:	24011		

Owner

Name:	BOXEUR CORPORATION	Owner ID:	14764
Mailing Address:	PO BOX 628 EASTSOUND, WA 98245-0628	% Ownership:	100.0000000000%

[Exemptions:](#)

Pay Tax Due

Select the appropriate checkbox next to the year to be paid. Multiple years may be selected.

<input type="checkbox"/> Year - Statement ID	Tax	Assessment	Penalty	Interest	Total Due
<input type="checkbox"/> 2020 - 10015 (Balance)	\$591.09	\$47.46	\$0.00	\$0.00	\$638.55

Shale Pit/Crushed Rock Quarry: 26022001000

Comp Plan Designation: FOR – Forest Resource

San Juan County

Assessor Homepage

Treasurer Homepage

Property Search Results > 8316 BOXEUR CORPORATION for Year 2019 - 2020

New Search

Property Search Sales Search Map Se

Details | Map

Click on a title bar to expand or collapse the information.

Exp

Property

Account

Property ID:	8316	Abbreviated Legal Description:	PR GL4 Sec 02, T 36N, R 2W
Tax Parcel #:	260222001000	Agent Code:	
Type:	Real		
Tax Area:	0374 - ORCAS/CEMETERY	Land Use Code	85
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	36	Section:	02
Range:	2	Legal Acres:	36.6929

Location

Address:	436 Quarry Ln ORCAS ISLAND,	Mapsco:	
Neighborhood:	ESD Comm	Map ID:	ORCAS ISLAND
Neighborhood CD:	21016		

Owner

Name:	BOXEUR CORPORATION	Owner ID:	14764
Mailing Address:	PO BOX 628 EASTSOUND, WA 98245-0628	% Ownership:	100.0000000000%

Exemptions:

Pay Tax Due

Select the appropriate checkbox next to the year to be paid. Multiple years may be selected.

<input type="checkbox"/> Year - Statement ID	Tax	Assessment	Penalty	Interest	Total Due
<input type="checkbox"/> 2020 - 6438 (Balance)	\$842.71	\$52.54	\$0.00	\$0.00	\$895.25

This parcel designation is FOR-Forest Resource and the S&G Quarry #2 is AG-Agricultural Resource. Permitted uses are mostly the same. Single and duplex residential are allowed and similar uses are Conditional or Provisional. Vacation rental is not allowed. Concrete and concrete batch plants not allowed. Reclamation of mineral extraction sites or Provisional/Conditional. Generally, uses are much different from RI-Rural Industrial.

NOTE: Both FOR and AG indicate "NO" for Mining and mineral extraction activities. Unlike RI, the S&G Q#1, there is no reference to footnote 6, see at S&G Q#1.



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
 (360) 378-2354 | (360) 378-2116
 dcd@sanjuanco.com | www.sanjuanco.com

Comprehensive Plan Map Amendment Application

(Site Specific Map Re-Designation)

APPLICANT AND AGENT INFORMATION:			
Name of Applicant:	<u>Egg Lake Quarry, LLC</u>	Name of Agent:	<u>Planning and Permit Services, LLC</u>
Address	<u>Myron Williams – 65 Gill Lane</u>	Address	<u>Francine Shaw - PO Box 868</u>
City, State, Zip	<u>Friday Harbor, WA 98250-9614</u>	City, State, Zip	<u>Friay Harbor, WA 98250</u>
Phone Number	<u>(360) 378-2288</u>	Phone Number	<u>(360) 298-4449</u>
Email	<u>myron@egglakequarry.com</u>	E-mail	<u>fshaw@rockisland.com</u>

PROPERTY OWNER INFORMATION:	
Name of Owners:	<u>Same as Applicant</u> Phone Number _____
Address	_____ E-mail _____
City, State, Zip	_____

PROPERTY INFORMATION:		
List the Tax Parcel Numbers (TPN) & property information for each property included in the proposal. Attach a separate page if necessary.		
Tax Parcel Number:	<u>363244001</u>	Land Use/Shoreline Designation: <u>RFF/NA</u> Parcel size: <u>10.44</u>
Tax Parcel Number:	<u>363250021</u>	Land Use/Shoreline Designation: <u>RFF/NA</u> Parcel size: <u>2.72</u>
Tax Parcel Number:	<u>363250023</u>	Land Use/Shoreline Designation: <u>RFF/NA</u> Parcel size: <u>1.75</u>
Tax Parcel Number:	_____	Land Use/Shoreline Designation: _____/_____ Parcel size: _____

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

DESCRIPTION OF PROPOSAL:

The applicant is requesting that the Mineral Resource Land Overlay (MRLO) be applied to the Egg Lake Quarry (TPN 363244001) and his two adjacent parcels (TPNs 363250021 and 363250023) to recognize the historic use of the quarry for mining purposes as a conforming land use and to set aside the adjacent parcels for future mining purposes.

