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February 18, 2014

S.J.C. COMMUNITY

Ms. Samantha Gibboney; Interim Director
San Juan County Community Development and Planning Department
P.O. Box 947
Friday Harbor, WA 98250

FEB 25 2014

DEVELOPMENT & PLANNING

RE: Proposed Comprehensive Plan Official Map Amendment
TPN 260643002 and 260711002; 324 Community Club Drive, Orcas Island

Dear Ms. Gibboney:

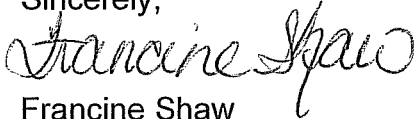
On behalf of Bret and Kathryn Thurman, enclosed please find an application for an amendment to the Comprehensive Plan Official Map for TPNs 260643002 and 260711002, a 30.19 acre waterfront property located at 324 Community Club Drive, Orcas Island. Specifically, the Thurmans are requesting a change in the upland land use designation of their property from Forest Resource-20 to Rural Farm Forest-5. Included are the following documents.

1. Project Data and Regulatory Analysis;
2. SEPA Checklist and Non-Project Action Supplemental Sheets;
3. Assessor's Real Estate Parcel Information for both TPNs;
4. Quit Claim Deed (AFN 2005-0222024);
5. San Juan County Critical Areas Review;
6. Vicinity Map;
7. 2008 Aerial Photo of Property;
8. Existing Comprehensive Plan Official Map;
9. Historic Photos of Property;
10. Existing Comprehensive Plan Goals and Policies for the Forest Resource lands;
11. Existing Comprehensive Plan Goals and Policies for the Rural Farm Forest lands;
12. Deer Harbor Hamlet Plan;
13. RCW 36.70A.170; Natural Resource Lands and Critical Areas - Designations;
14. Letter to San Juan County Conservation District requesting soil analysis;
15. Letter from San Juan County Conservation District discussing soils on site;
16. RCW 36.70A.0050: Guideline to Classify Agriculture, Forest and Mineral Resource Lands and Critical Areas;

17. RCW 36.70A.030, Definitions for Forest Land and Long-term Commercial Significance;
18. 50-Year Harvest Statistics for San Juan County; and
19. A check in the sum of \$3,900.00.

The documents listed above provide a complete application for a re-designation. Please include this application on the 2014 re-designation docket for amendments to the official Comprehensive Plan Map. If you have any questions or need additional information, please contact me by phone at 378-6278 or by email at fshaw@rockisland.com at your earliest convenience.

Sincerely,



Francine Shaw

Enclosures

Cc. Bret and Kathryn Thurman

S.J.C. COMMUNITY
FEB 25 2014
DEVELOPMENT & PLANNING

***Proposed Amendment to Comprehensive Plan Official Map
TPNs 260643002 and 260711002
324 Community Club Drive, Orcas Island***

Project Data

Applicant: Bret M. Thurman and Kathryn L. Koch-Thurman
P.O. Box 15
Deer Harbor, WA 98243
Phone: (360) 376-6404
Email: bret@rockisland.com

Agent: Francine Shaw, Land Use Planner
Law Offices of Stephanie Johnson O'Day
P.O. Box 2112
Friday Harbor, WA 98250
Phone: (360) 378-6278
Email: fshaw@rockisland.com

Project Description: Bret and Kathryn Thurman are requesting that the land use designation and density allowance assigned to their waterfront property on Massacre Bay be changed from "Forest Resource - 20" to "Rural Farm Forest - 5."

Tax Parcel Numbers: The 30.19 acre project site consists of two tax parcels; TPN 260643002 which is 27.88 acres in size and TPN 260711002 which is 2.4 acres in size.

Island: Orcas

Application Procedures and Regulatory Analysis

Section 18.90.030 of the San Juan County Code, Amendments to Comprehensive Plan Official Maps, provides application procedures and criteria for approving amendments to the Official Comprehensive Land Use Maps. Amendments to the Comprehensive Plan Official Maps is the mechanism by which the Comprehensive Plan land use designation or density applicable to property can be amended to reflect such things as changed circumstances, new land use needs, new land use policies, or inconsistency between designations, area characteristics and the goals and policies, and the purpose and intent of the Comprehensive Plan.

The following analysis of the proposed Thurman re-designation is broken into two sections; one which addresses Application Procedures and the other addressing Criteria for Approval. The analysis and site information shows that the soil characteristics on the Thurman property are not consistent with the Comprehensive Plan goals and policies for designating the land Forest Resource and that the property

would be more appropriately zoned Rural Farm Forest. It also shows that the majority of properties within the vicinity of the Thurman property enjoy land use designations and densities which far exceed the allowable uses and density assigned to the Thurman property. As such, the majority of surrounding properties are being given greater privileges than the Thurmans.

I. Section 18.90.030(D) - Application Procedure

Section 18.90.030(D.1) SJCC - *The request shall be in writing, in a form approved by the planning director, and shall include the following information:*

- **Section 18.90.030(D.1.a)** – *Historic use of the property and adjoining lands;*

Response: Although there is no documented history on file with the Orcas Island or San Juan Island Historical Museums, the Thurmans have been told that the property was first developed in the 1920's or 1930's for farming and single family residential purposes. The land was originally used as a mink farm and then transitioned into a cattle and dairy farm sometime later. Currently, the land is not being used for farming, agriculture or forestry uses but strictly single family residential use. There is no evidence such as sumps or downed tree debris that would indicate the property was ever used for commercial forestry purposes. However, a photograph obtained from the Orcas Island Historical Museum of the Deer Harbor Community, which this property borders, shows that site devoid of trees sometime around the turn of the century. (See attached photo.)

TPN 260643002 is occupied by a single family residence, accessory dwelling unit, stormwater detention facility (which is also partially located on the Thurmans' second parcel discussed below), an old barn (from the mink farming days), office structure, single use dock and boathouse, and tennis court. Development on this parcel is concentrated near the shoreline with the remaining portion of the property being retained in mature growth native forest interspersed with areas of rock outcrop.

TPN 26071102 is occupied by a combined two story storage building/single family residence which the Thurmans have used as a long term rental. The storage area is located on the main floor and the residence encompasses the entire second floor. Most of this property is devoid of forest except for a few trees that border the south property line.

- **Section 18.90.030(D.1.b)** – *Allowable population density of the surrounding area as measured by the maximum allowable residential density;*

Response: The Forest Resource land use district on this side of Orcas Island is concentrated along the shoreline of Massacre Bay with inland lots being zoned either Rural Farm Forest-5 or Hamlet Residential.

Immediately north and south of the project site density is limited to one dwelling unit per 20 acres consistent with the current Forest Resource zoning of the Thurman property. However, approximately 1,188 feet north of the Thurman property land is designated Rural Farm Forest with a higher one dwelling unit per five acre density allowance. Approximately 854.17 feet to the south and one lot removed from the Thurman property there is a pocket of Rural Farm Forest land that is also assigned a one dwelling unit per five acre density.

Immediately to the northwest, west and southwest is the Deer Harbor Hamlet. The Deer Harbor Hamlet encompasses 283 acres and was occupied by 80 residences in 2007. This equates to a population of 172.80 people and an existing density of approximately 3.54 acres per dwelling unit. The Deer Harbor Hamlet Plan estimates that about 34 additional residences will be built in the hamlet by 2027. This accounts for an additional 15.74 person living in the hamlet for a total population of 188.54 persons and a density of one dwelling unit per 2.48 acres by 2027.

Within the Hamlet, allowable residential density is typically one dwelling unit per two acres. However, the density allowance can be increased to one dwelling unit per ½ acre upon approval of a planned unit development. Land surrounding the Deer Harbor Hamlet to the north, west and south is designated Rural Farm Forest with a density allowance of one dwelling unit per five acres.

Existing development on the Thurman property is not consistent with the one dwelling unit per 20-acre density allowance currently assigned to the site. The property is occupied by three residences and, therefore, the existing density of the property is closer to one dwelling unit per 10 acres. At an average of 2.16 persons per residence (the current US Census estimate for number of persons per household in San Juan County), the allowable density assigned to the property would limit population to 2.16 people. Under existing conditions, taking into account the three existing residences, estimated population on the Thurman property is 6.48 persons.

If the density of the property is changed to one dwelling unit per five acres, then the property could support a total of six lots with an estimated population of 12.96 persons, an increase of 6.48 persons over existing conditions.

- **Section 18.90.030(D.1.c) – Existing soil and sewage disposal conditions;**

Response:

Soil Conditions: The recently updated Soil Survey for San Juan County identifies six different soil types on the Thurman property, including:

- 1014 – Beaches – Endoaquents, tidal – Xerorthents association, 0 to 5 percent slopes;
- 2002 – Sucia loamy sand, 2 to 10 percent slopes;

- 4000 – Roche-Killebrew-Rock Outcrop complex, 5 to 35 percent slopes;
- 4007 – Roche – Mitchellbay complex, 3 to 15 percent slopes;
- 5000 – Cady-Rock Outcrop complex, 5 to 30 percent slopes; and
- 5006 – Cady-Doebay-Rock Outcrop complex, 25 to 75 percent slopes

Sewage Disposal Conditions: The project site is served by individual on-site septic systems.

- **Section 18.90.030(D.1.d)** – *Description of existing water supply;*

Response: The property is served by private wells.

- **Section 18.90.030(D.1.e)** – *Suitability for agricultural and timber use;*

Response: The applicant contacted the San Juan County Conservation District on November 8, 2013 requesting review of the 2009-2012 San Juan County Soil Survey to determine if the soils on the Thurman property support long term commercial forestry use. The current soil survey for San Juan County indicates that Roche Mitchellbay complex is prime farmland and Sucia loamy sand is prime farmland if irrigated. (See enclosures.) The Conservation District looked into the various current sources of USDA/NRCS soil survey data for timber growth and found the site to encompass Class 3 and Class 6 soils. Class 3 soils have severe limitations that restrict the choice of plants or that require special conservation practices or both. Class 6 soils have severe limitations that make them generally not suitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat. (See enclosed letter from Bruce Gregory.)

The Conservation District found that the potential productivity of common merchantable trees on the Thurman property is limited to two species: Douglas fir (DF) and Lodge pole Pine (LP). Only DF is considered a commercial species of interest.

The Conservation District also concluded that although the site can support timber growth, the soil ratings indicate that timber growth would be extremely slow and take many years (≈ 90) to reach a profitable size. In some situations this is desirable for DF as it produces a very tight grained wood but in terms of timber production the time line is two or three human generations worth of growth and thus trans-generational and does not make the land suitable or desirable for commercial purposes. (See attachments.)

Attached to this analysis is an article which provides a historic look at the San Juan County Soil Survey and the actual capacity of the soils for producing commercial timber. The article states the Soil Survey maps of 1962 deemed all soils capable of forest production. However, the Soil Survey Maps were updated between 2009 and 2012 and the 1962 Soil Survey for San Juan County is no longer valid. The San Juan County Comprehensive Plan land use map, and the goal and policies for

Forest Resource lands have not been updated to be consistent with the updated Soil Survey.

The 2009 Soil Survey update established new soil units, revised soil names, and attached more detailed interpretations of soil properties, capabilities, and usage suitabilities. Under the new soil survey forest productivity is now based on (1) Site Index and (2) Productivity. Although there are properties with soils that warrant the Forest Resource land use designation, the Thurman property is not one of them.

