



## MEMO

**REPORT DATE:** July 10, 2023

**TO:** San Juan County Council  
San Juan County Planning Commission

**FROM:** Sophia Cassam, Planner III *sc*

**SUBJECT:** Annual Docket: Requests for Comprehensive Plan Map Amendments  
Staff Analysis and Recommendations

**BRIEFINGS:** County Council: TBD  
Planning Commission: July 21, 2023

**ATTACHMENTS:**

- A. April 5, 2023 DCD letter to 23-0003 agent Jamie Grifo & May 5, 2023 response letter from Jamie Grifo
- B. San Juan County Code (SJCC) 18.30.030 Land use table – Activity center land use designations and SJCC 18.30.040 Land use table – Rural, resource, and special land use designations
- C. Farmland Class and Forest Grade Maps

### PURPOSE

To provide the County Council and Planning Commission with the Department of Community Development's analysis and recommendations regarding the three Comprehensive Plan Official Map amendment requests received through the Annual Docket process.

### BACKGROUND

The County accepts requests for Comprehensive Plan Official Map amendments each year through the annual docket process. These map amendment requests are also known as requests for site-specific redesignation. Requests can include amendments to a land use designation, residential density, or urban growth area boundary. Anyone can submit a request. Typical applicants include individual property owners, businesses, and County departments. Map amendment requests must follow the processes and criteria in the Unified Development Code (UDC) and Comprehensive Plan.

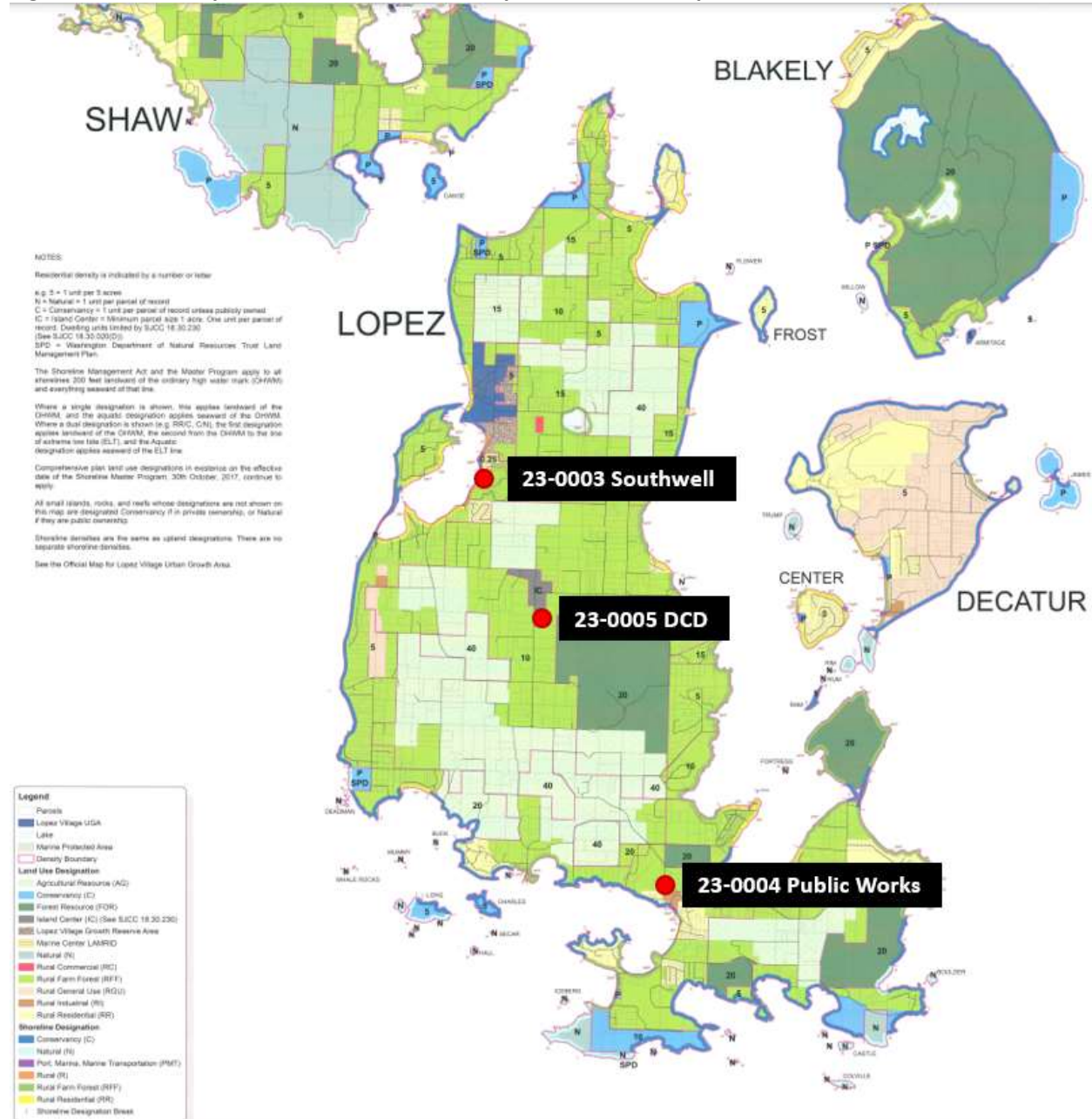
A staff report dated June 5, 2023 provides background information for this report. It explains the Official Map amendment process, relevant UDC and Comprehensive Plan sections, and summarizes this year's three requests. The staff report is available online here:

<https://www.sanjuanco.com/DocumentCenter/View/28255/>

# 2023 REQUESTS

DCD received three requests for Official Map amendments this year. The three requests are on Lopez Island and are shown in Figure 1 below. DCD’s analysis and recommendations for the requests are provided in the following sections of this report.

**Figure 1. 2023 Comprehensive Plan Official Map Amendment Requests**



## Docket Request 23-0003, Southwell

**Table 1. Project Data for Docket Request 23-0003**

Project Data	
Applicant	Linda Southwell
Agent	Jamie Grifo
Site address	3101 Fisherman Bay Rd
Tax parcel	252244002000
Acreage	2.53 acres
Land Use Designation	Rural Farm Forest (RFF)
Density	1 dwelling per 5 acres
Proposal	Change density to 2 dwellings per 2.53 acres (effectively 1 dwelling per 1.25 acres)
Surrounding land use	North: RFF 5, Residential East: RFF 5, Residential South: RFF 5, Residential West: Fisherman Bay
Application Processing	
Link to Application	<a href="https://www.sanjuanco.com/DocumentCenter/View/28206/">https://www.sanjuanco.com/DocumentCenter/View/28206/</a>
Date Submitted	February 24, 2023
Date Deemed Complete	March 31, 2023
Notice of Application	Due July 18, 2023
SEPA Determination	DNS
Recommendation	Not recommended

**Proposal:** The applicant, Linda Southwell, is requesting a change in residential density of a 2.53-acre parcel on Lopez Island, Tax Parcel Number (TPN) 252244002000. The property is designated Rural Farm Forest and the existing density is 1 dwelling unit per 5 acres (Map 1). The request is to change the density to 2 units per 2.53 acres. If approved, an additional dwelling unit would be able to be built and/or the property could be divided into two parcels.

The property is currently owned by the applicant and her sibling. The application states that, “the Property is currently the subject of a partition action in San Juan County Superior Court. If this application is approved by San Juan County, then the Property would be subdivided into two separate lots, and each lot would then be able to be developed with up to one residential dwelling unit. The exact size of each such lot would be determined by the Court as part of the partition action.”

**Existing Conditions:** Staff reviewed the existing conditions of the subject parcel, noting existing development, surrounding land use, site access, and critical areas.

- **Existing Development:** The parcel is developed with one single family residence and detached garage on the eastern portion of the parcel. According to assessor records, both were built in 1961. Existing development is visible in Map 2.
- **Surrounding Land Use:** Map 1 shows the parcel surrounded on three sides (north, east, and south) by land that is designated RFF with a density of 1 unit per 5 acres. To the west is marine shoreline and Fisherman Bay.
- **Site Access:** The site is accessed via an unpaved driveway branching off Fisherman Bay Road, a

public road. Fisherman Bay Road bisects the parcel on its western side. A driveway runs along the southern edge of the parcel.

- Critical Areas and Archaeology: Mapped critical areas are shown in Maps 3 and 4. Critical areas are described separately below for the smaller western portion of the parcel separated by Fisherman Bay Road, which is mostly shoreline, and the main parcel area east of the road. Critical area buffers do not extend across public roads, per SJCC 18.35.130. Any development in the shoreline jurisdiction must be compliant with the SJCC 18.50 Shoreline Management Program.
  - West of Fisherman Bay Road: County critical area maps show geological hazards, including unstable bluffs and slopes greater than 50%. Mapped marine wetlands present. No mapped archaeology.
  - East of Fisherman Bay Road: Slopes greater than 15%. No Fish and Wildlife Habitat Conservation Areas. No mapped wetlands. No mapped archaeology.

