STAFF REPORT

REPORT DATE: August 2, 2013
HEARING DATE: August 16, 2013

TO: Planning Commission
FROM: Julie Thompson, Planner III
RE: POPNSP-11-0011, Farm and Agricultural Conservation Land Current Use Application

APPLICANT: Orcas Sound, LLC
1880 Century Park East, Suite 1660
Los Angeles, CA 90067

AGENT: Konrad Liegel, Attorney-at-Law
1463 Republican Street, #190
Seattle, WA 98112-4517

SUBMITTED: October 3, 2011

COMP PLAN DESIGNATION: Rural farm forest

SEPA: This project is exempt from SEPA.

LOCATION: Tax parcel number 260113003 (Parcel A) & 260142003 (Parcel B)

PROPOSAL: Remove approximately 40 acres from Farm and Agricultural current use and reclassify 19.5 as Farm and Agricultural Conservation Land current use.

RECOMMENDATION: Approval

OPEN SPACE FINDINGS AND CONCLUSIONS:
1. Orcas Sound LLC made application to remove approximately 40 acres from the Farm and Ag current use program and reclassify 19.5 of those acres as Farm and Ag Conservation Land (FACL) current use program. This property is located at 89 lottos
Landing Road on Orcas Island. Some of the remaining acreage may eventually be proposed for some sort of forest management program.

2. The County Council adopted a Public Benefit Rating System for FACL in Ordinance 4-2011. To be eligible for public benefit points, the subject property must meet certain criteria. These criteria include:
   a. Properties must meet the definition of “farm and agricultural conservation land” as defined in RCW 84.34.020(8):
      (8) “Farm and agricultural conservation land” means either:
         (a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or
         (b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.
   b. Properties must be subdividable, that is, the area of each subject property must be equal to or greater than two times the maximum residential density of the underlying zoning district. This requirement does not apply to property designated as “Resource land” in the Comprehensive Plan.
      This property is in the Rural Farm Forest land use designation in a 5 acre density designation. Parcel A is 15.46 acres, divisible into 3 parcels. Parcel B is 15.3 acres, also divisible into 3 parcels.
   c. Applications must be accompanied by a statement of intent, which includes all interim measures that will be followed to protect and manage the land in a manner that allows resumption of commercial agricultural use. The statement shall provide the following information:
      The applicant submitted the required Farm Plan on October 3, 2011. Processing was held up to obtain approval of a boundary line modification to qualify the parcels for the program. Their information follows.
      a. The tax parcel number of the subject property.
         TPN 260113003 and TPN 260142003
      b. The size of the subject property.
         Parcel A is 15.46 acres, with 6.73 acres proposed for FACL. Parcel B is 15.31 acres with 12.82 acres proposed for FACL.
      c. The historical use of the property for farming.
         The property has been farmed for a number of years, but the current landowner no longer wants to meet the commercial criteria for Farm and Agricultural current use land.
      d. A nontechnical soils description and a listing as a prime or other important agricultural soil as assigned in the most recent San Juan County Soil Survey, published online by the Natural Resource Conservation Service.
         Bazel-Mitchell Bay complex and Mitchell Bay Gravelly sandy loam. All are considered prime farmland. There are other soils on the property that are not considered prime, but they are in the forested areas.
e. A map of the property showing improvements and areas to be maintained as farm land under this program.
   *Such a map is included with the application materials.*

f. A description of existing vegetation including the presence of noxious weeds.
   *The open areas proposed for FACL are currently composed of a mixture of pasture and hayfield grasses and forbs.*

g. A copy of the published soils map showing the boundaries of the subject property.
   *This map is attached with the application materials.*

h. A schedule of measures that are and will be used to accomplish the goals and purposes of this chapter, including a commitment to prevent the encroachment of noxious plant species onto the open space land; and the objectives of this section of the County code.
   *Orcas Sound intends to continue to take measures to protect and manage the land in a manner that would allow for resumption of commercial agricultural use of the land if so desired in the future. They will continue to maintain the existing fences and farm buildings, and do not plan to construct new structures outside the existing farm home site area. They will continue to mow and/or graze the existing pastures and hayfields to prevent encroachment of trees and shrubs and to keep them open and available for commercial agricultural use in the future. They also will continue to remove noxious plant species, such as Canada thistle and tansy ragwort, and prevent their encroachment onto the open space land.*