CHECK ALL THAT APPLY:

- Redesignation of Land-Use designation,
- Redesignation of Shoreline designation
- Redesignation of maximum allowable residential density
- X Other

PROPERTY INFORMATION:

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

Tax Parcel Number: <u>363244001</u>	Land Use/Shoreline Designation: <u>RFF/NA</u>	Proposed Density: <u>NA</u>
Tax Parcel Number: <u>363250021</u>	Land Use/Shoreline Designation: <u>RFF/NA</u>	Proposed Density: <u>NA</u>
Tax Parcel Number: <u>363250023</u>	Land Use/Shoreline Designation: <u>RFF/NA</u>	Proposed Density: <u>NA</u>
Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Proposed Density: _____

General location of property:	65 Gill Lane	
Island: San Juan	Total acres of proposal: 14.91	
List all existing use(s) on property:	TPN 3632440001 – existing shale quarry TPNs 363250021 and 363250023 3 – undeveloped vacant land	
List any special tax categories that apply to the property, such as Open Space or Designated Forest Land	NA	
Describe existing and proposed method of sewage disposal	On-Site Septic System on TPN 3632440001, only	

Describe existing and proposed water supply	On-site well on TPN 3632440001, only.				
Did you attend a pre-application meeting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Has this proposal been previously submitted?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes – which year?	_____

1. Why is this amendment being proposed?

The Egg Lake Quarry has been in operation since 1965. It was established well before there were any land use districts (zones) and development regulations for mining in San Juan County. It is currently zoned Rural Farm Forest which prohibits mining making the use of the property as a quarry a legal non-conforming use.

The applicant would like to have the properties zoned to accurately reflect the historic use of this property so that the use is outright allowed and to provide for more land on San Juan Island for future mining purposes.

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

The SJCC does not define the term “public health, safety or welfare”. Individual definitions for “public health”, “public welfare” and “public safety” found in Black’s Law, a dictionary that defines terms based on legal context, are as follows.

“Public Health” - means the prevailing healthful or sanitary condition of the general body of people or the community in mass, and the absence of any general or widespread disease or cause of mortality.

“Public Safety” – A state may exercise its police power by enacting laws for the protection of the public from injury and dangers.

“Public Welfare” – The prosperity, well-being, or convenience of the public at large, or a whole community, as distinguished from the advantage of an individual or limited class. It embraces the primary social interests of safety, order, morals, economic interest, and non-material and political interests.

It is relatively easy to understand what it means for a site-specific re-designation to benefit the public’s health and safety. This means a re-designation proposal cannot subject people or property to unhealthy or unsanitary conditions, physical injury or endangerment, or that the re-designation must improve these conditions. This proposal will do neither. Changing the land use designation, in and of itself, will not subject people or property to unhealthy or unsanitary conditions, physical injury or endangerment. The re-designation request is simply to place the property in a land use district that more accurately reflects the existing mining use of the Egg Lake Quarry and to set aside additional land to assure there are mineral resources available on San Juan Island to serve our needs, now and in the future, as required by RCW 36.70A, without having to go off-island to obtain these resources.

It is much more complex to understand what is intended by protection of the public’s welfare. One of many techniques typically used to protect the public welfare is for a local jurisdiction to adopt a comprehensive plan pursuant to the police power afforded by the constitution. A comprehensive plan is a tool that is used to protect the health, safety and welfare of a community by establishing patterns for orderly growth and development through, among other methods, the designation of land use categories.

The San Juan County Comprehensive Plan includes goals and policies for the designation of mineral resource lands. Yet, no parcels have ever been designated for this purpose in the entire county. The goal of the MRLO is to “assure that mineral resources of long-term commercial significance are conserved in order to provide continued and economical local access to valuable minerals, particularly for construction materials.”

