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

TO: Planning Commission
FROM: Lee McEnery, Planner III
RE: POPNSP-13-0005, Ellis Farm and Agricultural Conservation Land
Current Use Application

APPLICANT: Fred and Barbara Ellis, PO Box 730, Friday Harbor, WA 98250
SUBMITTED: 10/31/2013
COMP PLAN DESIGNATION: Agricultural Resource 40 acre density
SEPA: “Current Use” programs are exempt from SEPA.

LOCATION: Tax parcel number 252442001, 777 Lopez Sound 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. Fred and Barbara Ellis 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 777 Lopez Sound 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 SJCC Chapter 16.50. To be eligible for public benefit points, the subject property must meet certain criteria listed in SJCC Chapter 16.50.265B. These criteria include:
   B.1. 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

POPNSP-13-0005
Page 1 of 4
(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. This property is currently in the Current Use Farm and Agriculture program but no longer meets the criteria. The owners plans for continuing the agricultural use does not conform to the above program. The “potential for returning to commercial agriculture” is also thought to be high when usable fencing exists and is maintained and if hay pastures are mowed regardless of hay production. If both fence maintenance and mowing occur regularly, agricultural operations could return immediately.

B.2 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.

B.3 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 30, 2013. Their information follows.

i. The tax parcel number of the subject property.
   TPN 252442001.

ii. The size of the subject property.
   It is 40.7 acres minus 1 acre to be excluded for the homesite, net 39.7 acres.

iii. The historical use of the property for farming.
   The applicants' family has owned the property since the 1960s. It has been used in recent history for grazing cattle and sheep and growing hay. A ginseng crop was grown for 5 years. It is currently leased for grazing sheep. Permanent fencing surrounds the property boundary with two small gaps on the south boundary. Electric fencing is strung there when animals are present.

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.
   About two thirds of the property is comprised of Coveland loam, 0 to 5% slopes. Bazal-Mitchellbay complex, 0 to 5% slopes, and Mitchellbay gravelly sandy loam, 0-5% slopes comprise the remaining one third of the property. All these soils are considered “prime farmland” soils.

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.
   The central part of the property is open pasture. The southwest corner and the easterly edge are wooded, to varying degrees. The noxious weed control board wrote that the applicant should watch for certain weeds (see letter) but that noxious weeds were not an issue on this property.

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 "h" above.

3. Public benefit rating points are granted in accordance with SJCC 16.50.265C.
   C.1 Public benefit rating points for FACL shall be awarded based on soil classifications and parcel size. This parcel is 40 acres and meets all the requirements so 35 points will be recommended.
   C.2 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.3 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. The remainder is in the current use program and is proposed to enter the Farm and Ag Conservation Land program. In this case, the wooded areas are included as they are prime farmland, have been and continue to be used for sheep and cattle shelter and are fenced in the same manner as the pasture.

4. Noxious weed report. Judy Jackson conducted a weed inventory of the property for the Noxious Weed Control Program. She found no problems and says no action is required.

5. There is a conservation easement on this property, AFN92182229 recorded in 1992, preceded by AFN 00133717 recorded in 1985. The 1985 easement includes this property as part of a 393-acre 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 1992 easement simply revised the location for construction of single family residences to allow one on this particular part of the property, with the remainder of the easement terms unchanged.

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 one-acre area around the residence that will continue to be taxed at fair market value.

2. The total acreage in this application is approximately 40.7, but one acre is removed for the residence, so the net acreage will be about 39.7 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 16.50.265.A 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 without a set termination date.