   *In a memo from the Coordinator of the Noxious Weed Control Program, she states that “the owners are well aware of the populations of Class B weeds and are actively controlling them.” She sees no need for a noxious weed management plan and no follow up is required as long as the property remains under the same ownership.*

i. The measures to be taken to maintain the agricultural character of the open space lands, such as maintenance of existing fences, farm buildings and periodic mowing of pastures and hayfields.
   *See “h” above.*

3. Public benefit rating points.
   a. Public benefit rating points for FACL shall be awarded based on soil classifications and individual parcel size.
   b. Properties that have soils identified as prime or important farmland in the Soil Survey of San Juan County shall be awarded points based on parcel size in accordance with the following table:
<table>
<thead>
<tr>
<th>Size of Property Subject to Open Space</th>
<th>Points Awarded</th>
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</thead>
<tbody>
<tr>
<td>5—19.99 acres</td>
<td>30 points</td>
</tr>
<tr>
<td>≥ 20 acres</td>
<td>35 points</td>
</tr>
</tbody>
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c. The property size shall be calculated based on the amount of land available for agriculture. Land developed with structures, except for agricultural structures, shall not be included in the calculation of parcel size. Up to 20% of the land can be devoted to incidental use compatible with Agriculture.

Both parcels have soils identified as prime for farmland. Parcel A is 15.46 acres, with 6.73 acres to be classified as Farm and Ag Conservation Land. Parcel B is 15.31 acres, with 12.82 acres to be classified as Farm and Ag Conservation Land. Each is eligible for 30 points.

4. Noxious weed report
Judy Jackson, Coordinator of the Noxious Weed Control Program conducted a weed inventory on the property and recommends that no weed plan is required and any follow-up is voluntary as long as the property remains in the same ownership.

VALUES FOR OPEN SPACE—CURRENT USE:
The assessor’s office will calculate the current use value of the property.

APPLICABLE REGULATIONS:
SJCC 16.50 Open Space Program
WAC 458-30 Open Space, Agricultural, Timber Land—Current Use—Conservation Futures
RCW 84.34 Open Space Taxation Rules

OPEN SPACE—CURRENT USE RECOMMENDATION: Recommend to the County Council that this Farm and Agricultural Conservation Land current use application be approved based on the above Findings and Conclusions and subject to the following conditions:

1. Each parcel is awarded a public benefit rating of 30 points.

2. The total acreage in this application is approximately 30 acres, with 19.5 reclassified as FACL, 6.73 acres for Parcel A and 12.82 acres for Parcel B.

3. Open space land transferred to a new owner will be removed from open space classification if the County Assessor does not, prior to sale or transfer, receive from the new owner a notice of continuance with the Open Space Taxation Agreement.

4. Withdrawal of any portion of the land covered under the open space agreement shall trigger reevaluation of the remaining portion by the Community Development and Planning Department to determine if the public benefit rating should be adjusted. A new application will be required if adjustment of the public benefit rating is necessary.

5. Ten years from the date the land is classified as Farm and Agricultural Conservation
Land current use, it will be removed from the program unless the land is covered by an appropriate conservation easement.

**ATTACHMENTS**

Application materials:
- Cover letter including farm plan information
- Map of proposed parcels
- Soils information
- Map of farm area to be maintained
- Department of Revenue Application for Classification
- Department of Revenue Change of Classification or Use form

Comment letter from SJC Noxious Weed Coordinator