

ORDINANCE AMENDING SJCC 18.70.060.B.10 TO ADD A NEW SUBSECTION ENTITLED SAN JUAN VALLEY HERITAGE PLAN OVERLAY DISTRICT CONSERVATION INCENTIVE BONUS

ORDINANCE NO. 2 - 2002

WHEREAS, this Board amended the San Juan County Comprehensive Plan and Unified Development Code by Ordinance 11-2000 to add policy direction and specifications for the development of the San Juan Valley Heritage Plan (policies 2.3.D.4 and 2.5.C.1 and 2 in the Comprehensive Plan and SJCC 18.30.170C designating the San Juan Valley Agricultural Heritage Open Space Conservation Overlay District); and

WHEREAS, a steering committee was appointed by this Board in March, 2001, to work with county staff and a consultant to prepare the plan; this committee included five valley property owners, a planning commissioner, and representatives from the San Juan Preservation Trust, the Friends of the San Juans, and the San Juan County Land Bank; and

WHEREAS, the steering committee met with staff and the consultant over the course of ten months to complete its work, putting forward a plan proposal with the general consensus of the committee in November, 2001; and

WHEREAS, a determination of nonsignificance was issued by the responsible official in accordance with SEPA and duly published and circulated for agency comment on December 21, 2001; and

WHEREAS, on January 15, 2002 the Planning Department and consultant, Michelle Stearns, presented this Board with the results of the committee work and its proposal to effect the San Juan Valley Heritage Plan; and

WHEREAS, following a work session with Planning Department on February 6, the Planning Commission held a duly advertised public hearing on February 15, 2002, from which it issued findings and recommendations supporting adoption of the proposed amendment with one change, to proposed item SJCC 18.70.060 B.10.g.iii, changing the word "should" to "shall", as follows: "iii. The open space area ~~should~~ shall include the most productive or potentially productive agricultural land and the most sensitive open space features"; and

WHEREAS, this Board held a duly advertised public hearing on March 5, 2002, and after hearing public testimony and the recommendations of the Planning Department, supported deletion of proposed item SJCC 18.70.060.B.10.g.iii in its entirety (renumbering the items accordingly), because nearly all of the valley planning area has agricultural soil classes II-IV and because the most visually sensitive features are already required to be protected by inclusion in conservation open space by existing land division design requirements; and

WHEREAS, in consideration of the whole record, this Board made the following legislative findings:

1. The San Juan Valley Heritage Area encompasses approximately 3300 acres and includes a number of historic farms, homes, and farmland, much of which is now in hay, cattle and sheep production, or in some cases, not farmed. While some of the land is in smaller parcels and ownerships, most of the area is still in parcels 40 acres and larger and owned and maintained by a small number of individuals and families.

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2. The County's 1991 Open Space and Conservation Plan (OSCP) rated the San Juan Valley landscape unit the most important on San Juan Island after the American Camp Historical Park unit. The OSCP also rated the Upper San Juan Valley unit, visually and geographically contiguous to the San Juan Valley unit, as fifth most important. Based on the OSCP, the open space value present in these landscape units results from a combination of pastoral landscapes, agricultural resources, water and mountain views, rural development patterns, and visual accessibility.
3. The San Juan County Comprehensive Plan calls for development of a plan for the valley that “will recognize and protect visual open space resources as equal in importance to maintaining traditional agricultural uses in this location.” The Plan further states that the Heritage Plan should “allow for land division and development at a variety of densities as an incentive to maximize conservation and protection of open space and to maximize the potential for continuing agricultural use....”
4. The San Juan Valley Heritage Area is currently subject to the conservation design standards for land division in SJCC 18.70.060.B.10, which also help to protect agricultural resource lands in San Juan Valley, and the kinds of agricultural uses found in the valley, with the following requirements:

Conservation Design Requirements. All land divisions in Resource Land, Conservancy, and Rural designations (outside of areas of more intensive rural development), and all shoreline areas shall protect open space and scenic resources as well as natural resources by meeting the following design and development requirements:

- a. At a minimum, 60 percent of the area of the parcel to be divided shall be maintained as open space area from which all construction related to residential use (houses, residential outbuildings, parking, and residential landscaping) shall be excluded. Wells, septic systems, biofiltration, and ponds approved as pumper supply points, may be placed within the non-building area of a parcel.
- b. The significance and sensitivity of open space resources shall be identified for the entire parcel to be divided using the landscape information in Parts III and IV (Open Space Atlas and Map Folio) of the San Juan County Open Space and Conservation Plan (SJCC 18.30.190(F)) and the criteria and rating scales in Part III of that plan.
- c. The land division design shall adhere to the following principles to the extent practicable:
 - i. Establish non-building portions of new parcels to be contiguous with one another and to contain the most sensitive open space features of the site within them.
 - ii. Establish the location of roads, individual driveways, houses and outbuildings, and utilities, to minimize intrusion on the most sensitive open space features of the site.
 - iii. Maintain existing orchards, meadows and pasture areas.

