



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
(360) 378-2354 | (360) 378-2116
dcd@sanjuanco.com | www.sanjuanco.com

MEMO

DATE: December 31, 2019
TO: San Juan County Planning Commission

FROM: Linda Kuller, AICP, Planning Manager

CC: Erika Shook, AICP, DCD Director, and Adam Zack, Planner III

SUBJECT: 2036 Comprehensive Plan Update
 SJC Open Space Programs and Conversion Option Harvest Plan (COHP) Information

ATTACHMENTS: SJCC Chapter 16.50 Open Space Programs
 SJC Comprehensive Plan Section B, Element 2

Purpose: Transmittal of land use element background material including San Juan County Code Chapter 16.50 Open Space Programs and information about Conversion Option Harvest Plans (COHP) in response to Tim Blanchard’s questions.

Request: Please review these materials in advance of future land use discussions.

Staff Response to Planning Commission’s Land Use Questions: Staff is finishing answers to the land use questions and comments submitted by Tim Blanchard and Camille Uhler. The full set of responses will be transmitted before the end of January. This information will help prepare you for future land use conversations.

Open Space Program Briefing: Julie Thompson, Planner IV, and Bill Shanks, Current Use, Designated Forest Land Administrator, will brief the Planning Commission on the County’s Open Space Programs at the February Planning Commission meeting.

Conversion Option Harvest Plans

Question: SJC Comprehensive Plan Section B, Element 2 Land Use page 17, policy 3 refers to “conversion option harvest plans.” What does this mean?

2.3.C Rural Lands

Goal: To maintain and enhance the rural character of the County. *Rural lands* are intended to retain the agricultural, pastoral, forested, and natural landscape qualities of the islands while providing people with choices of living environments at lower densities or use intensities than those in Activity Centers. Rural lands also include the *Special Districts*, which are discussed further in Section B.2.4.

Policies (2.3.C.1–10):

1. Identify as Rural lands on the *Comprehensive Plan* Official Maps all those which are not within an Activity Center and are not designated as Resource Lands.
2. Adopt performance standards for clearing and grading on Rural lands to minimize the potential adverse impacts of these activities on forested lands, soils, surface water quality and quantity, groundwater recharge, wildlife habitat and scenic resources. Grading to construct ponds and reservoirs should be located a safe distance from roads, maintain in-stream flows of natural drainage courses, and protect adjacent property from damage.
3. **Establish provisions for Conversion Option Harvest plans in coordination with the state Department of Natural Resources (DNR) to clearly delineate and coordinate the authorities and responsibilities of the DNR and the County in the processing, administration and enforcement of forest practice activities, especially as they relate to the clearing of land for non-forestry uses.**

San Juan County Code

18.40.180 Conversion option harvest plan (COHP) – General regulations.

A. A COHP is a voluntary plan developed by the landowner and approved the County that indicates the limits and types of harvest areas, road locations, and open space. This approved plan is submitted to the WDNR as part of a Class II, Class III, or Class IV Special forest practice application, and is attached to and becomes part of the conditions of the permit approved by the WDNR. If the requirements of the COHP are continuously met by the landowner, the COHP maintains the landowner’s option to convert to a use other than commercial forest product production; that is, it releases the landowner from the six-year moratorium on future development (see SJCC 18.40.160 (B)) without having to file a Class IV General application (WAC 222-20-050(2)). Failure to meet the requirements of the COHP requires the imposition of the six-year moratorium, and conversions under such circumstances are illegal conversions; see subsection (F) of this section.

B. All applications for a COHP shall be submitted to the administrator in a form to be determined by the administrator. COHPs will be processed and reviewed in the same manner as “Prov” permit review for compliance with development and performance standards, SJCC 18.80.070(E). The application shall include:

1. The application checklist, including a legal description of the property.
2. The COHP agreement form.
3. The application fee.
4. Maps and drawings of the property detailing the following:
 - a. Location of existing and proposed roads, yarding areas, and access points;
 - b. Location and types of vegetation, old growth trees, and snags;
 - c. Location and type of soils;
 - d. Location and type of water bodies, drainage ways, or wetlands;
 - e. Location and type of critical habitat areas and other environmentally sensitive areas (see SJCC 18.35.020 through 18.35.050 et seq.);
 - f. Comprehensive Plan designation for the property;
 - g. Intended use(s), if known;
 - h. Approximate limits of conversion option harvest area;
 - i. Specific plans to modify or conduct forest practice activity for future conversion options;
 - j. Location and approximate dimensions of all clearcut areas; and
 - k. Parcel boundaries and dimensions.

5. Maps sufficient to describe any and all off-site improvements or access roads, together with evidence that all property owners of record, and all easement holders, for the off-site areas and access roads have signed an agreement to the use of the off-site area(s) and access roads.

C. All COHPs shall meet the following minimum standards:

1. No more than 40 percent of the number of standing merchantable trees and trees 12 inches diameter-at-breast-height (dbh) or greater may be harvested under a COHP. All stumps and understory shall remain undisturbed as much as possible. No brush raking is permitted. Additional harvesting within six years from the date the COHP harvest is completed will require submittal of a State Environmental Policy Act (SEPA) checklist and SEPA review by the County (see SJCC 18.80.050).

2. A COHP shall preserve a 50-foot-wide buffer along the perimeter of the site. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer; provided, that no portion of the buffer shall be clearcut.

3. A COHP shall preserve a 50-foot-wide buffer along all roads adjoining or abutting the subject property. A 15-foot-wide buffer shall be preserved along roads within the subject property. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer; provided, that no portion of the buffer shall be clearcut.

4. All roads in a COHP shall be designed to accommodate the potential for future development and subdivision of the property. Roads and skid trails shall minimize total road length. All roads in a COHP shall meet the design and construction standards specified in Chapter 18.60 SJCC. All roads which propose to cross a stream shall be required to obtain an hydraulic project approval (HPA) permit, as determined by the Washington Department of Fish and Wildlife, prior to submittal of the COHP.

5. A COHP shall minimize the number and size of clearcut areas. No individual clearcut areas may exceed 10 percent of the total acreage, up to a maximum of two acres.

6. A COHP shall contain written authorization from the property owner agreeing to San Juan County enforcement of nonforestry-related conditions of the COHP permit issued by the WDNR.

7. All COHP harvest activities shall be completed within two years from the date the COHP forest practice permit is issued by the WDNR.

8. Where evidence of unstable soils (as defined by the WDNR) exists, no trees or other vegetation will be removed on slopes exceeding 30 percent. On slopes of 15 percent to 30 percent, no undergrowth shall be removed and tree removal shall not exceed 25 percent of the total number of trees.

9. Where soils are documented as stable, tree removal shall not exceed 30 percent of the total number of trees on slopes between 20 percent and 40 percent. Tree removal and removal of vegetative cover is not permitted on slopes exceeding 40 percent.

10. All trees over 125 years old shall be retained where practical. Snags shall be retained where they do not pose a safety hazard.

11. Trees remaining on the site after the harvest will represent all species and size classes existing on the site before harvest.

12. Trees remaining on the site will be of sufficient quality (good crown cover, deep root system, and healthy condition) to survive after the harvest is complete.

D. Any COHP which exceeds the minimum requirements of subsection (C) of this section, or exceeds thresholds listed below, shall be submitted in the same manner described above but will also require (1) a site inspection by the County to evaluate the potential impacts of the COHP; and (2) the preparation of a SEPA checklist. Note: the standard for the preparation of a checklist for forest practices is the "potential for substantial impact on the environment." If the site inspection and checklist indicate that there will be probable significant impacts, a determination of significance shall be issued unless the impacts can be sufficiently mitigated for an MDNS (see SJCC 18.80.050).

The thresholds for review are:

1. The total property included in the COHP is greater than 20 acres, or any portion is classified as designated forest land or is located within a forest resource land use district.
 2. The COHP includes harvest on slopes exceeding 40 percent.
 3. The COHP includes any clearcut areas exceeding two acres.
 4. The COHP has potential for substantial adverse impacts on wildlife, as determined by the Washington Department of Fish and Wildlife.
 5. The COHP has potential for substantial adverse impacts on archaeological resources, as determined by the Washington Office of Archaeology and Historic Preservation or a qualified professional.
 6. The COHP has potential for substantial adverse impacts on Class 1 or 2 regulated wetlands, includes fill in wetlands, or is located where no natural wetland buffering vegetation is present.
- E. The WDNR shall review and take action on all permit applications that have approved COHPs attached within 30 days from the date of a complete application. Failure of the WDNR to take action within 30 days shall result in the COHP being approved as submitted.
- F. Failure to Comply with the Terms of a COHP.
1. An approved COHP may not be altered or revoked by the permittee without written agreement by the administrator, or by the County without agreement by the permittee, and in either case must be approved by the WDNR.
 2. If a landowner fails to comply with the requirements of the conversion option harvest plan, the County shall impose the six-year moratorium of SJCC 18.40.160(B) from the date the application for the permit was given final approval by the WDNR or by the County (if approval jurisdiction had been transferred to the County) (RCW 76.09.060(3)(b)(i)(F)).
 3. If a landowner fails to comply with the requirements of the conversion option harvest plan, any conversion that occurs constitutes an illegal conversion that is subject to the enforcement provisions of SJCC 18.40.170(A)(2) and (3).
- G. Improvements Subject to this Code. If any off-site or on-site improvements are subject to development or performance standards or permit requirements of this code, such requirements shall be met before a COHP approval is granted by the County. (Ord. 14-2000 § 7(EEE); Ord. 2-1998 Exh. B § 4.12.7)

RCW Chapter 76.0 Forest Practice Rules: <https://app.leg.wa.gov/RCW/default.aspx?cite=76.09>

WAC 222-20-040 *Approval conditions.

(1) **Whenever an approved** application authorizes a forest practices activity which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when required as a condition on the approved application, notify the department two business days before the commencement of actual operations.

(2) **All approvals are** subject to any conditions stipulated on the approved application and to any subsequent additional requirements set forth in a stop work order or a notice to comply.

(3) **Local governmental entity conditions—Class IV-general applications.**

(a) RCW 76.09.240(6) allows a local governmental entity to exercise limited land use planning or zoning authority on certain types of forest practices. This subsection is designed to ensure that local governmental entities exercise this authority consistent with chapter 76.09 RCW and the rules in Title 222 WAC. The system provided for in this subsection is optional.

(b) This subsection only applies to applications on lands that are being converted to a use other than commercial timber operations.

(c) After determining that an application is Class IV-general, the department shall transmit the applications to the appropriate local governmental entity within two business days from the date the department officially receives the application.

(d) The department shall condition the application consistent with the request of the local governmental entity if:

(i) The local governmental entity has adopted a clearing and/or grading ordinance that addresses the items listed in (e) of this subsection and requires a permit;

(ii) The local governmental entity has issued a permit under the ordinance in (i) that contains the requested conditions; and

(iii) The local governmental entity has entered into an interagency agreement with the department consistent with WAC **222-50-030** addressing enforcement of forest practices.

(e) The local governmental entity conditions may only cover:

(i) The location and character of open space and/or vegetative buffers;

(ii) The location and design of roads;

(iii) The retention of trees for bank stabilization, erosion prevention, and/or stormwater management; or

(iv) The protection of critical areas designated pursuant to chapter **36.70A** RCW.

(f) The local governmental entity shall file its conditions with the department within twenty-nine days of the department's official receipt of the application or within fourteen business days of the transmittal of the application to the local governmental entity or one day before the department acts on the application, whichever is later.

(g) The department shall incorporate local governmental entity conditions consistent with this subsection as conditions of the forest practices approval.

(h) Any exercise of local governmental entity authority consistent with this subsection shall be considered consistent with the forest practices rules in this chapter.

(4) Lead agency mitigation measures.

(a) This subsection is designed to specify procedures for a mitigated DNS process that are consistent with chapters **76.09** and **43.21C** RCW and the rules in Title 222 WAC and chapter **197-11** WAC.

(b) This subsection applies to all Class IV applications in which the department is not the lead agency under the State Environmental Policy Act. (See WAC **197-11-758**.)

(c) The department shall transmit the application to the lead agency within two business days from the date the department officially receives the application.

(d) The lead agency may specify mitigation measures pursuant to WAC **197-11-350**.

(e) The lead agency threshold determination and any mitigation measures must be filed with the department within the later of twenty-nine days of the official receipt of the application by the department, fourteen business days of the transmittal of the application to the lead agency if the lead agency is a local governmental entity; or one day before the department acts on the application.

(f) Unless the applicant clarifies or changes the application to include mitigation measures specified by the lead agency, the department must disapprove the application or require an environmental impact statement. (See WAC **197-11-738**.)

(g) If the department does not receive a threshold determination from the lead agency by the time it must act on the application, the department shall disapprove the application.

(5) Small forest landowner approval conditions. The department shall not disapprove a small forest landowner's application or notification on the basis that fish passage barriers have not been removed or replaced if the landowner has committed to participate in the department's family forest fish passage program for:

(a) Any barriers on their forest roads located within the boundaries of their application or notification; and

(b) Any barriers on their forest roads needed for their proposed forest practice, but located outside the boundaries of the application or notification.

(6) CRGNSA special management area.

(a) **Policy.** The states of Oregon and Washington have entered into a Compact preauthorized by Congress to implement the CRGNSA Act, 16 U.S.C. §§ 544, et seq. chapter 43.97 RCW, 16 U.S.C. § 544c. The purposes of the CRGNSA Act are:

(i) To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

(ii) To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1). 16 U.S.C. § 544a.

The forest practices rules addressing forest practices in the CRGNSA special management area recognize the intent of Congress and the states expressed in the CRGNSA Act and Compact and the intent of the Washington state legislature in the Forest Practices Act. These rules are designed to recognize the public interest in sound natural resource protection provided by the Act and the Compact, including the protection to public resources, recreation, and scenic beauty. These rules are designed to achieve a comprehensive system of laws and rules for forest practices in the CRGNSA special management area which avoids unnecessary duplication, provides for interagency input and intergovernmental and tribal coordination and cooperation, considers reasonable land use planning goals contained in the CRGNSA management plan, and fosters cooperation among public resources managers, forest landowners, tribes and the citizens.

(b) The CRGNSA special management area guidelines shall apply to all forest practices within the CRGNSA special management area. Other forest practices rules also apply to these forest practices. To the extent these other rules are inconsistent with the guidelines, the more restrictive requirement controls. To the extent there is an incompatibility between the guidelines and another rule, the guidelines control. Copies of the guidelines can be obtained from the department's Southeast and Pacific Cascade regional offices and Olympia office, as well as from the Columbia River Gorge commission and the U.S. Forest Service.

(c) The department shall review and consider the U.S. Forest Service review statement and shall consult with the U.S. Forest Service and the Columbia River Gorge commission prior to making any determination on conditioning an application or notification within the CRGNSA special management area

WAC 222-20-050 Conversion of forest land to nonforest use.

(1) If an application to harvest signed by the landowner indicates that within three years after completion, the forest land will be converted to a specified active use that is incompatible with a use other than commercial timber operations, the reforestation requirements of chapter 222-34 WAC shall not apply, and the information relating to reforestation on the application form need not be supplied. However, if the specified active use is not initiated within three years after the harvest is completed, the reforestation requirements shall apply and reforestation shall be completed within one additional year.

(2) If a landowner who did not state an intent to convert decides to convert to a nonforestry use within six years of receiving an approved forest practices application or notification, the landowner must:

(a) Stop all forest practices activities on the parcels subject to conversion;

(b) Contact the department of ecology and the applicable local governmental entity to begin the permitting process; and

(c) Notify the department and withdraw any related applications or notifications, or request a new application for conversion.

Upon request from the local governmental entity, the department will provide the status of the landowner's related applications and notifications, and any final orders or decisions.

WAC 222-20-051 Conversion option harvest plans.

(1) For Class II, III, and IV-special forest practices, if a landowner wishes to maintain the option to convert forest land to a use other than commercial timber operations, the landowner may request the appropriate local governmental entity to approve a conversion option harvest plan.

(2) If a local governmental entity approves a plan, the landowner must attach it to the forest practices application or notification.

(3) The plan will be a condition of the approved application or notification.

(4) Violation of the plan will result in the development prohibitions or the conditions described in RCW **76.09.460**.

(5) Reforestation requirements will not be waived regardless of the existence of a conversion option harvest plan.

[Statutory Authority: RCW **76.09.040** and **76.09.370**. WSR 13-01-007, § 222-20-051, filed 12/6/12, effective 1/6/13.]