Recognizing existing resources and preserving these resources for use by island residents today and future generations is to the benefit of the public.

3. Describe how the amendment is warranted due to one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent

with the purposes, criteria and goals outlined in the Comprehensive Plan.

This proposal is warranted to correct demonstrable errors in the County's Official Comprehensive Land Use Map. The San Juan County Comprehensive Plan calls for the protection of mineral resources lands in Element 2.5.A but there is not one parcel on San Juan Island designated for this purpose. This re-designation will implement the purpose, criteria and goals outlined in the Comprehensive Plan for mineral resources.

5. Describe how the amendment, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations.

The proposed Comprehensive Land Use Map MRLO Amendment will provide all mineral resources land owners who are granted the MRLO an equal opportunity to mine.

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

With mining comes adverse impacts such as noise, dust and vibration. However, this land has been used for over 55 years for mining. Many of those living in the vicinity of Egg Lake Quarry likely purchased their land after the quarry was established. They are familiar with the nuisances that come with the mining activity. Changing the land use designation will not create a "new" land use in this area of San Juan Island that these neighbors have not already experienced.

If this proposal is approved, more land will be available for mining on San Juan Island which will be beneficial to our residents because they will have access to a local resource. It will be an economical benefit, as well, because the resources won't have to be barged to the island for use in construction projects which is an unnecessary added expense to our citizens.

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

RCW 36.70A.170, Natural Resource Lands and Critical Areas—Designations, states:

(1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

(c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and. . .

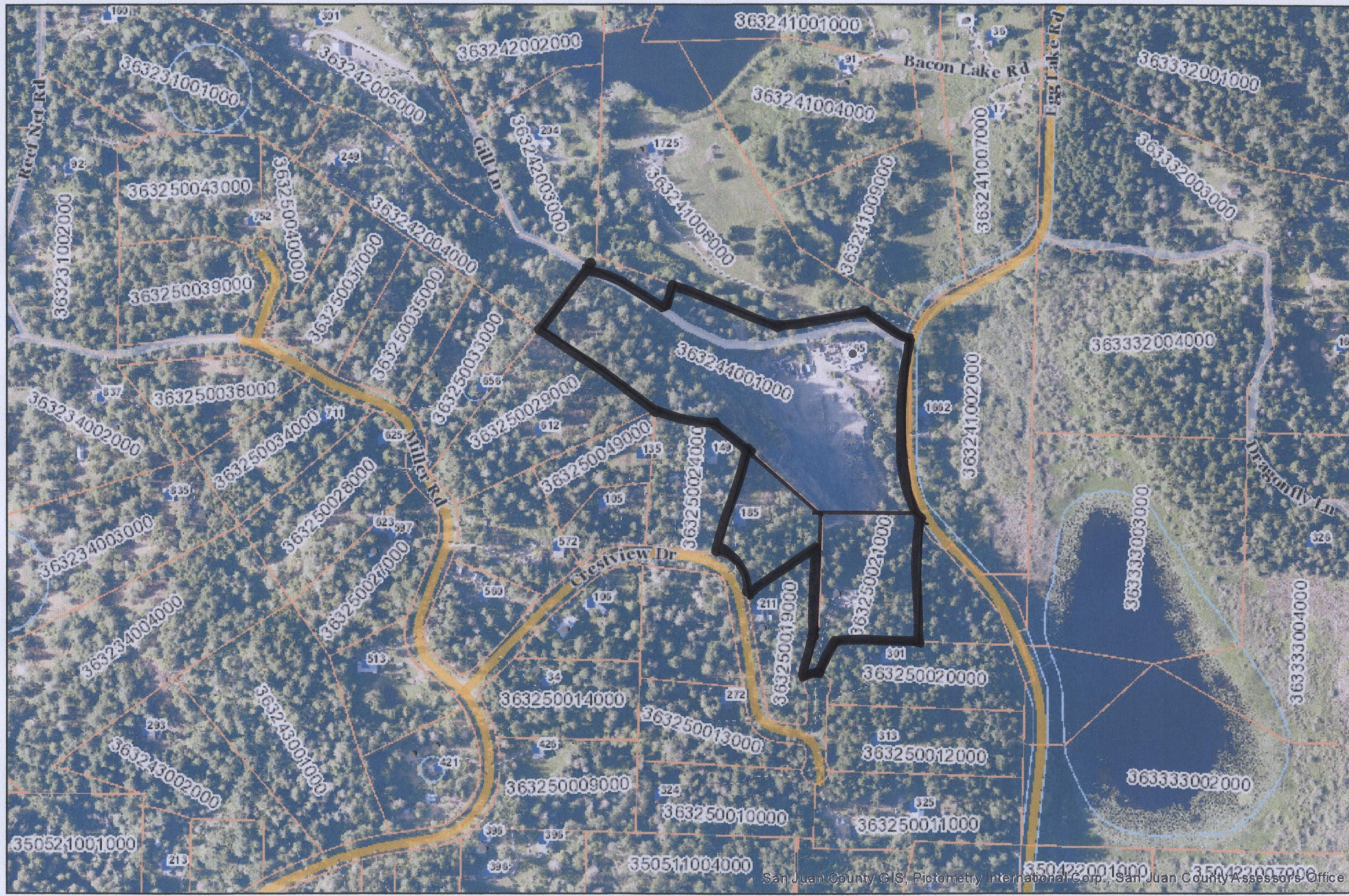
There are no lands "designated" as Mineral Resource in San Juan County. The proposed MRLO will act to rectify this error and bring the County into compliance with RCW 36.70A.

