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STAFF REPORT

REPORT DATE: September 3, 2020

TO: San Juan County Planning Commission

CC: Erika Shook, AICP, DCD Director

FROM: Adam Zack, Planner III 

SUBJECT: 2036 SJC Comprehensive Plan Update
Section B, Element 2, Land Use: Natural Resource Lands

BRIEFINGS: Planning Commission: September 18, 2020

ATTACHMENT:

- A. Selected Natural Resource Land GMA Requirements, Goals, Policies, And Regulations
- B. AG Resources Committee (ARC): 2018 Comment Letter
- C. Maps, NRCS Soils, and Mining
- D. Draft Methodology for Reviewing Natural Resource Land Designations
- E. SJC Policy, Code and Programs that Conserve, Maintain and Enhance AG and Forestry Resource Lands
- F. WA Dept. Natural Resource Lands: 2017 Status of Trust Lands

PURPOSE: Natural Resource Lands (NRL) are the focus of this Land Use Element briefing. *Plan* Section B, Element 2, Land Use and Rural, contains the goals and policies related to Agricultural, Forestry and Mineral lands.

At this briefing, staff will provide background information, highlight possible map and policy amendments identified thus far, and explain the proposed methodology for analyzing changes to resource land designations. Feedback will be requested about other resource land issues that should be considered during the update.

REPORT OVERVIEW: This report provides background on the County's natural resource lands, provides an overview of the GMA and local designation criteria, discusses regulation of natural resource use and provides an overview of the *Plan's* Official Maps. Attachment D provides a draft methodology for conducting the agricultural and forest land designation analysis.

The topics discussed in this report were assembled from the *Plan* update project scope of work adopted by the County Council, public outreach events, specific property owner requests, and conversations with the County Council, Planning Commission and planning advisory committees.

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I. BACKGROUND

Under the Growth Management Act (GMA), the County is required by to review their NRL designations, policies and regulations during the periodic update. Review of the goals, polices, designations and regulations are required to ensure that, when taken together, they implement the *Plan*. Analysis of agricultural and forest land designations must be done on a county- or region-wide basis.

The GMA treats NRL and their industries as special because of their long-term commercial significance. Protecting NRL can also have significant environmental benefits such as protecting water quality and providing habitat. Beyond providing guidance, it requires the County to designate and conserve NRL in order to maintain and enhance the natural resource industries. RCW 36.70A.020, GMA Planning Goal 8 states:

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

After receiving direction from County Council, staff will analyze how existing designations conform to the GMA and *Plan* designation criteria and document if potential *Plan* and *Plan* Official Map (Official Map) amendments meet those criteria. The analysis will also consider impacts to capital facilities, transportation, housing, levels of service, and consistency with the other Land Use Element goals and policies.

What are Natural Resource Lands?

Natural Resource Lands are agricultural, timber and mineral lands that are not characterized by urban growth and that have long-term commercial significance. This land use class includes three land use designations:

1. Agricultural Resource (AG);
2. Forest Resource (FOR); and
3. Mineral Resource Lands Overlay District (MRLO).

Growth Management Act (GMA) Definitions of Agricultural and Forest Lands, and Minerals

The definitions of Agricultural Land and Forestland in RCW 36.70A.030(3) and (10) are:

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by *RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(10) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under *RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

RCW 36.70A.030 (15) defines minerals as:

(15) "Minerals" include gravel, sand, and valuable metallic substances.

San Juan County Code Definitions

The following definitions are established in San Juan County Code:

18.20.010 "A" definitions. "Agricultural resource lands" means lands that are primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, livestock, or Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, and have long-term commercial significance for agricultural production (RCW 36.70A.030(2)). Agricultural resource lands is also a land use designation (AG) in the Comprehensive Plan.

18.20.060 "F" definitions. "Forest resource lands" means lands primarily devoted to growing trees for long-term commercial production on land that can be economically and practically managed for such production (RCW 36.70A.030(8)).

18.20.130 "M" definitions. "Mineral resource lands" means those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated to have long-term commercial significance.

Natural Resource Lands in San Juan County

Agricultural Resource Lands

Table 1 below identifies the acreage of designated AG land on each island. There is AG designated on only San Juan, Orcas, and Lopez Islands. The 13,884 designated acres are about twelve percent of the roughly 112,532 acres in the County.

Table 1. San Juan County Acreage of Designated Agricultural Resource Lands by Island.

Island	Total Acres Designated	Percent of Total AG Lands	Developable Acres	Percent Developable of Total Acres Designated
San Juan	6,117	44	2,591	18
Orcas	2,672	19	1,136	8
Lopez	5,095	37	2,260	16
Total	13,884	100	5,986	43

Source: SJC Comprehensive Plan Official Maps and Appendix B.1 Population Forecast and Land Capacity Analysis.

The Land Capacity Analysis in Appendix B.1 of the *Plan* indicates that fifty-seven percent of designated AG land is fully developed with residential uses (no more residential development is permitted). Forty-three percent of the total acreage designated AG land may still be developed for residential use at the density allowed by the Official Maps of the *Plan*. Over the next 20 years, the Land Capacity Analysis (LCA) results indicate that approximately 254 new residential units could be developed on AG land countywide.

Forest Resource Lands (FOR)

There are 19,097 acres of designated FOR lands on San Juan, Orcas, Lopez, Shaw, and Blakely islands. Maps 1 through 3 show the specific location of designated FOR lands. Table 2 shows the number of acres designated FOR land on each island. The majority is located on Orcas Island. Fifty-one percent of FOR land is fully developed, primarily with residential uses. Forty-nine percent of the total acreage designated FOR may still be developed for residential use. Over 20 years, the LCA results indicate that approximately 274 new residential units could be developed on FOR land countywide.

When the State of Washington was created, the federal government granted the State ownership of lands to help fund schools in the new state. The County historically had many WA Department of Natural Resource (DNR) School Trust lands and adopted a DNR Trust Lands Management Plan (Element 2, Land Use, Section 2.6. Subarea Plans (B)(1)). A 2017 list and map of trust properties identifies the properties owned by the School Trust (Attachment F). The majority of School Trust Lands are leased for recreational uses with the revenues from the leases helping to fund schools in the County. As of 2017, only one area of School Trust land on Blakely Island remains unleased. This area, currently designated Conservancy on the Official Map, is undeveloped and might be a candidate for designation as Forest Resource Land. Staff will evaluate this possible re-designation when resource land designations are evaluated countywide.

Table 2. San Juan County Acreage of Designated Forest Resource (FOR) Lands by Island.

Island	Total Acres Designated	Percent of Total FOR Lands	Developable Acres	Percent of Countywide Total that are Developable
San Juan	1,651	9	857	4
Orcas	11,256	59	4,809	25
Lopez	2,043	11	1,001	5
Shaw	585	3	496	2
Blakely	3,562	19	2,324	12
Total	19,098	100	9,487	49

Source: Comprehensive Plan Official Maps and Appendix B.1 Population Forecast and Land Capacity Analysis.

Mineral Resource Lands

The *Plan* and San Juan County Code (SJCC) include goals, policies, and development regulations for the Mineral Resource Land Overlay (MRLO). The MRLO is the mechanism provided in the *Plan* for designating mineral resource lands on the Official Maps. No lands currently are designated MRLO. The *Plan* policies

require a property owner to apply for an MRLO designation. This is a local choice. The MRLO is not allowed in shoreline jurisdiction or in Activity Centers, Rural Residential, Natural, or Conservancy designations.

Allowed uses in the MRLO are defined by the underlying land use designation per SJCC 18.35.015(B). In rural designations, mining and mineral extraction is prohibited in all designations except Rural General Use (RGU). As a result, existing mining operations outside of RGU are nonconforming. Changes to nonconforming uses require a conditional use permit. They are allowed to be modified, expanded, replaced, and continue operating provided the degree of nonconformity is not increased (SJCC 18.40.310).

Without the MRLO, existing mining operations are not protected from nuisance claims. A nuisance claim is a legal challenge to a land use which asserts that a use is interfering with property owners' reasonable use and enjoyment of their land. Nonconforming uses are particularly susceptible to nuisance claims. The MRLO regulations provide relief from nuisance claims in SJCC 18.35.015(C)(1), which states:

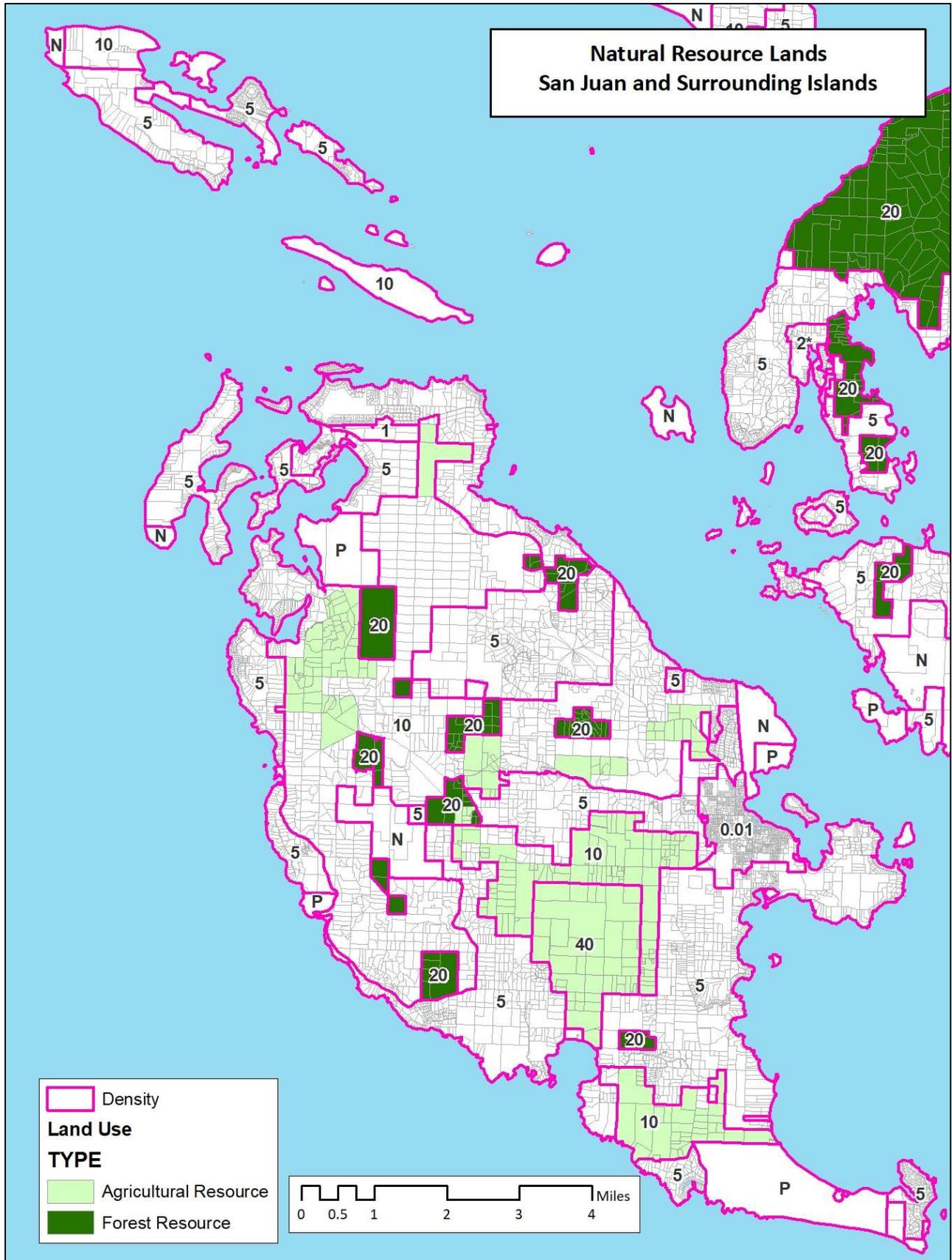
“Nuisance. The following shall not be considered a nuisance: mineral resource extraction and processing activities, operations (except between 7:00 p.m. and 7:00 a.m. and on weekends), facilities or appurtenances thereof, conducted or maintained for commercial mineral resource extraction and processing purposes on land designated as mineral resource land, regardless of past or future changes in the surrounding area land use or land use designation.”

The combination of nonconformity and lack of protection from nuisance claims exposes existing mining operations to legal challenges. Legal exposure to nuisance claims for mining operations can jeopardize this important part of the local economy. Mining operations provide vital construction materials and employment. Options for addressing this issue are presented later in this report.

Density on Resource Lands

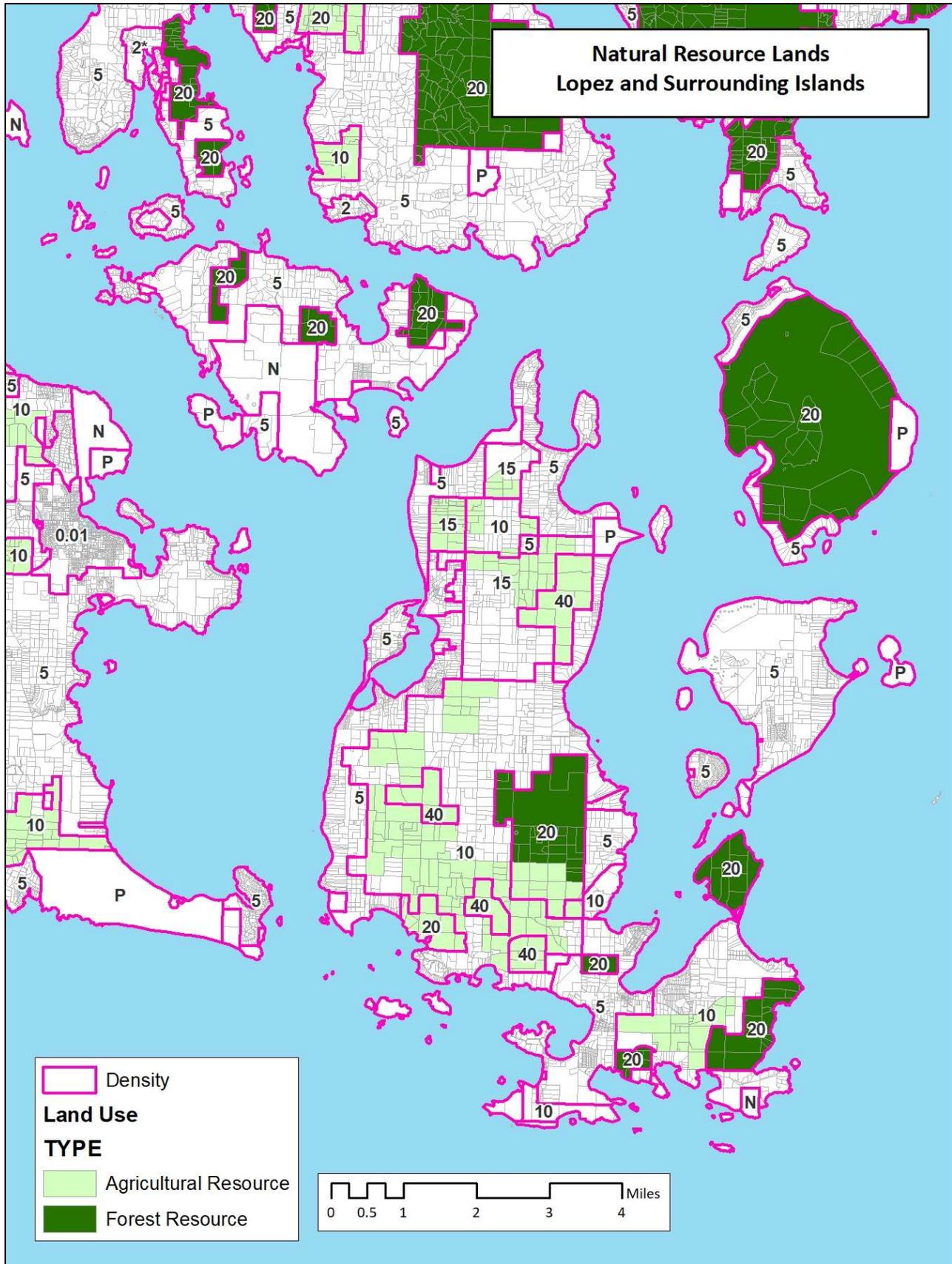
The allowed densities for Natural Resource Lands range from one dwelling unit per ten acres to one dwelling unit per forty acres. Maps 1 through 3 show the designated agricultural and forest resource lands and the allowed densities on the Official Maps.

Map 1. 2019 Natural Resource Lands, San Juan and Surrounding Islands.



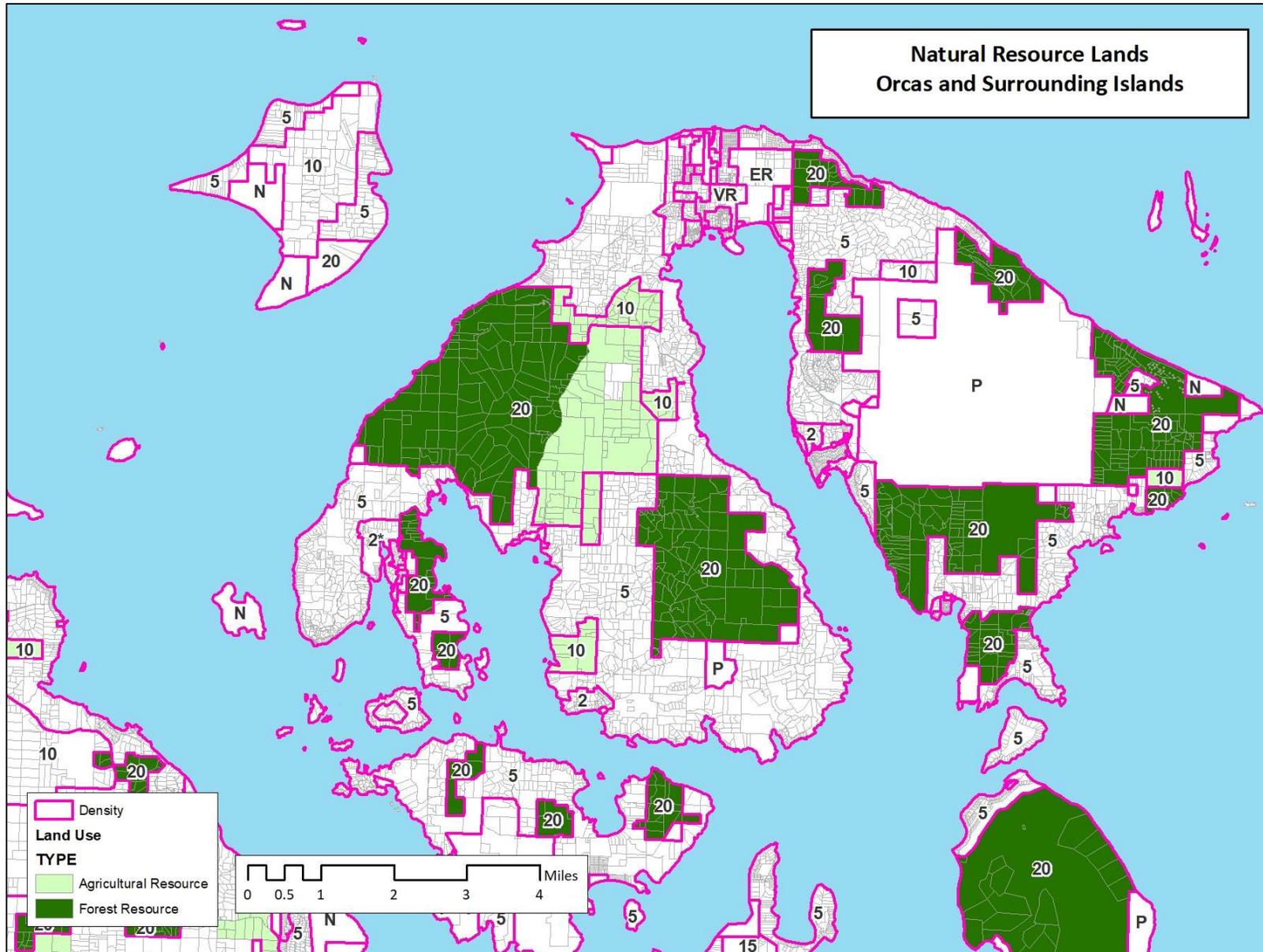
Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 2. 2019 Natural Resource Lands, Lopez and Surrounding Islands.



Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Map 3. 2019 Natural Resource Lands, Orcas and Surrounding Islands.



Source: San Juan County Comprehensive Plan Official Maps, dated October 2019.

Why are Natural Resource Lands Important?

Natural resource industries have been the cornerstone of the economy in the San Juan Islands since before the Hudson's Bay Company established Belle Vue Sheep Farm on San Juan Island in the early nineteenth century (source: <https://www.nps.gov/sajh/learn/historyculture/hudsons-bay-company-on-puget-sound.htm>). Food, fiber, and timber products provided by resource industries have sustained islanders for the last two centuries.

The following excerpt from the draft Element 9, Economic Development of this *Plan* highlights NRL issues:

Although the AG-Forest-Fish-Mining contribute only one percent of business income by industry in 2017, the open space and the rural character of San Juan County is maintained in large part by our working farms. Tourism, real estate, and the local food economy are all supported by our agricultural base. The San Juan Islands Visitor Study conducted in 2018 found that "natural/rural scenery" was the highest ranked reason that visitors and residents alike gave for visiting or moving to San Juan County. Out of 14 choices both visitors and residents agreed that "local food" was ranked 7th. In recognition that working farms preserve island culture, rural character and open space it is difficult to calculate the true economic impact of agriculture.

According to the 2012 USDA Census, there has been a 6 percent reduction in the number of farms and a 27 percent reduction in farmland acreage since 2007. These numbers speak to the urgency of protecting farmland from development which makes it unusable for agricultural activities in the future. The loss of agricultural lands is happening for several reasons including: lack of owner interest, owners' responses to regulatory incentives, conversion from agricultural management to estate management, land sales into other uses, and conversions of larger farms into smaller parcels which may not be able to support agricultural production.

On farm employment is rising and expected to continue to rise in San Juan County as opposed to the declining state and national numbers. Over 50 percent of principal operators state that farming is their primary income and 40 percent of those are women. The average age of the island farmer is 60 years old and speaks to the need for new farmer incentives, training, and succession strategies so that we ensure we have a robust agricultural economy for years to come.

Extensive logging for the lime kilns (for burning the lime and for barrels) and salteries (for barrels) at the beginning of the 20th century removed all old growth and valuable timber on most of the Islands.

In accordance with the Growth Management Act, the County designates agricultural and forest lands on the *Plan's* Official Maps to support these industries by avoiding interference from neighboring incompatible uses. Regulations for NRL should prevent their conversion to incompatible uses (WAC 365-196-815(1)(b)(i)). Properly managed resource lands can preserve natural functions of the land while maintaining the Islands' economic heritage. These lands:

- Provide habitat for wildlife;
- Provide ecosystem services such as storm water treatment;
- Sequester carbon;
- Improve water and air quality; and
- Maintain aquifer recharge areas.

In addition to economic and environmental benefits, resource lands provide social benefits by providing access to recreation lands. The SJC Land Bank's Turtleback Mountain Preserve on Orcas is an example of recreational opportunities on designated Forest Resource land. From the Land Bank's website, "Its high meadows and rocky ledges provide unparalleled views of the San Juan and Canadian Gulf Islands. There are a variety of trails for hiking, bird watching, and wildlife viewing."

Growth Management Act Planning Goals

Because management of natural resource lands is an important statewide issue, two of the fourteen statewide planning goals in RCW 36.70A.020 relate to natural resource lands. They are:

"(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities."

2036 Vision for San Juan County

The 2036 *Plan* Vision (SJC Resolution 27-2018) will guide how the County develops and grows during the planning period. The Vision is a statement of the community's desire for the future in San Juan County. It is the framework used to shape *Plan* goals and policies. The four sections below relate to natural resources:

NATURAL ENVIRONMENT: Our islands and marine waters have exceptional natural beauty and healthy, diverse ecosystems that are pollution-free. The air is fresh and clean, the water quality is excellent, and the soil is uncontaminated. As careful stewards of these islands and waters, we conserve resources, preserve open space, and take appropriate action to assure healthy land and marine environments. We recognize the integral role that forests play in the stewardship of our air, soils and water resources. The natural environment is central to the ecological health, quality of life, and the economy in the islands. Native plants, animals, and marine life of the islands thrive, and are identified, appreciated and conserved.

ECONOMY: We support a diverse, resilient, and sustainable economy while respecting the natural world. This economy serves the needs of our community, and recognizes the rural, residential, quiet, agricultural, marine and isolated nature of the islands. Our economy comprises a wide spectrum of stable, year-round activities that provide wages that allow islanders to live, work, and thrive locally. We encourage new ideas and new technology for improving the quality and profitability of our goods and services. Communication systems support our economy.

AGRICULTURE: The San Juan Islands have a rich agricultural heritage that remains culturally and economically significant. We invest resources to ensure that agricultural lands are preserved and to maintain and enhance agricultural viability. We recognize the integral role that agriculture plays in the stewardship of our soils and water resources. Diverse agricultural activities are essential to the health and well-being of our community, contributing to the social, economic and environmental fabric of our islands.

LAND USE: Neighborhoods, hamlets, villages, towns, and other activity centers are clearly defined to conserve, rural, agricultural, forest, mineral resource lands and critical areas. These areas define our heritage and sense of place: providing for commerce and community activities without losing their small scale and attractive island ambiance. The unique character of our shorelines is protected by encouraging uses that maintain or enhance the health of the shoreline environment. Through innovative land use strategies, our citizens and institutions balance and protect private property rights, public rights, and our natural environment.

II. CRITERIA FOR NATURAL RESOURCE LAND DESIGNATION

Under the GMA, the County must determine where natural resource operations for forestry, agricultural, and mining industries can productively operate. The GMA also requires land-use controls to conserve the necessary resource lands and to avoid conflicts between these industries and other land uses.

The goal is to promote the continuation of natural resource production activities on these designated lands by avoiding interference from other incompatible land uses, such as dense residential housing. The requirement to classify, designate and protect natural resource lands recognizes the essential role of these lands in supporting economic productivity and healthy ecological systems. The GMA purpose for designating resource lands is succinctly stated in WAC 365-190-040(6):

“The law requires that natural resource land uses be protected from land uses on adjacent lands that would restrict resource production. [. . .] The purpose of designating natural resource lands is to enable industries to maintain access to lands with long-term commercial significance for agricultural, forest, and mineral resource production. The purpose is not to confine all natural resource production activity only to designated lands nor to require designation as the basis for a permit to engage in natural resource production”

What is ‘long-term commercial significance’?

RCW 36.70A.030(13) establishes the definition of long-term commercial significance as:

“‘Long-term commercial significance’ includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.”

AG Resource Land Designation Criteria

GMA Criteria

The GMA agricultural resource land designation criteria are established in WAC 365-190-050. It lists factors that should be considered when designating AG lands. These are summarized as:

- The land is not characterized by urban growth;
- The land is used or capable of being used for agricultural production. This is usually based on the soil type, quality, and productivity;
- The intent of the owner is not a controlling factor; and
- The land has long-term commercial significance for agriculture.

The GMA criteria for identifying agricultural long-term commercial significance is found in WAC 365-190-050(3)(c):

(c) The land has long-term commercial significance for agriculture. In determining this factor, counties and cities should consider the following nonexclusive criteria, as applicable:

- (i) The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service;
- (ii) The availability of public facilities, including roads used in transporting agricultural products;
- (iii) Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;
- (iv) The availability of public services;
- (v) Relationship or proximity to urban growth areas;
- (vi) Predominant parcel size;
- (vii) Land use settlement patterns and their compatibility with agricultural practices;
- (viii) Intensity of nearby land uses;
- (ix) History of land development permits issued nearby;
- (x) Land values under alternative uses; and
- (xi) Proximity to markets.

Plan Criteria

The County's AG land designation criteria is provided in *Plan* Policy 2.3.D.5.a.1:

(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, WA, 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.

The *Plan* designation criteria must be clarified and updated to fix incorrect references. A policy should be added to address the GMA criteria for evaluating long-term commercial significance of Agricultural Resource Lands, which will be considered during the designation review process.

The word continued is proposed to be struck out in the goal because under GMA, lands capable of being used for and meeting the criteria Agricultural Resource Land designation may be designated as such. Corrections include:

In Policy 2.3.D.5(a)(1):

- The confusing reference to item “a” in item (i) must be corrected,
- The reference to the link for NRCS soil types in item (ii) must be removed because the link no longer works, and
- The “or” must be struck between items (i) and (ii) because it causes confusion. Based on a review of historic versions of this policy, it appears that this policy was always confusing and that the word “or” did not originally exist in the policy.

For consistency with the GMA, a new policy 2 is proposed to include the evaluation of WAC 365-190-050(3)(c) criteria in the designation process to address long term commercial significance.

Proposed Policy Amendments

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) ~~Designate Lands in agricultural use which meet the~~ are characterized by the following criteria ~~may be designated~~ areas in parcels five acres or larger as Agricultural Resource Lands ~~in agricultural use which meet the~~ if they are determined by the County to have long-term commercial significance based on WAC 365-190-050(3)(c) and are characterized by one of the following criteria:
 - i. ~~Areas in parcels of ten acres or larger with~~ The areas have 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~~ identified in 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 (1)(i) a. above which~~ The areas are under subject to a conservation easement for agricultural use or ~~which are~~ enrolled in the County’s Open Space-Agriculture taxation program;
- (2) Use the methodology in Appendix 1 for evaluating agricultural long-term commercial significance per WAC 365-190-050(3)(c).

Clean: Proposed Policy Amendments

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 use of these lands for production of food and agricultural products.

Policies:

- (1) Designate areas in parcels five acres or larger as Agricultural Resource Lands if they are determined by the County to have long-term commercial significance based on WAC 365-190-050(3)(c) and are characterized by one of the following criteria:
 - i. The areas have soils capable of supporting long term commercial agricultural production identified in the 2009 Soil Survey of San Juan County, Washington.
 - ii. The areas are subject to a conservation easement for agricultural use or enrolled in the County's Open Space-Agriculture taxation program.
- (2) Use the methodology in Appendix 1 for evaluating agricultural long-term commercial significance per WAC 365-190-050(3)(c).

Incorporating Additional Criteria to Reflect Local Circumstances

The GMA agricultural resource land designation criteria in WAC 365-190-050(4) allows the County to consider the optional criteria suggested by the Agricultural Resource Committee (Attachment B):

- Food security issues, which may include providing local food supplies for food banks, schools and institutions;
- Vocational training opportunities in agricultural operations; and
- Preserving heritage or artisanal foods.

These criteria would be difficult to quantify and evaluate during designation. Given the extent of the GMA and local designation criteria, staff does not recommend that these topics be developed as additional designation criteria. These issues could be addressed in AG goals and policies, not necessarily in the designation criteria.

Forest Resource Land Designation Criteria

GMA Criteria

The primary considerations for designating Forest Resource Lands is provided in WAC 365-190-060(2) and are summarized below:

- The land is not characterized by urban growth;
- The land is used or is capable of being used for forestry production based on physical and geographic characteristics;
- The intent of the owner is not a controlling factor; and
- The land has long-term commercial significance considering WAC 365-190-060(2)(c) guidance:

When determining whether lands are used or capable of being used for forestry production, counties and cities should determine which land grade constitutes forest

land of long-term commercial significance, based on local physical, biological, economic, and land use considerations. Counties and cities should use the private forest land grades of the department of revenue (WAC 458-40-530). This system incorporates consideration of growing capacity, productivity, and soil composition of the land. Forest land of long-term commercial significance will generally have a predominance of the higher private forest land grades. However, the presence of lower private forest land grades within the areas of predominantly higher grades need not preclude designation as forest land.”

Considering Secondary Benefits from Retaining Commercial Forestry

The GMA forestland designation criteria allow the County to consider secondary benefits when designating forestland, but they may not be used as the primary basis for designating. The County may consider secondary benefits from retaining commercial forestry operations outlined in WAC 365-190-060(3):

“Counties and cities may also consider secondary benefits from retaining commercial forestry operations. Benefits from retaining commercial forestry may include protecting air and water quality, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism and access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species. These are only potential secondary benefits from retaining commercial forestry operations, and should not be used alone as a basis for designating or dedesignating forest resource lands.”

No changes to the forest resource designation criteria are required for consistency with the GMA. The County can consider adding criteria addressing secondary benefits of forestland when designating them. These cannot be used alone as a basis for designation. The County can consider adding secondary benefits of designated forest resource lands to the designation criteria in the *Plan*; however, this is not recommended because they are extremely difficult to quantify and would add complexity to the process.

Plan Criteria

The County’s forest resource land designation criteria is in *Plan* Policy 2.3.D.5.b.1. The criteria are:

- (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.

The WDNR Private Forest Land Grades (PFLG) map shows the location and extent of forest soils. The WDNR, Natural Resources Conservation Service (NRCS) (previously the Soil Conservation Service), USDA Forest Service and Washington State University developed the PFLG using national soil survey standards.

The PFLG grades areas for their ability to support forestry operations. One is the best grade. Four is the most difficult. Lands with high PFLGs can still support commercial forestry but, forestry operations in these areas are more difficult because of the characteristics of the land including soil type and topography. Table 3 below shows the PFLG values and description provided by WDNR with their soil data for Grades 0 - 4. There are no Grade 5 lands in the County.

Table 3. Private Forest Land Grades.

Grade	Description
0	Not rated for soils operability
1	Favorable soil conditions for forest operations
2	Average soil conditions for forest operations
3	Difficult soil conditions for forest operations
4	All soils sloping more than 65 percent

Source: WDNR Soil Data.

Mineral Resource Land Designation Criteria

GMA Criteria

The WAC 365-190-070(3) establishes five criteria for classifying mineral resource lands, they are summarized below:

- Geologic, environmental, and economic factors in addition to existing land uses and ownership;
- The land has potential long-term commercial significance for the extraction of sand, gravel and valuable metallic substances;
- When classifying areas, use maps and information on location of mineral deposits provided by state and local agencies;
- Consider the geology and distance to market for the resources. A list of factors is provided in WAC 365-190-070 (d):

“(i) Physical and topographic characteristics of the mineral resource site, including the depth and quantity of the resource and depth of the overburden;

(ii) Physical properties of the resource including quality and type;

(iii) Projected life of the resource;

(iv) Resource availability in the region; and

(v) Accessibility and proximity to the point of use or market.”

- Other factors for consideration include ensuring access to resources, the proximity to population areas, and the energy cost of transporting minerals.

Plan Criteria

The *Plan* establishes designation criteria for the MRLO in *Plan* Policy 2.5.A.1. They are summarized below:

- The landowner must apply for designation;

- Lands must have a known or potential extractable resource as shown in a geologic and economic report;
- Residential density must not exceed one dwelling unit per ten acres;
- Lands are not within an Activity Center, Rural Residential, Natural, or Conservancy designation or within any shoreline designation; and
- Are not within a wetland or fish and wildlife conservation area as defined in the *Plan*.

The MRLO does not necessarily allow mining or mineral extraction as a use. Allowed uses are defined by the underlying land use designation per SJCC 18.35.015(B). In rural designations, mining and mineral extraction is prohibited in all designations except Rural General Use (RGU).

De-Designating Natural Resource Land Use to Non-Resource Land Use Designations

The County can amend natural resource land use designations. This must be done with caution. There must be excellent documentation that a de-designated parcel does not meet the designation criteria. Under the GMA, de-designation must be based on a county-wide or regional analysis. De-designation is often challenged through appeals to the Growth Management Hearings Board (GMHB).

WAC 365-190-040(10)(b) establishes the following criteria for amending natural resource land designations. Changes must be consistent with one or more of the following:

(b) Reviewing natural resource lands designation. In classifying and designating natural resource lands, counties must approach the effort as a county-wide or regional process. Counties and cities should not review natural resource lands designations solely on a parcel-by-parcel process. Designation amendments should be based on consistency with one or more of the following criteria:

- (i) A change in circumstances pertaining to the comprehensive plan or public policy related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (ii) A change in circumstances to the subject property, which is beyond the control of the landowner and is related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (iii) An error in designation or failure to designate;
- (iv) New information on natural resource land or critical area status related to the designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3); or
- (v) A change in population growth rates, or consumption rates, especially of mineral resources.

Landowner Intent is Not a Criteria for De-Designation

One of the key considerations here and in the other GMA agricultural and forest resource designation criteria is that resource land designations should not be based on the landowner's intent (WAC 365-190-050(3) and 365-190-060(2)). De-designation should only be based on changed circumstances beyond the control of the landowner. Removing a natural resource land designation must not be done simply because the property owner does not want to operate a farm or forestry operation.

Main Limitations that Guide Decisions on Natural Resource Policy and Designations

The following list summarizes the main considerations and limitations for developing rural policy and making land use decisions about Natural Resource Land designations.