WAC 222-20-052 Notice of conversion to nonforestry use.

(1) Under the provisions of RCW **76.09.060** (3)(b), if harvest takes place without an approved application or notification, or the landowner did not state that any land covered by the application or notification is intended to be converted to a use other than commercial timber operations, then the department and the appropriate local governmental entity will follow the process described in subsections (2) and (3) of this section.

(2) When the department or local governmental entity becomes aware of conversion activities the department will send to the department of ecology and the appropriate local governmental entities the following documents:

(a) A notice of conversion to nonforestry use;

(b) A copy of the applicable forest practices application or notification, if any; and

(c) Copies of any applicable outstanding final orders or decisions issued by the department related to the forest practices application or notification.

(3) When a local governmental entity receives a notice of conversion to a nonforestry use from the department, it will follow the requirements of RCW **76.09.460**.

(4) A notice of a conversion to a nonforestry use issued by the department under the provisions of RCW **76.09.060** (3)(b) and this section may be appealed to the appeals board in accordance with RCW **43.21B.110** and **43.21B.230**.

Chapter 16.50 OPEN SPACE PROGRAM*

Sections:

- 16.50.010 Purpose.**
- 16.50.020 Goals.**
- 16.50.030 Authority.**
- 16.50.040 Applicability.**
- 16.50.050 Program review.**
- 16.50.100 Definitions.**
- 16.50.200 Designation categories and conditions.**
- 16.50.210 Resource category – Natural and scenic resources.**
- 16.50.220 Resource category – Water resources.**
- 16.50.230 Resource category – Fragile resources.**
- 16.50.240 Resource category – Lands abutting property of public value.**
- 16.50.250 Resource categories – Compatible recreational use areas.**
- 16.50.260 Historic sites.**
- 16.50.265 Farm and agricultural conservation land.**
- 16.50.270 Resource category – Open space within communities.**
- 16.50.275 Public access category – Level of access.**
- 16.50.280 Resource protection category.**
- 16.50.300 Public benefit rating system.**
- 16.50.310 Open space classification questionnaire.**
- 16.50.320 Valuation criteria – Point score and public benefit rating.**
- 16.50.330 Assessed valuation schedule.**
- 16.50.340 Addition of property to existing open space agreement.**
- 16.50.350 Noxious weeds.**
- 16.50.400 Administration roles.**
- 16.50.410 County council.**
- 16.50.420 County assessor.**
- 16.50.430 Open space advisory team.**
- 16.50.440 Administrator.**
- 16.50.450 Planning commission.**
- 16.50.500 Application processing.**
- 16.50.510 Submittal and fee.**
- 16.50.520 Eligibility for review.**
- 16.50.530 Application review.**
- 16.50.540 Public notice.**
- 16.50.550 Public hearing.**
- 16.50.560 County council's decision.**
- 16.50.570 Procedures on approval.**
- 16.50.580 Procedures on denial.**
- 16.50.590 Processing time.**

- 16.50.600 Open space taxation agreement.**
- 16.50.605 Continued eligibility.**
- 16.50.610 Transfer of ownership.**
- 16.50.620 Revision of conditions.**
- 16.50.630 Increasing public benefit commitment.**
- 16.50.700 Change in use/withdrawal.**
- 16.50.800 Removal from classification.**

* Prior legislation: Ords. 6-1996, 3-1991, 41-1990 and Res. 2-1988.

16.50.010 Purpose.

The state has adopted three programs for current use taxation under Chapter [84.34](#) RCW. These programs provide taxation benefits to qualifying (1) farm and agricultural land; (2) timber land; and (3) open space land. Open space land is defined in RCW [84.34.010](#)(1). The purpose of the open space program is to encourage landowners to dedicate land containing valued resources/features to open space classification, and to:

- A. Rate the public benefit of land so dedicated;
- B. Provide for proportionate abatement of assessed value on land so dedicated; and
- C. Regulate the use of land so dedicated. (Ord. 4-2011 § 1; Ord. 5-1998)

16.50.020 Goals.

The open space program intent is to preserve systems essential to the quality of life on the islands and to the enjoyment and nurture of current and future generations. The open space goals are as follows:

- A. To conserve and enhance natural or scenic resources;
- B. To protect streams or water supply;
- C. To create and enhance recreational opportunities for public use and enjoyment;
- D. To promote conservation of soils, wetlands, beaches or tidal marshes;
- E. To enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- F. To reduce residential density;
- G. To preserve historic sites;
- H. To preserve visual quality along public roads, ferry corridors, and scenic vistas;
- I. To retain in its natural state tracts of land not less than one acre situated in urban areas and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification; and
- J. To preserve farm and agricultural conservation land. (Ord. 5-1998)

16.50.030 Authority.

San Juan County adopts the ordinance codified in this chapter under the authority of Chapter [84.34](#) RCW on Open Space Current Use Assessment. (Ord. 5-1998)

16.50.040 Applicability.

The open space program applies to all taxable properties within San Juan County. The provisions of the program shall prevail over any conflicting provision of other portions of the Comprehensive Plan, Shoreline Master Plan, and other currently existing subarea plans. (Ord. 5-1998)

16.50.050 Program review.

The open space program shall be reviewed at least once every three years by the planning commission, who will advise the County council of their findings. (Ord. 4-2011 § 2; Ord. 5-1998)

16.50.100 Definitions.

The following definitions apply only to the open space program:

1. "Archaeological site" means a documented area of ancestral human use such as middens, burial grounds, earthworks, etc.
2. "Assessed valuation schedule" means the conversion of point scores to percentage of assessment abatement under the public benefit rating system.
3. "Critical habitat" means an area or type of environment that is of limited quantity, and is therefore of crucial importance to the perpetuation of the organism or biological population which normally lives or occurs there.
4. "Cultural area" means a site or item of symbolic significance to a cultural group, community, and/or society, such as a religious site, a national boundary marker, a legendary site, etc.
5. "Current use" means the use to which land is presently being put.
6. "Ecological balance" means the pattern of relations between organisms and their environment when left in their natural state.
7. "Endangered" means a species which is in danger of extinction throughout all or a significant portion of its range (classified by the State Department of Wildlife, WAC 232-12-014 and the Department of Natural Resources, State of Washington Natural Heritage Plan).
8. "Management conditions" are conditions the County may impose for developing, managing, and maintaining land classified as open space.
9. "Monitor species" means species of special interest at the state level because they have, for example, significant popular appeal, require limited habitat during some portion of their life cycle, are indicators of environmental quality, require further field investigations to determine population status, have unresolved taxonomic problems which may bear upon status classifications, or were justifiably removed from endangered, threatened, or sensitive classifications (Washington Department of Wildlife, Nongame Program definition).
10. "Noxious weed" means a plant that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.
11. "Noxious weed list" means a list of noxious weeds adopted by the State Noxious Weed Control Board. The list is divided into three classes:
 - a. Class A consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to the state; and
 - b. Class B consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region; and
 - c. Class C consists of any other noxious weeds.
12. "Passive recreation" means nonmotorized recreational uses such as hiking, biking or picnicking, with the exception of motorized wheelchairs or similar modes of transportation for mobility-impaired individuals.
13. "Public benefit" means for the good or the improvement of the general welfare of the community, in keeping with the goals set forth in SJCC 16.50.020.

14. "Public benefit rating" means the relative value to the public of resources/features existing on the land, as determined by the public benefit rating (a point value assignment) system.
15. "Public benefit rating system" means the process by which the relative value of resources/features on application lands are evaluated.
16. "Sanctuaries" are places of refuge for plants and animals.
17. "Sensitive species" are species that could become threatened if current water, land, and environmental practices continue (classified by the Department of Wildlife, Nongame Program, and the Department of Natural Resources, State of Washington Natural Heritage Plan).
18. "Threatened" means a species that is likely to become an endangered species within the foreseeable future (classified by the Department of Wildlife, Wildlife Policy No. 602, and the Department of Natural Resources, State of Washington Natural Heritage Plan).
19. "Unique habitat" means an area or type of environment supporting an organism or population that is rare, endemic, or limited within San Juan County.
20. "Valuation criteria" means the standards which will be applied during the review of resources/features to determine the point value assignment score.
21. "Wetlands" are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have one or more of the following three attributes: (a) at least periodically, the land supports predominantly hydrophytes; (b) the substrate is predominantly undrained hydric soil; and (c) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year (*Cowardin et al., 1979*). (Ord. 5-1998)

16.50.200 Designation categories and conditions.

The categories designated in this section describe the resources and/or features that may be considered in evaluating land eligibility for open space classification under the public benefit rating system. The categories define these resources/features and provide criteria for eligibility. The development restrictions and public access are recommendations for appropriate use on land having the particular resource/feature. These recommendations are to be considered in determining appropriate conditions to be placed on land classified as open space. When more than one resource/feature appears on the land, the discrete recommendations are to be reasonably weighed with appropriate overall use(s) in determining management conditions.

Most of the resources/features are weighted with a priority multiplier. The priority multiplier reflects the level of importance of a given resource/feature and is identified in brackets at the end of the criteria section in most of the resource/feature categories, i.e, [3]. The priority multiplier is used in conjunction with the resource point value to determine the total value of a resource/feature (see SJCC [16.50.320](#)). Priority multipliers are not added to public access or resource protection categories. The point allocation for public access and resource protection is identified in the criteria section of the respective categories. The resources/features are divided into three broad categories: resources, resource protection, and public access. No more than 40 points shall be granted for the resource category, and no more than a total of 70 points shall be granted for any one application. The number of points awarded for the resource protection and public access categories are not restricted by a cap. A minimum of 30 total points is required to qualify for open space classification. (Ord. 5-1998)

16.50.210 Resource category – Natural and scenic resources.

A. Definition/Purpose. Conserves and enhances natural and scenic resources such as sanctuary lands providing habitat for flora and fauna, natural shorelines, and vistas.

B. Criteria.

1. "Natural" designations as described under SJCC [18.20.140](#), [18.30.010\(D\)](#) and [18.50.120\(C\)](#), [2]. Points shall be awarded as follows:

- a. Three points where more than two-thirds of the shoreline, the uplands, or a combination thereof, is located within a natural designation.
- b. Two points where one-third to two-thirds of the shoreline, the uplands, or a combination thereof, is located within a natural designation.
- c. One point where a portion of the property totaling less than one-third of the shoreline, the uplands, or a combination thereof, is located within a natural designation.

2. Visual Quality of the Site. This category addresses the visual quality of the site as seen from roads and/or ferry routes. One-half point shall be awarded for each of the resources noted below that are visible from public arterial roads/ferry routes, public collector roads and waterways, and from public access roads. Those resources visible from public major or minor arterial roads or ferry routes shall be multiplied by three for a maximum of nine points; those resources visible from public collector roads shall be multiplied by two for a maximum of six points; and those resources visible from public access roads or waterways shall be multiplied by one for a maximum of three points. Road classifications shall be as noted in the Transportation Element of the SJC Comprehensive Plan:

Visible Resources	X	Visibility Multiplier
Pasture land (0.5 pts)		3 – Major or minor arterial roads or ferry routes
Steep slopes (0.5 pts)		2 – Collector roads
Wetlands or shoreline (.5 pts)		1 – Access roads or waterways
Forest lands (0.5 pts)		
Compatible development (barns or other agriculturally related structures, or historical structures which add to the visual quality of the site; 0.5 pts)		
No or minimal visible development (except compatible development; 0.5 pts)		

3. Significant wildlife area that provides habitat for numerous species of flora and fauna [3]. Points shall be awarded as follows:

- a. Three points where there is evidence of at least three undisturbed and separate habitats.
- b. Two points where there is evidence of at least two undisturbed and separate habitats, or a variety of disturbed habitats.
- c. One point where there is evidence of at least one habitat, or lower quality habitats.

C. Development Restrictions. No further development.

D. Public Access. Limited to those activities which will not threaten or destroy the resource/feature. (Ord. 14-2000 § 7(OO); Ord. 5-1998)

16.50.220 Resource category – Water resources.

A. Definition/Purpose. Protects functional watersheds, streams, stream corridors, and supporting wetlands.

B. Criteria.

1. Lands within a priority watershed are identified on the San Juan County Shoreline Master Program Designated Environments Map, or recognized in the San Juan County Watershed Ranking report [3]. Points shall be awarded as follows:

- a. Three points where the entire property is within a priority watershed.
- b. Two points where two-thirds or more of the property is within a priority watershed.
- c. One point where one-third or more of the property is within a priority watershed.

2. Fresh water such as wetlands, lakes, and/or streams/stream corridors, as determined by San Juan County wetland maps, a qualified wetland specialist, and/or DNR stream types [3]. Points shall be awarded as follows:

- a. Three points where a Category I wetland is located on the property.
- b. Two points where a Category II wetland and/or a Type III or IV stream is located on the property.
- c. One point where a Category III or IV wetland and/or a Type V stream is located on the property.

3. Salt water such as tidal marshes and estuaries [3]. Points shall be awarded as follows:

- a. Three points where a wide variety of saltwater resources exist, such as saltwater marshes, tide pools, estuaries, coves, and beaches.
- b. Two points where the variety and size of resources are limited but the quality is high.
- c. One point where the resources are uniform and without unique features.

C. Development Restrictions. No subdivision, no additional construction.

D. Public Access. Limited to those activities which will not threaten or destroy the resource/feature. (Ord. 4-2011 § 3)

16.50.230 Resource category – Fragile resources.

A. Definition/Purpose. Resources which are fragile and therefore more susceptible to degradation/loss. These include unique or critical wildlife and native plant habitat (species and their habitat that are classified "endangered", "threatened", "sensitive" or "monitor"), delicate geological features such as feeder bluffs and accretion shoreforms; and other fragile and unique areas crucial to the ecological balance of the island environments.

B. Criteria.

1. Special animal sites (designated by State Department of Natural Resources Natural Heritage Program as having state significance, designated sites of "endangered," "threatened," "sensitive" or otherwise "listed" species under the State Department of Wildlife Nongame Program (WAC [232-12-011](#) and [232-12-014](#)), other species that may be locally rare or otherwise deemed of importance to San Juan County, or determined to be eligible for the above programs by a qualified professional and substantiated by the

affected agency) [3]. Three points shall be granted where it is documented that a special animal inhabits the property.

2. Special plant sites (designated by State Department of Natural Resources Natural Heritage Program as having state significance, other species that may be locally rare or otherwise deemed of importance to San Juan County, or determined to be eligible for the above programs by a qualified professional and substantiated by the affected agency) [3]. Three points shall be granted where it is documented that a special plant exists upon the property.

3. Hazard prone sites are identified by the Coastal Zone Atlas of Washington, FEMA Flood Hazard Boundary Maps, state or County databases, or by a qualified professional) [1]. Three points shall be granted where it is documented that the entire property is within a hazard prone site and will remain unimproved while classified open space. To obtain points in this category, the entire property must be located in a hazard prone site.

4. Geological/geomorphological features such as fossils, waterfalls, unique works of glaciation, or accretion shoreforms such as spits, points, and barrier berms (documented by Washington Interagency Committee for Outdoor Recreation, inventory by state or local databases, San Juan County, or by a qualified professional) [2]. Points shall be awarded as follows:

- a. Three points where the property contains a minimum of three geological features, or a single unusual or unique geological feature, or is a significant part of a prominent geomorphical feature or landmark.
- b. Two points where the property contains at least two geological features, or encompasses a lesser portion of a prominent geomorphical feature.
- c. One point where the property contains one geological feature or is a small part of a prominent geomorphical feature.

C. Development Restrictions. No development in sensitive ecosystems, or near endangered/threatened species habitat. Otherwise, residential development in species habitat subject to limitations imposed by state and federal guidelines/recommendations. Residential development limited to one residence. Commercial development prohibited.

D. Public Access. Limited to educational opportunities and wildlife study in areas sensitive to human disturbance. Less sensitive areas, such as accretion beaches, etc. may be open to public recreational use as deemed appropriate for the resource. (Ord. 5-1998)

16.50.240 Resource category – Lands abutting property of public value.

A. Definition/Purpose. Enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, natural reservations or sanctuaries, or other open space.