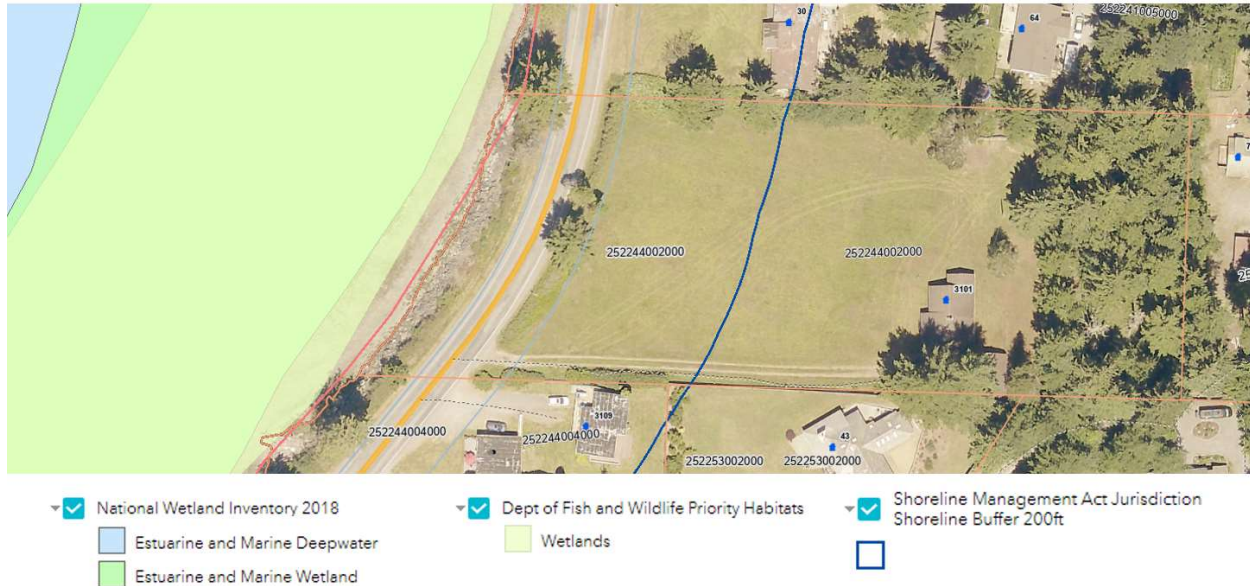
**Map 1. Docket Request 23-0003 Subject Property and Surrounding Land Use Designations.**



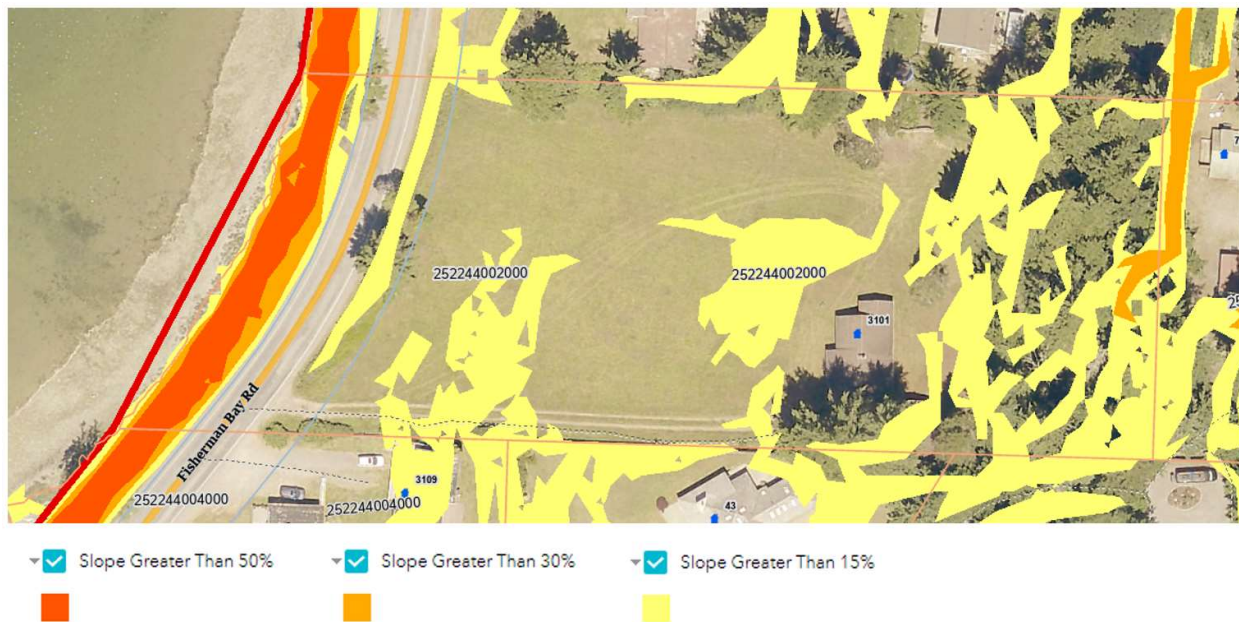
Map 2. Docket Request 23-0003 Subject Property Aerial Map



**Map 3. Mapped Fish and Wildlife Habitat Conservation Areas**



**Map 4. Mapped Geologically Hazardous Areas**



**Staff Analysis:** When DCD first received this redesignation request, staff completed an initial review and found that this request did not meet several criteria for approval in the UDC. Staff sent the applicant’s agent a letter on April 5, 2023, notifying them that the request seemed unlikely to be approved and that they had the opportunity to withdraw and receive a refund of their application fee if they wished (Attachment A). In a May 5, 2023 letter, the applicant’s agent responded to DCD, stating that the applicant wished to proceed with their application (Attachment A). To prepare a recommendation on this proposal, DCD staff analyzed the consistency of the proposal with the UDC and the Comprehensive Plan as shown below.

## UDC Criteria for Approval

San Juan County Code 18.90.030(F) provides criteria for approving Comprehensive Plan map amendment requests. In order to amend the Comprehensive Plan maps, all the criteria must be met. The proposal is assessed for consistency with each criterion below. Staff's assessment is shown in *blue italics*.

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.

*The proposed density increase would benefit only the private property owners by allowing them additional development capacity. The proposal does not 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.

*The map amendment is being proposed to reflect a changed circumstance. According to the application, the co-owners are engaged in a partition action where San Juan County Superior Court will either order division of the property or sale of the property with division of the proceeds. Currently, if the parcel were to be divided, the portion without the existing residence would not be allowed a dwelling unit because the existing parcel has already maximized the current density. The proposal would allow both portions a dwelling unit.*

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

*Comprehensive Plan Element 2, Land Use establishes the desired character, quality, and development patterns for the County's land use designations. The proposed change is inconsistent with the Comprehensive Plan criteria for the Rural Farm Forest land use designation in the Land Use Element. The criteria specify that RFF land should have rural densities at a maximum of one dwelling per five acres (policies 2.5.1.5 and 2.5.3b.1.ii). This property is legally nonconforming to the existing 5-acre density. While the area around the subject parcel is developed to a higher density than most other RFF land, the proposed change would increase the nonconformity.*

*RFF policy 2.5.3.8 states that the County will consider the impacts of incremental changes. The proposal would incrementally increase density in an area already denser than intended by the land use designation.*

*Further analysis of the proposal's consistency with the land use designation criteria in the Comprehensive Plan is provided in the following "Comprehensive Plan Criteria" section of this report.*

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.

*The proposed density increase for this singular parcel would allow the property owners greater privileges and opportunities than those enjoyed by other property owners in the vicinity. The proposal would allow the property owners to divide the land and construct another dwelling unit while the owners of other properties between 2.53 and 10 acres would not be granted this opportunity for land division and additional development. The applicant would be granted greater development privileges than 10 other properties with 5-acre density within 1000 feet. There is no substantive difference between this property and surrounding properties nor is there a public purpose justifying a density increase.*

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

*The proposed change would allow more intense development than the current density allows. In a rural land use designation, further conversion of rural land to higher density development is an adverse impact.*

### Comprehensive Plan Criteria

San Juan County Code 18.90.030(F)(1)(c) states that map amendments must be consistent with the criteria for land use designations specified in the Comprehensive Plan. Comprehensive Plan Section B, Element 2 Land Use contains goals and policies that guide and provide criteria for rural lands and the Rural Farm Forest land use designation. Staff analyzed the proposal for consistency with the Comprehensive Plan and found the proposal to be inconsistent with the following two policies.

#### 2.5.1 General Rural Goals and Policies

4. Prohibit sprawling, low-density development in rural lands. Establish rural densities at a maximum of one dwelling per five acres outside of Activity Centers, LAMIRD, and Master Planned Resorts, where density may be higher.

#### 2.5.3.b Rural Farm-Forest

(1)(ii) Parcels are generally five or more acres in size

The Comprehensive Plan is clear that the maximum density of rural lands, including RFF, should be 1 dwelling per 5 acres. Density refers to the densities allowed by the Comprehensive Plan Official Maps. This does not refer to the actual density of development achieved prior to the establishment of the Comprehensive Plan. There are many places throughout the County where denser development patterns were created before the Comprehensive Plan. The Comprehensive Plan was put in place largely to limit further densification in rural areas and reduce the inappropriate conversion of undeveloped land.

