



SAN JUAN COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT

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**MEMO**

**REPORT DATE:** January 20, 2022

**TO:** San Juan County Planning Commission

**FROM:** Sophia Cassam, Planner II

**SUBJECT:** Comprehensive Plan Public Comments Regarding Natural Resource Lands for the Planning Commission

**MEETING:** January 21, 2022

**ATTACHMENTS:** A. Public Comments on Natural Resource Land Designation Review Methodology  
B. Public Comment on Land Use Review Requests 18-0012 and 19-0004

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**PURPOSE:** Transmittal of written public comments for the January 21, 2022 Planning Commission meeting.

Public Comments on the Natural Resource Land Designation Methodology

Sophia Cassam

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**From:** R. Brent Lyles <brent@sanjuans.org>  
**Sent:** Monday, January 17, 2022 3:40 PM  
**To:** Comp Plan Update  
**Subject:** Comp Plan: Unfinished business  
**Attachments:** Friends comments on Unfinished Business in the Comp Plan - 17jan2021.pdf

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

Hello!

Please find attached a comment letter addressed to the Planning Commissioners. I'd appreciate a quick reply to this email, to let me know that this came through without difficulties. Thanks.

Respectfully,

Brent

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**R. Brent Lyles** (he/him) | **Executive Director** | **Friends of the San Juans**  
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# Friends *of the* San Juans

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P.O. Box 1344  
Friday Harbor, WA 98250

By Email to [compplancomments@sanjuanco.com](mailto:compplancomments@sanjuanco.com)  
September 15, 2021

San Juan County Planning Commissioners  
SJC Department of Community Development  
PO Box 947  
Friday Harbor, WA 98250

Dear Planning Commissioners,

Happy new year! On the agenda for the first Planning Commission meeting of 2022 is a check-in about “where we’re at” in the Comp Plan Update process. Since my legal and policy experts here at Friends of the San Juans have been following the process so closely, I wanted to send a quick reminder of three items of unfinished business that the County has not yet addressed:

- **Determining the amount of land necessary for viable agriculture and forestry industries, as required by the Growth Management Act.** This is important not only because it is a legal requirement, but also because it has implications for the acreage of Agricultural and Forest Resource Lands that must be set aside for these industries.
- **Discussing the details of the draft methodology used to evaluate the Long-Term Commercial Significance Index of Natural Resource Land parcels — County staff haven't responded to our public comments or to the Planning Commissioners' own concerns about this methodology.** This is important because this methodology will determine how Agricultural and Forest Resource Lands are identified and designated into the future —as it stands, the methodology as drafted is irrational and problematic.
- **Designating new Natural Resource Lands — the Planning Commissioners have not proposed any designation of new Natural Resource Land parcels, either consistent with its proposed methodology or with a more rational approach.** This is important because Natural Resource Lands support local forestry and agriculture, have climate benefits, and are integral to preserving the rural character of the San Juan Islands.

For your reference, I have appended here Friends of the San Juans' April 9th and May 5th, 2021 letters, which establish part of the record of our engagement on these items. Thank you for your consideration, and I look forward to the conversation at the upcoming Planning Commission meeting. As always, I welcome any questions you might have.

Sincerely,

R. Brent Lyles, Executive Director



Via Email

April 9, 2021

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

Re: SJC Natural Resource Land Designation Review

Dear Planning Commissioners:

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

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

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

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

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

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

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

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

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

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

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

<sup>5</sup> 136 Wn.2d at 47-48.

<sup>6</sup> RCW 36.70A.060(1), .170, .030(8), .030(10).

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

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

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

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

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

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

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

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

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<sup>9</sup> WAC 365-190-050(5), -060(5).

<sup>10</sup> WAC 365-190-050(5).

<sup>11</sup> WAC 365-190-060(5).

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

<sup>13</sup> Memo, at 3.

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

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

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

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

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

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

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

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

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

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

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

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<sup>15</sup> Report, at 23.

<sup>16</sup> Report, at 24.

forestry.

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

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

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

Yet this criterion appears to have been eliminated in favor of factors that reflect landowner intent, like whether a parcel is currently being farmed or managed for forestry or is adjacent to such areas.<sup>21</sup> While this approach would broadly expand the number of parcels that could qualify for NRL based on landowner intent for the land by removing the parcel size and soil criteria, it would preclude the designation and preservation of suitable parcels as NRLs unless they were currently being farmed or forested and would not incorporate parcels capable of being used. While the County should maintain the proposed designation criteria, it should also retain for agricultural land designation, those parcels with prime farmland soil<sup>22</sup> and, for

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<sup>17</sup> WAC 365-190-050(3)(c), 165-190-060(2)(c).

<sup>18</sup> WAC 365-190-050(3)(b)(i).

<sup>19</sup> SJC Comp Plan Section 2.3.D.5.a(1).

<sup>20</sup> SJC Comp Plan Section 2.3.D.5.b(1).

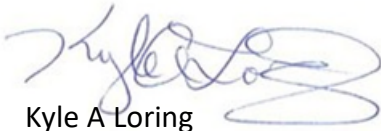
<sup>21</sup> Report, at 25, 30.

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

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

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

Sincerely,

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

Kyle A Loring

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

Encl.

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

<sup>23</sup> WAC 365-190-050(3)(b), -060(2)(b).



# Friends *of the* San Juans

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P.O. Box 1344  
Friday Harbor, WA 98250

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

From: R. Brent Lyles, Executive Director

Date: January 13, 2021

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

Submitted via email: [compplancomments@sanjuanco.com](mailto:compplancomments@sanjuanco.com)

## Mineral Resource Lands

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

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

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

## Agricultural and Forest Resource Lands

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

designating and de-designating resource lands.

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

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

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

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

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

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

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

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

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

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

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

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

#### Long-Term Commercial Significance Index scoring system

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

Friends of the San Juans recommends the following:

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

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

<sup>2</sup> United States Department of Agriculture (USDA) National Agricultural Statistics Service [Census of Agriculture](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1_Chapter_2_County_Level/Washington/st53_2_0008_0008.pdf). [https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Volume\\_1\\_Chapter\\_2\\_County\\_Level/Washington/st53\\_2\\_0008\\_0008.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1_Chapter_2_County_Level/Washington/st53_2_0008_0008.pdf) and [https://www.nass.usda.gov/Publications/AgCensus/2012/Full\\_Report/Volume\\_1\\_Chapter\\_2\\_County\\_Level/Washington/st53\\_2\\_008\\_008.pdf](https://www.nass.usda.gov/Publications/AgCensus/2012/Full_Report/Volume_1_Chapter_2_County_Level/Washington/st53_2_008_008.pdf)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Via Email

May 5, 2021

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

Re: SJC Natural Resource Land Designation Methodology

Dear Planning Commissioners:

As promised in my April 9, 2021 letter about the County's Natural Resource Land Designation Review, I am writing this letter on behalf of Friends of the San Juans ("Friends") to offer specific recommendations for revising the draft designation methodology. As before, we appreciate the amount of effort that has gone into interpreting a state requirement to identify local resource lands with long-term commercial significance. It is not a task for the faint of heart. But it provides a valuable opportunity to limit development pressures on the farms and forests that supply our community with food, wood, bucolic vistas, and economic benefits. Further, if maintained for long-term farming and forestry and if stewarded with care, these lands likely will provide environmental and climate resiliency benefits over other forms of development. Consequently, Friends supports a Comprehensive Plan update that evaluates the long-term land needs for the farming and forestry in the islands and that designates new resource lands to compensate for those that the County has dedesignated since the last area-wide review in the early 2000s and those lands that may be dedesignated over the next twenty years. The long-term commercial significance methodology must be finalized as a first step in that process.

Toward that end, this letter: (1) summarizes the legal context that guides the current countywide review of natural resource designations; (2) proposes revisions to the long-term commercial significance methodology matrices for agricultural lands and forest lands; and (3) proposes a change to Comprehensive Plan designation criteria for forest resource lands that would recognize historic forestry use.

**A. Minimum Guidelines to Classify Agricultural and Forest Resource Lands.**

State regulations provide a recipe for designating agricultural and forest resource lands.

## **1. Counties must designate enough land for a viable industry.**

First, and this is a critical step that has been overlooked to date during the County's Comprehensive Plan update, a county has to determine how much land is necessary to support viable farming and forestry industries and then designate that land.

For **farming**, the Growth Management Act ("GMA") regulations state that:

"the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities." WAC 365-190-050(5).

For **forestry**, GMA regulations state that

"counties or cities should designate at least the minimum amount of forest resource lands needed to maintain economic viability for the forestry industry and to retain supporting forestry businesses, such as loggers, mills, forest product processors, equipment suppliers, and equipment maintenance and repair facilities. Economic viability in this context is that amount of designated forestry resource land needed to maintain economic viability of the forestry industry in the region over the long term." WAC 365-190-060(5).

The best approach would be to start with at least a rough understanding of the amount of land needed to achieve these results. During the presentation to the Planning Commission, County staff explained that they are already conducting the process to reach an end goal -- "designating the best of the best," but the County needs to ensure that the end goal is a viable local natural resource industry. This might require more than just the top 5% of parcels.

## **2. Counties must designate non-urban lands that are used or capable of being used for resource production and that have long-term commercial significance.**

The process for designating natural resource lands must determine whether lands have the following characteristics:

- a. *They are not already characterized by urban growth.*** This element is typically satisfied by lands lying outside urban growth areas or local areas of more intense rural development;
- b. *They are "used or capable of being used for agricultural production."*** For both farms and forests, the physical and geographic characteristics are the primary

method for determining suitability, with the recognition that some agricultural operations, like livestock production, are less dependent on soil quality than others. Parcels are consistent with this factor where:

- i. the lands are currently used for ag or forestry; or
- ii. the lands are well-suited to forestry or agriculture, using the USDA Natural Resources Conservation Service land-capability classification system for agriculture.

**c. They have “long-term commercial significance” for agriculture or forestry.**

For **agriculture**, the GMA regulations direct counties to “consider the following nonexclusive criteria, as applicable:”

- i. The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service;
- ii. The availability of public facilities, including roads used in transporting agricultural products;
- iii. Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;
- iv. The availability of public services;
- v. Relationship or proximity to urban growth areas;
- vi. Predominant parcel size;
- vii. Land use settlement patterns and their compatibility with agricultural practices;
- viii. Intensity of nearby land uses;
- ix. History of land development permits issued nearby;
- x. Land values under alternative uses; and
- xi. Proximity to markets.

Importantly, counties “may consider food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods.” WAC 365-190-050(4). Equally as important, as noted by the introductory language, not all of these criteria will be

applicable, and the reference to their being “nonexclusive” suggests that other criteria could also be used to conserve agricultural lands.

For **Forestry**, there is a three-step process.

- i. First, a county must determine the land grade that constitutes forest land of long-term commercial significance, based on local physical, biological, economic land use considerations, using private forest land grades from the Washington Department of Revenue (“DOR”). WAC 365-190-060(2)(c). While this does not appear to have occurred here, DOR’s regulations state that Land grades 1-7 are considered commercially viable for the San Juan Islands, and land grade 8 would be considered marginal for forest productivity. WAC 458-40-530.
- ii. Second, a county must consider the effects of proximity to population areas and the possibility of more intense uses of the land, as indicated by the following criteria as applicable:
  - a) The availability of public services and facilities conducive to the conversion of forest land;
  - b) The proximity of forest land to urban and suburban areas and rural settlements: Forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements;
  - c) The size of the parcels: Forest lands consist of predominantly large parcels;
  - d) The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance;
  - e) Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW;
  - f) Local economic conditions which affect the ability to manage timberlands for long-term commercial production; and
  - g) History of land development permits issued nearby.
- iii. Third, counties may also consider secondary benefits from retaining commercial forestry operations. Benefits from retaining commercial

forestry may include protecting air and water quality, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism and access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species. While this cannot be a determining factor, it can help tip the balance in favor of conserving some parcels for forestry.

**As you review the area-wide process for designating natural resource lands, keep in mind that:**

- (1) Not all of the criteria listed at WAC 365-190-050(3)(c) or -060(4) must be used. The goal is to identify lands of long-term commercial significance based primarily on soils and development patterns;**
- (2) Other criteria can be considered; and**
- (3) Ultimately, San Juan County needs enough land to support viable industry.**

Against this legal backdrop Friends requests that the County inquire among the agricultural and forestry sectors to learn their views on the amount of land necessary to support viable farming and forestry systems. To the extent that more land and production are necessary to sustain the industries, Friends recommends that the County assess the aspects of those industries that cannot currently be supported and the amount of land necessary to do so and that it designate that amount of land.

As the County conducts this review, it is important to keep in mind that, over time, the trend is to lose designated natural resource lands. Based on records we have obtained from the County, we estimate that approximately 170 acres of Forest Resource Land (“FRL”) and 6 acres of Agricultural Resource Land have been converted to higher density non-resource lands since 2000. In addition, County staff have recommended the dedesignation of more than 166 acres of FRL as part of the update process. Two of the proposed designations would orphan two blocks of FRL sized at 39.84 acres and 42.57 acres (for a total of 82.41 acres), likely leading to their future dedesignation.

#### **B. Proposed Revisions to Draft Long-term Commercial Significance Matrix.**

At the same time that the County conducts the review above, Friends recommends that it revise the draft long-term significance methodology as follows to remove artificial distinctions between properties with similar productive capacity. We have redlined the draft methodology matrix and inserted rationales for the proposed changes. We have also proposed eliminating

the extra weight given to certain factors and accounting for some weighting by offering a broader range of scores for criteria that are higher priority, like quality of soils and size of parcels.

We also did not propose a point total that would qualify for designation because that number will depend on the amount of acreage necessary to support farming and forestry in the county, and that evaluation has not yet occurred. However, we recommend a lower threshold than the staff’s current “best of the best” standard in order to recognize the secondary benefits that both farming and forestry provide our community. As noted by the state regulations, local food provides food security and supports our local food system. Forests protect air and water quality, maintain adequate aquifer recharge areas in a county that is fully a Critical Aquifer Recharge Area, support tourism and access to recreational opportunities, provide wildlife habitat and connectivity for upland species, and most importantly for our community and our warming planet, provide climate benefits by sequestering carbon and by substituting for other carbon intensive uses of those lands.