B. Criteria. Lands adjacent to federal, state, or other publicly owned properties, and/or lands held in trust for the public benefit by a duly authorized organization such as a land preservation trust. Points shall be based on the extent to which the property proposed for open space classification would enhance the adjacent property in regard to public access, size, and resource values. Points shall be awarded as follows (maximum of six points possible):

Category	High (2 pts)	Medium (1.5 pts)	Low (1pt)	None (0)
----------	-----------------	---------------------	--------------	-------------

Public Access

Size of
Property

Variety and
Quality of
Resources

C. Development Restrictions. No subdivision and no commercial development. Residential development limited to one residence.

D. Public Access. Limited or general access. (Ord. 5-1998)

16.50.250 Resource categories – Compatible recreational use areas.

A. Definition/Purpose. Enhances recreational opportunities by opening access to beaches, rural open spaces, and other areas for compatible recreational uses.

B. Criteria. Provides opportunities for passive and recreational enjoyment compatible with the resource, such as hiking, biking, boating, fishing, picnicking, and nature study. To receive points in the category, applicants must allow public access and, if group access is proposed, must designate groups that have a high likelihood of using the recreational values of the property (typically, other than research and education groups). Points shall be awarded as follows (maximum of nine points possible):

Category	High (3 pts)	Medium (2 pts)	Low (1 pt)	None (0)
Public Access	(Unlimited)	(With Notification)	(Group)	
Variety of Activities				
Variety and Quality of Resources				

C. Development Restrictions. No subdivision or further development of the land. Construction limited to facilities desirable for passive recreational needs, as determined at the time of land classification.

D. Public Access. General public access available. (Ord. 5-1998)

16.50.260 Historic sites.

A. Definition/Purpose. Archaeological sites, cultural areas, historic farms, historic buildings, and improvements of local historic/cultural significance.

B. Criteria.

1. Archaeological sites (documented by the Washington State Office of Archaeology and Historic Preservation or San Juan County, or identified by a qualified professional and substantiated by the affected agency) [3]. Points shall be awarded as follows:

a. Three points where the property contains one or more significant archaeological resources recognized by the State Archaeologist or a qualified professional.

b. Two points where the property contains less important archaeological resources recognized by the State Archaeologist or a qualified professional.

c. One point where the property contains midden material or other features of archaeological interest.

2. Historical sites include buildings, property, informative markers, interpretive trails, and/or literature.

Historical buildings and properties must be documented and recognized by federal, state, or local registers or historical societies. Interpretive information or trails must provide information about a documented historical site, building, or event [3]. Points shall be awarded as follows:

a. Three points where the property encompasses all or most of a significant historical site or historical structures registered by the federal or state governments; structures must be well preserved and in excellent condition. Points may also be awarded for well-placed informative and compatible historical markers, including educational materials such as interpretive trails, literature, or markers available on site.

b. Two points where the property contains less significant historical sites or structures registered by the federal or state governments, or recognized by a local historical society; structures must be in good condition. Points may also be awarded for historical markers and interpretive information which is less detailed than noted above.

c. One point where the property contains a historical site or structures of minor historical significance, and is recognized by a local historical society, or where a historical marker is located on the site.

C. Development Restrictions. Development restricted as necessary to preserve the integrity of the archaeological, historic, cultural and historic farm resource.

D. Public Access. General access available when such access will not endanger the feature being preserved. (Ord. 4-2011 § 4; Ord. 5-1998)

16.50.265 Farm and agricultural conservation land.

A. Objectives. The objective of the farm and agricultural conservation land component of the open space program is to preserve suitable land that is not currently used for agriculture, so that it is available for commercial agriculture in the future. The intention is that farm and agricultural conservation land either be returned to active farming under RCW 84.34.020(2) within 20 years or be permanently protected as an open space resource by a conservation easement prohibiting development inconsistent with agricultural uses.

B. To be eligible for public benefit points under this subsection a property must meet all of the following criteria:

1. Properties must meet the definition of "farm and agricultural conservation land" as defined in RCW 84.34.020(8).

2. *Repealed by Ord. 6-2014.*

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:

a. The tax parcel number of the subject property;

b. The size of the subject property;

c. The historical use of the property for farming;

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 Resources

Conservation Service and available online at:
<http://soildatamart.nrcs.usda.gov/manuscripts/wa055/0/SanJuanWA.pdf>;

- e. A map of the property showing improvements and areas to be maintained as farmland under this program;
- f. A description of existing vegetation including the presence of noxious weeds;
- g. A copy of the published soils map showing the boundaries of the subject property;
- 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;
- 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.

C. Public Benefit Rating Points.

- 1. Public benefit rating points for farm and agricultural conservation lands shall be awarded based on soil classifications and parcel size. Additional points are available under SJCC 16.50.275(B)(4) and (5).
- 2. Properties that have soils identified as prime farmland or important farmland in the Soil Survey of San Juan County published by the Natural Resources Conservation Service shall be awarded points based on parcel size in accordance with the following table:

Resource Value Points Table for Farm and Agricultural Conservation Lands

Size of Property	
Subject to Open Space	Points Awarded
5 – 19.99 Acres	30 points
≥ 20 Acres	35 points

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 percent of the land can be devoted to incidental use compatible with agriculture. (Ord. 6-2014 § 1; Ord. 4-2011 § 5)

16.50.270 Resource category – Open space within communities.

- A. Definition/Purpose. Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use.
- B. Criteria. Within an “Urban” designation or similar classification in a subarea plan [1]. Three points shall be granted for any parcel that meets this criteria.
- C. Development Restrictions. As appropriate for resource.
- D. Public Access. General access available. (Ord. 5-1998)

16.50.275 Public access category – Level of access.

- A. Definition/Purpose. Provide public access to land classified as open space.
- B. Criteria. A minimum of 20 resource points is required to qualify for public access points. The level of public access allowed by the landowner and appropriate for the resources. Points awarded for public access shall vary

within each category according to the ease of physical access. Properties which are easily accessible shall be awarded the highest points.

1. No access (0).

2. Group access (limited to appropriate use groups; permission from landowner required. The County shall notify the appropriate use groups that access to the property is available; a minimum of five San Juan County based groups is required, of which San Juan County public and private schools must be one of the groups). Points will be based on a sliding scale from one to 10 according to how accessible the property is, the types of groups that are being granted public access (number of members, proximity of the group to the site, is the group specialized or general interest), the type of restrictions proposed (severity of the restrictions and effect on the accessibility of the property), and the variety of resources:

	High	Medium	Low	None
	(2.5	(1.5	(1 pt)	(0)
Category	pts)	pts)		

Accessibility

Type of Groups

Restrictions

Resource

Variety

3. Access with notification to landowner (access cannot be denied if the request is compatible with the open space agreement and would not endanger open space resources). Points will be based on a sliding scale from 11 to 20 according to how accessible the property is, the types of restrictions proposed (severity of the restrictions and effect on the accessibility of the property), and the variety of resources:

	High	Medium	Low	None
	(6.66	(5.66	(4.66	(0)
Category	pts)	pts)	pt)	

Accessibility

Restrictions

Resource

Variety

4. Unlimited access (no permission required from the landowner). Use of the property shall be limited to passive recreation which is compatible with the open space agreement. Points will be based on a sliding scale from 21 to 30 according to how accessible the property is, the type of restrictions proposed (severity of the restrictions and effect on the accessibility of the property), and the variety of resources:

	High	Medium	Low	None
	(10	(9 pts)	(8 pt)	(0)
Category	pts)			

Accessibility

Restrictions

Resource
Variety

5. No public access points shall be given for farm and agricultural conservation land except for permanent unlimited public access to deeded public trail easements.

C. The permit center shall publish a booklet identifying open space parcels with unlimited access and access with notification and describing how to locate the parcels. The booklet shall be available to the general public. The applicant may be required to provide property and vicinity maps for the booklet. (Ord. 4-2011 § 7; Ord. 5-1998)

16.50.280 Resource protection category.

A. Definition/Purpose. Maintain the integrity of open space resources by encouraging landowners to classify large tracts of land as open space, by protecting resources in perpetuity with a conservation easement or other appropriate instrument, and by reducing the density associated with the parcel.

B. Criteria.

1. Conservation Easement Bonus. Provide a conservation easement or other appropriate instrument which protects open space resources in perpetuity. The conservation easement or other appropriate instrument should limit development to the less sensitive areas of the site and restrict development and other activities which would impact the open space resources. Points given for resource categories protected by a conservation easement or other appropriate instrument shall be increased by 20 percent of the total points calculated for resources.

2. Density Reduction. Points shall be awarded for density units reduced in perpetuity by a conservation easement or other appropriate instrument as follows:

Number of Units Reduced	Points Awarded
a. 1 – 2 units =	3
b. 3 – 4 units =	6
c. 5 – 7 units =	9
d. 8 – 10 units =	12
e. 11+ units =	15

3. Parcel Size. Except for farm and agricultural conservation land, points shall be awarded for parcel size as follows:

Parcel Size	Points Awarded
a. 0 – 5 ac	.5
b. > 5 – 19 ac	1
c. > 19 – 49 ac	2
d. > 49 – 99 ac	3
e. > 99+ ac	4

4. Points for the parcel size and density reduction of farm and agricultural conservation land are incorporated into the basic resource value points set out in SJCC 16.50.265. No additional resource

protection points, including points for conservation easements, will be awarded for farm and agricultural conservation land under this section. (Ord. 4-2011 § 8; Ord. 5-1998)

16.50.300 Public benefit rating system.

All new applications and existing open space properties will be reviewed and rated under the public benefit rating system (PBRs) as provided in RCW [84.34.055](#). The PBRs is a process by which the relative value of a specific property's resources/ features are evaluated, and an assessment abatement is applied in direct proportion to the public benefit received. (Ord. 5-1998)

16.50.310 Open space classification questionnaire.

An "open space classification questionnaire" shall be used for application to the open space program and subsequent evaluation under the PBRs. On the questionnaire the applicant shall indicate the resources/features present on the land, and provide all accompanying materials and documentation requested. When completed the questionnaire is used in conjunction with a site inspection, resource verification documents, and professional expertise to evaluate the property under established valuation criteria and point scoring system. (Ord. 5-1998)

16.50.320 Valuation criteria – Point score and public benefit rating.

A. Resource Values. The open space advisory team shall conduct a site inspection of properties proposed for open space classification, identify resource features as per SJCC [16.50.200](#), and rate the resources based on their value and/or condition. Point values for the underlying resource category are awarded as set out below:

1. All categories of resource lands except for farm and agricultural conservation land. Points will be awarded on either a varying scale from zero (no value) to three (high value), or on an all or nothing basis (zero or three). Each of the resource features are weighted (priority multiplier) according to their importance to the public, and multiplied by the point value to determine the value of a resource. The multiplier is set out in brackets within the applicable code section.
2. Farm and agricultural conservation land. Resource value points are awarded as set out in SJCC [16.50.265](#).
3. Except for farm and agricultural conservation land, nothing shall prevent a property owner from applying for points in more than one resource category.

B. Total Public Benefit Rating Points.

1. Total points are the sum of the points for resource values plus any additional points for public access awarded under SJCC [16.50.275](#) and resource protection points awarded under SJCC [16.50.280](#).
2. Notwithstanding the above, the total points for farm and agricultural conservation land shall be the total of points awarded for resource values under SJCC [16.50.265](#) and public access points awarded under SJCC [16.50.275](#).
3. A minimum of 30 points is necessary to qualify for open space classification. No more than 40 points shall be granted for the total of the resource points, and no more than a total of 70 points shall be granted for any one application.

C. Applicants shall identify the location and area, in square feet, of all existing and proposed improvements. This shall include all areas of the site which are not a part of the natural environment, such as structures, pools, tennis courts, decks, paved areas, gardens and lawns. The open space agreement shall limit improvements to those originally identified by the applicant. Any improvements not contemplated at the time of application and requested at a later date shall be reviewed by the administrator for compliance with the open space agreement (refer to SJCC [16.50.570](#)). Improvements and the land beneath and surrounding the improvements shall be assessed at fair market value.

D. The County council shall not approve any application for open space classification when, at the time of application, the landowner has failed to satisfy any judgment the County has obtained against the landowner, or where there is a violation of any state law or County ordinance on the property. (Ord. 4-2011 § 9; Ord. 5-1998)

16.50.330 Assessed valuation schedule.

The valuation criteria and point scoring shall be used to determine the land's public benefit rating percentage under the assessed valuation schedule. Public benefit rating points shall be converted to public benefit rating percentage at a 1:1 ratio. The public benefit rating percentage shall be applied by the assessor to land accepted into the open space program for reduction in the assessed value as follows:

$$V_{cu} = (100\% - PBR\%) \times V_{fm}$$

V_{cu} = current use (as open space)

V_{fm} = fair market value

PBR = public benefit rating percentage

(Ord. 5-1998)

16.50.340 Addition of property to existing open space agreement.

Additions of parcels to properties currently in open space shall be rated separately from the parent parcel and granted points only for those resources actually on the property proposed to be put into open space. (Ord. 5-1998)

16.50.350 Noxious weeds.

No application for open space shall be approved until all Class A and Class B designated noxious weeds on the site are removed or a noxious weed abatement plan is approved by the County noxious weed coordinator. (Ord. 5-1998)

16.50.400 Administration roles.

The purpose of this section and SJCC [16.50.410](#) through [16.50.450](#) is to clarify responsibilities under the open space program and to ensure that all persons affected by the program are treated in a fair and equitable manner. (Ord. 5-1998)

16.50.410 County council.

The County council shall have the authority to:

- A. Establish and amend the open space program and public benefit rating system;
- B. Approve an assessed valuation schedule developed by the County assessor;
- C. Appoint the citizen members of the open space advisory team;
- D. Set the application fee (following provisions in RCW [84.34.030](#)); and
- E. Approve or deny each open space application, establishing the land's public benefit rating, and attaching terms and/or management conditions as appropriate. (Ord. 4-2011 § 10; Ord. 5-1998)

16.50.420 County assessor.

The County assessor shall implement open space current use assessment on classified lands and shall monitor in conjunction with the administrator whether compliance with the open space taxation agreement has been met. He/she shall:

- A. Submit notice of application approval and the signed open space taxation agreement to the County auditor for recording within 10 days of the board's action;

- B. File notice of current use land value with the County treasurer, who shall record such notice;
- C. Adjust the land's assessment to current use value and maintain the appropriate current use assessment;
- D. Monitor classified open space land for compliance with open space taxation agreements by observing land status during normal re-evaluation cycles;
- E. Inform the administrator of changes in open space lands that may or would require administrative or legislative action;
- F. Remove land from open space classification as provided under Chapter 84.34 RCW and this chapter;
- G. Impose payment of additional taxes, penalties, and interest when necessary, as provided under Chapter 84.34 RCW and this chapter; and
- H. Develop the "assessed valuation schedule," which converts point scores to percentage of assessment abatement, for the public benefit rating system. (Ord. 5-1998)

16.50.430 Open space advisory team.

A five member open space advisory team shall be established, consisting of a balanced interest mix of local citizens appointed by the County council pursuant to WAC 458-30-330(6) to act as its agent in recommending priority rating points to all land classified as open space using the rating system adopted in this chapter. Members shall be appointed to a five-year reinstatable term, with one member's term ending each year. In the selection of the citizen members, preferably, they should have some professional expertise in fields relative to open space such as environmental planning, hydrology, archaeology, biology, geology, etc. However, interested citizens without professional expertise in such fields are not excluded from consideration. The purpose of the advisory team is to provide an objective and diversified review and evaluation of the resources/features under consideration. Understanding this, the advisory team shall perform the following functions:

- A. Develop and recommend to the planning commission and County council, with the professional assistance of the administrator, "valuation criteria" for open space resource/feature scoring under the public benefit rating system;
- B. Conduct site inspections (following adequate notification of the applicant), review application materials and resource documents, and obtain professional expertise as needed to evaluate the land's relevant benefits to the general welfare;
- C. Apply the valuation criteria to review and evaluate the land's resources/features and assess all relative benefits associated with classification of the land and obtain a total public benefit rating system point score;
- D. Summarize their findings regarding the land's eligibility, public benefit rating, and appropriate conditions of approval for inclusion in the staff report to the planning commission and County council; and
- E. Advise the planning commission and County council, as needed, on matters pertaining to the open space program and public benefit rating system process. (Ord. 4-2011 § 11; Ord. 5-1998)

16.50.440 Administrator.

The County permit center director, or his/her appointee, shall be the administrator for the open space program and shall be vested with the responsibility of processing applications for open space classification. The duties of the administrator shall be to:

- A. Provide preapplication advice on property eligibility;
- B. Receive and compile all necessary materials for application review;
- C. Arrange necessary on-site inspections by the open space advisory team;