Site Index is the average height of the best trees for harvest at a specified age. In this survey the base age for a harvestable tree is 50 years. *Productivity* is the predicted timber yield produced by the most important species at the age of culmination, which is site specific and not specified in the Soil Survey.

In the San Juans, Douglas fir range between 67 to 105 feet in height at 50 years of growth relative to other locations in western Washington where it is not uncommon for a tree to reach a height of 160 feet or more. The average age of culmination for Douglas fir in San Juan County is around 90 years, which is very high for Washington and reflects slow growth.

Productivity here ranges from 72 to 150 cubic feet per acre per year, which is also comparatively low. (100 cubic feet is equivalent to about 500 board feet and one cord.) This means that per acre, forest land in the San Juans only produces, at best, 750 board feet or 1 ½ cords per year. At a range between \$250.00 to \$300.00 per cord of firewood, the profit one would make from one acre of land would be no greater than \$450.00. For the full 20 + acres of forested land on the Thurman property this means a timber harvest would provide only \$9,000.00 and that would only be if all the trees on the property were Douglas fir. Then, after harvest, it would take at least 90 years for the timber to grow back to a marketable size! \$450.00 per acre and \$9,000.00 for the full 20+ acres every 90 years is not profitable or realistic timber production. And, this figure doesn't take into account the cost of paying a logger to construct logging roads and harvest the trees.

- **Section 18.90.030(D.1.f)** – *Known archaeology or historical resources on the property;*

Response: The applicant contacted San Juan County on December 17, 2013 requesting if the Thurman property was a designated archaeological site or if it fell within an archaeological site buffer area. Staff responded on December 18, 2013 that the property did not contain any archaeological sites or buffers.

- **Section 18.90.030(D.1.g)** – *Natural resources involved;*

Response: No formally designated mineral or agriculturally lands exist on the property. The land is designated "Forest Resource" which reflects the outdated 1962 Soil Survey's conclusion that this land is capable of producing long-term commercial

timber crops. The Soil Survey also recognizes that several soils types on the Thurman property are suitable for agricultural purposes.

- **Section 18.90.030(D.1.h)** – *Availability of existing public services and utilities; and*

Response: The project site is served by a full range of public services and utilities including police and fire service, Orcas Power and Light electrical service and CenturyTel telephone service.

- **Section 18.90.030(D.1.i)** – *Names of abutting property owners.*

Response: The Thurman property abuts seven different parcels as identified below:

1. TPN 260711001 Indian Point LLC
 C/O 1111 3rd Avenue
 Seattle, WA 98101
2. TPN 260721001 Robert and Margaret Connor ET AL
 P.O. Box 148
 Deer Harbor, WA 98243
3. TPN 260721002 Robert and Margaret Connor ET AL
 P.O. Box 148
 Deer Harbor, WA 98243
4. TPN 260634004 Robert and Margaret Connor ET AL
 P.O. Box 148
 Deer Harbor, WA 98243
5. TPN 260634003 Nancy L B Miller
 P.O. Box 245
 Deer Harbor, WA 98243
6. TPN 260643006 Janet Padelford
 5 Crocus Lane
 St. Paul, MN 55127
7. TPN 260643007 Carol F. Padelford TTEE ET AL
 1421 39th Avenue East
 Seattle, WA 98112

- **Section 18.90.030(D.2)** – *Through the use of legal descriptions and maps, the application shall identify clearly the areas for which the change is requested. The reason or reasons or the request shall be clearly stated. The application shall*

describe how the proposed change meets all of the criteria for approval listed in subsection (F) of this section.

Response: Bret and Kathryn Thurman are requesting that the land use designation and density allowance assigned to their waterfront property on Massacre Bay be changed from "Forest Resource - 20" to "Rural Farm Forest - 5" for four reasons: 1) to assure the land use designation accurately reflects the limited soil capacity of the property to produce timber for commercial purposes; 2) to assure the upland land use designation is consistent with Rural Farm Forest shoreline environment; 3) to provide a more suitable "transitional" land use designation adjacent to the Deer Harbor Hamlet and 4) to assure the property enjoys the same use and density allowances as surrounding properties that are zoned Rural Farm Forest.

An analysis with the approval criteria found in subsection F is provided later in this report under "Regulatory Analysis."

- **Section 18.90.030(D.3)** – *If a proposal would remove a resource land designation from property, the application must provide information demonstrating that the property is not appropriately designated as agricultural or forest land under RCW 36.70A.170*

Response: RCW 36.70A.170 requires that the County designate, where appropriate, forest lands that (1) are not already characterized by urban growth and (2) **have long-term significance for the commercial harvest of timber**. In concert with RCW 36.70A.170 San Juan County has designated "Forest Resource" lands on its official Comprehensive Land Use Map and has established goals, policies and development regulations for guiding development within this land use district.

RCW 36.70A.030 defines "Forest Land" as follows:

*Land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under *RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can economically and practically managed for such production, the following factors shall be considered:*

(a) the proximity of land to urban, suburban and rural settlements;

(b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses;

Response: The Thurman property is located immediately east of and adjacent to the Deer Harbor Hamlet, a designated activity center - a "land area of more intense rural development" (LAMIRD). Although the Deer Harbor Hamlet is rural in character it is slated for development much more intense than other rural areas in the County. As noted earlier in this analysis, parcels as small as ½ acre per dwelling unit may be located in the hamlet upon approval of a PUD (planned unit development) in the area immediately west of the Thurman property.

Before 2000, the boundary of the Deer Harbor Hamlet included the Thurman property, but was soon after modified to exclude large parcels (or portions of large parcels) that were on the eastern side of the current planning area, including the Thurman property. The former half-acre density assigned to this property was drastically changed to 20-acre density. The Deer Harbor Hamlet Plan was also modified to include a 50-foot buffer overlay along the boundary of parcels within the hamlet adjoining Forest Resource lands. No new structure that houses a residential occupancy or commercial occupancy, providing for lodging or food service to visitors, is allowed in this buffer.

That said, the location of the Thurman property adjacent to the Deer Harbor Hamlet creates a significant lack of transition in density allowances especially considering the land is not suitable for long term commercial timber production. Density allowances immediately to the west of the Thurman property, even at a maximum of one dwelling unit per two acres, is substantially higher than the one dwelling unit per 20 acre density assigned to the Thurman property and the one dwelling unit per five acres they are requesting.

(c) long-term local economic conditions that affect the ability to manage for timber production; and

Response: RCW 36.70A.030 also defines "Long-term commercial significance" as "the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration of the land's proximity to population areas, and possibly of more intense uses of the land."

Response: The growing capacity of Douglas fir on the Thurman property is not economical due to the limited amount of high quality soil on the property for growing Douglas fir (which is concentrated within a few acres on the northeast corner of the property – see maps attached to the Conservation District's letter). That together with the 90 year timeframe (culmination of the mean annual increment) it takes to replenish a harvestable crop and the limited amount of money that can be obtained from a harvest, it is difficult to classify timber harvest on the Thurman property as "economical."

(The CMAI on the Thurman property falls below the level necessary for designating the land economically suitable for the growth and commercial harvest of Douglas fir as per the San Juan County Conservation District review.)

(d) the availability of public facilities and services conducive to conversion of forest land to other uses.

Response: The property is already developed for single family residential use and small scale farming. It is served by two private wells, on-site septic systems, stormwater detention pond and a private road. All other services are provided by public utilities. The land can easily be converted to another use if the proposed re-designation is approved. However, that is not the intention of the applicants.

II. Section 18.90.030(F) - Criteria for Approval

In order for the proposed re-designation to be approved the following criteria must be met. The analysis below provides the information necessary to show that the Thurman property is better zoned "Rural Farm Forest -5" than the existing zoning of "Forest Resource - 20" due to the limited potential for the land to produce a commercial and economic viable timber for all generations that may own the land as well as its historic use for farming.

- ***Section 18.90.030(F.1) - Comprehensive Plan Official Map Amendments.*** *The County may approve an application or proposal for a Comprehensive Plan Official Map amendment if all of the following criteria are met:*

a. The change would benefit the public health, safety, or welfare.

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

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

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

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

"Welfare" – Well-doing or well-being in any respect, the enjoyment of health and common blessings of life.

“Welfare clause” – Constitutional provision permitting the federal government to enact laws for the overall general welfare of the people. It is the basis for the exercise of implied powers necessary to carry out the expressed provisions of the constitution.

The assurance of protection of the public’s health, safety and welfare is provided through police powers of the state.

“Police Power” – The power of the State to place restraints on personal freedom and property rights of persons for the protection of public safety, health and morals or the promotion of the public convenience and general prosperity.

It is relatively easy to understand what it means for a site-specific re-designation to benefit the public’s health and safety. This means a re-designation proposal cannot subject people or property to unhealthy or unsanitary conditions, physical injury or endangerment, or that the re-designation must improve these conditions. This proposal will do neither. Changing the land use designation, in and of itself, will not subject people or property to unhealthy or unsanitary conditions, physical injury or endangerment because the re-designation request is simply to recognize the limited capacity of the soils on the Thurman property to produce economical commercial timber crops for all generations owning the land. Rather, the re-designation will assign a land use district which more accurately reflects the limited growing capacity of the soils for timber and historical use of the land for farming.

It is much more complex to understand what is intended by protection of the public’s welfare. One of many techniques typically used to protect the public welfare is for a local jurisdiction to adopt a comprehensive plan pursuant to the police power afforded by the constitution. A comprehensive plan is a tool that is used to protect the health, safety and welfare of a community by establishing patterns for orderly growth and development through, among other methods, the designation of land use categories. Separation of the land area into specific use categories (zones) is a technique to avoid the intermingling of incompatible land uses and intensities of development, which can cause unhealthy or unsanitary conditions and the potential for physical or psychological danger or injury. Land use designations also exist to alleviate such public problems such as overcrowding, traffic and noise.

Therefore, approval of a site-specific re-designation is to the benefit of the public’s health, safety and welfare when the re-designation will 1) maintain or enhance the health and sanitary conditions of people and property, 2) protect people and property from injury or danger or 3) assure land is properly designated to meet the needs of a community, and 4) does not conflict with the goals and policies of the comprehensive plan.

Maintain or Enhance the Health and Sanitary Conditions of People and Property

Considering the goal, policies and development regulations for the Forest Resource land use district closely resembles those for the proposed Rural Farm Forest land use district, the health and sanitary conditions of people and property will likely remain unchanged.

The requested density increase will allow the property owner to subdivide the property, if desired. As with any land division, the County's Health Department is responsible for assuring that the health and sanitary conditions are met prior to approval. Therefore, the re-designation will not subject people or property to unhealthy or unsanitary conditions.

Protect People and Property from Injury or Danger

The re-designation from Forest Resource to Rural Farm Forest and the requested increase in density will not increase the potential for subjecting people and property to injury or danger.

Assure Land is Properly Designated to Meet the Needs of a Community

The requested "Rural Farm Forest" land use designation imposes similar goals and policies for conservation and preservation of land for forestry and timber harvest purposes as the existing "Forest Resource" designation but also opens the door for continued historic use of the property for agricultural and farming. The density increase will allow the potential for a land division as well.