Unincorporated San Juan County is primarily rural in nature except for the those areas lying within the Town of Friday Harbor, and the Eastsound and Lopez Village UGAs. RCW 36.70A.011 states: *The legislature finds that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Further, the legislature finds that rural counties must have the flexibility to retain existing businesses and allow them to expand. The legislature recognizes that not all business developments in rural counties require an urban level of services; and that many businesses in rural areas fit within the definition of rural character identified by the local planning unit.*

The Egg Lake Quarry is an existing business that has been inappropriately zoned Rural Farm Forest which prohibits mining. This makes it difficult for the business to expand onto adjacent parcels that also retain mineral resources because they, too, are zoned Rural Farm Forest.

Currently, new mining activities in San Juan County are limited to areas zoned "Village Industrial" and "Rural General Use" rather than zoned based on the location of the resource. There may be ideal resources available outside of these two zones that, if made available for mining through the MRLO, will benefit our islands. Considering there are very few parcels zoned Village Industrial and Rural General Use, the MRLO will allow lands outside of these zones to be recognized as a viable resources which we can tap into locally making the resource abundantly available. Applying the MRLO to these properties will be consistent with RCW 36.70A.011.

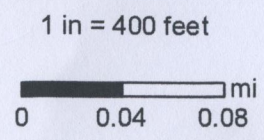
8. Does this proposal include an Urban Growth Area (UGA) expansion?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. If yes, which UGA? NA		
10. Attach map(s) of the property that shows existing buildings, roads, water bodies, wetlands and other environmentally sensitive areas, soil types (for resource lands or where otherwise appropriate) and other significant features, as well as the land-use, shoreline environment, and density designations of the property and abutting properties. (In most instances, copies of GIS Legal parcel maps or Assessor's maps provide suitable base maps on which to provide this information.)		
11. Attach a list of the names and mailing addresses for all owners of property within 300 feet of the boundaries of the subject property (using the names and addresses of those individuals as shown on the tax assessment rolls on the date the application is submitted) NA - this request will be part of the county-wide Comp Plan Update.		
12. Attach a completed and signed State Environmental Policy Act (SEPA) Environmental Checklist, including the supplemental sheet for non-project actions. NA - this request will be part of the county-wide Comp Plan Update.		
13. Attach copy of deeds(s), and a legal description of the property for which the amendment is requested. See attached.		