- D. Facilitate the open space advisory team's review of the application under the public benefit rating system;
- E. Provide professional advice to the open space advisory team, planning commission, and County council as needed;
- F. Draft staff reports on the application and forward them in a timely manner to the applicant, and planning commission and/or council members;
- G. Advertise public hearings;
- H. Attend and present the staff report at public hearings before the planning commission and County council;
- I. Complete follow up notifications of either denial or open space taxation agreement forms, as appropriate, on decisions of the granting body;
- J. Develop means to monitor compliance and notify the County assessor when noncompliance with conditions of open space taxation agreements is identified;
- K. Advise and confer with the County assessor, open space advisory team, planning commission, and County council on matters pertaining to general administration of the program and application processing;
- L. Monitor the functioning of the open space program and provide written recommendations to the planning commission and County council as needed; and
- M. Compile, review, and provide a map of open space properties, shade the different designations, provide copies to the public, and update information annually. (Ord. 4-2011 § 12; Ord. 5-1998)

16.50.450 Planning commission.

The planning commission's duties shall be to:

- A. Review the open space program when requested to do so by the County council, making written recommendation to the County council on the following matters:
 - 1. The functioning of the process itself, including such issues as administration, and the processing of applications;
 - 2. The workability of the implementation elements of the public benefit rating system including application questionnaire, resource/feature valuation criteria, point value assignment system, etc.
- B. Conduct public hearings on specific applications and make written recommendation to the granting body regarding application approval or denial, with terms and/or conditions as appropriate, and recommend a public benefit rating. (Ord. 4-2011 § 13; Ord. 5-1998)

16.50.500 Application processing.

New applications for open space classification shall follow processing procedures outlined in this section and SJCC [16.50.510](#) through [16.50.590](#) and shall be acted upon in the same manner in which an amendment to the Comprehensive Plan is processed. (Ord. 5-1998)

16.50.510 Submittal and fee.

- A. Any property owner may complete and submit an application for open space land classification of his/her property. An application consists of the following materials:
 - 1. Application form (supplied by the permit center);
 - 2. Open space questionnaire (supplied by the permit center);

3. Filing fee, payable to the County permit center at the time of filing the application. The fee is not refundable;
4. Certification of a nondelinquent property tax account, issued by the San Juan County treasurer;
5. Supporting Documentation. Attach a sketch map of the parcel(s). The sketch map shall be to scale and shall accurately identify the area, in square feet, of all existing and proposed improvements. This shall include all areas of the site which are not a part of the natural environment, such as structures, pools, tennis courts, decks, paved areas, gardens and lawns. Attach a copy of the assessor's map showing the parcel(s). Attach any other maps, photographs, or information that helps substantiate the existence of resources on the property;
6. Legal Description. After lands have been approved for classification by the County council, the applicant shall provide a legal description of the subject property; and
7. No person may apply to have classified as open space land, land that has previously been denied such classification until one year has elapsed from the date the initial application was received.

B. Application must be made during the calendar year preceding that in which classification as open space is to begin (RCW 84.34.030). Prior to applying, property owners expressing interest in open space classification would be advised to obtain a preapplication review at the permit center. (Ord. 4-2011 § 14; Ord. 5-1998)

16.50.520 Eligibility for review.

The administrator, or his/her appointee, shall review the application materials for completeness, and shall determine whether the land meets the requirements of the open space program. Land which qualifies for further review must contain one or more of the resources/features identified in the program. (Ord. 4-2011 § 15; Ord. 5-1998)

16.50.530 Application review.

The open space advisory team shall conduct a site inspection of land determined to be eligible for review and may consult with appropriate professionals for assistance in evaluating the land's resources/features. Should additional research become necessary to substantiate the existence or condition of resources/features on the land, the applicant shall be notified of this need and shall be responsible for its obtainment. Following review of the application and supporting documentation, site inspection, and any necessary professional consultation, the team shall summarize their findings regarding the land's eligibility for classification, its public benefit rating, and appropriate terms or conditions of approval for inclusion in the staff report prepared by the permit center. (Ord. 5-1998)

16.50.540 Public notice.

The permit center shall cause to be published a legal notice stating by whom and when the application was submitted, the subject of the request, the time, date and place at which the request will be heard by the planning commission, and advising all interested persons that timely comments on the proposal will be accepted. The notice of public hearing shall be published one time in a newspaper of general circulation within San Juan County at least 10 days prior to the scheduled public hearing on the application. (Ord. 4-2011 § 16; Ord. 5-1998)

16.50.550 Public hearing.

The planning commission and applicant shall receive the staff report 10 days prior to the hearing date. At the hearing, public comment on the land's suitability for open space classification will be taken. Subsequently, the planning commission shall, in their statement of findings and decisions, recommend to the County council approval (with determined public benefit rating, and with or without terms and/or management conditions attached) or denial of the application. (Ord. 4-2011 § 17; Ord. 5-1998)

16.50.560 County council's decision.

The County council shall consider the planning commission's recommendation under RCW [36.70.400](#) and as required by RCW [84.34.037](#), and may conduct additional public hearings if necessary. Applications for classification of land in an incorporated area shall be acted upon by a determining authority composed of the three members of the County council and three members of the city legislative body in which the land is located. They shall approve the application, with or without terms and/or conditions, and set the public benefit rating for assessment abatement, or deny the application. In so doing the following provisions will apply:

- A. They shall rate the land applying for classification according to the public benefit rating system;
- B. They may approve the application with respect to only part of the land which is the subject of the application;
- C. If any part of the application is denied or conditions attached the applicant may withdraw the entire application;
- D. In approving any part or all of an application for classification of land, it may also be required that certain conditions be met, including but not limited to the granting of easements, and opening of land to public access; and
- E. Denial of an application for classification of land to open space by the council may be appealed to the superior court (WAC [458-30-250](#)). (Ord. 4-2011 § 18; Ord. 5-1998)

16.50.570 Procedures on approval.

- A. Within five calendar days of the County council's decision approving an application the administrator shall send the applicant an "open space taxation agreement" defining the terms and conditions for approval of the classification. The agreement shall be sent by certified mail, return receipt requested.
- B. The applicant, and all persons having a fee interest in the land, including, for community property, husband and wife, must sign the agreement. The applicant shall return the signed agreement to the permit center within 30 days of the date the permit center mailed it to the applicant or the agreement shall be deemed rejected.
- C. Upon receipt of the signed open space taxation agreement form, the administrator shall within 10 days obtain the County council's signature and file notice of the approval with the County assessor (RCW [84.34.050\(2\)](#)). The agreement shall become effective commencing upon the date the administrator receives the signed agreement from the property owner.
- D. The assessor shall note the land's open space assessed value on the tax roll. He/she shall submit notification of open space status to the County auditor for recording within 10 days of notification from the administrator (RCW [84.34.050\(3\)](#)). The assessor shall also file notice of classification with the County treasurer (RCW [84.34.050\(4\)](#)) and send a reassessment notice to the landowner.
- E. The agreement shall apply to the parcel(s) of land described in the agreement and the conditions and requirements shall be binding upon the heirs, successors, and assignees of the parties thereto. (Ord. 4-2011 § 19; Ord. 5-1998)

16.50.580 Procedures on denial.

The administrator shall within 10 days of the board's action send written notice to the applicant explaining reasons for the denial. (Ord. 5-1998)

16.50.590 Processing time.

The County council must act on an open space application no later than six months from the date the complete application is received by the permit center. Complete applications must be received no later than December 31st of any year to receive a review and classification decision within the following year. (Ord. 4-2011 § 20; Ord. 5-1998)

16.50.600 Open space taxation agreement.

A. Lands receiving open space classification may be developed only under the terms and conditions contained in the open space taxation agreement. Agreements governing land receiving open space classification as farm and agricultural conservation land shall terminate after 10 years unless the land is protected as open space by a conservation agreement. Nothing in this section shall prevent a landholder from applying for participation in another current use taxation program under Chapter 84.34 RCW.

B. Landholders shall abide by all terms and conditions of open space status that have been defined in the open space taxation agreement.

C. Failure to comply with the open space taxation agreement will cause the land to be removed from open space classification in accordance with RCW 84.34.080 and 84.34.108, and will result in imposition of all taxes, penalties, interest and other sanctions authorized by law. (Ord. 4-2011 § 21; Ord. 5-1998)

16.50.605 Continued eligibility.

A. The assessor may require an owner of land classified under this chapter to submit data relevant to the use of the land and other relevant information pertinent to the appraisal of the land or that will assist him or her in determining whether the land is eligible for continued classification.

B. Relevant data shall include information that allows the assessor to determine whether the owner is in compliance with the open space taxation agreement. (Ord. 4-2011 § 22)

16.50.610 Transfer of ownership.

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 as provided in RCW 84.34.108 and WAC 458-30-275. The assessor shall consult with the administrator prior to acting on the notice of continuance in order to determine if the transfer would comply with the open space agreement. (Ord. 4-2011 § 23; Ord. 5-1998)

16.50.620 Revision of conditions.

A landowner or the County may request to have the conditions on lands classified as open space revised. Such a request shall be made to the County council. A notice of public hearing shall be published one time in a local newspaper at the expense of the requesting party 10 days prior to the council's review. The council may approve a request for revised conditions if it determines that the proposed changes do not alter the purpose for which the classification was granted. (Ord. 4-2011 § 24; Ord. 5-1998)

16.50.630 Increasing public benefit commitment.

A landowner may at any time ask to increase, but not decrease, the classified land's public benefit and/or commitment conditions, in which case a new application must be filed and the application will be reviewed and additional assessment benefits assigned if appropriate. When a landowner seeks to increase public benefit, the administrator shall request submittal of an additional open space classification questionnaire containing only the proposed public benefit additions and all supporting documentation, with descriptive text as needed, to explain the proposed change. Additional application fees will be charged and application processing will proceed in the same manner as outlined for new applications for classification, but shall be subject to the following stipulations:

A. The proposed change(s) must be complementary to the original classification.

B. "Complementary to the original classification" means all of the following:

1. All designated resources/features will remain so designated; and
2. The approval of proposed changes will cause no significant change in the protection of the resources/features on the land classified in open space.

C. Proposed changes that do not comply with the above "complementary" conditions shall not be eligible for consideration as an increase in public benefit commitment. (Ord. 4-2011 § 25; Ord. 5-1998)

16.50.700 Change in use/withdrawal.

A. Change in Use. The owner of land classified as open space shall notify the County assessor, within 60 days, of any change in use of classified land. Change in use shall result in imposition of all taxes, penalties, interest, and other sanctions authorized by law (RCW [84.34.080](#)).

B. Withdrawal. Once land has been classified as open space land the owner may withdraw all or a part of it from classification only in accordance with RCW [84.34.070](#). Withdrawal from classification will result in the imposition of all taxes, penalties, interest, and other sanctions authorized by law. (Ord. 4-2011 § 26; Ord. 5-1998)

16.50.800 Removal from classification.

A. The County assessor shall remove land classified as open space in accordance with RCW [84.34.108](#). The owner of land removed from open space classification shall be subject to imposition of all taxes, penalties, interest, and other sanctions authorized by law.

B. When, because of withdrawal by the owner, transfer to a new owner who does not accept compliance with the open space taxation agreement, or change of use, land is removed from open space classification, the assessor shall determine the difference between the property tax paid as open space land and the amount of property tax otherwise due and payable for the seven years last past had the land not been classified; plus, impose interest and a 20 percent penalty on the additional tax and interest, as required by RCW [84.34.080](#) and [84.34.108](#).

C. When only part of a parcel classified in open space is removed from classification, the remainder of the parcel will be removed from open space classification unless it satisfies the requirements for original classification (WAC [458-30-285](#)). This determination will be made by the County assessor in a review of the public benefit rating. Upon the request of the assessor, the planning commission shall provide reasonable assistance to the assessor in making this determination. The remaining portion shall be reviewed and evaluated under the same procedures as for new applications.

D. The seller, transferor, or new owner may appeal the new assessed valuation to the County board of equalization (RCW [84.34.108](#)). (Ord. 4-2011 § 27; Ord. 5-1998)

[Mobile Version](#)

COMPREHENSIVE PLAN

SECTION B, ELEMENT 2

LAND USE

October 14, 2019

Ordinance 11-2019

***incorporating Ord. 11-2010 and 17-2010**

"Neighborhoods, hamlets, villages and towns are clearly defined so as to conserve agricultural, forest, mineral resource and environmentally sensitive lands. These areas provide for commerce and community activities without losing their small scale and attractive island ambiance. . . . Through innovative land use strategies, our citizens and institutions balance and protect private property rights, public rights, and our natural environment."

ELEMENT 2

LAND USE

TABLE OF CONTENTS

2.1	INTRODUCTION	
2.1.A	Purpose.....	1
2.1.B	Land Use Concept.....	1
2.1.C	Population and Residential Density	2
2.1.D	Growth Management and Resource Protection.....	2
2.2	GENERAL GOALS AND POLICIES OF THE LAND USE ELEMENT	
2.2.A	General Goal and Policies.....	3
2.2.B	Economy	4
2.2.C	Energy	5
2.2.D	Essential Public Facilities	5
2.2.E	Recreation	7
2.2.F	Natural Resource Conservation.....	7
2.2.G	Social Services	8
2.2.H	Historic and Archaeological Preservation.....	8
2.2.I	Open Space and Scenic Resources.....	8
2.2.J	Access to Public Lands and Facilities.....	9
2.2.K	Sewage Disposal	9
2.2.L	Telecommunications.....	9
2.2.M	Physical Activity.....	10
2.3	LAND-USE DESIGNATIONS	
2.3.A	Growth Areas	10
2.3.B	Activity Centers (including Limited Areas of More Intensive Rural Development)	
	Village Activity Centers	13
	Hamlet Activity Centers	13
	Island Centers	13
	Residential Activity Centers	14
	Master Planned Resorts	14
2.3.C	Rural Lands	16
	Rural General Use	17
	Rural Farm-Forest.....	18
	Rural Residential	19
	Rural Industrial.....	19
	Rural Commercial.....	20
2.3.D	Resource Lands	20
	Agricultural Resource Lands	21
	Forest Resource Lands.....	21

2.4	SPECIAL DISTRICTS	
2.4.A	Conservancy	22
	Goals and Policies	22
2.4.B	Natural	
	Goals and Policies	23
2.5	OVERLAY DISTRICTS	23
2.5.A	Mineral Resource Lands	23
2.5.B	Critical Areas	24
	Geologically Hazardous Areas	25
	Frequently Flooded Areas	25
	Critical Aquifer Recharge Areas	26
	Wetlands	26
	Fish and Wildlife Habitat Conservation Areas	27
2.5.C	Open Space Conservation	27
2.5.D	Airport Overlay District	28
2.5.E	Watershed Management	28
2.6	SUBAREA PLANS	
2.6.A	Goal and Policies	28
2.6.B	Existing Subarea Plans	28
1.	DNR Trust Lands Management Plan	29
2.	Eastsound Subarea Plan	29
3.	Open Space and Conservation Plan	29
4.	Shaw Island Subarea Plan	30
5.	Waldron Island Limited Development District (LDD) Subarea Plan	30
6.	Lopez Village Plan for the Vital Place at the Heart of Lopez Island	31

LIST OF TABLES

Table 1.	Summary of Urban Growth Areas	11
Table 2.	Summary of Activity Centers	14

2.1 INTRODUCTION

2.1.A Purpose

San Juan County is faced with a number of critical land use issues, perhaps the most critical being protection of the primarily *rural character* and natural environment of the islands while allowing for growth and *development* that maintains these characteristics and a healthy, diverse economy and populace. The Land Use Element of the *Comprehensive Plan*, guided by the county-wide Vision Statement, establishes the desired character, quality, and pattern of development for the physical environment of the county. It represents the policy plan for growth over the next twenty years. The goals and policies in this element direct future decisions on land use regulations, actions, procedures, and programs that will further implement the intent and purpose of the overall *Plan*.

2.1.B Land Use Concept

The Land Use Element establishes a concept of how San Juan County should grow and develop while protecting its exceptional quality of life and natural environment and equitably sharing the public and private costs and benefits of growth. The concept establishes the overall direction for guiding residential, commercial, and industrial growth in a manner that protects public health and safety and private property rights while preserving rural character and our unique island atmosphere.