The re-designation will remove the property (which is not productive forest land) from a land use district which its primary purpose is to support forestry and place it in a designation that support small scale forestry uses

There are only eight land uses that are allowed in the Rural Farm Forest land use district that are not allowed in Forest Resource lands. These land uses are as follows.

- Animal Shelters
- Bed and Breakfast Inn
- Day Care with 7+ Children
- Vet Clinic
- Residential Care Facility with 9 – 15 Persons
- Outdoor Recreation Developments
- Rural Residential Cluster
- Vacation Rental

These are not intense land uses that could cause or create degradation of surrounding health and sanitary conditions.

Considering the land is already occupied by three residences, one of which could remain as a guest house, the maximum number of new residence that could be built on the 30 acre property would be four (4) if the density request of one dwelling unit per five acres is approved. Four new buildable lots on Orcas Island would provide greater opportunities and choices for individuals looking for rural lands on which to reside.

Does Not Conflict with the Goals and Policies of the Comprehensive Plan

Element 2.3(b) of the San Juan County Comprehensive Plan provides the following goals and policies for the Rural Farm Forest land use designation.

Goal: To provide for rural living opportunities which are compatible with small scale farming and forestry activities.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Farm-Forest lands on the Comprehensive Plan Official maps:*
 - i. The predominant land use is farming and forestry mixed with residential development;*
 - ii. Parcels are generally five to ten acres in size;*
 - iii. Soils are suitable for both small scale agricultural and forestry uses;*
 - iv. Parcels may be in tax deferred status based on agriculture or forestry production such as open Space Agriculture, designated Forest Land or Open Space-Timber.*
- (2) Adopt site development standards for permissible uses that will maintain a predominant portion of the farm and forested areas for farming and forest use.*
- (3) Allow cottage enterprise use and agricultural and forestry related commercial and industrial uses, such as processing and limited retailing facilities for farm and forest products, to be located on Rural Farm Forest lands.*
- (4) Allow the development of farm worker accommodations on Rural Farm Forest lands subject to standards that ensure the occupancy is seasonal and limited to person employed by the proprietor in the farm labor for farm production*

season only, and that ensure compliance with applicable health and safety requirements.

- (5) Establish performance standards for the uses listed in Policies (3) and (4), above, to minimize adverse environmental and visual impacts. Standards should address access, circulation, building height and bulk, lighting, screening, signage, noise, odor, vibration, spray, smoke, waste disposal, and storm drainage.*

The goal and policies for the Forest Resource land use district are very similar to those for the Rural Farm Forest land use designation. They are as follows.

Goal: To protect and conserve forest lands of long-term commercial significance for sustainable forest productivity and provide uses which are compatible with forestry activities while maintaining water quality, and fish and wildlife habitat.

Policies:

- (1) Lands which are characterized by the following criteria may be designated Forest Resource lands:*
- i. are in Forest Grades 3, 4 or 5 on the Department of Natural Resources Private Forest Land Grades map;*
 - ii. parcels twenty acres or larger;*
 - iii. are in a tax deferred status of designated Forest Land or Open-Space Timber, or are in state trust lands under forest management; and*
 - iv. are being managed for the long-term production of forest products with few non-forest related uses present.*

Response: The US Department of Agriculture/Natural Resources Conservation Service gives the Thurman property a forest land grade of 3 and 6 and, collectively, their two parcels comprise 30+ acres. However, these Forest Grade ratings are now obsolete since they are based on the 1962 Soil Survey which has been radically changed during the 2009-2012 Soil Survey update. Placing the land in a taxed deferred status such as designated Forest Land or Open-Space Timber requires that timber be harvested. The Thurmans have no desire to harvest timber from the property because (1) the only marketable trees that grow there are Douglas fir, (2) harvesting would significantly denote the vegetation existing on the property if no other reason than to build logging roads to haul the trees out and (3) it would take at least 90 years of tree growth to re-establish a marketable stand of timber on the property. The extremely low rate of monetary return from a relatively low yield timber harvest of the Thurman

property is not just compensation for retaining and managing the land for timber harvest.

The Thurmans believe that the increase in sedimentation in stormwater runoff after timber harvest would be detrimental to the property and Massacre Bay in which stormwater naturally flows and substantial controls would be required to reduce impact created by sedimentation.

Simply put, the land is not economically suited for commercial timber growth for forest products and the land use designation needs to be changed to reflect the site specific limitation of the land.

(2) Limit conversion of Forest Resource lands to non-forest uses through implementation of a purchase or transfer of development rights program, special tax assessment programs, conservation easements, and/or the formation of site development standards for residential land divisions, including standards for planned unit developments.

Response: First and foremost, the land does not meet the criteria to remain designated Forest Resource because commercial timber growth and harvesting are not economically viable on this property due to the limited capacity of the soils to produce marketable timber. Second, San Juan County has not developed programs for the purchase and/or transfer of development rights so this is not an option. If it was, the applicants would be taking a look at such programs rather than asking for this re-designation. The property owners have not requested a special tax assessment because it is very likely they could not meet the criteria for receiving said tax deferred status because they will be required to harvest the trees. The Thurmans do not want to harvest the trees due to the inability to make any economic return off a timber harvest and the significant adverse aesthetic and water quality impact a timber harvest on their parcel. The land would be donated of trees and would be scarred. It would take much too long to reestablish the beautiful forest that exists on the property. And when it did grow back, it would need to be harvested again. Timber harvest on this property would be of no benefit to the Thurmans or the public. Likewise, the Thurmans are not interested in securing conservation easements on the property because they want to be able to use their land for other more suitable purposes.

(3) Allow cottage enterprises, and forest resource-based industries such as lumber processing and retailing for forest products.

Response: Although Douglas fir could be harvested from the land today, it would take many years (up to 90) for a crop to grow to the size that would make another timber harvest economical. The slow growth of Douglas fir on the property does not make it a viable commercial crop to support development of a forest based industry on the land. A forest based industry on the Thurman property would require timber to be brought onto the site for processing.

*The Re-Designation Will Create Compatibility with
the Shoreline Master Program*

The shoreline environment assigned to the Thurman property is Rural Farm Forest. The purpose of this environment is to *“Protect agricultural and timber lands and to maintain and enhance the rural low density character of the County’s shoreline while providing for protection from expansion of mixed use and urban types of land uses. Open spaces and opportunities for recreational and other uses compatible with agricultural and forestry activities should be maintained. Development related to the commercial fishing industry and aquaculture would be permitted. Other forms of development which are not contrary to the purpose of the Rural Farm Forest environment would be permitted only under certain circumstances.”*

Although this shoreline environment appears to support forestry activities it is inconsistent with other elements of the Shoreline Master Program such as Shoreline Use, Economic Development, and Clearing and Grading, all which discourage vegetation removal (i.e., timber harvest). Most importantly, timber harvest on the Thurman property would run contrary to the goals and policies of the Conservation element which are as follows:

*Goal: To assure the preservation of **scenic** and non-renewable natural resources and to assure the conservation of renewable natural resources for the benefit of existing and future generations.*

Pertinent policies are as follows:

- 1. Assure the preservation, reclamation, rehabilitation, and where possible, the enhancement of unique, fragile and/or scenic elements and of non-renewable resources.*
- 2. **Preserve critical and terrestrial wildlife habitats.** The areas should include but should not be limited to breeding grounds, resting and feeding areas for migratory birds, nursery areas, and habitat of endangered species. Tidal marsh areas should be considered non-renewable resources and should be protected from development.*
- 4. Preservation of scenic view, open space and vistas should be encouraged.*
- 10. Commercial timber harvesting within the shoreline areas should be limited to selective harvest of no more than 30% of merchantable trees in any ten year period and should not be allowed within 75 feet of the OHWM. Merchantable timber within this buffer area may be included in the 30% calculation for the shoreline area but no commercial harvest should be allowed within the buffer. Clear cutting on shorelines should be prohibited unless specifically allowed by*

an approved conversion option harvest plan or Class IV General forest practices permit.

One of the primarily goals of the Shoreline Master Plan is to preserve views of the shoreline. The Thurman property declines in slope from Deer Harbor Road toward the shoreline and views of the uplands are unobstructed from Massacre Bay. If the property were to be logged, it would result in the upland portion of the property being cleared of the very vegetation that makes views of the property so beautiful from Massacre Bay. As such, timber harvest on waterfront parcels, regardless if in the 200-foot shoreline jurisdictional area or within the upland portion of the site, with the sloping topography present on the Thurman site should be severely restricted.

In addition, protected marine habitat exists along the shoreline of the Thurman property. Logging on the 30-acre Thurman property would create a significant potential for erosion and sedimentation reaching Massacre Bay and the protected marine habitat. The entire property would require immediate re-vegetation at considerable expense thus reducing the economic return the property owner would receive from a timber harvest.

Conclusion

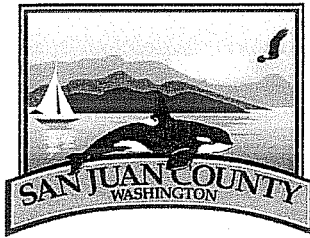
The Thurman property is not appropriately designated Forest Resource. The majority of soils on site do not have the capacity to produce a marketable stand. The only high quality soils are found near the shoreline along the north property line and account for about three to five acres at most. The limited amount of economic return a timber harvest would provide, the need for stabilizing the property after harvest through formal re-vegetation techniques and the length of time it takes to replenish a marketable stand of timber make the land better suited for small scale forestry uses or other uses. The requested Rural Farm Forest land use designation is very similar to the Forest Resources land use designation in that both policy and land uses that are allowed to develop there. They both encourage the conservation and commercial harvest of timber. However, the Rural Farm Forest land use designation also recognizes use of the land for small scale farming, which the property has been historically used.

Timber harvest of this waterfront property is contrary to the goals and policies of the SMA and SMP. The SMA and SMP strongly encourage preserving scenic views. The cutting of trees on the property and the scars left behind from logging activity would not be worth the adverse aesthetic impact logging activity would have on the landscape especially as viewed from Massacre Bay.

The requested increase in density allowance from one dwelling unit per 20 – acres to one dwelling unit per five acres will allow up to four more houses to be built on the 30 acre property. However, a five acre density is still considered “rural development.” Because a rural residential cluster is allowed in the Rural

Farm Forest land use district, if the land is to be subdivided in the future the home sites can easily be clustered in one area and a majority of the land can be reserved as open space thus preserving the forest that exists there. It will create consistency and parity with other lands designated Rural Farm Forest in this area of Orcas Island.

The proposed land use re-designation and density change can and should be approved.