The subject parcel is designated RFF, a rural land use designation, and is outside of any Activity Center, LAMIRD, and Master Planned Resort. The achieved density of residential development in the area surrounding the subject parcel is significantly higher than 1 dwelling per 5 acres. However, this denser development pattern was established prior to the establishment of the Comprehensive Plan land use designations and densities. The proposed density of 2 units per 2.53 acres is inconsistent with the Comprehensive Plan policy for residential density in rural lands.

**Conclusion:** The proposed increase in density of TPN 252244002000 from 1 unit per acre to 2 units per 2.53 acres is inconsistent with the criteria established in SJCC 18.90.030(F) and with the policies of the Comprehensive Plan Land Use Element.

**Staff Recommendation:** Staff recommends no amendment to the Comprehensive Plan Official Maps based on this request.

### Docket Request 23-0004, Public Works

**Table 2. Project Data for Docket Request 23-0004**

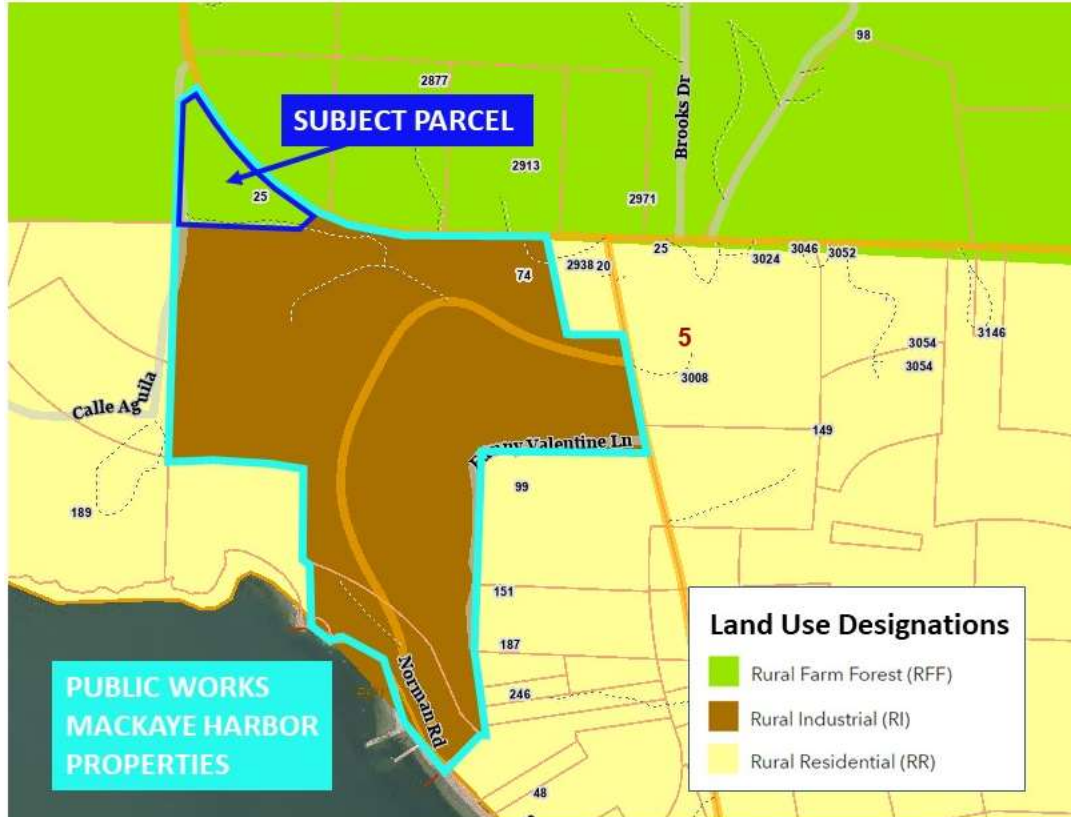
Project Data	
Applicant	San Juan County Public Works
Site address	25 Calle Aguila Rd
Tax parcel	141822009000
Acreage	1.3 acres
Land Use Designation	Rural Farm Forest (RFF)
Density	1 dwelling per 5 acres
Proposal	Change land use designation to Rural Industrial (RI)
Surrounding land use	North: RFF 5, Residential East: RFF 5, Residential South: RI 5, Public Works government services West: RFF 5, Undeveloped
Application Processing	
Link to Application	<a href="https://www.sanjuanco.com/DocumentCenter/View/28207/">https://www.sanjuanco.com/DocumentCenter/View/28207/</a>
Date Submitted	February 27, 2023
Date Deemed Complete	March 31, 2023
Notice of Application	Due July 18, 2023
SEPA Determination	DNS
Recommendation	Map amendment recommended

**Proposal:** The Department of Public Works is requesting a change in the land use designation of a 1.3-acre parcel (TPN 141822009000) from Rural Farm Forest (RFF) to Rural Industrial (RI). The property is adjacent to other parcels owned by Public Works at this location at MacKaye Harbor. The Public Works parcels to the south were redesignated Rural Industrial when the Comprehensive Update was adopted in 2022. Public Works acquired the subject parcel in 2023. The parcel had been previously used for residential purposes, and Public Works plans to use it for governmental services. Specifically, Public Works operates a construction yard at their MacKaye Harbor properties and plans to use the property for supporting activities and offices ancillary to their operations at this site. The proposed change would make the subject parcel the same land use designation as the other Public Works properties here and would allow the uses allowed in the UDC for Rural Industrial lands.

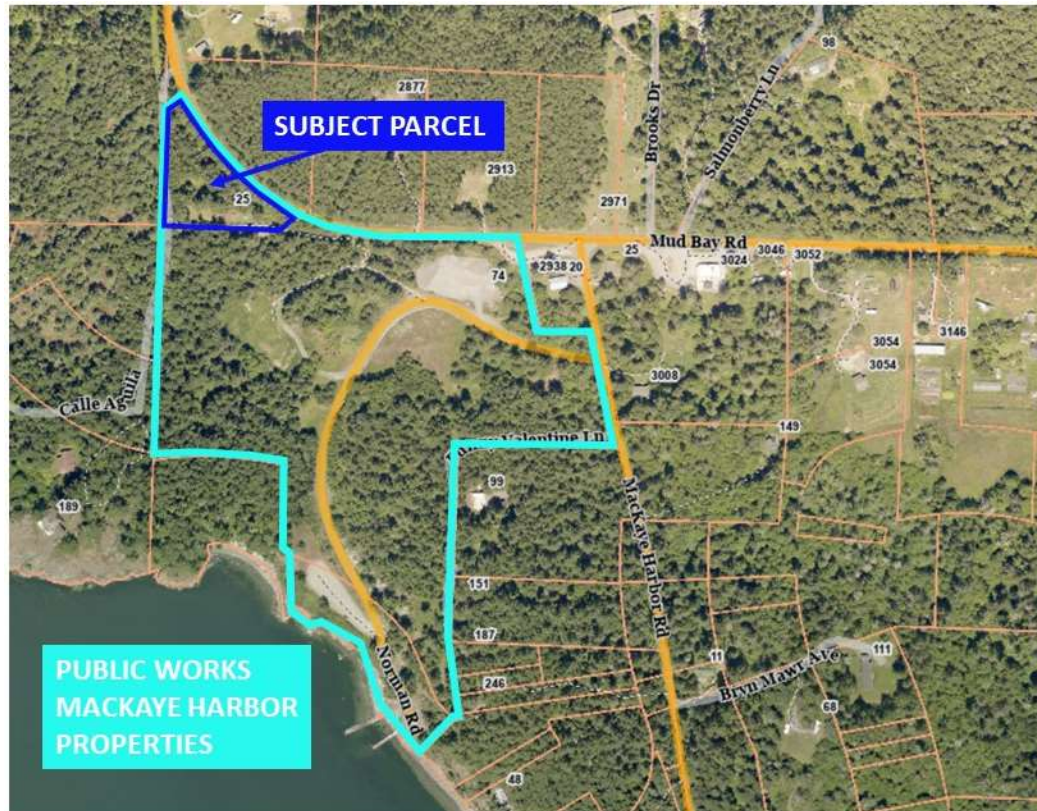
**Existing Conditions:** Staff reviewed the existing conditions of the subject parcel, noting existing development, site access, and critical areas.

- Existing development: According to assessor records, there are four existing structures on the property, all of which were built in 1981. The main structure was previously used as a single family residence and is being converted to Public Works office space. There are also two detached unfinished garages, 234 and 980 square feet, and a 40 square foot carport.
- Surrounding Land Use: The property is surrounded to the north, east, and west by land designated RFF with a density of one dwelling per 5 acres and which is residential and undeveloped. To the south is a Public Works property designated Rural Industrial, which is used for government services primarily as a construction yard (Map 5).
- Site Access: the parcel runs parallel to Mud Bay Road and can be accessed by Calle Aguila road and a driveway off Norman Road, as shown in Map 6.
- Critical Areas: The parcel is not within the buffer of any wetland or Fish and Wildlife Habitat Conservation Area. There is no mapped archaeology on the parcel. Map 7 shows geohazards: slopes greater than 15%, 30%, and 50% within 200 feet of the parcel boundaries.