The land use concept guides San Juan County's efforts to achieve these ends by indicating where housing, shopping, community services, cultural facilities, and economic development activities should be encouraged, and where open space, rural areas, farmlands, and forested areas should be protected. It distinguishes between growth areas for urban levels of development, activity centers and other areas of more intensive rural development, rural areas, and resource lands, and places the emphasis for growth in areas where adequate public facilities and services can be provided in an efficient and economic manner.

Finally, the land use concept attempts to preserve open space, protect Critical Areas, maintain and improve the quality of air, water, soil and land resources, and protect the historic and cultural character of the islands. The land use concept is based on the densities established under the 1979 *Comprehensive Plan* as revised in the year 2000, and focuses on the distribution and mix of land uses.

The Land Use Element consists of five major sections:

- The General Goals, which provide the overall goals and policies for all lands in the county.
- The Land Use Designations, which establish four principal land use classes with specific goals and policies for a number of designations within these classes:
 - Growth Areas, including Towns and Urban Growth Areas.
 - Activity Centers including Villages, Hamlets, Island Centers, and Residential Activity Centers, which are designated consistent with RCW 36.70A.070(5)(d) as *Limited Areas of More Intensive Rural Development* (LAMIRDs). Activity Centers also include Master Planned Resorts, which are designated consistent with RCW 36.70A.360 and .362.
 - Rural Lands including Rural General Use, Rural Farm-Forest, Rural Residential, Rural Industrial, Rural Commercial, Conservancy, and Natural.
 - Resource Lands including Agricultural and Forest lands.

- The Special Districts of Conservancy and Natural which include goals and policies for conservation of areas with valuable natural features.
- The Overlay Districts, which contain additional goals and policies for certain land areas and uses that warrant specific recognition and management, including Mineral Resource Lands, *Critical Areas*, Open Space Conservation, watershed management, and Airport Districts.
- The subarea plan section, which contains goals and policies for the creation of plans and regulations for specific geographic areas in the county when the needs of those areas cannot be addressed by the land use provisions of this element.

2.1.C Population and Residential Density

Residential density is established on the County's Official Maps for each area of the County. The permitted density indicates the maximum number of dwelling units that may be constructed per acre of land, or conversely in rural areas, the minimum number of acres per dwelling unit. The maps of residential density do not establish a minimum parcel size; however, new land divisions may not establish a parcel pattern which would permit development of the area at a residential density greater than that provided for in the Official Maps, or create parcels smaller than those allowed by the UDC.

The patterns of development which have occurred in San Juan County have been greatly influenced by the residential densities established in the 1979 Comprehensive Plan. In many instances the densities have been voluntarily reduced by property owners through conservation easements with the San Juan Preservation Trust (a private, non-profit land trust). Also, density reduction is being achieved through purchase of conservation easements and land acquisition by the San Juan County Land Bank.

Some of the residential densities that were established in the 1979 *Comprehensive Plan* exceeded the density that is considered consistent with rural character by the Growth Management Hearings Boards established under Washington's Growth Management Act. In response to an order from the Western Washington Growth Management Hearings Board, this *Plan* establishes rural densities that allow fewer dwelling units than permitted by the 1979 plan in a number of areas. Existing parcels which were established under the greater densities of the 1979 plan may still be developed for residential use, but any further subdivision in these areas must meet the newly established density limits. *Plan* policies encourage the combination of existing lots in order to reduce the number of dwelling units that may be developed in rural areas where the existing parcel pattern would permit development at a density greater than that established by this *Plan* and the Official Maps.

Information on existing and future population are found in Appendix 1, *Population Projections, Buildout Analysis and Land Use Inventory*.

2.1.D Growth Management and Resource Protection

To ensure that Critical Areas and rural resources are protected, and that urban governmental services will not be required outside of urban growth areas and LAMIRDs, in addition to the density changes there are also *Comprehensive Plan* policies that place limits on capital facility development in the rural areas, and establish UDC conservation subdivision standards and other site design and performance standards.

2.2 GENERAL GOAL AND POLICIES OF THE LAND USE ELEMENT

This section of the Land Use Element establishes the overall goal and policies for how the county will try to achieve the Vision and identifies a number of general goals and policies for a broad range of issues which may apply to all land classes in the County.

2.2.A General Goal and Policies

General Goal:

To provide for the orderly use of San Juan County land, shorelines and water areas and to protect and maintain the natural beauty and resources of the islands, maintain the present rural, residential, agricultural atmosphere, respect the natural environment and processes, recognize the marine orientation of the County, and to regulate development in a manner which will protect both the rights of private landowners and the interests of the public.

General Policies:

1. Balance the public's interest in the management of community growth and its associated impacts, with the protection of individual property rights through adoption of a coordinated set of goals, policies and regulations to guide future development in the County.
2. Recognize and support the right of property owners to maintain and replace legal, non-conforming uses and structures.
3. Consider site capabilities and existing development patterns when determining the appropriate locations and intensities of various uses of the land.
4. Direct high density residential and mixed use development into growth areas, and into appropriate activity centers to prevent sprawl and relieve growth pressure in the surrounding rural areas.
5. Implement the goals and policies of this *Plan* by adopting a land-use designation map and a set of development regulations and enforcement procedures.
6. Investigate the development of a program to allow for the transfer of residential density from Rural and Resource Lands to Activity Centers and other approved receiving areas as appropriate to protect rural and resource lands. Transfer of residential density within Activity Centers should also be allowed.
7. Implement the Vision Statement goals of preserving rural character and limited natural resources by means of voluntary, incentive-based programs, and other strategies, to reduce the currently allowable maximum number of residential structures in rural areas in a manner that is fair and equitable for the affected property owners, and by establishing strategies that encourage property owners to keep parcels whole and to preserve open space.
8. Residential densities specified on the Official Maps indicate the maximum allowable density for any given parcel.
9. Recognize that the maximum allowable density applied to land by designation on the Official Maps reflects the general intent of this *Plan* for residential development and should be allowed unless maximum density would exceed site capabilities or unless it would not comply with other applicable County land use regulations. For purposes of this *Plan*, site capabilities or conditions which may indicate a density lower than the specified maximum include, but are not limited to:
 - a. Suitability of soils to sustain individual or community sewage disposal systems.
 - b. Quality and quantity of water available to serve the proposed development.
 - c. The presence Geologically Hazardous Areas, Frequently Flooded Areas, Wetlands, or Fish and Wildlife Habitat Conservation Areas which would either be materially harmed or which would result in hazards to life and property as a result of development at maximum density.

10. Preserve the rural character of rural, resource, and conservancy lands by providing for conservation design in new land divisions and allowing for limited residential density bonuses in return for additional protection of open space resources and natural resource functions.
11. Manage runoff to prevent flooding and property damage, promote groundwater recharge and protect the quality and quantity of ground and surface water in accordance with the Water Element of this Plan. In conformance with RCW 36.70A.070(1), a description of existing flooding, drainage, and water quality problems will be developed and included as an appendix to this Plan.
12. *Vacation rental* (short-term, *i.e.*, of less than thirty days) of a principal, single-family residential unit or an ADU should be subject to standards similar to those for hospitality commercial establishments but should be classified as a residential use for purposes of land use regulation.
13. Future review and revision of the Land Use Element, its land-use designations, and the Official Maps should be based in part on the sufficiency of capital facilities as provided in the Capital Facilities Element and six-year plan, review of development patterns, projected needs, the availability and adequacy of water resources, the ability to control and mitigate the impacts of development, and the retention and protection of resource lands, special districts, critical areas, and water quality.

2.2.B Economy

Goal: To support a broad-based, diversified, stable, year-round economy which provides a range of goods, services and employment opportunities serving the needs of County residents, while safeguarding the rural, residential, agricultural, and marine nature of the County.

Policies:

1. Provide a predictable development atmosphere for the local economy through the formulation of clearly defined land use designations, regulations and standards.
2. Allow the establishment of *home occupations* and *cottage enterprises* with appropriate performance standards.
3. Retain *resource-based activities* by:
 - a. Conserving agricultural, forest, and mineral resource lands;
 - b. Encouraging forest land owners to use best management practices and sustainable harvesting techniques;
 - c. Allowing resource-based processing and commercial activities to locate on resource lands and in some rural areas; and
 - d. Allowing the storage of personal commercial fishing vessels and related equipment incidental to a personal residential use throughout the county.
4. Ensure that new commercial, industrial, and institutional uses are consistent and compatible with the islands' natural environment, community livability, and the needs of county residents by establishing performance standards which address:
 - a. compatibility with surrounding area;
 - b. visual impact, including signage, light and glare;

- c. storm drainage control;
 - d. traffic access and circulation;
 - e. outdoor storage and location of parking and loading;
 - f. noise abatement;
 - g. water and air pollution, including hazardous wastes, odor, and noxious fumes; and
 - h. Critical Areas.
5. Allow for tourism-related businesses and activities within the context of maintaining a diverse and balanced economy while minimizing the related negative impacts.
 6. Commercial and industrial uses should be located only where directly accessible from a County Road, or from a private road if traffic and maintenance impacts to the private road are minimized.

2.2.C Energy

Goal: To conserve energy and promote energy efficiency.

Policies:

1. Promote education on site planning methods that make maximum use of energy-saving features of the natural environment.
2. Provide opportunities within land use designations for the development and use of alternative energy resources which are compatible with the natural environment.

2.2.D Essential Public Facilities

Recognizing the diverse essential public facility needs of San Juan County's many islands, following are the policies for addressing the siting and development of essential public facilities, including essential public facilities located within the Shoreline jurisdiction.

Goal: To ensure that the land use needs for *essential public facilities* are identified and provided for as a necessary component of a coordinated land use system.

Policies:

1. Identification of Essential Public Facilities

Essential Public Facilities (EPFs) are facilities that provide a necessary public service as their primary mission, and that are difficult to site. EPFs include, but are not limited to, those facilities listed in RCW 36.70A.200; any facility that appears on the list maintained by the State Office of Financial Management under RCW 36.70A.200(4); secure community transition facilities as defined in RCW 71.09.020; state education facilities; state or regional transportation facilities as defined in RCW 47.06.140 and facilities determined to be an Essential Public Facility under SJCC 18.30.050E. Essential public capital facilities of county or state-wide significance also include, but are not limited to: passenger and vehicle ferry terminals (public); public elementary and secondary schools; solid waste collection, transfer, and disposal facilities; county roads and county docks; county equipment storage and maintenance yards; county septage handling and treatment facilities; primary electrical transmission and distribution systems; fire stations and

emergency service facilities; public libraries; post offices; parks; county administrative offices; and general aviation airports.

2. Regulations and policies may not preclude the siting and construction of EPFs. When possible, EPFs shall comply with existing regulations and policies. When this is not possible, or when existing, non-conforming facilities need to be expanded, special siting, design and approval procedures should be developed that:
 - a. Consider impacts on existing land uses, resource lands, open space, scenic resources, shoreline master program, Critical Areas, and the natural and rural environment;
 - b. Consider the quality of service provided and the economic, social and environmental costs and benefits to the public;
 - c. Include the public in selecting sites and developing alternatives to mitigate negative impacts;
 - d. Require EPFs to provide reasonable mitigation of negative impacts. An application for approval of an EPF Conditional Use Permit may however, not be denied because impacts are not fully mitigated; and
 - e. Prevent the siting of incompatible uses adjacent to general aviation airports.
3. Essential public facilities should not be located within frequently flooded or geologically hazardous areas unless no practicable alternative exists.
4. On Lopez and Orcas Islands, new public schools and government administrative offices should be located within an Urban Growth Area (UGA), a LAMIRD, or other area where adequate water supply and sewage disposal exist without new extensions of urban services.
5. Other facilities should not be located outside an UGA or LAMIRD unless its operation warrants a rural location.
6. The Shoreline Master Program Element should establish shoreline environment designation, policies, boundaries, and provisions regarding the identification, siting and design of essential public facilities located in the shoreline jurisdiction.
7. To help offset potential impacts from essential public facilities, develop voluntary and incentive based programs to protect the overall functions and values of Critical Areas and to support resource land uses, particularly commercial agricultural uses.

2.2.E Recreation

Goal: To provide for recreational opportunities to meet the needs and interests of County residents while ensuring that recreational uses are compatible with the natural limitations of each specific site and surrounding uses.

Policies:

1. Coordinate with other public and private agencies to ensure that plans and programs provided within the County accommodate the recreational needs and interests of County residents.
2. Allow the use of public lands consistent with the physical and cultural limitations of each specific site and the island on which it is located.

3. Allow commercial *recreational developments*, consistent with the above goal, which will serve to complement public recreational facilities.
4. Prohibit recreational vehicle parks and all-terrain vehicle tracks because these uses place excessive demands on public transportation systems.
5. Prohibit the development or use of land for large-scale, permanent, tourist attractions such as theme parks and casinos, as they are out of scale and character with San Juan County. Allowable tourist attractions should be limited to those that do not require significant land area, and such attractions should meet all concurrency requirements.
6. Establish performance standards for public and private recreational developments to minimize adverse impacts on adjacent properties and the natural environment.

2.2.F Natural Resource Conservation

Goal: To preserve nonrenewable natural resources and conserve renewable natural resources for the benefit of existing and future generations.

Policies:

1. Conserve soils capable of supporting long-term agricultural production. The federal Natural Resources Conservation Service (NRCS) identified 34 soil types suitable for farming in San Juan County. These soils can be found on page 121 of the 2009 Soil Survey of San Juan County, Washington, available at: http://soils.usda.gov/survey/online_surveys/washington/#san2009.
2. Conserve forest lands in forest grades 1-5 (as classified by the Washington Department of Natural Resources) for long-term timber production.
3. Encourage sustainable forest management in order to conserve forest lands and promote the retention and preservation of forest stands that are particularly important to visual aesthetics, wildlife habitat, groundwater retention and/or site stability.
4. Protect and preserve, wetlands, critical marine and terrestrial wildlife habitats and wildlife corridors, including breeding grounds, resting and feeding areas for migratory birds, nursery areas and habitats of threatened, endangered and sensitive species.
5. Encourage the reclamation, rehabilitation and enhancements of: (a) wetlands, (b) marine and terrestrial wildlife habitat, and (c) vegetated areas necessary to maintain site stability and groundwater recharge.
6. Develop voluntary, incentive-based, protection measures for natural resources including conservation easements, transfer and purchase of development rights programs, current use taxation, and public education programs.
7. Protect the health, safety and welfare of the public by ensuring that areas susceptible to geological and hydrological hazards are not developed in a manner which would result in injury, loss of life, property damage or financial losses due to flooding, erosion, landslide, or steep slope failures.
8. Incorporate low impact development standards and guidelines (based on the Technical Guidance Manual for Puget Sound, Puget Sound Action Team, 2005) into implementing regulations for critical areas, rural and resource lands, special districts, activity centers and growth areas.

2.2.G Social Services

Goal: To augment County health and social service capabilities by allowing provision of affordable residential care.

Policy:

1. Allow establishment of adult family homes for the elderly and special needs residents and home day care facilities for children in all designations which allow residential uses in accordance with state and federal laws.

2.2.H Historic and Archaeological Preservation

Goal: To protect, preserve, and restore significant archaeological and historical resources in the county and encourage those types of new development that will enhance historic community identity.

Policies:

1. Protect areas of known archaeological and historic value from incompatible development and ensure that newly discovered areas uncovered during excavation are examined by the appropriate authorities.
2. Protect through voluntary measures the significant historic resources identified in an inventory, using a variety of preservation techniques including acquisition, incentives, conservation easements, transfer of development rights, overlay districts, and alternative re-use of structures.
3. Incorporate the preservation of sites and structures of historic and archaeological significance as a part of the environmental consideration in development permit and land division reviews.

2.2.I Open Space and Scenic Resources

Goal: To protect and conserve open space and scenic resources.

Policy:

1. Protect open space and scenic resources identified in the County *Open Space and Conservation Plan* through implementation of a variety of conservation techniques including fee acquisition, conservation easements, incentives, overlay districts, purchase, retirement, or transfer of development rights, and education programs.

2.2.J Access to Public Lands and Facilities

Goal: To provide safe and convenient access to public lands and facilities without causing significant negative impacts on the quality of life or property of island residents, or adversely affecting fragile natural features.

Policies:

1. Public agencies should acquire or otherwise assure access to publicly owned lands and facilities. Such access should not adversely affect the public resource or adjacent properties.
2. *Public access areas* should be clearly and appropriately marked.
3. *Greenways* or *buffer zones* should be provided within public access areas to protect adjacent private property.