San Juan County Community Development & Planning

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STATE ENVIRONMENTAL POLICY ACT ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

A. BACKGROUND

1. **Name of proposed project, if applicable:** *Thurman Land Use Re-designation*
2. **Name of applicant:** *Bret and Kathryn Thurman*
3. **Address and phone number of applicant and contact person:**

*Applicant: Bret M. Thurman and Kathryn L. Koch-Thurman
C/O Bret Thurman
P.O. Box 15
Deer Harbor, WA 98243
Phone: (206) 948-6413*

*Agent: Francine Shaw, Land Use Planner
Law Offices of Stephanie Johnson O'Day
P.O. Box 2112
Friday Harbor, WA 98250
Phone: (360) 378-6278*
4. **Date checklist prepared:** *February 2014*
5. **Agency requesting checklist:** *San Juan County Community Development and Planning Department*
6. **Proposed timing or schedule (including phasing, if applicable):**
NA, this is a non-project action.
7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?** Yes No
If yes, explain.
The applicant has no future plans for development of the property at this time but would like to apply for vacation rental permits for two of his three residence.
8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**
The re-designation application provides pertinent portions of the current 2009 San Juan County Soil Survey for this property and an evaluation of the limited capacity of soils to grow marketable timber for commercial harvest prepared by the San Juan County Conservation District.
9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal?** Yes No **If yes, explain.**
There are no other governmental approvals pending for this property at this time.
10. **List any government approvals or permits that will be needed for your proposal, if known.**
The re-designation requires approval by the San Juan County Council.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The applicants are proposing the re-designation of the land use district of their 30+ acre waterfront property from Forest Resource to Rural Farm Forest and an increase in the density allowance from one dwelling unit per 20 acres to one dwelling unit per 5 acres to recognize the limited soil capacity for growing trees for long term commercial timber production.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The project site is located at 324 Community Club Drive on Orcas Island adjacent to Massacre Bay in Sections 6 & 7, Township 36 North, Range 2 W, WM, San Juan County, Washington. The 30+ acre site is comprised of two separate tax parcels, TPN 260643002, a 27+ acre parcel, and TPN 260711002, a 2.4 acre parcel.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: Flat, Rolling, Hilly, Steep Slopes, Mountainous, Other.

The project site declines in slope from the west property line adjacent to Deer Harbor Road to the east where the property drops off steeply to the waters of Massacre Bay below.

- b. What is the steepest slope on the site (approximate percent slope)?

The steepest slope on site is about 10% except for areas of rock outcrop which are dispersed throughout the property where slopes are in excess of 75%. In addition, the topography of the site along the shoreline drops off steeply into Massacre Bay at about a 75% slope.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The recently updated Soil Survey for San Juan County identifies six different soil types on the Thurman property, including:

- 1014 – Beaches – Endoaquents, tidal – Xerorthents association, 0 to 5 % slopes;
- 2002 – Sucia loamy sand, 2 to 10 % slopes;

- 4000 – Roche-Killebrew-Rock Outcrop complex, 5 to 35 % slopes;
- 4007 – Roche – Mitchellbay complex, 3 to 15 % slopes;
- 5000 – Cady-Rock Outcrop complex, 5 to 30 % slopes; and
- 5006 – Cady-Doebay-Rock Outcrop complex, 25 to 75 % slopes

- d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes No If so, describe.

There are no visible or physical signs of unstable soils on the property. However, the San Juan County Critical Areas Ordinance identifies a Category 1 geo-hazardous area on the land. A Category 1 geo-hazard is either an area designated on the Washington Department of Ecology Coastal Zone Atlas as unstable or an area that contains slopes greater than 50% and with a vertical relief of 20 feet or more.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

The proposed land use re-designation is a "non-project action." There will be no filling or grading associated with this proposal

- f. Could erosion occur as a result of clearing, construction, or use? Yes No If so, generally describe.

This is a non-project action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

There will be no new impervious surface introduced on site in connection with this land use district re-designation proposal.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

None, this is a non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes No If so, generally describe.

No.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None.

3. Water

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes No If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The project site lies adjacent to Massacre Bay and includes a large stormwater detention pond. The San Juan County critical Areas map show a wetland on the property as well.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?
Yes No If yes, please describe and attach available plans.

No, this is a non-project action.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

There will be no fill or grading associated with this re-designation proposal.

- 4) Will the proposal require surface water withdrawals or diversions? Yes No Give general description, purpose, and approximate quantities if known.

No, this is a non-project action.

- 5) Does the proposal lie within a 100-year floodplain? Yes No
If so, note location on the site plan.

San Juan County Critical Area Maps indicate portions of the site adjacent to Massacre Bay are located within a FEMA Flood Plain. The San Juan County FEMA flood plain maps are notoriously in error.

- 6) Does the proposal involve any discharges of waste materials to surface waters? Yes No If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Yes No Give general description, purpose, and approximate quantities if known.

No, not with this proposal.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Although the site is occupied by two single family residences and a guest house which are served by existing septic systems, this

proposal is a non-project action. There will be no additional waste material produced if the land use district is changed. However, if the density allowance is increased as requested, there is potential for the construction of additional residences on the property which would increase the amount of waste material discharged from the site. The amount is unknown at this time.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow?

Run-off on this site is generated by rain events. Will this water flow into other waters? Yes No If so, describe.

The stormwater either is piped into a large detention pond or it is left naturally to flow into Massacre Bay.

- 2) Could waste materials enter ground or surface waters? Yes No If so, generally describe.

Waste materials generated by existing site development are not intentionally disposed into ground or surface waters.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The site is already served by an extensive stormwater control system. There are no plans to alter, intensify or modify the existing system at this time.

4. **Plants**

a. Check or circle types of vegetation found on the site:

- DECIDUOUS TREE: Alder, Maple, Aspen, Other
- EVERGREEN TREE: Fir, Cedar, Pine, Other
- SHRUBS
- GRASS
- PASTURE
- CROP OR GRAIN
- WET SOIL PLANTS: Cattail, Buttercup, Bullrush, Skunk Cabbage, Other
- WATER PLANTS: Water Lily, Eelgrass, Milfoil, Other
- Other Types of Vegetation

b. What kind and amount of vegetation will be removed or altered?

Although, the applicants have no intention of logging the property, the existing Forest Resources and proposed Rural Farm Forest land use districts encourage the growth and harvest of commercial timber.

c. List threatened or endangered species known to be on or near the site.

San Juan County Critical Area Maps do not indicate the presence of endangered plant species on or near the project site.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

About two-thirds of the project site is covered by a mature growth forest. The shoreline also hosts a variety of plant species. The applicants plan to retain (preserve) existing vegetation.

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

BIRDS: Hawk, Heron, Eagle, Songbirds, Other: seagulls

MAMMALS: Deer, Bear, Elk, Beaver, Other:

FISH: Bass, Salmon, Trout, Herring, Shellfish, Other:

- b. List any threatened or endangered species known to be on or near the site.

The waters of San Juan Islands provide residency to Southern Resident orcas whales and Chinook salmon, both which have recently been designated as an endangered species.

- c. Is the site part of a migration route? Yes No If so, explain.

The entire County is considered a migratory route for bald eagle and Southern Resident orcas whale. However, the property is not a significant migratory site.

- d. Proposed measures to preserve or enhance wildlife, if any:

No wildlife enhancement measures are proposed.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None, this is a non-project action.

- b. Would your project affect the potential use of solar energy by adjacent properties? Yes No If so, generally describe.

Changing the land use district on this property, in and of itself, will not affect the potential use of solar energy by adjacent properties.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes No If so, describe.

1) Describe special emergency services that might be required.

None.

2) Proposed measures to reduce or control environmental health hazards, if any:

NA, this is a non-project action.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None, this is a non-project action.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None.

3) Proposed measures to reduce or control noise impacts, if any:

None..

8. Land and Shoreline use

- a. What is the current use of the site and adjacent properties?

The project site and most surrounding properties are used for single family residential purposes set within forested areas except for the Deer Harbor Community Center which is located west of and adjacent to the project site.

- b. Has the site been used for agriculture? Yes No If so, describe.

Many years ago the land as used as a mink farm which then transitioned to a small cattle and dairy farm. Today the land is not being used for commercial agricultural purposes.

- c. Describe any structures on the site.

The property is occupied by a single family residences and associated guest house as well as a combined storage structure/single-family residence (for a total of three single family residences on the property), a single-use dock and boat house, detached office, barn, tennis court and stormwater detention pond.

- d. Will any structures be demolished? Yes No If so, what?

- e. What is the current zoning classification of the site?

Forest Resource-20

- f. What is the current comprehensive plan designation of the site?

Resource Lands

- g. If applicable, what is the current shoreline master program designation of the site?

Rural Farm Forest

- h. Has any part of the site been classified as an "environmentally sensitive" area? Yes No If so, specify.

The site is located adjacent to a protected marine habitat, is partially within a FEMA flood plan and includes a Category 1 geo-hazardous area.

- i. Approximately how many people would reside or work in the completed project?

If the proposal to increase density from one dwelling unit per 20 acres to one dwelling unit per five acres is approved, a total of 6 single family residences could be constructed on the 30+ acre site. Considering there are two tax parcels included in this proposal and each is occupied by a main residence, a total of four new single family residences could be constructed on the property. As per the San Juan County Census it was has determined that each house within this county is typically occupied by 2.16 people. This means that a total of 12.96 persons could reside on the property in the future.

- j. Approximately how many people would the completed project displace?

None

- k. Proposed measures to avoid or reduce displacement impacts, if any:

None..

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposed re-designation from Forest Resource to Rural Farm Forest will not create any "incompatibility" especially considering the allowable uses of these two land use district and their associated development regulations are very similar.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None at this time.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

- c. Proposed measures to reduce or control housing impacts, if any:
None at this time.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is (are) the principal exterior building material(s) proposed?
NA, this is a non-project action.
- b. What views in the immediate vicinity would be altered or obstructed?
None. The re-designation is not a development proposal.
- c. Proposed measures to reduce or control aesthetic impacts, if any:
None.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
None, this is a non-project action.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
Yes No

The "finished project" will simply be a change to the County's Official Comprehensive Land Use Map.
- c. What existing off-site sources of light or glare may affect your proposal?
None.
- d. Proposed measures to reduce or control light and glare impacts, if any:
None.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

This waterfront property includes an existing single-use dock which allows the property owners to take part in recreational boating, diving and fishing activities. Whale watching, charter boats, fishing, kayaking, are offered in Deer Harbor, located to the west of the project site. All the San Juan Islands are known for informal recreational activities such as biking, hiking, and bird watching.
- b. Would the proposed project displace any existing recreational uses? Yes No If so, describe.

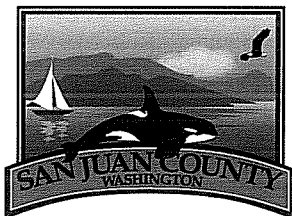
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
None.

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? Yes No If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
NA
- c. Proposed measures to reduce or control impacts, if any:
None.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
The site is provided direct access from Community Club Drive which is a private, one lane two way gravel road. Community Club Drive, strictly serves the two subject tax parcels and extends into the site from Deer Harbor Road, a county maintained two lane two way paved right-of-way.
- b. Is site currently served by public transit? Yes No If not, what is the approximate distance to the nearest transit stop?
There is no public transit available in San Juan County.
- c. How many parking spaces would the completed project have? *NA, this is a non-project action.* How many would the project eliminate? *None.*
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
No.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? Yes No If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? *None.* If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:
None. The re-designation will not impact transportation.



SAN JUAN COUNTY

COMMUNITY DEVELOPMENT AND PLANNING

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DETERMINATION OF NONSIGNIFICANCE

Proposal: Change the upland designation of 2 parcels from Forest Resource 20 to Rural Farm Forest 5

Applicant: Bret and Kathryn Thurman, c/o Francine Shaw, PO Box 2002, Friday Harbor, WA 98250

Location: 260643002 and 260711002, lying east of Deer Harbor, Orcas Island

San Juan County, the lead agency for this proposal, has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) will not be required under RCW 43.21C.030(2)(c). This determination was made after review of a completed environmental checklist and other information on file at San Juan County Community Development & Planning. The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and Comprehensive Plan adopted under Chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. This information is available upon request.