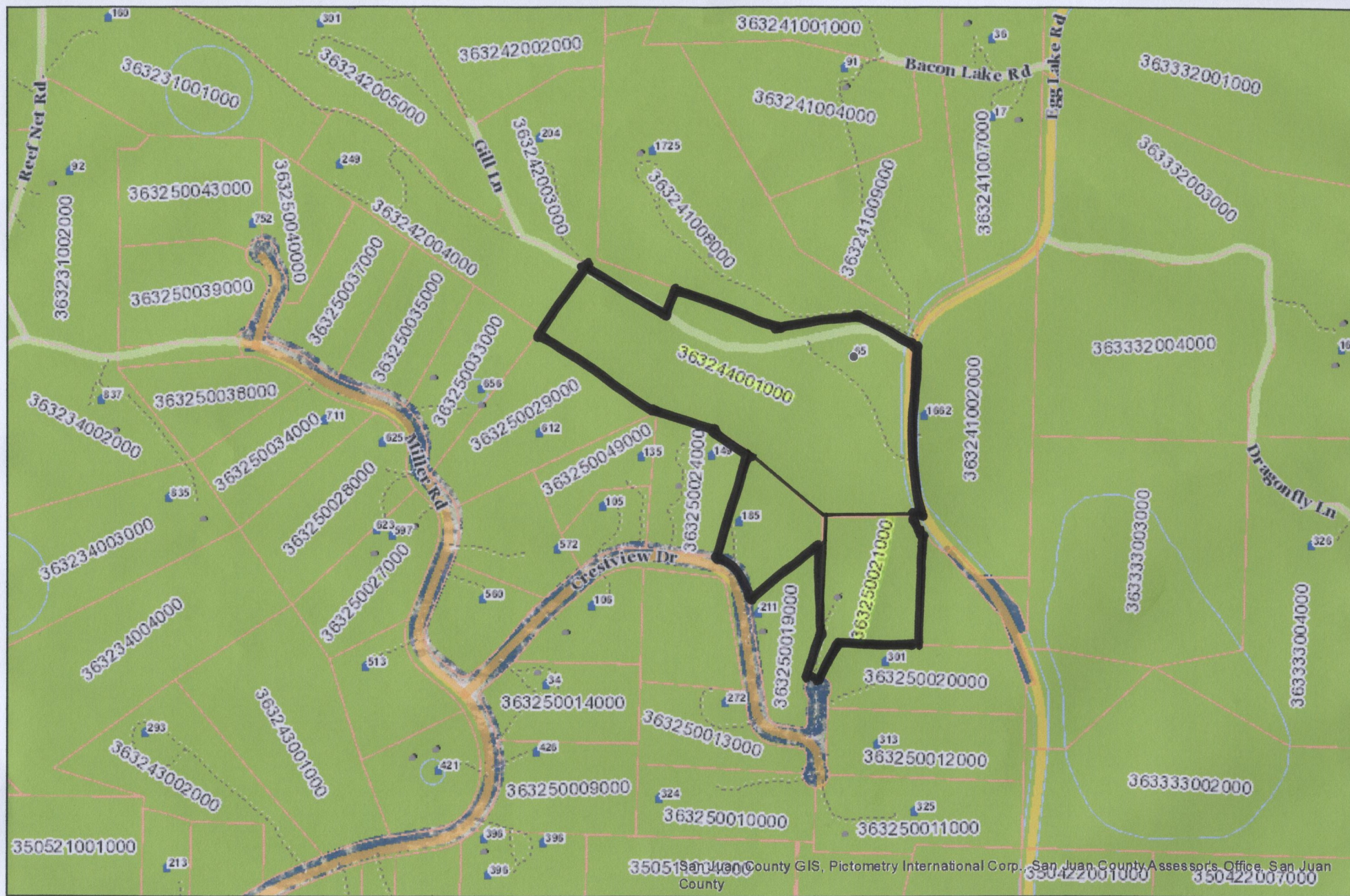
San Juan County GIS, Pictometry International Corp., San Juan County Assessors Office



This map is derived from San Juan County's Geographic Information System (GIS). It is intended for reference only and is not guaranteed to survey accuracy. The information represented on this map is subject to change without notice.