2.2.K Sewage Disposal

Goal: To ensure that growth and development is supported by site conditions suitable for sewage disposal systems, or by sewage treatment facilities in urban growth areas and certain activity centers and residential activity centers, in order to protect water quality and the public health, safety, and welfare.

Policies:

1. Allow development only upon County approval of sewage disposal systems or upon connection to an approved community sewage treatment facility.
2. Allow innovative, functional technologies for the efficient processing of sewage. These alternative methods of sewage disposal may be allowed with approval from the County Public Health Officer.
3. Locate sewage disposal facilities to prevent contamination of surface and ground water resources.
4. Coordinate with the Town of Friday Harbor in the development of programs for local sewage sludge disposal which will have minimal negative impact on the public.
5. Prohibit the importation and disposal of sewage sludge to the islands from outside of the County.
6. Allow the extension of community sewage treatment facilities into rural areas only to remedy existing or potential groundwater contamination problems, or to correct existing or impending health hazards, or to provide service to public schools, and only when it meets the other criteria provided in this *Plan*, Sections B.7.1.C and B.7.2.A.

2.2.L Telecommunications

Goal: To allow for the development of effective telecommunications systems in a manner consistent with the character of island neighborhoods and the rural and scenic qualities of the islands.

Policies:

1. Allow for telecommunications towers and antennae subject to location, siting, appearance, and performance standards.
2. Existing commercial telecommunications antennae and towers should be used to the maximum extent possible to accommodate future telecommunications needs before new facilities are approved.

2.2.M Physical Activity

Goal: To implement community planning and design approaches that promote walking, bicycling and other physical activity.

Detailed policies supporting physical activity are found in the Transportation Element of this plan (which includes a Non-motorized Transportation Plan) and the goals and policies of adopted subarea and activity center plans.

2.3 LAND USE DESIGNATIONS

This section of the Land Use Element establishes four principal land use classes: Growth Areas, Activity Centers (including LAMIRDs), Rural Lands, and Resource Lands. Each Class has specific goals and policies that specify the criteria used to qualify lands for each designation and provide guidance for development

regulations by identifying uses and activities which may be established in these areas. Generally, the factors for land use designations in this *Plan* include the following: physical site conditions such as soils, slope, groundwater recharge and drainage; present and projected needs of the population; the character of existing development and parcel size; financial impacts on the County and its residents; community livability; capacities of roads, sewers, water systems, and other facilities; proximity to shopping, business and community activities; and providing a balance between various land uses.

2.3.A Growth Areas

Goal: To recognize and provide for areas of compact urban development which offer diverse employment opportunities, a variety of residential densities and housing types which will eventually achieve urban-level densities in most locations, *general commercial*, *general industrial*, institutional, recreational, and community uses in a concentrated, development pattern that includes urban-level and uses and intensities of use.

Policies:

1. Establish different urban growth areas, each of which has a mix of land uses with housing, businesses, and services appropriate to its character, size, and location, as described in a. and b., *below*.

Types of Growth Areas

- a. **Towns** are incorporated *Urban Growth Areas* with a full range of urban facilities and services, including *high-density residential*, general commercial, and general industrial uses, schools, and neighborhood and community parks. Towns offer a variety of housing types and are pedestrian-oriented with compact development patterns. They have municipal sewage treatment facilities, municipal water systems and provide other *urban governmental services*. Towns are incorporated.
 - b. **Unincorporated Urban Growth Areas (UGAs)** are: 1) adjacent to incorporated towns, are or can be served by municipal water systems and municipal sewage treatment facilities, and contain or are appropriate for a mixture of uses including general commercial and general industrial and high density residential. All or a portion of these areas may be annexed into a town within the twenty year planning time frame; or 2) are non-municipal urban growth areas i.e, they provide *community sewage treatment facilities* and *community water systems* services at non-rural or urban levels of service, and provide some other services similar to towns but have no incorporated core. UGAs provide a variety of housing types and residential densities, some of which are at urban-level densities, with the remainder conditioned to not preclude future upzoning. The UGAs are pedestrian-oriented with a compact village core.
2. Growth Areas should be designated on the *Comprehensive Plan* Official Maps where existing or proposed uses and services will meet the above definitions. Growth Areas designated on the *Comprehensive Plan* Official Maps are identified in Table 1, *below*.

Table 1. Summary of Urban Growth Areas.

Location	Designation
Friday Harbor	Town
Friday Harbor Urban Growth Area	Urban Growth Area
Eastsound	Urban Growth Area
Lopez Village	Urban Growth Area

3. New urban-level residential, *general commercial* and *general industrial* uses, and urban-level facilities and services should be located only in growth areas, except as explicitly provided by this *Plan* and in compliance with the GMA, in order to avoid incompatible land uses and protect the character and values of the rural areas. Rural industries and heavy industrial types of activities will generally be located in Island Center activity centers and the Rural Industrial areas (*see Rural areas, below*).
4. Consider the local knowledge, experience, and preferences of community residents, in addition to the directives of the GMA and this *Plan*, when establishing the type, size, character, and boundaries of a growth area, deciding appropriate uses and their location, determining community *infrastructure* requirements, and establishing standards and design guidelines to protect and retain important features which the community values.
5. Subarea plans or location-specific designations and standards for growth areas should be adopted to guide land use and development in these areas. Residential, commercial, industrial, and open space and park areas should be identified in each growth area. Land use districts and development standards for areas should be consistent with GMA direction to develop compact urban areas and to retain and enhance community character and values. Critical Areas within growth areas should be preserved and enhanced.
6. Land use districts, densities and standards for growth areas should be consistent with GMA direction to develop compact urban areas and for most areas to ultimately achieve urban-level densities. Densities and development should be phased so as to be compatible in the near term with existing development patterns. Standards should also be developed to prohibit new development during the phasing period that would physically preclude eventual higher densities.
7. All new development in growth areas should be connected to and served by public or private community water and sewage treatment systems. Long-range sewer and water system plans should be developed or updated by the utility providers in cooperation with the county so that the plans are consistent with the growth projections, land use regulations, and subdivision patterns in each area.
8. New residential development in growth areas should include a full range of single- and multi-family housing types. New areas added to a growth area should permit minimum densities of 4 units per acre in order to support efficient public services and provide a full range of affordable housing opportunities in the future.
9. Open space design standards should be established to maintain the rural character at the borders of growth areas. Open space areas, in the form of squares, green spaces, and parks within growth areas, should be an integral part of these areas to provide settings for recreation and public gatherings, and to protect Critical Areas, scenic qualities, and historic features.
10. The County should investigate storm drainage impacts of current and future development for each growth area, and develop additional design and building standards for land development projects, capital projects, and establishment of a utility if appropriate, to control storm water runoff and associated impacts.
11. The Town of Friday Harbor and the County should prepare and maintain an Urban Growth Area Management Agreement in accordance with the San Juan County and Town of Friday Harbor Joint Planning Policy adopted in 1992, as amended.
12. Urban Growth Areas (UGAs) should be designed to accommodate fifty percent (50%) of the population growth projected for the island where the UGA is located during the twenty year planning period. Development of urban areas should be encouraged consistent with smart growth principles. The Town, County, and utility providers should jointly explore infrastructure planning, construction and financing options for necessary capital improvements. Potential financing options include developer agreements, utility local improvement districts, grants, service area agreements, and impact fees.

13. Establish development standards for planned unit developments (PUD) in growth areas to more effectively accomplish the goals and policies of this *Plan* and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. PUD standards should include provisions for a mixture of housing types and residential densities, and preservation of open space and natural features, as well as concurrency requirements to address impacts on transportation and other capital facilities and services.

14. An adaptive management program regarding seawater intrusion into the Lopez Village UGA water supply is hereby established to evaluate whether existing regulatory and non-regulatory actions with regard to seawater intrusion are protecting the quality and quantity of groundwater used for public water supplies in the Lopez Village UGA. This program is intended to supplement the County's existing water quality protections in San Juan County Code Chapter 8.06.
 - a. Benchmarks. The program uses June 2002 well data and the groundwater model described in the June 2003 Lopez Village Groundwater Model Report ("2003 Report") prepared by Pacific Groundwater Group as a benchmark. The 2003 Report is hereby incorporated into the Comprehensive Plan by reference.
 - b. Monitoring network. A well monitoring network of eleven wells has been established in and around Lopez Village in partnership with the Washington State Department of Ecology. Data loggers have been installed on these wells and will measure elevation and static level at least hourly. Additionally, manual samples will be taken at least twice a year from the wells for chemical analysis. The analysis will test for alkalinity, calcium, chloride, conductivity, fluoride, magnesium, nitrate, potassium, sodium, and sulfate.
 - c. Review by County Hydrogeologist. A County Hydrogeologist will review and analyze data collected by the monitoring network by December 31, 2008, and annually thereafter. The review will include:
 - i. Analysis of the collected data and comparison to the projections regarding pumpage and water levels in the model developed in the 2003 Report.
 - ii. Modification to the model in the 2003 Report if it is not simulating aquifer conditions correctly or if more accurate indicators of seawater intrusion are developed and can feasibly be integrated into the model.
 - iii. Analysis of the aquifer capacity compared to growth projections.
 - d. Thresholds. Degradation of the aquifer will be considered to occur if the County Hydrogeologist determines that there is a greater impact on seawater intrusion than predicted in the groundwater model. If more accurate indicators of seawater intrusion or other degradation are developed and integrated into the model, such indicators will be used to measure degradation in future analyses.
 - e. Response to degradation of water quality. If degradation occurs, the County will immediately take appropriate action to cease the issuance of building permits in the Lopez Village UGA. The County will not resume issuing building permits in the Lopez Village UGA until such time as action which will prevent further seawater intrusion has been identified and implemented. (Ord. 40-2008)

2.3.B Activity Centers (including Limited Areas of More Intensive Rural Development)

Goal: To recognize existing centers of activity, which offer diverse employment opportunities, a variety of residential densities and housing types, *general commercial*, *general industrial*, institutional, recreational, and community uses in a concentrated, development pattern.

Policies:

1. Establish different types of activity centers, each of which has a mix of land uses with housing, businesses, and services appropriate to its character, size, and location, as described in a.–d., *below*.

Identify and delineate activity centers that are limited areas of more intensive rural development (LAMIRDs) according to the criteria in RCW 36.70A.070(5)(d). LAMIRDs consist of *existing* (as of 1990, commercial, industrial, or residential areas in which the kinds, intensities, or densities of use, or the capital facilities and services exceed the levels normally associated with rural development. Such areas allow for the continuance of the existing areas and uses, and for infill in the areas to the level of existing patterns; however, the areas must be minimized and contained, with logical outer boundaries defined predominantly by the built environment, and may not extend beyond the existing area or use.

Also establish Master Planned Resort Activity Centers, according to the criteria in RCW 36.70A.360 and 362.

Types of Activity Centers

- a. **Village Activity Centers** have only *rural governmental services* and are not incorporated. They provide a limited variety of residential densities, and are pedestrian-oriented with a compact village core. They provide some intensive uses and services (including *community sewage treatment facilities* and *community water systems*), but are not considered capable of or appropriate for urban-level development or expansion at this time, only for infill.
 - b. **Hamlet Activity Centers** are residential areas that have some non-rural densities, and have small commercial centers which provide goods and services to surrounding rural and resource land uses. Hamlets are served by community water systems and may have community sewage treatment facilities, but have only rural governmental services.
 - c. **Island Centers** are generally characterized by existing general commercial and general industrial uses and may also include some *rural commercial* and *rural industrial* uses. These centers may be served by community water systems, but have only rural governmental services. Island Centers differ from other Activity Centers in that they generally do not have a high density residential component included within the center boundaries, and new residential development (except where accessory to commercial or industrial use) should be prohibited. The commercial and industrial uses located in these centers provide goods and services island-wide.
 - d. **Residential Activity Centers** are residential areas that have existing development patterns more dense than one unit per five acres, some portion of which is served by non-rural levels of capital facilities or services.
 - e. **Master Planned Resorts** are self-contained and fully integrated *planned unit developments*, in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. They may contain other residential uses and commercial activities within their boundaries, but only if these uses are integrated into and support the on-site recreation nature of the resort. Master Planned Resorts may be within other activity centers.
2. Activity centers should be designated on the *Comprehensive Plan* Official Maps where existing or proposed uses and services meet the above definitions. Activity centers designated on the *Comprehensive Plan* Official Maps are identified in Table 2, *below*.

Table 2 Summary of Activity Centers

Location	Designation	Existing Site-Specific Plans & Standards
Orcas Village Landing	Village Activity Center	Yes
Olga	Hamlet Activity Center	Yes
Deer Harbor	Hamlet Activity Center	Yes
Doe Bay	Hamlet Activity Center	No (subject to general, interim activity center standards)
Westsound	Hamlet Activity Center	No (subject to general interim activity center standards)
W. Beach Rd/Crow Valley Rd.- Orcas	Island Center	No
Center Rd./School Road-Lopez	Island Center	No
Country Corner-Orcas	Island Center	Yes
North Roche Harbor Area	Residential Activity Center	No
North Rosario Area	Residential Activity Center	No
Roche Harbor	Master Planned Resort	Yes (resort master plan)
Rosario Resort	Master Planned Resort	Yes (resort master plan)
West Beach Resort	Master Planned Resort	No

3. New general commercial, general industrial, and institutional uses should be located in activity centers, as appropriate with the established patterns of development and use, to avoid incompatible land uses and the proliferation of these uses in rural areas.
4. Use the Roche Harbor Master Planned Resort (RHMPR) *Activity Center Plan* dated June 1994, and modified in April 1996, as a guide for the planned unit development of the RHMPR. The following policies are established to manage development in the RHMPR:
 - a. The RHMPR *Plan* is based on a 200-unit reduction in density from that potentially allowed under the 1979-established densities on property under Roche Harbor ownership.
 - b. A phased planned unit development (PUD), subject to the County’s PUD process, should be submitted for approval of any new development in the RHMPR planning area in any one year period, when such development exceeds 4,000 square feet of gross floor area, or for any recreational facility development.
 - c. Each phase of the PUD should be accompanied by an environmental assessment prepared in accordance with the requirements of the State Environmental Policy Act (SEPA).
 - d. Each phase of the PUD should include a detailed plan identifying the number of dwelling units, allowable uses, average density, percentage of open space, road access and circulation, and provisions for water, sewage, and stormwater management. The specific area descriptions identified in the Addendum to the modified RHMPR *Activity Center Plan* should be used to guide phases of the PUD. A master plan for all sanitary sewer and stormwater disposal systems should be provided by the developer for all areas included in the RHMPR and in the Westcott Bay drainage basin, exclusive of those areas in the Rural Farm-Forest designation, prior to implementation of any phase of development.
 - e. At least one public meeting should be held in the Roche Harbor area prior to approval of PUD phases. Such meetings should provide opportunity for public review and comment on proposed phase plans.