- The purpose of Natural Resource Lands is to provide access to natural resources for commercial uses;
- The long-term commercial significance of natural resource lands must be protected from conversion to permanent, incompatible uses;
- Long-term commercial significance pertains to how physical characteristics and the geography of the land support commercial production of agricultural, timber, and mineral products;
- The County should not consider a property owner's intent to commercially produce agricultural and timber products when designating these natural resource lands; and
- Under the GMA, the County can consider the secondary benefits of forestland when designating them, but this may not be the primary reason for designation. Secondary benefits include ecological functions, recreational opportunities, and protecting air and water quality. This would require an amendment to the forestry designation criteria in the Land Use Element Section 2.3.D.

III. REGULATION OF NATURAL RESOURCE INDUSTRIES AND POLICY ISSUES

Natural resource operations may take place on properties other than those designated AG, FOR and MRLO. Agricultural and forestry have their own category in San Juan County Code land use tables (SJCC 18.30.030 and 18.30.040). Mineral extraction is found in the industrial land use category.

Agriculture

Under SJCC 18.30.030 and 18.30.040, agricultural activities are allowed in every Activity Center and Rural designation except for the Natural designation. Agriculture is allowed outright in the AG designation (no land use permit required). This is helpful to all commercial farmers. Small-scale slaughterhouses are allowed by either provisional or conditional use permit in the Village and Hamlet Industrial, Island Center designations. They are allowed in all rural designations except for Rural Residential, Conservancy and the Natural designations. Unnamed agricultural uses require a conditional use permit.

During the critical area update, the County amended and simplified the definition of agricultural activities to comply with the Shoreline Management Act. Amendment of the definition created some challenges for farmers interested in operating new farm-related businesses. The former definition was more inclusive of agricultural support activities such as agritourism, roadside stands, and agricultural processing, etc. Public comments have requested clarity in the development regulations about agritourism and roadside stands.

SJCC 18.20.010 defines agritourism as recreational, educational or agricultural-related activities that are accessory to the agricultural activities of the farm operation. Under County code, activities related to agriculture that are not listed in the State definition of agricultural activities may be allowed with a conditional use permit in designations where unnamed activities are allowed.

The definitions of agricultural activities in SJCC 18.20.010 is:

“Agricultural activities” means agricultural uses and practices defined in RCW 90.58.065.

Application of guidelines and master programs to agricultural activities.

(1) The guidelines adopted by the department and master programs developed or amended by local governments according to RCW 90.58.080 shall not require modification of or limit agricultural activities occurring on agricultural lands. In jurisdictions where agricultural activities occur, master programs developed or amended after June 13, 2002, shall include provisions addressing new agricultural activities on land not meeting the definition of agricultural land, conversion of agricultural lands to other uses, and development not meeting the definition of agricultural activities. Nothing in this section limits or changes the terms of the *current exception to the definition of substantial development in RCW 90.58.030(3)(e)(iv). This section applies only to this chapter, and shall not affect any other authority of local governments.

(2) For the purposes of this section:

(a) "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

(b) "Agricultural products" includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;

(c) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; and

(d) "Agricultural land" means those specific land areas on which agriculture activities are conducted.

(3) The department and local governments shall assure that local shoreline master programs use definitions consistent with the definitions in this section.

Agricultural Activities Code Amendments

Staff will review the *Plan* polices and development regulations to identify amendments needed to make the code consistent with *Plan* Policy 2.3.D.5.a.3:

- 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.

Amendments to the land use table and adoption of performance measures, might make some agritourism uses allowed without a conditional use permit process.

Staff will propose new policies, a definition of, and development regulations for AG related roadside stands. This approach will be similar to other communities that regulate this use based on scale, access safety and siting standards to preserve rural character. On a small scale, these might be permitted outright (no requirement for a land use permit. At a medium size, a provisional use permit would be required. If the use allowed at a larger scale, a conditional use permit would be required. The ARC’s policy comments will also be addressed.

Agricultural Uses in the Shoreline

Some places in the County designated AG are also located within shoreline jurisdiction (200 feet of the OHWM). Within the shoreline jurisdiction, both SMP regulations and the underlying land use regulations apply. Where they conflict, the more restrictive regulations apply (SJCC 18.50.020(C)(3)).

The allowed uses in the shoreline are established in SJCC 18.50.600 Shoreline development, uses, structures and activities by designation. Table 4 below is an excerpt from the shoreline land use table showing that agriculture is allowed in all shoreline designations except for the Ports, Marina and Marine Transportation and Aquatic designations.

Table 4. Agricultural Uses Allowed by SJCC 18.50.600 per Land Use Designation¹.

		Shoreline Designation						
	Natural	Conservancy	Rural	Rural Farm Forest	Rural Residential	Urban	Port, Marina, and Marine Transportation	Aquatic
Agriculture	CUP*	SD	SD	SD	SD	SD	No	NA

Notes: *See specific regulations for the shoreline designation or type of use in the SMP.

1. ‘CUP’ means a shoreline conditional use permit is required and ‘SD’ means a shoreline substantial development permit is required.

Development regulations for agricultural uses in the shoreline are provided in SJCC 18.50.220. The key requirements are summarized as:

- Vegetated buffers must be maintained between tilled or grazed areas and bodies of water, including wetlands;
- Commercial feedlots are prohibited; and
- Agricultural uses must result in no net loss of shoreline ecological functions.

Forestry in the Shoreline Jurisdiction

There are many places in the County where designated FOR lands are located within the shoreline jurisdiction. Shoreline designations and regulations are adopted in the County’s Shoreline Master Program

(SMP), Element 3 of the *Plan*. In instances where the shoreline and land use regulations conflict, the more restrictive regulations apply (SJCC 18.50.020(C)(3)).

The allowed uses in the shoreline are provided in SJCC 18.50.600 Shoreline development, uses, structures and activities by designation. Table 5 below shows that forest practices are allowed in all shoreline designations except for the Ports, Marina and Marine Transportation and Aquatic designations.

Table 5. Forest Practices Allowed by SJCC 18.50.600 per Land Use Designation.

	Shoreline Designation							
	Natural	Conservancy	Rural	Rural Farm Forest	Rural Residential	Urban	Port, Marina, and Marine Transportation	Aquatic
Commercial Forestry ^{1, 3}	CUP*	SD	SD*	SD	CUP	CUP	No	No
Log transfer sites, facilities and storage ^{1, 3}	No	CUP*	SD*	SD*	CUP*	CUP	CUP	CUP*

* 'CUP' means a shoreline conditional use permit and 'SD' means a shoreline substantial development permit is required.

Notes Excerpt from SJCC 18.50.600

*See specific regulations for the shoreline designation or type of use in the SMP

1. Eastsound subarea plan prohibits:

- a. New boating facilities, joint use and private docks;
- b. Breakwaters, jetties and groins;
- c. Log transfer sites and log storage areas;
- d. Industrial development outside of the marina;
- e. Mineral extraction;
- f. Institutional uses;
- g. Recreational development with commercial facilities for overnight camping; and
- h. Fill in the conservancy shoreline designation.

3. Subject to the general provisions of SJCC 18.50.450 and 18.50.480 forest management activities including log handling and storage facilities are allowed in all shoreline designations on Shaw Island.

Forest Practices

In accordance with State law, SJCC 18.50.450 Forest practices, item (A)(1) limits the harvesting of trees in shoreline jurisdiction. According to some landowners, the restriction on harvesting no more than 30 percent of a timber located in the shoreline makes commercial forestry difficult.

SJCC 18.50.450 Forest practices.

A. General Regulations.

1. In any 10-year period, no more than 30 percent of marketable trees may be harvested on a parcel located within the shoreline jurisdiction in accordance with WAC 222-30-110. Other timber harvesting may be allowed in limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental.

2. The cutting of timber solely incidental to the preparation of land for other uses authorized by this chapter is allowed.

3. If there is a likelihood of conversion to nonforest uses, forest practice conversions and other Class IV general forest practices shall:

- a. Result in no net loss of shoreline ecological functions;
- b. Maintain the ecological quality of the watershed's hydrologic system;
- c. Prevent significant adverse impacts to other shoreline uses, resources, and values; and
- d. Provide a benefit with respect to the objectives of the SMA such as navigation, recreation and public access.

B. Activities covered under the Washington State Forest Practices Act, Chapter 76.09 RCW, except for conversion to other uses, are exempt from the vegetation management standards in this section.

C. Regulations by Designation.

1. Natural. Forest management practices are allowed in this designation only if no other means of control will work to control a fire, halt the spread of disease or damaging insects, or to clean up and restore an area devastated by a natural disaster such as fire, storm, disease, or insect attack. No roads may be constructed

Class IV General Forest Practices Permit

DNR requires a Class IV General permit if forest practices will result in land being converted to non-forestry uses or if the land was platted after January 1, 1960. The County has additional requirements for forest practices if they require a Class IV General Forest Practices Permit from DNR. The County's requirements are provided in SJCC 18.40.140 through 18.40.180. Key requirements from these sections are summarized as follows:

- If harvesting takes place without the required permit, the County must impose a six-year development permit moratorium on the parcel (SJCC 18.40.120(D));
- Commercial timber harvest is not allowed in the Natural (N) designation (SJCC 18.40.130);
- State Environmental Policy Act (SEPA) review is required (SJCC 18.40.150(A));
- The County reviews applications for conversion to non-forestry uses, including a plan that identifies the area to be converted. The County may impose conditions of approval during this review (SJCC 18.40.150(B));
- If the land owner does not intend to convert the land to non-forestry uses, the County must impose a six-year moratorium on new non-forestry related development (SJCC 18.40.160(B)); and
- Land owners may elect to develop a conversion option harvest plan (COHP) to avoid the six-year moratorium. 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 (SJCC 18.40.180).

Forest Practices in the Shoreline Permit Summary

On a parcel with FOR land use designation and C shoreline designation, the following would be required for commercial forestry:

- In the C shoreline designation, a shoreline substantial development permit for any forestry activity within 200 feet of the OHWM (required by SJCC 18.50.600);
 - Forest practices in the shoreline must conform to SJCC 18.50.450, which includes meeting the no net loss of shoreline ecological functions;

- In the FOR land use designation, a land use permit is not required for harvesting without processing (SJCC 18.30.040);
- If DNR requires a Class IV general forest practices permit, the County either reviews the proposed conversion to the new use or, if no conversion is proposed, imposes a six-year non-forestry related development moratorium (SJCC 18.40.120 through 18.40.180);
- No more than forty contiguous acres can be clear cut (WAC 222-30-110(1));
- Any clear cut areas must be allowed to return to canopy closure or be reforested for at least ten years (WAC 222-30-110(2));
- Clear cuts must be separated by a 200-foot buffer of either:
 - A forested area that has reached canopy closure;
 - An area that has been reforested for at least ten years; or
 - An area in a land use other than timber production (WAC 222-30-110(3));
- No more than thirty percent of the trees within the shoreline jurisdiction (200-feet of OHWM) can be harvested in any ten-year period (WAC 222-30-110(4)).

Forest Practices Possible Code Amendment

The forest practices code sections are:

- SJCC 18.40.120 Conversions of land to non-forestry use – Forest management practices – general regulations;
- SJCC 18.40.130 Conversions of land to non-forestry use – Forest management practices – Regulations by designation;
- SJCC 18.40.140 Conversions of land to non-forestry use – Forest management practices – Class IV General forest practices and jurisdictions;
- SJCC 18.40.150 Conversions of land to non-forestry use – Forest management practices – Regulations governing Class IV General forest practice permits;
- SJCC 18.40.160 Conversions of land to non-forestry use – Forest management practices – Regulations governing continuance of forestry uses; and
- SJCC 18.40.170 Conversions of land to non-forestry use – Illegal conversion and enforcement.

The regulations in SJCC 18.40.120 through .170 (Forest Practices code) were adopted by Ordinance 2-1998. Some of the regulations were updated with Ordinances 14-2000 and 12-2001. They have remained unchanged in the intervening nineteen years. These regulations have numerous references to Chapter 76.09 RCW which has been amended by the Washington State Legislature since the last time the County’s forest practices regulations were revised. Amendments to Chapter 76.09 RCW rendered many of the citations in the County’s code incorrect. As a result, the forest practice regulations lack clarity for both the public. Staff recommends repealing and replacing these regulations during the *Plan* update to clarify and make them consistent with State law.

Mining

Mining is the most restricted resource use in San Juan County Code, and is found in the industrial classification in the land use tables. It is only allowed by conditional use permit only in the Village Industrial

and Rural General Use (RGU) land use designations (SJCC 18.30.030 and 18.30.040). Any mining operation outside of the RGU designation is a nonconforming use.

Under the MRLO, the following would be required to allow mineral extraction as a conforming use:

- The underlying designation could be changed to RGU;
- The allowed uses in rural land use designations could be amended in the land use tables to make mining uses conforming; or
- SJCC 18.40.015(B) could be amended to allow mining by permit under the overlay.

Staff Recommendation

During the *Plan* update, add a footnote to the land use tables in Chapter 18.30 SJCC and amend the MRLO regulations in SJCC 18.35.015 to allow mining by permit under the overlay.

Draft footnote to land use tables in Chapter 18.30 SJCC:

“Mineral extraction and their accessory operations that exist on (the effective date of this ordinance) are allowed under a Mineral Resource Land Overlay designation. Mineral extraction and accessory operations proposed on sites designated under a MRLO designated after (the effective date of this ordinance) require an approved conditional use permit.”

Draft changes to SJCC 18.35.015(B):

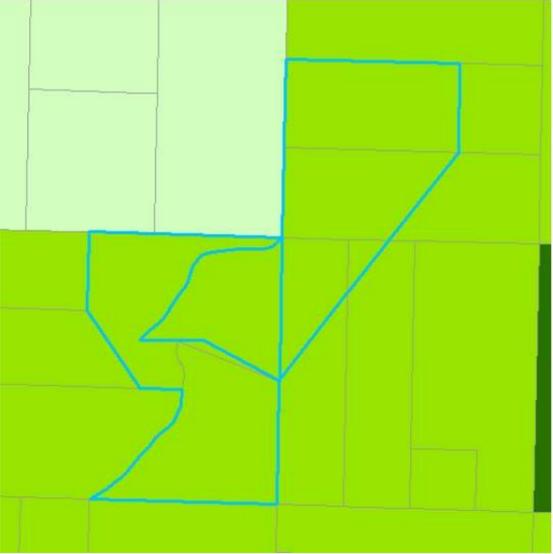
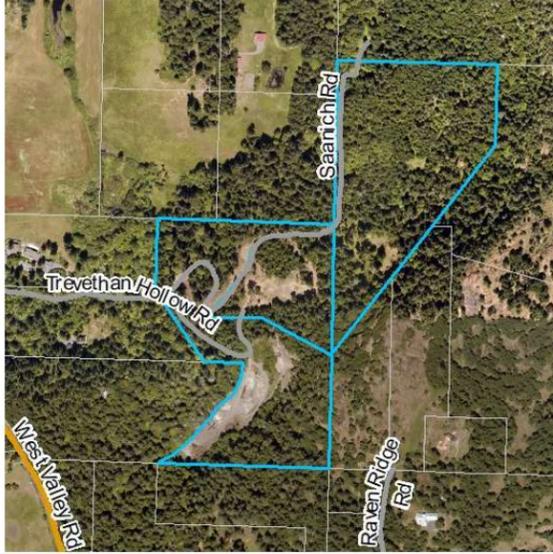
SJCC 18.35.015(B) Mineral resource lands district.

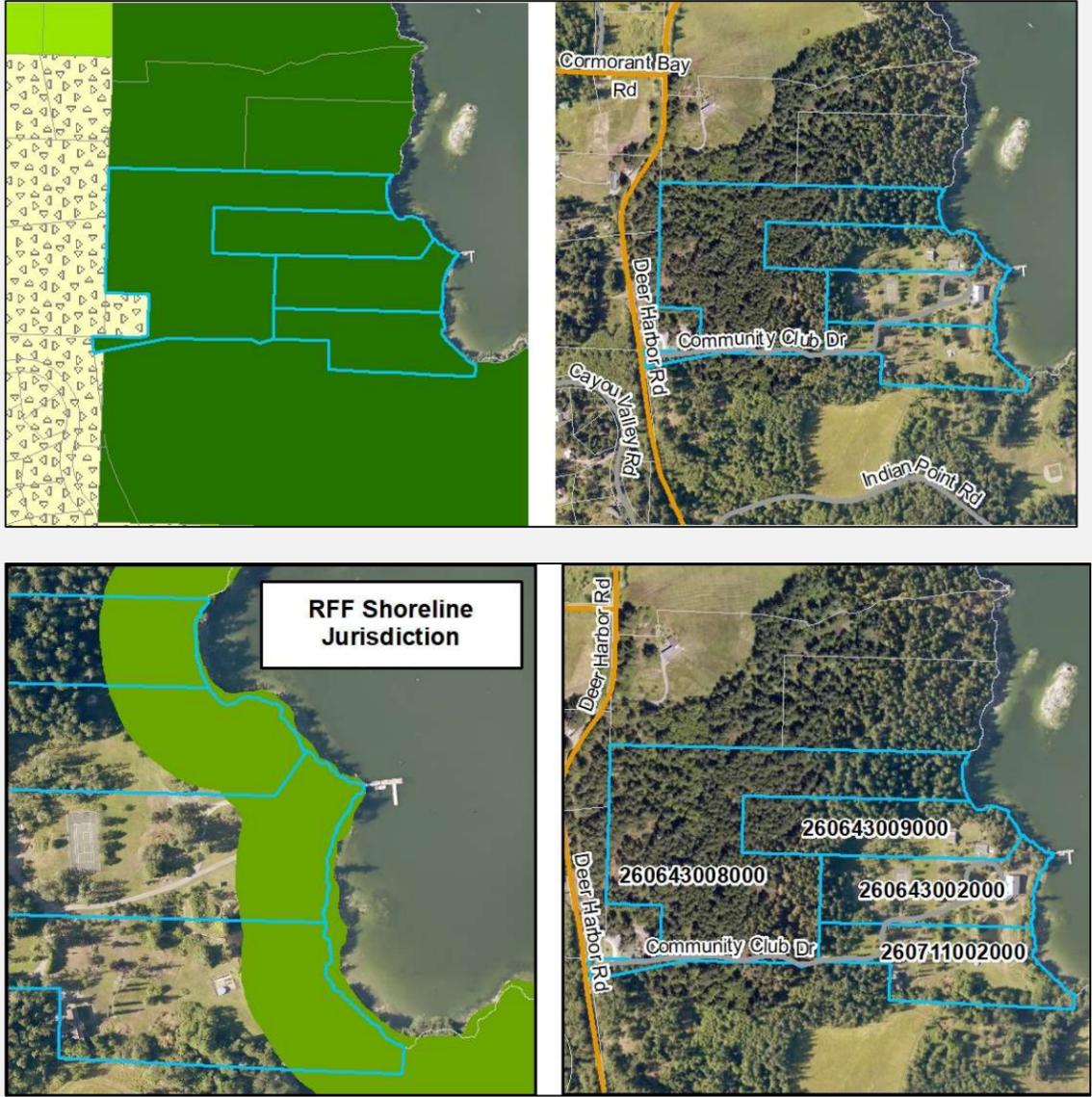
B. Allowable and Prohibited Uses. Allowable and prohibited uses within mineral resource lands overlay districts are specified in Tables 18.30.030 and 18.30.040 ~~for the underlying designation~~. All uses must comply with any applicable performance standards (Chapter 18.40 SJCC) and development standards (Chapter 18.60 SJCC), unless otherwise specified in this code.

Requests for Resource Land De-Designations or Designations

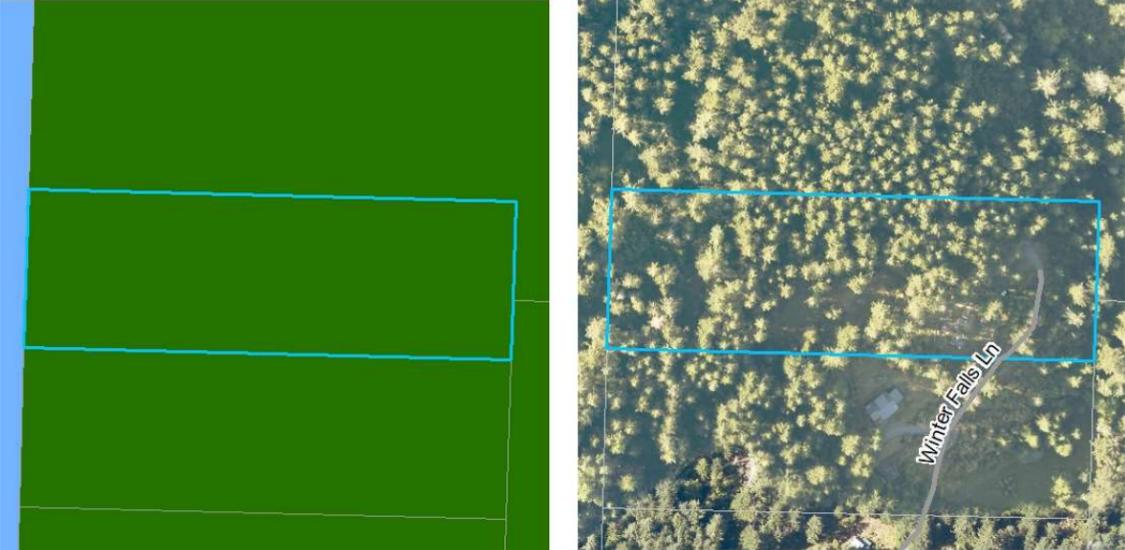
Requests for change in the AG and FOR designations or densities submitted by property owners are identified in Table 6 below. A brief description of the surrounding designations and land uses is provided. Each request will be subject to an analysis of the designation criteria in Chapter 365-190 WAC and the *Plan*. Changes from a natural resource land designation requires a countywide review for consistency with these criteria.

Table 6. Requests for Official Maps or Density Amendments.

Request Number	Island	TPN Address	Applicant Name	Summary of Request		
18-0012	San Juan	450113005000, 450111003000 2165 West Valley Road	Mike and Julia Carlson			<p>Request: Designate as Mineral Resource Lands Overlay District (MRLO).</p> <p>The property is the site of an existing gravel pit. The underlying land use designation, Rural Farm Forest (RFF), would not change. This use is nonconforming in the RFF designation. Adding the MRLO will not change the nonconforming use. A code change would also be necessary to make this a conforming use. The surrounding property is developed with single family residential uses on larger, mostly forested parcels averaging about 11 acres each.</p> <p>Surrounding Land Uses and Designations</p> <p>North: Residential and undeveloped land, RFF and AG Resource South: Residential and undeveloped land, RFF East: Undeveloped, RFF West: Residential and undeveloped land, RFF and AG Resource</p> <p>Link to Request: https://www.sanjuanco.com/DocumentCenter/View/14767</p>
18-0017	San Juan	361931001000 45 Marcotte Dr	Francine Shaw (Agent for Mark McCutcheon)			<p>Request: De-designate a 34.76-acre parcel from Agricultural Resource (AG) and designate Rural General Use (RGU).</p> <p>The parcel is currently used as a construction storage yard, developed with a single-family home and has approximately 75 percent forest coverage. The single-family home was constructed in 2019. The purpose of the proposal is to allow a wider range of commercial or industrial uses on the property. The applicant did not propose specific uses in the application.</p> <p>Surrounding properties to the East and South is RFF, to the West is Rural Residential (RR). Abutting property to the North is also designated AG Resource Land.</p> <p>Surrounding Land Uses and Designations</p> <p>North: Agricultural, AG South: Residential, RFF East: Residential, RFF West: Undeveloped, RR</p> <p>Link to Request: https://www.sanjuanco.com/DocumentCenter/View/14903</p>

Request Number	Island	TPN Address	Applicant Name	Summary of Request	
18-0019	Orcas	261711002000, 260643002000, 260643009000, 260643008000 Community Club Drive	Stephanie O'Day (Agent for Bret and Kathryn Thurman)	 <p data-bbox="1942 272 2971 372">Request: De-designate four parcels (30 acres) Forestry Resources (FOR) (1 du/20 acres) and change them to Rural Farm Forest (RFF) (1 du/5 acres) after considering an countywide review of the resource land designation.</p> <p data-bbox="1942 413 2971 473">Portions of all four parcels are also in the shoreline jurisdiction, designated Rural Farm Forest (RFF).</p> <p data-bbox="1942 514 2971 675">The parcels are either undeveloped or developed with residential uses. This area is located east of Deer Harbor Hamlet on the west side of Orcas Island. The aerial indicates that the larger, fifteen-acre parcel, TPN 260643008000, is largely forested. It is undeveloped. TPN 260643009000 is approximately 30 percent forested and the remaining parcels (TPNs 260643002000 and 260711002000) have little remaining forest.</p> <p data-bbox="1942 715 2971 917">The County re-designated these parcels to RFF with Ordinance 20-2015. The re-designation was appealed to the Growth Management Hearings Board (GMHB). The GMHB found Ordinance 20-2015 was noncompliant with GMA because the removal of the FOR designation was not part of an area-wide review of resource land designations. In a remand, the County had to reinstate the FOR designation on these parcels. (GMHB case 16-2-0001 at http://www.gmhb.wa.gov/search/case/.)</p> <p data-bbox="1942 957 2971 987">North and South of these parcels is designated FOR. To the West is Rural Residential (RR).</p> <p data-bbox="1942 1028 2971 1058">Surrounding Land Uses and Designations</p> <p data-bbox="1942 1098 2971 1229">North: Residential, FOR and Conservancy (C) shoreline South: Residential, FOR and C shoreline East: Water Body West: Undeveloped, Deer Harbor Hamlet Residential</p> <p data-bbox="1942 1270 2971 1300">Link to Request: https://www.sanjuanco.com/DocumentCenter/View/18147/</p>	

Request Number	Island	TPN Address	Applicant Name	Summary of Request	
19-0004	Lopez	141611001000 Cape St Mary Rd	Tim McHarg (agent for Jean Michl Estate)	 <p data-bbox="1942 274 2977 338">Request: De-designate a 43.47 acre parcel from Forestry Resources (FOR) and change it to Rural Farm Forest (RFF).</p> <p data-bbox="1942 364 2977 566">This undeveloped, predominately forested parcel has split designations. A small portion of the northeast corner of the parcel, approximately 0.75 acre, is designated Rural Residential (RR). The remaining, forty-eight acres are designated FOR which has a 1 dwelling unit (DU) per 20 acres density. The de-designation from FOR would increase the allowed density to 1 du per 10 acres, consistent with the density of the surrounding RR and RFF designations. The northeast corner of the parcel is in shoreline with the RFF shoreline designation.</p> <p data-bbox="1942 606 2977 701">Properties to the South are designated FOR and those to the North are in the Rural Residential designation. These parcels are largely forested. The parcel to the West is designated RFF. It appears to have been cleared for agricultural use.</p> <p data-bbox="1942 741 2424 772"><u>Surrounding Land Uses and Designations</u></p> <p data-bbox="1942 808 2222 943">North: Residential, RR South: Residential, FOR East: Water Body West: Agriculture, RFF</p> <p data-bbox="1942 979 2822 1010">Link to Request: https://www.sanjuanco.com/DocumentCenter/View/18554</p>	

Request Number	Island	TPN Address	Applicant Name	Summary of Request
20-0002	Orcas	173533001000 493 Winter Falls Ln	Sherri Pierson	 <p>Request: Re-designate from Forestry Resources (FOR) to Rural Farm Forest (RFF).</p> <p>This five-acre parcel has a maximum density of 1 du/20 acres. The parcel is currently developed with a single-family residence but is heavily forested as are all surrounding properties. Moran State Park is to the West. The parcels to the South and East also have residential development.</p> <p>No change in density was requested, however re-designation to RFF might result in an increase in density. Most RFF areas have a density between 1 du/5 acres and 1 du/15 acres. Four parcels south of the subject property are all approximately 5 acres each.</p> <p>There is no RFF designation abutting this property, surrounding designations are FOR and Conservancy. Aside from resource de-designation criteria, approval of this request this would create an enclave of RFF.</p> <p>Re-designate from FOR to RFF.</p> <p>Surrounding Land Uses and Designations</p> <p>North: Undeveloped, FOR South: Residential, FOR East: Residential, FOR West: Moran State Park, Conservancy</p> <p>Link to Request: https://www.sanjuanco.com/DocumentCenter/View/20039</p>
20-0003	Lopez	251113003000 and 251113001000 1710 Ferry Road	Ronni Klompus and Levi Rodriguez	 <p>Request: Increase density from one unit per 15 acres to one unit per 5 acres.</p> <p>Both parcels total about 32-acres. The applicant proposes a higher density to allow subdividing the property to make land available for other farmers.</p> <p>Surrounding Land Uses and Designations</p> <p>North: Institutional (Odlin South), RFF South: Agricultural, AG East: Agricultural, AG West: Residential, RFF</p> <p>Link to Request: https://www.sanjuanco.com/DocumentCenter/View/20999/</p>

Request Number	Island	TPN Address	Applicant Name	Summary of Request	
20-0004	San Juan	362831007000 4770 Roche Harbor Road	Jean Turner		<p>Request: De-designate 16-acre parcel from FOR to RFF.</p> <p>The applicant proposes de-designating their 16-acre parcel from Forest Resource to Rural Farm Forest.</p> <p><u>Surrounding Land Uses and Designations</u></p> <p>North: Undeveloped, FOR South: Residential, RFF East: Undeveloped, FOR West: Residential, RFF</p> <p>Link to Request: https://www.sanjuanco.com/DocumentCenter/View/21000/</p>

MRLO Designation Requests and Contact of Possible Mineral Resource Landowners

One application for designation of MRLO was submitted by Mike and Julia Carlson (see Table 6 above). Staff also identified additional properties using Assessor’s land use codes that may have active mining. The County Assessor assigns use codes to parcels during assessment. Use code ‘8500’ is applied to parcels with mining activities. Table 7 below identifies parcels in the County with that code and appear to have active mining operations. Maps 4 through 6 show the location and aerial photographs of these parcels.

Staff contacted the property owners identified in Table 7 to determine if they would like to apply for an MRLO on their property. As of August 20, Dolphin Bay, Mountain Crest, and Boxeur Corporation quarries on Orcas have replied stating interest in this designation. Staff will analyze the submitted proposals and make a recommendation at a later stage of the *Plan* update.

Table 7. San Juan County Parcels by Assessor’s Use Code 8500 for Mining Activities.

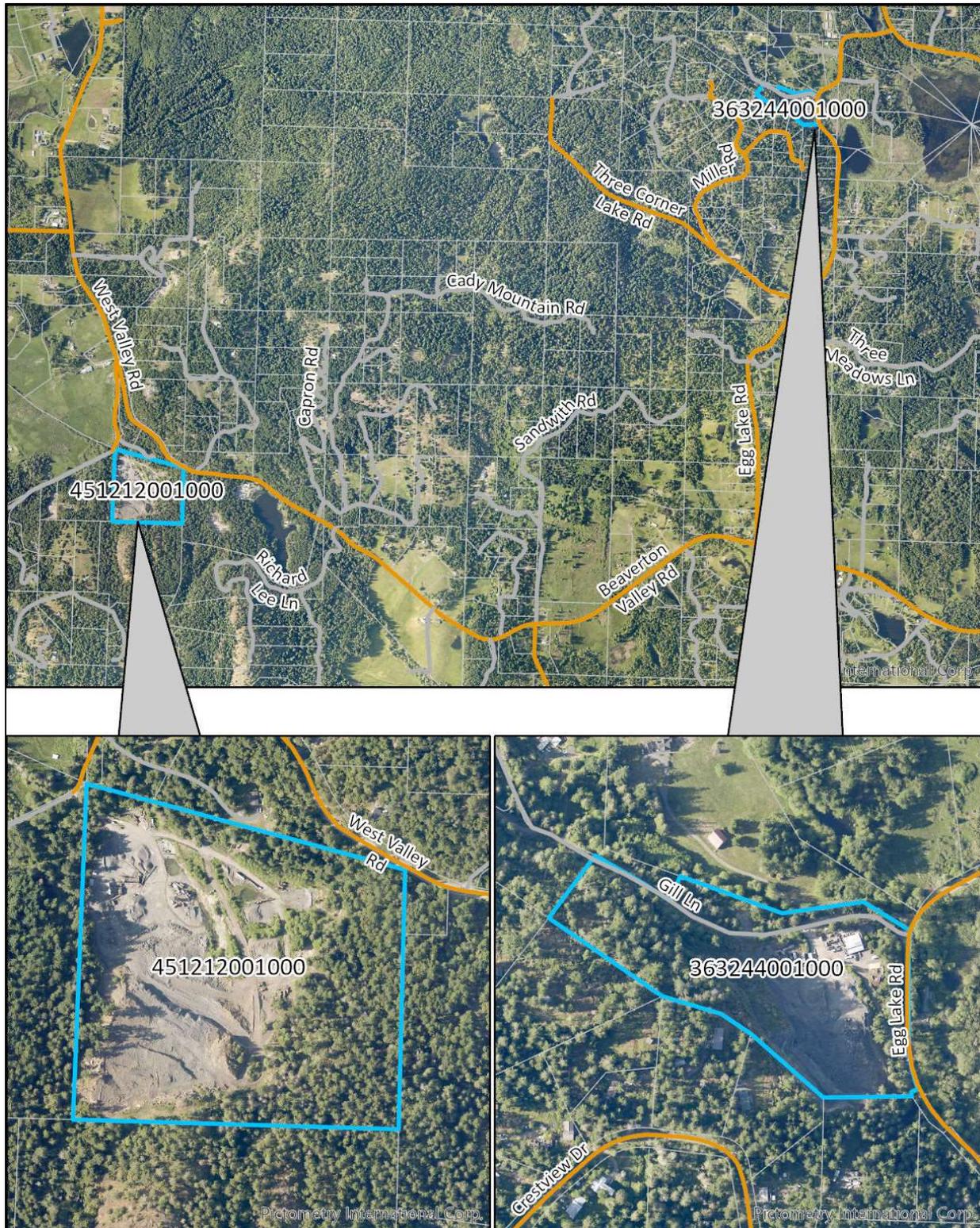
Owner	TPN	Site Address	Designation	DNR Permit Number & Permitted Acreage	Surrounding Land Uses
SJC Public Works	250143001000	680 Port Stanley Rd Lopez	RFF	Not Available (NA)*	N: Residential (RR) S: Residential (RFF) E: Residential (RFF) W: Residential (RFF)
Robert and Rose Ann Farris	252241009000 252332008000	2969 Fisherman Bay Rd Lopez	RFF	NA	N: Commercial (MC) S: Residential (RFF) E: Undeveloped (RFF) W: Water (N/A)
Buffum Bros. Farms Inc.	252844001000 252844003000	618 Channel Road Lopez	RGU and RI	NA	N: Undeveloped (RFF) S: Airport (RGU) E: Undeveloped (RFF) W: Residential (RFF)
Dolphin Bay Quarry Property, LLC	260221001000	508 Elsie Road Orcas	FOR	12787 41.3 Acres	N: Undeveloped and Residential (RFF) S: Undeveloped (FOR) E: Residential (FOR) W: Undeveloped and Residential (RFF)
Mountain Crest Quarry, LLC	260223001000	685 Mountain Crest Drive Orcas	FOR	NA	N: Mining (FOR) S: Undeveloped and Residential (FOR) E: Residential (FOR) W: Undeveloped and Residential (RFF)
Boxeur Corporation	260222001000	436 Quarry Lane Orcas	FOR	12874 26 Acres	N: Residential (RFF) S: Undeveloped and Residential (FOR) E: Residential (FOR) W: Undeveloped and Residential (RFF)

Owner	TPN	Site Address	Designation	DNR Permit Number & Permitted Acreage	Surrounding Land Uses
Boxeur Corporation	272750002000	186 Gravel Pit Road Orcas	RI	10202 53 Acres	N: Agriculture (AG) S: SW Transfer Station (RI) E: Residential (AG) W: Residential (AG)
Egg Lake Quarry, LLC	363244001000	65 Gill Lane San Juan	RFF	NA	N: Residential (RFF) S: Residential (RFF) E: Residential (RFF) W: Residential (RFF)
Richard and Thomas, LLC	451212001000	None, San Juan	FOR	12888 40 Acres	N: Undeveloped and Agriculture (AG) S: Undeveloped and Residential (RFF) E: Construction Yd (RFF) W: Undeveloped and Residential (RFF)

Source: San Juan County Assessor's data 2019.

