




SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMO

REPORT DATE: June 3, 2021

TO: San Juan County Planning Commission

FROM: Sophia Cassam, Planner I 

SUBJECT: 2021 Annual Docket
Information for Public Hearing

HEARING: Planning Commission: June 18, 2021

ATTACHMENT: A. 2021 Docket Table of Staff Recommendations
B. Public Comments Received Since May 24, 2021

PURPOSE: To prepare the Planning Commission to make a recommendation on the 2021 Docket to the County Council at a public hearing on June 18, 2021.

PUBLIC COMMENTS: Please send all public comments to sophiac@sanjuanco.com. Please do not copy the County Council, Planning Commission members, or other County staff. Written public comments received by June 17th will be provided to the Planning Commission before their public hearing on the 18th. Comments should refer to specific 2021 Docket requests.

BACKGROUND: The Growth Management Act (RCW 36.70A.470(2)) and San Juan County Code (SJCC) 18.90.020 allow any interested party to propose amendments to the San Juan County Comprehensive Plan (*Plan*), Official Maps, and Title 18 SJCC Unified Development Code (UDC). The community proposes amendments through the Annual Docket process. The County Council considers the proposals and the staff and Planning Commission recommendations. Ultimately, the County Council decides whether to add the requests to the Department of Community Development (DCD) future work program.

In 2021, DCD received eight Docket requests for text changes to the *Plan* and UDC. Staff briefed the Planning Commission on the requests and provided recommendations at the May Planning Commission meeting. The full applications and staff analysis are available in the May 6, 2021 staff report: <https://www.sanjuanco.com/DocumentCenter/View/22943/>.

The role of the Planning Commission in the docket process is to review the docket requests and recommend to the County Council which requests to add to the future DCD work program, including a prioritization of requests.

LOCAL CHOICE: None of the changes requested in the 2021 Annual Docket are required. It is a local choice to add any of these requests to the future DCD work program. The projects the Planning

Commission recommends adding to the DCD future work program must be balanced with other projects already on the DCD work program. Other projects already on the DCD work program include *Plan* update implementation, code amendment projects the County Council has prioritized from previous Annual Dockets, and the shoreline permit cumulative effects evaluation required by SJCC 18.50.020(E)(3).

Each project requires commitment of County resources, typically requires a 6 to 18-month process, and can extend the DCD work program significantly. The County receives new docket requests each year and new required projects may arise. Because the projects requested in the 2021 Docket are a local choice, the Planning Commission may recommend adding docket requests of higher priority to the DCD work program and may choose to not recommend other projects.

PROCESS OVERVIEW: SJCC 18.90.020(C) requires that the Planning Commission hold a public hearing on the Annual Docket. At the June 18, 2021 Planning Commission meeting, staff will provide an overview of the 2021 Docket requests and staff recommendations. Then, the Planning Commission will hold a public hearing and receive public testimony. After the public hearing, the Planning Commission will deliberate and make their official recommendation to the County Council.

The Planning Commission will make a recommendation on:

1. Which projects to take action on, and
2. The priority of those projects.

STAFF RECOMMENDATION: Staff made recommendations for the Annual Docket in the staff report dated May 6, 2021. Table 1 below shows the staff recommendations and lists projects in order of priority. Requests 21-0008 and 21-0001 are recommended as high priority projects to undertake after the *Plan* update. Requests 21-0005, 21-0006, 21-0002, and 21-0007 are projects that could be undertaken after the *Plan* update and other higher priority projects. Staff is not recommending any further action on requests 21-0003 and 21-0004.

Table 1. Staff Recommendations on 2021 Annual Docket.

Request #	Keyword	Recommendation
21-0008	Stormwater	Add this project to the DCD work program after the Comprehensive Plan Update
21-0001	Commercial Composting	Add this project to the DCD work program after the Comprehensive Plan Update
21-0005	Trees	If a priority, add this project to the DCD work program after the Comprehensive Plan Update.
21-0006	Eastsound Subarea Plan	If a priority, add this project to the DCD work program after the Comprehensive Plan Update.
21-0002	Indoor Recreational Facilities	If a priority, add this project to the DCD work program after the Comprehensive Plan Update.
21-0007	Drive-through eating establishments	If a priority, add this project to the DCD work program after the Comprehensive Plan Update.
21-0003	Build-out analysis	No further action.
21-0004	Floodproofing	No further action.

SAMPLE MOTION LANGUAGE: The following sample motion can be used to structure the Planning Commission's recommendation to the County Council. The Planning Commission can decide the order of priority and which projects require no further action.

I move that the Planning Commission recommend that the County Council add the following requests to the Department of Community Development future work program in the following order of priority:

1. 21-0008
2. 21-0001
3. 21-0005
4. 21-0006
5. 21-0002
6. 21-0007

No further action is needed for requests 21-0003 and 21-0004.

NEXT STEPS: Once the Planning Commission has made a recommendation, staff will brief the County Council. Then, the County Council will hold a public hearing and adopt a resolution. The briefing will likely be in July and the Public Hearing in August. Dates are to be determined.

