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From: R. Brent Lyles <brent@sanjuans.org>
Sent: Wednesday, September 15, 2021 2:21 PM
To: Comp Plan Update; San Juan County Council
Subject: Comments on the Land Use and Rural Element
Attachments: Friends comments on the 3sep2021 draft of the Land Use Rural Element - 15sep2021.pdf

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Hello,

Please find attached a letter that addresses some important changes to the draft Land Use and Rural Element of the Comp Plan Update, addressing climate change, the rapid pace of development, and our County's rural character. Thanks for your consideration, and if you could please respond to this email, to confirm that this message was received, I'd appreciate it.

Respectfully,

Brent

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By Email
September 15, 2021

San Juan County Planning Commissioners and Council Members
c/o Sophia Cassam
SJC Department of Community Development
PO Box 947
Friday Harbor, WA 98250
sophiac@sanjuanco.com

Dear Planning Commissioners and Council Members,

These comments include specific recommended changes to the September 3, 2021 version of the draft Element B.2. Land Use and Rural. The changes to this Comp Plan Element are significant in that these goals and policies will guide our county for years to come.

It is imperative that the Comp Plan Update incorporate meaningful actions to address climate change, the rapid pace of development, and the degradation of our County's rural character.

Included below, by page number and line, are recommended additions in bold and underlined (**example**), and recommended deletions in bold and strikeout (~~**example**~~).

Thank you for your consideration. We welcome any questions you have.

Sincerely,

R. Brent Lyles, Executive Director

Page 9, line 1

Retain "respect the natural environment and processes, recognize the marine orientation of the County." Adding "respect" and "land and marine" to "respect, protect and maintain the natural beauty and land and marine resources of the islands" does not convey the importance of and the need to respect the natural environment and processes and to recognize the marine orientation of the County.

2.2.A General Goal and Policies

~~General~~ Goal: To provide for the orderly use of San Juan County land, shorelines and water areas and to respect, protect and maintain the natural beauty and land and marine resources of the islands, maintain the present rural, residential, agricultural atmosphere, **respect the natural environment and processes, recognize the marine orientation of the County** ~~respect the natural environment and processes, recognize the marine orientation of the County~~, and to regulate development in a manner which will protect both the rights of private landowners and the interests of the public.

Page 10, Line 28

Retain “serving the needs of County residents” to be consistent with the Economic Development Element which is “expressly intended to prioritize the welfare and quality of life of County residents and natural assets over monetary increase in the County economy for its own sake.” (EDE, page 8):

Goal: To support a broad-based, diversified, stable, year-round economy which provides a range of goods, services and employment opportunities **servicing the needs of County residents** ~~servicing the needs of County residents~~, while safeguarding the rural, residential, agricultural, and marine nature of the County.

Page 16, line 41

Under the Goal, “Protect agricultural land and promote diverse agricultural activities that enhance stewardship and economic viability, and maintain the rural character of San Juan County,” we recommend including a net gain policy, and especially recommend not just including a policy to adopt a policy. The same policy of net gain (or, at the least, no net loss) should also be applied to Forest Resource Lands.

~~3. Adopt a policy of no net loss of Agricultural Resource Land (ARL)~~ **Any de-designation of Agricultural Resource Lands must coincide with the designation of Agricultural Resources Lands that have more acreage than the de-designated parcel(s).**

4. Any de-designation of Forest Resource Lands must coincide with the designation of Forest Resources Lands that have more acreage than the de-designated parcel(s).

Page 18, line 30

More specificity is needed regarding climate change’s impacts to our potable water supply.

(c) iii. **Summer dry seasons will likely be warmer and longer, impacting San Juan County’s single source for all of our freshwater resources: precipitation. This will severely impact Constraints to the** potable water supply, **especially during the dry summer season when water use spikes.**

Page 18, starting at line 32

It is clear that action is needed now to address climate change and that includes these changes to Goal 2: The carbon footprint of new development is reduced through innovative development regulations and programs. The following recommended changes are from the December 2017 report, *Working Toward Climate Resilience in the San Juan Islands*:

7. Require all new heated buildings in San Juan County to be more energy efficient, incentivize small building footprints, and promote renewable energy sources that will directly contribute to a reduction in greenhouse gas emissions. ~~Incentivize green-building rating system certifications (such as LEED) for development to reduce-greenhouse gas emissions and increase climate resilience.~~

8. Require higher basic energy standards for new construction and major renovations such as Energy Star Plus certification, and LEED certification for major projects.

~~89.~~ Establish development standards and incentives to support resource efficient design and construction.

~~910.~~ Provide green building informational materials, checklists and other resources to property owners and developers.

~~1011.~~ **Require the incorporation of** energy efficiency principles into publicly funded developments.

Page 19, line 40

Language that has been deleted needs to be retained in order to clearly state the required goals for UGAs.