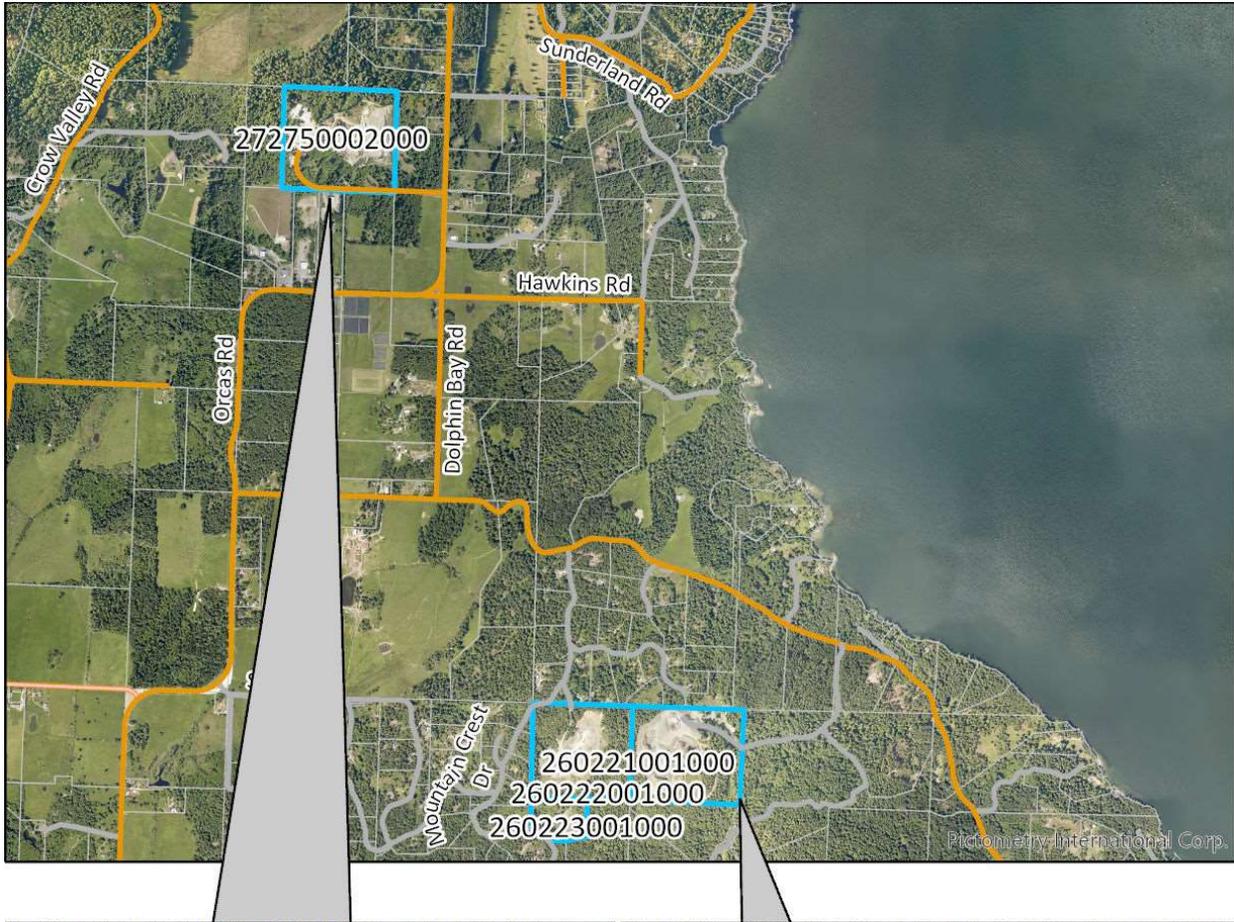
*The permit information available through the WA DNR website only covers permits through 2010. Staff has contacted DNR for more recent mining permit information.

Map 4. Mining Parcels on San Juan Island.



Source: SJC GIS 2020.

Map 5. Mining Parcels on Orcas Island.



Source: SJC GIS 2020.

Map 6. Mining Parcels on Lopez Island.



Source: SJC GIS 2020.

IV. NATURAL RESOURCE LAND OFFICIAL MAPS REVIEW

Review of Natural Resource Land Use Designations

The County will review natural resource land use designations during the update to the *Plan*. The GMA requires the County to review and, if needed, update natural resource land designations, policies, and regulations during the periodic update (WAC 365-190-040 (3)). It further requires that evaluation of existing designations be done on a county or region-wide basis. During the county or region-wide review, the County is not required to revisit the entire initial designation process (WAC 365-196-480(2)(e)). This review will include examining designated areas' conformance to both the GMA (Chapter 365-190 WAC) and *Plan* criteria.

The review process will be as follows.

Phase One – Analyze all parcels to determine if they meet GMA criteria

- Step One – Determine long-term commercial significance index
- Step Two – Remove parcels characterized by urban growth
- Step Three – Identify parcels used or capable of being used for resource production

Phase Two – Analyze all parcels to determine if they meet *Plan* criteria

- Step One – Divide Phase One parcels that are and are not designated natural resource lands
- Step Two – Review parcels for consistency with *Plan* criteria
- Step Three – Analyze long-term commercial significance index on lands that are and are not designated natural resource lands

Phase Three – Public Input

- Step One – Brief and get input from the Agricultural Resource Committee and San Juan Islands Conservation District
- Step Two – Brief the Planning Commission and County Council

Phase Four – Prepare Detailed Analysis

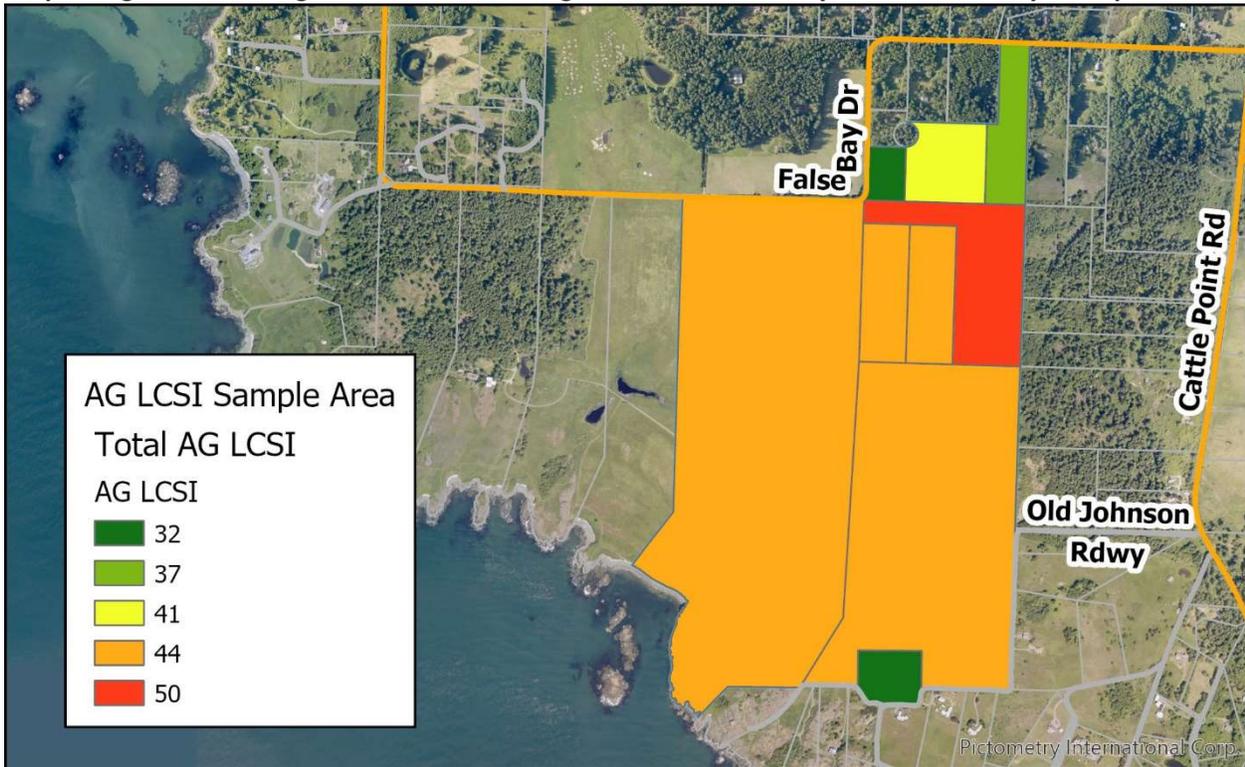
Phase One will result in maps that show the relative long-term commercial agricultural and forestry significance based on the GMA criteria in Chapter 365-190 WAC. This will be conducted countywide using GIS software to automate the analysis. Staff performed a preliminary run on small study areas to provide an example of what the results of Phase One will look like.

Map 7 below shows the Agricultural long-term commercial significance index (LCSI) in a study area on San Juan Island. Map 8 shows the Forestry LCSI in a study area on Shaw Island. A higher LCSI score indicates that a parcel has greater commercial significance based on the GMA criteria in Chapter 365-190 WAC. The draft methodology in Attachment D explains how the scores were calculated. The example maps were created by manually calculating the Agricultural and forestry LCSI for the study areas. They show a range of scores across several parcels in each study area. The countywide calculations will be automated in a process like the one used for the *Land Capacity Analysis*.

The example maps show the LCSI scores in each study area from green to red, with red being higher scores and green being lower scores. Maps similar to the example but show the entire County will help to identify areas with higher LCSI scores. In Phase Two of the methodology, LCSI scores on parcels with current farm and forestry operations will be considered to establish what scores suggest the presence of higher commercial significance relative to other areas. The maps and the associated tables will form the defensible basis for making natural resource land designation changes by linking the decision-making process to the GMA criteria. Later in the analysis, staff will find places that do and do not meet the *Plan* designation criteria

and compare the results with the LCSI scores, which stem from the GMA requirements. This will help to ensure that designation changes are based on not only *Plan* requirements but also the GMA criteria.

Map 7. Agricultural Long-Term Commercial Significance Index Study Area Preliminary Example.



Source: SJC GIS and Natural Resource Land Designation Review Draft Methodology.

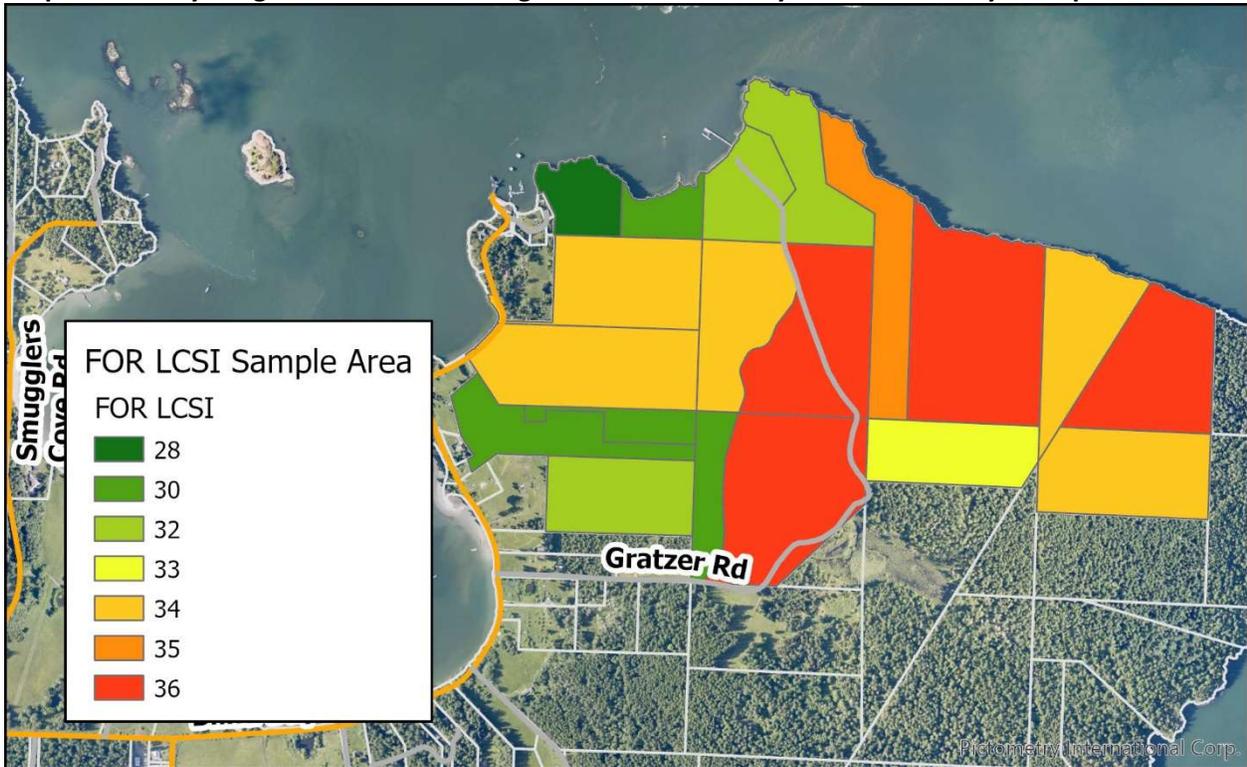
Tables 9 and 10 show the data tables that result from the calculation of the agricultural and forest resource LCSI. Each column headed by AGCrit or FOCrit shows that parcel's score for each of the GMA long-term commercial significance criteria in WAC 365-190-050 and 060. The final column on the right shows the total LCSI score for each parcel in the study area. Tables such as these will assist in evaluating natural resource land designation changes. It will allow the County to 'show their work' when determining if a parcel does or does not meet the natural resource land designation criteria.

Table 8. Agricultural Resource Long-Term Commercial Significance Index Preliminary Example.

PIN	Island	Landuse	Legal_Acre	Use_Code	AGCrit_1	AGCrit_2	AGCrit_3	AGCrit_4	AGCrit_5	AGCrit_6	AGCrit_7	AGCrit_8	AGCrit_9	AGLCSI
340311001000	San Juan	AG	9.99	9100	8	2	6	4	4	4	5	5	6	44
340311002000	San Juan	AG	20.28	9430	8	4	6	4	4	8	5	5	6	50
340311003000	San Juan	AG	9.99	1800	8	2	6	4	4	4	5	5	6	44
340341001000	San Juan	AG	5.10	1100	6	0	0	4	4	4	3	5	6	32
340341002000	San Juan	AG	81.58	8300	8	0	6	4	4	8	3	5	6	44
340342001000	San Juan	AG	135.55	9420	8	4	0	4	4	8	5	5	6	44
353444001000	San Juan	RFF	8.72	1801	8	4	0	4	4	4	2	5	6	37
353444002000	San Juan	RFF	9.55	8300	8	4	6	2	4	4	2	5	6	41
353444005000	San Juan	RFF	3.39	1107	4	4	0	2	4	2	5	5	6	32

Source: Natural Resource Land Designation Review Methodology.

Map 8. Forestry Long-Term Commercial Significance Index Study Area Preliminary Example.



Source: SJC GIS and Natural Resource Land Designation Review Draft Methodology.

Table 9. Forest Resource Long-Term Commercial Significance Index Preliminary Example.

PIN	Island	Landuse	Legal_Acre	Use_Code	FOCrit_1	FOCrit_2	FOCrit_3	FOCrit_4	FOCrit_5	FOCrit_6	FOCrit_7	FOCrit_8	FO_LCSI
262613001000	Shaw	RFF	15.8399	9100	6	6	6	4	0	4	2	6	34
262613002000	Shaw	RFF	20.6891	9100	6	6	8	4	0	4	2	6	36
262622001000	Shaw	FO	13.6027	9420	6	6	4	4	0	4	2	6	32
262622002000	Shaw	FO	10.583	9420	6	6	4	4	0	4	2	6	32
262623001000	Shaw	FO	23.5915	9420	6	6	8	4	0	4	2	6	36
262623002000	Shaw	FO	16.4191	9420	6	6	6	4	0	4	2	6	34
262624001000	Shaw	FO	34.4972	9420	6	6	8	4	0	4	2	6	36
262624002000	Shaw	FO	17.0314	9420	6	6	6	5	0	4	2	6	35
262631003000	Shaw	FO	14.263	9420	6	6	4	5	0	4	2	6	33
262632002000	Shaw	FO	7.1188	9420	6	6	2	4	0	4	2	6	30
262632003000	Shaw	FO	27.8934	9420	6	6	8	4	0	4	2	6	36
262642001000	Shaw	RFF	19.5032	1900	6	6	6	4	0	4	2	6	34
262711001000	Shaw	RFF	5.1892	9420	6	6	2	4	0	4	2	6	30
262711002000	Shaw	RFF	7.2841	1901	6	6	2	2	0	4	2	6	28
262714002000	Shaw	RFF	23.761	1800	6	6	8	2	0	4	2	6	34
262714004000	Shaw	RFF	18.473	9100	6	6	6	4	0	4	2	6	34
262741001000	Shaw	RFF	12.3137	1100	6	6	4	2	0	4	2	6	30
262741008000	Shaw	RFF	5.0067	9100	6	6	2	4	0	4	2	6	30
262741009000	Shaw	RFF	15.093	9100	6	6	6	2	0	4	2	6	32

Source: Natural Resource Land Designation Review Methodolog

GMA Prescribed Soil Data Sources

There are two soil data sources required by the GMA criteria for designating natural resource lands. The two sources are the land-capability classification system of the United States Department of Agriculture Natural Resources Conservation Service (NRCS) and the WA State Private Forest Land Grades (PFLG). Soil data are important because they show how productive the land might be, a key component of long-term commercial significance. These are only two of the sources of information the County will consider when evaluating natural resource land designations.

NRCS Land-Capability Classification System

For Agricultural Resource Lands, WAC 365-190-050(3)(b)(ii) requires the County to use the land-capability classification system from the NRCS. The NRCS land-capability classification system data is available through their website (<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>).

The 2009 NRCS *Soil Survey of San Juan County, Washington (Soil Survey)* describes the process by which the soil survey was conducted. Soil scientists (pedologists) studied the characteristics of land in the County, including slope, general pattern of drainage, and the types of crops, bedrock, and native plants in the area. The pedologists also dug soil test holes to understand the soil profile.

The Land Capability Classification (LCC) is a system used by the NRCS to group soils primarily on the basis of their capability to produce common crop and pasture plants without reducing soil quality in the long-term. Each soil map unit is assigned a capability class of 1 through 8, and classes 1 through 4 are considered capable of producing cultivated crops with good agricultural management. Class 4 soils are the most severely limited of those capable of producing crops with good agricultural management. Class 4 soils are the most severely limited of those capable of producing crops, and they require careful management and/or support a narrower range of crops.

Private Forest Land Grades

The GMA designation criteria for forestlands in WAC 365-190-060(2) requires the County to use the PFLG from the WA State Department of Revenue (DOR). The PFLG data are now managed by the WA State Department of Natural Resources (WDNR). The PFLG shows the location and extent of forest soils. The WDNR, NRCS, USDA Forest Service and Washington State University developed the PFLG using national soil survey standards. Staff will obtain the current PFLG data to use in review of forest resource land designations.

The WDNR describes the process used to determine the Private Forest Land Grades (PFLG) on the WDNR data website. The description is as follows:

PFLG was a five-year mapping program completed in 1980 for the purpose of forestland taxation. It was funded by the Washington State Department of Revenue. The Department of Natural Resources, Soil Conservation Service (now known as the Natural Resources Conservation Service or NRCS), USDA Forest Service and Washington State University conducted soil mapping cooperatively following national soil survey standards.

Private lands having the potential of supporting commercial forests were surveyed along with interspersed small areas of State lands, Indian tribal lands, and federal lands. Because this was a cooperative soil survey project, agricultural and non-commercial forestlands were included within some survey areas. After the Department of Natural Resources originally developed its geographic information system, digitized soil map unit delineations and a few

soil attributes were transferred to the system. Remaining PFLG soil attributes were later added and are now available through associated lookup tables.

Economic Analysis of Resource Lands Report

In 2017, Community Attributes Inc. prepared an *Economic Analysis of Resource Lands* (<https://www.sanjuanco.com/DocumentCenter/View/14554/>). It provides information about the economic characteristics of natural resource lands in the County. This report discusses economic measures, viability, policy implications, relevant case law, and makes recommendations for policy changes. The *Economic Analysis of Resource Lands* includes a discussion of stakeholder comments about the state of resource industries in the County. It also identifies properties designated AG or FOR that may not meet the *Plan* criteria for the specific resource land.

Natural Resource Lands confer value beyond long-term commercial significance. They can also protect air and water quality, allow access to recreational opportunities, provide carbon sequestration, and improve wildlife habitat. The Economic Analysis of Natural Resource Lands report indicates that the secondary benefits of resource lands were important to the stakeholders interviewed.

The *Economic Analysis of Resource Lands* will be considered during the review of Natural Resource Land goals, policies, and designations. The report provides particular insight into the commercial viability of natural resource production. It highlights the challenges and opportunities these industries face in the County during the planning period.

Some of the key findings in the *Economic Analysis of Resource Lands* are:

- Farming takes place throughout the County, not only in designated AG lands;
- Farmers rely on diverse sources of income such as farm stands and value-added products;
- The average size of farms has declined since 1960, from 219 to 57 acres per farm;
- There are designated Natural Resource Lands that may not meet the designation criteria and some that are not designated that may meet the criteria;
- The majority of forestry occurs on private land;
- The high cost of transporting lumber from the islands is driven by the lack of an active log dump;
- Most growth in forestry employment is projected to occur in 'other wood product manufacturing' rather than logging;
- There are areas on San Juan, Stuart, and Waldron that may fit the FOR designation criteria that are not currently designated; and
- Mining employment is expected to remain flat through 2036.

Agricultural Resources Committee (ARC) Comments

The ARC commented on the *Economic Analysis of Resource Lands* in an October 13, 2018, letter (Attachment B). Some of the key recommendations from the ARC comment letter are:

- Consult with the ARC on proposed changes to AG land designations;
- Designate additional lands as AG lands;
- Do not rely on soil data alone when designating AG lands;

- Expand the designation criteria to incorporate more language from WAC 365-190-050 related to long-term commercial significance;
- Consider the Voluntary Stewardship Plan (VSP) maps showing active farms when designating AG lands; and
- Add policies supporting the development of uses accessory farm uses to allow diverse uses on AG lands provided they do not encroach on prime farm soils.

Current Use, Open Space, and Designated Forest Land Tax Programs

The Open Space Taxation Act enacted in 1970 allows property owners to have their open space, farm and agricultural, and timber lands valued at their current use rather than at their highest and best use for the purposes of property taxes. The current use valuation is often lower than the fair market value (i.e. highest and best use). The intent is to maintain, preserve, conserve, and otherwise continue the existence of adequate open space, agricultural, and timber lands to assure the use and enjoyment of natural resources for the citizens of the State. Property owners of these lands can apply for categorization as open space. If a property owner withdraws from the open space taxation program, they must pay seven years of additional tax and interest.

Under this act, the following lands may be categorized as current-use open space:

- Any land zoned for open space by a comprehensive plan;
- Any land in which the preservation in its present use would:
 - Conserve an enhance natural or scenic resources;
 - Protect water supply;
 - Promote the conservation of soils, wetlands, beaches or tidal marshes;
 - Enhance the value to the public of neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries;
 - Enhance recreation opportunities;
 - Preserve historic sites;
 - Preserve visual qualities along roads; or
 - Retain lands of at least one acre in urban areas that are open to public use; and
- Any land meeting the definition of “farm and agricultural conservation land”, meaning:
 - Lands previously classified under the farm and agricultural classification that no longer meets the criteria and is reclassified under open space land, or
 - ‘Traditional farmland’ not already classified that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture.

Designated Forest Land (DFL) and Current-Use Timber Land (CUTL)

The DFL tax program allows forest land owners to have a special valuation for forest lands provided they are properly managed. The WA State Department of Revenue annually adjusts the forest land values to be used by county assessors.

The intent of the DFL program is to incentivize property owners to maintain well-managed forests for the public benefits these lands confer. Benefits include:

- Enhanced water supply;
- Reduced soil erosion, storm, and flood damage;
- Wildlife habitat;
- Employment opportunities; and
- Raw materials for products.

To qualify for DFL, lands must:

- Be primarily used for growing and harvesting timber;
- At least five acres, excluding home sites;
- Not be occupied with incidental uses that take up over 10 percent of the land; and
- Comply with WA State forest practice laws.

The removal of DFL may occur if:

- The property owner decides to remove the land;
- Sale or transfer of the land to an ownership that makes the land exempt from ad valorem taxation;
- Sale or transfer to a new owner that does not sign a notice of forest land continuance;
- Determination by the assessor that:
 - The land is no longer primarily devoted to growing and harvesting timber;
 - The property owner did not comply with a final administrative or judicial order with respect to a violation; and
 - The land has not been restocked within the time or to the extent specified in the DFL application.

When land is removed from the DFL program, the property owner must pay compensating taxes unless they meet exemptions in RCW 84.33.140(13) or (14). The required compensating tax is the difference between the last DFL value and the new assessed value of the land, multiplied by the last levy rate and the number of years the land was DFL (not to exceed nine years).

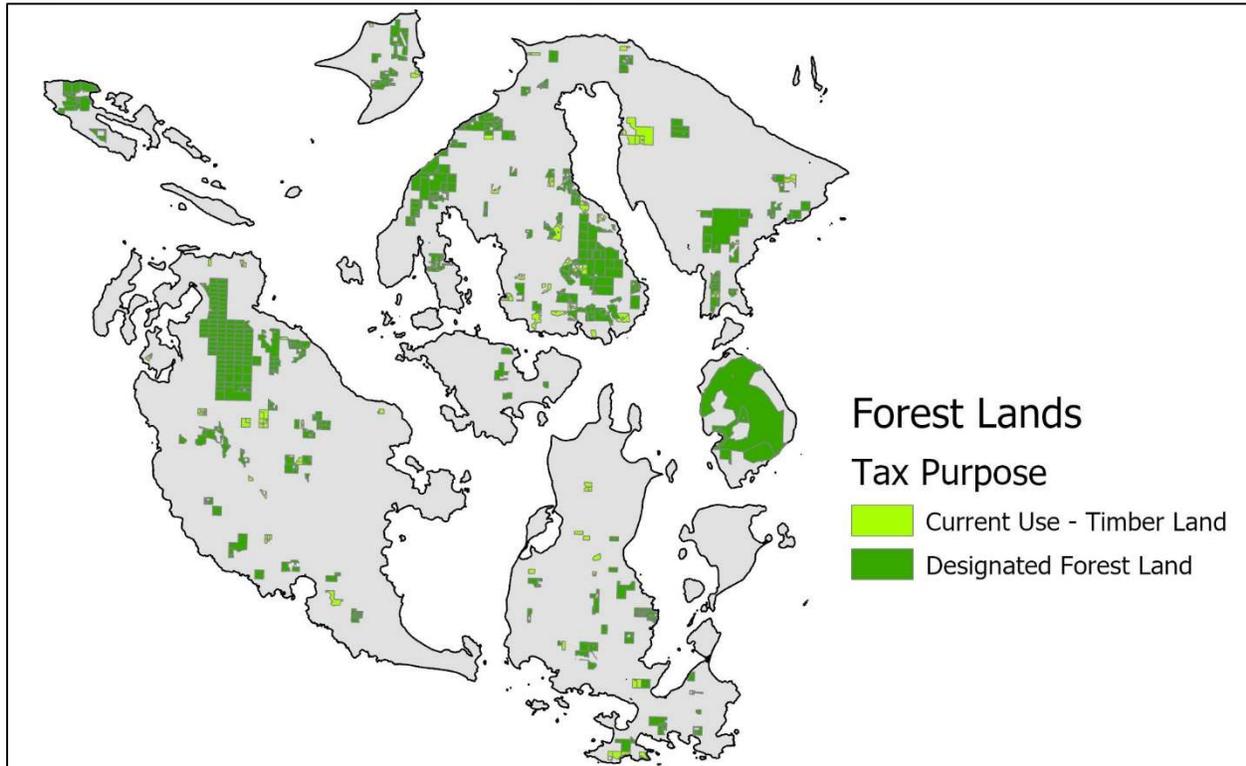
If a parcel is categorized as DFL, it is a good indicator that it is currently used for forestry. These lands are required to primarily be used for growing and harvesting timber. The use of the property for growing and harvesting timber is confirmed by the Assessor at the time of tax assessment, meaning that the management of the land for forestry uses is confirmed on a regular basis. If the land has been converted to non-forestry uses, it will be removed from the DFL tax program.

Map 9 below shows the parcels that participate in the DFL and current-use timber land (CUTL) programs. Approximately 12,619 acres are DFL and 1,356 acres are CUTL.

Table 10 shows that 7,505 of the 19,097 acres designated FO are also participating in the DFL or CUTL tax programs (about thirty-nine percent of the FO designated acreage). The table illustrates that the majority of lands within the FO designation are not participating in forest land taxation programs. The table also shows that about 6,633 acres of DFL and CUTL lands are outside of the FO designation (roughly forty-eight percent

of DFL and CUTL acres). Those existing forest lands (DFL and CUTL lands) outside of designated FO will need to be reviewed for possible re-designation to FO. The process for review will be discussed later in this report

Map 9. 2020 Current-Use Timber Land and Designated Forest Land.



Source: SJC GIS.

Table 10. 2020 Forest Resource Parcels, Current-Use Timber Land and Designated Forest Land.

	Designated Forest Resource (FO)	Designated Forest Land and Current-Use Timber Land	Designated Forest Land (DFL)	Current-Use Timber Land (CUTL)	DFL, CUTL, and FO	DFL, CUTL, and not FO	FO and not DFL or CUTL
Total Number of Shapes*	765	478	389	89	152	332	728
Acres	19,097.87	13,975.02	12,619.35	1,355.68	7,505.01	6,632.79	11,513.85
Average Shape Size	24.96	29.24	32.44	15.23	49.38	19.98	15.82

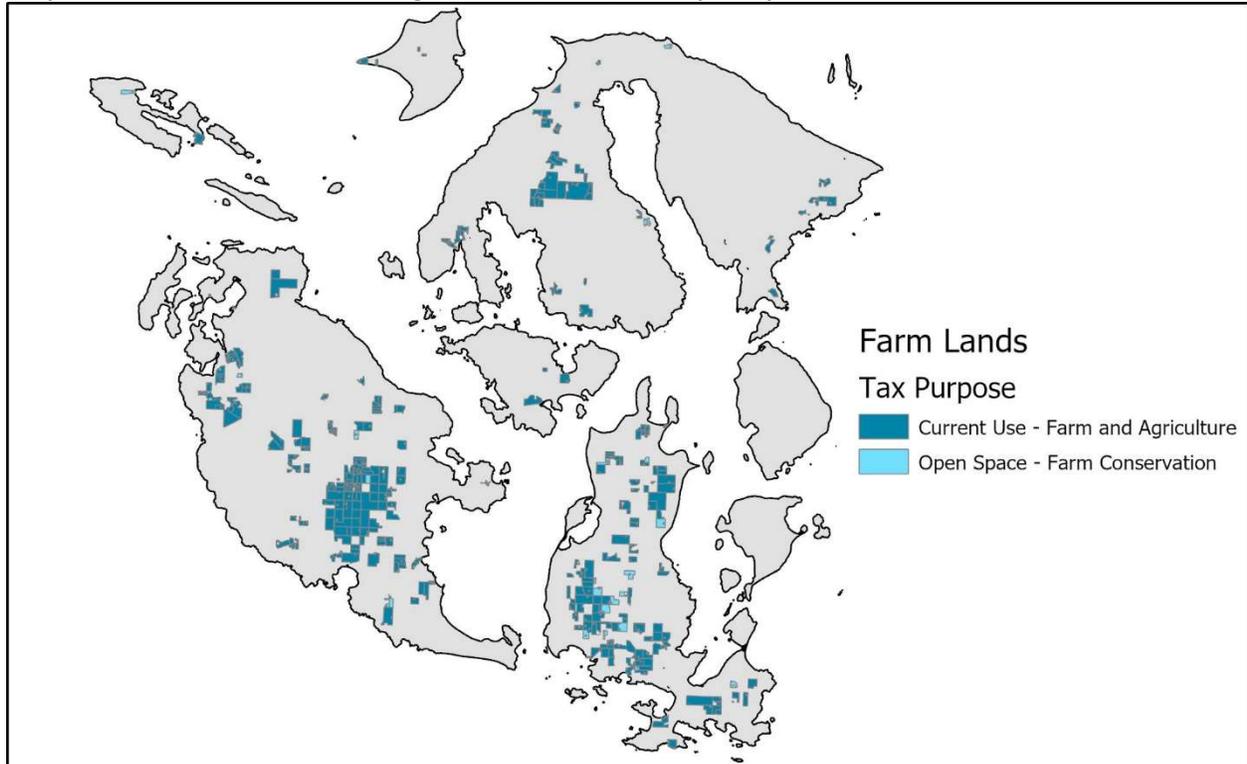
Source: SJC GIS.

* Not all of the shapes analyzed were parcels. For example, the current-use timber lands are typically only the portions of a parcel that are participating in the program.

Current-Use Farm and Agriculture (CUFA) and Open Space-Farm Conservation (OSFC)

Map 10 below shows the lands participating in the Current-Use Farm and Agriculture (CUFA) and Open Space Farm Conservation (OSFC) taxation programs in the County. Approximately 8,350 acres are enrolled in the CUFA program and about 450 acres are enrolled in the OSFC program.

Map 10. Current-Use Farm and Agriculture (CUFA) and Open-Space Farm Conservation Parcels (OSFC).



Source: SJC GIS 2020.

SJI Voluntary Stewardship Program (VSP) 2017 Farm Map.

The SJI Conservation District developed the VSP, a program to manage growth, protect critical areas, and maintain viable agriculture. The Voluntary Stewardship Program (VSP) created maps of parcels used for farming in 2017. The VSP farm map shows the location and type of agricultural occurring on existing farms in 2017. Link to VSP information (not map data): <https://www.sanjuanislandscd.org/farm/vsp>

The VSP maps are particularly useful because they not only show where farms are, but also what type of products each farm produces. The VSP maps were created by considering designated Agricultural Resource Land, WSU and San Juan Island Visitor's Bureau farm maps, parcels in the Current Use Farm and Agriculture (CUFA) tax programs, and the VSP workgroup's shared knowledge of existing farms. The VSP workgroup determined the type of farm by using their local knowledge of existing farms and contacting farm owners. The VSP Plan describes the mapping process as follows:

“The definition of agricultural activity in the VSP is much broader than that used in the CUFA [current use-farm and agriculture] program. Therefore, agricultural activity was mapped as broadly as possible based on the statutory definition (RCW 90.58.065) and local knowledge of Work Group and community members who are familiar with agricultural activity in the County. These groups reviewed draft maps, island-by-island from September 2016 through May of 2017, to determine the most accurate identification of agricultural activity on the ground.”

Table 11 shows the eight farm types and the total acreage for each type. These types of farms are shown on the 2017 VSP maps.

Table 11. 2017 SJI Voluntary Stewardship Program (VSP) Farm Types and Acreage.

Farm Type	Acres
Unspecified	4,293.93
Multiple Enterprises	1,767.46
Flowers	79.55
Livestock	4,384.70
Vegetables and Fruit	383.76
Hay/Pasture	1,360.78
Hay/Pasture not CUFA*	714.79
Livestock not CUFA*	777.11
Total	13,762.08

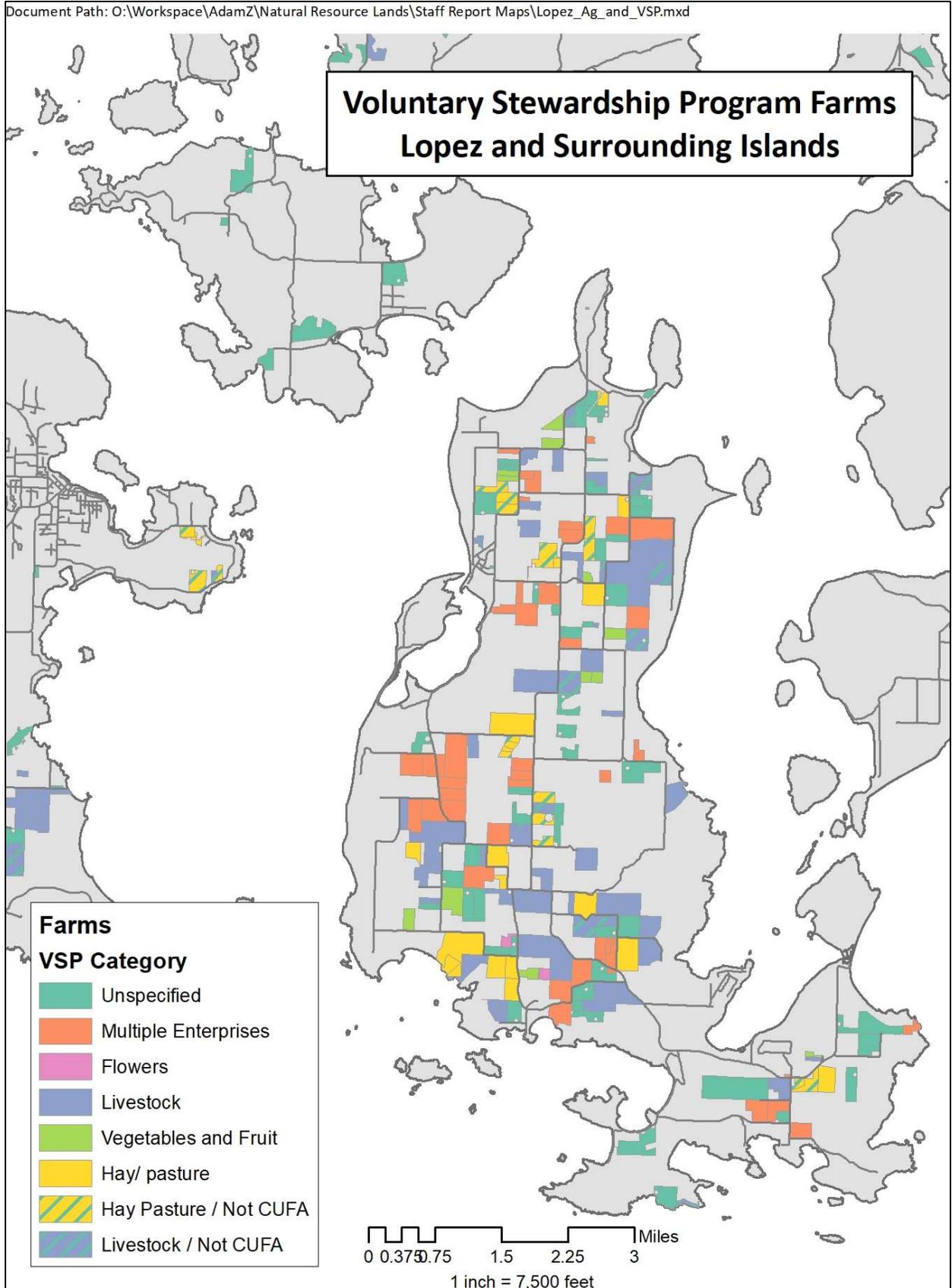
Source: 2017 VSP Map GIS data.