ATTACHMENT A. 2021 Annual Docket Summary Table

Request #	Keyword	Proponent	Summary of Request	Type of Amendment	SJCC/Comp Plan Sections	Request Documents	Staff Recommendation	Category
21-0001	Commercial Composting	Thomas Bennett	Allow commercial composting by Provisional/Conditional use permit in the Agricultural (AG) Resource land use designation. Commercial composting is currently prohibited on AG Resource land. Allowing commercial composting will increase the diversity and productivity of farm businesses.	UDC	Table 18.30.040	https://www.sanjuanco.com/DocumentCenter/View/22052/	Address this request after the Comprehensive Plan update. Develop performance standards for commercial composting in AG Resource land. Staff recommends allowing Commercial Composting in AG resource land <i>only</i> if performance standards are established.	B
21-0002	Indoor Recreational Facilities	Orcas Tennis Club	In Rural Farm Forest (RFF), change Indoor Recreation Facilities from a No to a Yes (or Provisional or Conditional Use). Orcas Tennis Club is proposing this change so that they can build covered tennis courts. Allowing indoor recreation activities would help improve Islanders' health and wellbeing.	UDC	Table 18.30.040	https://www.sanjuanco.com/DocumentCenter/View/22244/	Do not allow <u>all</u> indoor recreation facilities in RFF. If the County Council wishes to pursue this request, this project could be added to a future DCD work program after the Comprehensive Plan update and other higher-priority projects. Possible options: <ul style="list-style-type: none"> Add indoor tennis facilities as a land use under Recreational Uses in Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations and allow in RFF by conditional use permit. Or, Allow indoor recreation facilities in RFF by conditional use permit with performance standards 	E
21-0003	Build-out Analysis	Joe Symons	Add an executive summary and 'build-out analysis' to the Introduction of the Comprehensive Plan.	CP	Section A, Introduction	https://www.sanjuanco.com/DocumentCenter/View/22257/	Not recommended. Previously resolved by the 2018 and 2019 dockets. The Comprehensive Plan update fulfills many aspects of the request.	F
21-0004	Floodproofing	SJC DCD	Amend Chapter 15.12 San Juan County Code (SJCC) Flood Hazard Control Regulations to allow agricultural and accessory structures located in the Special Flood Hazard Areas (SFHA) to be wet floodproofed in lieu of the elevation or dry floodproofing requirement without a variance. This change would allow property owners, including farmers, more flexibility for floodproofing agricultural and accessory structures in the floodplain.	UDC	SJCC 15.12 Flood Hazard Control Regulations	https://www.sanjuanco.com/DocumentCenter/View/22316/	Not recommended at this time. As-is, property owners can use wet floodproofing if they get a variance. Requests for wet floodproofing of agricultural and accessory structures rarely occur.	F
21-0005	Tree Retention and Protection	Miles Becker	Add a new section to the development standards for Tree Retention and Protection. The purpose of the new section is to: (1) clarify the tree regulations by consolidating the regulations into one section and (2) to add new protection standards for trees, especially during development activities.	UDC	18.35 – Critical Areas, 18.40 – Forest Practices, 18.50 – Shoreline Master Program	https://www.sanjuanco.com/DocumentCenter/View/22318/	Part 1: Do not consolidate tree regulations. Tree standards are necessary in the Critical Areas code, Shoreline Master Program, and Forest Practices code. Clarify existing standards during the next critical areas and SMP updates. Part 2: If directed by Council, undertake a public process to develop a new section for improved tree protection standards (or protection incentives) outside of critical areas and the shoreline jurisdiction.	Part 1: D Part 2: E
21-0006	Eastsound Subarea Plan	Eastsound Planning and Review Committee (EPRC)	Various proposed changes to SJCC Chapter 18.30 Article VIII Eastsound Subarea Plan. Topics include design standards, landscaping and screening, Vacation Rentals, parking, signage, and street development standards in addition to various proposed changes to the allowed uses in the land use tables.	UDC	SJCC 18.30 Article VII. Eastsound Subarea Plan	https://www.sanjuanco.com/DocumentCenter/View/22320/	If the County Council wishes to pursue this request, add a substantial review of the development regulations for Eastsound, including the changes brought forward by the EPRC in their application, to the DCD work plan. The review project could take place after Comprehensive Plan update and other higher priority projects, in 2023-2024. Staff recommends considering the request to prohibit vacation rentals in ADUs in the Village Commercial land use designation during the Comprehensive Plan update.	E VR issue: C
21-0007	Drive-through eating establishments	Rachelle Ericsson	Change SJCC 18.40.220 to allow restaurants as a permitted use for drive-through windows. This is a needed public safety measure for during and after the COVID pandemic. Allowing drive-through restaurants promotes public health by enabling an option for safe take-out drive-through services.	UDC	SJCC 18.40.220	https://www.sanjuanco.com/DocumentCenter/View/22322/	If the County Council would like to add this project to the DCD work plan, staff recommends adding it as a lower priority item to be completed after the Comprehensive Plan update is adopted and implemented and after higher-priority projects are finished.	E
21-0008	Stormwater	Alexandra Gayek	Various changes and additions to SJCC Chapter 18.60 Development Standards related to stormwater: 18.60.060 Clearing and Grading Standards, 18.60.070 Storm Drainage Standards, and 18.60.050 Density, Dimension, and Open Space Requirements. Changes are proposed to address drinking water needs and stormwater problems and improve ecosystem sustainability. A related change to <i>Plan</i> Element 4, Water Resources of the Comprehensive Plan is proposed as well.	UDC	18.60.060 Clearing and Grading Standards, 18.60.070 Storm Drainage Standards, and 18.60.050 Density, Dimension, and Open Space Requirements	https://www.sanjuanco.com/DocumentCenter/View/22329/	Add a stormwater regulation update project to the DCD and Public Works work plans in 2022-2023. The update should focus on climate change, aquifer recharge, water quality, and stormwater management strategies customized for the San Juan County context. The requests and concerns brought forth in this docket application should be considered during the update. Consider the change to <i>Plan</i> Element 4, Water Resources during the <i>Plan</i> update.	C B

Categories
Category A – Required by law for GMA Compliance or otherwise
Category B – Items needed to achieve important public policy objectives of a countywide nature
Category C – Items that can be considered as part of a larger Comprehensive Plan Update or subarea planning process
Category D – Items needed to provide clarity and certainty to the Unified Development Code or Comprehensive Plan by removing inconsistencies and/or ambiguities
Category E – Lower priority items to be considered on a future year work program
Category F – Obsolete, previously resolved or not recommended for further consideration

ATTACHMENT B

2021 Annual Docket public comments submitted between 5/27/21 - 6/2/21

21-0003

- Joe Symons (5/27/21)
- Irmgard Conley (5/28/21)

21-0005

- Heather Mitchell (5/27/21)
- Steve Wrubleski (5/30/21)
- Kathryn Tucker (5/31/21)
- Rachel Brumer (6/1/21)

Sophia Cassam

From: Lynda Guernsey
Sent: Thursday, May 27, 2021 12:39 PM
To: Sophia Cassam
Subject: FW: The Most Colossal Planning Failure in Human History - Post Carbon Institute
Attachments: WebPage.pdf

Hi Sophia,

Please see the email below and attachment.