With that background, here are the proposed methodology changes:

### Agricultural Resource Lands Methodology

Criterion 1	
<b>Criterion</b>	The classification of prime and unique farmland soils as mapped by the NRCS (WAC 365-190-050(3)(c)(i))
<b>Weight</b>	X <del>12</del>
<b>Factor Scores</b>	
<b>4</b>	If more than 75% of parcel is prime farmland
<b>3</b>	If between 50 and 75% of parcel is prime farmland
<b>2</b>	If between 25 and 50% of parcel is prime farmland
<b>1</b>	If between 1 and 25% of parcel is prime farmland
<b>0</b>	If no prime farmlands

Criterion 2	
<p>Eliminate consideration of this factor because proximity to public roads is not a factor for island-scale farms and the distances they transport their goods. In other words, local farms have not suggested that traveling their driveways or private roads prejudices their long-term commercial significance.</p> <p>In addition, as drafted, this methodology frequently and paradoxically gives high scores to parcels far from the place their goods would be sold merely because they are adjacent to a public road. For example, parcels near Point Lawrence, 12 ½ miles from Eastsound, would get higher scores than parcels in Crow Valley, just 2 ½ miles from Eastsound, just because they were adjacent to a public road.</p>	<p><b>Criterion</b> <del>The availability of public facilities, including roads used in transporting agricultural products (WAC 365-190-050(3)(c)(iii))</del></p>
	<p><b>Weight</b> <del>X1</del></p>
	<p><b>Factor Scores</b></p>
	<p><del>4</del> If adjacent to public road</p>
	<p><del>2</del> If within 1,000 feet of a public road</p>
	<p><del>0</del> If more than 1,000 feet from a public road</p>

Criterion 3	
<p>The designation regulations do not differentiate between lands that are currently used for agricultural production and lands that are capable of such use. The factor scores should reflect that by applying the same score to both.</p>	<p><b>Criterion</b> Tax status, including whether lands are enrolled under the current use tax assessment. (WAC 365-190-050(3)(c)(iii))</p>
	<p><b>Weight</b> <del>X1-5</del></p>
	<p><b>Factor Scores</b></p>
	<p><del>4</del><u>1</u> If parcel <u>is in or has in the past been in</u> the current use farm and agriculture program <u>or open-space farm conservation program</u></p>
	<p><del>3</del> If parcel in open-space farm conservation program</p>

	<b>0</b>	If <u>parcel has never been</u> <del>not</del> in the current-use farm and agriculture or open-space farm conservation programs
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Criterion 4		
As with forest land criterion 1, the purpose of this criterion appears to be to characterize the likelihood that a parcel would be converted to non-farming due to the availability of public services. But the proposed language would focus on smaller community water systems and septic systems that may not make the property conducive to conversion, particularly if there are no covenants, conditions, or restrictions that would preclude an owner from drilling their own well or using their own pond for water.	<b>Criterion</b>	The availability of public services (WAC 365-190-050(3)(c)(iv))
	<b>Weight</b>	X1
	<b>Factor Scores</b>	
	<u>4</u> <b>1</b>	<del>If outside a community water system and sewer system service area or large onsite septic service area</del> <u>Parcel not served by public water or sewer system that serves an urban growth area, such as Friday Harbor or Eastsound.</u>
<u>2</u>	<del>If within a community water system service area and outside a sewer system service area or large onsite septic service area</del>	
<b>0</b>	<del>If within a community water system and sewer system service area</del> <u>Parcel served by public water or sewer system from urban growth area.</u>	

Criterion 5		
While it may be reasonable to give lower priority to parcels that abut an urban growth area and have been identified as likely candidates	<b>Criterion</b>	Relationship or proximity to urban growth areas (WAC 365-190-050(3)(c)(v))
	<b>Weight</b>	X1
	<b>Factor Scores</b>	

for near-term annexation, distinguishing between parcels ¼ mile and ½ mile from urban areas and deeming the latter 4 times better for agriculture is irrational.

<u>4</u> <del>1</del>	<del>If more than one-half mile away from a UGA</del> <u>Parcel not within area projected by city or county planners to be annexed into urban growth area within 20 years.</u>
<del>2</del> <u>0</u>	<u>Parcel within area projected by city or county planners to be annexed into urban growth area within 20 years.</u> <del>If between one-half and one-quarter mile of a UGA</del>
<del>0</del>	<del>If closer than one-quarter mile or within a UGA</del>

Criterion 6		
There is no reason to give greater weight to this criterion.	<b>Criterion</b>	Predominant parcel size (WAC 365-190-050(3)(c)(vi))
	<b>Weight</b>	X <del>1</del> <u>2</u>
	<b>Factor Scores</b>	
	<b>4</b>	If parcel larger than or equal to 20 acres
	<b>3</b>	If parcel larger than or equal to 10 and less than 20 acres
	<b>2</b>	If parcel larger than or equal to 5 and less than 10 acres
	<b>1</b>	If parcel larger than or equal to 2 and less than 5 acres
	<b>0</b>	If parcel less than 2 acres

<b>Criterion 7</b>
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<p>This factor should be eliminated unless it can be shown that adjacent parcel size has any relationship to the long-term use of a parcel for farming in the San Juans. As has been discussed previously, due to the more modest scale of most agricultural operations in San Juan County, neighboring property owners frequently consider agriculturally-zoned parcels to be an asset.</p>	<b>Criterion</b>	Land use settlement patterns and their compatibility with agricultural practices (WAC 365-190-050(3)(c)(vii))
	<b>Weight</b>	X1-25
	<b>Factor Scores</b>	
	<del>4</del>	<del>If average adjacent parcel size is 20 acres or larger</del>
	<del>3</del>	<del>If average adjacent parcel size is larger than or equal to 10 and less than 20 acres</del>
	<del>2</del>	<del>If average adjacent parcel size is larger than 5 and less than 10 acres</del>
<del>1</del>	<del>If the average adjacent parcel size is larger than 2 and less than 5 acres</del>	
<del>0</del>	<del>If the average adjacent parcel size is less than 2 acres</del>	

Criterion 8		
<p>In the island context, neighboring residential use should not be a disqualifying factor in designating agricultural resource lands. However, not being directly adjacent to urbanized areas may promote long-term commercial use.</p>	<b>Criterion</b>	Intensity of nearby land uses (WAC 365-190-050(3)(c)(viii))
	<b>Weight</b>	X1-25
	<b>Factor Scores</b>	
	<del>4</del> <u>1</u>	<del>If any neighboring parcel has AG or open space Assessor's use code</del> <u>Parcel is not directly adjacent to parcel within urban growth boundary or local area of more intense rural development.</u>
	<del>2</del>	<del>If any neighboring parcel has a single family residential use code and no neighboring parcel has an AG or open space Assessor's use code.</del>
<del>0</del>	<del>If no neighboring parcel is within urban growth boundary or local area of more intense rural development</del> <u>has the use codes listed above.</u>	

Criterion 9		
<p>Before this factor can be designed accurately, it is necessary to define “markets” in the island context. For our purposes, we consider farm stores/stands, farmers’ markets, grocery stores/coops, and restaurants to be the primary markets for agricultural products, and have ranked the proximity accordingly. In addition to on-island direct-to-customer sales of all products, any island with access to USPS and/or UPS and/or FedEx has equal access to markets for many products.</p>	<b>Criterion</b> Proximity to markets (WAC 365-190-050(3)(c)(xi))	
	<b>Weight</b> X1.5	
	<b>Factor Scores</b>	
	<b>4</b> <u>2</u>	If on San Juan, Lopez, <del>or</del> Orcas Islands, <u>or Shaw Islands</u>
	<b>3</b> <u>1</u>	<u>All other islands</u> <del>If on Shaw Island</del>
	<b>1</b>	<del>If on Stuart, Waldron, Blakely, or Decatur Islands</del>
<b>0</b>	<del>If on any other island</del>	

**Forest Resource Lands**

Criterion 1		
<p>See discussion above for agricultural resource designation criterion 4.</p>	<b>Criterion</b> The availability of public services and facilities conducive to the conversion of forest land. (WAC 365-190-060(4)(a))	
	<b>Weight</b> X1.5	
	<b>Factor Scores</b>	
	<b>4</b> <u>1</u>	<u>Parcel not served by public water or sewer system that serves an urban growth area, such as Friday Harbor or Eastsound.</u> <del>If outside a community water system and sewer system service area</del>
	<b>2</b>	<del>If within a community water system service area and outside a sewer system service area</del>
<b>0</b>	<del>Parcel served by public water or sewer system that serves an urban growth area, such as Friday Harbor or Eastsound.</del> <del>If within a community water system and sewer system service area</del>	

**Criterion 2**

See discussion above for agricultural resource designation criterion 5.	<b>Criterion</b>	The proximity of forest land to urban and suburban areas and rural settlements. (WAC 365-190-060(4)(b))
	<b>Weight</b>	X1.5
	<b>Factor Scores</b>	
	<b>4</b>	<u>Parcel not within area projected by city or county planners to be annexed into urban growth area, activity center, or LAMIRD within 20 years.</u> <del>If more than one-half mile away from an UGA, activity center, or LAMIRD</del>
	<b>2</b>	<del>If between one-half and one-quarter mile of an UGA, activity center, or LAMIRD</del>
<b>0</b>	<u>Parcel within area projected by city or county planners to be annexed into urban growth area, activity center, or LAMIRD within 20 years.</u> <del>If within an UGA, activity center, or LAMIRD</del>	

Criterion 3		
There is no reason to give greater weight to this criterion because its factor scores differentiate it from other criteria	<b>Criterion</b>	The size of the parcels. (WAC 365-190-060(4)(c))
	<b>Weight</b>	X1.2
	<b>Factor Scores</b>	
	<b>4</b>	If parcel larger than 20 acres
	<b>3</b>	If parcel larger than 15 and less than 20 acres
	<b>2</b>	If parcel larger than 10 and less than 15 acres
	<b>0</b>	If parcel less than 5 acres

Criterion 4		
Neighboring parcel size alone does not dictate whether a parcel is suitable for forestry, but rather the combination of the parcel size and its designation. The factor scores	<b>Criterion</b>	The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands. (WAC 365-190-060(4)(d))
	<b>Weight</b>	X1.25
	<b>Factor Scores</b>	

have been revised to reflect potential incompatibilities.

<del>4</del>	<del>If average adjacent parcel size is 20 acres or larger</del>
<del>3</del>	<del>If average adjacent parcel size is larger than 10 and less than 20 acres</del>
2	If average adjacent parcel size is <u>5 acres or larger or is zoned other than rural residential or an urban residential designation.</u> <del>larger than 5 and less than 10 acres</del>
1	If the average adjacent parcel size is larger than <u>2</u> <del>1</del> and less than 5 acres <u>and is designated rural residential or an urban residential designation</u>
0	If the average adjacent parcel size is less than <u>2</u> <del>1</del> acres <u>and is designated rural residential or an urban residential designation.</u>

Criterion 5		
See comment for agricultural lands tax classification factor	<b>Criterion</b>	Property tax classification. (WAC 365-190-060(4)(e))
	<b>Weight</b>	X <u>2</u> <del>1</del>
	<b>Factor Scores</b>	
	<del>4</del> <b>4</b>	If parcel <u>is in or in the past has been in</u> the designated forestland (DFL) tax program <u>or open-space timber land tax program.</u>
	<del>3</del> <b>3</b>	<del>If parcel is in the open-space timber land tax program</del>
<b>0</b>	If <u>parcel has never been</u> <del>not</del> in the DFL or open-space timber land tax program	

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

language as the access to markets language for agricultural lands if that were the intent. This factor should consider local processing and markets as well. Until that revision, it should be eliminated.		
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Criterion 7		
This criterion is addressed by other criteria about the size of parcels and types of neighboring uses and can be removed.	<b>Criterion</b>	History of land development permits issued nearby (WAC 365-190-060(4)(g))
	<b>Weight</b>	X <del>1</del> <u>25</u>
	<b>Factor Scores</b>	
	<del>4</del>	<del>If any neighboring parcel has forestry or open space Assessor's use code</del>
	<del>2</del>	<del>If any neighboring parcel has a single family residential or undeveloped use code and no neighboring parcel has a forestry or open space Assessor's use code</del>
<del>0</del>	<del>If any neighboring parcel has a commercial, industrial, or multifamily use code</del>	

Criterion 8		
According to the land grade system established by the WA Department of Revenue and referenced by WAC 365-190-060(2)(c) as the basis for scoring lands for designation, "All marginal forest productivity in other townships [including San Juan County] is land grade 8." WAC 458-40-530. Thus, the chart should reflect	<b>Criterion</b>	Private Forest Land Grade (PFLG) (WAC 365-190-060(2)(c))
	<b>Weight</b>	X <del>2</del> <u>1</u>
	<b>Factor Scores</b>	
	<del>4</del> <u>1</u>	<del>If the majority of the parcel has any part of the parcel has PFLG 1-7</del>
	<del>3</del> <u>0</u>	<del>If any part of the parcel has PFLG 2</del> <u>If the majority of the parcel is PFLG 8</u>
	<del>2</del>	<del>If any part of the parcel has PFLG 3</del>
<del>1</del>	<del>If any part of the parcel has PFLG 4</del>	
<del>0</del>	<del>If PFLG is blank or 0</del>	

that grades 1-7 can be used for forestry.		
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**C. Comprehensive Plan Designation Criteria.**

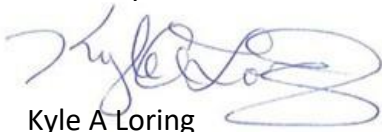
Consistent with the approach in the matrix above, which recognizes that lands that have been entered into the current use tax program in the past should be deemed suitable for forestry, Friends recommends that the current language in the first and third bullets of the proposed Comprehensive Plan designation criteria be revised as follows:

- Lands participating, or that have participated, in the designation forest land, current-use timber land, or open space-timber tax programs;
- Lands managed, or that have been managed, for the long-term production of forest products with few non-forest related uses; or

This will also better reflect the capability of the land to be used for forestry and avoid the landowner’s intent for its current use to dictate the land’s designation. And it will be consistent with the proposed Comprehensive Plan designation criteria for agricultural resource lands that recognizes past use for farming as a basis for designation.