* Current-Use Farm and Agriculture.

Maps 11 through 13 show the 2017 VSP mapped farms. There are mapped farms on Stuart, Waldron, Shaw, San Juan, Lopez, and Orcas Islands.

Map 11. 2017 Voluntary Stewardship Program Farm Map, Lopez.

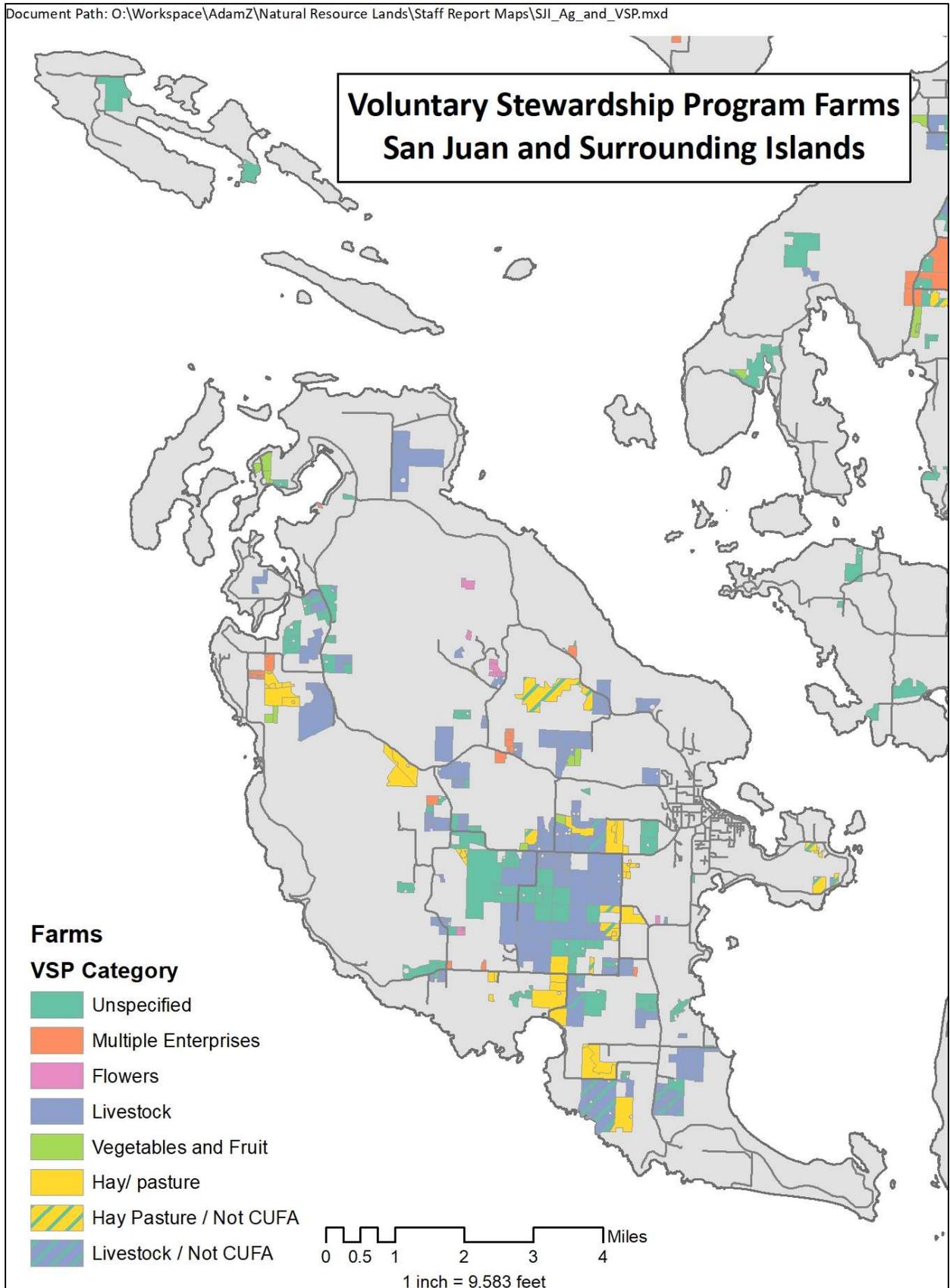
Document Path: O:\Workspace\AdamZ\Natural Resource Lands\Staff Report Maps\Lopez_Ag_and_VSP.mxd



Source: SJC GIS.

Map 12. 2017 Voluntary Stewardship Program Farm Map, San Juan.

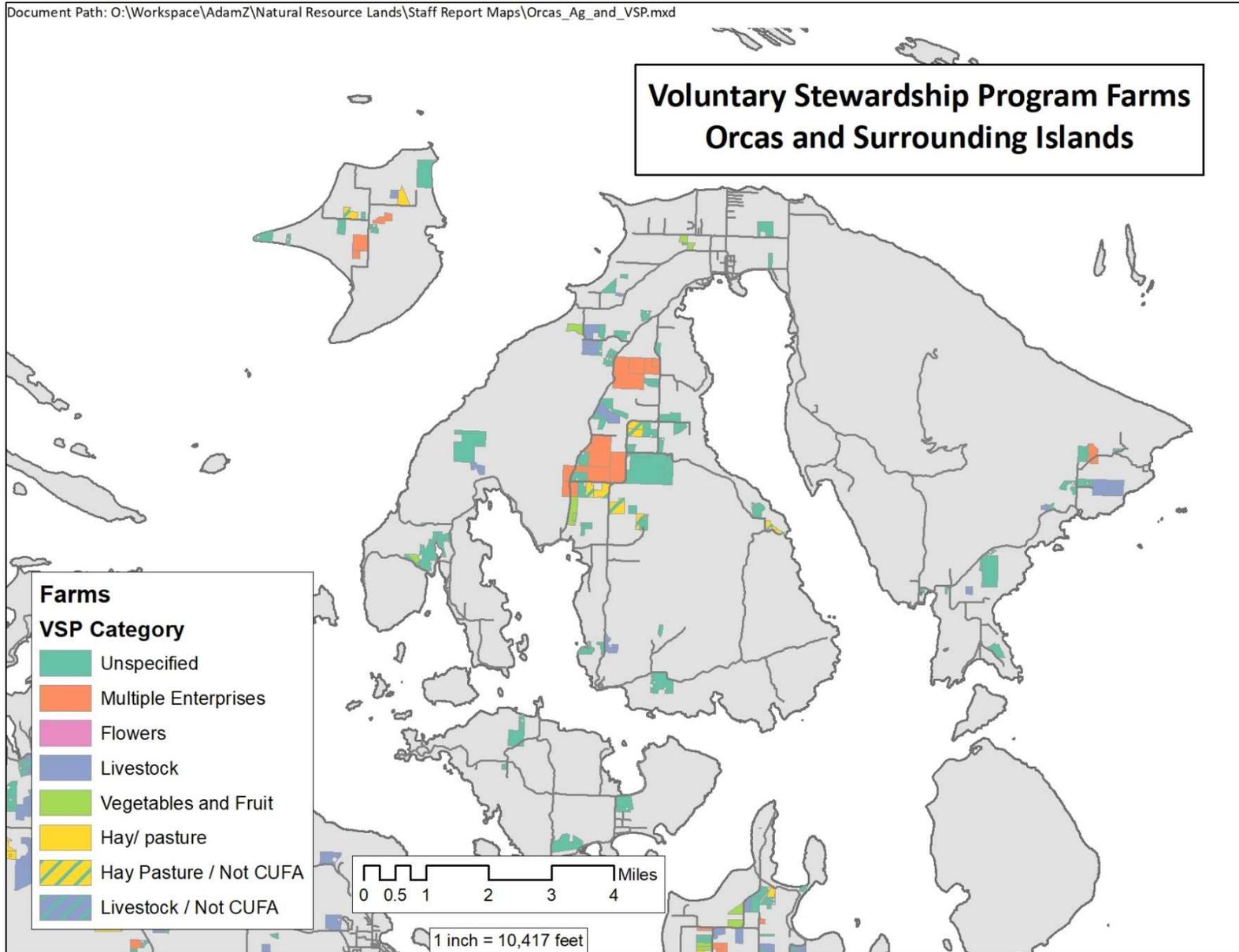
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Source: SJC GIS.

Map 13. 2017 Voluntary Stewardship Program Farm Map, Orcas.

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Source: SJC GIS.

Comparison of Plan Designations, Voluntary Stewardship Maps, Current Use Farm & Agriculture and Open Space-Farm Conservation

Table 12 below compares all acreage designated AG on the *Plan's* Official Map, shown on the VSP farm map, or in the CUFA and OSFC taxation programs. It provides the acreage in each of those categories and the acreage of lands that are within combinations of the categories. This information is helpful because it shows approximately how many acres designated AG have active farming operations. It can be considered during the review of NRL designations even though the maps depict farm and tax areas that are not parcel specific.

Table 10 shows that 9,364 acres of the 13,884 acres designated AG are also shown as existing farms on the VSP map (about sixty-seven percent of the AG designated acreage). It also shows that 6,703 acres of designated AG lands participate in the CUFA and OSFC taxation programs (about forty-eight percent).

The majority of existing farms are within designated AG lands. The table illustrates that the majority of VSP farms and CUFA and OSFC lands are designated AG. Only about thirty-three percent of VSP farms (4,582 of 13,943 acres of VSP farms) and twenty-four percent of CUFA and OSFC lands (2,101 of 8,800 acres in CUFA and OSFC) are not designated AG. Existing farms (VSP farms, CUFA, and OSFC lands) that are not designated AG will need to be reviewed for possible re-designation to AG. The methodology for review is discussed in Appendix D of this report.

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Table 12. Designated Agricultural Resource Land, Voluntary Stewardship Program, Open Space, and Current Use.

	Designated AG ²	VSP ³ Farms	AG ² and VSP	VSP ³ not AG ²	Current Use Farm & AG ² or Open Space - Farm Conservation	CUFA/OSFC ⁴ and AG ²	CUFA/OSFC ⁴ not AG ²	CUFA ⁴ , AG ² , and VSP ³	CUFA ⁴ , AG ² , and not VSP ³	AG ² , VSP ³ , and not CUFA ⁴	VSP ³ , CUFA ⁴ , and not AG ²
Total Number of Shapes ¹	651	658	353	368	380	259	170	251	18	233	165
Acres	13,884.20	13,943.09	9,363.88	4,582.11	8,800.17	6,702.82	2,101.04	6,546.45	156.38	2,817.43	1,996.56
Average Parcel Size	21.33	21.19	26.53	12.45	23.16	25.88	12.36	26.08	8.69	12.09	12.10

Source: SJC GIS.

Notes:

1. Not all of the shapes analyzed were parcels. For example, the current-use farm and agriculture lands are typically only the portions of a parcel that are participating in the program. Because the boundaries of land use designations, VSP farms, CUFA lands and OSFC lands do not follow parcel boundaries and portions of an area may be inside or outside these areas, the number of shapes in each subset may not evenly add up to the parent category. For example, the number of shapes that are AG and VSP or VSP not AG is greater than the total number of shapes that are VSP farms because some VSP farms are partially inside and outside the AG designation and where split at the boundary, resulting in two shapes.
2. Agricultural Resource Land;
3. Voluntary Stewardship Program; and
4. Current-use farm and agriculture or open-space farm conservation tax programs.

Attachment A

SELECTED NATURAL RESOURCE LAND GMA REQUIREMENTS,
GOALS, POLICIES, AND REGULATIONS

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Selected Natural Resource Land Goals, Policies and GMA Requirements

I. Selections from Chapter 36.70A Revised Code of Washington (RCW)

The following selections from Chapter 36.70A RCW are some of the key sections related to natural resource lands from GMA.

RCW 36.70A.020(8) and (9) Planning Goals

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

RCW 36.70A.030(3), (10), (13), and (15) Definitions

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by *RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(10) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under *RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(13) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(15) "Minerals" include gravel, sand, and valuable metallic substances.

RCW 36.70A.060 Natural resource lands and critical areas – Development regulations.

(1)(a) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW

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36.70A.040. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Any county located to the west of the crest of the Cascade mountains that has both a population of at least four hundred thousand and a border that touches another state, and any city in such county, may adopt development regulations to assure that agriculture, forest, and mineral resource lands adjacent to short line railroads may be developed for freight rail dependent uses.

(b) Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forestlands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forestlands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(c) Each county that adopts a resolution of partial planning under RCW 36.70A.040(2)(b), and each city within such county, shall adopt development regulations within one year after the adoption of the resolution of partial planning to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection (1)(c) must comply with the requirements governing regulations adopted under (a) of this subsection.

(d)(i) A county that adopts a resolution of partial planning under RCW 36.70A.040(2)(b) and that is not in compliance with the planning requirements of this section, RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution is adopted must, by January 30, 2017, apply for a determination of compliance from the department finding that the county's development regulations, including development regulations adopted to protect critical areas, and comprehensive plans are in compliance with the requirements of this section, RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172. The department must approve or deny the application for a determination of compliance within one hundred twenty days of its receipt or by June 30, 2017, whichever date is earlier.

(ii) If the department denies an application under (d)(i) of this subsection, the county and each city within is obligated to comply with all requirements of this chapter and the resolution for partial planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.

(iii) A petition for review of a determination of compliance under (d)(i) of this subsection may only be appealed to the growth management hearings board within sixty days of the issuance of the decision by the department.

(iv) In the event of a filing of a petition in accordance with (d)(iii) of this subsection, the county and the department must equally share the costs incurred by the department for defending an approval of determination of compliance that is before the growth management hearings board.

(v) The department may implement this subsection (1)(d) by adopting rules related to determinations of compliance. The rules may address, but are not limited to: The requirements for applications for a determination of compliance; charging of costs under (d)(iv) of this subsection; procedures for processing

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applications; criteria for the evaluation of applications; issuance and notice of department decisions; and applicable timelines.

(e) Any county that borders both the Cascade mountains and another country and has a population of less than fifty thousand people, and any city in such county, may adopt development regulations to assure that agriculture, forest, and mineral resource lands adjacent to short line railroads may be developed for freight rail dependent uses.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forestland and agricultural land located within urban growth areas shall not be designated by a county or city as forestland or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

RCW 36.70A.070(1) Mandatory elements

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

RCW 36.70A.131 Mineral resource lands – Review of related designations and development regulations.

As part of the review required by RCW 36.70A.130(1), a county or city shall review its mineral resource lands designations adopted pursuant to RCW 36.70A.170 and mineral resource lands development

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regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060. In its review, the county or city shall take into consideration:

- (1) New information made available since the adoption or last review of its designations or development regulations, including data available from the department of natural resources relating to mineral resource deposits; and
- (2) New or modified model development regulations for mineral resource lands prepared by the department of natural resources, the *department of community, trade, and economic development, or the Washington state association of counties.

RCW 36.70A.170 Natural resource lands and critical areas – Designations.

- (1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:
 - (a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;
 - (b) Forestlands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;
 - (c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and
 - (d) Critical areas.
- (2) In making the designations required by this section, counties and cities shall consider the guidelines established pursuant to RCW 36.70A.050.

RCW 36.70A.177 Agricultural lands – Innovative zoning techniques – Accessory uses.

- (1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.
- (2) Innovative zoning techniques a county or city may consider include, but are not limited to:
 - (a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;
 - (b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

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(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

(3) Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

(a) Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties, and shall comply with the requirements of this chapter;

(b) Accessory uses may include:

(i) Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

(ii) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses; and

(c) Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection (3) in areas designated as agricultural lands of long-term commercial significance.

(4) This section shall not be interpreted to limit agricultural production on designated agricultural lands.

II. Selections from Chapter 365-196 Washington Administrative Code (WAC)

WAC 365-196-050 Regional and Local Variations

(1) Regional and local variations and the diversity that exist among different counties and cities should be reflected in the use and application of these procedural criteria.

(2) Recognition of variations and diversity is implicit in the act's framework, with an emphasis on a "bottom up" planning process and on public participation. Such recognition is also inherent in the listing of goals without assignment of priority. Accordingly, this chapter seeks to accommodate regional and local differences by focusing on an analytical process, instead of on specific outcomes.

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(3) Local plans and development regulations are expected to vary in complexity and in level of detail depending on population size, growth rates, resources available for planning and scale of public facilities, and services provided.

(4) In general, smaller jurisdictions will not be expected to engage in extensive original research, but will be able to rely upon reasonable assumptions derived from available data of a statewide or regional nature or representative of jurisdictions of comparable size and growth rates.

(5) When commenting on plans and regulations proposed for adoption, state agencies, including the department, should be guided by a common sense appreciation of the size of the jurisdiction involved, the magnitude of the problems addressed, and the context of the submitted changes.

(6) The department has developed a variety of technical assistance materials for counties and cities that may be used to help guide local planning.

WAC 365-196-480 Natural resource lands.

(1) Requirements.

(a) In the initial period following adoption of the act, and prior to the development of comprehensive plans, counties and cities planning under the act were required to designate natural resource lands of long-term commercial significance and adopt development regulations to assure their conservation. Natural resource lands include agricultural, forest, and mineral resource lands. The previous designations and development regulations shall be reviewed in connection with the comprehensive plan adoption process and, where necessary, altered to ensure consistency.

(b) Counties and cities planning under the act must review their natural resource lands designations, comprehensive plans, policies, and development regulations as part of the required periodic update under RCW 36.70A.130(1) and 36.70A.131.

(c) Counties and cities not planning under RCW 36.70A.040 must review their natural resource lands designations, and if necessary revise those designations as part of the required periodic update under RCW 36.70A.130(1) and 36.70A.131.

(d) Forest land and agricultural land located within urban growth areas shall not be designated as forest resource land or agricultural resource land unless the county or city has enacted a program authorizing transfer or purchase of development rights.

(e) Mineral lands may be designated as mineral resource lands within urban growth areas. There may be subsequent reuse of mineral resource lands when the minerals have been mined out. In cases where designated mineral resource lands are likely to be mined out and closed to further mining within the planning period, the surface mine reclamation plan and permit from the department of natural resources division of geology should be reviewed to ensure it is consistent with the adopted comprehensive land use plan.

(f) In adopting development regulations to conserve natural resource lands, counties and cities shall address the need to buffer land uses adjacent to the natural resource lands. Where buffering is used it

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should be on land within the adjacent development unless an alternative is mutually agreed on by adjacent landowners.

(2) Recommendations for meeting requirements.

(a) In the initial period following adoption of the act, much of the analysis which was the basis for the comprehensive plan came later than the initial identification and regulation of natural resource lands. In all cases, counties and cities must address inconsistencies between plan policies, development regulations and previously adopted natural resource land provisions.

(b) The department issued guidelines for the classification and designation of natural resource lands which are contained in chapter 365-190 WAC. In general, natural resource lands should be located beyond the boundaries of urban growth areas; and urban growth areas should avoid including designated natural resource lands. In most cases, the designated purposes of natural resource lands are incompatible with urban densities. For inclusion in the urban growth area, counties and cities must first review the natural resource lands designation and conclude the lands no longer meet the designation criteria for resource lands of long-term commercial significance.

(c) As noted in subsection (1)(f) of this section, mineral resource lands are a possible exception to the requirement that natural resource lands be designated outside the urban growth area. This guidance is based on the significant cost savings from using minerals close to their source, and the potential for reusing the mined out lands for other purposes after mining is complete. Counties and cities should consider the potential loss of access to mineral resource lands if they are not designated and conserved, and should also consider the consumptive use of mineral resources when designating specific mineral resource lands.

(d) Counties and cities may also consider retaining local agricultural lands in or near urban growth areas as part of a local strategy promoting food security, agricultural education, or in support of local food banks, schools, or other large institutions.

(e) The review of existing designations should be done on an area-wide basis, and in most cases, be limited to the question of consistency with the comprehensive plan, rather than revisiting the entire prior designation and regulation process. However, to the extent that new information is available or errors have been discovered, the review process should take this information into account. Review for consistency in this context should include whether the planned use of lands adjacent to agricultural, forest, or mineral resource lands will interfere with the continued use, in an accustomed manner and in accordance with the best management practices, of the designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

(f) Development regulations must assure that the planned use of lands adjacent to natural resource lands will not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands. Guidance on development regulations ensuring the conservation of designated resource lands is found in WAC 365-196-815.

(g) Counties and cities are encouraged to use a coordinated program that includes nonregulatory programs and incentives to supplement development regulations to conserve natural resource lands. Guidance for addressing the designation of natural resource lands is located under WAC 365-190-040 through 365-190-070.

Selected Natural Resource Land Goals, Policies and GMA Requirements

WAC 365-196-815 Conservation of natural resource lands.

(1) Requirements.

(a) Counties and cities planning under RCW 36.70A.040 must adopt development regulations that assure the conservation of designated agricultural, forest, and mineral lands of long-term commercial significance. If counties and cities designate agricultural or forest resource lands within any urban growth area, they must also establish a program for the purchase or transfer of development rights.

(b) "Conservation" means measures designed to assure that the natural resource lands will remain available to be used for commercial production of the natural resources designated. Counties and cities should address two components to conservation:

(i) Development regulations must prevent conversion to a use that removes land from resource production. Development regulations must not allow a primary use of agricultural resource lands that would convert those lands to nonresource purposes. Accessory uses may be allowed, consistent with subsection (3)(b) of this section.

(ii) Development regulations must assure that the use of lands adjacent to designated natural resource lands does not interfere with the continued use, in the accustomed manner and in accordance with the best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

(c) Classification, designation and designation amendment. The department adopted minimum guidelines in chapter 365-190 WAC, detailing the process involved in establishing a natural resource lands conservation program. Included are criteria to be considered before any designation change should be approved.

(d) Prior uses. Regulations for the conservation of natural resource lands may not prohibit uses legally existing on any parcel prior to their adoption.

(e) Plats and permits. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet, of designated natural resource lands contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(2) Relationship to other programs. In designing development regulations and nonregulatory programs to conserve designated natural resource lands, counties and cities should endeavor to make development regulations and programs fit together with regional, state and federal resource management programs applicable to the same lands. Comprehensive plans and policies may in some respects be adequately implemented by adopting the provisions of such other programs as part of the local regulations.

(3) Innovative zoning techniques.

(a) When adopting development regulations to assure the conservation of agricultural lands, counties should consider use of innovative zoning techniques. These techniques should be designed to conserve

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agricultural lands and encourage the agricultural economy. Any nonagricultural uses allowed should be limited to lands with poor soils or lands otherwise not suitable for agricultural purposes.

(b) Examples of innovative zoning techniques include:

- (i) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in this subsection;
- (ii) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;
- (iii) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;
- (iv) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land;
- (v) Sliding scale zoning, which allows the number of lots for single-family residential purposes, with a minimum lot size of one acre, to increase inversely as the size of the total acreage increases; and
- (vi) The transfer or purchase of development rights from agricultural lands, which can be used through cooperative agreements with cities, or counties with nonmunicipal urban growth areas, as receiving areas for the use of these development rights.

(c) Accessory uses on agricultural lands of long-term commercial significance:

- (i) Counties may allow certain accessory uses on agricultural lands of long-term commercial significance. Accessory uses can promote the continued use of agricultural lands by allowing accessory uses that add value to agricultural products. Accessory uses can also promote the continued use of agricultural lands by allowing farming operations to generate supplemental income through unrelated uses, provided they are compatible with the continued use of agricultural land of resource production;
- (ii) Development regulations must require accessory uses to be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties, and must comply with the requirements of the act;
- (iii) Accessory uses may include:

(A) Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

(B) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses; and

(C) Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection in areas designated as agricultural lands of long-term commercial significance.

(iv) Any innovative zoning techniques must not limit agricultural production on designated agricultural resource lands.

III. Selections for Chapter 365-190 WAC, Minimum Guidelines to Classify Agriculture, Forest, Mineral Lands and Critical Areas.

WAC 365-190-040 Process.

(1) The classification and designation of natural resource lands and critical areas is an important step among several in the overall growth management process. These steps, outlined in subsections (4) and (5) of this section comprise a vision of the future, and that vision gives direction to the steps in the form of specific goals and objectives. Under the act, the timing of the first steps coincided with development of the larger vision through the comprehensive planning process.

(2) The act required preliminary classifications and designations of natural resource lands and critical areas to be completed in 1991. Counties and cities planning under the act were to enact interim regulations to protect and conserve these natural resource lands and critical areas by September 1, 1991. By July 1, 1992, counties and cities not planning under the act were to bring their development regulations into conformance with their comprehensive plans. By July 1, 1993, counties and cities planning under the act were to adopt comprehensive plans, consistent with the goals of the act. Implementation of the comprehensive plans was to occur by the following year.

(3) Under RCW 36.70A.130, all counties and cities must review, and if needed, update their natural resource lands and critical areas designations. Counties and cities fully planning under the act must also review and, if needed, update their natural resource lands conservation provisions, comprehensive plans and development regulations. Legal challenges to some updates have led to clarifications of the ongoing review and update requirements in RCW 36.70A.130, and the process for implementing those requirements. The process description and recommendations in this section incorporate those clarifications and describe both the initial designation and conservation or protection of natural resource lands and critical areas, as well as subsequent local actions to amend those designations and provisions.

(4) Classification is the first step in implementing RCW 36.70A.170 and requires defining categories to which natural resource lands and critical areas will be assigned.

(a) Counties and cities are encouraged to adopt classification schemes that are consistent with federal and state classification schemes and those of adjacent jurisdictions to ensure regional consistency. Specific classification schemes for natural resource lands and critical areas are described in WAC 365-190-050 through 365-190-130.

(b) State agency classification schemes are available for specific critical area types, including the wetlands rating systems for eastern and western Washington from the Washington state department of ecology, the priority habitats and species categories and recommendations from the Washington state department of fish and wildlife, and the high quality ecosystem and rare plant categories and listings from the department of natural resources, natural heritage program. The Washington state department of natural resources provides significant information on geologic hazards and aquatic resources that may be useful in classifying these critical areas. Not all areas classified by state agencies must be designated, but such areas may be likely candidates for designation.

(5) Designation is the second step in implementing RCW 36.70A.170.

Selected Natural Resource Land Goals, Policies and GMA Requirements

(a) Pursuant to RCW 36.70A.170, natural resource lands and critical areas must be designated based on their defined classifications. For planning purposes, designation establishes:

- (i) The classification scheme;
- (ii) The distribution, location, and extent of the uses of land, where appropriate, for agriculture, forestry, and mineral extraction; and
- (iii) The general distribution, location, and extent of critical areas.

(b) Inventories and maps should indicate designations of natural resource lands. In circumstances where critical areas cannot be readily identified, these areas should be designated by performance standards or definitions, so they can be specifically identified during the processing of a permit or development authorization.

(c) Designation means, at a minimum, formal adoption of a policy statement, and may include further legislative action. Designating inventoried lands for comprehensive planning and policy definition may be less precise than subsequent regulation of specific parcels for conservation and protection.

(d) Successful achievement of the natural resource industries goal set forth in RCW 36.70A.020 requires the conservation of land base sufficient in size and quality to maintain and enhance those industries, and the development and use of land use techniques that discourage uses incompatible to the management of designated lands.

(e) Mineral resource lands especially should be designated as close as possible to their likely end use areas, to avoid losing access to those valuable minerals by development, and to minimize the costs of production and transport. It is expected that mineral resource lands will be depleted of minerals over time, and that subsequent land uses may occur on these lands after mining is completed.

(6) Classifying, inventorying, and designating lands or areas does not imply a change in a landowner's right to use his or her land under current law. The law requires that natural resource land uses be protected from land uses on adjacent lands that would restrict resource production. Development regulations adopted to protect critical areas may limit some land development options. Land uses are regulated on a parcel basis and innovative land use management techniques should be applied when counties and cities adopt development regulations to conserve and protect designated natural resource lands and critical areas. The purpose of designating natural resource lands is to enable industries to maintain access to lands with long-term commercial significance for agricultural, forest, and mineral resource production. The purpose is not to confine all natural resource production activity only to designated lands nor to require designation as the basis for a permit to engage in natural resource production. The department provides technical assistance to counties and cities on a wide array of regulatory options and alternative land use management techniques.

(7) Overlapping designations. The designation process may result in critical area designations that overlay other critical area or natural resource land classifications. Overlapping designations should not necessarily be considered inconsistent. If two or more critical area designations apply to a given parcel, or portion of a given parcel, both or all designations apply.

(a) If a critical area designation overlies a natural resource land designation, both designations apply. For counties and cities required or opting to plan under the act, reconciling these multiple designations will be the subject of local development regulations adopted pursuant to RCW 36.70A.060.

Selected Natural Resource Land Goals, Policies and GMA Requirements

(b) If two or more natural resource land designations apply, counties and cities must determine if these designations are incompatible. If they are incompatible, counties and cities should examine the criteria to determine which use has the greatest long-term commercial significance, and that resource use should be assigned to the lands being designated.

(8) Counties and cities must involve the public in classifying and designating natural resource lands and critical areas. The process should include:

(a) Public participation program:

(i) Public participation should include, at a minimum, representative participation from the following entities: Landowners; representatives of agriculture, forestry, mining, business, environmental, and community groups; tribal governments; representatives of adjacent counties and cities; and state agencies. The public participation program should include early and timely public notice of pending designations and regulations and should address proposed nonregulatory incentive programs.

(ii) Counties and cities are encouraged to consider a variety of opportunities to adequately communicate with the public. These methods of notification may include, but are not limited to, traditional forms of mailed notices, published announcements, electronic mail, and internet sites to distribute informational brochures, meeting times, project timelines, and design and map proposals to provide an opportunity for the public to participate.

(iii) The department provides technical assistance in preparing public participation programs.

(b) Adoption process. Statutory and local processes already in place governing land use decisions are the minimum processes required for designation and regulation pursuant to RCW 36.70A.060 and 36.70A.170. At a minimum the following steps should be included in the adoption process:

(i) Accept the requirements of chapter 36.70A RCW;

(ii) Consider minimum guidelines developed by the department under RCW 36.70A.050;

(iii) Consider other definitions used by state and federal regulatory agencies;

(iv) Consider definitions used by similarly situated counties and cities;

(v) Determine recommended definitions and check conformance with minimum definitions in chapter 36.70A RCW;

(vi) Adopt definitions, classifications, and standards;

(vii) Apply definitions by mapping designated natural resource lands; and

(viii) Establish procedures for amending natural resource lands and critical areas designations.

(c) Intergovernmental coordination.

(i) The act requires coordination among counties and cities to reconcile conflicts and strive for consistent definitions, standards, and designations within regions. The minimum coordination process may include one of two options:

(A) Notification option: Adjacent cities (or those with overlapping or adjacent planning areas); counties and the cities within them; and adjacent counties would provide each other and special purpose districts and special purpose districts within them notice of their intent to classify and designate natural resource lands and critical areas within their jurisdiction. Counties or cities receiving notice may provide comments and input to the notifying jurisdiction. The notifying jurisdiction specifies a comment period prior to adoption. Within forty-five days of the jurisdiction's date of adoption of classifications or designations, affected jurisdictions are supplied information on how to locate a copy of the proposal. The department may provide mediation services to counties and cities to help resolve disputed classifications or designations.

Selected Natural Resource Land Goals, Policies and GMA Requirements

(B) Interlocal agreement option: Adjacent counties and cities; all the cities within a county; or several counties and the cities within them may choose to cooperatively classify and designate natural resource lands and critical areas within their jurisdictions. Counties and cities by interlocal agreement would identify the definitions, classification, designation, and process that will be used to classify and designate lands within their areas. State and federal agencies or tribes may participate in the interlocal agreement or be provided a method of commenting on designations and classifications prior to adoption by jurisdictions.

(ii) Counties or cities may begin with the notification option in (c)(i)(A) of this subsection and choose to change to the interlocal agreement method in (c)(i)(B) of this subsection prior to completion of the classification and designations within their jurisdictions. Approaches to intergovernmental coordination may vary between natural resource land and critical area designation. It is intended that state and federal agencies with land ownership or management responsibilities, special purpose districts, and Indian tribes with interests within the counties or cities adopting classification and designation be consulted and their input considered in the development and adoption of designations and classifications. The department may provide mediation services to help resolve disputes between counties and cities that are using either the notification or interlocal agreement method of coordinating between jurisdictions.

(d) Mapping natural resource lands. Mapping should be done to identify designated natural resource lands. For counties and cities fully planning under the act, natural resource lands designations must be incorporated into the comprehensive plan land use element and should be shown on the future land use map required under RCW 36.70A.070.

(9) Evaluation. When counties and cities adopt a comprehensive plan, the act requires them to evaluate their designations and development regulations to assure that they are consistent with and implement the comprehensive plan. When considering changes to the designations or development regulations, counties and cities should seek interjurisdictional coordination and must include public participation.

(10) Designation amendment process.

(a) Land use planning is a dynamic process. Designation procedures should provide a rational and predictable basis for accommodating change.

(b) Reviewing natural resource lands designation. In classifying and designating natural resource lands, counties must approach the effort as a county-wide or regional process. Counties and cities should not review natural resource lands designations solely on a parcel-by-parcel process. Designation amendments should be based on consistency with one or more of the following criteria:

(i) A change in circumstances pertaining to the comprehensive plan or public policy related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);

(ii) A change in circumstances to the subject property, which is beyond the control of the landowner and is related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);

(iii) An error in designation or failure to designate;

(iv) New information on natural resource land or critical area status related to the designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3); or

(v) A change in population growth rates, or consumption rates, especially of mineral resources.

(11) Use of innovative land use management techniques.

Selected Natural Resource Land Goals, Policies and GMA Requirements

(a) Natural resource uses have preferred and primary status in designated natural resource lands. Counties and cities must determine if and to what extent other uses will be allowed. If other uses are allowed, counties and cities should consider using innovative land management techniques that minimize land use incompatibilities and most effectively maintain current and future natural resource lands.

(b) Techniques to conserve and protect agricultural, forest lands, and mineral resource lands include the purchase or transfer of development rights, fee simple purchase of the land, less than fee simple purchase, purchase with leaseback, buffering, land trades, conservation easements, current use assessments, innovative zoning, or other innovations which maintain current uses and assure the conservation of these natural resource lands.

(12) Development in and adjacent to agricultural, forest, and mineral resource lands shall assure the continued management of these lands for natural resource production. Uses that would convert natural resource lands to other uses or would interfere with the allowed natural resource uses must be prohibited except as authorized in accessory uses under RCW 36.70A.177 or other applicable statutes. Any uses adjacent to agricultural, forest, and mineral resource lands of long-term commercial significance must not interfere with their continued use for the production of agricultural, forest, or mineral products respectively. Counties and cities should consider the adoption of right-to-farm provisions, and may also adopt measures to conserve and enhance marine aquaculture. Covenants or easements recognizing that farming, forestry, and mining activities will occur should be imposed on new development in or adjacent to agricultural, forest, or mineral resource lands. Where buffering is used it should be on land within the adjacent development unless an alternative is mutually agreed on by adjacent landowners.

WAC 365-190-050 Agricultural resource lands.