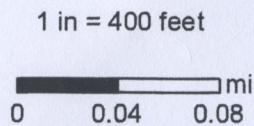
Egg Lake Quarry 2019 Aerial Photograph



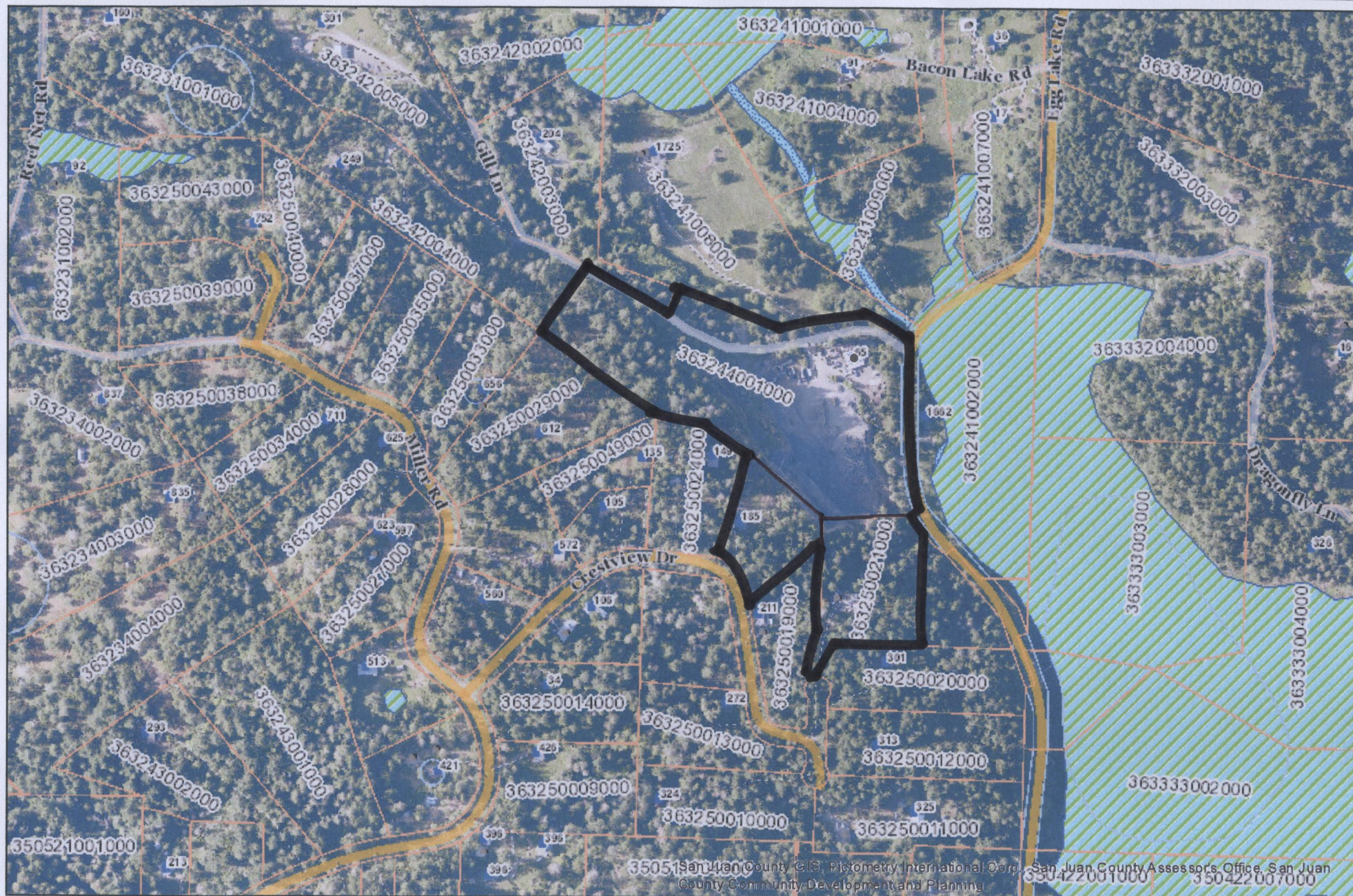
San Juan County GIS, Pictometry International Corp., San Juan County Assessor's Office, San Juan County



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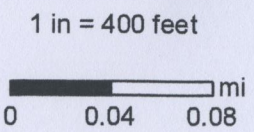
Egg Lake Quarry Existing Comprehensive Land Use Map