We look forward to continuing the conversation with you about conserving our community’s hard working resource lands. We encourage you to reach out with any questions you have.

Sincerely,



Kyle A Loring

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

## Sophia Cassam

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**From:** Jan Alderton <janetmalderton@gmail.com>  
**Sent:** Monday, January 17, 2022 3:35 PM  
**To:** Comp Plan Update; Lynda Guernsey  
**Subject:** Natural Resource Lands Designation Methodology  
**Attachments:** Alderton cmt ltr re NRL desig method - 17Jan2022.docx

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

Dear Lynda,  
Please share my comments with the Planning Commissioners.  
Wishing us all a better 2022 than were 2021 and 2020.  
Janet Alderton  
Orcas Island  
510-520-1073



January 17, 2022

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

Re: SJC Natural Resource Land Designation Methodology Update

Dear Planning Commissioners:

Firstly, I am grateful for your attention to Land Use Planning in our islands. I know you put in very long hours preparing for your long meetings. Your work is so important!

Our County Councilors have recently created a new department of Environmental Stewardship to focus on Climate & Sustainability, Clean Water, Marine Resources, Cultural Resources, and Solid Waste. With increasing awareness of our human impacts, it makes sense to re-examine all parts of the Comprehensive Plan through a sustainability and climate impact lens.

I agree with the Friends of the San Juans' letter dated May 5, 2021 that this Comprehensive Plan Update:

"...provides a valuable opportunity to limit development pressures on the farms and forests that supply our community with food, wood, bucolic vistas, and economic benefits. Further, if maintained for long-term farming and forestry and if stewarded with care, these lands likely will provide environmental and climate resiliency benefits over other forms of development."

Our island communities will benefit from encouraging local resource production that incorporates greater sustainability for our islands and our planet. Forests are valuable resources not just for timber harvest, but also for their carbon sequestration benefits.

Trees also help to cushion heavy rainfall, and the irregular surfaces of forests promote aquifer recharge. Without careful land development, slopes become vulnerable to landslides. We lived through torrential rains recently that caused serious landslides on Orcas Island. A significant area of Orcas Island was isolated when a landslide completely destroyed the county road to Doe Bay. Multiple landslides blocked the county road access to my home in Deer Harbor.

In addition to stabilizing slopes, careful forest resource land designation and management will help decrease wildfire risk. Proper thinning of forests promotes healthy forests and reduces wildfire risk. The thinned trees can produce Biochar or can be the raw materials for Glue-laminated wood beams. These are island-grown and island-produced products that could be

used by island businesses.

Similarly for agricultural resource lands: their value in the context of sustainability and climate impact mitigation is growing with new understanding of the importance of agricultural soils for carbon sequestration. No-till agriculture builds soil carbon and prevents erosion by wind and water. Local composting facilities will add to the soil carbon and fertility of our agricultural lands and eliminate off-island export of valuable resources. Expanding carbon pricing and carbon credit programs will add value to resource lands. The current definition of commercial significance will need to be revised as we incorporate the monetary values of sustainability.

Loss of Forest and Agricultural Resource lands in recent decades by dedesignation has not been balanced by the designation of new resource lands. Going forward, additional resource lands will be dedesignated. These losses must be compensated with newly designated lands. Our county needs to update the designation methodology to reflect our new understanding of the range of values these resource lands hold for us. The long-term commercial significance methodology must be finalized as a first step in that process.

With this goal in mind, I fully support the proposed changes put forth by the Friends of the San Juans' letter of May 5, 2021. I have copied their suggestions below.

Again, thank-you for your important work!

Janet Alderton  
Orcas Island  
510-520-1073

From the Friends of the San Juans on May 5, 2021

Re: SJC Natural Resource Land Designation Methodology

Dear Planning Commissioners:

As promised in my April 9, 2021 letter about the County's Natural Resource Land Designation Review, I am writing this letter on behalf of Friends of the San Juans ("Friends") to offer specific recommendations for revising the draft designation methodology. As before, we appreciate the amount of effort that has gone into interpreting a state requirement to identify local resource lands with long-term commercial significance. It is not a task for the faint of heart. But it provides a valuable opportunity to limit development pressures on the farms and forests that supply our community with food, wood, bucolic vistas, and economic benefits. Further, if maintained for long-term farming and forestry and if stewarded with care, these lands likely will provide environmental and climate resiliency benefits over other forms of

development. Consequently, Friends supports a Comprehensive Plan update that evaluates the long-term land needs for the farming and forestry in the islands and that designates new resource lands to compensate for those that the County has dedesignated since the last area-wide review in the early 2000s and those lands that may be dedesignated over the next twenty years. The long-term commercial significance methodology must be finalized as a first step in that process.

Toward that end, this letter: (1) summarizes the legal context that guides the current countywide review of natural resource designations; (2) proposes revisions to the long-term commercial significance methodology matrices for agricultural lands and forest lands; and (3) proposes a change to Comprehensive Plan designation criteria for forest resource lands that would recognize historic forestry use.

**A. Minimum Guidelines to Classify Agricultural and Forest Resource Lands.**

State regulations provide a recipe for designating agricultural and forest resource lands.

**1. Counties must designate enough land for a viable industry.**

First, and this is a critical step that has been overlooked to date during the County's Comprehensive Plan update, a county has to determine how much land is necessary to support viable farming and forestry industries and then designate that land.

For **farming**, the Growth Management Act ("GMA") regulations state that:

"the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities." WAC 365-190-050(5).

For **forestry**, GMA regulations state that

"counties or cities should designate at least the minimum amount of forest resource lands needed to maintain economic viability for the forestry industry and to retain supporting forestry businesses, such as loggers, mills, forest product processors, equipment suppliers, and equipment maintenance and repair facilities. Economic viability in this context is that amount of designated forestry resource land needed to maintain economic viability of the forestry industry in the region over the long term." WAC 365-190-060(5).

The best approach would be to start with at least a rough understanding of the amount of land needed to achieve these results. During the presentation to the Planning Commission, County staff explained that they are already conducting the process to reach an end goal -- “designating the best of the best,” but the County needs to ensure that the end goal is a viable local natural resource industry. This might require more than just the top 5% of parcels.

**2. Counties must designate non-urban lands that are used or capable of being used for resource production and that have long-term commercial significance.**

The process for designating natural resource lands must determine whether lands have the following characteristics:

- a. ***They are not already characterized by urban growth.*** This element is typically satisfied by lands lying outside urban growth areas or local areas of more intense rural development;
- b. **They are “used or capable of being used for agricultural production.”** For both farms and forests, the physical and geographic characteristics are the primary method for determining suitability, with the recognition that some agricultural operations, like livestock production, are less dependent on soil quality than others. Parcels are consistent with this factor where:
  - i. the lands are currently used for ag or forestry; or
  - ii. the lands are well-suited to forestry or agriculture, using the USDA Natural Resources Conservation Service land-capability classification system for agriculture.
- c. **They have “long-term commercial significance” for agriculture or forestry.**

For **agriculture**, the GMA regulations direct counties to “consider the following nonexclusive criteria, as applicable:”

- i. The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service;
- ii. The availability of public facilities, including roads used in transporting agricultural products;
- iii. Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the

optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;

- iv. The availability of public services;
- v. Relationship or proximity to urban growth areas;
- vi. Predominant parcel size;
- vii. Land use settlement patterns and their compatibility with agricultural practices;
- viii. Intensity of nearby land uses;
- ix. History of land development permits issued nearby;
- x. Land values under alternative uses; and
- xi. Proximity to markets.

Importantly, counties “may consider food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods.” WAC 365-190-050(4). Equally as important, as noted by the introductory language, not all of these criteria will be applicable, and the reference to their being “nonexclusive” suggests that other criteria could also be used to conserve agricultural lands.

For **Forestry**, there is a three-step process.

- i. First, a county must determine the land grade that constitutes forest land of long-term commercial significance, based on local physical, biological, economic land use considerations, using private forest land grades from the Washington Department of Revenue (“DOR”). WAC 365-190-060(2)(c). While this does not appear to have occurred here, DOR’s regulations state that Land grades 1-7 are considered commercially viable for the San Juan Islands, and land grade 8 would be considered marginal for forest productivity. WAC 458-40-530.
- ii. Second, a county must consider the effects of proximity to population areas and the possibility of more intense uses of the land, as indicated by the following criteria as applicable:
  - a) The availability of public services and facilities conducive to the conversion of forest land;

- b) The proximity of forest land to urban and suburban areas and rural settlements: Forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements;
  - c) The size of the parcels: Forest lands consist of predominantly large parcels;
  - d) The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance;
  - e) Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW;
  - f) Local economic conditions which affect the ability to manage timberlands for long-term commercial production; and
  - g) History of land development permits issued nearby.
- iii. Third, counties may also consider secondary benefits from retaining commercial forestry operations. Benefits from retaining commercial forestry may include protecting air and water quality, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism and access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species. While this cannot be a determining factor, it can help tip the balance in favor of conserving some parcels for forestry.

**As you review the area-wide process for designating natural resource lands, keep in mind that:**

- (1) Not all of the criteria listed at WAC 365-190-050(3)(c) or -060(4) must be used. The goal is to identify lands of long-term commercial significance based primarily on soils and development patterns;**
- (2) Other criteria can be considered; and**
- (3) Ultimately, San Juan County needs enough land to support viable industry.**

Against this legal backdrop Friends requests that the County inquire among the agricultural and forestry sectors to learn their views on the amount of land necessary to support viable farming and forestry systems. To the extent that more land and production are

necessary to sustain the industries, Friends recommends that the County assess the aspects of those industries that cannot currently be supported and the amount of land necessary to do so and that it designate that amount of land.

As the County conducts this review, it is important to keep in mind that, over time, the trend is to lose designated natural resource lands. Based on records we have obtained from the County, we estimate that approximately 170 acres of Forest Resource Land (“FRL”) and 6 acres of Agricultural Resource Land have been converted to higher density non-resource lands since 2000. In addition, County staff have recommended the dedesignation of more than 166 acres of FRL as part of the update process. Two of the proposed designations would orphan two blocks of FRL sized at 39.84 acres and 42.57 acres (for a total of 82.41 acres), likely leading to their future dedesignation.

**B. Proposed Revisions to Draft Long-term Commercial Significance Matrix.**

At the same time that the County conducts the review above, Friends recommends that it revise the draft long-term significance methodology as follows to remove artificial distinctions between properties with similar productive capacity. We have redlined the draft methodology matrix and inserted rationales for the proposed changes. We have also proposed eliminating the extra weight given to certain factors and accounting for some weighting by offering a broader range of scores for criteria that are higher priority, like quality of soils and size of parcels.

We also did not propose a point total that would qualify for designation because that number will depend on the amount of acreage necessary to support farming and forestry in the county, and that evaluation has not yet occurred. However, we recommend a lower threshold than the staff’s current “best of the best” standard in order to recognize the secondary benefits that both farming and forestry provide our community. As noted by the state regulations, local food provides food security and supports our local food system. Forests protect air and water quality, maintain adequate aquifer recharge areas in a county that is fully a Critical Aquifer Recharge Area, support tourism and access to recreational opportunities, provide wildlife habitat and connectivity for upland species, and most importantly for our community and our warming planet, provide climate benefits by sequestering carbon and by substituting for other carbon intensive uses of those lands.

With that background, here are the proposed methodology changes:

## Agricultural Resource Lands Methodology

Criterion 1		
	<b>Criterion</b>	The classification of prime and unique farmland soils as mapped by the NRCS (WAC 365-190-050(3)(c)(i))
	<b>Weight</b>	<del>X12</del>
	<b>Factor Scores</b>	
	<b>4</b>	If more than 75% of parcel is prime farmland
	<b>3</b>	If between 50 and 75% of parcel is prime farmland
	<b>2</b>	If between 25 and 50% of parcel is prime farmland
	<b>1</b>	If between 1 and 25% of parcel is prime farmland
<b>0</b>	If no prime farmlands	

Criterion 2		
<p>Eliminate consideration of this factor because proximity to public roads is not a factor for island-scale farms and the distances they transport their goods. In other words, local farms have not suggested that traveling their driveways or private roads prejudices their long-term commercial significance.</p> <p>In addition, as drafted, this methodology frequently and paradoxically gives high scores to parcels far from the place their goods would be sold merely because they are adjacent to a public road. For example, parcels near Point Lawrence, 12 ½ miles</p>	<b>Criterion</b>	<del>The availability of public facilities, including roads used in transporting agricultural products (WAC 365-190-050(3)(c)(iii))</del>
	<b>Weight</b>	<del>X1</del>
	<b>Factor Scores</b>	
	<b>4</b>	<del>If adjacent to public road</del>
	<b>2</b>	<del>If within 1,000 feet of a public road</del>
	<b>0</b>	<del>If more than 1,000 feet from a public road</del>

from Eastsound, would get higher scores than parcels in Crow Valley, just 2 ½ miles from Eastsound, just because they were adjacent to a public road.		
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Criterion 3		
The designation regulations do not differentiate between lands that are currently used for agricultural production and lands that are capable of such use. The factor scores should reflect that by applying the same score to both.	<b>Criterion</b>	Tax status, including whether lands are enrolled under the current use tax assessment. (WAC 365-190-050(3)(c)(iii))
	<b>Weight</b>	X1-5
	<b>Factor Scores</b>	
	<b>41</b>	If parcel <u>is</u> in <u>or has in the past been in</u> the current use farm and agriculture program <u>or open-space farm conservation program</u>
	<del>3</del>	<del>If parcel in open-space farm conservation program</del>
<b>0</b>	If <u>parcel has never been not</u> in the current-use farm and agriculture or open-space farm conservation programs	

Criterion 4		
As with forest land criterion 1, the purpose of this criterion appears to be to characterize the likelihood that a parcel would be converted to non-farming due to the availability of public services. But the proposed language would focus	<b>Criterion</b>	The availability of public services (WAC 365-190-050(3)(c)(iv))
	<b>Weight</b>	X1
	<b>Factor Scores</b>	
	<b>41</b>	<del>If outside a community water system and sewer system service area or large onsite septic service area</del> Parcel not served by

on smaller community water systems and septic systems that may not make the property conducive to conversion, particularly if there are no covenants, conditions, or restrictions that would preclude an owner from drilling their own well or using their own pond for water.