Regards,
Lynda

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

From: joe symons <joesymons@me.com>
Sent: Thursday, May 27, 2021 12:02 PM
To: Lynda Guernsey <LyndaG@sanjuanco.com>; San Juan County Council <councilvm@sanjuanco.com>
Cc: David Turnoy <davidgeri@rockisland.com>
Subject: The Most Colossal Planning Failure in Human History - Post Carbon Institute

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.

Failing to plan is often the equivalent of planning to fail. Planning is a function of language and reason—of which we humans are certainly capable. We plan all sorts of things, from weddings to the construction of giant hydroelectric dams. Yet we are also subject to cognitive dysfunctions—denial and delusion—which seem to plague our thinking when it comes to issues of population and consumption, and their implications for the future. In effect, we have collectively bet our fate on the vague hope that “somebody will come up with something.”

<https://www.postcarbon.org/the-most-colossal-planning-failure-in-human-history/>

I believe County Council needs to be that “somebody” that comes up with that “something” that ensures that we are not failing to plan and thus planning to fail.

Ensure that the Comprehensive Plan is enforced, meets the Vision Statement, and sets the bar for transitioning to a sustainable, livable and desirable home for those who live here. Don’t kick the can down the road. There will have to be some bullet biting. We’re all in this together.

Joe Symons

Olga WA

—

KeepSanJuansWild.org

The Most Colossal Planning Failure in Human History

A couple of days ago I happened to pick up an old book gathering dust on one of my office shelves—Palmer Putnam’s *Energy in the Future*, published in 1953. Here was a time capsule of energy concerns from nearly a lifetime ago—and it got me to thinking along the lines of Howard Baker’s famous question during the Watergate hearings: “What did [w]e know, and when did [w]e know it?” That is, what did we know back then about the climate and energy conundrum that threatens to undermine civilization today?

The fossil fuel age had begun over a century prior to 1953, and it was known by then that coal, oil, and natural gas represent millions of years’ worth of stored ancient sunlight. At the start, these fuels had appeared capable of supplying useful energy to society in seemingly endless quantities. Since everything we do depends on energy, having much more of it meant we could do far more farming, mining, fishing, manufacturing, and transporting than was previously possible. The result was an economic miracle. Between 1820 and today, human population has grown eight-fold, while per-capita energy usage has also grown eight-fold. We went from horse-drawn carts to jetliners in just a few generations.

But there were a couple of snags. One was that, though initially abundant, fossil fuels are nonrenewable and therefore subject to depletion. The second was that extracting and burning these fuels pollutes air and water, subtly but surely changing the chemistry of our planet’s atmosphere and oceans. Neither issue seemed compelling to the majority of people who first benefitted from coal, oil, and gas.

So, back to Putnam’s book. This thick tome wasn’t a best seller, but it was considered authoritative, and it found a place on the desks of serious policy makers. Remarkably, it explored both of the core drawbacks of fossil fuels, though these were as yet on almost no one else’s radar screen.

Putnam understood that the fossil fuel age would be relatively brief. With regard to coal, he wrote: “. . . costs of extraction continue to rise, while the average heat value in a ton of coal has begun to decline, at least in the United States.” Similar symptoms of depletion would inevitably overtake the oil and gas industry, the author noted, even if the tar sands of Canada and shale oil (Putnam used these specific terms), as well as improvements in exploration and production technology, were all accounted for.

In a section at the very end of the book, titled, “The Combustion of Fossil Fuels, the Climate and Sea Level,” Putnam wrote, “Perhaps such a derangement of the CO₂ cycle would lead to an increased CO₂ content of the atmosphere great enough to affect the climate and cause a further rise of sea level. We do not know this. We ought to know it.” Now we know, and it turns out that a lot more than just a hike in sea level is in the offing. But we still haven’t done much to change the worrisome trend of soaring

greenhouse gas emissions.

While the writing and publication of *Energy in the Future* were paid for by the United States Atomic Energy Commission, Putnam was not a single-minded proponent of nuclear power as a substitute for fossil fuels. The subject did get substantial treatment in his book, but he spent as much ink on limits and downsides as he did on the potential of nuclear sources to meet energy needs. Putnam concluded that, "Based on present knowledge, it does not appear likely that the fission of uranium or thorium could ever support more than 10 to 20 per cent of the energy system of the United States patterned as at present. The figures for the world energy system would hardly be higher." Today, the US gets about 8 percent of its total energy from nuclear power, while the global figure is closer to 4 percent.

Putnam explored a range of alternative energy sources, including fuel wood, farm wastes, wind power, solar heat collectors, solar photovoltaics, tidal power, and heat pumps, but judged that these would not be sufficient to propel the continued economic growth of modern societies. Putnam, who died in 1984, was himself a pioneer in the development of wind power. *Energy in the Future* was favorably reviewed in the prestigious journal *Science*, but it had negligible impact on public policy. And here we are, seven decades later, using fossil fuels globally at roughly three times the rate we were depleting and burning them in 1953. They still supply 85 percent of global energy.

Here's the essence of our planning failure: we have built up civilization to a scale that can temporarily be supported by finite and polluting energy sources, and we have simply assumed that this scale of activity can continue to be supported by other energy sources that haven't yet been developed or substantially deployed. Further, we have incorporated limitless growth into the requirements for civilization's success and maintenance—despite the overwhelming likelihood that growth can occur for only a historically brief interval.

Failing to plan is often the equivalent of planning to fail. Planning is a function of language and reason—of which we humans are certainly capable. We plan all sorts of things, from weddings to the construction of giant hydroelectric dams. Yet we are also subject to cognitive dysfunctions—denial and delusion—which seem to plague our thinking when it comes to issues of population and consumption, and their implications for the future. In effect, we have collectively bet our fate on the vague hope that "somebody will come up with something."