2.3.A URBAN GROWTH AREAS

Goal 1: To recognize and provide for areas of compact urban development that includes urban-levels of uses and intensities which offer diverse employment opportunities, a variety of residential densities and housing types **which will eventually achieve urban-level densities in most locations,** ~~which will eventually achieve urban-level densities in most locations,~~ general commercial, general industrial, institutional, recreational, and community uses **in a concentrated, development pattern** ~~in a concentrated, development pattern that includes urban-level and uses and intensities of use.~~

Page 22, line 31

Retain current language re. PUD development requirements.

~~143.~~ Establish development standards for planned unit developments (PUD) in urban growth areas to more effectively accomplish the goals and policies of this Plan and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. **PUD standards should include provisions for a mixture of housing types and residential densities, and preservation of open space and natural features, as well as concurrency requirements to address impacts on transportation and other capital facilities and services.** ~~PUD standards should include provisions for a mixture of housing types and residential densities, and preservation of open space and natural features, as well as concurrency requirements to address impacts on transportation and other capital facilities and services.~~

Page 23 starting at line 25

Recommended changes strengthen Goal 2: Preserve community character in unincorporated urban growth areas:

1. **Require the development** within urban growth areas **should to** be of a scale and intensity appropriate to the rural character of the islands, including but not limited to:

Page 32, starting at line 20

Recommended changes add forestry benefits and strengthen policy 3. Preserve natural resource lands for their social, economic, and environmental benefits.

b. The environmental benefits include but are not limited to:

- (1) carbon sequestration;
- (2) soil health; **and**
- (3) water quality; **and**
- (4) wildlife habitats.**

c. Social benefits include but are not limited to:

- (1) food **and forest products** security;
- (2) the farming **and forestry** community;
- (3) maintaining scenic landscapes; and
- (4) access to recreation.

Page 33, line 15

The proposed changes to policy (1)i and (1)ii omit the criteria in [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.

And (3)(c)(i):

The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service;

The proposed changes could omit the consideration of parcels for designation as Agricultural Resource Lands properties that meet the requirements of the WAC 365-190-050 with regard to soil types that are suitable for agricultural use, and parcels with a conservation easement for agricultural use.

i. Areas in parcels of ten acres or larger with soils capable of supporting long term commercial agricultural production. The federal Natural Resources Conservation Service (NRCS) identified 34 soil types suitable for farming in San Juan County. These soils can be found on page 121 of the 2009 Soil Survey of San Juan County, Washington, available at:

http://soils.usda.gov/survey/online_surveys/washington/#san2009; Areas in parcels of ten acres or larger with soils capable of supporting long term commercial agricultural production. The federal Natural Resources Conservation Service (NRCS) identified 34 soil types suitable for farming in San Juan County. These soils can be found on page 121 of

~~the 2009 Soil Survey of San Juan County, Washington, available at:
http://soils.usda.gov/survey/online_surveys/washington/#san2009~~ **The land is enrolled in the current use farm agriculture or open space tax program as it pertains to agriculture;**

ii. **Lands which meet the criteria in a. above which are under conservation easement for agricultural use or which are enrolled in the Open Space-Agriculture taxation program.** ~~Lands which meet the criteria in a. above which are under conservation easement for agricultural use or which are enrolled in the Open Space-Agriculture taxation program.~~
The land is either currently used or has been used in the preceding ten years for agriculture.

Add an additional criterion to be consistent with criteria for designating Forest Resource Lands:
Lands managed for the long-term production of agricultural products with few non-agricultural related uses present;

Pages 35-36, beginning on page 35 at line 39

Please see Friends' comments on MRLOs submitted August 4, 2021.

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)~~:

Please confirm that it's appropriate for the MRLO designation process to rely upon a landowner's request.

(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:

The existence of a legally established mining operation does not mean that the site will continue to have extractable resources in commercial quantities for mining into the future, and therefore assessments by qualified professionals are still needed. This recommended change also provides certainty to SJC landowners by removing the potential for new mining operations on properties that don't currently have a legally established mining operation.

i. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional **and or the land has a legally established mining operation, and the County Council adopts findings that the land has commercial significance for mineral resources;**

ii. Current or future land use will not exceed a residential density of one dwelling unit per ten acres;

iii. Are not within an Activity Center, Rural Residential, Natural or Conservancy designation or any Shoreline designation; and

The designation criteria for MRLO parcels must account for critical area buffers as well as the critical areas themselves:

iv. Are not within a wetland or fish and wildlife habitat conservation area as defined in this *Plan* **or the associated buffer for those critical areas.**

(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.~~

Recommendation to delete the potential sources to be consistent with the recommendation above to consider only existing legally established mining operations for MRLO designation.

Regulations are needed to protect long-term access and use potential **and** adjacent properties:

(3) ~~Provide the highest priority protection for 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 by designating them under a MRLO and attendant~~ **Establish clear standards for all aspects of mining operations, including maximum permissible noise levels, daytime blasting requirements, aquifer protection, surface water protection, and hours of operation.**

(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 and the environment.