	<u>public water or sewer system that serves an urban growth area, such as Friday Harbor or Eastsound.</u>
<del>2</del>	<del>If within a community water system service area and outside a sewer system service area or large onsite septic service area</del>
<del>0</del>	<del>If within a community water system and sewer system service area</del> <u>Parcel served by public water or sewer system from urban growth area.</u>

Criterion 5		
While it may be reasonable to give lower priority to parcels that abut an urban growth area and have been identified as likely candidates for near-term annexation, distinguishing between parcels ¼ mile and ½ mile from urban areas and deeming the latter 4 times better for agriculture is irrational.	<b>Criterion</b>	Relationship or proximity to urban growth areas (WAC 365-190-050(3)(c)(v))
	<b>Weight</b>	X1
	<b>Factor Scores</b>	
	<del>41</del>	<del>If more than one-half mile away from a UGA</del> <u>Parcel not within area projected by city or county planners to be annexed into urban growth area within 20 years.</u>
	<del>20</del>	<u>Parcel within area projected by city or county planners to be annexed into urban growth area within 20 years.</u> <del>If between one-half and one-quarter mile of a UGA</del>
<del>0</del>	<del>If closer than one-quarter mile or within a UGA</del>	

Criterion 6		
There is no reason to give greater weight to this criterion.	<b>Criterion</b>	Predominant parcel size (WAC 365-190-050(3)(c)(vi))
	<b>Weight</b>	X <del>1</del> <sup>2</sup>
	<b>Factor Scores</b>	
	<b>4</b>	If parcel larger than or equal to 20 acres
	<b>3</b>	If parcel larger than or equal to 10 and less than 20 acres
	<b>2</b>	If parcel larger than or equal to 5 and less than 10 acres
	<b>1</b>	If parcel larger than or equal to 2 and less than 5 acres
	<b>0</b>	If parcel less than 2 acres

Criterion 7		
This factor should be eliminated unless it can be shown that adjacent parcel size has any relationship to the long-term use of a parcel for farming in the San Juans. As has been discussed previously, due to the more modest scale of most agricultural operations in San Juan County, neighboring property owners frequently consider agriculturally-zoned parcels to be an asset.	<b>Criterion</b>	Land use settlement patterns and their compatibility with agricultural practices (WAC 365-190-050(3)(c)(vii))
	<b>Weight</b>	X <del>1</del> <sup>.25</sup>
	<b>Factor Scores</b>	
	<b>4</b>	<del>If average adjacent parcel size is 20 acres or larger</del>
	<b>3</b>	<del>If average adjacent parcel size is larger than or equal to 10 and less than 20 acres</del>
	<b>2</b>	<del>If average adjacent parcel size is larger than 5 and less than 10 acres</del>
	<b>1</b>	<del>If the average adjacent parcel size is larger than 2 and less than 5 acres</del>
<b>0</b>	<del>If the average adjacent parcel size is less than 2 acres</del>	

**Criterion 8**

<p>In the island context, neighboring residential use should not be a disqualifying factor in designating agricultural resource lands. However, not being directly adjacent to urbanized areas may promote long-term commercial use.</p>	<b>Criterion</b>	Intensity of nearby land uses (WAC 365-190-050(3)(c)(viii))
	<b>Weight</b>	X1. <del>25</del>
	<b>Factor Scores</b>	
	<del>4</del> <u>1</u>	<del>If any neighboring parcel has AG or open space Assessor's use code</del> <u>Parcel is not directly adjacent to parcel within urban growth boundary or local area of more intense rural development.</u>
	<del>2</del>	<del>If any neighboring parcel has a single-family residential use code and no neighboring parcel has an AG or open space Assessor's use code.</del>
0	If no neighboring parcel <u>is within urban growth boundary or local area of more intense rural development</u> <del>has the use codes listed above.</del>	

Criterion 9		
<p>Before this factor can be designed accurately, it is necessary to define "markets" in the island context. For our purposes, we consider farm stores/stands, farmers' markets, grocery stores/coops, and restaurants to be the primary markets for agricultural products, and have ranked the proximity accordingly. In addition to on-island direct-to-customer sales of all products, any island with access to USPS and/or UPS and/or FedEx has equal access to markets for many products.</p>	<b>Criterion</b>	Proximity to markets (WAC 365-190-050(3)(c)(xi))
	<b>Weight</b>	X1. <del>5</del>
	<b>Factor Scores</b>	
	<del>4</del> <u>2</u>	<del>If on San Juan, Lopez, or Orcas Islands,</del> <u>or Shaw Islands</u>
	<del>3</del> <u>1</u>	<del>All other islands</del> <u>If on Shaw Island</u>
	<del>1</del>	<del>If on Stuart, Waldron, Blakely, or Decatur Islands</del>
0	<del>If on any other island</del>	

**Forest Resource Lands**

Criterion 1		
See discussion above for agricultural resource designation criterion 4.	<b>Criterion</b>	The availability of public services and facilities conducive to the conversion of forest land. (WAC 365-190-060(4)(a))
	<b>Weight</b>	X <del>1.5</del>
	<b>Factor Scores</b>	
	<b><u>4</u></b>	<u>Parcel not served by public water or sewer system that serves an urban growth area, such as Friday Harbor or Eastsound.</u> <del>If outside a community water system and sewer system service area</del>
	<b><u>2</u></b>	<del>If within a community water system service area and outside a sewer system service area</del>
<b>0</b>	<u>Parcel served by public water or sewer system that serves an urban growth area, such as Friday Harbor or Eastsound.</u> <del>If within a community water system and sewer system service area</del>	

Criterion 2		
See discussion above for agricultural resource designation criterion 5.	<b>Criterion</b>	The proximity of forest land to urban and suburban areas and rural settlements. (WAC 365-190-060(4)(b))
	<b>Weight</b>	X <del>1.5</del>
	<b>Factor Scores</b>	
	<b><u>4</u></b>	<u>Parcel not within area projected by city or county planners to be annexed into urban growth area, activity center, or LAMIRD within 20 years.</u> <del>If more than one-half mile away from an UGA, activity center, or LAMIRD</del>
	<b><u>2</u></b>	<del>If between one-half and one-quarter mile of an UGA, activity center, or LAMIRD</del>
<b>0</b>	<u>Parcel within area projected by city or county planners to be annexed into urban growth area, activity center, or LAMIRD within 20 years.</u> <del>If within an UGA, activity center, or LAMIRD</del>	

Criterion 3		
There is no reason to give greater weight to this	<b>Criterion</b>	The size of the parcels. (WAC 365-190-060(4)(c))
	<b>Weight</b>	X <del>1</del> <u>2</u>

criterion because its factor scores differentiate it from other criteria	Factor Scores	
	<b>4</b>	If parcel larger than 20 acres
	<b>3</b>	If parcel larger than 15 and less than 20 acres
	<b>2</b>	If parcel larger than 10 and less than 15 acres
	<b>1</b>	If parcel larger than 5 and less than 10 acres
	<b>0</b>	If parcel less than 5 acres

Criterion 4		
Neighboring parcel size alone does not dictate whether a parcel is suitable for forestry, but rather the combination of the parcel size and its designation. The factor scores have been revised to reflect potential incompatibilities.	<b>Criterion</b>	The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands. (WAC 365-190-060(4)(d))
	<b>Weight</b>	X1.25
	Factor Scores	
	<b>4</b>	<del>If average adjacent parcel size is 20 acres or larger</del>
	<b>3</b>	<del>If average adjacent parcel size is larger than 10 and less than 20 acres</del>
	<b>2</b>	If average adjacent parcel size is <u>5 acres or larger or is zoned other than rural residential or an urban residential designation, larger than 5 and less than 10 acres</u>
	<b>1</b>	If the average adjacent parcel size is larger than <u>21</u> and less than 5 acres <u>and is designated rural residential or an urban residential designation</u>
<b>0</b>	If the average adjacent parcel size is less than <u>21</u> acres <u>and is designated rural residential or an urban residential designation.</u>	

Criterion 5	
<b>Criterion</b>	Property tax classification. (WAC 365-190-060(4)(e))
<b>Weight</b>	X <u>21</u>
Factor Scores	

See comment for agricultural lands tax classification factor	<b>41</b>	If parcel <u>is</u> in <u>or in the past has been in</u> the designated forestland (DFL) tax program <u>or open-space timber land tax program.</u>
	<del>3</del>	<del>If parcel is in the open-space timber land tax program</del>
	<b>0</b>	If <u>parcel has never been</u> <del>not</del> in the DFL or open-space timber land tax program

Criterion 6		
Identifying what is needed for the viability of commercial production on forest resource lands requires much more than the consideration of access to markets with what appears to be defined as ferry service. Also, the regulations would have used the same language as the access to markets language for agricultural lands if that were the intent. This factor should consider local processing and markets as well. Until that revision, it should be eliminated.	<b>Criterion</b>	Local economic conditions which affect the ability to manage timberlands for long-term commercial production [interpreted as access to markets] (WAC 365-190-060(4)(f))
	<b>Weight</b>	X1
	<b>Factor Scores</b>	
	<b>4</b>	<del>If on San Juan, Lopez, Shaw, or Orcas Islands</del>
	<del>3</del>	<del>If on Stuart, Waldron, Blakely, or Decatur Islands</del>
<b>0</b>	<del>If on any other island</del>	

Criterion 7		
This criterion is addressed by other criteria about the size of parcels and types of neighboring uses and can be removed.	<b>Criterion</b>	History of land development permits issued nearby (WAC 365-190-060(4)(g))
	<b>Weight</b>	X1. <del>25</del>
	<b>Factor Scores</b>	
	<b>4</b>	<del>If any neighboring parcel has forestry or open space Assessor's use code</del>
<b>2</b>	<del>If any neighboring parcel has a single family residential or undeveloped use code and no neighboring parcel has a forestry or open space Assessor's use code</del>	

	<del>0</del>	<del>If any neighboring parcel has a commercial, industrial, or multifamily use code</del>
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Criterion 8		
According to the land grade system established by the WA Department of Revenue and referenced by WAC 365-190-060(2)(c) as the basis for scoring lands for designation, "All marginal forest productivity in other townships [including San Juan County] is land grade 8." WAC 458-40-530. Thus, the chart should reflect that grades 1-7 can be used for forestry.	<b>Criterion</b>	Private Forest Land Grade (PFLG) (WAC 365-190-060(2)(c))
	<b>Weight</b>	X <del>21</del>
	<b>Factor Scores</b>	
	<del>41</del>	If <del>the majority of the parcel has any part of the parcel has</del> PFLG <del>1-7</del>
	<del>30</del>	If any part of the parcel has PFLG <del>2</del> <u>If the majority of the parcel is PFLG 8</u>
	<del>2</del>	If any part of the parcel has PFLG <del>3</del>
	<del>1</del>	If any part of the parcel has PFLG <del>4</del>
	<del>0</del>	If PFLG is blank or <del>0</del>

**C. Comprehensive Plan Designation Criteria.**

Consistent with the approach in the matrix above, which recognizes that lands that have been entered into the current use tax program in the past should be deemed suitable for forestry, Friends recommends that the current language in the first and third bullets of the proposed Comprehensive Plan designation criteria be revised as follows:

- Lands participating, or that have participated, in the designation forest land, current-use timber land, or open space-timber tax programs;
- Lands managed, or that have been managed, for the long-term production of forest products with few non-forest related uses; or

This will also better reflect the capability of the land to be used for forestry and avoid the landowner’s intent for its current use to dictate the land’s designation. And it will be consistent with the proposed Comprehensive Plan designation criteria for agricultural resource lands that

recognizes past use for farming as a basis for designation.

We look forward to continuing the conversation with you about conserving our community's hard working resource lands. We encourage you to reach out with any questions you have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kyle A Loring". The signature is fluid and cursive, with the first name "Kyle" being the most prominent.

Kyle A Loring

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

## Sophia Cassam

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**From:** Alexandra Gayek <gayek07@hotmail.com>  
**Sent:** Monday, January 17, 2022 10:51 AM  
**To:** Lynda Guernsey  
**Cc:** David Williams; Sophia Cassam  
**Subject:** letter for Planning Commission  
**Attachments:** Letter Re Resource Land Designation 2022.1.14.doc; Friends cmt ltr re NRL desig method - 6may2021.docx

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

Hi Lynda,

Thank you for passing on the attached letters to members of the Planning Commission in advance of the meeting on Jan 21st.

The first is my letter, the second is one to which my letter refers.

I have also attempted to copy this letter to DCD director David Williams, but am not sure of his email address. If I have it wrong, could you please forward it to him? Thank you.

With appreciation,  
Alexandra Gayek  
Orcas Island

San Juan County Planning Commission  
c/o Lynda Guernsey

14 January, 2022

Dear Planning Commissioners,

According to the January 7, 2022 staff report provided by Sophia Cassam to the Planning Commission (PC), the work completed on the Comp Plan includes "Completed an Agriculture and Forest Resource land designation analysis."

I am writing because it is clear that this land designation analysis is **not** complete, as it lacks two critically fundamental components:

1. A well-researched *determination of the amount of land necessary* to support viable agriculture and forestry industries in the county.
2. Thorough *review of the methodology* that will be used to designate Agriculture and Forest Resource land going forward.

Having sat in on a PC meeting in which several parcels were recommended for de-designation as Forest Resource Land, with those recommendations passed on to County Council, I noticed that the criteria did not make sense. Further, it appeared that the method of consideration was done on a case-by-case basis, with no apparent master plan or larger vision in place as to how the designation of each parcel would impact the overall land use map, amount of land required to support Farming and Forestry, or capacity of our Resource Lands to fulfill their purpose of supporting our island economy, self-sustainability, and climate stability.