This determination is issued pursuant to WAC 197-11-340(2). San Juan County will not act on this proposal for 14 days from the date of publication and mailing to agencies with jurisdiction (3/19/2014). Comments must be submitted in writing to Community Development & Planning no later than 14 days from the date of publication (3/19/2014). Appeals must be submitted in writing to Community Development & Planning no later than 21 days from the end of the comment period (4/9/2014).

This determination may be appealed by submitting a written request for review to the Director of Community Development & Planning at the above address. The appellant(s) must be prepared to make specific factual objections. Contact the above address to ask about procedures for SEPA appeals.

Responsible Official:

Sam Gibboney, Director
Community Development & Planning
(360) 378-2354

Signature: 

Date: 3/5/14

Date of publication: 3/5/2014 **Permit #:** PREDES-14-0001

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment in .

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The applicants have no immediate plans for new development on their property other than to apply for vacation rental permits for two of their three residences. However, the requested increase in density allowance, if approved, would allow the property to be subdivided into a maximum of six residential lots and would allow the construction of four new residences. New residential development on the property will increase discharge of waste water and emissions due to additional septic systems, traffic and potentially wood smoke from fireplaces associated with new residential development.

Proposed measures to avoid or reduce such increases are:

If the land is subdivided, evidence will be required showing that the land can support additional septic systems. Emissions from four new residence will be insignificant and would likely not require avoidance or mitigation.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

There are no development plans associated with this land use district and density re-designation that can be assessed at this time. At the time new development is proposed, the regulations in the San Juan County Critical Areas Ordinance will assure that no harm occurs to plant, animal, fish or wildlife.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

If and when the site is further developed, impacts of the proposed development can be assessed for impacts to plants, animals and marine life. If there are impacts caused by future development, appropriate mitigating measures will be established to off-set adverse impacts.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal will have no effect on depleting energy or natural resources. Although the land use category will change from Forest Resource to Rural Farm Forest, both of these zones encourage the preservation of forest resources.

Proposed measures to protect or conserve energy and natural resources are:

See response to Question 3 above.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed re-designation will have no impact on parks, wild and scenic rivers (because there are none within the vicinity of the project site), threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Because the Rural Farm Forest land use designation encourages forestry use similar to the existing Forest Resource zone, the re-designation would not affect existing or future land use because the two zones are very similar. The RFF land use district is compatible with the existing Rural Farm Forest lands already existing in this area of Orcas Island. In addition, the re-designation to Rural Farm Forest will create consistency with the Rural Farm Forest shoreline environment. Therefore, there is no potential for incompatibility with existing plans and land uses.

Proposed measures to avoid or reduce shoreline and land use impacts are:

In order to make a timber harvest profitable under current zoning, the entire forest would need to be cut. The re-designation will place the property in a land use district that is not primarily devoted to the growth and harvest of forest resources. It will remove the pressure to harvest trees from the property and denoting this land of vegetation. By allowing other land uses on this property scenic views of the of the shoreline of Massacre Bay and properties that border the Bay will be preserved because the trees will be preserved. (See a detailed explanation in the re-designation application.)

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The re-designation will not increase demand on public transportation, since there is none within the San Juan Islands. It will not increase demands on services or utilities. The increase in density would slightly increase demands if the land is subdivided and four new residences are built. However, a land division will not be approved until all utilities are available to serve the new lots. Detail review of these impact are better suited at the time a land division application is submitted for review.

Proposed measures to reduce or respond to such demand(s) are:

See response to Question 6 above.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

San Juan County established the Forest Resource land use designation under the directive of Washington State's Growth Management Act for the preservation of timber land for long-term commercial harvest. Forest Resource Lands were established in San Juan County based on suitable soils for timber growth as identified in the now expired 1962 Soil Survey. The Comprehensive Plan has not been updated to reflect changes made to the soils survey in 2009- 2012 which has refined the review of soils and their capacity to produce commercial timber crops. The San Juan County Conservation District reviewed the current soil survey and has opined that the Thurman property is not best suited for growth commercial timber crops. Many acres of land have been designated Forest Resource in the County and removal of this 30+ acre site from that designation will not cause the County to become non-compliance with the GMA,. Due to the limited amount of high quality timber producing soils on the property the land is better zoned Rural Farm Forest which supports "small scale" forestry use which this property is capable of doing.

The re-designation will also create parity between the Rural Farm Forest shoreline environment and the upland zoning. Section 18.50.020 (A) SMP states that if a development proposal (i.e., logging) involves both jurisdictional and non-jurisdictional land and the development is found to adversely affect the shoreline environment, then the regulations of the Shoreline Master Program apply to the entire development proposal. The SMP limits the amount of timber that can be logged within the shoreline to 30% every ten years. Considering the best soils for growth commercial timber is on the northeast corner of the property within the shoreline, this regulation severely restricts the commercial viability for timber harvest on the Thurman property.



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- Property Tax FAQ
- Property Tax Statistics
- Personal Property
- Current Use Programs
- Designated Forest Land
- Exemptions
- Glossary of Tax Levy Terms (PDF)
- Washington State Dept of Revenue

Use Notes/Disclaimer

Charles Zalmanek, Assessor
 350 Court St
 PO Box 1519
 Friday Harbor, WA 98250
 (360) 378-2172

Email
 assessor@sanjuanco.com

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Owner Information		Site Address		Codes	
BRET M THURMAN & KATHERINE L THURMAN PO BOX 15 DEER HARBOR, WA 98243		324 Community Club Dr DEER HARBOR, WA 98243		Parcel #	260643002000
		TA_ID	8667	Tax Area	ORCAS/CEMETERY
		<input type="checkbox"/> Mfg/Modular <input type="checkbox"/> Senior/Disabled Exemption			
Market Values			Land Information		
Building Value	\$573,930	Legal Acres	27.88		
Land Value	\$2,293,580	Taxable Acres	27.79		
Total Appraised Value	\$2,867,510	Short Legal	S815.10 GL 8 EX 1 SQ AC IN SW COR PR NE OF SEC 7, TGW TDS 12.40 CHS Sec 06, T 36N, R 2W		
Recorded documents (Auditor)		Locate on map			

Land Segment Information							
Segment ID	TIDELANDS (ft)	WATERFRONT (ft)	BANK	VIEW	BEACH ACCESS	TOPOGRAPHY	CurrentUse
11825			MEDIUM	Good Marine View		SLOPING	
11827				Good Marine View		SLOPING	

No Sales Information Available

Improvements/Features					
1 Story - Built: 1979 Remodel: no information					
MAIN FLOOR - AREA: 2367.0 sq. ft.					
APPLIANCE GARBDISP 1	APPLIANCE RANGEOVEN 1	APPLIANCE MICROW 1	APPLIANCE GARDOOROPN 1	APPLIANCE DISHW 1	APPLIANCE FAN 3
APPLIANCE HOODFAN 1	APPLIANCE TRASHCOMP 1	EXTERIOR WALL SI/ST	FIREPLACE SNG-2-G 2	FIXTURES 17 1	FLOORING TILE 186 SQFT.
FLOORING CARPET 839 SQFT	FLOORING HARDWOOD 1342 SQFT	FOUNDATION PERIM	HEATING/COOLING HPUMP	INTERIOR FINISH FINISH	PLUMBING KSINK 2
PLUMBING LAVATORY 4	PLUMBING UTIL 1	PLUMBING TUBSHWR 2	PLUMBING ROUGHIN 1	PLUMBING SHOWER 2	PLUMBING TOILET 4
PLUMBING WTRHEAT 2	ROOF COVERING SHAKE	ROOM COUNT BATHROOM 3	ROOM COUNT DINING 1	ROOM COUNT UTILITY 1	ROOM COUNT LIVING 2
ROOM COUNT BEDROOM 3	ROOM COUNT KITCHEN 1	SEPTIC YES 8	SUB FLOOR FRAME		
FINISHED BASEMENT - AREA: 1360.0 sq. ft.					
BARN - AREA: 1290.0 sq. ft.					
SHED - AREA: 196.0 sq. ft.					
ROOFED - AREA: 1072.0 sq. ft.					
WOOD DECK - AREA: 2458.0 sq. ft.					

CONCRETE - AREA: 596.0 sq. ft.					
ATTACHED GARAGE FINISHED - AREA: 632.0 sq. ft.					
BSMT - UNF - AREA: 1360.0 sq. ft.					
1 Story - Built: 1977 Remodel: no information					
MAIN FLOOR - AREA: 1408.0 sq. ft.					
APPLIANCE GARBDISP 1	APPLIANCE RANGEOVEN 1	APPLIANCE DISHW 1	APPLIANCE FAN 1	APPLIANCE GARDOOROPN 1	APPLIANCE HOODFAN 1
EXTERIOR WALL SI/ST	FIREPLACE SNG-1-A 1	FIREPLACE FS-A 1	FIXTURES 9 1	FLOORING CARPET 986 SQFT	FLOORING VINYL/PERGO 422 SQFT
FOUNDATION PERIM	HEATING/COOLING F/A	INTERIOR FINISH FINISH	PLUMBING KSINK 1	PLUMBING LAVATORY 2	PLUMBING TUBSHWR 1
PLUMBING ROUGHIN 1	PLUMBING SHOWER 1	PLUMBING WTRHEAT 1	PLUMBING UTIL 1	PLUMBING TOILET 2	ROOF COVERING CO/BU
ROOM COUNT DINING 1	ROOM COUNT LIVING 1	ROOM COUNT BATHROOM 2	ROOM COUNT BEDROOM 1	ROOM COUNT KITCHEN 1	SEPTIC YES 2
SUB FLOOR FRAME					
CONCRETE - AREA: 212.0 sq. ft.					
1 Story - Built: 0 Remodel: 1977					
MAIN FLOOR - AREA: 348.0 sq. ft.					
EXTERIOR WALL SI/ST	FIREPLACE FS-A 1	FLOORING HARDWOOD 348 SQFT	FOUNDATION PERIM	HEATING/COOLING ELBB	INTERIOR FINISH FINISH
ROOF COVERING WSHNG	SEPTIC YES	SUB FLOOR FRAME			
OTHER - AREA: sq. ft.					