ATTACHMENTS
1. Application
2. Vicinity map
3. Aerial photo with parcel boundaries
4. Site plan on aerial
5. Soil map and written information on the soils
6. Narrative
7. Site plan showing fencing
8. Comment letter from Noxious Weed Control Program
9. 1985 conservation easement
10. 1992 easement revision
**Application for Classification or Reclassification**  
**Open Space Land**  
**Chapter 84.34 RCW**

**File With The County Legislative Authority**

<table>
<thead>
<tr>
<th>Name of Owner(s):</th>
<th>Frederick and Barbara Ellis</th>
<th>Phone No:</th>
<th>(360)378.3742</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email Address:</td>
<td><a href="mailto:fredellis2@gmail.com">fredellis2@gmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>P.O. Box 730, Friday Harbor, WA 98250</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Parcel Number(s):** 252442001

**Legal Description:** NW 1/4 of SE 1/4 of Section 24, Township 35N, Range 2 WWM

**Total Acres in Application:** 40.72 less 1 acre for homsite

**Indicate what category of open space this land will qualify for:**

- [ ] Conserve or enhance natural, cultural, or scenic resources
- [ ] Protect streams, stream corridors, wetlands, natural shorelines, or aquifers
- [ ] Protect soil resources, unique or critical wildlife, or native plant habitat
- [ ] Promote conservation principles by example or by offering educational opportunities
- [ ] Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces
- [ ] Enhance recreation opportunities
- [ ] Preserve historic or archaeological sites
- [ ] Preserve visual quality along highway, road, street corridors, or scenic vistas
- [ ] Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority
- [x] Farm and agricultural conservation land previously classified under RCW 84.34.020(2), that no longer meets the criteria
- [ ] Farm and agricultural conservation land that is "traditional farmland" not classified under Chapter 84.33 or Chapter 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture
1. Describe the present use of the land.
   The land is presently used for farming purposes, hay, cattle and sheep grazing, animal shelter in wooded areas.

2. Is the land subject to a lease or agreement which permits any other use than its present use? 
   □ Yes □ No
   If yes, attach a copy of the lease agreement.

3. Describe the present improvements (residence, buildings, etc.) located on the land.
   Present improvements include a pond, two wells, a residence with septic tank and drain field, three small out buildings less than 200 square feet each for storage and animal shelter.

4. Is the land subject to any easements? 
   □ Yes □ No
   If yes, describe the type of easement, the easement restrictions, and the length of the easement.
   Easement in favor of local utility company, Opalco- perpetual.
   Conservation easement in favor of San Jun Preservation Trust- preserves use of the property as farm land- perpetual.

5. If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.
   The land comprises areas of prime farmland soils and has historically been used for farming. The land is presently used for farming and is expected to be used for farming indefinitely.

NOTICE:
   The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.

As owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070)

Print the name of each owner:  
Frederick E. Ellis  
Barbara Ross Ellis

Signature of each owner:  

The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is made.
Statement of Additional Tax, Interest, and Penalty Due Upon Removal of Classification

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:

   (a) The difference between the property tax paid as "Open Space Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus

   (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes; plus

   (c) A penalty of 20% will be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal as described in RCW 84.34.070(1).

2. The additional tax, interest, and penalty specified in (1) shall not be imposed if removal resulted solely from:

   (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.

   (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.

   (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.

   (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.

   (e) Transfer of land to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020.

   (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).

   (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(f) (farm home site).

   (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.

   (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.

   (j) The creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040.

   (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.

   (l) The discovery that the land was classified in error through no fault of the owner.
FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received: ________________________ By: ________________________

Amount of processing fee collected: $

- Is the land subject to a comprehensive land use plan adopted by a city or county? ☐ Yes ☐ No
  
  If yes, application should be processed in the same manner in which an amendment to the comprehensive land use plan is processed.
  
  If no, application must be acted upon after a public hearing and notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- If the land is not subject to a comprehensive land use plan, is the land located within an incorporated part of the county? ☐ Yes ☐ No
  
  If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.
  
  If no, application must be acted upon by three members of the county legislative authority.