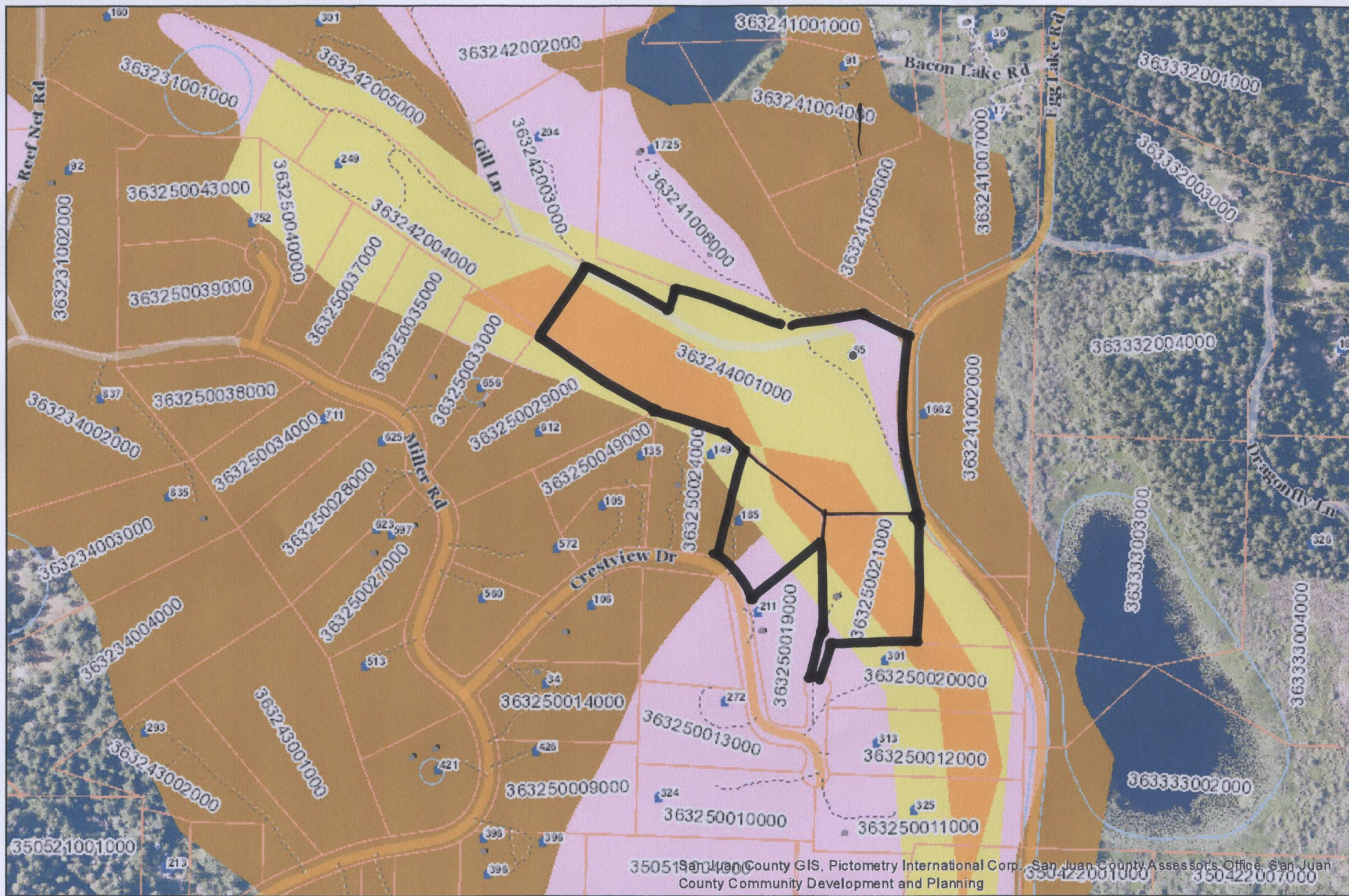
San Juan County GIS, Pictometry International Corp., San Juan County Assessor's Office, San Juan County Community Development and Planning



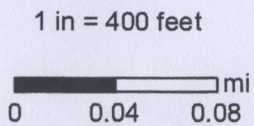
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Egg Lake Quarry Wetlands Map



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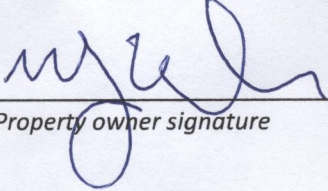
Egg Lake Quarry Geo-Hazards Map

Agent Authorization

We the undersigned hereby authorize Francine Shaw to
Name of Agent
act as our agent, and authorize them to apply for Land Use Re-designation
Type of Permit
for Egg Lake Quarry to Mineral Resource
Overlay.