Especially with the turnover of DCD staff, and rapidly changing climate conditions in the county, it is critically important to set things right, and for the PC to work with DCD staff to determine the amount of agriculture and forest land needed to support viable industries, and carefully revise the designation methodology for the unique conditions in our county.

Fortunately, you have the wonderful advantage that the work has already been done, at no cost to the county, by professionals intimately familiar with all of the relevant legal, land use, economic, and climate issues unique to San Juan County, and who can provide an important knowledge bridge between past and current staff.

The attached comment letter from Friends of the San Juans, dated 5 May, 2021 provides a thorough analysis of the Natural Resource Land Designation Methodology, with specific and excellent recommendations for its revision.

Please save yourselves the time, energy, and county resources, and read and adopt these recommendations. Then, please take the time to arrive at the required master determination of the amount of land needed for these Resource purposes.

Thank you for your work to focus on how your recommendations fit into the big picture, and the long range planning view.

With appreciation,  
Alexandra Gayek



Via Email

May 5, 2021

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

Re: SJC Natural Resource Land Designation Methodology

Dear Planning Commissioners:

As promised in my April 9, 2021 letter about the County's Natural Resource Land Designation Review, I am writing this letter on behalf of Friends of the San Juans ("Friends") to offer specific recommendations for revising the draft designation methodology. As before, we appreciate the amount of effort that has gone into interpreting a state requirement to identify local resource lands with long-term commercial significance. It is not a task for the faint of heart. But it provides a valuable opportunity to limit development pressures on the farms and forests that supply our community with food, wood, bucolic vistas, and economic benefits. Further, if maintained for long-term farming and forestry and if stewarded with care, these lands likely will provide environmental and climate resiliency benefits over other forms of development. Consequently, Friends supports a Comprehensive Plan update that evaluates the long-term land needs for the farming and forestry in the islands and that designates new resource lands to compensate for those that the County has dedesignated since the last area-wide review in the early 2000s and those lands that may be dedesignated over the next twenty years. The long-term commercial significance methodology must be finalized as a first step in that process.

Toward that end, this letter: (1) summarizes the legal context that guides the current countywide review of natural resource designations; (2) proposes revisions to the long-term commercial significance methodology matrices for agricultural lands and forest lands; and (3) proposes a change to Comprehensive Plan designation criteria for forest resource lands that would recognize historic forestry use.

**A. Minimum Guidelines to Classify Agricultural and Forest Resource Lands.**

State regulations provide a recipe for designating agricultural and forest resource lands.

## **1. Counties must designate enough land for a viable industry.**

First, and this is a critical step that has been overlooked to date during the County's Comprehensive Plan update, a county has to determine how much land is necessary to support viable farming and forestry industries and then designate that land.

For **farming**, the Growth Management Act ("GMA") regulations state that:

"the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities." WAC 365-190-050(5).

For **forestry**, GMA regulations state that

"counties or cities should designate at least the minimum amount of forest resource lands needed to maintain economic viability for the forestry industry and to retain supporting forestry businesses, such as loggers, mills, forest product processors, equipment suppliers, and equipment maintenance and repair facilities. Economic viability in this context is that amount of designated forestry resource land needed to maintain economic viability of the forestry industry in the region over the long term." WAC 365-190-060(5).

The best approach would be to start with at least a rough understanding of the amount of land needed to achieve these results. During the presentation to the Planning Commission, County staff explained that they are already conducting the process to reach an end goal -- "designating the best of the best," but the County needs to ensure that the end goal is a viable local natural resource industry. This might require more than just the top 5% of parcels.

## **2. Counties must designate non-urban lands that are used or capable of being used for resource production and that have long-term commercial significance.**

The process for designating natural resource lands must determine whether lands have the following characteristics:

- a. *They are not already characterized by urban growth.*** This element is typically satisfied by lands lying outside urban growth areas or local areas of more intense rural development;
- b. *They are "used or capable of being used for agricultural production."*** For both farms and forests, the physical and geographic characteristics are the primary

method for determining suitability, with the recognition that some agricultural operations, like livestock production, are less dependent on soil quality than others. Parcels are consistent with this factor where:

- i. the lands are currently used for ag or forestry; or
- ii. the lands are well-suited to forestry or agriculture, using the USDA Natural Resources Conservation Service land-capability classification system for agriculture.

**c. They have “long-term commercial significance” for agriculture or forestry.**

For **agriculture**, the GMA regulations direct counties to “consider the following nonexclusive criteria, as applicable:”

- i. The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service;
- ii. The availability of public facilities, including roads used in transporting agricultural products;
- iii. Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;
- iv. The availability of public services;
- v. Relationship or proximity to urban growth areas;
- vi. Predominant parcel size;
- vii. Land use settlement patterns and their compatibility with agricultural practices;
- viii. Intensity of nearby land uses;
- ix. History of land development permits issued nearby;
- x. Land values under alternative uses; and
- xi. Proximity to markets.

Importantly, counties “may consider food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods.” WAC 365-190-050(4). Equally as important, as noted by the introductory language, not all of these criteria will be

applicable, and the reference to their being “nonexclusive” suggests that other criteria could also be used to conserve agricultural lands.

For **Forestry**, there is a three-step process.

- i. First, a county must determine the land grade that constitutes forest land of long-term commercial significance, based on local physical, biological, economic land use considerations, using private forest land grades from the Washington Department of Revenue (“DOR”). WAC 365-190-060(2)(c). While this does not appear to have occurred here, DOR’s regulations state that Land grades 1-7 are considered commercially viable for the San Juan Islands, and land grade 8 would be considered marginal for forest productivity. WAC 458-40-530.
- ii. Second, a county must consider the effects of proximity to population areas and the possibility of more intense uses of the land, as indicated by the following criteria as applicable:
  - a) The availability of public services and facilities conducive to the conversion of forest land;
  - b) The proximity of forest land to urban and suburban areas and rural settlements: Forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements;
  - c) The size of the parcels: Forest lands consist of predominantly large parcels;
  - d) The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance;
  - e) Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW;
  - f) Local economic conditions which affect the ability to manage timberlands for long-term commercial production; and
  - g) History of land development permits issued nearby.
- iii. Third, counties may also consider secondary benefits from retaining commercial forestry operations. Benefits from retaining commercial

forestry may include protecting air and water quality, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism and access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species. While this cannot be a determining factor, it can help tip the balance in favor of conserving some parcels for forestry.

**As you review the area-wide process for designating natural resource lands, keep in mind that:**

- (1) Not all of the criteria listed at WAC 365-190-050(3)(c) or -060(4) must be used. The goal is to identify lands of long-term commercial significance based primarily on soils and development patterns;**
- (2) Other criteria can be considered; and**
- (3) Ultimately, San Juan County needs enough land to support viable industry.**

Against this legal backdrop Friends requests that the County inquire among the agricultural and forestry sectors to learn their views on the amount of land necessary to support viable farming and forestry systems. To the extent that more land and production are necessary to sustain the industries, Friends recommends that the County assess the aspects of those industries that cannot currently be supported and the amount of land necessary to do so and that it designate that amount of land.

As the County conducts this review, it is important to keep in mind that, over time, the trend is to lose designated natural resource lands. Based on records we have obtained from the County, we estimate that approximately 170 acres of Forest Resource Land (“FRL”) and 6 acres of Agricultural Resource Land have been converted to higher density non-resource lands since 2000. In addition, County staff have recommended the dedesignation of more than 166 acres of FRL as part of the update process. Two of the proposed designations would orphan two blocks of FRL sized at 39.84 acres and 42.57 acres (for a total of 82.41 acres), likely leading to their future dedesignation.

#### **B. Proposed Revisions to Draft Long-term Commercial Significance Matrix.**

At the same time that the County conducts the review above, Friends recommends that it revise the draft long-term significance methodology as follows to remove artificial distinctions between properties with similar productive capacity. We have redlined the draft methodology matrix and inserted rationales for the proposed changes. We have also proposed eliminating

the extra weight given to certain factors and accounting for some weighting by offering a broader range of scores for criteria that are higher priority, like quality of soils and size of parcels.

We also did not propose a point total that would qualify for designation because that number will depend on the amount of acreage necessary to support farming and forestry in the county, and that evaluation has not yet occurred. However, we recommend a lower threshold than the staff’s current “best of the best” standard in order to recognize the secondary benefits that both farming and forestry provide our community. As noted by the state regulations, local food provides food security and supports our local food system. Forests protect air and water quality, maintain adequate aquifer recharge areas in a county that is fully a Critical Aquifer Recharge Area, support tourism and access to recreational opportunities, provide wildlife habitat and connectivity for upland species, and most importantly for our community and our warming planet, provide climate benefits by sequestering carbon and by substituting for other carbon intensive uses of those lands.

With that background, here are the proposed methodology changes:

### Agricultural Resource Lands Methodology

Criterion 1	
<b>Criterion</b>	The classification of prime and unique farmland soils as mapped by the NRCS (WAC 365-190-050(3)(c)(i))
<b>Weight</b>	X <del>12</del>
<b>Factor Scores</b>	
<b>4</b>	If more than 75% of parcel is prime farmland
<b>3</b>	If between 50 and 75% of parcel is prime farmland
<b>2</b>	If between 25 and 50% of parcel is prime farmland
<b>1</b>	If between 1 and 25% of parcel is prime farmland
<b>0</b>	If no prime farmlands

Criterion 2	
<p>Eliminate consideration of this factor because proximity to public roads is not a factor for island-scale farms and the distances they transport their goods. In other words, local farms have not suggested that traveling their driveways or private roads prejudices their long-term commercial significance.</p> <p>In addition, as drafted, this methodology frequently and paradoxically gives high scores to parcels far from the place their goods would be sold merely because they are adjacent to a public road. For example, parcels near Point Lawrence, 12 ½ miles from Eastsound, would get higher scores than parcels in Crow Valley, just 2 ½ miles from Eastsound, just because they were adjacent to a public road.</p>	<p><b>Criterion</b> <del>The availability of public facilities, including roads used in transporting agricultural products (WAC 365-190-050(3)(c)(iii))</del></p>
	<p><b>Weight</b> <del>X1</del></p>
	<p><b>Factor Scores</b></p>
	<p><del>4</del> If adjacent to public road</p>
	<p><del>2</del> If within 1,000 feet of a public road</p>
<p><del>0</del> If more than 1,000 feet from a public road</p>	

Criterion 3	
<p>The designation regulations do not differentiate between lands that are currently used for agricultural production and lands that are capable of such use. The factor scores should reflect that by applying the same score to both.</p>	<p><b>Criterion</b> Tax status, including whether lands are enrolled under the current use tax assessment. (WAC 365-190-050(3)(c)(iii))</p>
	<p><b>Weight</b> <del>X1-5</del></p>
	<p><b>Factor Scores</b></p>
	<p><del>4</del><u>1</u> If parcel <u>is in or has in the past been in</u> the current use farm and agriculture program <u>or open-space farm conservation program</u></p>
<p><del>3</del></p>	<p><del>If parcel in open-space farm conservation program</del></p>

	0	If <del>parcel has never been</del> <del>not</del> in the current-use farm and agriculture or open-space farm conservation programs
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Criterion 4		
As with forest land criterion 1, the purpose of this criterion appears to be to characterize the likelihood that a parcel would be converted to non-farming due to the availability of public services. But the proposed language would focus on smaller community water systems and septic systems that may not make the property conducive to conversion, particularly if there are no covenants, conditions, or restrictions that would preclude an owner from drilling their own well or using their own pond for water.	<b>Criterion</b>	The availability of public services (WAC 365-190-050(3)(c)(iv))
	<b>Weight</b>	X1
	<b>Factor Scores</b>	
	41	<del>If outside a community water system and sewer system service area or large onsite septic service area</del> <u>Parcel not served by public water or sewer system that serves an urban growth area, such as Friday Harbor or Eastsound.</u>
	2	<del>If within a community water system service area and outside a sewer system service area or large onsite septic service area</del>
0	<del>If within a community water system and sewer system service area</del> <u>Parcel served by public water or sewer system from urban growth area.</u>	

Criterion 5		
While it may be reasonable to give lower priority to parcels that abut an urban growth area and have been identified as likely candidates	<b>Criterion</b>	Relationship or proximity to urban growth areas (WAC 365-190-050(3)(c)(v))
	<b>Weight</b>	X1
	<b>Factor Scores</b>	

for near-term annexation, distinguishing between parcels ¼ mile and ½ mile from urban areas and deeming the latter 4 times better for agriculture is irrational.