(5) Require a reclamation plan for new mining activities. An approved Washington Department of Natural Resources (WADNR) Surface Mine Reclamation Permit can satisfy this requirement.

Washington's Department of Natural Resources (DNR) does not provide any review or oversight of mining operations, including environmental, transportation, or human impacts. It falls to SJC to establish clear standards for all aspects of a mine's operations:

(6) Establish clear standards for all aspects of mining operations, including maximum permissible noise levels, daytime blasting requirements, aquifer protection, surface water protection, and hours of operation.

The recommended 200-foot buffer is based on Skagit County Code 14.16.440. A larger buffer may be more appropriate for San Juan County:

(7) Protect properties adjacent to Mineral Resource Lands by requiring a minimum 200-foot buffer between crushing and processing activities and neighboring properties.

(8) Establish a permit process for expanded mining operations.

Page 40 beginning at line 4

Please confirm that the statement below is factually correct “Rural residential density outside of LAMIRDs, activity centers, and master planned resorts ranges between one dwelling per five acres to one dwelling per fifteen acres.” As of January 2021, SJC had 18,717 real property parcels with 110,128 acres for a county-wide average parcel size of 5.88 acres (see the 2021 Statement of Assessments Booklet, pages 3-4:

<https://www.sanjuanco.com/DocumentCenter/View/22470/2021-Tax-Year-Statement-of-Assessments> (20,406 total properties minus the 1,689 personal property accounts equals the 18,717 real property parcel count)).

Existing Rural Development

Much of the rural land in the County is either undeveloped or developed with residential uses. Rural lands are interspersed with natural resource uses including farms and forestlands. Rural residential density outside of LAMIRDs, activity centers, and master planned resorts ranges between one dwelling per five acres to one dwelling per fifteen acres. The predominant development pattern in rural areas has led to many of the scenic areas, robust natural environment, and lifestyle that characterize much of the County.

Page 40 starting at line 12

These proposed changes more accurately depict existing residential development in rural areas:

Residential Development

Residential development in the rural areas is **sometimes** integrated into the visual and natural landscape ~~because it is typically by~~ setbacks from the roadways and ~~separations~~ from adjacent development by open spaces and landscaped areas. There are some existing neighborhoods that were platted prior to the establishment of maximum densities by this Plan. These neighborhoods are characterized by smaller parcel sizes than many other rural areas **but and some** retain vegetative buffers and open spaces where possible thanks to the ‘cabin-in-the-woods’ aesthetic preferred by **many some** property owners even before the County adopted development regulations. **The goal of the Land Use and Rural Element is that ~~the~~ the natural environment predominates over the built environment in ~~most residential~~ all rural areas outside of LAMIRDs, activity centers, and master planned resorts.**

Page 41, starting at Line 44

These recommended changes strengthen rural character protections in section 2.5.1 GENERAL RURAL GOALS AND POLICIES:

Goal 1: To protect rural character while allowing a mix of uses that support the ability of residents to live and work in rural lands.

Goal 2: Require the development within rural areas to be of a scale and intensity appropriate to the rural character of the islands.

~~1. Establish Increase setbacks, landscaping, and open space requirements standards to ensure that open space, and the natural landscape, and vegetation predominate over the built environment.~~

2. Consider requiring the Design Standards and Conservation Design Requirements that were formerly required for land divisions in resource land, conservancy, and rural designations in 18.70.060(B)(10)(a) for all development in resource land, conservancy, and rural designations.

~~23. Encourage the preservation of undeveloped land in rural areas.~~

~~34. Establish standards that are more protect wildlife habitat in rural lands.~~

Please explain what is meant by “prohibit sprawling, low-density development in rural lands.”

~~45. Prohibit sprawling, low-density development in rural lands. Establish rural densities between one dwelling per five acres and one dwelling per twenty acres outside of Activity Centers, LAMIRD, and Master Planned Resorts, where density may be higher.~~

~~56. Ensure that any extension of services into rural lands is based on demonstrable need and is financially feasible.~~

This addition is needed to be consistent with 2.2.B Economy, Policy #2:

7. Establish standards for home occupations and cottage enterprises that are located in accessory structures in rural areas.

~~68. Allow the location of rural industries and heavy industrial types of activities in Island Center activity centers and Rural Industrial areas.~~

Page 48, lines 31-34

Retain “strengthen” in recognition that single-family and estate development pressures in San Juan County are converting and pressuring the conversion of the county’s existing forestry and agricultural practices:

~~54. Strengthen~~ **Strengthen and Implement** Right-to-Farm and Right to Forestry provisions which establish the high priority and favored use of Rural Lands, except Rural Residential areas, for farming and forestry activities and assure that such uses will not be considered a nuisance or inconvenience to adjacent non-farm and non-forestry uses.