5. In addition to the directives of the GMA and this *Plan*, consider the local knowledge, experience, and preferences of community residents when establishing the type, size, character, and boundaries of an LAMIRD/activity center, deciding appropriate uses and their location, determining community *infrastructure* requirements, and establishing standards and design guidelines to protect and retain important features which the community values.
6. Subarea plans or location specific designations and standards for village, hamlet and island center activity centers may be adopted to guide land use and development in these areas. Land use districts and development standards for activity centers should be compatible with existing development patterns and community character, including rural aspects. Critical Areas within activity centers should be preserved and enhanced. Residential, commercial and industrial areas should be identified in each activity center, if appropriate, and specific development standards adopted for these areas.
7. New development in activity centers served by public or private community water and sewage treatment systems should be connected to such systems where available and appropriate. System operators should be responsible for maintaining an up-to-date understanding of the status of their systems (including capacity and numbers of existing connections and commitments to service). For sewage treatment systems and Group A water systems in Village, Hamlet, and Residential activity centers long range sewer and water system plans should be developed or updated by the utility providers in cooperation with the county so that the plans are consistent with the growth projections, land use regulations, and subdivision patterns in each area. Service by such facilities in residential activity centers may be conditioned specifically for the individual area or portions thereof.
8. Mixed-uses, high-density residential uses, commercial, industrial, and public uses, should be located within activity centers where adequate facilities, services, utilities and improvements exist or are planned to support the level and type of development identified, as appropriate to the existing levels and patterns of development, and the established range of uses.
9. Residential development in activity centers, except Island Centers and Master Planned Resort activity centers, should allow a full range of single- and multi-family housing types. Density bonuses are allowable, as appropriate to established development patterns, to achieve affordable housing goals. New residential development should be prohibited in Island Centers except as an accessory to commercial or industrial use. New residential development may take place in master Planned Resort activity centers, but only if it is integrated into and supports the on-site recreational nature of the resort, as determined at the time of Master Plan approval.
10. Open space design standards should be established to maintain the rural character at the borders of activity centers.
11. Open space areas, in the form of squares, green spaces, and parks within activity centers, should be an integral part of these activity centers to provide settings for recreation and public gatherings, and to protect Critical Areas, scenic qualities, and historic features.
12. In all activity centers storm drainage considerations should be addressed in the design of land development projects to control storm water runoff and erosion.
13. Establish development standards for Master Planned Resort activity centers to ensure that development is compatible with surrounding land uses and that adequate facilities and services are available for the level of development planned. Development standards should address, at a minimum, the following:
 - a. Aesthetic, visual and environmental considerations in order to provide appropriate siting of buildings and amenities to incorporate and retain, as much as feasible, significant on-site natural, historic, and other important features;

- b. Location and design of improvements and activities in such a manner to avoid or minimize adverse effects of the resort on surrounding lands;
 - c. Water quantity and quality, including stormwater management;
 - d. Location specific standards to retain and enhance resort character;
 - e. Protection of Critical Areas; and
 - f. Concurrency requirements for impacts on transportation facilities and other capital facilities and services.
14. Establish development standards for Planned Unit Developments (PUD) in activity centers (where appropriate and practical, given existing development patterns, potential project sizes, available supportive services, terrain, etc.) to more effectively accomplish the goals and policies of this *Plan* and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. PUD standards should include provisions for a mixture of housing types and residential densities, and preservation of open space and natural features, as well as concurrency requirements to address impacts on transportation and other capital facilities and services.

2.3.C Rural Lands

Goal: To maintain and enhance the rural character of the County. *Rural lands* are intended to retain the agricultural, pastoral, forested, and natural landscape qualities of the islands while providing people with choices of living environments at lower densities or use intensities than those in Activity Centers. Rural lands also include the *Special Districts*, which are discussed further in Section B.2.4.

Policies (2.3.C.1–10):

1. Identify as Rural lands on the *Comprehensive Plan* Official Maps all those which are not within an Activity Center and are not designated as Resource Lands.
2. Adopt performance standards for clearing and grading on Rural lands to minimize the potential adverse impacts of these activities on forested lands, soils, surface water quality and quantity, groundwater recharge, wildlife habitat and scenic resources. Grading to construct ponds and reservoirs should be located a safe distance from roads, maintain in-stream flows of natural drainage courses, and protect adjacent property from damage.
3. Establish provisions for Conversion Option Harvest plans in coordination with the state Department of Natural Resources (DNR) to clearly delineate and coordinate the authorities and responsibilities of the DNR and the County in the processing, administration and enforcement of forest practice activities, especially as they relate to the clearing of land for non-forestry uses.
4. Establish development standards for Planned Unit Developments (PUD) in Rural areas to more effectively accomplish the goals and policies of this *Plan* and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. PUD standards should include provisions for a mixture of housing types at rural densities, and preservation of open space and natural features.
5. Strengthen *Right-to-Farm* and *Right to Forestry* provisions which establish the high priority and favored use of Rural Lands, except Rural Residential areas, for farming and forestry activities and assure that such uses will not be considered a nuisance or inconvenience to adjacent non-farm and non-forestry uses.

6. Consider the scope and scale of proposals for the alteration, modification, or expansion of existing camps and existing small resorts. Changes that would expand the scope of services (*e.g.*, adding meal service or new recreational facilities, or adding new convention, hotel or marina facilities), increase the scale of facilities, or add on-site residential housing, should require discretionary use or conditional use permits. Allow expansion of existing uses that conform to the current scope and scale subject to reasonable performance standards to ensure that alteration and expansion of such uses have minimal adverse impacts on surrounding uses.
7. Allow the alteration, intensification, and expansion of existing gravel pits subject to reasonable performance standards to ensure that alteration, intensification, and expansion of such uses have minimal adverse impacts on surrounding uses. If increased off-site impacts (noise, vibration, dust, traffic) would result from expansion or modification, a conditional use permit should be required. Modification to include a new use or operation (*e.g.*, an asphalt plant or a rock crusher) should be a conditional use and be limited to areas where residential densities are planned at five acres or more per unit.
8. Alteration and expansion of existing *airstrips* and *airfields* that would result in increased aircraft activity, conflict with the purpose of the applicable land use district, or cause increased adverse impacts to surrounding areas should be prohibited. Allow minor, low-impact changes subject to reasonable performance standards to ensure that such uses have minimal adverse impacts on surrounding uses. Alteration and expansion of existing airports should be subject to a conditional use permit.
9. When evaluating proposals for the alteration, modification, or expansion of non-conforming uses, consider the total impact of the non-conforming uses as well as the added impact of the incremental changes, and the consistency of the changes with the applicable land-use designation.
10. Establish clearly defined Rural land use designations which promote and preserve the rural character of the islands while meeting the varied needs of island residents. The designations are:

a. Rural General Use

Goal: To provide flexibility for a variety of *small-scale*, low-impact uses to locate on rural lands.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural General Use on the *Comprehensive Plan* Official Maps:
 - i. There is an existing mix of residential development, scattered single family residences, small farms, forestry activities, resource-based commercial and industrial uses, cottage enterprises, rural commercial and rural industrial uses;
 - ii. Parcels are generally five to twenty acres in size; and
 - iii. Soils are marginal or unsuitable for intensive commercial agriculture or forestry uses.
- (2) Allow resource-based industrial and commercial activities, rural commercial, rural industrial, and cottage enterprise uses.
- (3) Establish performance standards for the uses contained in Policy (2), *above*, to minimize adverse environmental and visual impacts. Standards should address access, circulation, building height and bulk, lighting, screening, signage, noise, odor, vibration, spray, smoke, waste disposal, and storm drainage control.

- (4) Allowable uses should be compatible with the existing rural character and should not result in more than a minimal and manageable increase in demand on existing rural governmental services and facilities, utilities, community water systems, sewage disposal systems, and County roads.

b. Rural Farm-Forest

Goal: To provide for rural living opportunities which are compatible with small-scale farming and forestry activities.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Farm-Forest lands on the *Comprehensive Plan* Official Maps:
 - i. The predominant land use is farming and forestry mixed with residential development;
 - ii. Parcels are generally five or more acres in size; and
 - iii. Soils are suitable for small-scale agricultural or forestry uses.
- (2) Adopt site development standards for permissible uses that will maintain a predominant portion of the farm and forested areas for farming and forest uses.
- (3) Allow cottage enterprise uses and agriculture- and forestry-related commercial and industrial uses, such as processing and limited retailing facilities for farm and forest products, to be located on Rural Farm-Forest lands.
- (4) Establish development standards that allow for farm stay accommodations for agritourism enterprises.
- (5) Allow the development of farm worker accommodations on Rural Farm-Forest lands subject to standards that ensure the occupancy is seasonal and limited to persons employed by the proprietor in farm labor for a farm production season only, and that ensure compliance with applicable public health and safety requirements.
- (6) Establish performance standards for the uses listed in Policies (3), (4) and (5), *above*, to minimize adverse environmental and visual impacts. Standards should address access, circulation, building height and bulk, lighting, screening, signage, noise, odor, vibration, spray, smoke, waste disposal, and storm drainage.

c. Rural Residential

Goal: To protect the predominantly residential character of some rural areas and provide for a variety of residential living opportunities at *rural densities*.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Residential on the *Comprehensive Plan* Official Maps:
 - i. There are existing small acreage platted areas generally with private covenants and restrictions, and some exclusively residential developments are expected to continue to occur; and

- ii. Parcels are generally two to five acres in size, and may also include areas with lots less than two acres in size.
- (2) Guide the site design of new residential land divisions to retain rural character and minimize the demand for and cost of public facilities and services.
- (3) Prohibit cottage enterprises and commercial and industrial uses, other than home occupations and uses of comparable impact on residential use.
- (4) Community facilities such as fire stations, club houses and associated recreational amenities should be allowed in Rural Residential areas to serve these residential communities.

d. Rural Industrial

Goal: To provide areas for rural oriented industrial uses which are not generally compatible with activity center land uses, which compliment rural character and development, and which can be served by rural governmental services.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Industrial on the *Comprehensive Plan* Official Maps:
 - i. Lands with an existing or historical commitment to rural industrial uses;
 - ii. Lands with direct access to a public roadway classified as a minor or major arterial;
 - iii. Lands where on-site physical features can be used to protect surrounding lands from negative impacts; and
 - iv. Areas with parcels sizes large enough to accommodate expansion of existing uses or serve several new uses in a concentrated area.
- (2) Rural industrial uses should be limited to those which are most appropriately located in the rural environment because of incompatibility with intensive, mixed use development patterns characteristic of activity centers. Such uses include, but are not limited to, storage yards, lumber mills, wood craft manufacturing, gas storage facilities, and cement batch plants.
- (3) New residential development (except where accessory to commercial or industrial use) within these areas should be prohibited.
- (4) Establish performance standards for all development in Rural Industrial areas to ensure that allowed uses are consistent with the rural character of the area and minimize adverse environmental impacts. Standards should address access, circulation, signage, parking, noise, odor, vibration, spray, smoke, screening, lighting, waste disposal, and storm drainage control.

e. Rural Commercial

Goal: To provide areas for rural oriented commercial uses which compliment rural character and development, and which can be served by rural governmental services.

Policies:

- (1) Areas which are characterized by the following criteria may be designated as Rural Commercial on the *Comprehensive Plan* Official Maps:
 - i. Lands with an existing or historical commitment to rural commercial uses;
 - ii. Lands with direct access to a public roadway classified as a minor or major arterial; and
 - iii. Lands where on-site physical features and/or parcel size can be used to protect surrounding rural land uses from negative impacts.
- (2) Rural commercial uses should be limited to those which are most appropriately located in and are compatible with the rural environment. Such uses include, but are not limited to, veterinary clinics, nurseries, animal boarding facilities, feed stores, and some small-scale hospitality commercial uses such as country inns and restaurants.
- (3) New residential development (except where accessory to commercial or industrial use) within these areas should be prohibited.
- (4) Establish performance standards for all development in Rural Commercial areas to ensure that allowed uses are consistent with the rural character of the area and minimize adverse environmental impacts. Standards should address access, circulation, signage, parking, noise, odor, vibration, spray, smoke, screening, lighting, waste disposal, and storm drainage control.

2.3.D Resource Lands

Goal: To recognize and protect the physical conditions and characteristics of agricultural and forest resource lands which are conducive to the use of such lands for long-term commercial production.

Policies (2.3.D.1–5):

1. Identify lands as Agricultural and Forest Resource lands on the *Comprehensive Plan* Official Maps which are not designated as Activity Centers or Rural Lands.
2. Apply site planning standards for land division activities on resource lands to ensure that agricultural and forest resource lands are conserved for long-term farm and forest uses.
3. Strengthen Right-to-Farm and Right-to-Forestry provisions which establish the high priority and favored use of Resource Lands for farming and forestry operations and assure that such uses will not be considered a nuisance or inconvenience to adjacent non-farm uses.
4. Continue to apply the Open Space Conservation Overlay District regulations to Agricultural Resource Lands located within the San Juan Valley.
5. Establish clearly defined Resource Lands designations which protect and conserve long-term commercially significant agricultural and forest lands and associated uses. The designations are:

a. Agricultural Resource Lands

Goal: To ensure the conservation of agricultural resource lands of long-term commercial significance for existing and future generations, and protect these lands from interference by adjacent uses which may affect the continued use of these lands for production of food and agricultural products.

Policies:

- (1) Lands in agricultural use which are characterized by the following criteria may be designated as Agricultural Resource Lands:
 - i. Areas in parcels of ten acres or larger with soils capable of supporting long term commercial agricultural production. The federal Natural Resources Conservation Service (NRCS) identified 34 soil types suitable for farming in San Juan County. These soils can be found on page 121 of the 2009 Soil Survey of San Juan County, Washington, available at: http://soils.usda.gov/survey/online_surveys/washington/#san2009; or
 - ii. Lands which meet the criteria in a. above which are under conservation easement for agricultural use or which are enrolled in the Open Space-Agriculture taxation program.
- (2) Limit conversion of Agricultural Resource Lands to permanent non-farm uses through implementation of a purchase or transfer of development rights program, special tax assessment programs, conservation easements, and conservation site design options for residential land divisions and boundary line modifications.
- (3) Allow cottage enterprises that do not interfere with agricultural use, and allow agriculture-related activities such as processing and limited retailing facilities for locally grown products on farm sites and within agricultural areas consistent with allowances in State law for accessory uses in agricultural resource lands.
- (4) Allow farm labor housing and *farm stay accommodations* subject to specific performance standards on Agricultural Resource Lands.
- (5) Limit the location of utility lines and facilities, new roads and road realignments, access routes and other non-agricultural public and private facilities, to the least disruptive locations within agricultural areas.

b. Forest Resource Lands

Goal: To protect and conserve forest lands of long-term commercial significance for sustainable forest productivity and provide for uses which are compatible with forestry activities while maintaining water quality, water quantity, and fish and wildlife habitat.

Policies:

- (1) Lands which are characterized by the following criteria may be designated Forest Resource Lands:
 - i. are in Forest Land Grades 1-5 on the Department of Natural Resources Private Forest Land Grades map;
 - ii. parcels are twenty acres or larger, or of a size meeting the Washington State requirements for timber open space designation;
 - iii. are in a tax deferred status of Designated Forest Land or Open Space-Timber, or are state trust lands under forest management; and
 - iv. are being managed for the long-term production of forest products with few non-forest related uses present.

- (2) Limit conversion of Forest Resource Lands to non-forest uses through implementation of a purchase or transfer of development rights program, special tax assessment programs, conservation easements, and/or the formulation of site design standards for residential land divisions, including standards for planned unit developments.
- (3) Allow cottage enterprises, and forest resource-based industries such as lumber processing and retailing facilities for forest products.

2.4 SPECIAL DISTRICTS

This section of the Land Use Element provides goals and policies for the conservation of areas with unique or valuable natural features which warrant specific recognition and protective measures to ensure their existing character is maintained. Two districts, Conservancy and Natural, fall into this category.

2.4.A Conservancy

Goal: To protect, conserve, and manage existing natural conditions, resources, and valuable historic, scenic, educational, or scientific research areas for the benefit of existing and future generations without precluding compatible human uses.

Policies (2.4.A.1–5):

1. Areas which are characterized by one or both of the following criteria may be designated as Conservancy on the *Comprehensive Plan* Official Maps:
 - a. areas possessing valuable natural features or resources which will tolerate only minimal disturbance of the existing terrestrial or freshwater environments; or
 - b. areas possessing scenic, historical, or recreational qualities of considerable local, regional, state or national significance which would be adversely affected by extensive modification or intensive use.
2. Allow the reclamation, rehabilitation, and where possible, the enhancement of scenic, unusual, and fragile areas and renewable and non-renewable natural resources.
3. Ensure that the location and design of all development within Conservancy areas will minimize adverse impacts on the natural features or resources of the site.
4. Allow uses and activities which promote environmental conservation and provide environmental education opportunities.
5. Prohibit all commercial and industrial uses unless such uses are accessory to an existing use (for example home occupations, cottage enterprise, and paddle boat rentals or maintenance storage yards for park and recreation areas).

2.4.B Natural

Goal: To preserve indigenous plant and animal species and ecosystems in a natural state for the benefit of existing and future generations.

Policies (2.4.B.1–6):

1. Designate lands as Natural only upon request of the landowner.

2. Designate as Natural only those areas which are characterized by the presence of intact indigenous ecosystems or rare or unusual indigenous plant or animal species which are relatively intolerant of human use.
3. Prohibit uses and activities which would encroach upon and disrupt rare plant and animal species and ecosystems.
4. Prohibit land divisions for residential development.
5. Prohibit cottage enterprises and all commercial and industrial uses.
6. Allow uses and activities which promote preservation of the ecosystem and provide environmental education opportunities.