☐ Application approved ☐ In whole ☐ In part

☐ Application denied ☐ Date owner notified of denial (Form 64 0103): ________________________

If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Signed OSTA received by Legislative Authority on: ________________________

Copy of signed OSTA forwarded to Assessor on: ________________________

To ask about the availability of this publication in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users, please call (360) 705-6718. For tax assistance, call (360) 534-1400.
## Yields of Non-Irrigated Crops (Component): Grass-legume hay (Tons)

<table>
<thead>
<tr>
<th>Map unit symbol</th>
<th>Map unit name</th>
<th>Rating</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1001</td>
<td>Coveland loam, 0 to 5 percent slopes</td>
<td>2.95</td>
<td>27.8</td>
<td>68.2%</td>
</tr>
<tr>
<td>1013</td>
<td>Bazal-Mitchellbay complex, 0 to 5 percent slopes</td>
<td>3.00</td>
<td>8.7</td>
<td>21.3%</td>
</tr>
<tr>
<td>2004</td>
<td>Mitchellbay gravelly sandy loam, 0 to 5 percent slopes</td>
<td>2.55</td>
<td>4.3</td>
<td>10.6%</td>
</tr>
<tr>
<td>4007</td>
<td>Roche-Mitchellbay complex, 3 to 15 percent slopes</td>
<td>2.10</td>
<td>0.0</td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td></td>
<td><strong>40.7</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
Description

These are the estimated average yields per acre that can be expected of selected nonirrigated crops under a high level of management. In any given year, yields may be higher or lower than those indicated because of variations in rainfall and other climatic factors.

In the database, some states maintain crop yield data by individual map unit component and others maintain the data at the map unit level. Attributes are included in this application for both, although only one or the other is likely to contain data for any given geographic area. This attribute uses data maintained at the map unit component level.

The yields are actually recorded as three separate values in the database. A low value and a high value indicate the range for the soil component. A "representative" value indicates the expected value for the component. For these yields, only the representative value is used.

The yields are based mainly on the experience and records of farmers, conservationists, and extension agents. Available yield data from nearby areas and results of field trials and demonstrations also are considered.

The management needed to obtain the indicated yields of the various crops depends on the kind of soil and the crop. Management can include drainage, erosion control, and protection from flooding; the proper planting and seeding rates; suitable high-yielding crop varieties; appropriate and timely tillage; control of weeds, plant diseases, and harmful insects; favorable soil reaction and optimum levels of nitrogen, phosphorus, potassium, and trace elements for each crop; effective use of crop residue, barnyard manure, and green manure crops; and harvesting that ensures the smallest possible loss.

The estimated yields reflect the productive capacity of each soil for the selected crop. Yields are likely to increase as new production technology is developed. The productivity of a given soil compared with that of other soils, however, is not likely to change.

Rating Options

Crop: Grass-legume hay
Yield Units: Tons
Aggregation Method: Weighted Average
Component Percent Cutoff: None Specified
Tie-break Rule: Higher
Interpret Nulls as Zero: Yes
# Map Unit Legend

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1001</td>
<td>Cleveland loam, 0 to 5 percent slopes</td>
<td>27.8</td>
<td>68.2%</td>
</tr>
<tr>
<td>1013</td>
<td>Bazal-Mitchellbay complex, 0 to 5 percent slopes</td>
<td>8.7</td>
<td>21.3%</td>
</tr>
<tr>
<td>2004</td>
<td>Mitchellbay gravelly sandy loam, 0 to 5 percent slopes</td>
<td>4.3</td>
<td>10.6%</td>
</tr>
<tr>
<td>4007</td>
<td>Roche-Mitchellbay complex, 3 to 15 percent slopes</td>
<td>0.0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Totals for Area of Interest</td>
<td></td>
<td>40.7</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
About 8,400 acres, or about 7 percent of the total acreage, of the survey area meets the requirements for farmland of statewide importance.

**Prime and Other Important Farmland**

(Only the soils considered prime or important farmland are listed. Urban or built-up areas of the soils listed are not considered prime or important farmland.)