<u>4</u> <del>1</del>	<del>If more than one-half mile away from a UGA</del> <u>Parcel not within area projected by city or county planners to be annexed into urban growth area within 20 years.</u>
<u>2</u> <del>0</del>	<u>Parcel within area projected by city or county planners to be annexed into urban growth area within 20 years.</u> <del>If between one-half and one-quarter mile of a UGA</del>
<del>0</del>	<del>If closer than one-quarter mile or within a UGA</del>

Criterion 6		
There is no reason to give greater weight to this criterion.	<b>Criterion</b>	Predominant parcel size (WAC 365-190-050(3)(c)(vi))
	<b>Weight</b>	X <del>1</del> <u>2</u>
	<b>Factor Scores</b>	
	<b>4</b>	If parcel larger than or equal to 20 acres
	<b>3</b>	If parcel larger than or equal to 10 and less than 20 acres
	<b>2</b>	If parcel larger than or equal to 5 and less than 10 acres
	<b>1</b>	If parcel larger than or equal to 2 and less than 5 acres
<b>0</b>	If parcel less than 2 acres	

Criterion 7
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<p>This factor should be eliminated unless it can be shown that adjacent parcel size has any relationship to the long-term use of a parcel for farming in the San Juans. As has been discussed previously, due to the more modest scale of most agricultural operations in San Juan County, neighboring property owners frequently consider agriculturally-zoned parcels to be an asset.</p>	<b>Criterion</b>	Land use settlement patterns and their compatibility with agricultural practices (WAC 365-190-050(3)(c)(vii))
	<b>Weight</b>	X1. <del>25</del>
	<b>Factor Scores</b>	
	<del>4</del>	<del>If average adjacent parcel size is 20 acres or larger</del>
	<del>3</del>	<del>If average adjacent parcel size is larger than or equal to 10 and less than 20 acres</del>
	<del>2</del>	<del>If average adjacent parcel size is larger than 5 and less than 10 acres</del>
<del>1</del>	<del>If the average adjacent parcel size is larger than 2 and less than 5 acres</del>	
<del>0</del>	<del>If the average adjacent parcel size is less than 2 acres</del>	

Criterion 8		
<p>In the island context, neighboring residential use should not be a disqualifying factor in designating agricultural resource lands. However, not being directly adjacent to urbanized areas may promote long-term commercial use.</p>	<b>Criterion</b>	Intensity of nearby land uses (WAC 365-190-050(3)(c)(viii))
	<b>Weight</b>	X1. <del>25</del>
	<b>Factor Scores</b>	
	<del>4</del> <u>1</u>	<del>If any neighboring parcel has AG or open space Assessor's use code</del> <u>Parcel is not directly adjacent to parcel within urban growth boundary or local area of more intense rural development.</u>
	<del>2</del>	<del>If any neighboring parcel has a single-family residential use code and no neighboring parcel has an AG or open space Assessor's use code.</del>
<del>0</del>	<del>If no neighboring parcel is within urban growth boundary or local area of more intense rural development</del> <u>has the use codes listed above.</u>	

Criterion 9	
<p>Before this factor can be designed accurately, it is necessary to define “markets” in the island context. For our purposes, we consider farm stores/stands, farmers’ markets, grocery stores/coops, and restaurants to be the primary markets for agricultural products, and have ranked the proximity accordingly. In addition to on-island direct-to-customer sales of all products, any island with access to USPS and/or UPS and/or FedEx has equal access to markets for many products.</p>	<b>Criterion</b> Proximity to markets (WAC 365-190-050(3)(c)(xi))
	<b>Weight</b> X1.5
	<b>Factor Scores</b>
	<b>4</b> <u>2</u> If on San Juan, Lopez, <del>or</del> Orcas Islands, <u>or Shaw Islands</u>
	<b>3</b> <u>1</u> <u>All other islands</u> <del>If on Shaw Island</del>
<b>1</b> <del>If on Stuart, Waldron, Blakely, or Decatur Islands</del>	
<b>0</b> <del>If on any other island</del>	

**Forest Resource Lands**

Criterion 1	
<p>See discussion above for agricultural resource designation criterion 4.</p>	<b>Criterion</b> The availability of public services and facilities conducive to the conversion of forest land. (WAC 365-190-060(4)(a))
	<b>Weight</b> X1.5
	<b>Factor Scores</b>
	<b>4</b> <u>1</u> <u>Parcel not served by public water or sewer system that serves an urban growth area, such as Friday Harbor or Eastsound.</u> <del>If outside a community water system and sewer system service area</del>
	<b>2</b> <del>If within a community water system service area and outside a sewer system service area</del>
<b>0</b> <u>Parcel served by public water or sewer system that serves an urban growth area, such as Friday Harbor or Eastsound.</u> <del>If within a community water system and sewer system service area</del>	

**Criterion 2**

See discussion above for agricultural resource designation criterion 5.	<b>Criterion</b>	The proximity of forest land to urban and suburban areas and rural settlements. (WAC 365-190-060(4)(b))
	<b>Weight</b>	X <del>1.5</del>
	<b>Factor Scores</b>	
	<del>4</del> <b>4</b>	<del>Parcel not within area projected by city or county planners to be annexed into urban growth area, activity center, or LAMIRD within 20 years.</del> <del>If more than one-half mile away from an UGA, activity center, or LAMIRD</del>
	<del>2</del> <b>2</b>	<del>If between one-half and one-quarter mile of an UGA, activity center, or LAMIRD</del>
<b>0</b>	<del>Parcel within area projected by city or county planners to be annexed into urban growth area, activity center, or LAMIRD within 20 years.</del> <del>If within an UGA, activity center, or LAMIRD</del>	

Criterion 3		
There is no reason to give greater weight to this criterion because its factor scores differentiate it from other criteria	<b>Criterion</b>	The size of the parcels. (WAC 365-190-060(4)(c))
	<b>Weight</b>	X <del>12</del>
	<b>Factor Scores</b>	
	<b>4</b>	If parcel larger than 20 acres
	<b>3</b>	If parcel larger than 15 and less than 20 acres
	<b>2</b>	If parcel larger than 10 and less than 15 acres
	<b>1</b>	If parcel larger than 5 and less than 10 acres
<b>0</b>	If parcel less than 5 acres	

Criterion 4		
Neighboring parcel size alone does not dictate whether a parcel is suitable for forestry, but rather the combination of the parcel size and its designation. The factor scores	<b>Criterion</b>	The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands. (WAC 365-190-060(4)(d))
	<b>Weight</b>	X <del>1.25</del>
	<b>Factor Scores</b>	

have been revised to reflect potential incompatibilities.

<del>4</del>	<del>If average adjacent parcel size is 20 acres or larger</del>
<del>3</del>	<del>If average adjacent parcel size is larger than 10 and less than 20 acres</del>
2	If average adjacent parcel size is <u>5 acres or larger</u> or is <u>zoned other than rural residential or an urban residential designation</u> , <u>larger than 5 and less than 10 acres</u>
1	If the average adjacent parcel size is larger than <u>21</u> and less than 5 acres <u>and is designated rural residential or an urban residential designation</u>
0	If the average adjacent parcel size is less than <u>21</u> acres <u>and is designated rural residential or an urban residential designation</u> .

Criterion 5		
See comment for agricultural lands tax classification factor	<b>Criterion</b>	Property tax classification. (WAC 365-190-060(4)(e))
	<b>Weight</b>	X <del>2</del> <u>1</u>
	<b>Factor Scores</b>	
	<del>4</del> <u>1</u>	If parcel <u>is in or in the past has been in</u> the designated forestland (DFL) tax program <u>or open-space timber land tax program</u> .
	<del>3</del>	<del>If parcel is in the open space timber land tax program</del>
0	If <u>parcel has never been</u> <del>not</del> in the DFL or open-space timber land tax program	

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

language as the access to markets language for agricultural lands if that were the intent. This factor should consider local processing and markets as well. Until that revision, it should be eliminated.		
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Criterion 7		
This criterion is addressed by other criteria about the size of parcels and types of neighboring uses and can be removed.	<b>Criterion</b>	History of land development permits issued nearby (WAC 365-190-060(4)(g))
	<b>Weight</b>	X <del>1</del> <u>25</u>
	<b>Factor Scores</b>	
	<del>4</del>	<del>If any neighboring parcel has forestry or open space Assessor's use code</del>
	<del>2</del>	<del>If any neighboring parcel has a single family residential or undeveloped use code and no neighboring parcel has a forestry or open space Assessor's use code</del>
<del>0</del>	<del>If any neighboring parcel has a commercial, industrial, or multifamily use code</del>	

Criterion 8		
According to the land grade system established by the WA Department of Revenue and referenced by WAC 365-190-060(2)(c) as the basis for scoring lands for designation, "All marginal forest productivity in other townships [including San Juan County] is land grade 8." WAC 458-40-530. Thus, the chart should reflect	<b>Criterion</b>	Private Forest Land Grade (PFLG) (WAC 365-190-060(2)(c))
	<b>Weight</b>	X <del>2</del> <u>1</u>
	<b>Factor Scores</b>	
	<del>4</del> <u>1</u>	<del>If the majority of the parcel has any part of the parcel has PFLG 1-7</del>
	<del>3</del> <u>0</u>	<del>If any part of the parcel has PFLG 2</del> <u>If the majority of the parcel is PFLG 8</u>
	<del>2</del>	<del>If any part of the parcel has PFLG 3</del>
<del>1</del>	<del>If any part of the parcel has PFLG 4</del>	
<del>0</del>	<del>If PFLG is blank or 0</del>	

that grades 1-7 can be used for forestry.		
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**C. Comprehensive Plan Designation Criteria.**

Consistent with the approach in the matrix above, which recognizes that lands that have been entered into the current use tax program in the past should be deemed suitable for forestry, Friends recommends that the current language in the first and third bullets of the proposed Comprehensive Plan designation criteria be revised as follows:

- Lands participating, or that have participated, in the designation forest land, current-use timber land, or open space-timber tax programs;
- Lands managed, or that have been managed, for the long-term production of forest products with few non-forest related uses; or

This will also better reflect the capability of the land to be used for forestry and avoid the landowner’s intent for its current use to dictate the land’s designation. And it will be consistent with the proposed Comprehensive Plan designation criteria for agricultural resource lands that recognizes past use for farming as a basis for designation.

We look forward to continuing the conversation with you about conserving our community’s hard working resource lands. We encourage you to reach out with any questions you have.

Sincerely,



Kyle A Loring

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

## Sophia Cassam

---

**From:** Sharon Abreu <sharmuse@gmail.com>  
**Sent:** Friday, January 14, 2022 1:13 PM  
**To:** Comp Plan Update  
**Subject:** Letter attached re Land Use Designations  
**Attachments:** sharon\_abreu\_ltr\_re\_land\_designations\_011422.pdf

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

Dear Members of the SJC Planning Commission,

Please find attached my letter to you regarding Land Use Designations in San Juan County.

All best wishes,

Sharon Abreu

--

Sharon Abreu  
Executive & Artistic Director  
Irthlingz Arts-Based Environmental Education 501(c)(3)  
POB 969, Eastsound, WA 98245  
(360) 376-5773  
[www.irthlingz.org](http://www.irthlingz.org)  
[www.ClimateMonologues.com](http://www.ClimateMonologues.com)  
[www.MelteseDodo.com](http://www.MelteseDodo.com)

**Sharon Abreu**  
POB 969, Eastsound, WA 98245  
(360) 376-5773 / sharmuse@gmail.com

January 14, 2022

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

Re: SJC Natural Resource Land Designation Methodology

Dear Planning Commissioners:


I am writing in support of the letter sent to you on May 5, 2021 on behalf of the Friends of the San Juans regarding the County's Natural Resource Land Designation Review and the recommendations contained therein for revising the draft designation methodology. I have become aware that there are significant flaws in the methodology logic that was used, and that the Planning Commission didn't discuss the methodology in detail or approve it. So I ask you please to do that. As a 20-year resident of Orcas Island, I'm concerned about the health of the natural environment that protects and supports our lives and health here in San Juan County.

I believe we must prioritize opportunities to limit development pressures on the farms and forests that supply our community with food, wood, economic benefits, and some of the most beautiful views in the world. As a climate change educator for 22 years, I appreciate the potential for these lands to provide climate resiliency for our county, and it seems to me that we should be designating more of them.

It's critical that the County find out from our local agricultural and forestry sectors what their views are concerning the amount of land necessary to support viable farming and forestry systems. And that the County assess the aspects of those industries that cannot currently be supported and the amount of land necessary to do so, and that it designate that amount of land.

I strongly support the Friends' recommendation to revise the draft long-term significance methodology to remove artificial distinctions between properties with similar productive capacity. The secondary benefits that farming and forestry provide our community are so very important and must not be overlooked. Our lives will be more in balance when we allow the natural environment that we live in, interact with, and are a part of, to be in balance.

Thank you for your consideration of my comments.

Sincerely,  
  
Sharon Abreu



Public comments on land use review requests 18-0012 and 19-0004

Sophia Cassam

---

**From:** Karl Eberhard <eberhard@silcom.com>  
**Sent:** Tuesday, November 2, 2021 2:23 PM  
**To:** Comp Plan Update  
**Cc:** Eberhard, Martin; Eberhard, Carolyn (Martin); Eberhard, Family; Community Development  
**Subject:** Re: Public Comment - MRLO  
**Attachments:** MRLO Comments 11 1 2021 Corrected.pdf

Some people who received this message don't often get email from eberhard@silcom.com. [Learn why this is important](#)

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

Hi -

I corrected the word "west" to "east" in this document ... otherwise no changes ...

Best Regards,

Karl Eberhard, Architect

[eberhard@silcom.com](mailto:eberhard@silcom.com) (928) 699-7974  
[www.KarlEberhard.com](http://www.KarlEberhard.com)

---

On 11/2/2021 11:31 AM, Karl Eberhard wrote:

Honorable Planning Commission and County Council, and County Staff,

Please find attached our comments relative to the proposed MRLO on TPNs 450113005000 and 450111003000.

--

Best Regards,  
Karl Eberhard, Elma Ranch

[eberhard@silcom.com](mailto:eberhard@silcom.com) (928) 699-7974  
[www.KarlEberhard.com](http://www.KarlEberhard.com)

---

# Karl Eberhard

Elma Ranch  
2628 West Valley Road, San Juan Island

November 2, 2021

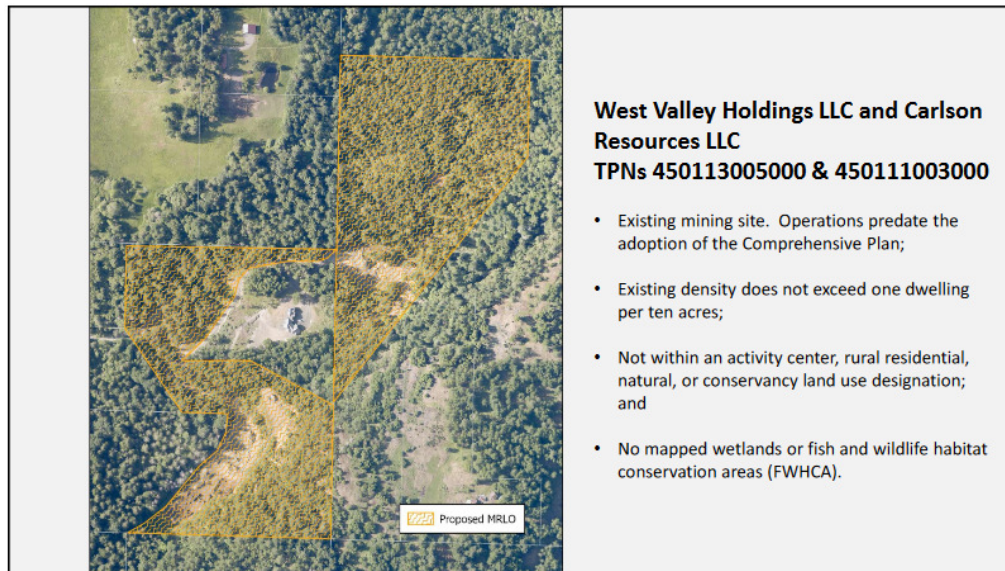
Community Development Department  
San Juan County, WA  
135 Rhone Street  
Friday Harbor, WA 98250

Re: Proposed MRLO on TPNs 450113005000 and 450111003000

Honorable Planning Commission and County Council,

Representing Martin and Carolyn Eberhard and Karl and Karin Eberhard, owners of Elma Ranch (TPNs 450111002000, 450111005000, 450111006000, and 450111007000), regarding proposed MRLO on TPNs 450113005000 and 450111003000.