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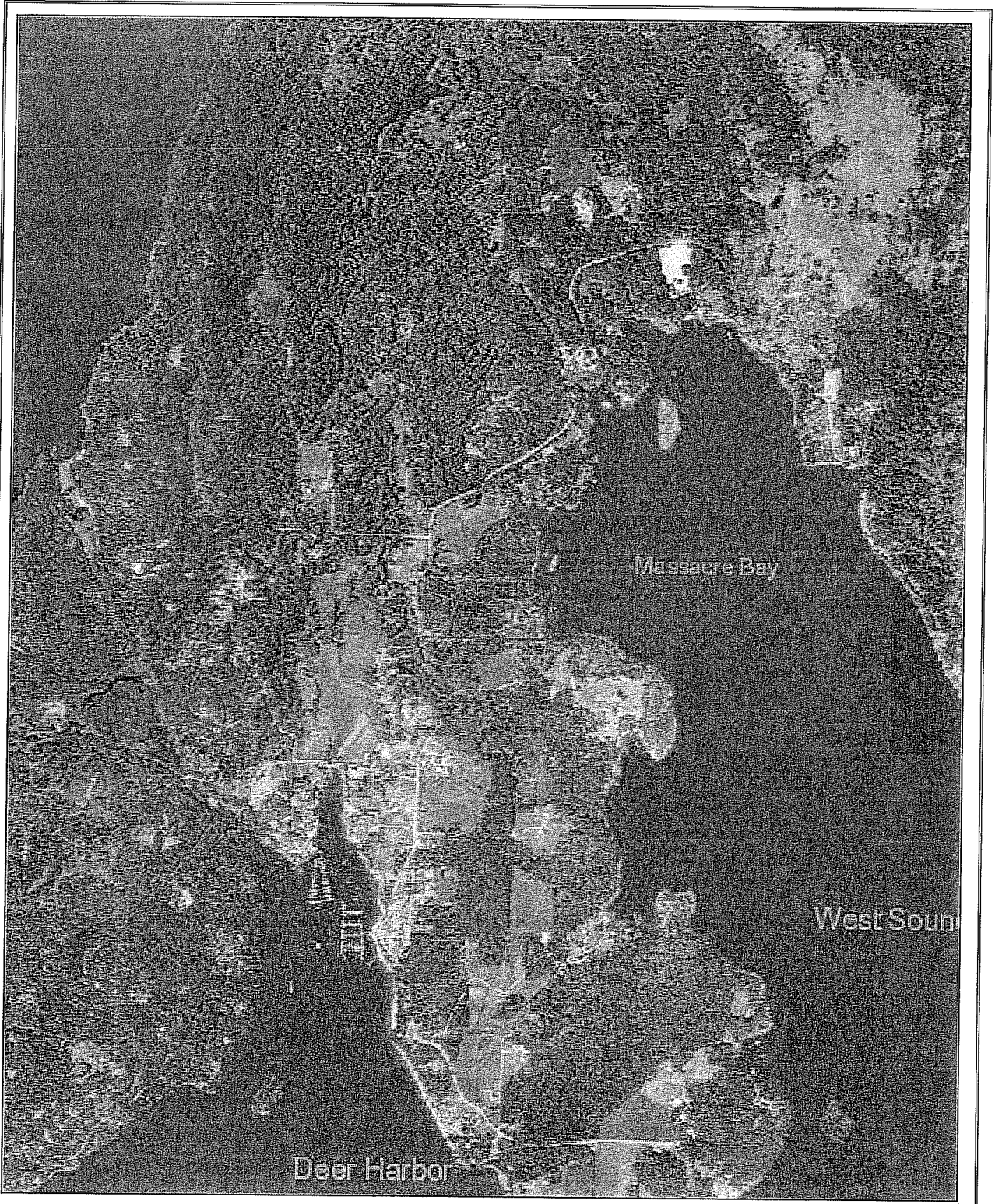
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Owner Information	Site Address	Parcel #	Codes
BRET M THURMAN & KATHERINE L THURMAN PO BOX 15 DEER HARBOR, WA 98243	214 Community Club Dr	260711002000 8675	ORCAS/CEMETERY
		Tax Area	
			<input type="checkbox"/> Mfg/Modular <input type="checkbox"/> Senior/Disabled Exemption
Market Values		Land Information	
Building Value	\$170,500	Legal Acres	2.40
Land Value	\$611,570	Taxable Acres	2.40
Total Appraised Value	\$782,070	Short Legal	PR GL 9, PR NW-NE TGW TDS 2.70 CHS Sec 07, T 36N, R 2W
Recorded documents (Auditor)			Locate on map

Land Segment Information							
Segment ID	TIDELANDS (ft)	WATERFRONT (ft)	BANK	VIEW	BEACH ACCESS	TOPOGRAPHY	CurrentUse
11842			MEDIUM	Good Marine View		SLOPING	

No Sales Information Available

Improvements/Features					
1 Story - Built: 1998 Remodel: no information					
MAIN FLOOR - AREA: 1118.0 sq. ft.					
APPLIANCE RANGEOVEN 1	APPLIANCE HOODFAN 1	APPLIANCE FAN 2	EXTERIOR WALL S/ST .	FIREPLACE FS-A 1	FIXTURES 6 1
FLOORING HARDWOOD 1016 SQFT	FLOORING VINYL/PERGO 102 SQFT	FOUNDATION PERIM	HEATING/COOLING ELBB	INTERIOR FINISH FINISH	PLUMBING KSINK 1
PLUMBING LAVATORY 1	PLUMBING ROUGHIN 1	PLUMBING TUBSHWR 1	PLUMBING UTIL 1	PLUMBING TOILET 1	PLUMBING WTRHEAT 1
ROOF COVERING SHAKE	ROOM COUNT BATHROOM 1	ROOM COUNT LIVING 1	ROOM COUNT KITCHEN 1	ROOM COUNT BEDROOM 2	ROOM COUNT DINING 1
ROOM COUNT UTILITY 1	SEPTIC YES 8	SUB FLOOR FRAME			
UNFINISHED BASEMENT - AREA: 1118.0 sq. ft.					
ROOFED - AREA: 56.0 sq. ft.					
CONCRETE - AREA: 56.0 sq. ft.					
WOOD DECK - AREA: 128.0 sq. ft.					
BASEMENT GARAGE FINISHED - AREA: 1548.0 sq. ft.					

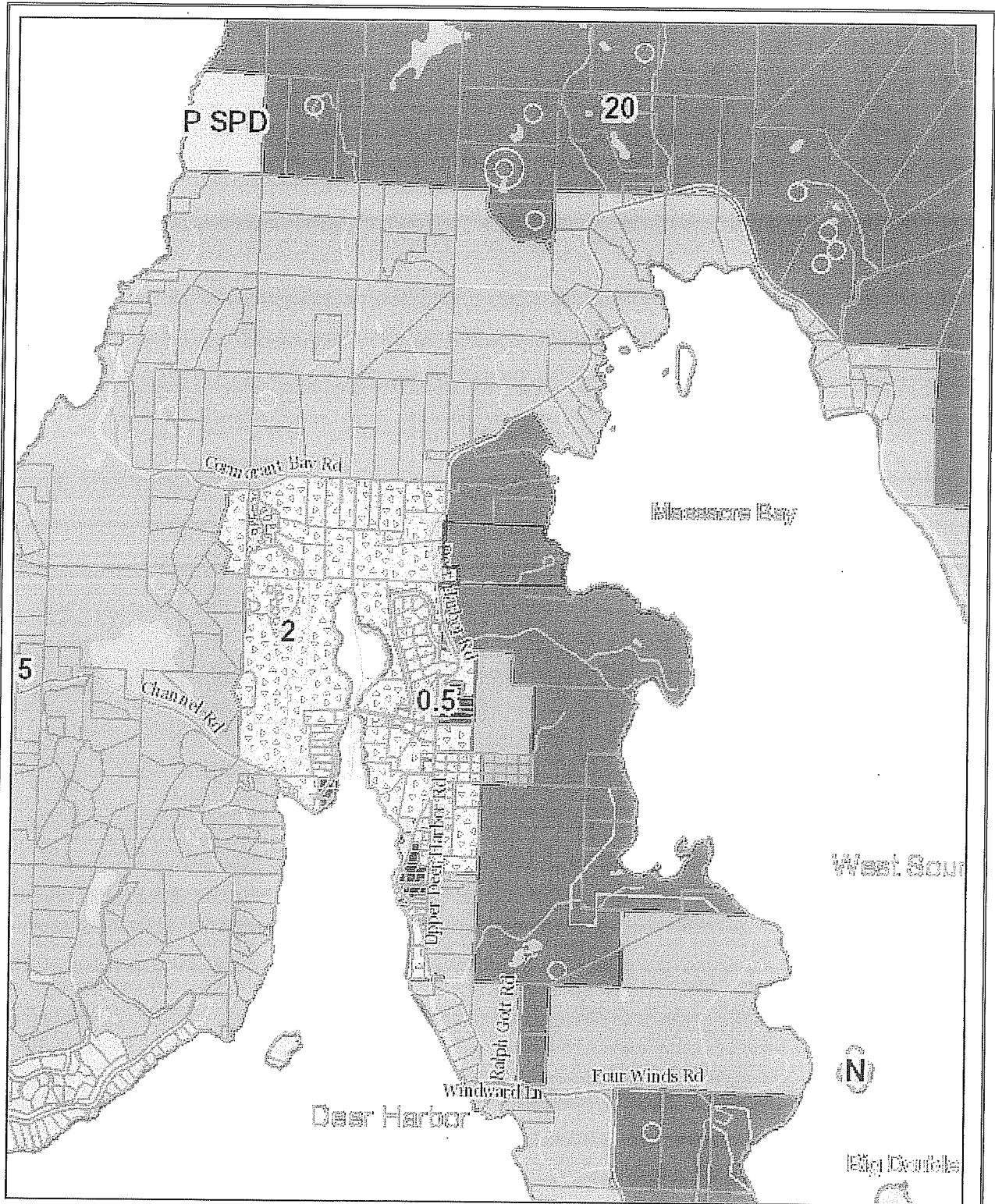


1:24000

324 Community Club Drive, Orcas Island

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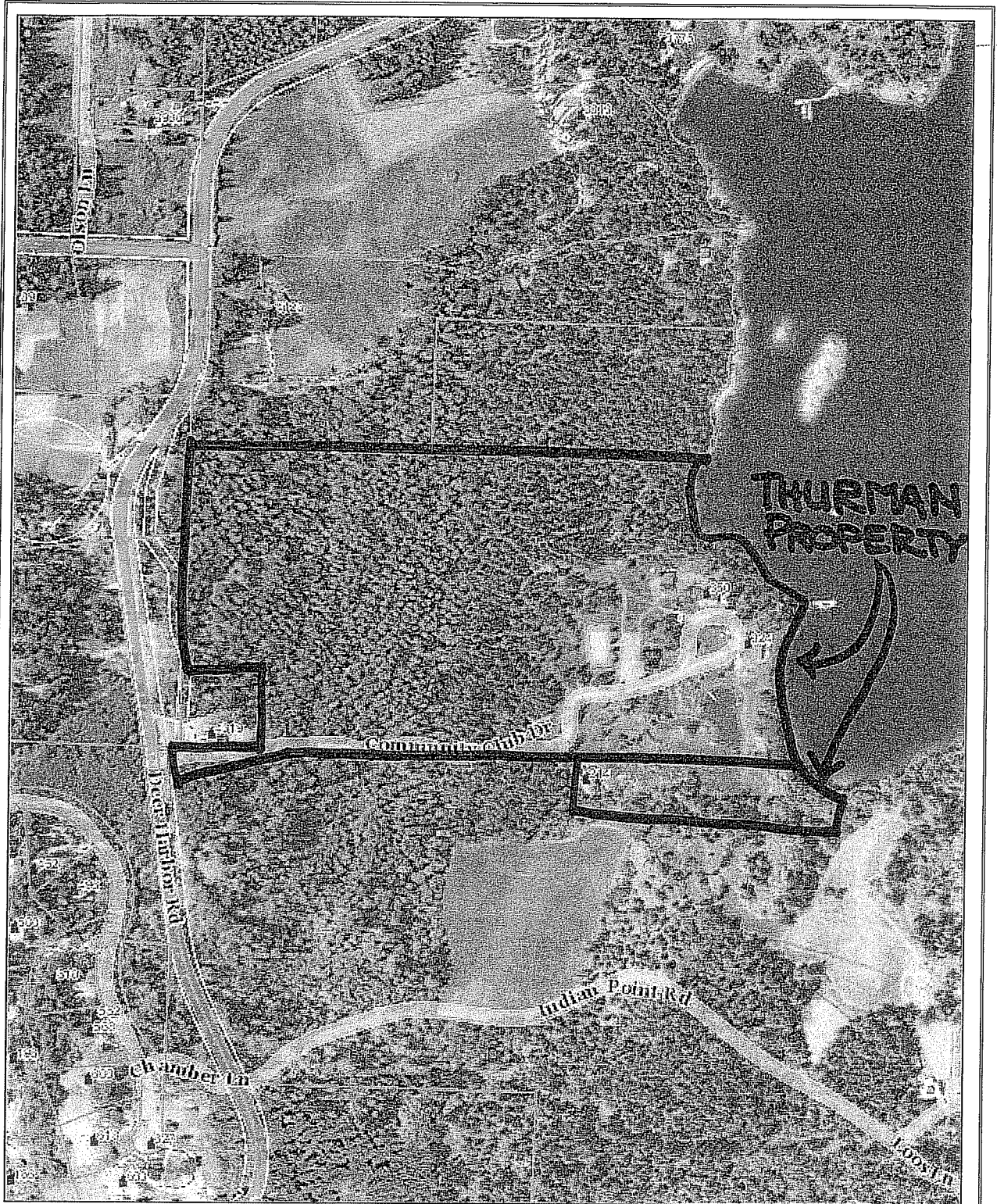