Our failure continues—now with regard to the transition to renewable energy sources, primarily solar photovoltaics and wind power. Putnam himself, after surveying the limits to fossil fuels and nuclear power, seemed to settle on solar as humanity's long-term hope; yet he acknowledged that the realization of this hope depended on the development of technologies to

make solar electricity available “in more useful forms and at lower costs than now appear possible.” His wording suggests that he was grasping at straws. There have indeed been significant technical improvements in wind and solar PV technology, along with huge cost reductions. Nevertheless, limits still exist. Sunlight and wind are themselves renewable, but the machines we build to capture ambient energy and convert it to electricity are made from non-renewable minerals and metals. Making these collectors requires energy for raw materials extraction, processing, manufacturing, transport, and installation. And renewable energy sources require considerably more land area than is needed for fossil fuel infrastructure. Further, solar and wind power sources are inherently intermittent, since the sun doesn’t always shine nor the wind always blow; so, energy storage, source redundancy, and a major electrical grid upgrade are needed. There are work-arounds for each of these issues, but the difficulty of deploying the needed work-arounds increases dramatically as the scale of renewable energy production increases.

Without planning, this is what will most likely happen: we’ll fail to produce enough renewable energy to power society at the level at which we want it to operate. So, we’ll continue to get most of our energy from fossil fuels—until we can’t, due to depletion. Then, as the economy crashes and the planet heats, the full impacts of our planning failure will finally hit home. It may already be too late to avert that scenario. But let’s assume there is indeed enough time, and that we suddenly get serious about planning. What should we do?

We should start with conservative estimates of how much energy solar and wind can provide. No one has a definitive figure, but for industrial nations like the US, it would be wise to assume some fraction of the energy currently provided by fossil fuels: half, for example, would be a highly ambitious goal (one of the first projects of the planning process would be to come up with a more precise estimate). Then, planners would explore ways to reduce energy usage to that level, with a minimum of disruption to people’s lives. Planners would also seek to determine approximately the scale of population that can be supported long-term by these sources without degradation of the environment (yes, Putnam discussed the relationship between population and energy back in 1953), and then create and implement policies to begin matching population to those levels in a way that reduces, rather than worsening, existing social inequities.

A comprehensive plan would detail the amount of investment required, and over what period of time, and would specify the sources of the money. Finally, as I have suggested elsewhere, good planning would entail the creation of a pilot project, in which a medium-sized industrial city is transitioned to get all its energy (for food, manufacturing, heating and cooling, and transportation) from renewables. Such a project would itself require subsidy and planning, but it would yield invaluable practical data. It’s gob-smacking to think that such a planning process actually could have

started as early as 70 years ago, and that, at this late date, it has still barely begun. Instead, today's policy makers mostly just extrapolate PV price trends, hope for further technological improvements, and assume that huge systems for supplying society's needs using renewable energy rather than fossil fuels will somehow self-assemble in an optimum way and at full scale—all in just a couple of decades.

Without planning, it just won't happen.

Addendum

Some readers may be thinking: Wasn't agriculture, rather than the adoption of fossil fuels, the biggest planning failure in human history? After all, if we hadn't adopted grain crops, we wouldn't have developed full-time division of labor and all the specialized knowledge and skills that were required to mine coal and drill for oil and gas, and to apply these fuels to the solution of practical problems. True enough. However, from a quantitative standpoint, it's clear that fossil fuels have enabled much higher population growth during the past two centuries than occurred during the previous 10,000 years. The same could be said for per capita consumption rates and environmental damage. Agriculture may have set us humans on an unsustainable path, but fossil fuels broadened that path to a superhighway.

Photo by Guillaume de Germain on Unsplash

Sophia Cassam

From: Lynda Guernsey
Sent: Tuesday, June 1, 2021 8:03 AM
To: Sophia Cassam
Subject: FW: Docket Request 21-0003

Hi Sophia,

Please see the email below in regard to the Docket.

Regards,
Lynda

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

From: joe symons <joesymons@me.com>
Sent: Friday, May 28, 2021 6:26 PM
To: Lynda Guernsey <LyndaG@sanjuanco.com>; San Juan County Council <councilvm@sanjuanco.com>
Cc: Irmgard Conley <irmorc@rockisland.com>
Subject: Fwd: Docket Request 21-0003

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.

Note: Irmgard is over 90 years old and asked me to forward her comment to you as she was unable to insert the proper email address and send it from her own computer.

Please consider this comment to originate from her.

Thank you

Joe Symons

From Irmgard:

"Joe, please fill in the addresses and send for me. . The last time I tried all the addresses were in Japanese characters. Thank you Irmgard"

Begin forwarded message:

From: "Irmgard Conley" <irmorc@rockisland.com>
Subject: Docket Request 21-0003
Date: May 28, 2021 at 3:49:28 PM PDT

To: "Symons Joe" <joesymons@me.com>

Greetings,

As a forty-plus-year Resident of Olga, and lifetime Environmentalist, I write in support of Docket Request 21-0003

I urge you to take positive, forward-looking Action NOW, before we carelessly lose what until now has made our higher living-costs worthwhile. Few among us have any idea that our Islands have a build-out possibility of 134,000 persons, (Others say 175,000) without counting visitors. *That is a nightmare!* Any TALK about environmental protection *under these circumstances is sheer window-dressing!*

Inevitably anything remotely close to those figures would completely destroy what *so far* still distinguishes our lives from those on the Mainland. Please spell out clearly what the Consequences of Uncontrolled Growth will be. We do know that there is a (High-priced) building-surge going on, so just ignoring what will follow is simply not acceptable.

There are no affordable rentals available to house indispensable workers, while the over sixty-five population, along with its needs for scarce caretakers continues to increase, *and Tourism Interests keep right on advertising.* So: will we fly in mainland workers daily, driving up living costs to *unaffordable* for average longtime Citizens, or *what are the alternatives you propose???*

How will the increased need for Water be satisfied when clearly Climate-change is pointing to less resource-availability? And will we dump the ever increasing effluent into the waters surrounding us, as Victoria did for so many decades? If not, where would we build Treatment Facilities, and how would they be paid for as building- and material costs are spiraling upwards at a rapid rate?