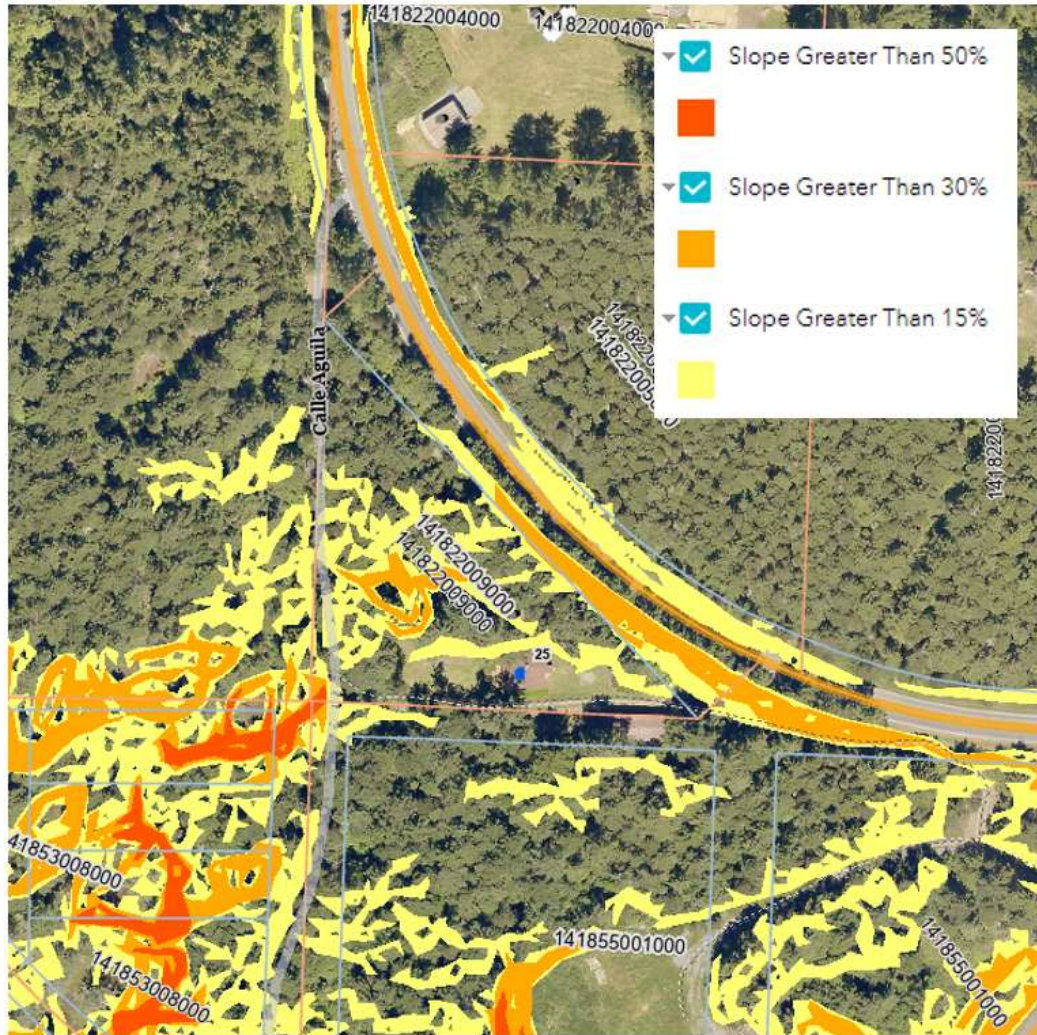
Map 5. Docket Request 23-0004 Subject Property and Surrounding Land Use Designations.



Map 6. Docket Request 23-0004 Subject Property Aerial Map



**Map 7. Mapped Geohazards on TPN 141822009000**



**Comparison of Allowed Uses:** If approved, the proposed land use designation amendment would change what uses are allowed on the parcel, per SJCC Table 18.30.040 Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (Attachment B). There are a variety of industrial uses prohibited in RFF that are allowed in RI. Such uses include bulk fuel storage facilities, construction yards, outdoor storage yards, and a variety of other heavier and lighter industrial activities. This would allow the industrial activities occurring on the Public Works property to the south to expand to the subject parcel. There are also uses allowed in RFF which would no longer be allowed under the RI designation. For example, most residential uses are allowed in RFF but prohibited in RI. In the application, Public Works states that the parcel will be used primarily for offices supporting their operations at the MacKaye Harbor site. Government offices are allowed in RFF by conditional use permit. In RI they require a conditional use permit as well, except where in conjunction with a preexisting governmental services use. The exception allows government offices outright.

**Staff Analysis:** DCD staff analyzed the consistency of the proposal with the UDC and the Comprehensive Plan, as shown below.

#### UDC Criteria For Approval

In order to amend the Comprehensive Plan maps, all the criteria in SJCC 18.90.030(F) must be met. The proposal is assessed for consistency with each criterion below. Staff's assessment is shown in *blue italics*.

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:

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

*The proposed change could benefit the public safety and welfare because it may enable the Department of Public Works to utilize this parcel to effectively serve the public's essential transportation needs. Establishing the Rural Industrial land use designation at the subject will allow for more seamless operations amongst all Public Works properties at MacKaye Harbor and will clearly denote this site as a location of Public Works activities on Lopez.*

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.

*There is a demonstrable need for additional RI land on Lopez Island. There are currently only three parcels designated RI on Lopez: one privately owned 9.52-acre parcel near the Lopez Island Airport and two parcels owned by San Juan County Public Works at MacKaye Harbor. Construction yards and many other industrial activities are prohibited in most other land use designations—particularly the ones most prevalent on Lopez, including Rural Farm Forest, Agricultural Resource, and Forest Resource lands. Redesignating this 1.3-acre parcel will not solve Lopez's need for RI land; however, it will support existing activities associated with Public Works operations on one of Lopez's limited RI sites.*

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

*The subject parcel meets the Comprehensive Plan criteria for Rural Industrial lands. See Comprehensive Plan criteria analysis in following section.*

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.

*The proposal would increase the amount of RI land in an area already designated RI. There is a history of rural industrial uses in the vicinity, including equipment storage, material stockpiling, and construction staging. There is a construction yard on the parcel directly south of the subject parcel. While the proposed change would allow Public Works opportunities for rural industrial activities not enjoyed by other private property owners in the immediate vicinity at this time, the proposed change is justified because it serves a public purpose. Changing the land use designation of this parcel will support Public Works' operations and their ability to provide services to Lopez Island and other nearby outer islands.*

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

*The change would provide a public benefit by allowing Public Works to utilize this parcel to the full extent necessary to support their operations at the MacKaye Harbor site. Potential adverse impacts of the change include additional traffic down Calle Aguila, as well as noise and more intensive use of this land attributed to activities supporting the construction yard. Staff finds the public benefits of the change would outweigh any potential adverse impacts.*

#### Comprehensive Plan Criteria

Comprehensive Plan Section B, Element 2, Land Use provides designation criteria for Rural Industrial lands in Policy 2.5.3.d(1), shown below. All criteria must be met. Staff analysis is shown in blue italics.

(1) Areas which are characterized by the following criteria may be designated as Rural Industrial on the Plan Official Maps:

i. Lands with an existing or historical commitment to rural industrial uses;

*The subject parcel is adjacent to a parcel with existing and historical rural industrial uses, including use as a construction yard and usage for equipment storage, material stockpiling, and construction staging. The subject parcel itself does not have an existing or historic commitment to rural industrial uses. The parcel was previously used for residential purposes. However, the property will support and extend existing rural industrial activity.*

ii. Lands with direct access to a public roadway classified as a minor or major arterial;

*The parcel is bordered by Mud Bay Road, a major arterial public road. The parcel is currently accessed by Calle Aguila, a private road, and by a driveway accessible indirectly from Norman Road, a public road. The parcel has potential to be accessed directly from Mud Bay Road.*

iii. Lands where on-site physical features can be used to protect surrounding lands from negative impacts; and

*The parcel is separated from other parcels to the north and east by major public arterial, Mud Bay Road, providing a buffer for impacts of industrial activity. The parcel abuts other RI land owned by Public Works to the south, where concerns for potential impacts on this parcel are negligible. Impacts on the subject parcel are not expected to exceed any impacts on the property to the south. Existing development on the parcel is shielded by trees and a downward slope, which can protect against some potential visual and noise impacts.*

iv. Areas with parcels sizes large enough to accommodate expansion of existing uses or serve several new uses in a concentrated area.

*The parcel is large enough to accommodate expansion of the existing structure for offices and some expansion of other Public Works activities associated with the construction yard, such as equipment storage.*

**Conclusion:** The proposed redesignation of Public Works’ parcel, TPN 141822009000, meets criteria established in SJCC 18.90.030(F) and policies of the Comprehensive Plan Land Use Element.

**Staff Recommendation:** Staff recommends amending the land use designation of TPN 141822009000 to Rural Industrial, according to this request.