2.5 OVERLAY DISTRICTS

This section of the Land Use Element provides goals and policies in addition to those above for certain land areas and uses which warrant specific recognition and management. Except as otherwise provided in this Section the provisions of an Overlay District shall prevail over any conflicting provisions of this *Plan* or plans adopted for urban growth areas, activity centers or subareas. All other provisions of this *Plan* shall retain full force and effect within the Overlay District. The following types of Overlay Districts are provided for by this *Plan*:

2.5.A Mineral Resource Lands

Goal: Assure that *mineral resource lands of long-term commercial significance* are conserved in order to provide continued and economical local access to valuable minerals, particularly those used for construction materials.

Policies (2.5.A.1–4):

1. Upon application by a landowner, lands which are characterized by the following criteria may be designated as a Mineral Resource Land Overlay District on the *Comprehensive Plan* Official Maps:
 - a. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;
 - b. Current or future land use will not exceed a residential density of one dwelling unit per ten acres;
 - c. Are not within an Activity Center, Rural Residential, Natural or Conservancy designation or any Shoreline designation; and
 - d. Are not within a wetland or fish and wildlife conservation area as defined in this *Plan*.
2. Protect mineral resource lands of long-term commercial significance from incompatible land uses and land use patterns so that access to existing and potential resources is maintained. With appropriate design and performance standards land uses such as agriculture, forestry and some industries, and low-intensity residential uses (average density at least ten acres per unit), are compatible with mineral extraction and processing while other uses such as medium- to high-intensity residential uses are not. Resource protection should be accomplished without loss of existing density potential.
3. Existing and potential sources of sand, gravel, and rock vary in size and distribution; those which are most likely to provide for long term production with only minimal impact on the environment should receive the

highest priority for protection through designation with a Mineral Resource Lands overlay district and attendant regulations to protect long-term access and use potential.

4. Allow those activities associated with long-term mineral extraction which enhance the commercial viability of extraction operations to locate within designated mineral resource lands, subject to performance standards to minimize negative impacts on the surrounding area.

2.5.B Critical Areas

Critical Areas are areas within San Juan County that are important to the healthy function of natural ecosystems, as well as areas that can be hazardous to people and their property. Critical Areas include wetlands, fish and wildlife habitat conservation areas, critical aquifer recharge areas, geologically hazardous areas, and frequently flooded areas. The Washington Growth Management Act requires Counties to designate and protect critical areas. The policies in this section are intended to guide County regulations and programs for Critical Areas to ensure they are protected. (Additional goals and policies related to Critical Areas within the shoreline jurisdiction are found in Section B, Element 3 of this Plan).

Goal 1: Protect the functions and values of Critical Areas, giving special consideration to anadromous (migratory) fish.

Goal 2: Allow for use of property to the greatest extent possible while protecting Critical Area functions and values.

Goal 3: Establish Critical Area requirements that are balanced and related to impacts.

Goal 4: Establish funding mechanisms to support Critical Area protection programs including funding for voluntary measures such as education, technical assistance, and cost share programs.

Policies (2.5.B.1–11):

1. In conformance with the Washington Growth Management Act, in designating and protecting critical areas establish regulations that protect Critical Areas based on consideration of the best available science.
2. Adopt policies and regulations that, as of the effective date of implementing ordinances, are designed to protect functions and values of critical areas.
3. In addition to regulations, develop voluntary and incentive-based programs to protect the overall functions and values of Critical Areas and other natural resources. Voluntary actions may include education, technical assistance, water conservation, stewardship programs, implementation of best management practices, and restoration activities. One purpose of these programs is to mitigate impacts resulting from authorized exemptions and exceptions.
4. The impacts of land use and development preferably will be managed and mitigated on site.
5. When developing Critical Area regulations, consider the positive effect of all State, Federal and local environmental protection programs.
6. To the extent possible, adopt protection standards that vary based on site characteristics.
7. Encourage the installation of water catchment systems.
8. Implement applicable provisions of adopted Salmon Recovery and Marine Area Stewardship Plans, giving special consideration to anadromous fish.

9. Monitor and enforce permit requirements and Best Management Practices designed to protect Critical Areas.
10. Control or eradicate invasive and/or noxious weeds in conformance with RCW 17.10.
11. Any regulation created pursuant to these policies should include provisions for reasonable use exceptions and nonconforming uses.

a. Geologically Hazardous Areas

Goal: To protect the public health, safety and welfare from threats resulting from incompatible commercial, residential, institutional or industrial development being sited in geologically hazardous areas.

Policies:

- i. Designate geologically hazardous areas in accordance with WAC 365-190-080(4).
- ii. Designate and classify areas on which development should be prohibited, restricted, or otherwise controlled because of danger from geological hazards based on the level of hazard or risk.
- iii. Require that significant geological impacts resulting from development are either mitigated or avoided within geologically hazardous areas.
- iv. Avoid locating essential public facilities such as hospitals and emergency response operations in geologically hazardous areas.

b. Frequently Flooded Areas

Goal: To protect the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas of *special flood hazard*.

Policies:

- i. Protect the important hydrologic role of frequently flooded areas by designating those areas subject to frequent flooding or coastal inundation as special flood hazards. At a minimum, designate and protect the 100-year area of special flood hazard as defined and mapped by the Federal Emergency Management Agency.
- ii. Prevent or mitigate the impacts of development which may result in hazards to persons or property, or harm to hydrologic functions. In general, this will be accomplished through compliance with applicable building codes, the San Juan County Flood Hazard Ordinance and the requirements of the Unified Development Code.
- iii. Minimize expenditures of public money for costly flood control projects and minimize the need for rescue and relief efforts associated with flooding.

c. Critical Aquifer Recharge Areas

Goal: Protect the quality and quantity of groundwater.

Policies:

- i. Designate and classify those areas which have the characteristics of critical aquifer recharge areas.
- ii. Within critical aquifer recharge areas, regulate those uses which could potentially have a significant negative impact on ground water quality and/or quantity. Such uses include, but are not limited to, underground hazardous materials storage tanks, facilities which use or store significant amounts of hazardous materials or wastes, large on-site sewage disposal systems, petroleum pipelines, landfills, and surface mining operations.

d. Wetlands

Goal: To protect wetlands from a net loss in functions, values, and acreage.

Policies:

- i. Designate, classify, and regulate wetlands based on *wetland functions and values* consistent with State guidance.
- ii. Establish standards for wetland protection including use limitations and buffers based on the classification of the wetland and the potential impact of a proposed use on the wetland.
- iii. Establish a mitigation sequence which includes, in order of priority, avoiding, minimizing or compensating for adverse impacts to regulated wetlands and/or their buffers.
- iv. Define wetlands consistent with RCW 36.70A.030(21).
- v. Delineate wetlands using the Washington State Wetlands Identification and Delineation Manual, Ecology Publication 96-94, or comparable criteria consistent with state law, RCW 36.70A.175.
- vi. Establish methodologies which provide for compatible agricultural uses of wetlands and their buffers.

e. Fish and Wildlife Habitat Conservation Areas

Goal 1: To protect the functions and values of fish and wildlife habitat conservation areas.

Goal 2: Within and adjacent to 100 year areas of special flood hazard, protect and restore habitat for salmon listed as endangered, threatened or sensitive.

Policies:

- (1). Designate and classify fish and wildlife habitat conservation areas in accordance with WAC 365-190-080(5) based on type, State or Federal status, association with priority species, or species of local concern.
- (2) Establish standards including buffers, timing restrictions, and site specific habitat management plans based on the classification of the habitat area and the potential impact of a proposed use on the affected habitat.
- (3) Use the WA Dept. of Natural Resources stream typing system.

- (4) Establish clearing, grading and stormwater management regulations that protect water quality, water quantity, and fish and wildlife habitat from short term and long term impacts of land use and development.
- (5) Adopt regulations prohibiting the blockage of fish passage in F type streams.

2.5.C Open Space Conservation

Goal: To protect those significant open spaces and vistas which substantially contribute to the rural character of the County.

Policies (2.5.C.1–2):

1. Identify *open space resources of high and very high conservation priority* and establish an Open Space Conservation Overlay District for these areas. High and Very High conservation priority areas are preliminarily identified on maps in the *Open Space and Conservation Plan*. Consider applying the Open Space Conservation District Overlay to those lands that are within landscape units which are rated in the *Open Space and Conservation Plan* and which have a score of 35 and above. Seek opportunities to work with property owners to prepare conservation plans for development in these areas upon designation of an Open Space Conservation Overlay District.
2. Site planning standards for development in Open Space Conservation Overlay District areas should be specific to the type of open space resource involved and its particular sensitivity to land alteration.

2.5.D Airport Overlay District

Goal: To protect the public health, safety and welfare, to recognize those areas devoted to aviation uses and provide areas for those activities supporting or dependent upon aircraft or air transportation, when such activities benefit from a location within or immediately adjacent to a public airport, and to promote compatibility between airport uses and land uses and activities in the airport vicinity and environs.

Policies (2.5.D.1–4):

1. The Airport Overlay District designation may be applied to publicly-owned airports, and accessory uses. The boundaries of an airport overlay district may not necessarily coincide with those of a port district.
2. Designate FAA Airspace Zones within the Airport Overlay Districts and establish development standards and regulations for the lands underlying FAA imaginary surfaces including but not limited to, standards for location, design, operations, clearances, marking and lighting, buffering, landscaping, and noise abatement. Such standards should be based on Federal Aviation Administration advisory circulars regarding "Model Airport Hazard Zoning" and FAA regulations regarding "Objects Affecting Navigable Airspace" as they may be amended.
3. Designate Aircraft Accident Safety Zones within the Airport Overlay Districts and establish development standards and regulations for allowable uses, residential densities, open space, and noise to address safety issues and avoid the location of potentially incompatible uses in the airport environs.
4. If there is any conflict between regulations of an Airport Overlay District and regulations of an underlying designation, the more restrictive regulations should apply.

2.5.E Watershed Management

Goal: To protect surface and ground water quality and quantity used for drinking water, and necessary to support marine areas sensitive to land use and development activities.

Policies (2.5.E.1–2):

1. Identify surface water bodies and groundwater recharge areas used for public drinking water supplies and, if appropriate, establish a watershed management overlay designed to address the particular water quality and quantity needs for the selected areas.
2. Identify critical marine habitat areas, including but not limited to commercial and recreational shellfish areas, and establish watershed management overlays for them that, in addition to shoreline management provide sufficient protection from the impacts of upland uses and developments to maintain their habitat quality.
3. When feasible, use a watershed based approach for managing water, aquatic ecosystems and other natural resources.

2.5.F San Juan County Fairgrounds

Goal: To ensure that the San Juan County Fairgrounds are accommodated appropriately within the land use concept of this *Plan* for the 20-year planning period and beyond.

Policies (2.5.F.1-4):

1. The Fairgrounds Overlay District is to allow land uses and developments at the fairgrounds property on San Juan Island in a manner which may not be otherwise allowed by the underlying land use district, so that the San Juan County Fairgrounds may continue to serve the county-wide community over the long term, in its present capacities and in the accommodation of future uses consistent with its continued management for public-service purposes.
2. Capital planning for fairgrounds facilities should be conducted in concert with the county capital budget cycles.
3. A master plan for the fairgrounds should be maintained by the San Juan County Fair Board, updated at least every six years, and submitted with each annual-year review cycle to the County Council for approval with the six-year capital budget.
4. The Planning Commission and the County Council shall review the development regulations applicable to the Fairgrounds Overlay District, including the list of allowable uses within the overlay district at least as frequently as the required comprehensive plan updates pursuant to the GMA. The purpose of this review is to identify and adopt any appropriate modifications based on public comment from fairground neighbors or significant changes in the environment adjacent to the overlay district.

2.6 SUBAREA PLANS

This section of the Land Use Element provides goals and policies to guide the development of subarea plans. Subarea plans are intended to address the needs of specific geographic areas or the management of resources when they cannot be adequately addressed by the designations and provisions of this *Plan*.

2.6.A Goals and Policies

Goal: To provide for the creation of detailed plans for village activity centers, specific geographic areas, or for resources, in order to better address the unique needs and interests of those areas, environments, or functions.

Policies (2.6.A.1–5):

1. Subarea plans should be consistent with, and more specific than, the goals and policies of this *Plan* and consistent with State law.
2. Subarea plans may be developed to address unique circumstances and achieve specific goals which cannot be accomplished through or by amendment of the goals and policies of this *Plan* and associated regulations. Subarea plans for village activity centers may include rural and special district lands adjacent to their boundaries.
3. Subarea plan proposals may be initiated by public or private groups, agencies, or individuals. Subarea plans should be presented initially as a general concept so as to allow full opportunity for public and agency participation in subarea plan development. Fairness, openness, and full citizen participation shall be paramount in all subarea planning procedures and processes.
4. Subarea plan proposals should include the following: Statement of Purpose; Description of Citizen Participation Process; Description and Character of the area; and, the Vision or Goal to be achieved by the subarea plan.
5. Subarea plan proposals should be preliminarily evaluated by the Planning Department and reviewed by the Planning Commission prior to authorization by the Board of County Commissioners for inclusion in Planning Department work programs.

2.6.B Existing Subarea Plans

The following descriptions outline the general purpose and area of application of adopted subarea plans.

1. *DNR Trust Lands Management Plan*

This policy plan adopted by the County and the Board of Natural Resources in 1986 identifies the most appropriate uses of and management plans for approximately 2,500 acres of Washington Department of Natural Resources-managed trust land in the county. Trust lands in the county are located on six islands. Twenty-one of the properties are “common school trust lands” with limitations on their disposition and use.

2. *Eastsound Subarea Plan*

Eastsound is the largest unincorporated community in the county. It is the geographic center of Orcas Island and is the commercial and cultural center of the island community. The plan provides land use and development goals, policies and regulations specific to the Eastsound area. The *Plan* includes an official map that illustrates the boundaries of the subarea and the different land use districts within the boundaries. The *Plan* was first adopted in 1981, was completely revised in 1992, and further amended in 1996.

3. *Open Space and Conservation Plan*

This plan was adopted in 1991 and is intended to identify and recommend a variety of possible methods to protect those open spaces, vistas and view corridors that substantially contribute to the sense of rural character that now prevails in most of the county. The *Plan* presents the methods used for identifying significant open space resources, factors working to degrade those resources, and the effectiveness of open space conservation tools presently available. The *Plan* adopts no regulations, instead it presents specific recommendations for action to conserve open space resources.

4. *Shaw Island Subarea Plan*

The *Shaw Island Subarea Plan* was adopted in 1994 to protect the existing character and qualities of Shaw Island through goals, policies and regulations which are more specific to the needs and interests of the Shaw community. Shaw residents and property owners wish to protect the quiet, rural environment that results from limited commercial activity and a limited transportation network, and to ensure that demand does not exceed the present or planned capacity of infrastructure and public services.

5. *Waldron Island Limited Development District (LDD) Subarea Plan*

The *Waldron Island Limited Development District Subarea Plan* was adopted in 1995 and is a complete revision of the original plan adopted for Waldron in 1976. While Waldron is frequently characterized by the amenities it does not have (ferry service, electricity, paved roads), it is rich in attributes highly valued by the majority of its residents and property owners. Fields and forest, rock and beaches, clean air and water are part of everyday life, as are litter free, unpaved roads with minimal motor vehicle traffic. Waldron is not a wilderness, but the environment is relatively unspoiled. The plan recognizes the limited availability of government services and capital facilities existing and planned for on Waldron and is designed to maintain the existing rural, residential and agricultural character of the island.

6. *Lopez Village Plan for the Vital Place at the Heart of Lopez Island (Lopez Village Plan)*

The Lopez Village Plan for the Vital Place at the Heart of Lopez Island was adopted in 2018. It is a subarea plan for the Lopez Village Urban Growth Area (Village). The Village includes approximately 197 acres on the western side of Lopez Island. The Village's western boundary is almost exclusively identified by the shoreline of Fisherman Bay in San Juan Channel. The eastern boundary extends in a north/south alignment that encompasses parcels on the eastern side of Fisherman Bay Road. Lopez Village is about 1.6 miles in length and one-half mile wide.

This plan reflects the vision and core values developed by the community. It is focused on people, health, housing, connectivity, and protection of the natural environment and quality of life that makes Lopez Village a special place to live.

The Lopez Village Plan supplements the goals and policies of the SJC Comprehensive Plan. It applies to all land, land use activity, and to all structures and facilities developed within the official map of the Lopez Village Urban Growth Area. The provisions of the Lopez Village Plan will prevail over any conflicting provision of the Plan except as provided in the Shoreline Master Program.