(1) In classifying and designating agricultural resource lands, counties must approach the effort as a county-wide or area-wide process. Counties and cities should not review resource lands designations solely on a parcel-by-parcel process. Counties and cities must have a program for the transfer or purchase of development rights prior to designating agricultural resource lands in urban growth areas. Cities are encouraged to coordinate their agricultural resource lands designations with their county and any adjacent jurisdictions.

(2) Once lands are designated, counties and cities planning under the act must adopt development regulations that assure the conservation of agricultural resource lands. Recommendations for those regulations are found in WAC 365-196-815.

(3) Lands should be considered for designation as agricultural resource lands based on three factors:

(a) The land is not already characterized by urban growth. To evaluate this factor, counties and cities should use the criteria contained in WAC 365-196-310.

(b) The land is used or capable of being used for agricultural production. This factor evaluates whether lands are well suited to agricultural use based primarily on their physical and geographic characteristics. Some agricultural operations are less dependent on soil quality than others, including some livestock production operations.

(i) Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation. The intent of a landowner to use land for agriculture or to cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural

Selected Natural Resource Land Goals, Policies and GMA Requirements

production. Land enrolled in federal conservation reserve programs is recommended for designation based on previous agricultural use, management requirements, and potential for reuse as agricultural land.

(ii) In determining whether lands are used or capable of being used for agricultural production, counties and cities shall use the land-capability classification system of the United States Department of Agriculture Natural Resources Conservation Service as defined in relevant Field Office Technical Guides. These eight classes are incorporated by the United States Department of Agriculture into map units described in published soil surveys, and are based on the growing capacity, productivity and soil composition of the land.

(c) The land has long-term commercial significance for agriculture. In determining this factor, counties and cities should consider the following nonexclusive criteria, as applicable:

(i) The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service;

(ii) The availability of public facilities, including roads used in transporting agricultural products;

(iii) Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;

(iv) The availability of public services;

(v) Relationship or proximity to urban growth areas;

(vi) Predominant parcel size;

(vii) Land use settlement patterns and their compatibility with agricultural practices;

(viii) Intensity of nearby land uses;

(ix) History of land development permits issued nearby;

(x) Land values under alternative uses; and

(xi) Proximity to markets.

(4) When designating agricultural resource lands, counties and cities may consider food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods.

(5) When applying the criteria in subsection (3)(c) of this section, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.

(6) Counties and cities may further classify additional agricultural lands of local importance. Classifying additional agricultural lands of local importance should include, in addition to general public involvement, consultation with the board of the local conservation district and the local committee of the farm service agency. It may also be useful to consult with any existing local organizations marketing or using local produce, including the boards of local farmers markets, school districts, other large institutions, such as hospitals, correctional facilities, or existing food cooperatives.

These additional lands may include designated critical areas, such as bogs used to grow cranberries or farmed wetlands. Where these lands are also designated critical areas, counties and cities planning under the act must weigh the compatibility of adjacent land uses and development with the continuing need to protect the functions and values of critical areas and ecosystems.

Selected Natural Resource Land Goals, Policies and GMA Requirements

WAC 365-190-060 Forest resource lands.

(1) In classifying and designating forest resource lands, counties must approach the effort as a county-wide or regional process. Cities are encouraged to coordinate their forest resource lands designations with their county and any adjacent jurisdictions. Counties and cities should not review forest resource lands designations solely on a parcel-by-parcel basis.

(2) Lands should be designated as forest resource lands of long-term commercial significance based on three factors:

(a) The land is not already characterized by urban growth. To evaluate this factor, counties and cities should use the criteria contained in WAC 365-196-310.

(b) The land is used or capable of being used for forestry production. To evaluate this factor, counties and cities should determine whether lands are well suited for forestry use based primarily on their physical and geographic characteristics.

Lands that are currently used for forestry production and lands that are capable of such use must be evaluated for designation. The landowner's intent to either use land for forestry or to cease such use is not the controlling factor in determining if land is used or capable of being used for forestry production.

(c) The land has long-term commercial significance. When determining whether lands are used or capable of being used for forestry production, counties and cities should determine which land grade constitutes forest land of long-term commercial significance, based on local physical, biological, economic, and land use considerations. Counties and cities should use the private forest land grades of the department of revenue (WAC 458-40-530). This system incorporates consideration of growing capacity, productivity, and soil composition of the land. Forest land of long-term commercial significance will generally have a predominance of the higher private forest land grades. However, the presence of lower private forest land grades within the areas of predominantly higher grades need not preclude designation as forest land.

(3) Counties and cities may also consider secondary benefits from retaining commercial forestry operations. Benefits from retaining commercial forestry may include protecting air and water quality, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism and access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species. These are only potential secondary benefits from retaining commercial forestry operations, and should not be used alone as a basis for designating or dedesignating forest resource lands.

(4) Counties and cities must also consider the effects of proximity to population areas and the possibility of more intense uses of the land as indicated by the following criteria as applicable:

(a) The availability of public services and facilities conducive to the conversion of forest land;

(b) The proximity of forest land to urban and suburban areas and rural settlements: Forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements;

(c) The size of the parcels: Forest lands consist of predominantly large parcels;

Selected Natural Resource Land Goals, Policies and GMA Requirements

(d) The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance;

(e) Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW;

(f) Local economic conditions which affect the ability to manage timberlands for long-term commercial production; and

(g) History of land development permits issued nearby.

(5) When applying the criteria in subsection (4) of this section, counties or cities should designate at least the minimum amount of forest resource lands needed to maintain economic viability for the forestry industry and to retain supporting forestry businesses, such as loggers, mills, forest product processors, equipment suppliers, and equipment maintenance and repair facilities. Economic viability in this context is that amount of designated forestry resource land needed to maintain economic viability of the forestry industry in the region over the long term.

WAC 365-190-070 Mineral resource lands.

(1) In designating mineral resource lands, counties and cities must approach the effort as a county-wide or regional process, with the exception of owner-initiated requests for designation. Counties and cities should not review mineral resource lands designations solely on a parcel-by-parcel basis.

(2) Counties and cities must identify and classify mineral resource lands from which the extraction of minerals occurs or can be anticipated. Counties and cities may consider the need for a longer planning period specifically to address mineral resource lands, based on the need to assure availability of minerals for future uses, and to not inadvertently preclude access to available mineral resources due to incompatible development. Other proposed land uses within these areas may require special attention to ensure future supply of aggregate and mineral resource material, while maintaining a balance of land uses.

(3) Classification criteria.

(a) Counties and cities classify mineral resource lands based on geologic, environmental, and economic factors, existing land uses, and land ownership. It is expected that mineral resource lands will be depleted of minerals over time, and that subsequent land uses may occur on these lands after mining is completed. Counties and cities may approve and permit land uses on these mineral resource lands to occur after mining is completed.

(b) Counties and cities should classify lands with potential long-term commercial significance for extracting at least the following minerals: Sand, gravel, and valuable metallic substances. Other minerals may be classified as appropriate.

(c) When classifying these areas, counties and cities should use maps and information on location and extent of mineral deposits provided by the department of natural resources, the United States Geological Service and any relevant information provided by property owners. Counties and cities may also use all or part of a detailed minerals classification system developed by the department of natural resources.

Selected Natural Resource Land Goals, Policies and GMA Requirements

(d) Classifying mineral resource lands should be based on the geology and the distance to market of potential mineral resource lands, including:

- (i) Physical and topographic characteristics of the mineral resource site, including the depth and quantity of the resource and depth of the overburden;
- (ii) Physical properties of the resource including quality and type;
- (iii) Projected life of the resource;
- (iv) Resource availability in the region; and
- (v) Accessibility and proximity to the point of use or market.

(e) Other factors to consider when classifying potential mineral resource lands should include three aspects of mineral resource lands:

- (i) The ability to access needed minerals may be lost if suitable mineral resource lands are not classified and designated; and
- (ii) The effects of proximity to population areas and the possibility of more intense uses of the land in both the short and long-term, as indicated by the following:
 - (A) General land use patterns in the area;
 - (B) Availability of utilities, including water supply;
 - (C) Surrounding parcel sizes and surrounding uses;
 - (D) Availability of public roads and other public services; and
 - (E) Subdivision or zoning for urban or small lots.
- (iii) Energy costs of transporting minerals.

(4) Designation of mineral resource lands.

(a) Counties and cities must designate known mineral deposits so that access to mineral resources of long-term commercial significance is not knowingly precluded. Priority land use for mineral extraction should be retained for all designated mineral resource lands.

(b) In designating mineral resource lands, counties and cities should determine if adequate mineral resources are available for projected needs from currently designated mineral resource lands.

(c) Counties and cities may consult with the department of transportation and the regional transportation planning organization to determine projected future mineral resource needs for large transportation projects planned in their area.

(d) In designating mineral resource lands, counties and cities must also consider that mining may be a temporary use at any given mine, depending on the amount of minerals available and the consumption rate, and that other land uses can occur on the mine site after mining is completed, subject to approval.

(e) Successful achievement of the natural resource industries goal set forth in RCW 36.70A.020 requires the conservation of a land base sufficient in size and quality to maintain and enhance those industries and the development and use of land use techniques that discourage uses incompatible with the management of designated lands.

IV. Selections from Title 222 WAC

WAC 222-16-010 General definitions

"Conversion activities" means activities associated with conversions of forest land to land uses other than commercial timber operation. These activities may be occurring during or after timber harvest on forest land. They may include but are not limited to the following:

- Preparation for, or installation of, utilities on the forest practices activity site. The development or maintenance of existing rights of way providing utilities exclusively for other ownerships shall not be considered conversions of forest land (see WAC 222-20-010(5)).
- Any of, or any combination of, the following activities in preparation for nonforestry use of the land: Grading, filling, or stump removal.
- Preparation for, or construction of, any structure requiring local government approval.
- Construction of, or improvement of, roads to a standard greater than needed to conduct forest practices activities.
- Clearing for, or expansion of, rock pits for nonforest practices uses or developing surface mines.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local governmental entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. For small forest landowner road maintenance and abandonment planning only, the term "forest land" excludes the following:

- (a) Residential home sites. A residential home site may be up to five acres in size, and must have an existing structure in use as a residence;
- (b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

WAC 222-30-110 Timber harvesting on islands.

On an island:

- (1) A landowner shall not harvest by clearcut so that more than forty contiguous acres of that landowner's forest land are in a clearcut condition;

Selected Natural Resource Land Goals, Policies and GMA Requirements

(2) Forest land harvested by clearcut remains in the clearcut condition until it has reached canopy closure or it has been reforested for at least ten years;

(3) Clearcut harvest units are contiguous unless separated by a buffer at least two hundred feet wide that has reached canopy closure, has been reforested for at least ten years, or is in a land use other than timber production.

(4) Within two hundred feet of the bankfull width of saltwater timber harvest shall be by selective harvest only, so that no more than thirty percent of the merchantable trees are harvested in any ten-year period: Provided, That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silvicultural practices necessary for regeneration render selective harvest ecologically detrimental: Provided further, That harvest by clearcut on lands being converted to another use may be approved.

(5) The requirements of this section shall not apply to timber harvest or salvage timber damaged by wind, disease, insects, fire, or other natural causes.

V. Selections from San Juan County Comprehensive Plan Element B.2 Land Use

Section 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.

Selected general policies from Section 2.2.A

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.

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.

Section 2.2.B Economy, Policy 3

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;

Selected Natural Resource Land Goals, Policies and GMA Requirements

- 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.

Section 2.2.F Natural Resource Conservation

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.

Selected Natural Resource Land Goals, Policies and GMA Requirements

Section 2.3.D Resource Lands

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

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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.

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Section 2.5.A Overlay Districts: Mineral Resource Lands

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.

VI. Selections from Title 18 San Juan County Code (SJCC)

18.20.010 “A” definitions

“Agricultural activities” means agricultural uses and practices defined in RCW 90.58.065.

“Agricultural activities” means agricultural uses and practices defined in RCW 90.58.065.

“Agricultural commodity” means sheep, cattle, horses, goats, pigs, llamas, alpacas, or any other animal or any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable, or animal product, such as products qualifying as organic food products under Chapter 15.86 RCW and private sector cultured aquatic products as defined in RCW 19.85.020 and other fish and fish products, either in their natural or processed state, including bees and honey and Christmas trees but not including timber or timber products.

“Agricultural composting” means composting of agricultural waste as an integral component of a system designed to improve soil health and recycling agricultural wastes. Agricultural composting is conducted on lands used for farming and is an agricultural activity. Agricultural composting can include the collection of off-site yard, landscape, or agricultural waste and other compostable materials to be processed into compost, including sales or delivery of finished composted product. Such operation shall be accessory to the primary agricultural activities of the farm operation and shall not generate traffic and/or noise uncommon to a farm operation.

“Agricultural equipment and facilities” means equipment and facilities defined in RCW 90.58.065(2).

“Agricultural processing, retail, and visitor-serving facilities for products” means the commercial processing (preparing for market, packing, and sales) of agricultural commodities, and the on-site facilities for retail display and sale of such agricultural commodity products.

“Agricultural products” includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within 20 years of planting; and livestock including both the animals themselves and animal products such as meat, upland finfish, poultry and poultry products, and dairy products (see RCW 90.58.065(2)).

“Agricultural resource lands” means lands that are primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, livestock, or Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, and have long-term commercial significance for agricultural production (RCW 36.70A.030(2)). Agricultural resource lands is also a land use designation (AG) in the Comprehensive Plan.

“Agricultural sales” means the sales of agricultural products grown, raised or harvested in San Juan County, including processed products whose defining ingredients are produced or harvested in the County. Agricultural sales can include the sale of agricultural promotional materials which shall be accessory to the sale of the primary agricultural products.

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“Agricultural soils” means lands with USDA-San Juan County Soil Survey Class II, III, and IV soils or other soil classes where the land is suitable for a particular agricultural use.

“Agricultural wastes” means wastes on farms resulting from the raising or growing of plants and animals such as crop residue, manure and animal bedding, and carcasses of dead animals weighing each or collectively in excess of 15 pounds.

“Agriculture, existing and ongoing” means any agricultural activity conducted on lands defined in RCW 84.34.020(2); agricultural use ceases when the area on which it is conducted is converted to a nonagricultural use.

“Agritourism” means recreational, educational or agricultural-related activities that are accessory to the agricultural activities of the farm operation.

18.20.180 “R” definitions.

“Rural character” means a quality of the landscape dominated by pastoral, agricultural, forested, and natural areas interspersed with single-family homes and farm structures. Rural character refers to the patterns of land use and development established by the Comprehensive Plan:

1. In which open space, the natural landscape, and vegetation predominate over the built environment;
2. That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
3. That provide visual landscapes that are traditionally found in rural areas and communities;
4. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
5. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
6. That generally do not require the extension of urban governmental services; and
7. That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

18.30.052 Right to farm and forestry provisions

A. Applicability. Right to farm and forestry provisions apply to all resource and rural land use designations except rural residential. The provisions of this section are not to be construed to in any way modify, supersede or abridge state or County law relative to nuisances; rather, they are only to be used in the interpretation and enforcement of the provisions of this code.

B. Purpose. To provide the residents of the County proper notification of the County’s recognition and support of farming and forestry activities.

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C. Nuisance. The following shall not be considered a nuisance: agricultural and forestry activities, lumber mills operating between 7:00 a.m. and 7:00 p.m., facilities, or appurtenances thereof, conducted or maintained for commercial agricultural or forestry purposes on land designated as rural general use, rural farm-forest, rural industrial, rural commercial, agricultural resource, or forest resource.

D. Disclosure. The disclosure statement in subsection (D)(2) of this section shall be used under the following circumstances and in the following manner:

1. Approval of any land division, land use, building, or development of lands designated rural general use, rural farm-forest, rural industrial, rural commercial, agricultural resource, or forest resource, and of any lands within 500 feet of lands which are designated as agricultural resource, forest resource, or mineral resource, shall be conditioned on the execution by the applicant of a statement of acknowledgment containing the disclosure statement on a form provided by the department. The executed form shall be recorded by the County auditor in the same manner as a deed. However, if disclosure conforming to the provisions of this subsection has been recorded for a prior permit, subsequent disclosures shall not be required.

2. The required disclosure statement is as follows:

San Juan County has determined that the use of real property for agricultural and forestry operations is a high priority and favored use in the county. The county will not consider to be a nuisance those inconveniences or discomforts arising from such operations, if such operations are consistent with commonly accepted best management practices in compliance with local, state, and federal laws. If your real property includes or is within 500 feet of real property designated as Rural General Use, Rural Farm Forest, Rural Industrial, Rural Commercial, Agriculture, or Forestry, you may be subject to inconveniences or discomforts arising from such farming and forestry operations, including but not limited to noise, tree removal, odors, flies, fumes, dust, smoke, the operation of farm and forestry machinery during any 24-hour period, the storage and disposal of manure, and the application of permitted fertilizers and permitted pesticides. One or more of these inconveniences may occur as a result of agricultural and forestry operations which are in conformance with existing laws and regulations.

18.30.053 Development permits and resource lands

Development permit approvals for the use of lands adjacent to lands designated as AG and FOR resource lands, or lands with a mineral resource land overlay designation, may be conditioned to ensure that the use of such lands shall not interfere with the continued use in the accustomed manner and in accordance with best management practices of those lands designated for resource purposes.

18.30.070 Rural, resource, and special lands – Special provisions.

A. Agricultural and Forest Resource Lands. On all agricultural or forest resource lands (AG and FOR), the maximum area of development which is not related to agricultural or forestry uses and activities shall be limited to 20 percent of the parcel area, but not less than one acre, regardless of the assigned density. Further, in the division of a parcel by any means, the allowable area for conversion of the parent parcel to nonfarm and/or nonforestry use shall not be exceeded. This shall not apply to parcels smaller than five acres.

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B. Conservancy Designations.

1. Practices for the maintenance of indigenous plants, for continuous growth of desirable tree and plant species native to the site, and for uses which do not involve physical development or alteration of property shall be allowed outright.
2. Uses which require physical development or alteration of property must protect the conservancy resource. The uses may only be approved by the decision-maker if this protection is ensured.
3. Residential Density. The maximum in allowable residential densities for conservancy parcels are as described in SJCC 18.30.020(D)(7).
4. All residential development on publicly owned conservancy lands shall require a conditional use permit.

C. Natural Designations.

1. Residential Density. One residential unit is allowed per legal lot of record. Land division is prohibited.
2. Required Permits and Use Limitations.
 - a. Practices for the maintenance of indigenous plants, for continuous growth of desirable tree and plant species native to the site, and for uses which do not involve physical development or alteration of property shall be allowed outright.
 - b. Uses which require physical development or alteration of property are prohibited unless otherwise indicated in Table 18.30.040. The natural resource must be protected, and the uses may only be approved by the decision-maker if this protection is ensured.
 - c. Cultural facilities shall be limited to those designed for the purpose of conserving or interpreting the natural or cultural history of the property or for the education of visitors about its natural or cultural resources. Any such facility shall be small in scale, shall leave the majority of the site undisturbed, and shall have no more than a minimal impact on the character or value of the natural area.
 - d. At Madrona Point on Orcas, if any provision of this section is in conflict with the terms or intent of the 1989 Agreement between the County and the Lummi Indian Tribe.

18.35.015 Mineral resource lands district.

A. Designation Procedures. A mineral resource land overlay district may be applied based upon the following criteria, only upon acceptance by the County of a complete application from a property owner and upon approval of a redesignation in accordance with SJCC 18.90.030. Mineral resource lands of long-term commercial significance are those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within 20 years and which are characterized by all of the following:

1. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;

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2. Current or future land use will not exceed a residential density of one dwelling unit per 10 acres;
3. Are not within an activity center, rural residential, natural or conservancy designation or any shoreline designation;
4. Are not within a regulated wetland or fish and wildlife conservation area pursuant to SJCC 18.35.085 through 18.35.140.

B. Allowable and Prohibited Uses. Allowable and prohibited uses within mineral resource lands overlay districts are specified in Tables 18.30.030 and 18.30.040 for the underlying designation. All uses must comply with any applicable performance standards (Chapter 18.40 SJCC) and development standards (Chapter 18.60 SJCC), unless otherwise specified in this code.

C. Nuisance and Disclosure Provisions.

1. Nuisance. The following shall not be considered a nuisance: mineral resource extraction and processing activities, operations (except between 7:00 p.m. and 7:00 a.m. and on weekends), facilities or appurtenances thereof, conducted or maintained for commercial mineral resource extraction and processing purposes on land designated as mineral resource land, regardless of past or future changes in the surrounding area land use or land use designation.

2. Disclosure. The disclosure statement in subsection (C)(2)(b) of this section shall be used under the following circumstances and in the following manner:

a. Approval of any land division, land use, building, or development of lands adjacent to or within 500 feet of lands designated as mineral resource land shall be conditioned on the execution by the applicant of a statement of acknowledgment containing the disclosure statement on forms provided by the department. The executed form shall be recorded by the County auditor in the same manner as a deed. However, if a disclosure conforming to the provisions of this subsection has been recorded for a prior permit, subsequent disclosures shall not be required.

b. The required disclosure statement is as follows:

If your real property is within five hundred (500) feet of real property within an area designated as Mineral Resource Land you may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, tree removal, odors, fumes, dust, smoke, the operation of machinery, and the storage and disposal of aggregate products. One or more of the inconveniences described may occur as a result of extraction and processing operations which are in conformance with existing laws and regulations. San Juan County has determined that the use of certain real properties for mineral resource extraction and processing activities is necessary to ensure resource availability in the County. The County will not consider to be a nuisance those inconveniences or discomforts arising from extraction and processing operations, if such operations are consistent with commonly accepted best management practices and comply with local, state, and federal laws.

18.40.020 Agricultural activities.

All agricultural activities performed within watersheds for groundwater collection or adjacent to shorelines shall develop a water quality conservation plan with the local USDA representative consistent

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with “best management practices” and with the goal of protecting water quality. Agricultural activities conducted on agricultural resource (AG) lands will include the water quality plan as a portion of the five-year plan filed with the County assessor.

18.40.120 Conversions of land to non-forestry use – Forest management practices – General regulations.

A. Forest management practices (those practices pertaining to protecting, producing, and harvesting timber for economic use) shall be subject to Chapter 76.09 RCW, the Washington State Forest Practices Act, its implementing regulations at Title 222 WAC, applicable Washington Department of Fish and Wildlife regulations, Class IV General regulations to be adopted by San Juan County, and applicable provisions of Chapter 18.50 SJCC, the Shoreline Master Program. However, thinning for views and the taking of timber for personal domestic purposes shall not be subject to any permits associated with this code.

B. All forest practice permit applications provided to the County by the Washington Department of Natural Resources (WDNR) shall be reviewed to ensure that regulations in this code and in applicable overlay districts will be met.

C. Emergency Conditions. No prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, windstorm, earthquake, structural failure or other catastrophic event. Within 48 hours after commencement of such practice the operator shall submit an application or notification to the WDNR with an explanation why emergency action was necessary so that the WDNR may evaluate the appropriateness of the “emergency” and of the actions taken. Such emergency forest practices are subject to Chapter 76.09 RCW, Title 222 WAC, and County authorities derived from them (including the requirements of this code); provided, that the operator:

1. May take any reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of the catastrophic event; and

2. Shall comply with any requirements of a notice to comply or stop work order as if the operations were conducted pursuant to an approved application. (RCW 76.09.060(7); WAC 222-20-070).

D. Harvesting Without a Forest Practices Permit. When harvesting takes place without a permit, except as provided in subsection (C) of this section, the County shall impose the six-year moratorium of SJCC 18.40.160(B) on the entire parcel or parcels illegally harvested from the date the unpermitted harvesting was discovered by the WDNR or the County. If the land is converted to nonforestry use, this also constitutes an illegal conversion that is subject to the enforcement provisions of SJCC 18.40.170(A)(2) and (3) (RCW 76.09.060(3)(b)(i) (C) and (iii)).

E. Logging roads shall be subject to provisions of SJCC 18.40.120 through 18.40.180 and 18.60.080(C) (private roads).

F. Where applicable, forest management practices shall be consistent with the San Juan Islands Trust Land Management Plan.

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18.40.130 Conversions of land to non-forestry use – Forest management practices – Regulations by designation.

General regulations in SJCC 18.40.120 through 18.40.180 shall apply to all Comprehensive Plan designations, except that commercial timber harvest shall not be permitted in the natural designation.

18.40.140 Conversions of land to non-forestry use – Forest management practices – Class IV General forest practices and jurisdictions.

A. Purpose.

1. Class IV General forest practices involve the conversion of forested lands to nonforestry uses, or forest operations being conducted on lands with a high likelihood for conversion to nonforestry use, such as in designated urban growth areas.

2. Class IV General is not intended to serve as a growth control per se, but rather for the management and mitigation of growth and development. The environmental review and conditioning of Class IV General forest practice applications are intended to be at a higher level than for continuance of forestry use, in recognition of the higher impacts associated with conversion of the land to developed uses.

B. Applicability. Applications involving any of the following circumstances are Class IV General:

1. Lands that have been or are being converted to nonforestry use;
2. Forest practices on lands platted after January 1, 1960;
3. Lands with a likelihood of future conversion to urban development within the next 10 years;
4. All Class II (including timber harvest and road construction) and Class III forest practice applications in designated urban growth areas; and
5. All Class I applications in the UGAs, but only after the County has assumed permit jurisdiction (see subsection (D) of this section).

C. Exceptions to the Requirement for a Class IV General Permit.

1. Forest practices involving a single landowner where contiguous ownership is less than two acres in size. This exception does not apply if:
 - a. Any of the limiting conditions in WAC 222-16-050(3)(r) are present. In this case, an application for Class II, III, or IV must be made, depending on the forest practices proposed. If these conditions are present and a conversion is proposed, a Class IV General application is required.
 - b. The forest practices are Class IV Special; that is, they have the potential for substantial impacts to the environment as provided in WAC 222-16-050(1), 222-16-070, or 222-16-080.

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c. The land already has a six-year moratorium applied to it as part of the forest practice permit in SJCC 18.40.160 or as a result of enforcement actions as per SJCC 18.40.170. In this case, a Class IV General application is required for a conversion to any nonforestry use.

d. The land is in a designated UGA and the County has assumed permit jurisdiction for Class IV General. In this case, subsection (B)(5) of this section applies (but SEPA review is not required – see SJCC 18.40.150(A)).

2. Applications involving any of the following circumstances are not Class IV General:

a. The landowner submits a signed statement of intent to retain the land in forestry use as in SJCC 18.40.160.

b. The landowner submits a County-approved conversion option harvest plan (see SJCC 18.40.180) as part of an application for a Class II, III, or IV special forest practices permit.

c. An application that involves forest practices that are listed as Class IV Special in WAC 222-16-050, 222-16-070, and 222-16-080, but that also includes a conversion, is processed as Class IV Special by the WDNR but also is accorded the full County review and conditioning of a Class IV General.

D. Jurisdiction for Class IV General Permit Review and Approval. Unlike other forest practices, the County exercises additional review and approval authorities for Class IV General forest practices. These authorities were clarified and extended by SSB 5714, enacted by the 55th Legislature, 1997:

1. Before December 31, 2001. The County may adopt an ordinance to regulate Class IV General forest practices, and request the transfer of jurisdiction for review and approval of these permits within the County. The WDNR and Washington Department of Ecology will review the County's proposed regulations, and approve the transfer of jurisdiction. In the absence of such a transfer, the WDNR will continue to exercise approval authority to the end of 2001 with input from the County.

2. After December 31, 2001. The County must have adopted an ordinance and assumed jurisdiction over these permits by this date. Thereafter, the County regulates and enforces all Class IV General applications within the County.

18.40.150 Conversions of land to non-forestry use – Forest management practices – Regulations governing Class IV General forest practice permits.

A. SEPA Review Required. Class IV General forest practices are reviewed under SEPA, and the preparation of a checklist (see SJCC 18.80.050) is required. (However, Class I forest practices in urban growth areas, when processed as Class IV General forest practices, are not subject to environmental review under SEPA.)

B. Procedures for Conversion to Nonforestry Use. If a forest practice permit application indicates the intention by the property owner to convert to a nonforestry use, or if forest practices are proposed to occur on land platted after January 1, 1960:

1. If Class IV General is Still Within WDNR Jurisdiction. The County shall forward to the WDNR its consent or objections to the permit. The County response shall be based on compliance with provisions of the Comprehensive Plan and applicable subarea plans. The County shall not consent to forest practice permit approval if the operations proposed will preclude compliance with applicable County regulations. The

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WDNR will not approve the portions to which the County objects unless it receives a favorable ruling on appeal to the forest practices appeals board; or

2. Once the County Has Jurisdiction. The administrator shall approve, approve with conditions, or deny the application based on the criteria above, the results of the environmental review, and administrative review of compliance with the requirements and standards of this code (such as shorelines, environmentally sensitive areas, road design, grading and drainage), and other applicable codes and regulations.

3. The property owner shall submit to the administrator a signed statement of the proposed use, and a plot plan that identifies the land area to be devoted to it. The administrator shall impose any conditions necessary to ensure compliance with applicable County regulations and shall notify the property owner (and WDNR, if applicable) of County requirements. The administrator may also provide recommendations to the property owner for site development in accordance with applicable County policies. The property owner shall sign a statement of compliance with County regulations provided by the administrator.

18.40.160 Conversions of land to non-forestry use – Forest management practices – Regulations governing continuance of forestry use.

A. Landowner's Intention Not To Convert.

1. If the landowner submits a signed statement to the WDNR, as part of a forest practices application, that the land will be retained in forestry use and will not be converted to uses other than commercial forest product operations within 10 years after approval of the application, then a Class IV General permit will not be required, and a mandatory development moratorium shall be applied (see subsection (B) of this section).

2. Recording of Intent. The WDNR will submit to the County a copy of the statement of a forest landowner's intention not to convert. The County shall file this statement with the County auditor, who shall record this statement together with a legal description of the property affected as provided in Chapter 65.04 RCW. WDNR will collect a recording fee from the applicant and reimburse the County for the cost of recording the application (RCW 76.09.060.3(b)(i)(A) and (B)).

B. Mandatory Six-Year Development Moratorium. For six years after the date of the application the County shall deny any and all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of the entire parcel or parcels subject to the application (RCW 76.09.060(3)(b)(i), (ii), and (iii)).

C. Continuing Forestry in Urban Growth Areas. Forest practices within a designated UGA require a Class IV General permit (see SJCC 18.40.140(B) (3), (4), and (5), unless:

1. The landowner submits a signed statement of intent not to convert for 10 years, as per subsection (A) of this section, with an application, accompanied by either a written forest management plan acceptable to the WDNR or documentation that the land is enrolled under the provisions of Chapter 84.33 RCW (i.e., proof of forest tax class status). A mandatory development moratorium shall be applied (see subsection (B) of this section); or

2. A COHP is submitted to the WDNR as part of an application.

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18.40.170 Conversions of land to non-forestry use – Illegal conversions and enforcement.

A. Conversion Without a Class IV General Permit or COHP.

1. If land is converted to a use other than commercial forest product operations within six years after approval of a forest practices permit application that was not a Class IV General or did not have a COHP attached, the conversion constitutes a violation of each of the local and regional authorities to which the forest practice operations would have been subject if the application had stated that conversion was intended (RCW 76.09.060(3)(b)(iii)).
2. The County shall impose the six-year moratorium of SJCC 18.40.160(B) on the entire parcel or parcels that were illegally converted from the date the unpermitted conversion was discovered by the WDNR or the County (RCW 76.09.060 (3)(b)(i)(C)).
3. Violations may be subject to civil or criminal penalties, as per Chapter 222-46 WAC. The County may also enforce its regulations as provided in subsection (A)(1) of this section, using the procedures in Chapter 18.100 SJCC.

B. Failure to Comply with Reforestation Requirements. This constitutes a removal of designation and a change of use, and shall subject all parcels illegally converted to the payments and/or penalties resulting from such removals or changes

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.

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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.

Selected Natural Resource Land Goals, Policies and GMA Requirements

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 a 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.

Selected Natural Resource Land Goals, Policies and GMA Requirements

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.

18.50.220 Agriculture.

A. General Regulations.

1. In accordance with SJCC 18.50.130, buffers of permanent vegetation or other suitable soil erosion controls shall be established and maintained between tilled or grazed areas and associated water bodies and wetlands. The type and extent of such vegetation and other controls shall be of a width or character sufficient to capture sediments and other compounds.

2. Confined animal feeding operations, retention or storage ponds for feedlot wastes, and stockpiles of manure solids shall be located to prevent water contamination consistent with guidelines prepared by the U.S. Environmental Protection Agency and the requirements of state and local agencies.

3. Commercial feedlots are prohibited.

Selected Natural Resource Land Goals, Policies and GMA Requirements

4. New agricultural activities in the shoreline jurisdiction shall be located, designed, constructed and managed in a manner that will result in no net loss of shoreline ecological functions.

B. Regulations by Designation.

1. Natural. Agricultural activities may be allowed in this designation subject to a conditional use permit; provided, that the resource to be protected by the natural designation will not be degraded.

18.50.450 Forest practices [shoreline].

A. General Regulations.

1. In any 10-year period, no more than 30 percent of marketable trees may be harvested on a parcel located within the shoreline jurisdiction in accordance with WAC 222-30-110. Other timber harvesting may be allowed in limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental.

2. The cutting of timber solely incidental to the preparation of land for other uses authorized by this chapter is allowed.

3. If there is a likelihood of conversion to nonforest uses, forest practice conversions and other Class IV general forest practices shall:

a. Result in no net loss of shoreline ecological functions;

b. Maintain the ecological quality of the watershed's hydrologic system;

c. Prevent significant adverse impacts to other shoreline uses, resources, and values; and

d. Provide a benefit with respect to the objectives of the SMA such as navigation, recreation and public access.

B. Activities covered under the Washington State Forest Practices Act, Chapter 76.09 RCW, except for conversion to other uses, are exempt from the vegetation management standards in this section.

C. Regulations by Designation.

1. Natural. Forest management practices are allowed in this designation only if no other means of control will work to control a fire, halt the spread of disease or damaging insects, or to clean up and restore an area devastated by a natural disaster such as fire, storm, disease, or insect attack. No roads may be constructed except those necessary to cope with the emergency situation.

18.90.030 Amendments to Comprehensive Plan Official Maps.

A. Purpose of Amendments to Comprehensive Plan Official Maps. Amendments to the Comprehensive Plan Official Maps are the mechanism by which the Comprehensive Plan land use district designation or density applicable to property can be changed to reflect such things as changed circumstances, new land

Selected Natural Resource Land Goals, Policies and GMA Requirements

use needs, new land use policies, or inconsistencies between designations, area characteristics and the goals and policies as well as purpose and intent of the Comprehensive Plan.

B. Who May Initiate. The County council, planning commission, department, or any other interested party may propose an amendment to this code or the Comprehensive Plan and the official maps at any time subject to the requirements of this section.

C. Time Limitations. Requests for amendment of the official maps (redesignation or density change) shall only be submitted to the planning department between January 1st and March 1st of any year for consideration during the remainder of that year. Requests submitted after March 1st shall be returned to the applicant for resubmittal the following year. This limitation does not apply to requests by the County council.

D. Application Procedure.

1. The request shall be in writing, in a form approved by the planning director, and shall include the following information:

- a. Historic use of the property and adjoining lands;
- b. Allowable population density of the surrounding area as measured by the maximum allowable residential density;
- c. Existing soil and sewage disposal conditions;
- d. Description of existing water supply;
- e. Suitability for agricultural or timber use;
- f. Known archaeological or historical resources on the property;
- g. Natural resources involved;
- h. Availability of existing public services and utilities; and
- i. Names of abutting property owners.

2. Through the use of legal descriptions and maps, the application shall identify clearly the areas for which the change is requested. The reason or reasons for the request shall be clearly stated. The application shall describe how the proposed change meets all of the criteria for approval listed in subsection (F) of this section.

3. If a proposal would remove a resource land designation from property, the applicant must provide information demonstrating that the property is not appropriately designated as agricultural land or forest land under RCW 36.70A.170.

E. Notice of Hearing. The following notice provisions are required in addition to publication of notice of public hearing.

Selected Natural Resource Land Goals, Policies and GMA Requirements

1. For Comprehensive Plan Official Map amendments involving any number of parcels the applicant shall mail a notice of hearing at least 30 days prior to the planning commission hearing to all directly affected property owners and to all property owners within 300 feet of the proposal's outer boundary line.

2. For Comprehensive Plan Official Map amendments involving five parcels or fewer, the applicant shall mail a notice of hearing to all property owners within 300 feet of the boundaries of all subject properties at least 30 days prior to the planning commission hearing, using the names and addresses shown on the tax assessment rolls. The notice of hearing shall be deemed to have been provided on the date the notices are deposited in the mail. The applicant shall provide the director with a declaration of mailing and a list of those individuals to whom the notice was mailed. All notices returned to the applicant must be submitted to the director for inclusion in the file.

3. For Comprehensive Plan Official Map amendments involving five parcels or fewer, the applicant shall post a notice of hearing on each of the subject properties in accord with the provisions of SJCC 18.80.030(A)(2)(c) prior to the planning commission hearing.