How would our narrow roads carry the added traffic? Widening them further will be impossible in most sections, and even where it could be, it would necessitate buying up adjacent private property. And what about the added air pollution overall, which will be even more concentrated in some places? Who's property will take the brunt of more street noise and headlight pollution?

Where will the needed Ferries for a much larger population come from? And why would any sane citizen want to put up with our much higher prices and wasted time if life in the islands becomes plagued with all the Mainland woes most of us wanted to get away from? Will we join the long list of "Once Beautiful Places", or will we act while there is a window of Opportunity?

We have long been able to see night skies, but unless *Down-lighting-Only* will be mandated, and overall light-pollution cut dramatically, we soon will lose this pleasure as well.

Please approve docket 21-0003 to start a culture of transparency. Please don't let people get caught unaware.

Respectfully yours,

Irmgard Conley
36 Olga Park Lane
Olga, WA 98279
irmorcas@rockisland.com

KeepSanJuansWild.org

Sophia Cassam

From: Heather Mitchell <heatherkmitchell@gmail.com>
Sent: Thursday, May 27, 2021 1:15 PM
To: Sophia Cassam
Subject: Proposed Tree preservation code

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 Sophia-

I am writing to say that I support the proposed new code to preserve trees and canopy cover in the islands. Recently, on Lopez, there have been many many trees cut down and I believe it is time for us to be proactive about preserving the ecological function and benefits of trees in our community.

Thank you, Heather Mitchell Lopez Island

--

Heather K. Mitchell
Inverness Research (<http://www.inverness-research.org/>)
Twinflower Gardening (Twinflowergardening@gmail.com)
Yellow Bird Children's Circle
phone: (360) 622-2263

Sophia Cassam

From: steven wrubleski <wrubysparrow@gmail.com>
Sent: Sunday, May 30, 2021 10:24 PM
To: Sophia Cassam
Subject: tree protection code

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,

I read the tree protection code proposal. I appreciate the intent for sure. I am uncomfortable with the order of events regarding tree canopy protection. By this I mean, I would like to see a change in the county tax code first. Right now I am essentially subsidizing certain folks who have their land in forest management tax break (a huge tax break) and they are being encouraged to log their land, at the expense of the rest of the greater community. There were two logging operations this year in my neighborhood under this tax break, virtual clearcuts, of perhaps 20 to 30 acres each. How about we give tax breaks for folks who place parcels in conservation with no development rights? That is something I would happily subsidize. The logging programs create a vast loss of canopy, in a brief moment.

I imagine with the continued rate of population influx, we will need the tree code too eventually, but it adds another burden of regulations and expenses to everyone hoping to build, and to the county to apply the new rules.

Thank you ,
sincerely,

Steven Wrubleski
Ecotone Plants LLC
www.ecotoneplants.com
360-317-3111

Sophia Cassam

From: Kathryn Tucker <kathryn@emergelawgroup.com>
Sent: Monday, May 31, 2021 2:37 PM
To: Sophia Cassam
Cc: Scott Tucker; Montana Tucker
Subject: Support for County tree protection code
Attachments: Tree Code Proposal_2021.pdf

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

Dear San Juan Planning Commission and County Council and Sophia Cassam:

I have been an owner of 10 acres on Lopez for 30 years, at 3890 Lopez Sound Road. I fully support the proposed new section of county code to preserve trees and canopy cover in the islands.

I support this code which has three main mechanisms:

- 1) prevent removal of trees over a certain size, unless they are dangerous or meet other exemptions;
- 2) include trees in building permit applications, along with a tree protection plan for any retained trees; and
- 3) replace removed trees with new plantings to maintain a similar number of trees on individual properties.

I support the goal of preserving the ecological function, beauty and multitudinous benefits of preserving trees in our community.

Thanks for considering these comments.
Best,

Kathryn Tucker
3890 Lopez Sound Road
206.595.0097
kathryn@emergelawgroup.com

Proposed San Juan County Tree Code Docket Process 2021

February 26, 2021

Definitions

Best management practices (BMPs) - adherence to tree health care standards detailed in the current edition of the American National Standards Institute (ANSI) A300 and the current edition of the International Society of Arboriculture (ISA) BMPs including the special companion publication to the ANSI A300, Best Management Practices for Utility Pruning of Trees.

Canopy - the collective branches and foliage of a group of trees' crowns.

Canopy Cover - the area covered by the canopy of trees on the parcel.

Certified Arborist - a tree professional certified by the American Society of Consulting Arborists and/or the International Society of Arboriculture (ISA).

County – San Juan County, Washington.

Critical root zone - the International Society of Arboriculture (ISA) definition of CRZ as an area equal to one-foot radius from the base of the tree's trunk for each one inch of the tree's diameter at 4.5 feet above grade (referred to as diameter at breast height). Example: A 24-inch diameter tree would have a critical root zone radius (CRZ) of 24 feet. The total protection zone, including trunk, would be 50 feet in diameter.

Crown - that portion of the tree's stem that is occupied by branches with live foliage.

Development activity - a subdivision or short subdivision; construction or demolition of single-family, multifamily, or commercial buildings; any activity that requires federal, state, or local approval for the use or modification of land or its resource, that includes, but is not limited to, additions, enlargements, or alterations to existing structures, construction of retaining walls, decks, driveways, and garages, clearing and grading activity, and activity in the right-of-way that is not exempt from permit requirements.

Development impact area – the area on a site affected by proposed site improvements, including buildings, structures, parking and loading areas, landscaping, and paved or graveled areas. The development impact area also refers to areas devoted to storage of materials, vehicle or machine access, or construction activities such as grading, filling, trenching, changing soil composition, or other excavation necessary to install utilities or access.

dbh - an acronym for tree diameter at breast height which means the diameter of existing trees measured 4.5 feet above the ground line on the high side of the tree. For the purposes of code enforcement, if a tree has been removed and only the stump remains, the size of the tree shall be the diameter of the top of the stump.

