STAFF REPORT

REPORT DATE: May 2, 2014  HEARING DATE: May 16, 2014

TO: Planning Commission

FROM: Julie Thompson, Planner III

RE: POPNSP-14-0001, Farm and Agricultural Conservation Land Current Use Application

APPLICANT: C. Diane Perine

SUBMITTED: April 1, 2014

COMP PLAN DESIGNATION: Agricultural Resource

SEPA: This project is exempt from SEPA.

LOCATION: Tax parcel number 240343004

PROPOSAL: Remove approximately 24.35 acres from Farm and Agricultural current use and reclassify as Farm and Agricultural Conservation Land current use

RECOMMENDATION: Approval

OPEN SPACE FINDINGS AND CONCLUSIONS:
1. C. Diane Perine made application to remove approximately 24.35 acres from the Farm and Ag current use program and reclassify them as Farm and Ag Conservation Land (FACL) current use program. This property is located at 1361 Davis Bay Road, Lopez Island.

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 sub dividable, 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.

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 April 1, 2014. Her information follows.

   a. The tax parcel number of the subject property.

      TPN 240343004

   b. The size of the subject property.

      The parcel is 25.35 acres, with 1 acre removed for residential use.

   c. The historical use of the property for farming.

      This land has been farmed for about 90 years. The farm and agricultural use has included the growing, cutting and selling of hay as well as the raising and sale of livestock, including sheep, llamas, and horses. The applicant is not currently raising livestock, but continues to grow and sell hay, and plans to as long as she owns the property.

   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.

      The soils are Coveland loam, with 0 to 5% slopes and Mitchell bay gravelly sandy loam, 0 to 5%. Both are considered prime farmland. The third is Deadmanbay-Bazal-Cady complex, 2 to 20% slopes, which is not prime farmland.

   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.

      Existing vegetation includes hay and grass as well as a trees along the
stream.

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.
   She will continue to grow hay for sale as long as she owns the property.

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 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 a soil classification that is identified as prime farmland, with the exception of 19.8% which is not considered prime. According to 458-30-210(4)(e) WAC, “Farm and agricultural land also includes: Land incidentally used for an activity or enterprise that is compatible with commercial agricultural purposes as long as the incidental use does not exceed twenty percent of the classified land. An incidental use of classified farm and agricultural land may include, but is not limited to, wetland preservation, a gravel pit, a farm woodlot, or a produce stand.”

In this case, the area that is not prime farmland is a stream with a vegetative buffer, which is similar to “wetland preservation” listed as an incidental use. Since it is under 20% of the total area, the acreage will be included in the total acreage to be reclassified.
4. Noxious weed report
   Judy Jackson, Coordinator of the Noxious Weed Control Program conducted a weed
   inventory on the property. She found a few, very tall and mature Scotch broom plants
   west of the driveway entrance with other smaller ones scattered on the south and
   southeast section of the property. Scotch broom control is required in San Juan
   County, but she doesn’t think a management plan is necessary as long as the
   property remains under the current ownership, but does recommend a follow-up visit
   next spring.

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. The subject property is awarded a public benefit rating of 35 points.

2. The total acreage in this application is approximately 25.35, with 24.35 reclassified as
   FACL.

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. 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
   Maps and graphics