<table>
<thead>
<tr>
<th>Map symbol</th>
<th>Map unit name</th>
<th>Farmland classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000</td>
<td>Sholander-Spiedien complex, 0 to 5 percent slopes----</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>1001</td>
<td>Coveland loam, 0 to 5 percent slopes----------------------------------------------------------</td>
<td>Prime farmland if drained</td>
</tr>
<tr>
<td>1002</td>
<td>Sholander gravelly loam, 2 to 8 percent slopes---------------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>1003</td>
<td>Coupeville loam, 0 to 5 percent slopes----------------------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>1004</td>
<td>Limepoint-Sholander complex, 0 to 8 percent slopes---------------------------------------------</td>
<td>Prime farmland if drained</td>
</tr>
<tr>
<td>1005</td>
<td>Shalcar muck, 0 to 2 percent slopes-------------------------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>1006</td>
<td>Samishoo muck, 0 to 2 percent slopes-----------------------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>1009</td>
<td>Coveland-Mitchellbay complex, 2 to 15 percent slopes-----</td>
<td>All areas are prime farmland</td>
</tr>
<tr>
<td>1010</td>
<td>Deadmanbay-Moran creek complex, 2 to 15 percent slopes------------------------------------------</td>
<td>All areas are prime farmland</td>
</tr>
<tr>
<td>1013</td>
<td>Basal-Mitchellbay complex, 0 to 5 percent slopes------------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>1016</td>
<td>Orcas peat, 0 to 2 percent slopes---------------------------------------------------------------------</td>
<td>Prime farmland if drained</td>
</tr>
<tr>
<td>1053</td>
<td>Dugualla muck, 0 to 2 percent slopes---------------------------------------------------------------------</td>
<td>Prime farmland if drained</td>
</tr>
<tr>
<td>2000</td>
<td>Whidbey gravelly loam, 3 to 15 percent slopes-----------------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>2001</td>
<td>Mitchellbay gravelly sandy loam, 5 to 15 percent slopes------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>2002</td>
<td>Sucit loamy sand, 2 to 10 percent slopes----------------------------------------------------------</td>
<td>All areas are prime farmland</td>
</tr>
<tr>
<td>2004</td>
<td>Mitchellbay gravelly sandy loam, 0 to 5 percent slopes------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>2007</td>
<td>Alderwood-Everett complex, warm, 5 to 15 percent slopes------------------------------------------</td>
<td>All areas are prime farmland</td>
</tr>
<tr>
<td>2008</td>
<td>Mitchellbay-Sholander-Basal complex, 0 to 8 percent slopes---------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>2009</td>
<td>Limepoint-Alderwood, warm-Sholander complex, 2 to 12 percent slopes---------------------------</td>
<td>Prime farmland if irrigated and drained</td>
</tr>
<tr>
<td>2010</td>
<td>Whidbey-Hoypus complex, 2 to 15 percent slopes----------------------------------------------------</td>
<td>Prime farmland if irrigated and drained</td>
</tr>
<tr>
<td>2011</td>
<td>Roche-Killebrew complex, 2 to 10 percent slopes---------------------------------------------------</td>
<td>All areas are prime farmland</td>
</tr>
<tr>
<td>3000</td>
<td>Pilepoint loam, 2 to 8 percent slopes------------------------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>3001</td>
<td>Hoypus sandy loam, 3 to 25 percent slopes--------------------------------------------------------</td>
<td>Farmland of statewide importance</td>
</tr>
<tr>
<td>3002</td>
<td>Keystone sandy loam, 5 to 15 percent slopes-------------------------------------------------------</td>
<td>Farmland of statewide importance</td>
</tr>
<tr>
<td>3005</td>
<td>San Juan sandy loam, 2 to 8 percent slopes-------------------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>3007</td>
<td>San Juan sandy loam, 5 to 20 percent slopes-------------------------------------------------------</td>
<td>Farmland of statewide importance</td>
</tr>
<tr>
<td>3013</td>
<td>Everett sandy loam, warm, 3 to 20 percent slopes---------------------------------------------------</td>
<td>Farmland of statewide importance</td>
</tr>
<tr>
<td>3015</td>
<td>Indiana loamy sand, warm, 3 to 15 percent slopes--------------------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>3016</td>
<td>Sucia-Sholander complex, 5 to 20 percent slopes---------------------------------------------------</td>
<td>Farmland of statewide importance</td>
</tr>
<tr>
<td>4002</td>
<td>Lacooner gravelly sandy loam, warm, 5 to 15 percent slopes----------------------------------------</td>
<td>Prime farmland if irrigated</td>
</tr>
<tr>
<td>4003</td>
<td>Hoypus-Whidbey complex, 10 to 30 percent slopes---------------------------------------------------</td>
<td>Farmland of statewide importance</td>
</tr>
<tr>
<td>4006</td>
<td>Alderwood, warm-Hoypus complex, 5 to 20 percent slopes-------------------------------------------</td>
<td>Farmland of statewide importance</td>
</tr>
<tr>
<td>4007</td>
<td>Roche-Mitchellbay complex, 3 to 15 percent slopes-------------------------------------------------</td>
<td>All areas are prime farmland</td>
</tr>
<tr>
<td>5003</td>
<td>Doesbay-Moran creek complex, 5 to 25 percent slopes-----------------------------------------------</td>
<td>Farmland of statewide importance</td>
</tr>
</tbody>
</table>
Attachment "A"