Drip line - delineated by a vertical line extended from the outermost branch tips to the ground, or six-foot radius from the stem of the tree, whichever is greater.

Exceptional tree - a viable tree, which because of its unique combination of size and species, age, location, and health is worthy of long-term retention, as determined by the Planning Director. To be considered exceptional, a tree must meet the following criteria:

1. The tree must be included in and have a diameter at breast height (DBH) that is equal to or greater than the threshold diameters listed in Table 1;

2. The tree shall not be considered to pose an unreasonable risk of failure; and
3. If retained, the tree can be expected to remain viable with reasonable and prudent management and care.

Table 1

Tree Species	Scientific Name	DBH (inches)
Bigleaf maple	<i>Acer macrophyllum</i>	34
Douglas fir	<i>Pseudotsuga menziesii</i>	32
Garry oak	<i>Quercus garryana</i>	16
Grand fir	<i>Abies grandis</i>	32
Madrona	<i>Arbutus menziesii</i>	12
Red alder	<i>Alnus rubra</i>	34
Shorepine	<i>Pinus contorta</i>	28
Western hemlock	<i>Tsuga heterophylla</i>	28
Western red cedar	<i>Thuja plicata</i>	32

Grove – a group of eight or more trees that are at least 12 inches in diameter, or Pacific madrone trees that are at least 6 inches in diameter, and that form a continuous canopy. A grove is spatially separated from a forest stand and differentiated by its isolation of a group of fewer than 20 trees. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area.

Hazardous tree – a tree with a high or extreme risk rating as defined by the International Society of Arboriculture and assessed by a certified arborist.

Inner critical root zone - an area encircling the base of a tree equal to one-half the diameter of the critical root zone. Disturbance of this area beneath a tree would cause significant impact to the tree, potentially life threatening, and would require maximum post-care treatment to retain the tree.

Limits of disturbance - the boundary between the area of minimum protection around a tree and the allowable site disturbance as determined by a certified arborist.

Risk - in the context of trees is the cross-referencing of the likelihood of a tree failure occurring and the severity of the associated consequences to a target.

Significant tree - a tree eight inches or greater in diameter (dbh) or a required replacement tree of any size. Unless growing in an environmental critical area or critical area buffer, red alder, Scouler’s willow, and black cottonwood are only considered significant with a dbh larger than 12 inches. Dead trees shall not be considered significant trees. Invasive tree species should not be considered as significant.

Snag – a standing dead tree with value for wildlife habitat, nutrient cycling, and other ecological functions.

Target - people, property, or activities that could be injured, damaged, or disrupted by a tree.

Tree removal - the direct or indirect removal of a tree(s) through actions including, but not limited to: clearing, cutting, girdling, topping, or causing irreversible damage to roots or stems; destroying the structural integrity of trees through improper pruning; poisoning; filling, excavating, grading, or trenching within the dripline that results in the loss of more than 20 percent of the tree’s root system; or the removal of greater than 50 percent of the live crown of the significant tree through any of these processes.

Topping - the cutting back of limbs to stubs within the tree's crown or the cutting back of limbs or branches to lateral branches that are less than one-third of the diameter of the limb or branch that is cut.

Viable tree - a significant tree that a certified arborist has determined to be in good health with a low likelihood of failure, is a species that is suitable for its location, and is therefore worthy of long-term retention.

[EXAMPLES:

City of Kirkland – 95.10

City of Lake Forest Park – 16.14.030

City of Seattle – 25.11.020

Town of Hunts Point – 8.25.20]

18.60.270 Tree Retention and Protection

A. Purpose and Intent. San Juan County recognizes trees and other vegetation as essential elements of the physical and social environment. The overall objective of this tree code is to conserve trees and wooded areas in San Juan County in order to protect the established character of the community. The goals outlined in this section will be achieved in part through regulatory enforcement.

The purposes of these regulations are to:

1. Promote the health, safety, and general welfare of the people of San Juan County in a manner consistent with the purposes addressed in the county's comprehensive plan;
2. Preserve the county's physical and aesthetic character by preventing indiscriminate removal or destruction of trees on developed and undeveloped property;
3. Retain trees and ground cover to reduce air pollution, sequester carbon, provide wildlife habitat and other ecosystem services;
4. Promote and ensure careful construction methods, techniques, and procedures that will minimize impact to significant trees, on and off site, and to require site restoration, replanting and successful vegetation establishment following construction;
5. Preserve the following dominant characteristics historically present on county lands:
 - a. The presence of trees of substantial size (24-inch dbh or greater);
 - b. Forest and tree components of view corridors and shoreline character;
6. Retain the presence of natural areas with tree species native to forested lands of the county;
7. Minimize surface water runoff and diversion, to retain undisturbed native soil for absorbing and filtering runoff, to promote ground water recharge, to prevent soil erosion, siltation and water pollution in the marine waters of San Juan County;
8. Preserve the existing and unique advantages of the rural and village environment for quiet, secluded, and peaceful residential living;

9. Implement the goals and objectives of the Washington State Environmental Policy Act and the State Shoreline Management Act;

[EXAMPLES:

City of Kirkland – 95.10

City of Lake Forest Park – 16.14.010; 16.14.020

Town of Hunt’s Point – 8.25.040]

B. Permit Applicability.

1. Restrictions on tree removal. A permit is required to remove the following trees:
 - a. An exceptional tree,
 - b. More than 12 significant trees per acre in a calendar year,
 - c. A significant tree in a grove.
 - d. Trees that were included in a development plan as a replacement tree within the last 5 years.
2. Exemptions. The following activities are exempt from the provisions of this section:
 - a. Normal and routine pruning and maintenance within the arboriculture industry Best Management Practices that does not include topping;
 - b. Abatement of hazardous tree or tree parts as approved by the planning director and evidenced by a Hazard Tree Evaluation Form completed by a qualified professional;
 - c. Emergency activities necessary to remedy an immediate threat to public health, safety, or welfare;
 - d. Tree removal undertaken as part of tree and vegetation management and revegetation of public parkland and open spaces by responsible public agencies or departments;
 - e. Tree removals on private property under a tree and vegetation management plan that has been approved by a public agency or department for the purposes of enhancing ecological function, such as restoration to historic canopy cover;
 - f. Tree removal approved as part of a tree and vegetation plan in either forestry and harvest operations on Designated Forest Land, within a Critical Area (SJCC 18.35), or within the protected shoreline zone (SJCC 18.50);
 - g. The removal of trees or other vegetation included on the Washington State A, B, or C or San Juan County noxious weeds lists.