For the following parcel(s) of land:
363244001, 363250021 + 363250023
Parcel Numbers

Signature of all property owners:


Property owner signature

8-1-20
Myron Williams
Property owner name (printed)

Property owner signature

Property owner name (printed)

Property owner signature

Property owner name (printed)



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
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dcd@sanjuanco.com | www.sanjuanco.com

May 6, 2020

EGG LAKE QUARRY LLC
65 GILL LN
FRIDAY HARBORWA, 98250-9614

Re: San Juan County Comprehensive Plan Update 2036
Mineral Resource Land Overlay and TPN 363244001000

Dear EGG LAKE QUARRY LLC:

Our records indicate that TPN 363244001000 may have a mining operation on it. The County is in the process of updating the San Juan County Comprehensive Plan (*Plan*) including review of mineral resource lands. The *Plan* includes Official Maps showing adopted land use designations, similar to zoning. These designations indicate what regulations apply to a parcel.

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

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

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

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

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

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

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

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

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

Sincerely,



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

Attachments:

Plan Element 2, Land Use, Excerpt, Mineral Resource Land Overlay
San Juan County Code (SJCC) 18.35.015 Mineral resource lands overlay.
Application for Change in Land Use Designation
363244001000

Comprehensive Plan Section 2.5.A Mineral Resource Lands Overlay

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

Policies (2.5.A.1–4):

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

SJCC 18.35.015 Mineral resource lands district.

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

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

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

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

C. Nuisance and Disclosure Provisions.

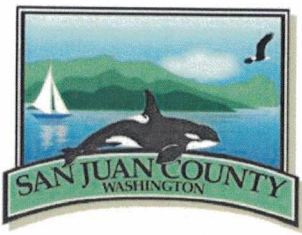
1. Nuisance. The following shall not be considered a nuisance: mineral resource extraction and processing activities, operations (except between 7:00 p.m. and 7:00 a.m. and on weekends), facilities or appurtenances thereof, conducted or maintained for commercial mineral resource extraction and processing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

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

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

b. The required disclosure statement is as follows:

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



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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

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

dcd@sanjuanco.com | www.sanjuanco.com

Comprehensive Plan Map Amendment Application

(Site Specific Map Re-Designation)

APPLICANT AND AGENT INFORMATION:

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

PROPERTY OWNER INFORMATION:

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

PROPERTY INFORMATION:

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

Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Parcel size: _____
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Tax Parcel Number: _____	Land Use/Shoreline Designation: _____/_____	Parcel size: _____

PERMIT CERTIFICATION (Must be signed by all property owners of record or a notarized agent signature provided.)

I have examined this application and attachments and know the same to be true and correct, and certify that this application is being made with the full knowledge and consent of all owners of the affected property. (Signed by property owner or agent. For agent signature, notarized authorization must be attached.)

Signature _____	Printed Name _____	Date _____
Signature _____	Printed Name _____	Date _____
Signature _____	Printed Name _____	Date _____

For CD&P Use Only	Complete Application: <input type="checkbox"/> YES <input type="checkbox"/> NO
Amt. Paid: _____	Date Received: _____ Receipt Number: 0000

DESCRIPTION OF PROPOSAL:

CHECK ALL THAT APPLY:

- Redesignation of Land-Use designation,
- Redesignation of Shoreline designation
- Redesignation of maximum allowable residential density
- Other _____

PROPERTY INFORMATION:

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

General location of property:					
Island:					Total acres of proposal:
List all existing use(s) on property:					
List any special tax categories that apply to the property, such as Open Space or Designated Forest Land					
Describe existing and proposed method of sewage disposal					
Describe existing and proposed water supply					
Did you attend a pre-application meeting?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Has this proposal been previously submitted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes – which year?	_____

PLEASE ANSWER OR ATTACH INFORMATION FOR QUESTIONS 1-12, AS THEY APPLY TO YOUR PROPOSAL

1. Why is the amendment being proposed?

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

3. Describe how the amendment is warranted due to one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan.

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

5. Describe how the amendment, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations.

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

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

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

Yes

No

9. If yes, which UGA?

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

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

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

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



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May 6, 2020

Owner Name
Owner Address
City, State, Zip

Re: San Juan County Comprehensive Plan Update 2036
Mineral Resource Land Overlay and TPN

Dear Property Owner:

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

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

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

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

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

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

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

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

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

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

Sincerely,

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