**Docket Request 23-0005, Department of Community Development**

**Table 3. Project Data for Docket Request 23-0005**

Project Data	
Applicant	San Juan County Department of Community Development
Site address	86 School Road
Tax parcels	253512004000, 253513001000
Acreage	9.51 acres, 9.90 acres respective to above parcels
Land Use Designation	Island Center LAMIRD
Density	1 dwelling per parcel, min. parcel size 1 acre
Proposal	Change land use designation to RFF and density to 1 dwelling per 10 acres
Surrounding land use	North: Island Center, educational services East: RFF, residential and undeveloped land South: RFF, undeveloped land West: RFF, residential and undeveloped land
Link to Application	<a href="https://www.sanjuanco.com/DocumentCenter/View/28208/">https://www.sanjuanco.com/DocumentCenter/View/28208/</a>
Date Submitted	February 28, 2023
Date Deemed Complete	March 31, 2023
Notice of Application	Due July 18, 2023
SEPA Determination	DNS
Recommendation	Map amendment recommended

**Proposal:** The Department of Community Development submitted an application proposing a change in the land use designation of Lopez Island School District parcels 253513001000 (9.90 acres) and 253512004000 (9.51 acres) from Island Center to Rural Farm Forest. The properties contain the school’s sports fields and tennis courts. DCD submitted the amendment request in coordination with the Lopez Island School Board.

The school district is seeking an opportunity for employee housing to be built on school property. The Island Center designation limits housing to one unit per parcel, accessory to an existing commercial, industrial, or institutional structure per SJCC 18.30.230. During the 2019 Annual Docket, Lopez Island School District submitted an application requesting amendments to the UDC and Comprehensive Plan to allow residential development in Island Center. The County Council added the request to the DCD work plan by Resolution 29-2019, guiding DCD to consider the request during the 2036 Comprehensive Plan Update. During the Update, the County chose not to allow residential development in Island Center because the IC designation is one of only a few places on Lopez where commercial and industrial uses are allowed. The Limited Area of More Intense Rural Development (LAMIRD) was established, in part, to provide a rural area where more intense development is allowed and protect this area from being converted to low density residential development.

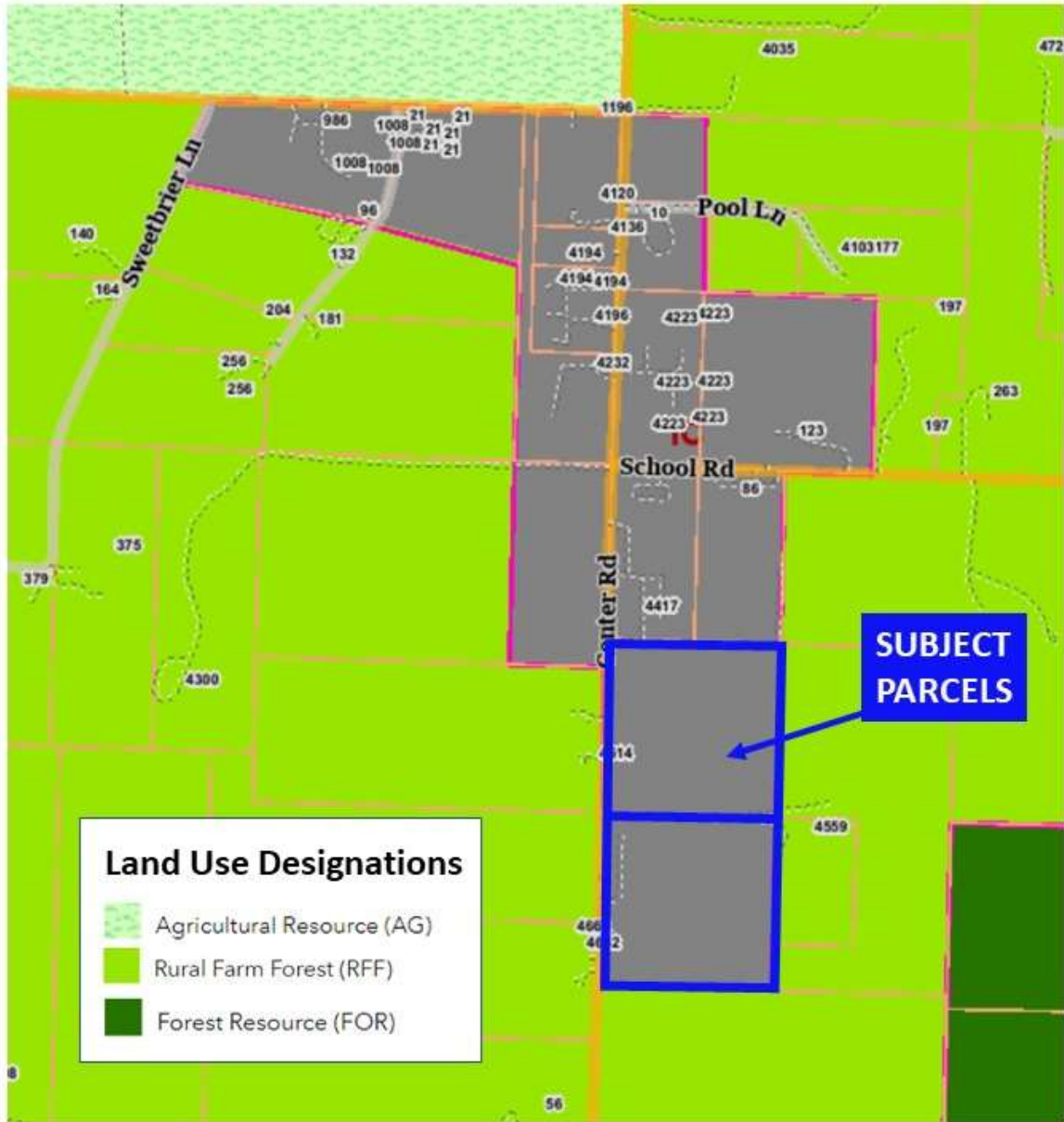
The RFF designation is being proposed because allows Rural Residential Cluster Developments and would open an opportunity to create housing for school employees, and because the parcels are contiguous with surrounding RFF land.

**Existing Conditions:** Staff reviewed the existing conditions of the subject parcel, noting existing development, site access, and critical areas.

- **Existing development:** The two properties contain Lopez Island School District’s outdoor athletic facilities (Map 8). According to assessor records, the northern parcel, TPN 253512004000, is developed with two carports totaling 528 sq. ft. built in 2010, and a wood deck (260 sq. ft.) and shed (424 sq. ft.) built in 2015. This property contains three sports fields and an athletic track. The southern parcel, TPN 253513001000, is developed with four tennis courts.
- **Surrounding Land Use:** The properties are adjacent to the school buildings, which are on properties designated Island Center, to the north (Map 9). To the east, south, and west the land use designation is Rural Farm Forest with a density of 1 unit per 10 acres and there is a mix of residential development, agricultural use, and undeveloped land.
- **Site Access:** Both parcels are bordered to the west by a major arterial public road, Center Road. Both parcels are accessible by driveways off Center Road.
- **Critical Areas:** Map 10 shows a Type F (fish bearing) stream running through the southeastern portion of the southern parcel. Any future development on this parcel would be subject to a Fish and Wildlife Habitat Conservation Area buffer from the stream.



Map 9. Docket Request 23-0005 Subject Property and Surrounding Land Use Designations.





**Staff Analysis:** DCD staff analyzed the consistency of the proposal with the UDC and the Comprehensive Plan, as shown below.

UDC Criteria For Approval

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:

c. 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.

*The change is warranted 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. According to Comprehensive Plan Section B, Element 2, Land Use policy 2.5.2.1.c, the Island Center land use designation was established to allow commercial and industrial uses in a limited area outside of urban growth areas. The subject parcels are not expected to develop with commercial or industrial activities because they are owned by the Lopez Island School District. Due to their large parcel sizes and the presence of forested area, open space, and surrounding RFF land, the subject parcels more closely meet the criteria for the RFF designation in the Comprehensive Plan.*

*The change is also warranted because of a change in circumstances. A lack of housing affordable to Lopez Island School District employees is affecting the district's ability to provide educational services to the Lopez community. It is difficult to hire and retain staff when housing is not available. The 2019 docket application and subsequent resolution discussed above demonstrate the school district's effort to address their housing need and the County's desire to explore opportunities to allow them to develop housing on their properties. The growing need for school employee housing warrants consideration of changing the land use designation of the subject parcels from Island Center for RFF. Island Center limits housing to reserve opportunities for commercial and industrial activities, whereas RFF is characterized by open space and/or forested areas and allows a variety of housing types.*

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

*The proposed change is consistent with the criteria for the RFF land use designation specified in the Comprehensive Plan. See analysis in Comprehensive Plan section below.*

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.

*The parcels are surrounded to the east, south, and west by RFF land, which is the same as the proposed redesignation. The proposed change would not give the Lopez Island School District greater privileges or opportunities than those enjoyed by other property owners in the vicinity.*

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

*The proposed change would decrease the amount of land in the Island Center LAMIRD, hypothetically reducing opportunities for commercial and/or industrial businesses in an area set aside for such activities. However, because the properties are occupied by the Lopez Island School District, it is unlikely this land would be available for commercial or industrial development in the near future. The public benefit of creating an opportunity for school employee housing would address an immediate and longstanding need.*

#### Comprehensive Plan Criteria

Comprehensive Plan Section B, Element 2, Land Use provides designation criteria for Rural Industrial lands in Policy 2.5.3.b(1), shown below. All criteria must be met. Staff analysis is shown in blue italics.