F. Criteria for Approval. These actions are reviewed for conformance with the applicable provisions of the Comprehensive Plan, the UDC, and as follows:

1. Comprehensive Plan Official Map Amendments. The County may approve an application or proposal for a Comprehensive Plan Official Map amendment if all of the following criteria are met:

a. The changes would benefit the public health, safety, or welfare.

b. The change is warranted because of one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan.

c. The change is consistent with the criteria for land use designations specified in the Comprehensive Plan.

d. The change, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations.

e. The benefits of the change will outweigh any significant adverse impacts of the change.

2. Map Change. Following approval of a Comprehensive Plan Official Map amendment, the County shall amend the official maps to reflect the change. The County shall also indicate on the official maps the number of the ordinance adopting the change.

3. Concomitant Agreement. The County is specifically authorized to enter into a concomitant agreement as a condition of any Comprehensive Plan Official Map amendment. Through that agreement, the County may impose development conditions designed to mitigate potential impacts of the use or development that may occur as a result of such an amendment.

G. Appeals. Appeals of County council decisions under this section must be filed with the Growth Management Hearings Board as provided by state law.

Memorandum

To: Erika Shook, AICP, Director, DCD

CC: SJC Planning Commission
Adam Zack, Planner II, DCD
Linda Kuller, Planning Manager, DCD
Mike Thomas, County Manager
Bill Watson, County Council

From: San Juan County Agricultural Resource Committee (ARC)

Date: October 13, 2018

Subject: ARC Comments on Comp Plan Update Economic Analysis of Resource Lands

Purpose

To provide the Department of Community Development, Planning Commission and County Council with the ARC's comments and recommendations on the Agricultural component of the *SJC Comp Plan Update Economic Analysis of Resource Lands (EARL)*.

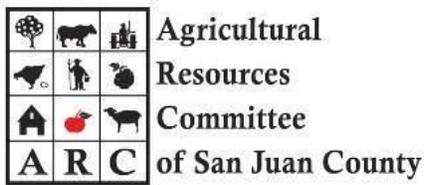
Background

The Agricultural Resource Committee is a Citizen Advisory Committee tasked with advising the County Council on issues affecting the Agricultural environment. The ARC is comprised of 15 voting seats, at least 50% of which must be farmers. ARC members act as listening posts throughout the islands and the ARC conducts formal and informal outreach throughout the year that informs the ARC's work.

The attached comments are the result of work done by the ARC Policy Subcommittee as well as discussions that occurred at ARC meetings on April 19 and May 22, 2018, and at the San Juan County Agricultural Organizations Retreat on May 15, 2018. **Further work was done during the summer and this Memo was adopted by the ARC on September 18th.**

Attachments

The ARC's comments are attached. Comments are in regards to the report [San Juan County Comprehensive Plan Update Economic Analysis of Resource Lands](#).



San Juan County Comprehensive Plan Update

Comments on the *Economic Analysis of Resource Lands (EARL)*

Takeaways

The ARC appreciates the thought that went into the EARL report, the care taken to solicit shareholder input, and the conclusions drawn. Some of the main takeaways from the report from the ARC's perspective are:

- Preserving agricultural land is a “high” priority for residents of San Juan County;
- The number of people employed in the agricultural sector in San Juan County is increasing;
- While agriculture's direct contribution to the local economy appears limited when looking at direct agricultural sales it contributes to the overall economy through ecosystem services and subsidizes the tourism industry specifically through the maintenance of open space, rural character and sale of island grown food;
- Those economic contributions of island grown food have not been measured, but should be considered while making policy decisions;
- Criteria for designation of Agricultural Resource Land (ARL) are at odds with trends of smaller farms within the county.

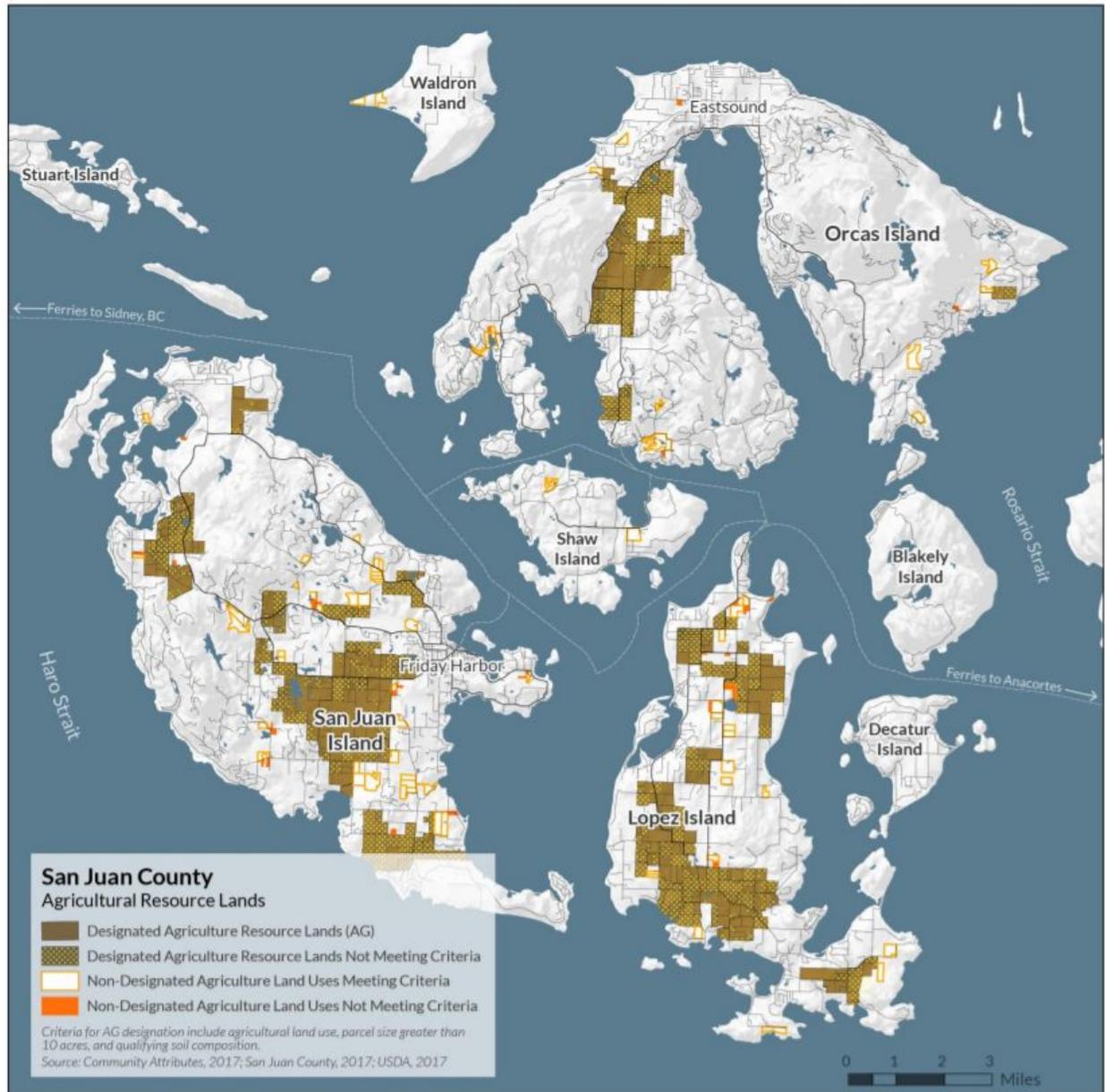
Exhibits 19 and 20, Agriculture Lands and Designation Status, San Juan County, 2017

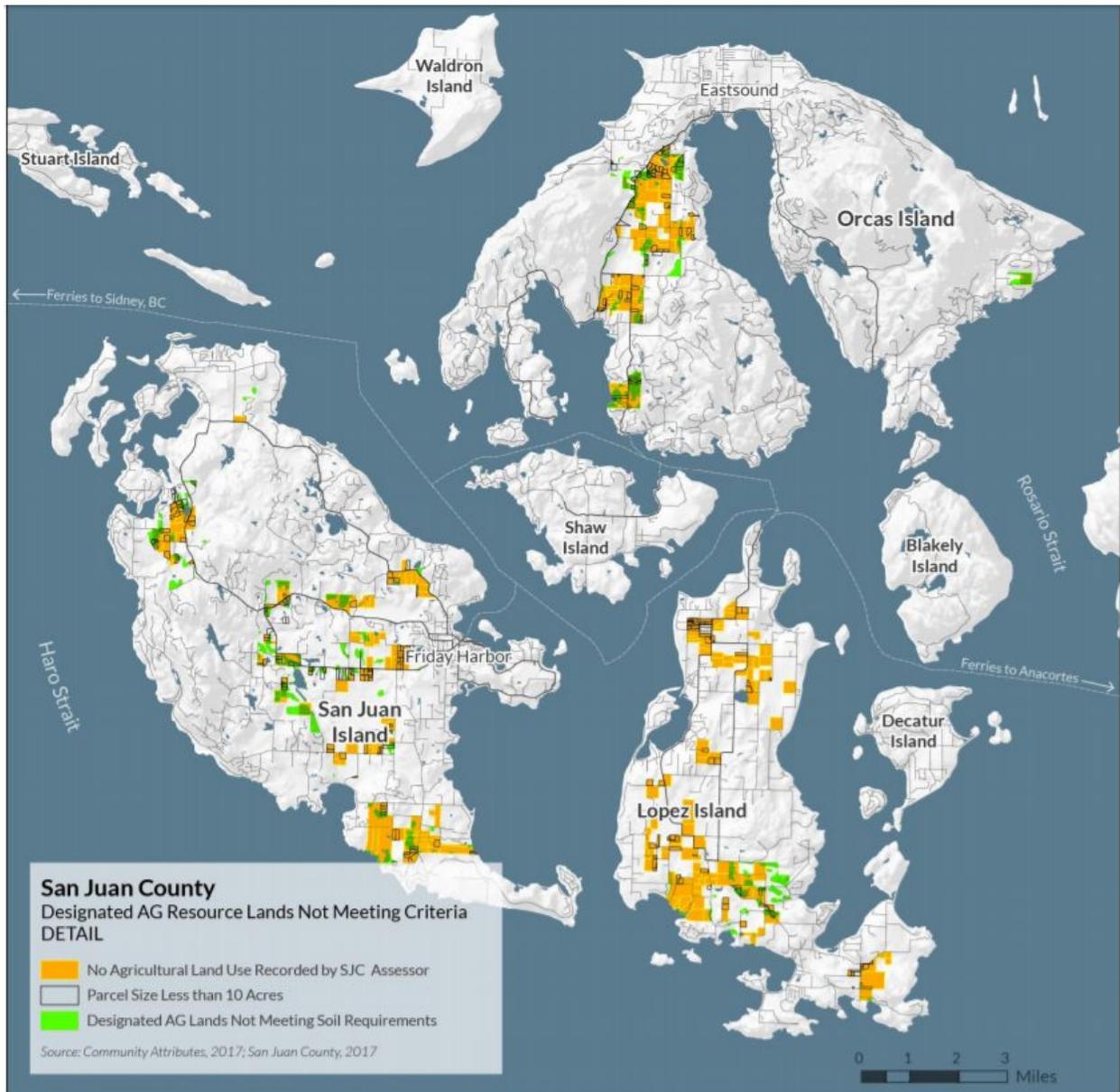
While the ARC agrees with much of the information provided in the report, the ARC would also like to share some concerns with Exhibits 19 and 20 (pages 28 and 29 of the report). These are included on the following pages for easy reference.

Designated Agricultural Resource Lands Not Meeting Criteria

The data shown in the report regarding the amount of land that is “designated agricultural resource lands not meeting criteria” (Exhibit 19, page 28) is misleading. Earlier in the report it is noted that “agricultural lands may be designated as “Agricultural Resource Lands” if they are at least ten acres in size, and feature soils that support long term commercial agricultural production, or are under a conservation easement for agricultural use or are enrolled in the Open Space Agriculture taxation program” (emphasis added). According to County Policies that define criteria for ARL designation (San Juan County Comprehensive Plan Section B, Element 2 Policies (2.3.D.1–5), land does not have to be entirely prime agricultural soils, and the Open Space taxation program is just one avenue toward designation.

Exhibits 19 and 20. Agriculture Lands and Designation Status, San Juan County, 2017





Source: San Juan County Assessor's Office, 2017; Community Attributes Inc., 2017

How Exhibit 19, 20 and 21 are misleading:

1. The map that is Exhibit 20 on page 29 and corresponding Exhibit 21 on page 30 lists 6,996.9 acres as having no agriculture land use recorded by the Assessor. This is offered as a reason for not meeting the criteria for designation. The present use of the land is not a necessary condition for designation. Designation can be based on size and soils alone, but not on present use by itself. (WAC 365-190-050(3)(b)(i))

2. The “Designated Ag Lands Not Meeting Soil Requirements” in Exhibit 20 on page 29 have several inconsistencies.

While soil qualities from the NRCS are the basis for this factor, the soil survey is based on broad trends, since it is cost-prohibitive to sample every tenth of an acre and soil values can vary within a short distance. Attempts to use the soil mapping program to look at anything less than about 300 acres, brings up the following message :

Warning: Soil Map may not be valid at this scale.

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soils is done at a particular scale. The soil surveys that comprise your AOI were mapped at 1:12,000. The design of map units and the level of detail shown in the resulting soil map are dependent on that map scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Claiming accuracy to one-tenth of an acre appears inconsistent with the data available.

3. The acres listed with a non-qualifying soil profile in Exhibit 20 are not parcels. Those acres are simply portions of parcels. The acreage of the parcel may still feature soils that support long term commercial agricultural production, and thus fit the criteria for inclusion in ARL. Using those numbers to remove those portions from ARL parcels would require split designations for almost every parcel within the designation. Even the Open Space taxation program allows for 20% of agricultural parcels to be in ‘incidental use’. Soils that are non-qualifying may still retain use in agriculture, as called out in WAC 365-190-050(b). For example rocky soils are perfect for overwintering livestock, siting farm infrastructure, and housing. Removing those acres from agricultural use could result in abuse or development of prime soils. The acreage listed as Potentially Not Meeting Criteria promotes the conception that over half our ARL should not be designated. The ARC feels strongly that this is false and misleading.

ARC Recommendations Concerning the EARL Report and Next Steps to be Taken:

The ARC has analysed both the Economic Analysis of Resource Land report and the language in the current Comprehensive Plan and has the following recommendations:

1. The Goals and Policy recommendations on pages 30-33 of the EARL report are aligned with ARC recommendations and should be considered as written.
2. Refrain from de-designating parcels that are presently in ARL based on data presented in Exhibits 19 and 20 of the EARL report.
3. Conduct a thorough parcel by parcel review in coordination with the ARC before considering any redesignation of parcels to or from ARL.

4. Consider increasing the total acreage of ARL in relation to the anticipated future growth in agriculture outlined in the EARL report (Exhibit 15. Forecast of Agriculture Employment, San Juan County, 2015-2030).
 - As stated on page 27 of the Resource Land report “The fact that there are currently non-designated lands in current use for agricultural production in San Juan County suggests that there is greater demand for agricultural land than there are designated agricultural resource lands. Increasing employment in agriculture, per the ESD forecast, would also potentially create demand for additional agricultural land, whether designated as resource land or not.”
 - As stated in WAC 365-190-050 (5) counties shall designate *“an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.”*
5. The current language seems to suggest that 100% of a parcel needs to be one of the 34 soil types identified as suitable for farming in order to be designated ARL. As noted in WAC 365-196-310 b, “Some agricultural operations are less dependent on soil quality than others, including some livestock production operations.” Some farms in San Juan County utilize land outside of these specific soil types as important parts of their farming operations. Consider reviewing the soil criteria, and what portion of land should be a specific soil type to be considered ARL. This change should be made in [Section 2, Element B, Land Use, pg. 21](#).
6. Overlay the Economic Analysis of Resource Lands maps with the Voluntary Stewardship Program Maps (VSP Maps) to further identify and include parcels as undesignated agricultural land. Exhibit 2 page 14 shows “Undesignated Agricultural Lands”. From our reading it appears that the report used enrollment in the current use taxation program to define Agricultural Lands. The VSP maps were created after a parcel by parcel survey of land with agricultural activity as defined by RCW [90.58.065](#). The VSP maps will give us a more accurate picture of how much land is actually being farmed, regardless of land use designation and enrolment in CUFA. The ARC worked with Daniel Root, GIS Program Coordinator of San Juan County, to overlay parcels with agricultural activity (identified in green) as identified by the VSP, with lands enrolled in CUFA and in ARL. Follow these links to the maps: [Farms and Land Use-Lopez](#), [Farms and Land Use-Orcas](#), [Farms and Land Use- San Juan](#).
7. Prioritize retaining and/or creating large areas of contiguous Agricultural Resource Land in the event of any redesignation, as it reduces conflict with other uses and retains rural character of the landscape.
8. Update and rewrite the Agricultural Resource Lands criteria ([Section 2, Element B, Land Use, pg. 21](#)) in a way that clearly establishes the criteria for ARL designation. As currently written, and demonstrated in the screenshot below, the reference to “criteria in a. above” in 5.a.(1)ii. is particularly confusing and problematic.



**Agricultural
Resources
Committee
of San Juan County**

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.

9. Promote more intensive development of ag-related facilities on resource land, provided these facilities are located in such a way as to minimize their impact on prime agricultural soils.
10. Look for ways to expand the criteria for ARL designation to include the following:
 - a. food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods. WAC 365-190-050 (4)
 - b. an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities. WAC 365-190-050 (5)

Thank you for your consideration,

On Behalf of the Agricultural Resource Committee



Learner Limbach, ARC Chair

Faith Van De Putte, ARC Coordinator

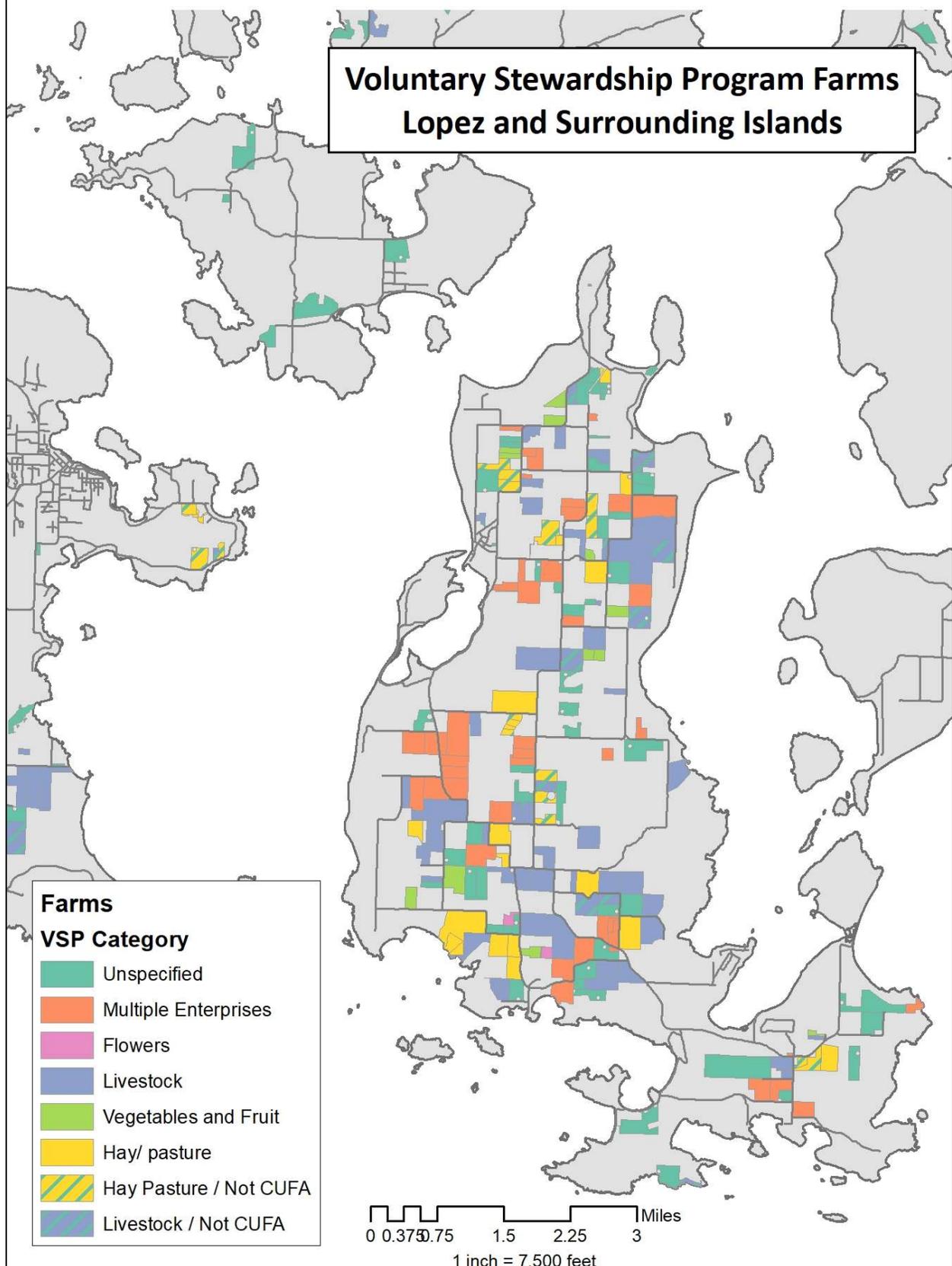
Attachment C

Maps

- Voluntary Stewardship Program;
- Natural Resource Conservation Service Soils; and
- Mining.

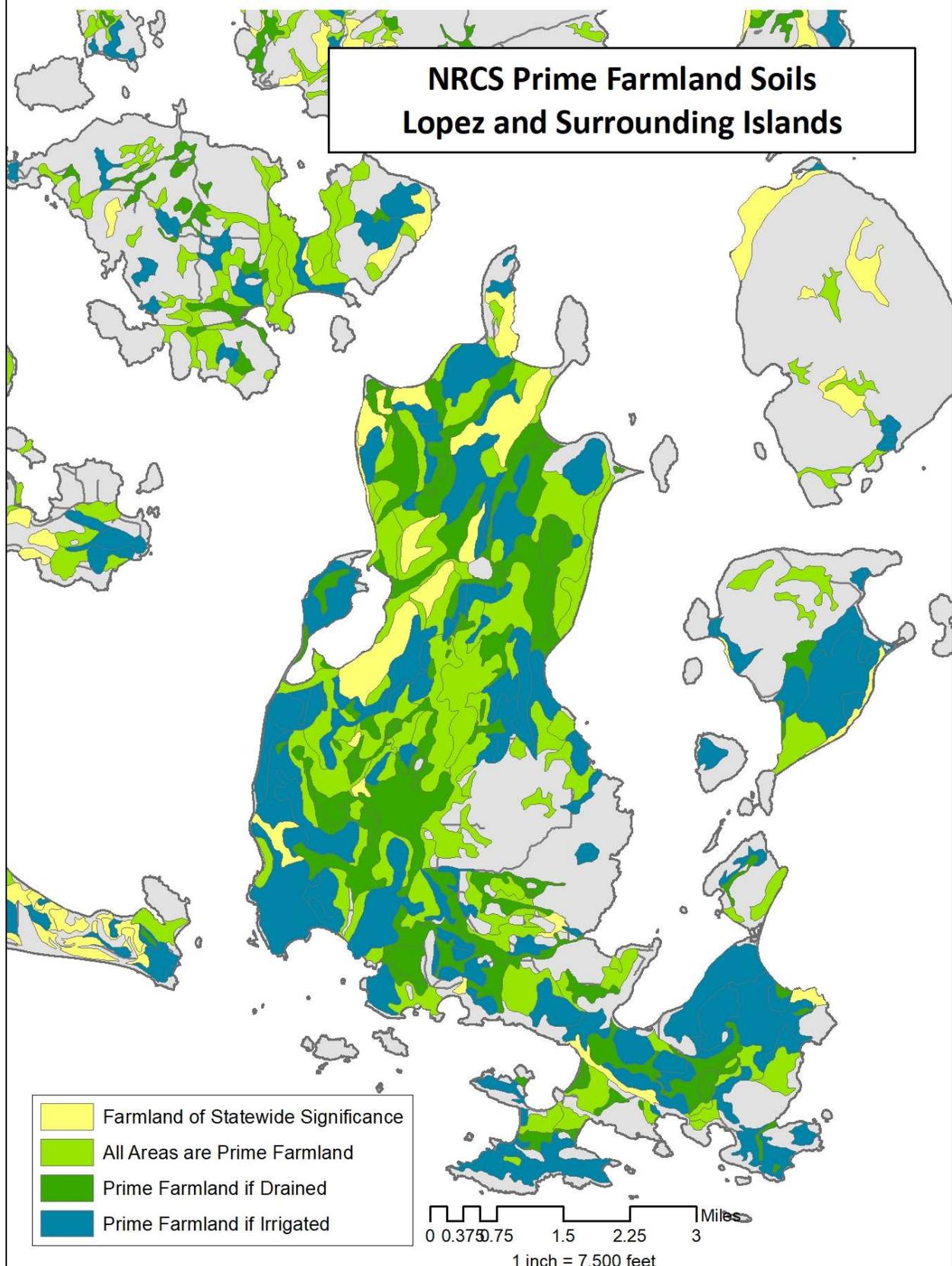
Map 1. Voluntary Stewardship Program Farms, Lopez and Surrounding Islands.

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Map 2. NRCS Prime Farmland Soils, Lopez and Surrounding Islands.

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Map 3. Mining Parcels on Lopez Island by Assessor's Use Code (8500)

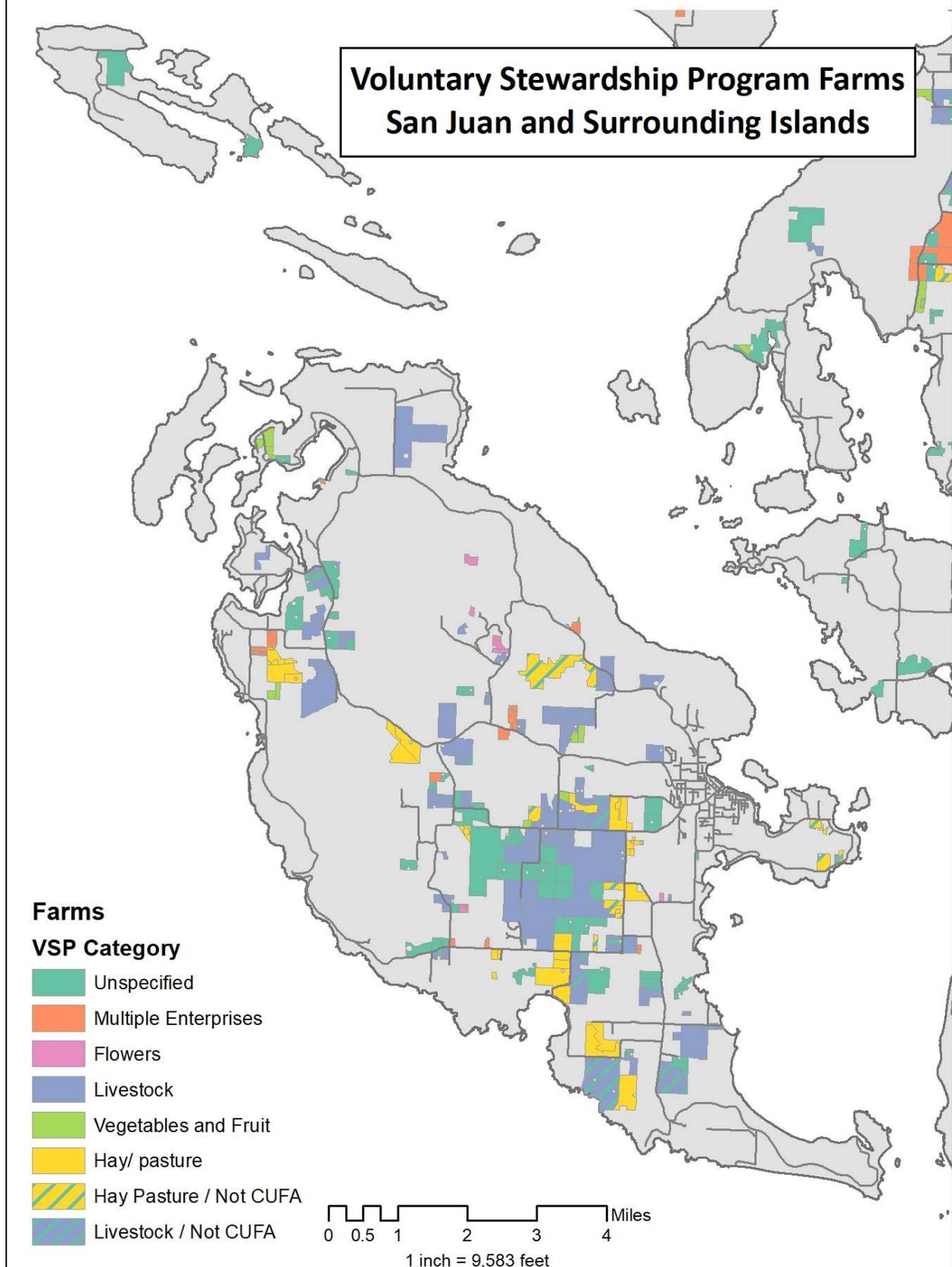
TPN: 252241009000 and 252332008000
 Owner: Robert C and Rose Ann Farris
 Parcel Size: 4.39 and 5 acres
 Site Address: 2969 Fisherman Bay Road
 Land Use Designation and density: RFF 1 du/5 acres

TPN: 250143001000
 Owner: San Juan County Public Works
 Parcel Size: 7.47 acres
 Site Address: 680 Port Stanley Road
 Land Use Designation and density: RFF 1 du/5 acres

TPN: 252844001000 and 252844003000
 Owner: Buffum Bros Farms Inc
 Parcel Size: 9.93 acres and 9.99 acres
 Site Address: 618 Channel Road
 Land Use Designation and density: RI and RGU 1 du/5 acres

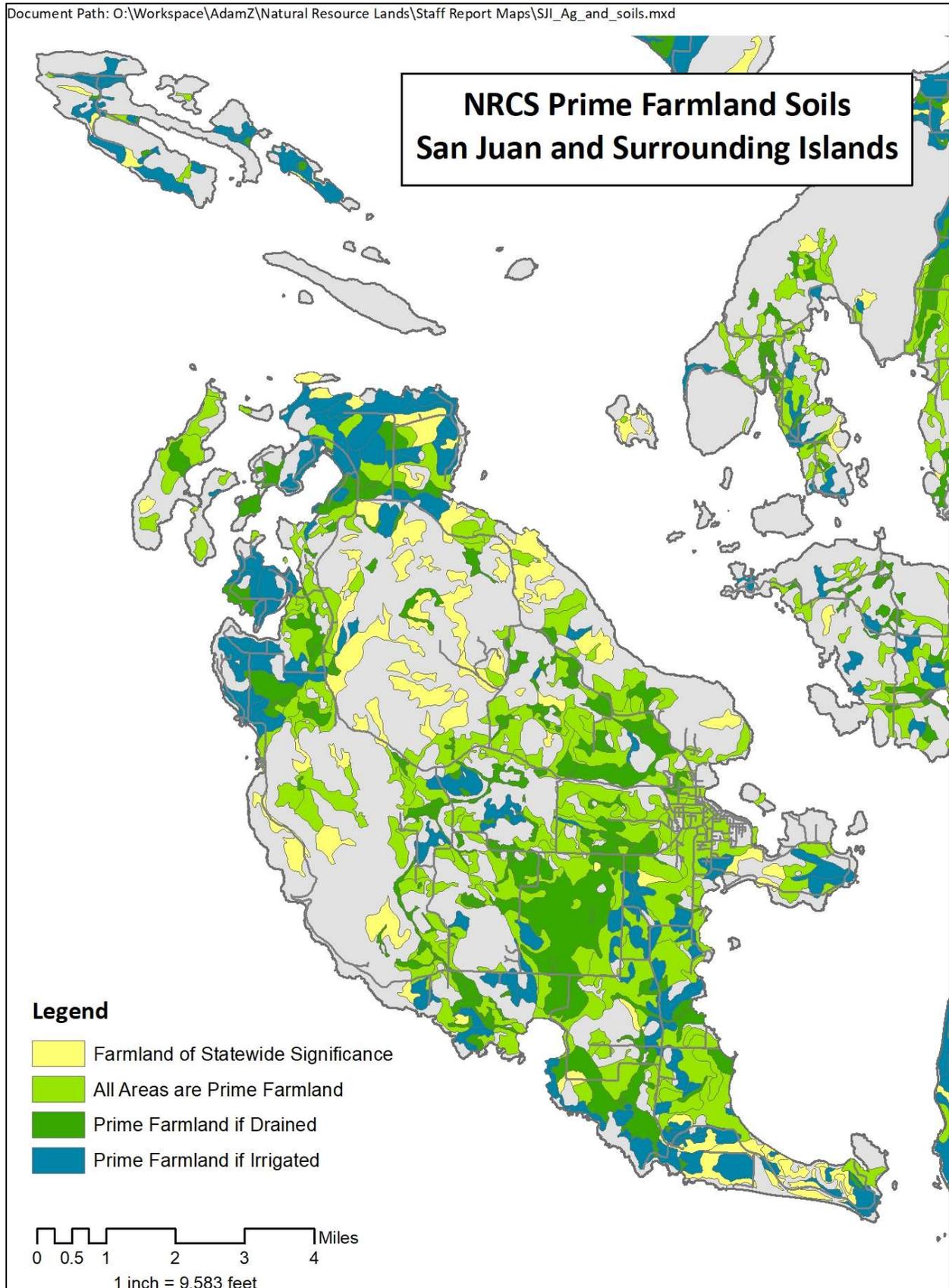
Map 4. Voluntary Stewardship Program Farms, San Juan and Surrounding Islands.

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Map 5. NRCS Prime Farmland Soils, San Juan and Surrounding Islands.