Ellis Agricultural Conservation Application

Narrative and Statement of Intent

Parcel 252442001, an area of 40.72 acres, Legal Description:

The Northwest Quarter of the Southeast Quarter of Section 24, Township 35 North, Range 2 West Willamette Meridian in San Juan County, Washington. Except that portion conveyed to San Juan County for road purposes by Deed recorded at Volume 16 of Deeds, Page 107, records of San Juan County, Washington.

By the end of the 19th century, farming in San Juan County by European settlers had expanded to practically all areas of agricultural soil, including this parcel. It has been farmed ever since. To the best of our knowledge, crops have included oats, barley, alfalfa, ginseng, strawberries and grass hay. It has provided grazing and shelter for sheep, cattle and hogs.

Existing vegetation in pasture areas includes tall fescue, orchardgrass, timothy, and white clover. Riparian areas include snow berry, nootka rose, bracken fern, peppermint, blackberry, alder. Forest areas include Douglas fir, grand fir, shore pine, alder, hemlock and western red cedar.

No Class A weeds are known to exist on the property. The only class B weeds known to exist are blackberry and Canada thistle. The blackberry is contained in a limited area and harvested regularly. Canada thistle occurs in a few disturbed areas but in decreasing amounts due to control efforts.

The property has supported farming for more than a century. Crops and animals have been raised. In some years it has lain fallow. From the early sixties to 1993, when we purchased the property, it was part of the Ellis Ranch. Buffum Brothers farms has leased it for the last twenty plus years for the purpose of grazing and harvesting of hay. We have also leased it to Kathryn Thomas for sheep grazing. Between 1996 and 2001 we raised ginseng.

Measures that are and will be used as appropriate to continue to maintain the agricultural character of the property include seasonal mowing, harvesting of hay, grazing, tillage, planting and harvesting of crops, weed control including weed pulling, introduction of weed predators, targeted spraying, mowing of encroaching brushy vegetation, burning of weeds and encroaching vegetation, maintenance of fencing, maintenance of road and ditches, maintenance of usable buildings.

Weather, growth patterns, market conditions and current farm practices will determine which of these activities will occur in any given year. However, in general, each five year period will include all of them, with the possible exception of
tillage, as necessary, to realize farm objectives and meet the goals of the farm and agricultural conservation program.

Improvements are as shown on the accompanying soils map cover sheet. The house is on an acre that is assessed at fair value and does not qualify as farm and agriculture conservation land. The movable tool shed (300 feet north of the southwest corner) comprises an area of 195 square feet; the loafing shed (140 feet west of the midpoint of the east line) an area of 150 square feet.