(1) Areas which are characterized by the following criteria may be designated as Rural Farm-Forest lands on the Official Maps:

i. The predominant land use is farming and forestry mixed with residential development;

*The predominant land use of the northern parcel is athletic facilities for an existing primary and secondary school. The southern parcel contains school athletic facilities as well as approximately 3.5 acres of forested area and 2.8 acres of grassy open area.*

ii. Parcels are generally five or more acres in size; and

*Both parcels are approximately 10 acres.*

iii. Soils are suitable for small-scale agricultural or forestry uses.

*The subject parcels' soils are rated by the USDA and NRCS as prime farmland and by the Washington State Department of Natural Resources as Class III and Class IV-grade forestland (Attachment C)*

The proposal meets Comprehensive Plan RFF designation criteria ii. and iii. regarding parcel size and suitability for agricultural or forestry activities. Regarding criteria i., while the predominant land use is not currently farming or forestry mixed with residential development; however, if the parcel were to be redesignated RFF and in the future the parcel were to either undergo a change in use or ownership, the parcel could be readily used for the uses described in policy 2.5.3.b(1)(i).

The proposal is additionally supported by Comprehensive Plan Elements other than the Land Use Element. Comprehensive Plan Element 5, Housing, Goal 7, policy 6, states, "Encourage public sector

employers (such as the Town of Friday Harbor, San Juan County, school districts, fire districts, public health districts, etc.) to provide for affordable housing options for their employees utilizing lands currently owned and operated by those entities.” The proposed map amendment would empower the Lopez Island School District to provide affordable employee housing utilizing lands they currently own.

**Comparison of Allowed Uses:** If approved, the proposed land use designation amendment would change what uses are allowed on the parcels, per SJCC Tables 18.30.030 Land use table – Activity center land use designations and 18.30.040 Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (Attachment B). The current Island Center LAMIRD designation allows a variety of commercial, industrial, and institutional uses. These uses would be prohibited if the land use designation were changed to RFF. RFF allows existing schools outright per SJCC 18.30.040, therefore a nonconformity would not be created by the proposed redesignation.

Island Center limits housing to protect limited rural areas available for commercial and industrial development from the location of incompatible residential development. Housing is limited as follows in SJCC 18.30.230(C):

C. Residential Development Standard.

1. One dwelling unit per parcel is allowed.

a. The unit must be an accessory to a commercial, institutional, or industrial use, and must be subordinate to the commercial, institutional, or industrial structure. The dwelling unit shall not be constructed prior to the establishment of the primary commercial, institutional, or industrial use, but may be constructed concurrently.

b. Notwithstanding the definition of “dwelling unit” in SJCC 18.20.040, the dwelling unit may not include an accessory dwelling unit in addition to the main residence.

2. All other new residential development is prohibited.

Under the RFF designation, the Island Center residential development standard above would no longer apply. Residential development would no longer be required to be tied to an existing institutional structure. The residential density in the RFF land in the vicinity is one dwelling per 10 acres. For consistency, the density of the subject parcels would be one dwelling unit per 10 acres as well. The proposed change would only allow the school district two market rate single family residences. However, unlike Island Center, RFF allows Rural Residential Cluster Developments, an affordable housing model allowed by SJCC 18.60.230, which allows up to 12 dwelling units per cluster in an open space preserving manner. The school district has identified Rural Residential Cluster Developments as a potential solution to addressing their need for staff housing.

The minimum parcel size in Island Center is 1 acre. Under the current regulations, these parcels could be divided into 18 parcels with commercial and industrial activities and up to one dwelling subordinate to a commercial or industrial use per parcel. The proposed change to RFF with a density of one dwelling per 10 acres would decrease the amount of total development potential allowed by the UDC and Comprehensive Plan on these parcels.

**Conclusion:** The proposed redesignation of Lopez Island School District’s parcels 253512004000 and 253513001000 meets the criteria established in SJCC 18.90.030(F) and policies of the Comprehensive Plan.

**Staff Recommendation:** Redesignate Lopez Island School District’s parcels 253512004000 and 253513001000 Rural Farm Forest.

**STAFF BRIEFINGS AND NEXT STEPS**

The dates below are subject to change depending on Planning Commission and County Council schedules and deliberations:

**Table 4. Tentative Schedule for Annual Docket Map Amendment Process.**

Date	Step
July 19	Applicant deadline to mail notices and post signs per SJCC 18.90.030(E)
July 21	Briefing to Planning Commission on staff analysis and recommendation regarding proposed map amendments
July 25 (needs Council confirmation)	Briefing to Council on staff analysis and recommendation regarding proposed map amendments
August 18	Planning Commission public hearing
Early September	Briefing to council on Planning Commission recommendation (1 <sup>st</sup> touch on ordinance)
September	Draft ordinance 2 <sup>nd</sup> touch
Late Sept. or early Oct.	Council public hearing



**SAN JUAN COUNTY**  
**WASHINGTON**

*Department of Community Development  
135 Rhone Street · PO Box 947  
Friday Harbor, WA 98250  
360-378-2354*

*sanjuanco.com/1778/Community-Development*

James (Jamie) P. Grifo, Attorney at Law  
The Law Office of James P. Grifo, LLC  
164 Dougherty Lane, Cabin  
Friday Harbor, Washington 98250

April 5, 2023

Dear Jamie Grifo,

Thank you for submitting the site-specific redesignation docket application, LANDUSE-23-0018, on behalf of Linda Southwell. We have reviewed the application to change the residential density tax parcel 252244002000 designated Rural Farm Forest (RFF) from 1 dwelling per 5 acres to 2 dwellings per 2.53 acres. The application is complete and responds to all application requirements.

In order for the Department of Community Development to support a site-specific redesignation request, the proposal must meet all the criteria for approval of Comprehensive Plan Official Map Amendments in San Juan County Code (SJCC) 18.90.030(F). Having reviewed the application, we are unable to recommend approval the proposed map amendment because it does not meet the criteria for approval.

Staff finds that the application does not meet the criteria for the reasons explained in the attachment.

There are two options for proceeding. Because the application is complete and you have paid the \$4,050 application fee, DCD can continue to process the application through the Annual Docket process. This includes Planning Commission and County Council consideration at public hearings. Alternatively, you may withdraw the application prior to the Planning Commission's initial docket review. If you withdraw you will receive a full refund of your application fee.

Please let me know how you would like to proceed before April 28, 2023. I am happy to answer any questions about our assessment of the application.

Thank you,

A handwritten signature in black ink that reads "Sophia Cassam".

Sophia Cassam, Planner III  
SJC Department of Community Development  
(360) 370-7589  
[sophiac@sanjuanco.com](mailto:sophiac@sanjuanco.com)

## Attachment

SJCC 18.90.030(F)

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.

*Comprehensive Plan Element 2, Land Use establishes the desired character, quality, and development patterns for the County's land use designations. The proposed change is inconsistent with the Comprehensive Plan criteria for the Rural Farm Forest land use designation in the Land Use Element. The criteria specify that RFF land should have rural densities at a maximum of one dwelling per five acres (policies 2.5.1.5 and 2.5.3b.1.ii). This property is legally nonconforming to the existing 5-acre density. While the area around the subject parcel is developed more density than most other RFF land, the proposed change would increase the nonconformity.*

*RFF policy 2.5.3.8 states that the County will consider the impacts of incremental changes. The proposal would increase density in an area already denser than intended by the land use designation.*

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.

*The proposed density increase for this singular parcel would allow the property owners greater privileges and opportunities than those enjoyed by other property owners in the vicinity. The proposal would allow the property owners to divide the land and construct another dwelling unit while the owners of other properties between 2.53 and 10 acres would not be granted this opportunity for land division and additional development. The applicant would be granted greater development privileges than 10 other properties with 5-acre density within 1000 feet. There is no substantive difference between this property and surrounding properties nor is there a public purpose justifying a density increase.*

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

THE LAW OFFICE  
OF  
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May 5, 2023

Via E-mail to: [sophiac@sanjuanco.com](mailto:sophiac@sanjuanco.com)  
Sophia Cassam, Planner III  
SAN JUAN COUNTY DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
135 Rhone Street  
Friday Harbor, WA 98250

**Re: LANDUSE-23-0018**

Dear Sophia:

Thank you for your letter of April 5, 2023, and for your offer to refund my client's application fee. My client would like DCD (and the County) to process the application through the Annual Docket process as described in your letter.

I understand that based upon your initial review of my client's application, DCD is concerned that the application does not satisfy SJCC 18.90.030(F)(1)(c) and SJCC 18.90.030(F)(1)(d). However, in preparing your recommendation regarding my client's application, I would ask you to please consider the following:

SJCC 18.90.030(F)(1)(c) states: "The change is consistent with the criteria for land use designations specified in the Comprehensive Plan." The subject property is designated as Rural Farm Forest under the County's Comprehensive Plan. Section 2.5.3 of Element 2, Land Use, identifies goals and policies for Rural Land Use Designations, which includes "providing people with choices of living environments at lower densities or use intensities than those in Activity Centers." The application proposes a modest increase to the assigned density, which if approved, would still result in lower density than that allowed in the Lopez UGA or LAMIRD, and which would bring the subject property into conformity with the established pattern of development in the immediate vicinity.