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Map 6. Mining Parcels on San Juan Island by Assessor's Use Code (8500)

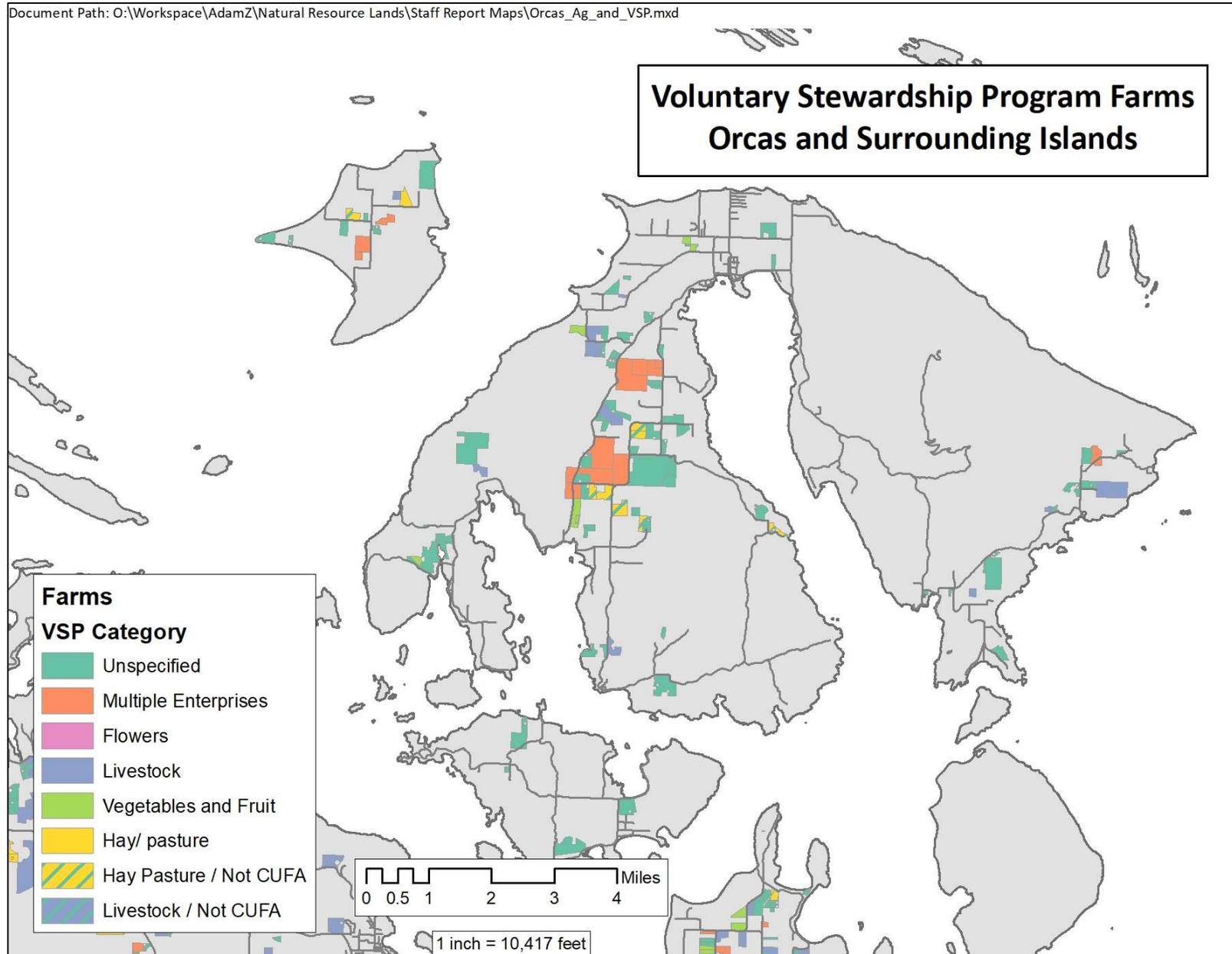
TPN: 363244001000
 Owner: Egg Lake Quarry LLC
 Parcel Size: 10.44 acres
 Site Address: 65 Gill Lane
 Land Use Designation and density: RFF 1 du/5 acres

TPN: 451212001000
 Owner: Richard & Richard JR LLC
 Parcel Size: 34.33 acres
 Site Address: N/A
 Land Use Designation and density: FOR 1 du/20 acres

TPN: 452311001000 (not an active site)
 Owner: San Juan County Land Bank
 Parcel Size: 34.33 acres
 Site Address: N/A
 Land Use Designation and density: FOR 1 du/20 acres

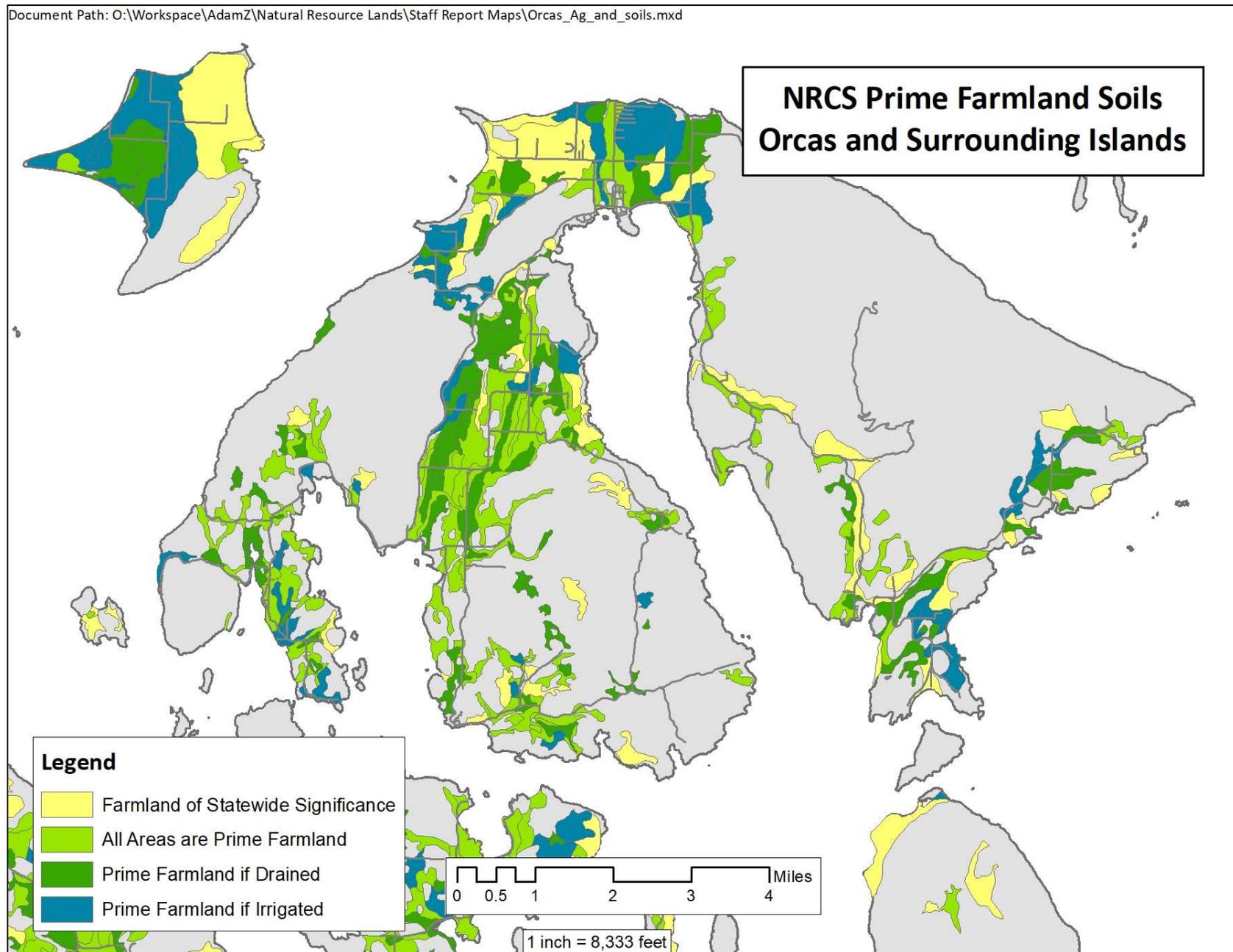
Map 7. Voluntary Stewardship Program Farms, Orcas and Surrounding Islands.

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Map 8. NRCS Prime Farmland Soils, Orcas and Surrounding Islands.

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Map 9. Mining Parcels on Orcas and Waldron by Assessor's Use Code (8500)

- TPN: 272750002000
 Owner: Boxeur Corporation
 Parcel Size: 45.20 acres
 Site Address: 186 Gravel Pit Road
 Land Use Designation and density: RI 1 du/20 acres
- TPN: 260222001000 and 260223001000
 Owner: Boxeur Corporation
 Parcel Size: 36.69 acres
 Site Address: 436 Quarry Lane
 Land Use Designation and density: FOR 1 du/20 acres
- TPN: 260221001000
 Owner: Dolphin Bay Quarry Property LLC
 Parcel Size: 41.28 acres
 Site Address: 508 Elsie Road
 Land Use Designation and density: FOR 1 du/20 acres
- TPN: 260223001000
 Owner: Mountain Crest Quarry LLC
 Parcel Size: 8.94 acres
 Site Address: 685 Mountain Crest Drive
 Land Use Designation and density: FOR 1 du/20 acres
- TPN: 371324003000 (note: this is probably not an active site)
 Owner: San Juan County Public Works
 Parcel Size: 3.43 acres
 Site Address: N/A
 Land Use Designation and density: RFF 1 du/10 acres



NATURAL RESOURCE LAND DESIGNATION REVIEW DRAFT METHODOLOGY

Comprehensive Plan Update 2036

San Juan County Department of Community Development
Adam Zack, Planner III

DRAFT

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Natural Resource Land Designation Review Methodology

The Growth Management Act (GMA) requires review of natural resource land designations for agricultural and forest resource lands during the periodic review of the San Juan County Comprehensive Plan (*Plan*). The County is not required to revisit the entire designation process but rather, evaluate designations for consistency with the GMA and the *Plan* criteria adopted in Element 2, Land Use (Washington Administrative Code (WAC) 365-196-480(2)(e)).

This document identifies the data sources, State and local natural resource designation criteria and the steps for conducting the review of agricultural and forest land designations on the *Plan* Official Maps. It describes deliverables by which the County will “show its work” and addresses the process for making policy decisions, obtaining public input and developing designation alternatives.

The methods used to evaluate the Ag and Forest Resource lands adopted with the original Comprehensive Plan in 1998 are unclear. After twenty-two years, the County has improved GIS tools that can be used to conduct the analysis of the State and local resource land designation criteria. The proposed methodology relies on a phased approach to analyzing the State and local review criteria.

Phased Approach

Natural resource land designations must be consistent with the GMA and the *Plan*. This new methodology and process of reviewing natural resource land designations has four phases:

- Phase One:** Determine conformity or non-conformity to the GMA designation criteria for all tax parcels.
- Phase Two:** Determine conformity or non-conformity to the local designation criteria for all tax parcels. Identify possible designation changes.
- Phase Three:** Obtain public input on potential re-designations.
- Phase Four:** Analyzed potential re-designations and prepare Official Map alternatives.

Data Sources

The review of natural resource land designations will use eight federal, state, and local data sources:

- **SJC *Plan* Official Maps (Official Maps).** The Official Maps of the *Plan* identify existing land use designations. <https://data2017-01-09t190539232z-sjcgis.opendata.arcgis.com/datasets/comprehensive-plan-land-use>
- **San Juan County (SJC) Parcel Data.** This is a GIS data set regularly updated by the SJC Assessor’s office and provides numerous characteristics of each parcel including Assessor’s use codes, acreage and location. <https://data2017-01-09t190539232z-sjcgis.opendata.arcgis.com/datasets/parcels>
- **SJC Assessor’s Tax Map.** The tax map depicts parcels that are enrolled in the Current-Use Farm and Agriculture or Designated Forest Land tax programs.

- **United States Department of Agriculture Natural Resource Conservation Service (NRCS) Soil Maps.** The NRCS soil maps show the location and extent of the soils that are best suited to agricultural production. These maps have been updated and made web-based since the last Land Use Element was adopted. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- **Washington State Department of Natural Resources (WDNR) Private Forest Land Grade (PFLG) Maps.** The PFLG maps shows the location and extent of forest soils. The WDNR, Natural Resources Conservation Service (NRCS) (previously the Soil Conservation Service), USDA Forest Service and Washington State University developed the PFLG using national soil survey standards. <http://data-wadnr.opendata.arcgis.com/datasets/wa-soils>
- **SJC Voluntary Stewardship Program (VSP) farm map.** The SJC Conservation District generated this map during the development of the VSP, a program to manage growth, protect critical areas, and maintain viable agriculture. The VSP farm map shows the location and type of agricultural occurring on existing farms in 2017 (Attachment C).

GMA Resource Land Designation Criteria

The GMA mandates that communities designate, conserve, maintain and enhance the integrity of resource lands. The GMA criteria for natural resource lands are provided in Chapter 365-190 WAC. In general, natural resource lands are characterized by three factors:

- The land is not already characterized by urban growth;
- The land is used or capable of being used for resource production; and
- The land has long term commercial significance.

GMA Criteria for Designating Agricultural Resource Lands

Long term commercial significance is determined differently on agricultural and forest resource lands. Eleven agricultural resource land criteria are established in WAC 365-190-050(3)(c):

“(c) The land has long-term commercial significance for agriculture. In determining this factor, counties and cities should consider the following nonexclusive criteria, as applicable:

- (i) The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service;
- (ii) The availability of public facilities, including roads used in transporting agricultural products;
- (iii) Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;
- (iv) The availability of public services;

- (v) Relationship or proximity to urban growth areas;
- (vi) Predominant parcel size;
- (vii) Land use settlement patterns and their compatibility with agricultural practices;
- (viii) Intensity of nearby land uses;
- (ix) History of land development permits issued nearby;
- (x) Land values under alternative uses; and
- (xi) Proximity to markets.”

GMA Criteria for Designating Forest Resource Lands

WAC 365-190-060(2)(c), (3), and (4) establish the criteria for designating forest resource lands of long-term commercial significance:

“(c) The land has long-term commercial significance. When determining whether lands are used or capable of being used for forestry production, counties and cities should determine which land grade constitutes forest land of long-term commercial significance, based on local physical, biological, economic, and land use considerations. Counties and cities should use the private forest land grades of the department of revenue (WAC 458-40-530). This system incorporates consideration of growing capacity, productivity, and soil composition of the land. Forest land of long-term commercial significance will generally have a predominance of the higher private forest land grades. However, the presence of lower private forest land grades within the areas of predominantly higher grades need not preclude designation as forest land.

(3) Counties and cities may also consider secondary benefits from retaining commercial forestry operations. Benefits from retaining commercial forestry may include protecting air and water quality, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism and access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species. These are only potential secondary benefits from retaining commercial forestry operations, and should not be used alone as a basis for designating or dedesignating forest resource lands.

(4) Counties and cities must also consider the effects of proximity to population areas and the possibility of more intense uses of the land as indicated by the following criteria as applicable:

- (a) The availability of public services and facilities conducive to the conversion of forest land;

(b) The proximity of forest land to urban and suburban areas and rural settlements: Forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements;

(c) The size of the parcels: Forest lands consist of predominantly large parcels;

(d) The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance;

(e) Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW;

(f) Local economic conditions which affect the ability to manage timberlands for long-term commercial production; and

(g) History of land development permits issued nearby.”

Plan Designation Criteria

Section 2.3.D in Element 2, Land Use of the *Plan* includes the agricultural and forest resource land designation criteria. The agricultural resource land designation criteria are provided in Policy 2.3.D.5.a.1:

“(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.”

This policy will be amended during the update for clarity. Any changes to the designation criteria will be incorporated into this methodology as needed. The recommended changes to clarify Policy 2.3.D.5(a)(1) include:

- Correcting the confusing reference to item “a” in item (i),
- The reference to the link for NRCS soil types in item (ii) must be removed because the link no longer works, and
- The “or” must be struck between items (i) and (ii) because it causes confusion. Based on a review of historic versions of this policy, it appears that this policy was always confusing and that the word “or” did not originally exist in the policy.

Policy 2.3.D.5.b.1 provides the criteria for designating forest lands:

“(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.”

Phase One: Analyze All Parcels to Determine if they Meet the GMA Criteria

The central analysis of Phase One is calculating the long-term commercial significance index (LCSI). The LCSI is a metric that will help the County evaluate the relationship of each parcel to the GMA long-term commercial significance criteria. The method of calculating the LCSI for agricultural and forest resource lands is different for each type of resource. This is because the GMA long-term commercial significance criteria are specific to each resource.

A higher LCSI indicates an area is more commercially significant than an area with a lower score. The highest possible LCSI score is 50 points. An LCSI Z score per parcel will indicate the number of standard deviations each AG and FO LCSI score is from the mean. This metric indicates the degree to which a parcel is more or less commercially significant than other parcels. A positive Z score indicates that the parcel is more commercially significant than average. A negative Z score indicates that the parcel is less commercially significant than average.

To calculate the LCSI, each criterion will be assigned a score that indicates a degree to which the parcel is consistent with the GMA criteria. The score is multiplied by a weight assigned for each criterion. The weight modifiers are applied because some designation criteria have a greater influence on the potential for long-term commercial significance. The resulting total is the complete score for that criterion (raw score times eight equals complete score).

The process for calculating the LCSI is:

- Review each State designation criterion on each parcel.
- Identify the criterion factor applicable to the parcel.
- Multiply the score of the factor by the weight assigned to the State criterion.
- Do this for each criterion.
- Add the totals of the criterion scores for each parcel.

- The result is the Long-term Commercial Significance Index (LCSI).

Phase One, Step One: Long Term Commercial Significance Index (LCSI)

Phase One, Step One: Agricultural Resource Criteria

In Phase One, Step One, the GMA agricultural resource land long-term commercial significance criteria are quantified for each parcel. The end result of this step is a calculated AG LCSI for every parcel in the County.

Two criteria from the long-term commercial significance criteria listed in WAC 365-190-050(3)(c) were not assigned individual LCSI scores. The nonexclusive list of criteria in WAC 365-190-050 is specified to be considered “as applicable” (WAC 365-190-050(3)(c)). The criterion from WAC 365-190-050(3)(c)(x), land values under alternative uses, is not quantified into an LCSI score because it is reasonable to assume that land values under uses other than agriculture will always be higher. Land values under alternative uses are presumed higher because more intense uses (residential and commercial uses) are often more financially lucrative. The history of land development permits nearby (WAC 365-190-050(3)(c)(ix)) is not calculated on its own but is combined with consideration of land use settlement patterns and intensity of nearby land uses. These two factors are calculated based on the existing uses and surrounding parcel sizes which reflect the surrounding development history.

Weight Modifiers for Agricultural Resource Land GMA Designation Criteria

The numbers in the description of the assigned weight modifiers refer to the number of the calculation outlined in the Phase One, Step One analysis of the GMA agricultural resource land designation criteria.

- **2X for soil and parcel size factors** [criteria 1 and 6]. These two factors are directly related to the characteristics of the parcel and its ability to support farming operations.
- **1.5X for enrollment in the current-use tax program and proximity to markets** [criteria 3 and 9]. Enrollment in the current-use tax program indicates that the parcel is currently supporting a productive farm. Given the limitations on access to markets on the outer islands, ferry service and on-island urban areas have an added influence on commercial significance in the County.
- **1.25X for surrounding land use patterns and nearby intensity of land uses** [criteria 7 and 8]. Higher-intensity uses and smaller surrounding lots are less compatible with commercial agriculture.
- **1X for access to roads, availability of public services, and proximity to UGAs** [criteria 2, 4, and 5]. These factors are important to consider but have the least influence on agriculture in the County. Access to roads is similar throughout most of the County, there are no freeways or highways and the whole County is served by the County road system. In the County, the difference between areas that are served by public services and those that are not is not as pronounced as other counties in Washington. Lands within UGAs will be removed from consideration in one of the next steps of this methodology.

Agricultural (AG) LCSl

The AG LCSl value will be the total calculated for each GMA designation criterion except as noted above. The maximum score possible is 50 points.

Table 1. *WAC 365-190-050(C) Agricultural Land Long-term Commercial Significance.

Criterion 1	
Criterion	The classification of prime and unique farmland soils as mapped by the NRCS (WAC 365-190-050(3)(c)(i))
Weight	X2
Factor Scores	
4	If more than 75% of parcel is prime farmland
3	If between 50 and 75% of parcel is prime farmland
2	If between 25 and 50% of parcel is prime farmland
1	If between 1 and 25% of parcel is prime farmland
0	If no prime farmlands

Criterion 2	
Criterion	The availability of public facilities, including roads used in transporting agricultural products (WAC 365-190-050(3)(c)(ii))
Weight	X1
Factor Scores	
4	If adjacent to public road
2	If within 1,000 feet of a public road
0	If more than 1,000 feet from a public road

Criterion 3	
Criterion	Tax status, including whether lands are enrolled under the current use tax assessment. (WAC 365-190-050(3)(c)(iii))
Weight	X1.5
Factor Scores	
4	If parcel in the current use farm and agriculture program
3	If parcel in open-space farm conservation program
0	If not in the current-use farm and agriculture or open-space farm conservation programs

Criterion 4	
Criterion	The availability of public services (WAC 365-190-050(3)(c)(iv))
Weight	X1
Factor Scores	
4	If outside a community water system and sewer system service area
2	If within a community water system service area and outside a sewer system service area
0	If within a community water system and sewer system service area

Criterion 5	
Criterion	Relationship or proximity to urban growth areas (WAC 365-190-050(3)(c)(v))
Weight	X1
Factor Scores	
4	If more than one-half mile away from a UGA
2	If between one half and one quarter mile of a UGA
0	If closer than one quarter mile or within a UGA

Criterion 6	
Criterion	Predominant parcel size (WAC 365-190-050(3)(c)(vi))
Weight	X2
Factor Scores	
4	If parcel larger than 20 acres
3	If parcel larger than 10 and less than 20 acres
2	If parcel larger than 5 and less than 10 acres
1	If parcel larger than 2 and less than 5 acres
0	If parcel less than 2 acres

Criterion 7	
Criterion	Land use settlement patterns and their compatibility with agricultural practices (WAC 365-190-050(3)(c)(vii))
Weight	X1.25
Factor Scores	
4	If average adjacent parcel size is 20 acres or larger
3	If average adjacent parcel size is larger than 10 and less than 20 acres
2	If average adjacent parcel size is larger than 5 and less than 10 acres
1	If the average adjacent parcel size is larger than 2 and less than 5 acres
0	If the average adjacent parcel size is less than 2 acres

Criterion 8	
Criterion	Intensity of nearby land uses (WAC 365-190-050(3)(c)(viii))
Weight	X1.25
Factor Scores	
4	If any neighboring parcel has AG or open space Assessor's use code
2	If any neighboring parcel has a single-family residential use code and no neighboring parcel has an AG or open space Assessor's use code
0	If no neighboring parcel has the use codes listed above.

Criterion 9	
Criterion	Proximity to markets (WAC 365-190-050(3)(c)(xi))
Weight	X1.5
Factor Scores	
4	If on San Juan, Lopez, or Orcas Islands
3	If on Shaw Island
1	If on Stuart, Waldron, Blakely, or Decatur Islands
0	If on any other island

*Washington Administrative Code (WAC). Source: Natural Resource Land Designation Review Methodology.

Phase One, Step One:

Long-Term Commercial Significance Index (LCSI) Deliverables for AG Resource Lands

The AG Resource Land LCSI will be calculated for all County parcels using GIS software. The results will be available in the following formats:

1. A map showing the AG LCSI score for each parcel in the County, and
2. A data table depicting the following for all parcels, showing at minimum:
 - Tax parcel number;
 - Acreage;
 - AG LCSI score for each criterion;
 - The total AG LCSI score; and
 - The AG LCSI Z score value. This score indicates how many standard deviations the value is above or below the mean for all parcels.

Table 2. Example Phase One, Step One: Data Table Columns for AG Resource Land LCSI*.

Parcel Number	Acres	LCSI Criterion 1	LCSI Criterion 2	LCSI Criterion 3	LCSI Criterion 4	LCSI Criterion 5	LCSI Criterion 6	LCSI Criterion 7	LCSI Criterion 8	LCSI Criterion 9	AG LCSI	AG LCSI Z Score

*LCSI stands for Long Term Commercial Significance Index

Phase One, Step One: Forest Resource Criteria

Weight Modifiers for Forest Land GMA Designation Criteria

To calculate the LCSI, each criterion will be assigned a score that indicates a degree to which the parcel is consistent with the GMA criteria. The score is multiplied by a weight assigned for each criterion. The weight modifiers are applied because some designation criteria have a greater influence on the potential for long-term commercial significance. The resulting total is the complete score for that criterion (raw score times eight equals complete score). The forest resource LCSI weight modifiers are:

- **2X for PFLG class, DFL or open-space tax class, and parcel size** [criteria 8, 5, and 3]. These three factors are directly related to the characteristics of the parcel and its ability to support forestry;
- **1.5X for proximity to UGAs and availability of public services** [criteria 1 and 2]. Lands served by public services and those near UGAs and activity centers will face additional pressure to develop with incompatible uses;
- **1.25X for history of nearby development and nearby development intensity** [criteria 4 and 7]. Higher-intensity uses and smaller surrounding lots are less compatible with commercial forestry. Parcels surrounded by smaller lots and nonresidential development will face pressure to develop with incompatible uses; and

- **1X for local economic conditions** [criterion 6]. Access to markets through ferry service and on-island UGAs and activity centers are lower-weight because harvested timber is not likely to be marketed locally and can be barged off-island.

Forest Resource Land (FO) Long-Term Commercial Significance Index (LCSI)

The FO LCSI value will be the total calculated for each GMA designation criteria listed below. The criteria are weighted to account for local circumstances in the County. The maximum score possible is 50 points.

Table 3: *WAC 365-190-060(4) Forest Resource Land Long-term Commercial Significance.

Criterion 1	
Criterion	The availability of public services and facilities conducive to the conversion of forest land. (WAC 365-190-060(4)(a))
Weight	X1.5
Factor Scores	
4	If outside a community water system and sewer system service area
2	If within a community water system service area and outside a sewer system service area
0	If within a community water system and sewer system service area

Criterion 2	
Criterion	The proximity of forest land to urban and suburban areas and rural settlements. (WAC 365-190-060(4)(b))
Weight	X1.5
Factor Scores	
4	If more than one-half mile away from an UGA, activity center, or LAMIRD
2	If between one half and one quarter mile of an UGA, activity center, or LAMIRD
0	If within an UGA, activity center, or LAMIRD

Criterion 3	
Criterion	The size of the parcels. (WAC 365-190-060(4)(c))
Weight	X2
Factor Scores	
4	If parcel larger than 20 acres
3	If parcel larger than 15 and less than 20 acres
2	If parcel larger than 10 and less than 15 acres
1	If parcel larger than 5 and less than 10 acres
0	If parcel less than 5 acres

Criterion 4	
Criterion	The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands. (WAC 365-190-060(4)(d))
Weight	X1.25
Factor Scores	
4	If average adjacent parcel size is 20 acres or larger
3	If average adjacent parcel size is larger than 10 and less than 20 acres
2	If average adjacent parcel size is larger than 5 and less than 10 acres
1	If the average adjacent parcel size is larger than 2 and less than 5 acres
0	If the average adjacent parcel size is less than 2 acres

Criterion 5	
Criterion	Property tax classification. (WAC 365-190-060(4)(e))
Weight	X2
Factor Scores	
4	If parcel in the designated forestland (DFL) tax program
3	If parcel is in the open-space timber land tax program
0	If not in the DFL or open-space timber land tax program

Criterion 6	
Criterion	Local economic conditions which affect the ability to manage timberlands for long-term commercial production [interpreted as access to markets] (WAC 365-190-060(4)(f))
Weight	X1
Factor Scores	
4	If on San Juan, Lopez, Shaw, or Orcas Islands
3	If on Stuart, Waldron, Blakely, or Decatur Islands
0	If on any other island

Criterion 7	
Criterion	History of land development permits issued nearby (WAC 365-190-060(4)(g))
Weight	X1.25
Factor Scores	
4	If any neighboring parcel has forestry or open space Assessor's use code
2	If any neighboring parcel has a single-family residential or undeveloped use code and no neighboring parcel has a forestry or open space Assessor's use code
0	If any neighboring parcel has a commercial, industrial, or multi-family use code

Criterion 8	
Criterion	Private Forest Land Grade (PFLG) (WAC 365-190-060(2)(c))
Weight	X2
Factor Scores	
4	If any part of the parcel has PFLG 1
3	If any part of the parcel has PFLG 2
2	If any part of the parcel has PFLG 3
1	If any part of the parcel has PFLG 4
0	If PFLG is blank or 0

* Washington Administrative Code (WAC). Source: Natural Resource Land Designation Review Methodology.

Phase One, Step One:

Long-Term Commercial Significance Index (LCSI) Deliverables for FO Resource Lands

The Forest Resource Land LCSI will be calculated for all County parcels using GIS software. The results will be available in the following formats:

1. A map showing the FO LCSI score for each parcel throughout the County, and
2. A data table depicts the following for all parcels, showing at minimum:
 - Tax parcel number;
 - Acreage;
 - FO LCSI score for each criterion;
 - The total FO LCSI score for; and
 - The FO LCSI Z score value. This score indicates how many standard deviations the value is above or below the mean for all parcels.

Table 4. Example: Phase One, Step One, Data Table Columns for Forest Resource Land LCSI* Scores.

Parcel Number	Acres	LCSI Criterion 1	LCSI Criterion 2	LCSI Criterion 3	LCSI Criterion 4	LCSI Criterion 5	LCSI Criterion 6	LCSI Criterion 7	LCSI Criterion 8	FO LCSI	FO LCSI Z Score

*LCSI stands for Long Term Commercial Significance Index

Phase One, Step Two: Remove Parcels Characterized by Urban Growth from Consideration

One of the main criteria for natural resource lands is that it not be characterized by urban growth. Urban growth is defined in RCW 36.70A.030(25):

(25) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

During this step, parcels within UGAs are removed from consideration for natural resource land designation. There are currently no designated resource lands within the three UGAs in the County. There are only a few places in the County where natural resource lands are adjacent or nearly about a UGA. These lands near UGAs will be reexamined when staff makes a recommendation in Phase Four regarding designation to ensure that resource lands remain uncharacterized by urban growth.

Phase One, Step Three: Identify Parcels Used or Capable of Being Used for Resource Production

In this step, the maps developed in step one are joined with two maps to identify lands currently being used for resource production. The maps to be joined are:

- The map showing the AG LCS I score for each parcel from Phase One, step one;
- The map showing the FO LCS I score for each parcel from Phase One, step one;
- The SJC tax map showing parcels in Current Use Agriculture and Designated Forest Land tax programs; and
- The SJC Voluntary Stewardship Program (VSP) farm map.

Phase One, Step Three: Deliverables for AG and FO Resource Lands

1. Two maps showing:
 - Parcels that are in the Current Use Agriculture tax program or on the SJC VSP farm map. These parcels will be symbolized by their AG LCS I scores, and
 - Parcels that are in the Designated Forest Land (DFL) tax class. These parcels will be symbolized by their FO LCS I scores.
2. Corresponding data tables for the maps listed above showing the following for each parcel:
 - Tax parcel number;
 - Acreage;
 - Participation in the Current Use Agriculture program, DFL tax class, or on the VSP farm map;
 - AG and FO LCS I score for each criterion; and
 - The total AG and FO LCS I score for each parcel.

Table 5. Example Data Table Columns for Agricultural Resource Land Scores.

Parcel Number	Acreage	AG LCS I Score for each Criteria (9 total)	Total AG LCS I Score	Parcel in AG Open Space (Y/N)	Parcel on VSP Farm Map (Y/N)

*LCS I stands for Long Term Commercial Significance Index

Table 6. Example Data Table Columns for Forest Resource Land Scores.

Parcel Number	Acreage	FO LCS I Score for Each Criteria (8 total)	Total FO LCS I *Score	Parcel in Forestry Open Space (Y/N)	Parcel in DFL (Y/N)

*LCS I stands for Long Term Commercial Significance Index

Phase One Summary

Throughout Phase One, maps will be produced that will help the County evaluate the long-term commercial significance in different areas of the County. These maps will show regions with higher LCSI scores. Later, LCSI scores on parcels with current farm and forestry operations will be considered to establish what scores suggest the presence of commercial significance. These scores will provide a baseline understanding of what lands might be commercially significant.

In addition to considering maps, the LCSI scores of long-term commercial significance on each parcel will be compared relative to other parcels. Four metrics will be analyzed:

- Each parcel's AG and FO LCSI score;
- The mean AG and FO LCSI scores;
- The median AG and FO LCSI scores; and
- The Z scores for each parcel. The Z score is the number of standard deviations each AG and FO LCSI score is from the mean.

The measures of central tendency, the mean and median LCSI scores, will help the County understand what average commercial significance is. The Z scores will indicate the degree to which each parcel is more or less commercially significant than the average parcel. A positive Z score indicates that the parcel is more commercially significant than average. A negative Z score indicates that the parcel is less commercially significant than average. The County will use these metrics to decide what LCSI score indicates AG and FOR long-term commercial significance.

The following areas are expected to have AG and FO LCSI scores above the average and can help identify the range of scores that indicate the presence long-term commercial significance:

- Parcels participating in the current-use, open space, and DFL tax programs;
- Farms shown on the VSP current farm maps; and
- Larger residential or undeveloped parcels.

The following areas are expected to have AG and FO LCSI scores below the average and can help identify the range of scores that suggest an area does not have long-term commercial significance:

- Parcels in urban growth areas and activity centers;
- Small parcels developed with residential uses; and
- Parcels on the smaller outer islands such as Center Island.

Above and below average AG and FO LCSI scores will factor into the identification of a preliminary list of natural resource land designation changes on individual parcels at the end of Phase Two. The preliminary list will be refined by public input during Phase Three. After that, staff will perform in-depth and area-specific analysis of potential changes during Phase Four. That in-depth analysis will inform any amendments to natural resource land designations adopted during the *Plan* update.

Phase Two: Analyze All Parcels: Do they Meet the *Plan* Criteria?

During this phase, all parcels on the Official Maps will be compared with the results of Phase One for conformity to the *Plan* designation criteria (Element 2, Land Use, Policy 2.3.D.5.a and b). Phase Two will result in a preliminary list of parcels that may qualify for designation or de-designation as natural resource lands. Phase Two has the following three steps:

- **Step One:** divide Phase One results into lands that are and are not designated natural resource lands on the Official Maps;
- **Step Two:** review parcels for whether or not they meet the *Plan* criteria; and
- **Step Three:** develop a preliminary list of parcels that may qualify for designation or de-designation as natural resource lands based on GMA and *Plan* criteria.

Phase Two, Step One: Divide Phase One Results into Parcels That Are and Are Not Designated Natural Resource Land on the Official Maps

In Phase Two, Step One, the Phase One results are separated into lands that are and are not designated natural resource land. This will allow comparison of the LCSI scores between designated and not designated natural resource lands in Phase Two, Step 3. Phase Two, Step One tasks include:

1. Identify parcels from Phase One that are and are not designated Agricultural Resource (AG) on the Official Maps.
 - a. Divide Phase One, Step One AG LCSI parcels into those that are and are not designated AG.
 - b. Divide Phase One, Step Three AG LCSI parcels with existing farms into those that are and are not designated AG.
2. Identify parcels from Phase One that are and are not designated Forest Resource (FO) on the Official Maps.
 - a. Divide Phase One, Step One FO LCSI parcels into those that are and are not designated FO.
 - b. Divide Phase One, Step Three FO LCSI parcels with current forestry operations into those that are and are not designated FO.

Phase 2, Step One: Deliverables

Four maps showing:

1. AG LCSI scores, divided into;
 - a. Parcels designated AG;
 - b. Parcels not designated AG;
2. AG LCSI scores on existing farms, divided into;
 - a. Parcels designated AG with existing farms;

- b. Parcels not designated AG with existing farms;
- 3. FO LCSI scores, divided into;
 - a. Parcels designated FO;
 - b. Parcels not designated FO;
- 4. FO LCSI scores on parcels with existing forestry operations, divided into;
 - a. Parcels designated FO with existing forestry operations; and
 - b. Parcels not designated FO with existing forestry operations.
- 5. Data tables for each map providing for each parcel, at minimum the:
 - Tax parcel number;
 - Acreage;
 - Land use designation;
 - AG and FO LCSI score for each GMA criterion;
 - The total AG and FO LCSI score; and
 - The AG and FO LCSI Z score.

Table 7. Example Phase Two, Step One, Data Table Columns for Agricultural Resource Lands.

Parcel Number	Parcel Acreage	Land Use Designation	LCSI Score for Each Criteria (9 total)	Total LCSI Score	Total LCSI Z Score

*LCSI stands for Long Term Commercial Significance Index

Table 8. Example Phase Two, Step One, Data Table Columns for Forest Resource Lands.

Parcel Number	Parcel Acreage	Land Use Designation	LCSI Score for Each Criteria (9 total)	Total LCSI Score	Total LCSI Z Score

*LCSI stands for Long Term Commercial Significance Index

Step Two: Review for Consistency with *Plan* Criteria

Phase Two, Step Two results identify lands that do or do not meet the *Plan* designation criteria in Element 2, Land Use, Policies 2.3.D.5.a and b using the following tasks:

Agricultural Resource Lands

- 1. Locate all parcels that meet the AG designation criteria in the *Plan*.
 - a. Select all parcels that are both larger than ten acres and have NRCS prime farmland soils. Create a new GIS layer from the selected parcels.

- b. From the created in task (1)(a) above, select all parcels that are also under an agriculture conservation easement or enrolled in the current-use agriculture tax program. Create a new GIS layer from the selected parcels.
- c. Identify all other parcels that do not meet the *Plan's* AG designation criteria on the map created in b above.

Forest Resource Lands

2. Locate all parcels that meet the FO designation criteria in the *Plan*.
 - a. Select parcels that have all four of the following characteristics:
 - i. Parcels with PFLG 1 - 4;
 - ii. Parcels 20 acres or larger;
 - iii. Parcels with Designated Forest Land or enrolled in the Open Space Timber tax program; and
 - iv. Parcels with forestry Assessor's use codes.
 - b. Create a new map layer from the parcels selected in Task (2)(a) above. These parcels meet the *Plan's* designation criteria.
 - c. Identify all other parcels that do not meet the *Plan's* FO designation criteria on the map above.

Phase Two, Step Two Deliverables

1. Five maps showing:
 - a. Parcels that meet the first AG designation criterion [parcels > 10 acres with NRCS farmland soils];
 - b. Parcels that meet the second AG designation criterion [parcels > 10 acres, with NRCS farmland soils, and enrolled in the Current-Use Agriculture tax program];
 - c. Parcels that do not meet the AG designation criteria;
 - d. Parcels that meet the *Plan's* FO designation criteria; and
 - e. Parcels that do not meet the *Plan's* FO designation criteria.
2. Data tables for each map showing for all parcels, at a minimum:
 - Tax parcel number;
 - Acreage;
 - Land use designation; and
 - Whether the parcel meets the *Plan's* AG or FO designation criteria.

Table 9. Example Phase Two, Step Two Data Table for Agricultural Resource Lands.

Parcel Number	Parcel Acreage	Land Use Designation	Does the Parcel Meet AG Designation Criterion 1 (Y/N)	Does the Parcel Meet AG Designation Criterion 2 (Y/N)

Source: Natural Resource Land Designation Review Methodology.