C. General Provisions

1. Relationship to other county codes and ordinances. In addition to the standards in this section, requirements described in other sections, such as critical areas (SJCC 18.35), Designated Forest Lands, or within the protected shoreline (SJCC 18.50) also apply to tree retention and vegetation management.

2. Pruning or cutting trees on public property by a private property owner is prohibited unless permission is explicitly granted in writing by the public authority.
3. Private utility companies may be issued a tree removal permit for public safety issues, mitigating risk from hazard trees, and construction. All utility work on trees covered by an issued permit shall be performed under the supervision of a qualified professional at the sole expense of the private utility company.

D. Tree Removal Unrelated to Development Activity

1. Significant Trees. This section applies to parcels zoned Rural Residential (RR), Rural General Use (RGU), Natural (N), and Conservancy (C). The removal of more than 12 trees per acre in a calendar year requires a tree removal permit. A significant tree removed under a permit must be replaced with a tree or trees whose canopy will be similar or greater than the removed tree(s) at the time of maturity. A planting plan for replacement trees shall follow the standards provided in 18.60.270(G).
 - a. Replacement trees are not required for the removal of dead or hazardous trees that are documented by a certified arborist.
 - b. Removal trees shall be converted to a snag for wildlife habitat when possible.
2. Exceptional Trees. Exceptional trees, defined in Table 1, cannot be removed nor topped unless they meet one or more of the following criteria:
 - a. They are dead or hazardous. Documentation must be provided by a qualified professional along with a county Hazard Tree Evaluation Form.
 - b. Their removal will enhance ecosystem function and/or promote slope stability.
3. Groves. No more than one third of significant trees in a grove can be removed. Removing a tree or trees from a grove will not be approved if doing so increases the failure chances of another tree in the grove, as documented by a certified arborist.

E. Tree Removal Associated with Development.

1. Retention Requirement. Development proposals for any clearing, grading, or new construction in parcels zoned Rural Residential (RR), Rural General Use (RGU), Natural (N), and Conservancy (C) shall retain trees as follows:
 - a. A minimum of 45 tree credits per acre shall be retained. Properties unable to retain this minimum tree credit may meet the requirement by planting new trees that meet the standards of 18.60.270(G). Tree credits are assigned to a viable retained tree based on its dbh as follows:

DBH (inches)	Credits
< 8	0
8 – 16	1
> 16 – 24	2
> 24 – 36	3
> 36	4

- b. In addition to the retention requirements, the development proposal shall be designed to minimize the removal of large trees and maximize on-site tree retention as follows:
 - i. Site improvements for a development activity shall be designed and located to minimize tree removal during and following construction.
 - ii. The following trees shall be prioritized for retention:
 - 1. Exceptional trees;
 - 2. Trees with a diameter of more than 24 inches dbh;
 - 3. Trees that are part of a grove;
 - 4. Native conifer tree species; and
 - 5. Landmark or historical trees as determined by the Planning Director.
 - c. Trees shall not be removed outside the development impact area.
 - d. Tree removal for the site landscaping purposes shall be limited to those trees that will pose a future safety hazard to existing or proposed site improvements.
 - e. Provide replacement trees pursuant to SJCC 18.60.270(G).
2. Retention of Exceptional Trees. Development proposals applicable to this section shall retain exceptional trees. Removal of exceptional trees shall be limited to the following circumstances:
- a. Its retention will likely result in an unavoidable hazardous situation;
 - b. Retention of an exceptional tree(s) will limit the allowable gross floor area available under Title 15 by more than 15 percent. Consider Exceptional Tree protection opportunities in the design and location of building footprints, parking areas and other structures.

F. Tree Removal Permit and Protection Plan.

- 1. Tree removal requests that are unrelated to a development activity that fit the criteria of SJCC 18.60.270(D), shall be submitted in a permit application that provides the following information:
 - a. A map showing the location of each removal tree and the total acreage of the site with a calculation of proposed tree removals per acre.
 - b. Individual tree evaluation, including dbh, dripline or critical root zone, viability, and structure.
 - c. For the removal of a hazardous tree, submit a San Juan County Hazard Tree Evaluation Form completed and signed by a certified arborist.
 - d. A tree planting and establishment plan that meets the standards of SJCC 18.60.270(G).
- 2. For tree removals associated with development, a tree removal permit, tree protection plan, and tree planting plan (18.60.270(G)) shall be submitted with a general building permit for any clearing, grading, or new construction in parcels zoned Rural Residential (RR), Rural General Use (RGU), Natural (N), and Conservancy (C).

