STAFF REPORT

REPORT DATE: 2/25/2014  HEARING DATE: 3/21/2014

TO: Planning Commission
FROM: Lee McEnery, Planner III
RE: POPNSP-12-0003, Goodwin Farm and Agricultural Conservation Land Current Use Application

APPLICANT: Brett Goodwin, 1112 41st Ave. E, Seattle, WA 98112
SUBMITTED: 7/6/2012, complete 1/31/2014
COMP PLAN DESIGNATION: Agricultural Resource 40 acre density
SEPA: “Current use” programs are exempt from SEPA.

LOCATION: Tax parcel number 251344001, 1298 Bakerview Road, Lopez Island

PROPOSAL: Remove approximately 40.7 acres from Farm and Agricultural current use and reclassify it as Farm and Agricultural Conservation Land current use

RECOMMENDATION: Approval

OPEN SPACE FINDINGS AND CONCLUSIONS:
1. Brett Goodwin made application to remove approximately 40.7 acres from the Farm and Ag current use program and reclassify it in the Farm and Ag Conservation Land (FACL) current use program. This property is located at 1298 Bakerview Road, on Lopez Island. The residence and one acre of the property surrounding it is already taxed at fair market value.

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 Agricultural Resource land use district so this requirement does not apply.** In addition, 40 acres lying in the 40-acre density would not be further divisible.

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 7/6/2012. Their information follows.*

i. The tax parcel number of the subject property.
   TPN 251344001

ii. The size of the subject property.
   *It is 40.7 acres minus about 2 acres surrounding the homesite to net 38.7 acres proposed to enter the tax program. Exact acreage would be calculated by the Assessor upon entry to the program.*

iii. The historical use of the property for farming.
   *It is currently leased for grazing cattle and hayed.*

iv. 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.
   *The property is comprised of four soils, all rated as “prime farmland”:
   - Shalcar muck in the northwest corner
   - Coveland loam, 0 to 5% slopes, skirting the muck.
   - Mitchellbay-Sholander-Bazal complex, 0 to 8% slopes in the northeast corner, and
   - Mitchellbay gravelly sandy loam, in the southeast corner.*

v. 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.*

vi. A description of existing vegetation including the presence of noxious weeds.
   *Most of the property is open pasture with the exception of the wooded northeast corner. If comments from the noxious weed control board are received they will be presented at the hearing.*

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

vii. 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.
   *The applicant will continue to mow the pasture and/or graze animals, to maintain fences as well as to identify and control weeds.*
viii. 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 “vii” above.

3. Public benefit rating points.  
   a. Public benefit rating points for FACL shall be awarded based on soil classifications and 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>
</tr>
</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>
</table>

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. 
   
The subject property has soil classifications identified as prime farmland. One acre around the residence is already taxed at fair market value but the applicant shows that the unfarmed area around the house measures closer to 2 acres. The remainder is proposed to enter the Farm and Ag Conservation Land program. In this case, the wooded area is included as the soil is prime farmland, it has been and continue to be used for cattle shelter and is fenced in the same manner as the pasture.

4. Noxious weed report. No comments were received prior to this report.

5. There is a conservation easement on this property, AFN 95030207 recorded in 1995 preceded by AFN 00133717 recorded in 1985. The 1985 easement includes this property as part of the 393-acre Ellis Ranch holding, lists allowable and prohibited uses and discusses the number and placement of residences. At some point, this 40-acre parcel was segregated from the 393 acres. The 1995 easement revised the location for construction of and access to a single family residence and made a few other changes on this particular part of the property.

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

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. This parcel is awarded a public benefit rating of 35 points, with the exception of the approximately two-acre area around the residence that will continue to be taxed at fair market value for a net acreage of about 38.7.

2. The total acreage in this application is approximately 40.7, but approximately two acres around the home will be removed for the residence, so the net acreage will be about 38.7 acres.

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 recommended.

5. SJCC 16.50.265A requires that farm and agricultural conservation land either be returned to active farming under RCW 84.34.020(2) within 10 years or “be permanently protected as an open space resource by a conservation easement prohibiting development inconsistent with agricultural uses.” This property is in the 40 acre density so no further residences (aside from a guest house) are allowed, under county code. This land is covered by a conservation easement aimed at preserving the agricultural and forest uses, while also allowing residential use. There is no limit in county code on the number or type of agricultural buildings that could be built. Compliance with this section allows the property to remain in the Farm and Ag Conservation Land program longer than 10 years and without a set termination date.

ATTACHMENTS
1. Application
2. Narrative
3. Aerial photo with parcel boundaries
4. Soil map and written information on the soils
5. Site plan showing fencing
6. 1995 conservation easement revision
7. 1985 conservation easement