It looks as if our comments from July 2021 have not been considered as the Staff presentation dated September 2021 still shows the following configuration of the proposed MRLO for these properties:

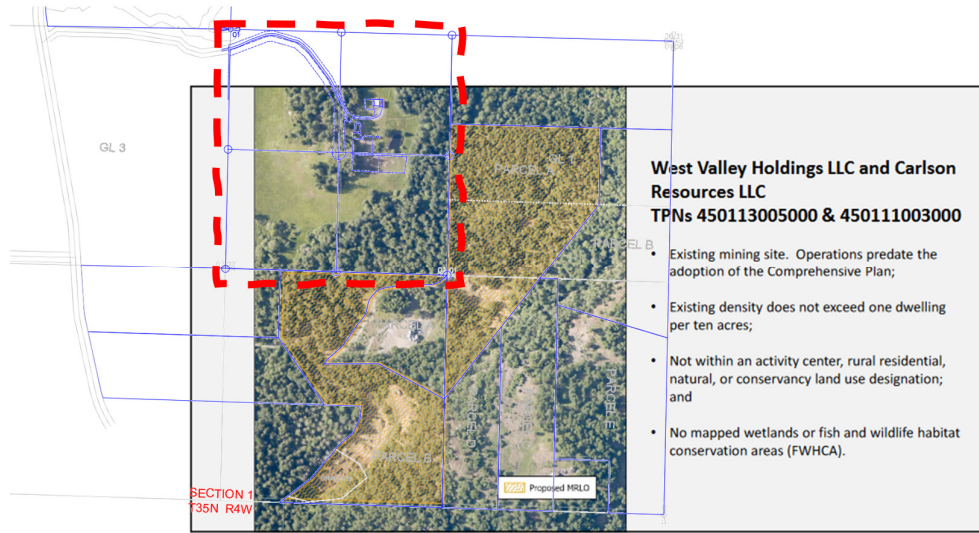


We again point out that this materially mis-represents the “existing mining site”, allowing a new land use to wrap around our farm in a manner that is significantly adverse to the enjoyment of our property and our property values.

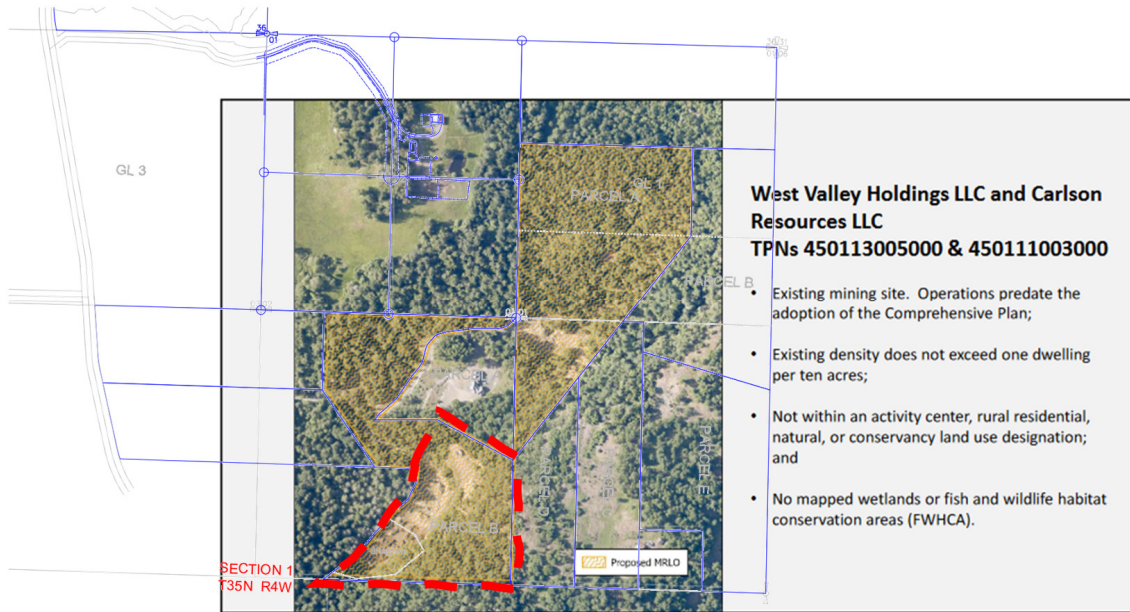
P.O. Box 1044, Friday Harbor WA 98250  
[www.KarlEberhard.com](http://www.KarlEberhard.com)

(928) 699-7974  
[eberhard@silcom.com](mailto:eberhard@silcom.com)

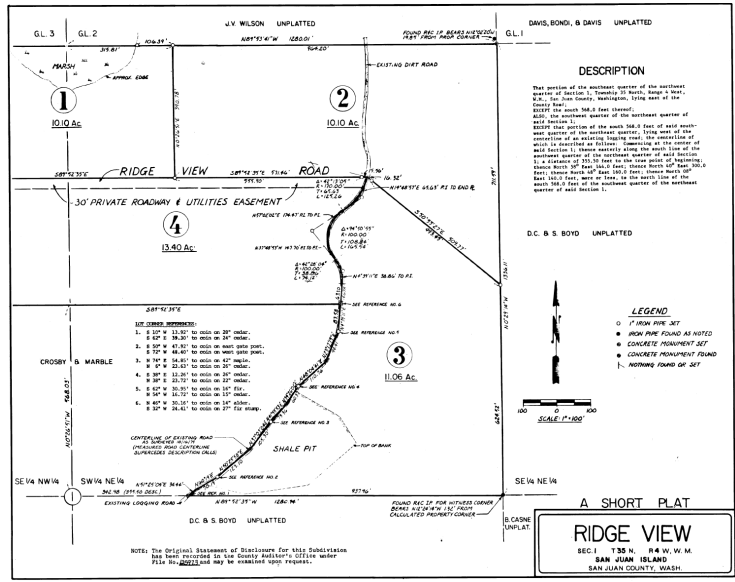
Our farm is here:



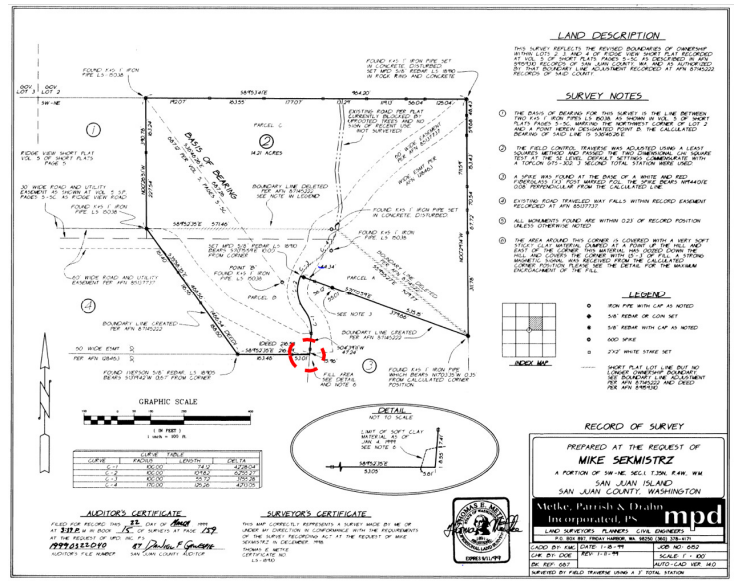
The historic mining site, that portion that has been a mine for 25 years or more (since 1996), is here:



Setting aside this overlay of my map over the Staff's map, the mapped historic mining site is clearly defined in the 1980 Plat Map:



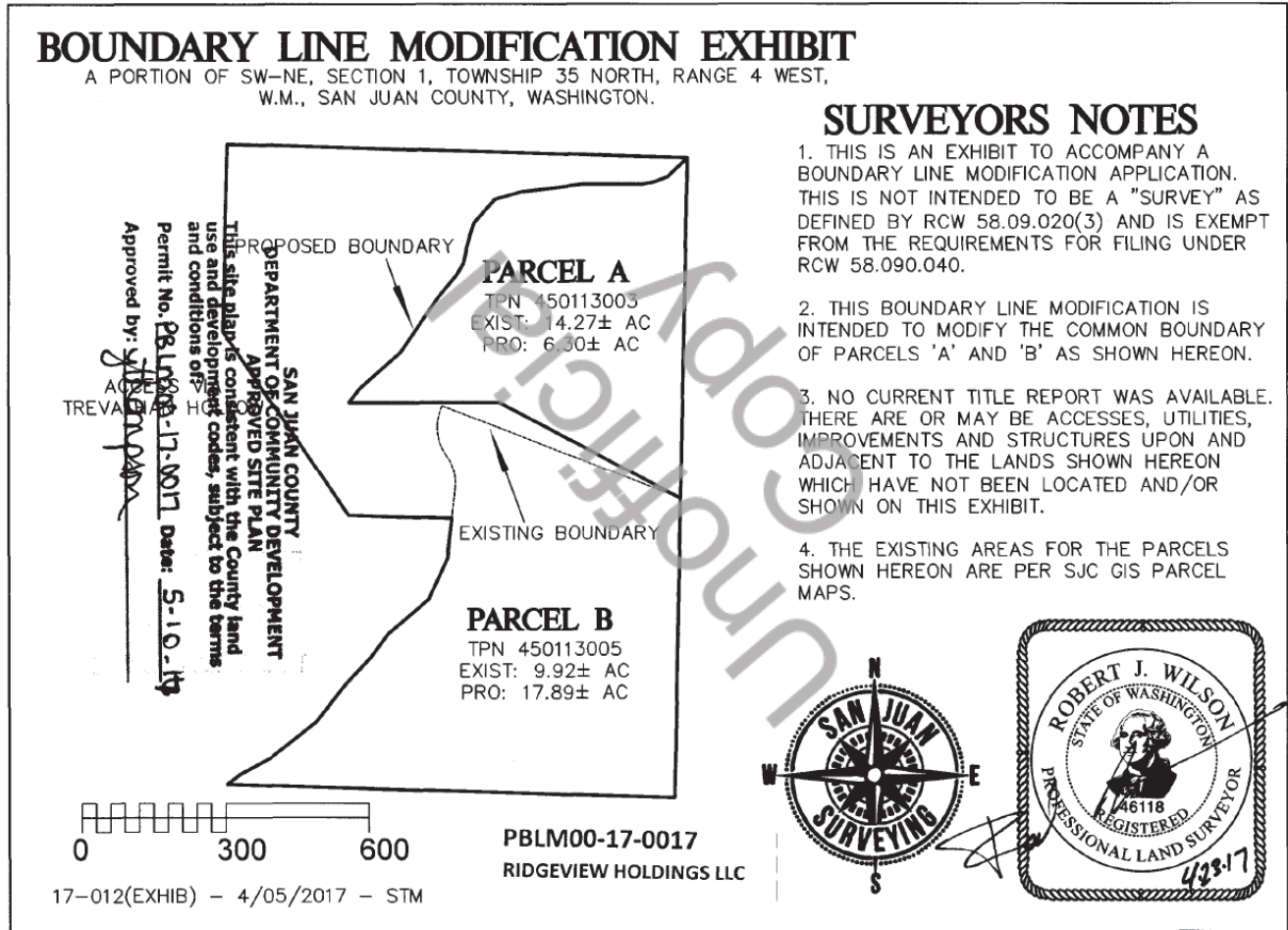
The extent of the mining operations shows up again in a 1999 boundary adjustment as having a minor intrusion on Lot 2, noted by the surveyor as spill over from the adjacent Lot 3 (the historic mining site):



Please note that three years after 1996 (25 years ago), the mining operation was fully 768 feet south of our property and only south of our property. Even if all of Lot 3 were to be assigned as a part of the historic