- a. A site plan with the surveyed location of all significant and exceptional trees whose critical root zone is within five feet of the development area, as well as the existing and proposed developments, shall be submitted with the permit application.
 - b. The planning director shall require a tree protection report by a certified arborist that provides the following information on trees in the development impact area:
 - i. Details on each trees' species, condition, dbh, dripline, critical root zone, viability, and assessment of risk with a numbering system that corresponds to the site plan;
 - ii. Evaluation of the anticipated effects of proposed construction on the viability of the tree(s) and a recommendation for either removal or retention;
 - iii. A hazardous tree assessment, if applicable;
 - v. Plans for implementation of any necessary tree protection or replacement measures.
 - c. The number of tree credits per acre to be retained.
 - d. Disturbance is not allowed within the inner critical root zone of an exceptional tree planned for retention unless the planning official approves a tree protection plan prepared by a qualified professional that prevents significant loss of tree stability or health at closer limits of disturbance.
 - e. Significant trees on neighboring properties whose dripline overhangs the development area must be included in the site plan and tree protection plan if the tree is to be retained.
3. Tree protection measures implemented during development include but are not limited to:
- a. Erect and maintain a six-foot high chain link fence at the limit of disturbance around protected trees.
 - b. Install signs at 15 feet intervals along the entirety of the protective tree fence. Signs shall state at a minimum "Tree and Soil Protection Area, Entrance Prohibited" and provide the county phone number for code enforcement to report violations.
 - c. Prohibit excavation or compaction of soil or other potentially damaging activities within the protective fencing, unless approved by a qualified professional.
 - d. If equipment is authorized to operate within the protected zone, the soil and critical root zone of a tree must be covered with mulch to a depth of at least six (6) inches or with plywood, steel plates or similar material in order to protect roots and soil from damage caused by heavy equipment.
 - e. Minimize root damage by hand-cutting any roots over two inches in diameter that are exposed during construction.
 - f. Prune crowns of protected trees to prevent accidental damage to branches from machinery or building activity.
 - g. Maintenance of trees throughout construction period by watering and mulching.
 - h. Use alternatives to trenching if it increases the likelihood of survival and decreases the likelihood of failure of a retained tree.

[EXAMPLES

City of Kirkland - 95.34

City of Seattle – 25.11.050]

G. Tree Replacement

1. Trees that are cut pursuant to a tree permit shall be replaced as specified in subsections a and b of this section, or a fee in lieu shall be paid as specified in subsection c of this section.

- a. Removed trees shall be replaced at the following ratio of the diameter of the removed tree to the number of replacement trees:

DBH (inches)	Replacement trees
Less than 12	1
12 – 24	2
24 – 36	3
Greater than 36	5

- b. Replacement trees.

- i. Location. Preference for planting replacement trees on-site. The location of all tree plantings shall be included on the site plan submitted with the permit. Planting locations shall be selected to allow sufficient space for the tree to reach maturity without conflict, such as growing into overhead utility lines or large branches encroaching on neighboring properties.
- ii. Species. Native tree species removed shall be replaced by a minimum of 50 percent of the same species. Non-native tree species shall be replaced by a minimum of 50 percent native species appropriate for the site conditions. All replacement tree plantings must be a species on the San Juan County Approved Tree Species List. Invasive species defined by the San Juan Islands Conservation District or similar authority on plant material in the county shall not be planted. The planning director will not approve shrubs or dwarf tree cultivars for replacement trees.
- iii. Size. Conifer species shall be a minimum of 6 feet tall and broadleaf species a minimum caliper of 1.5 inches at the time of planting. All replacement trees shall meet the minimum standards for size and quality according to the current edition of the ANSI Z60.1 standard for nursery stock.
- iv. Adjustments. The planning director may reduce the number of replacement trees when other measures designed to mitigate the tree loss and associated canopy cover are considered to be effective and consistent with the purposes of this chapter.

- c. Fee in lieu. If a certified arborist determines there is insufficient area to replant on the site or within the adjacent public right-of-way, the planning director may authorize payment of a fee-in-lieu provided:

- i. There is insufficient area on the lot or adjacent right-of-way for proposed on-site tree replacement to meet the tree replacement requirements of this chapter; or
- ii. Tree replacement or management provided within public right-of-way or a public park in the vicinity will be of greater benefit to the community.

- iii. Fees provided in lieu of on-site tree replacement shall be determined based upon:
 - a. The expected tree replacement cost including labor, materials, and maintenance for each replacement tree; and
 - b. The most current Council of Tree and Landscaper Appraisers Guide for Plant Appraisal.
- d. Maintenance. All applicants or their successors in interest are required to maintain replacement trees until they are independently viable. Replacement trees that die prior to meeting the definition of a significant tree must be replaced by a tree that meets the criteria of this section.

H. Enforcement

1. Violations of this chapter may be addressed by the county administrator pursuant to the provisions set forth below.
 - a. Liability for violations of this chapter shall be the joint and several responsibility of the landowner and any person performing activity.
 - b. Removal of existing trees in violation of this chapter will require an appraisal of the tree value by a qualified arborist using the trunk formula method in the current edition of the Council of Tree and Landscape Appraisers' Guide for Plant Appraisal. The cost of the appraisal shall be paid by the person(s) who removed existing trees in violation of this chapter and are jointly and severally liable.
 - c. Tree replacement is required in accordance with SJCC 18.60.270(G) at the cost of the property owner and/or applicant.
 - d. In addition to tree replacement, the administrator shall require that the persons found in violation of this chapter or the conditions of a permit pay the appraised value of the trees, as established in subsection (1)(b) of this section, into the county tree account. A person may appeal the amount imposed under this section in accord with SJCC.
 - e. Stop Work Order. If a violation of this chapter or an approved tree permit occurs on property on which work is taking place pursuant to a San Juan County development or building permit, the building official may suspend some or all of the work as appropriate through issuance of a stop work order. The building official shall remove the stop work order when the county determines that the violation has been corrected or when the county has reached an agreement with the violator regarding rectification of the violation.
2. In order to assure compliance with the standards and requirements of this chapter, private foresters, arborists, loggers, and contractors involved in development activity within the land use zoning applicable to this chapter shall be required to sign and submit to the county, on a form approved by the county, a statement acknowledging the county's tree protection requirements.
3. Private contractors involved in land clearing operations who do not provide the above statement shall be prohibited from performing tree removal and land clearing services in San Juan County, and they shall be in violation of this chapter and may be prosecuted under this chapter, the county's civil penalties ordinance, or as otherwise provided by law.

Sophia Cassam

From: Rachel Brumer <erachelbrumer@gmail.com>
Sent: Tuesday, June 1, 2021 6:24 PM
To: Sophia Cassam
Subject: trees on the islands

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 Ms Cassam,

I am writing in support of the new county code to preserve trees and canopy cover on the islands. It is crucial to preserve the ecological benefits of trees in the entire San Juan Islands and I hope you will adopt the proposal for the new county code.

Thank you for your consideration,

Rachel Brumer,
resident of Lopez