The attached conservation easement ensures that the property will be used for purposes that are not inconsistent with agricultural uses.
Memorandum

To: Lee McEnery, Community Development and Planning Office
cc. Jason Ontjes, Frederick and Barbara Ellis
Fr: Judy Jackson, San Juan County Noxious Weed Control Program

January 10, 2014

Re: Ellis Property Weed Inventory, Parcel # 252442001

Lee:

At the request of your office, I contacted Mr. Ellis on January 10, 2014 to discuss his application and to schedule a weed survey for Parcel 252442001, located at 777 Lopez Sound Rd., Lopez Island, if appropriate. After speaking with the applicant by phone and finding him to be familiar with noxious weeds found growing in the county and on his property, I concluded conducting a site visit would be unnecessary.

Mr. Ellis stated in his application that he has two class C weeds growing on the property, Canada thistle (Cirsium arvense) and non-native blackberries. Although we highly recommend these species be contained, neither is selected for control in San Juan County.

We discussed his being on the lookout for meadow knapweed (Centaurea jacea x nigra), spread mostly by seeds in hay, vehicle tires, or mowing equipment, and that were his property to become infected with this species, he would be unable sell any hay from infected areas (WAC 16-752-610). We also discussed two toxic species, poison hemlock (Conium maculatum) and spurge laurel (Daphne laureola), found growing on Lopez Island and selected for control county-wide. Scotch broom (Cytisus scoparius), selected for control and widely distributed on Lopez, also was briefly discussed.

Judy

Judy Jackson
Field Coordinator
SJC Noxious Weed Control Program
P.O. Box 1634
62 Henry Rd #18
Eastsound, WA 98245
(360) 376-3499
1. The property, a part of a philanthropic corporation, is part of a nonprofit corporation, and the property of San Juan County and the State of Washington. The property is part of a nonprofit corporation. The property is part of a nonprofit corporation. The property is part of a nonprofit corporation.

2. The property, a part of a philanthropic corporation, is part of a nonprofit corporation. The property is part of a nonprofit corporation. The property is part of a nonprofit corporation.

3. The property, a part of a philanthropic corporation, is part of a nonprofit corporation. The property is part of a nonprofit corporation. The property is part of a nonprofit corporation.

4. The property, a part of a philanthropic corporation, is part of a nonprofit corporation. The property is part of a nonprofit corporation. The property is part of a nonprofit corporation.
AMENDMENT TO
GRANT DEED OF CONSERVATION EASEMENT

This Amendment to Grant Deed of Conservation Easement, by and between FREDERICK E. ELLIS and MARYLYN S. ELLIS, husband and wife (hereinafter "Grantor") and THE SAN JUAN PRESERVATION TRUST, a non-profit corporation of Washington (hereinafter "Grantee"), is made with reference to the following facts:

WHEREAS, the Grantor and Grantee have previously executed a Grant Deed of Conservation Easement, dated January 7, 1985, recorded January 15, 1985, in Volume 127 of Official Records, pages 348-360, under Auditor's File No. 00133717, records of San Juan County, Washington; and

WHEREAS, Grantor has requested that the Conservation Easement be amended to allow a change in the location for the siting of two single-family dwelling units permitted in the Conservation Easement consistent with the original intentions of the Grantor and noted in the original working papers written during the period of the drafting of the Conservation Easement which are on file in the offices of the Grantee; and

WHEREAS, the Board of Trustees of the Trust, on behalf of the Grantee, finds that the amendment will not result in the degradation of the conservation values that the Conservation Easement is designed to protect; and

WHEREAS, the amendment will clarify terms of the Conservation Easement and enhance the conservation value of wetland areas on south forty acres of the Protected Property; and

WHEREAS, for no consideration, the Grantee desires to allow the amendment of the Grant Deed of Conservation Easement to allow a change in the location of siting for up to two (2) dwelling units on the south 120 acres of the Protected property.

Init: ZEC M/LMP
NOW, THEREFORE, it is agreed between the Grantor and the Grantee that the Conservation Easement referred to herein is hereby amended to change the location of sitting for two single-family dwelling units on the south 120 acres of the Protected Property.