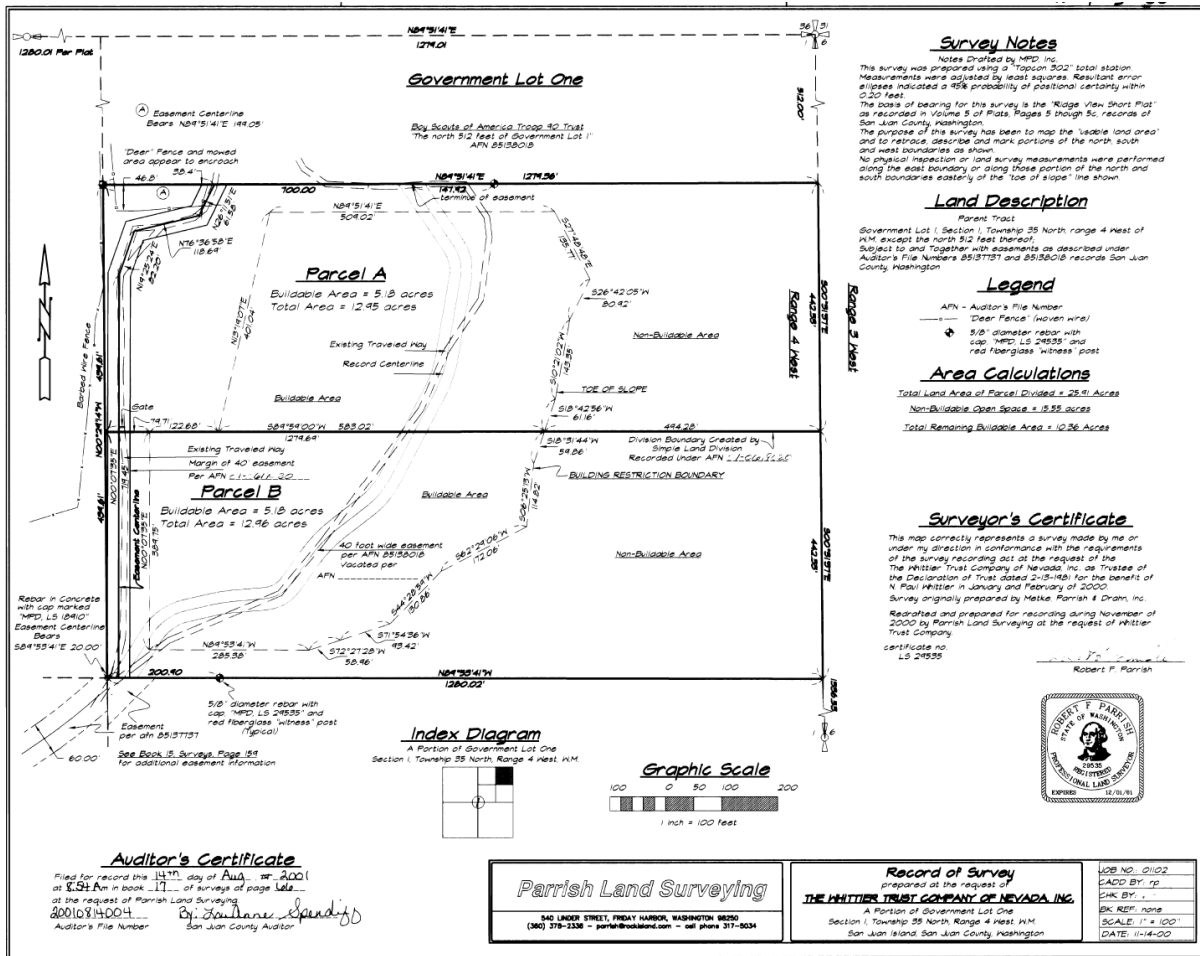
mining operations, it is still fully 400 feet south of our property, and again, only southward.

Lot 3 (Parcel B on the following map) only became adjacent to our property four years ago via this (rather unusual) 2017 Boundary Line Modification:



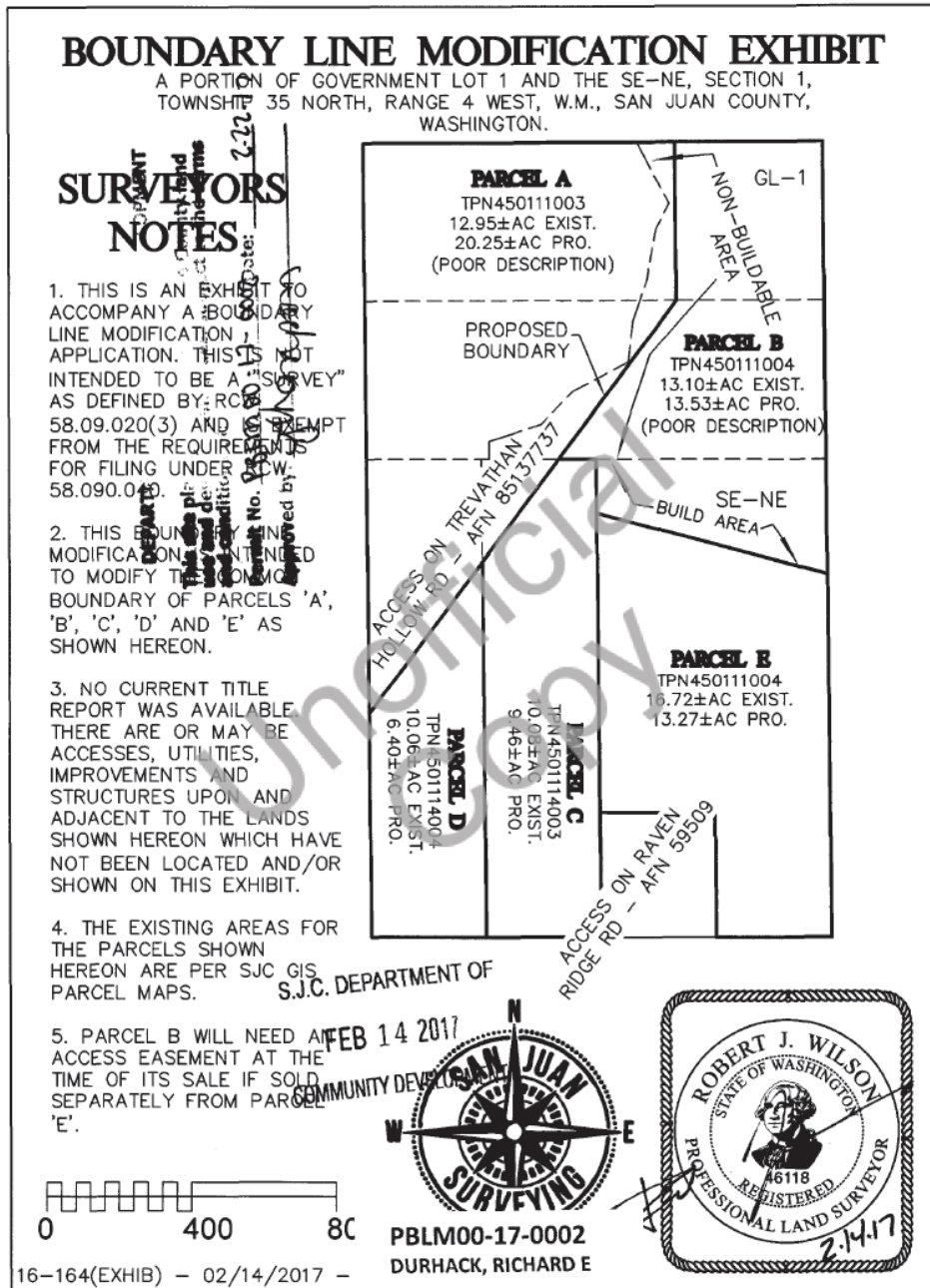
The current map under consideration in the Comprehensive Plan Update, showing the "existing use" adjacent to our property, is based on mechanisms that are "interesting" under the best description. The "historic use" when accurately considered, based on historic public record documentation, is 400 feet south of our property line. It only comes to be "adjacent" through the mine owner's purchase of adjacent parcels and various reconfigurations of the property lines - all performed in recent times. Neither purchase of adjacent parcels nor reconfigurations of lot lines allows a historic use to move to a different location.

This 2001 lot split clearly shows no mining operations to the east of our property and clearly shows residential lots being created only twenty years ago:



Notably, the Carlson's (mine owners) didn't even own this property until 2017 (four years ago). In addition, it indicates non-buildable areas on both lots adjacent to our property, which per County code means that no land disturbance should have taken place in these areas. Not only were non-buildable areas created, but they were also done in such a way as to appropriately provide a generous buffer zone between the created home sites and our property (and the property to the north).

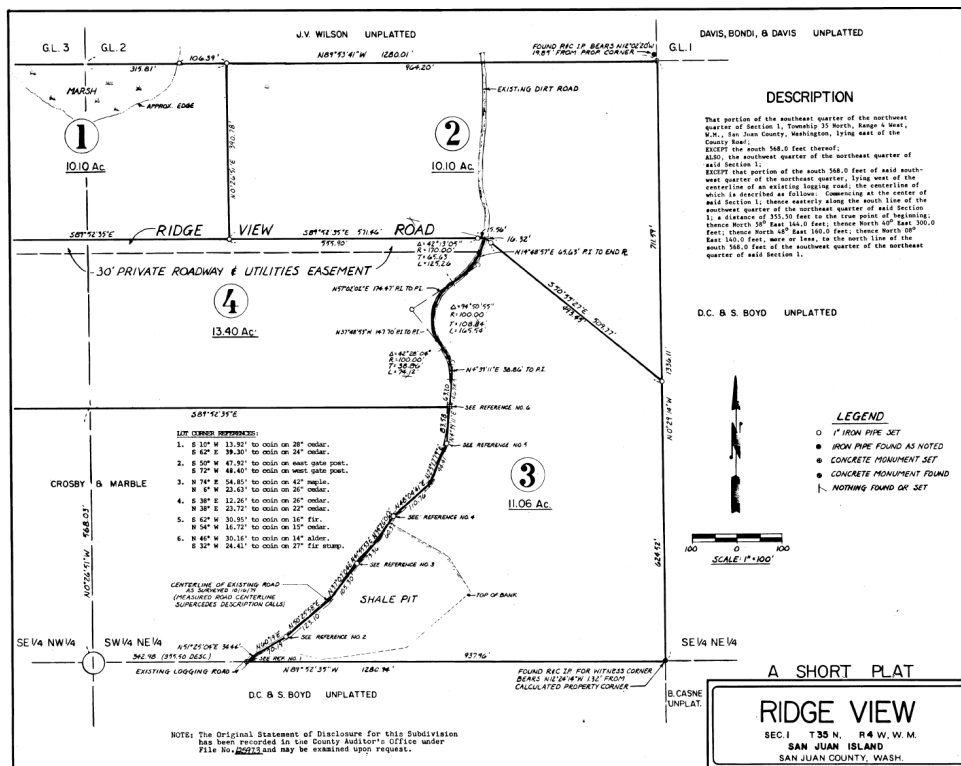
Four years ago, another Boundary Line Modification occurred creating the current property line configuration:



It is unclear from this map what portions of the new lots are buildable or non-buildable, but it appears that the buildable area was moved adjacent to our

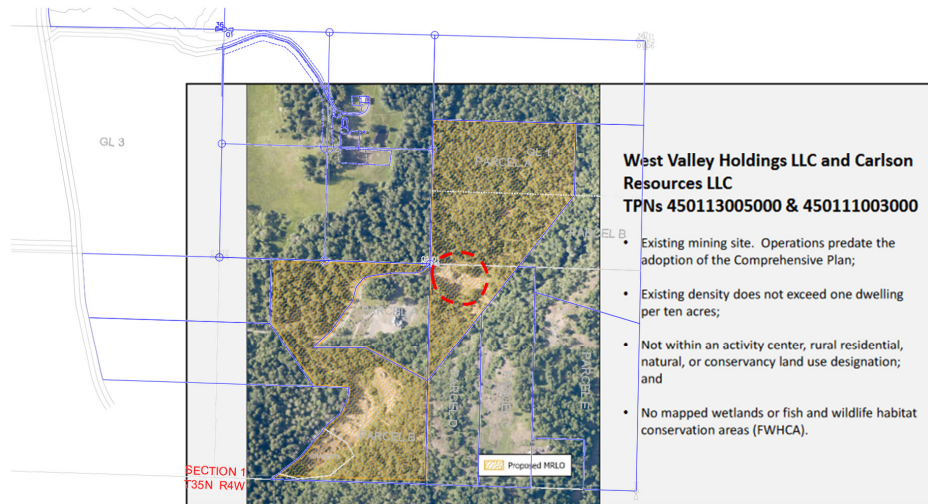
property and the property to the north with no buffer zones. And, it does not look as if 60% of the land was designated non-buildable as is required by County code. Not only is there no indication of mining operations on this map from four years ago, no other recorded map shows mining operations eastward of our property.

Without legal documentation of a historic use substantially greater than the public record shows (herein), the MRLO can only be properly applied to Lot 3 of the 1980 plat map:



On a lesser point, I have not seen the geologist report in the Carlson's application. That requirement needs to be met.

Furthermore, a new, clearly non-historic area is now being mined and used as a weekend shooting range:



It is unclear when the mining operations started here (north of the historic mining operations), but certainly after the operations were documented on the 1999 map and likely after 2017 when the eastern parcels were obtained by the Carlson's. The exact year doesn't matter since the historic use needs to be existent for twenty-five years and the 1999 map clearly shows that was not the case. The County should cause the owner to cease both mining and gun shooting at this location unless legal documentation of and permits for these uses can be provided.

For us, the grading and sifting operations, back-up beepers, engine braking, and occasional dynamite usage, all week long, combined with gun shots all weekend long, seriously impacts the use and enjoyment of our property. At the same time, the County is unwilling to consider this diminution of value relative to our property taxes. Please don't allow the continuation and expansion of this illegal land use that will surely make matters worse. Please enforce against the illegal land-use(s) and deny the MRLO (or at least only apply the MRLO where it belongs).

Sincerely,



Karl Eberhard

**Sophia Cassam**

---

**From:** Scott Finley <scofin@gmail.com>  
**Sent:** Wednesday, December 1, 2021 1:37 PM  
**To:** Comp Plan Update  
**Cc:** George Lawson; Cynthia Dilling  
**Subject:** Fwd: Land Use Review Request Designation Change for TPN: 141611001000 Request Number:19-0004

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Attn: Adam Zack, Planner III  
San Juan Co. Department of Community Development

Greetings:

I fully support the staff recommendation in regards to maintaining the current designation of Forest Resource for the Jean Michl estate. I oppose de-designation of this 500 acre parcel for a number of reasons. My property is directly across Oles Lane from the Michl estate. We share a very fragile ecological niche, subject to high fire danger in the summer and fall. The Cape St. Mary community where I live draws water from two primary wells, and near the end of every summer we must revert to a standby well due to salt water intrusion. We are frighteningly close to the limit of our aquifer. My concern is that downgrading the designation of the Michl estate parcel to Rural Farm Forest would result in more intensive development that may cause irreparable harm to our fragile and interdependent ecosystem. For these reasons, I urge you to maintain the staff recommendation regarding designation of the above property.

Regards,  
Scott Finley  
100 Vera Lane  
Lopez Island  
360-468-5199