Table 10. Example Phase Two, Step Two Data Table for Forest Resource Lands.

Parcel Number	Parcel Acreage	Land Use Designation	Meet FO Designation Criterion 1 (Y/N)	Meet FO Designation Criterion 2 (Y/N)	Meet FO Designation Criterion 3 (Y/N)	Meet FO Designation Criterion 4 (Y/N)	Meet all 4 FO Designation Criterion (Y/N)

Source: Natural Resource Land Designation Review Methodology.

Step Three: LCSI on Lands That Meet *Plan* Natural Resource Land Designation Criteria

Phase Two, Steps One and Two are compared with each other to establish AG and FO LCSI scores for lands that do and do not meet the *Plan* criteria. Phase Three, Step Three will show the degree to which lands that meet and do not meet the *Plan* criteria have long-term commercial significance. A preliminary list of parcels that are candidates for designation or de-designation as natural resource lands will be developed. The following tasks compose Step Three:

1. Combine the maps from Phase Two, Step One showing AG LCSI on parcels that are and are not designated AG with the maps from Phase Two, Step Two that show lands that may or may not meet the *Plan*'s AG designation criteria. The resulting maps will show lands that are:
 - a. All parcels that are:
 - i. Designated AG on the Official Maps and meet the *Plan* criteria, symbolized by AG LCSI;
 - ii. Not designated AG on the Official Maps and meet the *Plan* criteria, symbolized by AG LCSI;
 - iii. Designated AG on the Official Maps and do not meet the *Plan* criteria, symbolized by AG LCSI; and
 - iv. Not designated AG on the Official Maps and do not meet the *Plan* criteria, symbolized by AG LCSI.

2. Combine the maps from Phase Two, Step One showing FO LCSI on parcels that are and are not designated FO with maps from Phase Two, Step Two that show lands that may or may not meet the *Plan*'s FO designation criteria. The resultant map(s) will show lands that are:
 - a. All parcels that are;
 - i. Designated FO on the Official Maps and meet the *Plan* criteria, symbolized by FO LCSI;
 - ii. Not designated FO on the Official Maps and meet the *Plan* criteria, symbolized by FO LCSI;

- iii. Designated FO on the Official Maps and do not meet the Plan criteria, symbolized by FO LCSI; and
 - iv. Not designated FO on the Official Maps and do not meet the Plan criteria, symbolized by FO LCSI.
3. Use the maps created in Phase Two, Steps Three - Tasks 1 and 2 to identify a preliminary list of candidate parcels for designation changes. Preliminary candidate lands for designation changes are those that are:
- a. **Candidates for de-designation.** Designated AG or FO on the Official Maps that do not meet the *Plan* criteria and have a lower LCSI score relative to other parcels [designated, do not meet criteria, and have low commercial significance], and
 - b. **Candidates for designation as a natural resource land.** Not designated AG or FO on the Official Maps, meet the *Plan* criteria, and have a higher LCSI score relative to other parcels [meet the criteria and have high commercial significance].
4. Use the data and maps from Phase Two, Tasks 1 and 2 to identify a preliminary list of parcels for further discussion. Further discussion is needed because these parcels appear to meet either the *Plan* or GMA criteria, but not both. Parcels whose designation should be discussed are those:
- a. Designated AG or FO on the Official Maps that do not meet the *Plan* criteria and have a higher LCSI score relative to other parcels [designated, do not meet the criteria, and have a high commercial significance]. These are lands that may or may not be designated as natural resource lands;
 - b. Designated AG or FO on the Official Maps, meet the *Plan* criteria, and have a lower LCSI score relative to other parcels [designated, meets criteria, and low commercial significance]. These are lands that may or may not be designated as natural resource lands;
 - c. Not designated AG or FO on the Official Maps, meet the *Plan* criteria, and have a lower LCSI score relative to other parcels [not designated, meets criteria, and have a low commercial significance]. These are lands that may or may not be designated as natural resource lands; and
 - d. Not designated AG or FO on the Official Maps, do not meet the *Plan* criteria, and have a higher LCSI score relative to other parcels [not designated, do not meet criteria, and have a higher commercial significance]. These are lands that may or may not be designated as natural resource lands.
5. Use the maps created in Phase Two, Step Three -Tasks 1 and 2 to identify lands that are probably not candidates for designation changes. These are lands that are:
- a. Not designated AG or FO on the Official Maps, do not meet the *Plan* criteria, and have a lower LCSI score relative to other parcels [not designated, do not meet the criteria, and have a lower commercial significance], and
 - b. Designated AG or FO on the Official Maps, meet the *Plan* criteria, and have a higher LCSI score relative to other parcels [designated, meet criteria, and high commercial significance].

Table 11. Parcel Categorization in Phase Two, Step Three.

Parcels that are:	Higher LCSi* Score	Lower LCSi* Score
Designated & meet criteria	Don't change designation (5.b)	Maybe change designation (4.b)
Designated & do not meet criteria	Maybe change designation (4.a)	Change designation (de-designate) (3.a)
Not designated & meet criteria	Designate as resource lands (3.b)	Maybe change designation (4.c)
Not designated & do not meet the criteria	Maybe change designation (4.d)	Not natural resource lands (5.a)

*LCSi stands for Long Term Commercial Significance Index, see Phase One.

Step Three: Deliverables

Maps showing:

1. Preliminary candidate lands for land use designation changes. These are lands that are either:
 - a. Designated, do not meet the *Plan* criteria, and have a lower LCSi score, or
 - b. Not designated, meets the *Plan* criteria, and have a higher LCSi score.
2. Parcels that require further discussion. Further discussion is needed because these parcels appear to meet either the *Plan* or GMA criteria, but not both. These parcels are:
 - a. Designated, do not meet the *Plan* criteria, and have a higher commercial significance;
 - b. Designated, meets the *Plan* criteria, and have a lower commercial significance;
 - c. Not designated, meets the *Plan* criteria, and have a lower commercial significance; or
 - d. Not designated, do not meet the *Plan* criteria, and have a higher commercial significance.
3. Lands that are probably not candidates for designation changes. These are parcels that are:
 - a. Not designated, do not meet the criteria, and have a lower commercial significance, and
 - b. Designated, meet criteria, and high commercial significance.
4. Data tables for the parcels on each map showing at a minimum the:
 - Tax parcel number;
 - Acreage;
 - Land use designation;
 - AG and FO LCSi score; and
 - Whether the parcel meets the *Plan's* AG or FO designation criteria.

Table 11. Example Phase Two, Step Three, Data Table for Agricultural Resource Lands.

Parcel Number	Parcel Acreage	Land Use Designation	LCSI Score for Each Criteria (9 total)	Total AG LCSI Score	Does the Parcel Meet the AG Designation Criteria (Y/N)

*LCSI stands for Long Term Commercial Significance Index

Table 12. Example Phase Two, Step Three, Data Table for Forest Resource Lands.

Parcel Number	Parcel Acreage	Land Use Designation	FO LCSI Score for Each Factor (8 total)	Total FO LCSI Score	Does the Parcel Meet the FO Designation Criteria (Y/N)

*LCSI stands for Long Term Commercial Significance Index

Phase Three: Public Input

The County Council, Planning Commission and the public, including stakeholder groups, will be briefed on the Phase Two results. Specific feedback will be requested about the parcels that have potential for de-designation, or designation as a resource land and those parcels that may have ambiguous results. Ambiguous parcels are those that meet either the GMA or Plan criteria but not both. An example of ambiguous results are parcels that are designated natural resource lands, meet the *Plan* criteria, but have low commercial significance (do not meet GMA criteria).

The four types of results marked for further discussion are not clear-cut yes or no for designation. The discussion with stakeholders, Council, and PC will clarify what should be done with these parcels in the grey area. The County Council, Planning Commission, and stakeholder groups will provide their local knowledge to help clarify the following:

- Whether areas with ambiguous results are currently used for agricultural and forestry operations, and
- If these areas could be used for resource production.

Phase Three, Step One: Brief the Agricultural Resources Committee (ARC) and SJI Conservation District (CD)

After a briefing, the ARC and CD will be asked for a recommendation about the parcels identified in Phase Two that need additional discussion:

1. Designated AG or FO on the Official Maps that do not meet the *Plan* criteria and have an LCSI score at or above the threshold set in Phase One [designated, do not meet the *Plan* criteria, and have a high commercial significance];

2. Designated AG or FO on the Official Maps, meet the *Plan* criteria, and have an LCSI score below the threshold set in Phase One [designated, meets *Plan* criteria, and low commercial significance];
3. Not designated AG or FO on the Official Maps, meet the *Plan* criteria, and have an LCSI score below the threshold set in Phase One [not designated, meets *Plan* criteria, and have a low commercial significance]; and
4. Not designated AG or FO on the Official Maps, do not meet the *Plan* criteria, and have an LCSI score above the threshold set in Phase One [not designated, do not meet criteria, and have a higher commercial significance].

After considering the lands identified for additional discussion, the ARC and CD will be asked to make a recommendation about the parcels identified in Phase Two as:

1. **Candidates for de-designation:** designated AG or FO, do not meet the designation criteria, and have a lower commercial significance, and
2. **Candidates for designation:** Not designation AG or FO, meet the designation criteria, and have a higher commercial significance.

Finally, these stakeholders can provide their knowledge of existing farms that may have been missed in the first two phases of this analysis. These parcels will already have an AG LCSI calculated in Phase One and can be evaluated for consistency with the *Plan* designation criteria. Staff will consider their recommendations when preparing a recommendation in Phase Three, Step Two.

Phase Three, Step Two: Brief the County Council and Planning Commission

Placeholder

Phase Four: Prepare Detailed Analysis

During Phase Four, the parcels identified as candidates for changes to land use designation in the previous phases will be further analyzed for consistency with the GMA and *Plan* requirements. This review will take a closer look at the designation criterion and document the specific details such as explicit documentation of surrounding land use and permit from the relevant WAC and *Plan* policies for those parcels. Once the possible changes have been analyzed, staff will develop natural resource land designation alternatives to be considered with the *Plan* update.

Phase Four has two primary steps:

1. Analyze possible designation changes developed in the previous phases, and
2. Develop natural resource land designation alternatives.

Phase Four, Step One: In-depth Analysis

A preliminary list of candidates for designation changes was developed in the previous phases of this review. In Phase Four, Step One, these candidates will be given an in-depth review for consistency with the GMA and *Plan* natural resource land designation criteria. This in-depth review will help staff determine their recommendation for designation changes.

Tables 13 and 14 provide an example of the tables that will be used for in-depth analysis on individual parcel or clusters. These tables will be completed for all areas proposed for either designation or de-designation as natural resource lands.

Alternatives will need to be specifically reviewed for consistency with the GMA and *Plan* designation criteria.

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Table 13. In-Depth Agricultural Resource Land Review Matrix.

Description of Area:	TPN:
	Surrounding Land Uses:
Criteria	Area Characteristics
<p>WAC 365-190-050(3)(a) The land is not already characterized by urban growth. To evaluate this factor, counties and cities should use the criteria contained in WAC 365-196-310.</p>	<p>The area is X miles from the nearest UGA and is only developed at a density of 1 dwelling unit per X acres.</p>
<p>WAC 365-190-050(3)(b) The land is used or capable of being used for agricultural production. This factor evaluates whether lands are well suited to agricultural use based primarily on their physical and geographic characteristics. Some agricultural operations are less dependent on soil quality than others, including some livestock production operations.</p>	<p>Approximately X percent of the acreage in this area is in the current-use agriculture taxation program. There are X parcels in this area shown on the VSP farm map (Exhibit X). Lands in the current-use agriculture taxation program and those shown on the VSP farm map are currently being used for agricultural production.</p>
<p>WAC 365-190-050(3)(b)(i) Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation. The intent of a landowner to use land for agriculture or to cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production. Land enrolled in federal conservation reserve programs is recommended for designation based on previous agricultural use, management requirements, and potential for reuse as agricultural land.</p>	<p>As noted above, much of this area is currently being used for agricultural production. The remainder of this area is being analyzed for whether it is capable of being used for agricultural production regardless of the property-owner's intent.</p>
<p>WAC 365-190-050(3)(b)(ii) In determining whether lands are used or capable of being used for agricultural production, counties and cities shall use the land-capability classification system of the United States Department of Agriculture Natural Resources Conservation Service as defined in relevant Field Office Technical Guides. These eight classes are incorporated by the United States Department of Agriculture into map units described in published soil surveys, and are based on the growing capacity, productivity and soil composition of the land.</p>	

WAC 365-190-050(3)(c) The land has long-term commercial significance for agriculture. In determining this factor, counties and cities should consider the following nonexclusive criteria, as applicable:	This area [does or does not] have long-term commercial significance, see analysis of each criterion below.
WAC 365-190-050(3)(c)(i) The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service	About X percent of this area has soils classified as prime farmland on the NRCS soil survey (Exhibit X).
WAC 365-190-050(3)(c)(ii) The availability of public facilities, including roads used in transporting agricultural products	This area [is or is not] on a ferry served island. The County road and WA State Ferry systems provide this area with public facilities used in transporting agricultural products (Exhibit X).
WAC 365-190-050(3)(c)(iii) Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights	More than X percent of the acreage in the area is in current use taxation (Exhibit X).
WAC 365-190-050(3)(c)(iv) The availability of public services;	The area has access to police, fire, parks, and schools in the County. Response times for emergency services are potentially greater in the further reaches of the County.
WAC 365-190-050(3)(c)(v) Relationship or proximity to urban growth areas	This area [is or is not] within an urban growth area. [If outside a UGA] The area is about X miles from the nearest UGA.
WAC 365-190-050(3)(c)(vi) Predominant parcel size	The average parcel size in this area is X acres. About X percent of parcels are between 5 and 20 acres (Exhibit X).
WAC 365-190-050(3)(c)(vii) Land use settlement patterns and their compatibility with agricultural practices	This area abuts a [forest resource, rural area, activity center, or UGA] (Exhibit X). Agriculture is an allowed use in rural areas and activity centers, which is compatible with the agricultural practices.
WAC 365-190-050(3)(c)(viii) Intensity of nearby land uses	The majority of land in rural areas is either undeveloped or developed with single-family residences on larger parcels (Exhibit X). This intensity is compatible with agricultural uses.

<p>WAC 365-190-050(3)(c)(ix) History of land development permits issued nearby</p>	<p>Based on a review of San Juan County GIS information, building, land use, and subdivision permits are more prevalent in UGAs than in the surrounding rural and natural resource areas (Exhibit X).</p>
<p>WAC 365-190-050(3)(c)(x) Land values under alternative uses</p>	<p>Land values for non-agricultural uses are higher than for agricultural uses. This is why approximately X percent of property owners participate in the current use taxation program (Exhibit X).</p>
<p>WAC 365-190-050(3)(c)(xi) Proximity to markets</p>	<p>This area is approximately X miles from [the nearest UGA] and [is or is not] on a ferry served island. The County road and WA State Ferry systems provide this area with access to markets for agricultural products.</p>

Source: Natural Resource Land Designation Review Methodology.

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Attachment E. SJC Policy, Code, and Programs That Conserve, Maintain, and Enhance

The following list shows all of the County policies, regulations and programs that support agriculture.

Goals and Policies

Element B.2 Land Use

- Policy 2.2.B.3
- Policy 2.2.F.1
- Policy 2.2.F.2
- Policy 2.2.F.3
- Policy 2.2.F.6
- Policy 2.3.C.5
- Policy 2.3.C.7
- Policy 2.3.C.10.b.3
- Policy 2.3.C.10.b.4
- Goal 2.3.D
- Policy 2.3.D.2
- Policy 2.3.D.3
- Policy 2.3.D.5
- Goal 2.3.D.5.a
- Policy 2.3.D.5.a.2
- Policy 2.3.D.5.a.3
- Policy 2.3.D.5.a.4
- Policy 2.3.D.5.a.5
- Goal 2.3.D.5.b
- Policy 2.3.D.5.b.2
- Policy 2.3.D.5.b.3
- Goal 2.5.A
- Policy 2.5.A.2
- Policy 2.5.A.3
- Policy 2.5.A.4
- Policy 2.5.B.10

Element B.3 Shoreline Master Program

- Policy 3.2.F.13
- Policy 3.2.F.14
- Policy 3.3.D.1
- Policy 3.3.D.2
- Policy 3.3.D.5
- Policy 3.3.E.7
- Goal 3.4.A
- Policy 3.4.A.1
- Policy 3.4.A.2
- Goal 3.4.F
- Policy 3.4.F.8
- Goal 3.4.K
- Policy 3.4.K.2
- Policy 3.4.K.4
- Policy 3.4.O.10
- Policy 3.4.O.11
- Policy 3.4.O.12

Draft Element B.5 Housing

- Policy 5.7.A.5

Draft Element B.6

Transportation

- Policy 6.4.A.2
- Policy 6.4.A.3

Draft Element B.8 Utilities

- Policy 8.5.A.5.1

Draft Element B.10 Economic Development

- Policy 10.3.B.1.7
- Action 10.3.B.1.4
- Action 10.3.B.1.14
- Action 10.3.B.1.16
- Action 10.3.B.1.18
- Action 10.3.B.1.19
- Action 10.3.B.1.20
- Policy 10.3.B.2.6
- Policy 10.3.B.2.7
- Action 10.3.B.3.18
- Action 10.3.B.3.23
- Action 10.3.B.3.24
- Action 10.3.B.3.25
- Policy 10.3.B.4.6
- Action 10.3.B.4.1
- Action 10.3.B.4.18

Title 18 San Juan County Code (SJCC)

- SJCC 18.30.030 Land use table – Activity center land use designations.
- SJCC 18.30.040 Land use table – Rural, resource, and special land use designations.
- SJCC 18.30.052 Right to farm and forestry provisions.
- SJCC 18.30.053 Development permits and resource lands.
- SJCC 18.30.070(A) Rural, resource, and special lands – Special provisions.
- SJCC 18.30. 245 Olga Hamlet Plan – Categories of uses.
- SJCC 18.30. 310 Permitted land uses. [Deer Harbor]
- SJCC 18.30. 430 Allowable uses and land use permit requirements. [Orcas Village]
- SJCC 18.30. 451 Allowed uses. [County Corner LAMIRD]
- SJCC 18.30. Eastsound subarea land use regulations.
- SJCC 18.30. 750 Allowed and prohibited uses in Lopez Village urban growth area.
- SJCC 18.40.020 Agricultural activities.
- SJCC 18.40.120 Conversions of land to non-forestry use – Forest management practices – General regulations.
- SJCC 18.40.130 Conversions of land to non-forestry use – Forest management practices – Regulations by designation.
- SJCC 18.40.140 Conversions of land to non-forestry use – Forest management practices – Class IV General forest practices and jurisdictions.
- SJCC 18.40.150 Conversions of land to non-forestry use – Forest management practices – Regulations governing Class IV General forest practice permits.
- SJCC 18.40.160 Conversions of land to non-forestry use – Forest management practices – Regulations governing continuance of forestry use.
- SJCC 18.40.170 Conversions of land to non-forestry use – Illegal conversions and enforcement.
- SJCC 18.40.180 Conversion option harvest plan (COHP) – General regulations.
- SJCC 18.40. 230 Farm stay and farm worker accommodations.
- SJCC 18.40.240(G)(4)(b) Accessory dwelling units (ADUs).
- SJCC 18.40.350 Resource-based activities and facilities, surface mining, quarrying, and reclamation.
- SJCC 18.50.220 Agriculture.
- SJCC 18.50.450 Forest Practices.
- SJCC 18.50.480 Log transfer sites, facilities and storage.
- SJCC 18.50.490 Mineral extraction.
- SJCC 18.50.600 Shoreline developments, uses, structures and activities by designation.
- SJCC 18.70.010 General provisions.
- SJCC 18.70.060 Subdivision and short subdivision design and development standards.
- SJCC 18.90.030 Amendments to Comprehensive Plan Official Maps.

WAC 365-196-815 Conservation of natural resource lands.

(1) Requirements.

(a) Counties and cities planning under RCW 36.70A.040 must adopt development regulations that assure the conservation of designated agricultural, forest, and mineral lands of long-term commercial significance. If counties and cities designate agricultural or forest resource lands within any urban growth area, they must also establish a program for the purchase or transfer of development rights.

The County has adopted development regulations to ensure conservation of designated natural resource lands of long-term commercial significance in Title 18 San Juan County Code (SJCC). The County does not have designated agricultural or forest resource lands in the three urban growth areas (UGA). The County has not established a program for the purchase or transfer of development rights (TDR). The Comprehensive Plan (*Plan*) refers to a possible TDR program but SJCC does not establish such a program.

(b) "Conservation" means measures designed to assure that the natural resource lands will remain available to be used for commercial production of the natural resources designated. Counties and cities should address two components to conservation:

(i) Development regulations must prevent conversion to a use that removes land from resource production. Development regulations must not allow a primary use of agricultural resource lands that would convert those lands to nonresource purposes. Accessory uses may be allowed, consistent with subsection (3)(b) of this section.

The regulations in SJCC 18.30.040 Land use table – Rural, resource, and special land use designations prohibit uses that remove designated natural resource land from resource production. The table limits commercial developments beyond those that would take place in an existing or allowed single-family residence (i.e. bed and breakfast residence). All industrial uses that are not related to resource production are prohibited in agricultural resource (AG) and forest resource (FOR).

(ii) Development regulations must assure that the use of lands adjacent to designated natural resource lands does not interfere with the continued use, in the accustomed manner and in accordance with the best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

The County code assures that the use lands adjacent to designated natural resource lands does not interfere with resource production. These protections include:

- **Right to farm and Forestry Provisions (18.30.052) protecting farm and forest practices from nuisance claims;**
- **Protection from nuisance claims for mineral resource operations on lands designated under the mineral resource land overlay (MRLO) in SJCC 18.35.015(C); and**

- **The provisions of SJCC 18.30.053, which states:**

“Development permit approvals for the use of lands adjacent to lands designated as AG and FOR resource lands, or lands with a mineral resource land overlay designation, may be conditioned to ensure that the use of such lands shall not interfere with the continued use in the accustomed manner and in accordance with best management practices of those lands designated for resource purposes.”

(c) Classification, designation and designation amendment. The department adopted minimum guidelines in chapter 365-190 WAC, detailing the process involved in establishing a natural resource lands conservation program. Included are criteria to be considered before any designation change should be approved.

During the *Plan* update, natural resource land designations have been reviewed for consistency with Chapter 365-190 WAC.

(d) Prior uses. Regulations for the conservation of natural resource lands may not prohibit uses legally existing on any parcel prior to their adoption.

The County code allows existing nonconforming uses to be modified, expanded and replaced by conditional use permit. The performance standards for nonconforming uses are provided in SJCC 18.40.310.

(e) Plats and permits. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet, of designated natural resource lands contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

This is one area that Title 18 SJCC should be amended. The required notice is not codified in the plat, permit, and building permit criteria of approval codes. Note: WAC 365-196-815 was last modified in 2010 and this requirement may have been added at that time without a corresponding update to Title 18 SJCC.

(2) Relationship to other programs. In designing development regulations and nonregulatory programs to conserve designated natural resource lands, counties and cities should endeavor to make development regulations and programs fit together with regional, state and federal resource management programs applicable to the same lands. Comprehensive plans and policies may in some respects be adequately implemented by adopting the provisions of such other programs as part of the local regulations.

In SJCC 18.40.020 agricultural activities are required to develop a water quality conservation plan in coordination with the United States Department of Agriculture (USDA). SJCC 18.40.020 states:

“All agricultural activities performed within watersheds for groundwater collection or adjacent to shorelines shall develop a water quality conservation plan with the local USDA representative consistent with “best management practices” and with the goal of protecting water quality. Agricultural activities conducted on agricultural resource (AG) lands will include the water quality plan as a portion of the five-year plan filed with the County assessor.”

The forest practices code in SJCC 18.40.120 through 18.40.180 describe the relationship between County regulations of forestry and the Washington State Department of Natural Resources (WDNR) forest practices program. These regulations require coordination between state and local agencies.

The County has adopted a Voluntary Stewardship Program (VSP), a collaborative process that helps Washington communities ensure healthy landscapes and strong farms for the future. This process is coordinated by the San Juan Islands Conservation District. Chapter 18.35 SJCC provides allowances for agricultural activities in and around critical areas and their buffers provided that the activities are conducted in accordance with the VSP.

- **SJCC 18.40.020;**
- **SJCC 18.40.120 – 180; and**
- **Chapter 18.35 SJCC (VSP provisions).**

(3) Innovative zoning techniques.

(a) When adopting development regulations to assure the conservation of agricultural lands, counties should consider use of innovative zoning techniques. These techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Any nonagricultural uses allowed should be limited to lands with poor soils or lands otherwise not suitable for agricultural purposes.

The innovative zoning techniques in WAC 365-196-815(3) are recommended but not required. There is not a specific provision in Title 18 SJCC that limits non-agricultural uses on AG to only take place on areas with poor soils or otherwise not suitable for agricultural purposes. The County may want to consider adopting this requirement in SJCC 18.30.070 Rural, resource, and special lands – Special provisions.

(b) Examples of innovative zoning techniques include:

(i) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in this subsection;

The County limits density on AG on the *Plan Official Maps (Official Maps)*. The allowed density on AG lands ranges between one dwelling per ten acres and one dwelling per forty acres.

SJCC 18.30.040 prohibits most nonagricultural accessory uses and activities in AG.

(ii) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

The County does not include provisions to allow clustering on all AG land. Clustering of residential development is allowed if the remainder is kept in agricultural or open space uses under the San Juan Valley Heritage Overlay in SJCC 18.35.145.

(iii) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

The County does not have an adopted minimum lot size on AG and FOR lands.

(iv) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land;

The County has not adopted quarter/quarter provisions.

(v) Sliding scale zoning, which allows the number of lots for single-family residential purposes, with a minimum lot size of one acre, to increase inversely as the size of the total acreage increases; and

The County has not adopted sliding scale provisions.

(vi) The transfer or purchase of development rights from agricultural lands, which can be used through cooperative agreements with cities, or counties with nonmunicipal urban growth areas, as receiving areas for the use of these development rights.

The County does not have a TDR program.

(c) Accessory uses on agricultural lands of long-term commercial significance:

(i) Counties may allow certain accessory uses on agricultural lands of long-term commercial significance. Accessory uses can promote the continued use of agricultural lands by allowing accessory uses that add value to agricultural products. Accessory uses can also promote the continued use of agricultural lands by allowing farming operations to generate supplemental income through unrelated uses, provided they are compatible with the continued use of agricultural land of resource production;

Farm stay and farm worker housing is allowed on AG lands. Farm stay allows farm visitor accommodation on farms in the assessor's tax category of agricultural open space. This enables them to participate further in the visitor economy by providing accommodations up to 100 nights a year.

Staff is developing new policies and regulations for roadside stands (farm stands) and agritourism. The draft Economic Development Element includes the following policies and actions to support agriculture:

- **Policy 10.3.B.1.7** Encourage agricultural enterprises and activities in order to enhance agricultural viability and create a thriving local food economy.
- **Action 10.3.B.1.4** Enact feasible tax breaks, code and zoning allowances, or other regulatory changes to encourage startup or expansion of low-impact business activities, such as light manufacturing (in appropriate locations), cottage industries enterprises, value added agricultural product production, software/online/remote businesses, freelancing/consulting, small-scale farming/market stands, food trucks, call centers, childcare services, aging-in-place services, etc.
- **Action 10.3.B.1.14** Foster, develop, and/or financially support programs to enhance cooperation within and among industries (in particular scientific/technological and knowledge work, agricultural, trades, and manufacturing industries) through: information and contact sharing; land, infrastructure, facilities, or tool sharing; peer mentoring; events/programs to encourage permanent and seasonal residents and visitors to meet; and maker or incubator spaces.
- **Action 10.3.B.1.16** Assist new farmers in acquiring access to capital, agricultural land, housing, equipment, knowledge, and farm infrastructure, and encourage their success by supportive commissions.
- **Action 10.3.B.1.18** Allow agricultural activities as defined by RCW 7.48.310 (1).
- **Action 10.3.B.1.19** Foster economic growth through allowing accessory uses identified in RCW 36.70A.177 Section (3)(b)(i), that enhance or preserve the overall agricultural use of the property applicable to ARL, RFF.
- **Action 10.3.B.1.20** Support the expansion of the Cottage Food Operation laws and passage of food freedom legislation introduced in WA State.
- **Policy 10.3.B.2.6** Support the education, training and counseling of county residents toward internships in agriculture to supplement and replace an aging talent pool.
- **Policy 10.3.B.2.7** Support educational training programs and business development for agriculture and value-added processing of local agricultural products.
- **Action 10.3.B.3.18** Cultivate low-impact tourism by encouraging ecotourism, agritourism, and the building of low-impact, appropriate-scale tourism venues; target promotions for ecotourism and agritourism rather than all markets; enforce regulations that protect those features that attract ecotourism and agritourism visitors; and encourage agritourism as an accessory activity on farms whose primary business activity is agriculture defined in RCW 4.24.830.
- **Action 10.3.B.3.23** Support development of infrastructure, such as commercial hubs and cold storage facilities, necessary for the production and distribution of agricultural products and related value-added products on San Juan, Orcas and Lopez Islands; encourage dual use for disaster preparedness (as part of Goal 4).
- **Action 10.3.B.3.24** Expand the leasing of agricultural lands held in public trust to farmers and invest in infrastructure such as fencing, water and housing on those lands to support agricultural production.
- **Action 10.3.B.3.25** Encourage County programs (i.e. Affordable Housing program and Land Bank) to collaborate in the development of affordable farmer/farm worker housing and supporting Ag infrastructure in functional proximity to agricultural lands held in public trust.

- **Policy 10.3.B.4.6** Increase local food production and promote land stewardship and food security as core components of economic resilience.
- **Action 10.3.B.4.1** Identify high impact ways to increase economic diversity, such as investing in programs to support small local industries that provide county exports (e.g. agriculture and natural resource industries, software and information, high-tech manufacturing, etc.).
- **Action 10.3.B.4.18** Enact regulatory incentives for the preservation and enhancement of farmland, working farms and implementation of best management practices that support soil health.

The policies and actions of the Economic Development Element will direct the County to continue to evaluate ways development regulations can support economic growth in the agricultural sector, particularly on AG lands.

(ii) Development regulations must require accessory uses to be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties, and must comply with the requirements of the act;

This requirement must be considered as the County adopts new development regulations for roadside stands and other accessory agricultural uses.

(iii) Accessory uses may include:

(A) Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

(B) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses; and

This requirement must be considered as the County adopts new development regulations for roadside stands and other accessory agricultural uses.

(C) Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection in areas designated as agricultural lands of long-term commercial significance.

(iv) Any innovative zoning techniques must not limit agricultural production on designated agricultural resource lands.

Attachment F: Current Status of DNR San Juan County Lands, February 2017

Management Plan Parcel Number	Island Location	Property Name	Status
1	Orcas	Point Doughty	DNR manages as Point Doughty Natural Area Preserve; includes small water-only recreation site.
5	Orcas	Point Lawrence	Owned by school trust; Under TLT lease to State Parks through 2055; managed as part of Moran State Park. (North parcel acquired from BLM in 1992.)
6	Orcas	Obstruction Pass	Owned by school trust; leased to State Parks under TLT through 2055.
9	Orcas	Cormorant Bay	Once thought to be state-owned; slated for TLT to County Land Bank, but state doesn't have title. Most likely owned by BLM.
13	San Juan	Griffin Bay	DNR-owned and managed recreation site with water-access-only camping; acquired with IAC funding for management as recreation site; managed by State Parks for several years in 2000s; back under DNR management since approximately 2013.
14	San Juan	Cattle Point	DNR manages as Cattle Point Natural Resources Conservation Area; West parcel expanded at north end in 2000 with acquisition of 19 acre former Dougherty property, in partnership with Land Bank. Management of former Dougherty property cooperative between DNR and Land Bank.
15	Lopez	Upright Channel (Bella Tierra in Plan)	DNR-owned and managed day use recreation site; acquired with IAC funding for management as recreation site; managed by State Parks for several years in 2000s; back under DNR management since approximately 2013.
16	Lopez	Odlin South	Owned by School trust; Leased to County under TLT through 2061.
17	Lopez	Lopez Hill	Owned by School trust; Leased to County under TLT through 2059.
23	Blakely	Blakely Island	School trust land.
24	Blakely	Tidelands	State-owned tidelands acquired through exchange in 1975.
25	Center	Center Island	DNR-owned; acquired with IAC funding for management as recreation site; never developed; no facilities.

Disposition of other properties in 1985 San Juan Plan:

- 2, 3, 4, 7 – State Parks (Moran)
- 8, 10, 12, 20, 21, 22 – County
- 11 – National Park Service
- 18, 19 – BLM

DNR Lands in San Juan County as of February 2017

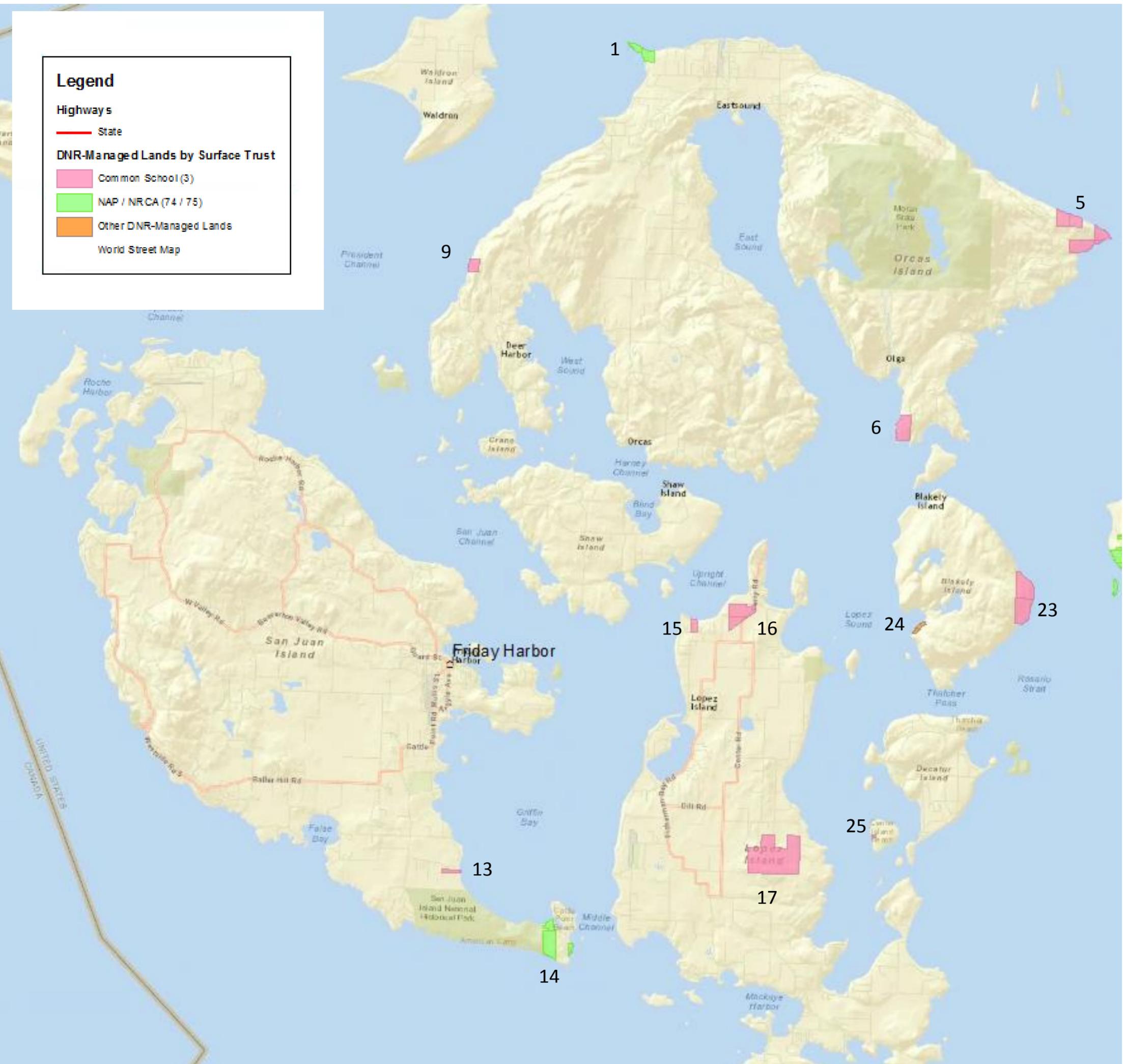
Legend

Highways
 — State

DNR-Managed Lands by Surface Trust

- Common School (3)
- NAP / NRCA (74 / 75)
- Other DNR-Managed Lands

World Street Map



Note: Not everything shown in pink is actually Common School trust land. The recreation sites (13, 15, 25) are administrative land owned by DNR; they are shown as school because of an RCW stating that “other acquired lands” are to be managed in the same manner as school trust lands.