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324 Community Club Drive Comprehensive Plan Map

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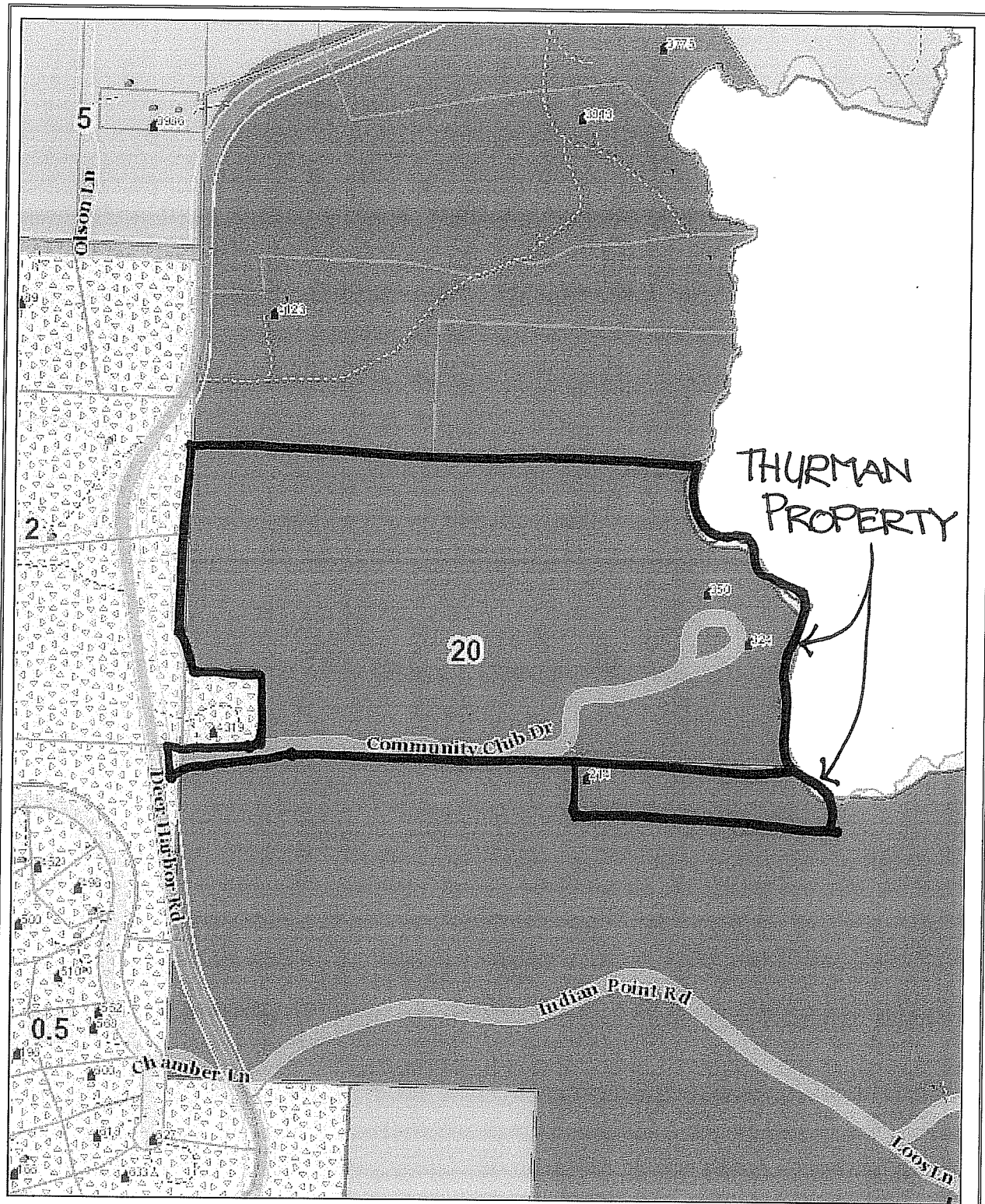


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324 Community Club Drive, Orcas Island

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THURMAN
PROPERTY

324 Community Club Drive, Orcas Island
TPN 260643002



1:4800

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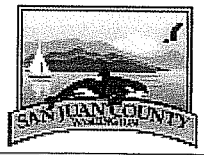
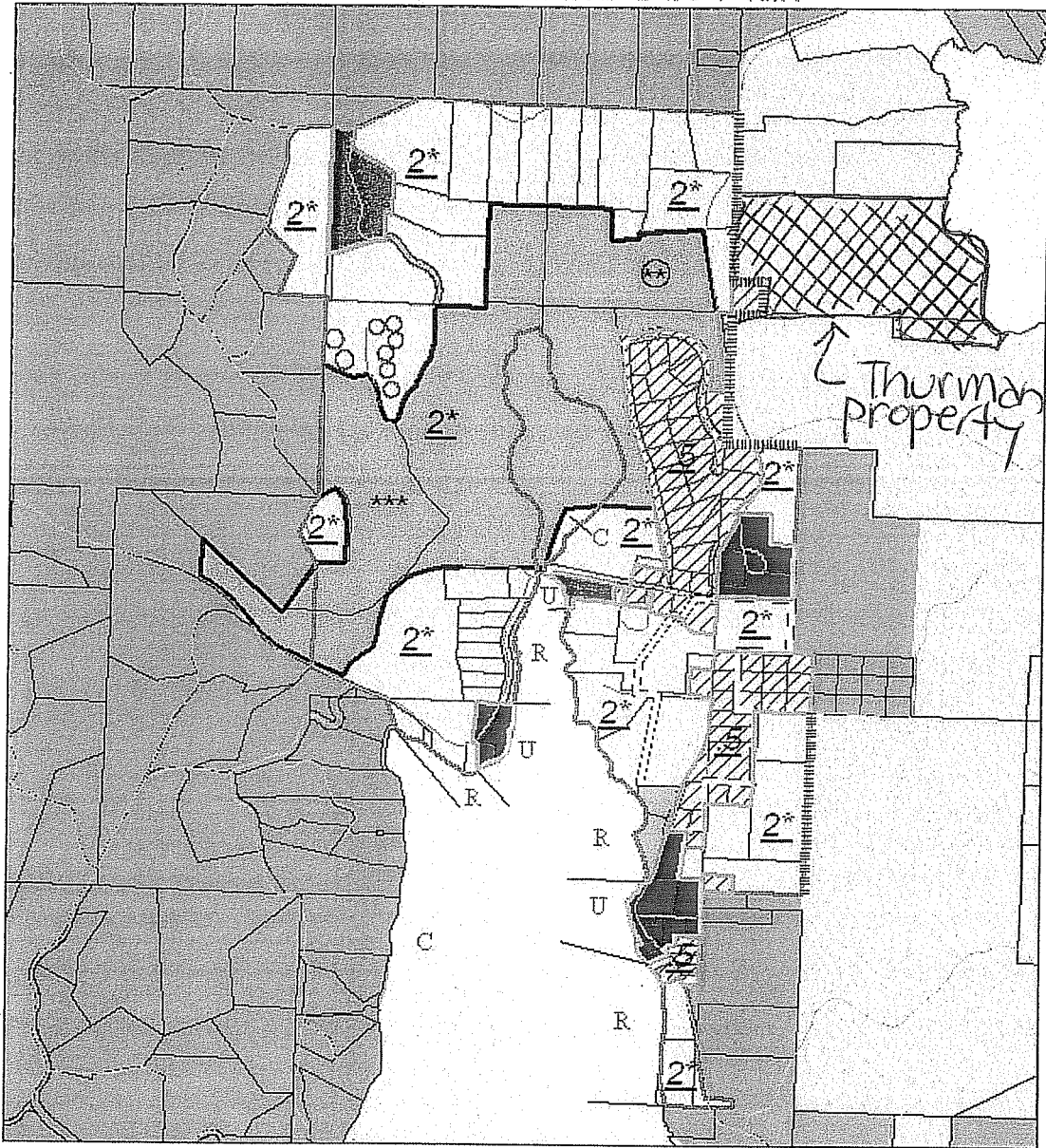
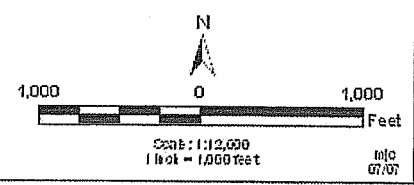
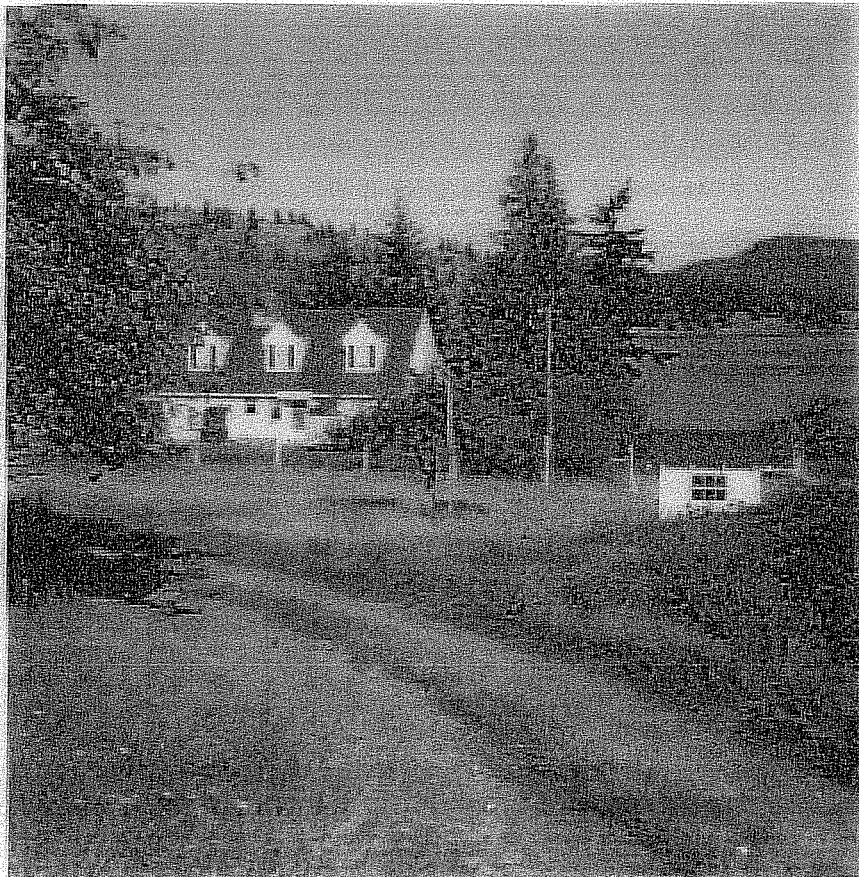