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- iv. Leave ridgelines and contrasting edges between landscape types unbroken by structures.
 - v. On rolling open or steep open slopes, locate building areas so that buildings will be screened by existing vegetation or terrain.
 - vi. Ensure the protection of features such as wetlands and wildlife habitat.
- d. Use and management provisions for the non-building area of each parcel shall be specified on the face of the plat.
- e. Building and non-building locations of each parcel shall be indicated on the face of the plat.
- f. Alternative design.
- i. At least 60 percent of the entire parcel to be divided may be retained within a single tract maintained as open space from which all construction related to residential use (houses, residential outbuildings, parking, and residential landscaping) shall be excluded. Wells, septic systems, biofiltration, and ponds approved as pumper supply points, may be placed within the conservation area. Individual building lots shall be clustered or otherwise located in a manner consistent with the principles in subsection (B)(10)(c) of this section.
 - ii. The open space area shall be owned and managed as a single entity. The open space tract or easement may be transferred as indivisible open space to a conservation organization, held in perpetuity as an indivisible portion of one of the lots, or held by the lot owners in common. Use and management provisions for the conservation tract shall be specified on the face of the plat.
 - iii. If the conservation tract is created as a lot separate from a residential lot it may be leased for agricultural or forest management uses. Outbuildings other than structures for human habitation may be provided for to support agricultural activity on land in agricultural use.
 - iv. All other requirements of this subsection (B)(10) shall apply.
5. The proposal is based in part on a provision used in Mason County, Washington, to allow for cluster development in subdivision of agricultural resource lands. It provides for a density bonus of up to 5 acres per unit under certain circumstances for that portion of the valley planning area now designated at 10-acre per unit densities for those property owners who elect to meet the additional conservation standards for land division.
6. The proposal would allow for small residential lots to be created at the bonus density as long as the required conservation area is at least ten acres and includes at least 75% of the total parcel area. This is consistent with the policy direction for the San Juan Valley planning area in the Comprehensive Plan, with the applicable policies for the Agricultural Resource Land designation in the Comprehensive Plan (Section 2.3.D), and with the policy of the Growth Management Act to protect agricultural resource lands of long-term commercial significance (RCW 36.70A.020(8)).

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7. The proposal is consistent with GMA provisions for use of innovative zoning techniques in areas designated as agricultural resource lands to “conserve agricultural lands and encourage the agricultural economy” (RCW 36.70A.177). Innovative zoning techniques contemplated by the Act include agricultural zoning that limits density and restricts non-farm uses, cluster zoning that leaves the bulk of the land available for agriculture or open space use, and large-lot zoning which establishes “as a minimum lot size the amount of land necessary to achieve a successful farming practice.” Case law under the GMA indicates that 10 acres is the minimum parcel area required for agriculture to remain potentially viable.
8. The proposal offers another incentive to property owners to conserve agricultural land and maintain agricultural use by allowing for bonus density units to be sold or donated to a conservation organization, permanently retiring those potential density units.
9. The proposal would apply to approximately 1225 acres within the planning area; another 470 acres within the 10-acre per unit density designation are ineligible due to small size or encumbrances by existing conservation easements (244 acres). Over 1500 acres remain at 40-acre/unit densities. The level of protection for agricultural and open space resources in the valley by the proposed plan and by existing conservation easements (over more than 1025 acres) is significantly greater than is found in any other agricultural resource land in the county.
10. The proposal is specific to the San Juan Valley planning area and its visual open space and agricultural resources, and cannot be applied to any other geographic area of the county without a planning effort similar to that undertaken for the valley.
11. A determination of nonsignificance was issued by the responsible official pursuant to the State Environmental Policy Act.

NOW THEREFORE, BE IT ORDAINED that SJCC 18.70.060.C.10 is amended to add the following subsection g:

- g. San Juan Valley Heritage Plan Overlay District Conservation Incentive Bonus.** Division of parcels in the San Juan Valley Heritage Plan Overlay District located within that portion of the *Agricultural Resource Land* area designated on the official maps at densities of 10 acres per unit shall be eligible for a density of up to 5 acres per unit if the following standards are met in addition to the requirements of subsection j, Conservation Design Requirements.
 - i. The required open space area shall include at least 75 percent of the parcel to be divided *and* in no case shall the required open space area be smaller than ten acres.
 - ii. The maximum lot size for residential use shall be 1.5 acres and the minimum lot size for residential use shall be one-half acre.

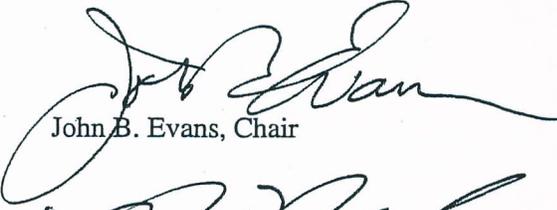
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- iii. Building lots may be grouped on the parcel to be divided provided that no individual group of building lots shall include more than six lots and groups of lots shall be separated from each other by at least 100 feet.
- iv. Building lots shown on the plat shall be presumed to be residential building locations.
- v. Existing parcels may be recombined for redivision according to this subsection g.

AND, BE IT FURTHER ORDAINED that this ordinance shall take effect on the date the Western Washington Growth Management Hearings Board issues an order rescinding the order of invalidity of July 21, 1999, or an order finding that the San Juan Valley Heritage Plan is not invalid as to the goals of the Growth Management Act.

DONE THIS 19th day of March, 2002.

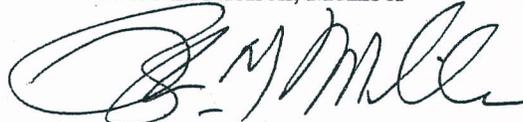
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SAN JUAN COUNTY, WASHINGTON



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Attest: Si A. Stephens, Auditor and
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APPROVED AS TO FORM ONLY
Randall K. Gaylord, Prosecuting Attorney

By: 
Alan Marriner, Civil Deputy Prosecutor