BE IT FURTHER RESOLVED, that the above-referenced Conservation Easement is amended as follows:

Add GRANTEE RIGHT 4.3 to read as follows: "In the event that and at which time that any portion of the Protected Property is conveyed to a third party after August 10, 1992, and in any subsequent conveyance, Grantor shall designate in writing a specific number of single-family dwelling units to be allowed on each portion of the Protected Property conveyed consistent with the terms of this Conservation Easement and a specific number of single-family dwelling units retained, if any, by Grantor consistent with the terms of this Conservation Easement, and shall notify Grantee thereof in writing within thirty (30) days of any such conveyance. The failure of Grantor to perform any act required by this paragraph shall not impair the validity of this Easement or limit its enforceability in any way."

Amend Permitted Use 5.7 to read as follows:
"Reservation of the right to the development and use of the existing dwelling unit and five additional single-family units on the Protected Property within the areas shown on "Exhibit B," except any said dwelling units on the south 120 acres of the Protected Property must be sited as shown on "Exhibit C(REVISED SITE PLAN FOR THE SOUTH 120 ACRES OF THE PROTECTED PROPERTY)". Provided, that all of such dwelling units shall be sited and constructed in a manner to preserve as much agricultural land, open space, trees and vegetation, and wetlands as practicable and to minimize adverse environmental impacts upon Protected Property, and Grantor agrees to notify Grantee in writing at least sixty (60) days prior to construction or placement of any dwelling unit on the Protected Property."

Amend the last sentence of Permitted Use 5.9 to read as follows: "Grantor intends that site "A" on "Exhibit B" shall have access from the existing driveway or Baker View Road; site "B" shall have access from Baker View Road; and site "C" shall have access from Lopez Sound Road or Baker View Road as shown on "Exhibit C(REVISED SITE PLAN FOR THE SOUTH 120 ACRES OF THE PROTECTED PROPERTY)", which is attached and made a part hereof by this reference."
Add Prohibited Use 6.6 to read as follows: "The construction or placement of any dwelling units in the "PROHIBITED AREA" as shown on "Exhibit C: REVISED SITE PLAN FOR THE SOUTH 120 ACRES OF THE PROTECTED PROPERTY."

Add "EXHIBIT C: REVISED SITE PLAN FOR THE SOUTH 120 ACRES OF THE PROTECTED PROPERTY" which is attached to this Amendment and made a part hereof by this reference.

DATED: Aug 2, 1992

FREDERICK E. ELLIS  MARIILYN S. ELLIS

STATE OF WASHINGTON

COUNTY OF SAN JUAN

On this 2nd day of September, 1992, before me personally appeared FREDERICK E. ELLIS and MARIILYN S. ELLIS, to me known to be the persons described in the foregoing instrument, and acknowledged to me that the signed the same voluntarily as their own act and deed, for the purposes therein mentioned.

Marilyn E. DeBaca
Notary Public in and for the State of Washington, residing at San Juan Island, Trust
My commission expires: 11-7-92

THE SAN JUAN PRESERVATION TRUST
By: Marilyn E. DeBaca
Its: [Signature]

page 3 init: [Signature]
EXHIBIT C: REVISED "E PLAN FOR THE SOUTH 120 AC." OF THE PROTECTED PROPERTY

Ellis Grant Deed of Conservation Easement

PROHIBITED AREA
No dwelling units shall be permitted

NORTH
SITE C (Portion of North 80 acres)
One dwelling unit is permitted

SOUTH
SITE C (Portion of South 40 acres)
One dwelling unit is permitted. Wetlands shall not be disturbed for a dwelling site.

NOT TO SCALE
STATE OF WASHINGTON,
County of San Juan

On this 4th day of September, A. D., 19__ before me personally appeared, Morris V. Dalton, to me known to be the manager of the corporation that executed the within and foregoing instrument, and acknowledged the same instrument to be the free and voluntary act and deed of said corporation for the uses and purposes thereupon mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of Washington, residing at Lopez, WA