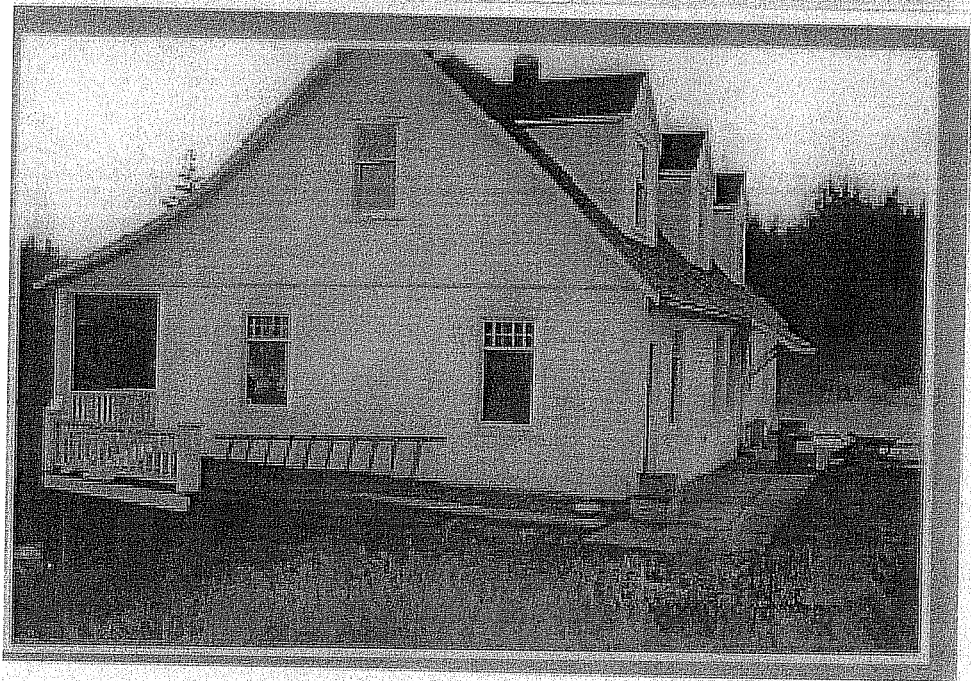
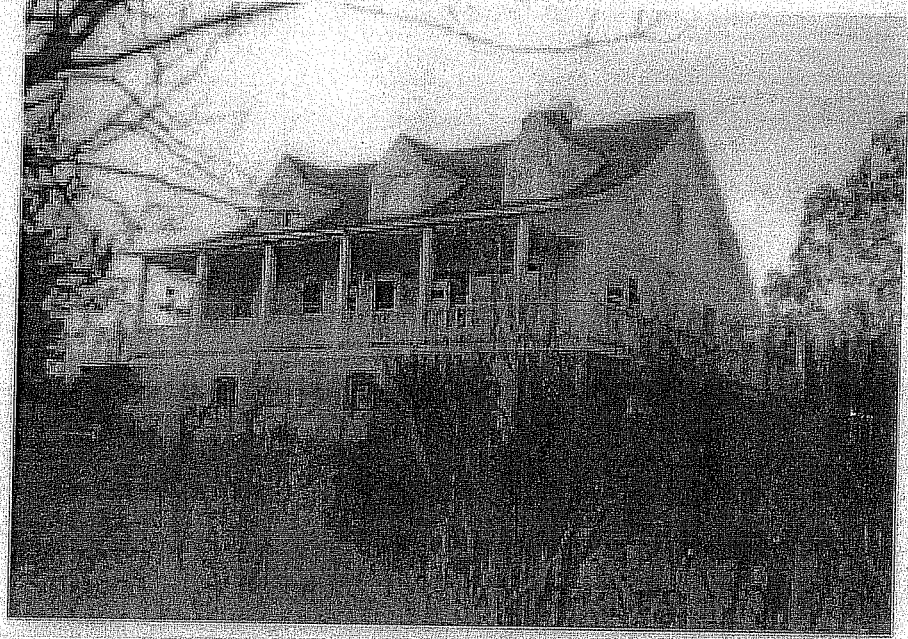
Figure 1
Deer Harbor Land Use Plan



Resource Land Buffer	Hamlet Commercial - See Ordinance 26-2007
Community Center Overlay District	Hamlet Industrial - See Ordinance 26-2007
Activity Center Boundary	Hamlet Residential - 2 [*] ac. per unit
Density Boundary	5 ac. per unit
DH Density District - .5 ac. per unit	20 ac. per unit
Park	Residential Conservancy (LB Easement)
2 Maximum residential density, acres per dwelling unit	C Shoreline Designation
* Additional residential units will be permitted as a Planned Unit Development, up to a maximum density of one unit per half-acre, as a bonus for the provision of long-term affordable housing as defined in SJCC 18.60.260 D	
** Maximum one single family residential dwelling or one ten room inn	*** Allowed to build to legal density







standards for residential land divisions, including standards for planned unit developments.

- (3) Allow cottage enterprises, and agriculture-related activities such as processing and limited retailing facilities for county products on farm sites and within agricultural areas.
- (4) Allow farm labor housing and *farm stay accommodations* subject to specific performance standards on Agricultural Resource Lands.
- (5) Limit the location of utility lines and facilities, new roads and road realignments, access routes and other non-agricultural public and private facilities, to the least disruptive locations within agricultural areas.

b. Forest Resource Lands

Goal: To protect and conserve forest lands of long-term commercial significance for sustainable forest productivity and provide for uses which are compatible with forestry activities while maintaining water quality, and fish and wildlife habitat.

Policies:

- (1) Lands which are characterized by the following criteria may be designated Forest Resource Lands:
 - i. are in Forest Land Grades 3, 4, or 5 on the Department of Natural Resources Private Forest Land Grades map;
 - ii. parcels are twenty acres or larger;
 - iii. are in a tax deferred status of Designated Forest Land or Open Space-Timber, or are state trust lands under forest management; and
 - iv. are being managed for the long-term production of forest products with few non-forest related uses present.
- (2) Limit conversion of Forest Resource Lands to non-forest uses through implementation of a purchase or transfer of development rights program, special tax assessment programs, conservation easements, and/or the formulation of site design standards for residential land divisions, including standards for planned unit developments.
- (3) Allow cottage enterprises, and forest resource-based industries such as lumber processing and retailing facilities for forest products.

2.4 SPECIAL DISTRICTS

This section of the Land Use Element provides goals and policies for the conservation of areas with unique or valuable natural features which warrant specific recognition and protective measures to ensure their existing character is maintained. Two districts, Conservancy and Natural, fall into this category.

- ii. Parcels are generally five to ten acres in size; and
 - iii. Soils are marginal or unsuitable for intensive commercial agriculture or forestry uses.
- (2) Allow resource-based industrial and commercial activities, rural commercial, rural industrial, and cottage enterprise uses.
 - (3) Establish performance standards for the uses contained in Policy (2), *above*, to minimize adverse environmental and visual impacts. Standards should address access, circulation, building height and bulk, lighting, screening, signage, noise, odor, vibration, spray, smoke, waste disposal, and storm drainage control.
 - (4) Allowable uses should be compatible with the existing rural character and should not result in more than a minimal and manageable increase in demand on existing rural governmental services and facilities, utilities, community water systems, sewage disposal systems, and County roads.

b. Rural Farm-Forest

Goal: To provide for rural living opportunities which are compatible with small-scale farming and forestry activities.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Farm-Forest lands on the *Comprehensive Plan* Official Maps:
 - i. The predominant land use is farming and forestry mixed with residential development;
 - ii. Parcels are generally five to ten acres in size;
 - iii. Soils are suitable for both small-scale agricultural and forestry uses; and
 - iv. Parcels may be in a tax deferred status based on agriculture or forestry production such as Open Space-Agriculture, Designated Forest Land or Open Space-Timber.
- (2) Adopt site development standards for permissible uses that will maintain a predominant portion of the farm and forested areas for farming and forest uses.
- (3) Allow cottage enterprise uses and agriculture- and forestry-related commercial and industrial uses, such as processing and limited retailing facilities for farm and forest products, to be located on Rural Farm-Forest lands.
- (4) Allow the development of farm worker accommodations on Rural Farm-Forest lands subject to standards that ensure the occupancy is seasonal and limited to persons employed by the proprietor in farm labor for a farm production season only, and that ensure compliance with applicable public health and safety requirements.

- (5) Establish performance standards for the uses listed in Policies (3) and (4), *above*, to minimize adverse environmental and visual impacts. Standards should address access, circulation, building height and bulk, lighting, screening, signage, noise, odor, vibration, spray, smoke, waste disposal, and storm drainage.

c. Rural Residential

Goal: To protect the predominantly residential character of some rural areas and provide for a variety of residential living opportunities at *rural densities*.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Residential on the *Comprehensive Plan* Official Maps:
 - i. There are existing small acreage platted areas generally with private covenants and restrictions, and some exclusively residential developments are expected to continue to occur; and
 - ii. Parcels are generally two to five acres in size, and may also include areas with lots less than two acres in size.
- (2) Guide the site design of new residential land divisions to retain rural character and minimize the demand for and cost of public facilities and services.
- (3) Prohibit cottage enterprises and commercial and industrial uses, other than home occupations and uses of comparable impact on residential use.
- (4) Community facilities such as fire stations, club houses and associated recreational amenities should be allowed in Rural Residential areas to serve these residential communities.

d. Rural Industrial

Goal: To provide areas for rural oriented industrial uses which are not generally compatible with activity center land uses, which compliment rural character and development, and which can be served by rural governmental services.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Industrial on the *Comprehensive Plan* Official Maps:
 - i. Lands with an existing or historical commitment to rural industrial uses;
 - ii. Lands with direct access to a public roadway classified as a minor or major arterial;
 - iii. Lands where on-site physical features can be used to protect surrounding lands from negative impacts; and
 - iv. Areas with parcels sizes large enough to accommodate expansion of existing uses or serve several new uses in a concentrated area.