You point out that Policy 2.5.1.5 and Policy 2.5.3(b)(1)(ii) establish a rural density at the maximum of one dwelling per five acres. While Policy 2.5.1.4 does contemplate a maximum density of one dwelling per five acres, the subject property is already denser than this preference, and the immediately surrounding properties are significantly more dense than the subject property. Policy 2.5.3(b)(1)(ii) states that parcels in the Rural Farm-Forest land use designation "are generally five or more acres in size," but speaks nothing of density. The use of the adverb "generally" highlights that this policy is aspirational, and is not always the case. Certainly, the Comprehensive Plan as a whole is a tool designed to guide local jurisdictions in their land use planning and development, but there will always be unique situations and factual circumstances that warrant deviation from generalized goals and

policies. The County should evaluate the consequence of increasing the maximum density for the subject property, which in this case would allow for the creation of another single-family residence to be located close to the Lopez Village UGA and LAMIRD, and which would help to bring the subject property into conformity with the existing pattern of development. As explained in the application materials, there are five parcels adjacent to, and in the immediate vicinity of, the subject property. There are a total of 9 units on these adjacent properties, which together total 6.54 acres of land. Therefore, the achieved density is 6.85 units per 5 acres ( $9 \text{ units} / 6.54 \text{ acres} = 1.37 \text{ units per acre} \times 5 = 6.85 \text{ units per 5 acres}$ ). This is significantly denser than the maximum residential density currently assigned (one unit per five acres). If the County were to approve of the application (and if the subject property were to benefit from two units), then the achieved density would be **reduced to 6 units per 5 acres**, which would have the effect of bringing existing development more in line with the currently assigned maximum density under the Comprehensive Plan.

More generally, please consider that all site-specific applications for an increase in maximum allowable density will always be “inconsistent with the Comprehensive Plan,” since these applications always seek a change to the Comprehensive Plan’s assigned density. You point out that the subject property is legally nonconforming to the assigned maximum density, which is true; however, the application is asking for the County to consider the unique factual circumstances in this case, and to realize that the requested increase in density will actually have the effect of bringing the subject property into more conformity with the existing and established pattern of development in the immediate vicinity, and help to bring the entire vicinity into greater alignment with the density for the area established by the Comprehensive Plan.

You note that Policy 2.5.3.8 directs the County to consider impacts of incremental changes, but this policy is designed to guide decision-making with regard to “nonconforming uses.” The application is not proposing to alter, modify, or expand a non-conforming use, it is simply seeking a slight increase in the maximum allowable density, so that the subject property can support a total of two single-family residences, and single-family residential uses are preferred uses in the Rural Farm Forest land use designation.

As to your concern arising under SJCC 18.90.030(F)(1)(d), the proposed density increase for this parcel will not afford the owners greater privileges and opportunities than those enjoyed by owners in the vicinity. While the term “vicinity” is not defined in the Code, if the County considers the density of the properties adjacent to the subject property, then it quickly becomes clear that neighboring property owners are currently enjoying greater privileges and opportunities than the subject property.

I very much appreciate your consideration of the foregoing, and ask that you please feel free to contact me if you have any questions or require any additional information to make an informed recommendation to the Planning Commission on the application.

Very truly yours,

**The Law Office of James P. Grifo, LLC**



James P. Grifo

**18.30.030 Land use table – Activity center land use designations.**

**How to Use This Table**

Table 18.30.030 displays the classification of uses for activity center land use designations.

The allowability and classification of uses as represented in the tables are further modified by the following:

- The location may have a multiple designation; this would be true if the Shoreline Master Program, a subarea plan, or an overlay district applied to the location. Note that designations within the shorelines jurisdiction use some of the same names as the uplands land use designations but allowable uses may differ substantially between the uplands and shorelines designations. The Shoreline Master Program (SMP) should be consulted if the location of interest is subject to the SMP jurisdiction. See also notes 1 – 3 to this table.
- All regulations in this code apply to the uses in these tables. To determine whether a particular use or activity can occur in a particular land use designation and location, all relevant regulations must also be consulted in addition to this table.

Categories of uses:

Y = Uses allowed outright (i.e., without a project permit), subject to the applicable development standards (Chapter 18.60 SJCC); if a building or other construction permit is required, this use is subject to administrative consistency review; see SJCC 18.80.070.

P = Provisional use (a project permit), subject to administrative consistency review for compliance with Chapter 18.60 SJCC, Development Standards, and Chapter 18.40 SJCC, Performance and Use-Specific Standards; see SJCC 18.80.080.

P/C = After review of SJCC 18.80.090 and Table 8.2, the administrator will determine whether a provisional or conditional use permit will be required.

C = Conditional use, subject to public notice and permit hearing procedure; see SJCC 18.80.100.

P.A. = Plan Amendment. The use requires an amendment to an adopted master plan; see SJCC 18.30.060 and 18.90.060.

N = Prohibited use.

Basic activity center land use designations:

VC = Village Commercial HC = Hamlet Commercial

IC = Island Center VI = Village Industrial

HI = Hamlet Industrial MPR = Master Planned Resort

VR = Village Residential HR = Hamlet Residential

Residential Activity Center = Rural Residential, Table 18.30.040 (SJCC 18.30.220(C)(2))

Also see designations and associated regulations for Eastsound, Olga Hamlet, Orcas Village, Deer Harbor and Country Corner Island Center (LAMIRD).

**Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>**

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>(15)</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
<b>Commercial Uses</b>								
Animal shelters and kennels	P	C	N	C	C	N	C	P.A.
Automotive fuel, service, and repair stations	P	P	N	P	P	N	P	P.A.
Bed and breakfast inn	P	N	C	P	N	C	N	P/C
Bed and breakfast residence	P	N	P	P	N	P	P	P
Camping facilities	P	N	N	C	N	N	N	P.A.

Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>(15)</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
Day care with 1 – 6 children	P	P	P	P	P	P	P	P
Day care with 7+ children	P	C	P	P	C	P	P	P/C
Drinking establishment	Y	N	N	Y	N	N	N	P/C
Eating establishment	Y	N	N	Y	N	N	N	P/C
Hotel/Motel	Y	N	N	C	N	N	N	P.A.
Indoor entertainment facility	Y	P/C	N	C	C	N	N	P/C
Nursing homes	P	N	N	N	N	N	N	P.A.
Personal and professional services	Y	N	N	Y	N	N	N	P/C
Personal wireless service facilities, co-located on an existing, permitted stand-alone tower, or mounted to the surface of an existing structure	P	P	C <sup>(10)</sup>	P	P	C <sup>(10)</sup>	P	P.A. (P/C where allowed)
Personal wireless service facilities mounted on a building which meets the height standards of the land use designation, or facilities camouflaged or disguised as an allowable exemption to the height standard	P	P	C	P	P	C	P	P.A. (P/C where allowed)
Personal wireless service facilities, other	C	C	N	C	C	N	C	P.A. (C where allowed)
Residential care facilities with up to 8 persons	P	N	P	P	N	P	P	P.A.
Residential care facilities with 9 – 15 persons	P	N	C	P	N	C	P	P.A.
Resorts and camps, new	P	N	N	C	N	N	N	See Note 5
<b>Commercial Uses</b>								
Existing resorts and camps, expansion of existing uses without increase to scope or scale	P	P	P	P	P	P	P	See Note 5
Existing resorts and camps, increase in scope or scale of facilities or services	P/C	P/C	P/C	P/C	P/C	P/C	P/C	See Note 5
Retail sales and services	P	P/C	N	P	N	N	P	P/C
Warehouse, mini-storage, and moving storage facilities	N	P	N	N	P/C	N	P	P.A.
Unnamed commercial uses	P/C	P/C	N	P/C	P/C	N	P/C	P/C
<b>Industrial Uses</b>								
Bulk fuel storage facilities	N	C	N	N	C	N	P/C	P.A.
Concrete and concrete batch plants	N	C	N	N	N	N	N	P.A.
Construction yards	N	P	N	N	P/C	N	P	P.A.

Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>(15)</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
Feedlots	N	N	N	N	N	N	N	P.A.
Garbage and solid waste transfer stations	N	P	N	N	C	N	P/C	P.A.
Heavy equipment rental services	N	C	N	N	N	N	P	P.A.
Heavy industrial	N	C	N	N	N	N	N	P.A.
Light industrial	N	P	N	N	P/C	N	P/C	P.A.
Light manufacturing	C	P	N	N	P/C	N	P/C	P.A.
Lumber mills, stationary	N	N	N	N	N	N	C	P.A.
Marijuana production and processing, Tiers 1 and 2 <sup>(13, 14)</sup>	N	C	N	N	C	N	C	N
Marijuana production and processing, Tier 3	N	N	N	N	N	N	N	N
Mining and mineral extraction activities	N	C	N	N	N	N	N	P.A.
Outdoor storage yards	N	P	N	N	P/C	N	P	P.A.
Reclamation of mineral extraction sites	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P.A.
Recycling collection/processing	P/C	P/C	N	P/C	P/C	N	P/C	P.A.
Recycling collection	P	P	P/C	P	P	P/C	P	Y
Resource processing accessory to extraction operations	N	N	N	N	N	N	N	P.A.
Wholesale distribution outlet	N	Y	N	N	P/C	N	P/C	P.A.
Wrecking and salvage yards	N	C	N	N	N	N	N	P.A.
<b>Industrial Uses</b>								
Storage and treatment of sewerage, sludge and septage – lagoon systems	N	N	N	N	N	N	N	P.A.
Unnamed industrial uses	P/C	P/C	N	P/C	N	N	P/C	P.A.
<b>Institutional Uses</b>								
College or technical school/adult education facility	P	P/C	N	P/C	P/C	N	N	P.A.
Community club or community organization assembly facility	P	N	P/C	P	N	P/C	N	P/C
Emergency services	Y	P/C	N	Y	Y	N	Y	P/C
Government offices	Y	N	N	N	N	N	N	P.A.
Institutional camps	N	N	N	N	N	N	N	P.A.
Library	Y	N	Y	Y	N	Y	N	P/C
Museum	Y	N	N	Y	N	N	N	P/C
Post office	Y	N	N	Y	N	N	N	P/C

Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>(15)</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
Religious assembly facility	P	C	C	P/C	C	C	P	P.A.
School, primary and secondary	Y	N	C	Y	N	C	Y	P.A.
Unnamed institutional uses	C	C	C	C	C	C	C	P.A.
<b>Recreational Uses</b>								
Camping facilities in public parks	P	N	N	C	N	N	N	P.A.
Indoor recreation facilities	Y	P/C	N	P/C	P/C	N	P/C	P/C
Outdoor recreation developments	P	P/C	C	P/C	P/C	N	P/C	P/C
Parks	P	N	C	P	P	C	P	P/C
Playing fields	P	N	P	P	P	P	P	P/C
Recreational vehicle parks	P/C	P/C	N	P/C	N	N	N	P.A.
Outdoor shooting ranges	N	N	N	N	N	N	N	P.A.
Unnamed recreational uses	C	C	C	C	C	C	C	P.A.
<b>Residential Uses</b>								
Cottage enterprise	P	P	P	P	P	P	P	P.A. <sup>(6)</sup>
Farm worker accommodations	P	N	P	Y	N	P	P	P.A. <sup>(6)</sup>
Farm stay	P	N	P	P	N	P	N	P.A. <sup>(6)</sup>
Home occupation	Y	Y	Y	Y	Y	Y	Y	P.A. <sup>(6)</sup>
Mobile home parks <sup>(7)</sup>	N	N	P	N	N	P	N	P.A. <sup>(6)</sup>
Multifamily residential units (3+ units)	P	P/C	Y	Y	N	Y	N	P.A. <sup>(6)</sup>
<b>Residential Uses</b>								
Single-family residential (1 unit only) or accessory apartment (1 unit only) accessory to an allowable nonresidential use	Y	Y	Y	Y	Y	Y	Y <sup>(9)</sup>	P.A. <sup>(6)</sup>
Single-family residential unit	Y	P/C	Y	Y	Y	Y	N	P.A. <sup>(6)</sup>
Two-family residential (duplex)	Y	P/C	Y	Y	P/C	Y	N	P.A. <sup>(6)</sup>
Rural residential cluster development	N	N	P/C	N	N	P/C	N	N
Unnamed residential uses	C	C	C	C	C	C	N	P.A. <sup>(6)</sup>
Vacation rental of residence or accessory dwelling unit	P	P	C	P	P	C	P	P.A. <sup>(6)</sup>
<b>Transportation Uses</b>								
Airfields	N	C	N	N	N	N	N	P.A.
Airports	N	C	N	N	N	N	N	P.A.



Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>(15)</sup>			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
Nurseries	Y	N	N	Y	N	N	Y	P/C
Small-scale slaughterhouses	N	Y	N	N	Y	N	P	P.A.
Unnamed agricultural and forestry uses	C	C	C	C	C	C	C	P.A.

Notes:

1. All uses must be consistent with the goals and policies of the land use designation in which they are proposed to occur; cf. the Land Use Element of the Comprehensive Plan. All land uses in all designations must meet the general regulations in SJCC [18.30.050](#) through [18.30.055](#) unless otherwise stated therein.

2. A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable provisions of Section 3 of the Comprehensive Plan and of Chapter [18.50](#) SJCC, as well as the applicable provisions and permit requirements indicated in this table. Please refer to Chapter [18.50](#) SJCC for specific use regulations and regulations by shoreline environment; see also SJCC [18.80.110](#) for shoreline permit requirements.

3. Overlay districts provide policies and regulations in addition to those of the underlying land use designations for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district, the applicable provisions of the overlay district shall prevail over any conflicting provisions of the UDC.

4. Activity center and subarea plans provide alternative and more specific policies and regulations for some areas. In case of conflict, the regulations of the activity center or subarea plan shall prevail.

5. Special provisions for uses within master planned resort activity centers are described in SJCC [18.30.060](#); see also SJCC [18.60.190](#) and [18.90.060](#).

6. An MPR includes short-term visitor accommodations that are associated with the recreational facilities of the resort. An MPR may also include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort. It is incumbent on the master plan or plan amendment proponent to provide the information supportive of such a determination. Also see SJCC [18.30.060](#), [18.60.190](#), and [18.90.060](#).

7. This row is to be used solely in the instance where a mobile home park will use additional density allotted to it through a transfer-of-development-rights (TDR) program. Otherwise, a mobile home park must proceed through and meet the requirements of the subdivision regulations of Chapter [18.70](#) SJCC; for a platted mobile home park the allowable uses would be indicated by the row "Single-family residential unit."

8. Forest practices (including timber harvesting), except for Class IV General (see SJCC [18.40.120](#) through [18.40.180](#)), are regulated by the Washington Department of Natural Resources.

9. One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and located within or attached and subordinate to the commercial or industrial structure. The unit may not include an accessory dwelling unit in addition to the main residence.

10. To minimize commercial developments in residential neighborhoods, in lands designated HR and VR, wireless facilities other than joint use wireless facilities must be accessory to a legal conforming or nonconforming structure and cannot be the primary land use.

11. Agricultural activities are allowed except for "agricultural processing, retail and visitor serving facilities for products" in VR and HR.

12. Though a project permit is not required, facilities are subject to the requirements for joint use wireless facilities found in Chapter [18.40](#) SJCC.

13. Marijuana production and processing must be conducted in fully enclosed and secure structures such as a stick-built building or an opaque greenhouse with rigid walls, a roof, and doors.

14. The maximum square footage used for marijuana production cannot exceed the amount licensed by the Washington State Liquor and Cannabis Board. Applicants must designate the proposed production tier and the amount of square footage of proposed plant canopy on their land use and building permit application plans. The marijuana production tiers and canopy limits are:

Tier 1: Less than 2,000 square feet;

Tier 2: Two thousand square feet up to 10,000 square feet; and

Tier 3: Ten thousand square feet up to 30,000 square feet.

15. Applies to the Deer Harbor Hamlet HI-A and HI-B designations. Marijuana production and processing facilities are prohibited in Olga Hamlet designations.

(Ord. 11-2020 § 2; Ord. [25-2012](#) § 7; Ord. [10-2012](#) § 17; Ord. 21-2002 § 4; Ord. 12-2001 § 4; Ord. 8-2001 § 1; Ord. 14-2000 § 7(AAA), (BBB); Ord. 11-2000 § 4; Ord. 2-1998 Exh. B § 3.2 (Table 3.1))

**18.30.040 Land use table – Rural, resource, and special land use designations.**

**How to Use This Table**

Table 18.30.040 displays the classification of uses for rural, resource, and special land use designations.

The allowability and classification of uses as represented in the tables are further modified by the following:

- The location may have a multiple designation; this would be true if the Shoreline Master Program, a subarea plan, or an overlay district applied to the location. Note that designations within the shorelines jurisdiction use some of the same names as the uplands land use designations, but allowable uses may differ substantially between the uplands and shorelines. The Shoreline Master Program (SMP) should be consulted if the location of interest is subject to the SMP jurisdiction. See also notes 1 – 3 to this table.
- All regulations in this code apply to the uses in these tables. To determine whether a particular use or activity can occur in a particular land use designation and location, all relevant regulations must also be consulted in addition to this table.

Categories of uses:

Y = Uses allowed outright (i.e., without a project permit), subject to the applicable development standards (Chapter 18.60 SJCC); if a building or other construction permit is required, this use is subject to administrative consistency review; see SJCC 18.80.070.

P = Provisional use (a project permit), subject to administrative consistency review for compliance with Chapter 18.60 SJCC, Development Standards, and Chapter 18.40 SJCC, Performance and Use-Specific Standards; see SJCC 18.80.080.

P/C = After review of SJCC 18.80.090 and Table 8.2, the administrator will determine whether a provisional or conditional use permit will be required.

C = Conditional use, subject to public notice and permit hearing procedure; see SJCC 18.80.100.

P.A. = Plan Amendment. The use requires an amendment to an adopted master plan; see SJCC 18.30.060 and 18.90.060.

N = Prohibited use.

Rural, resource, and special land use designations:

RGU = Rural General Use RI = Rural Industrial FOR = Forest Resource Lands

RR = Rural Residential RC = Rural Commercial C = Conservancy

RFF = Rural Farm-Forest AG = Agricultural Resource Lands N = Natural

Residential Activity Center = Rural Residential, Table 18.30.040 (SJCC 18.30.220(C)(2))

**Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations**  
(1, 2, 3)

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
<b>Commercial Uses</b>										
Animal shelters and kennels	C	N	C	N	C	N	N	N	N	
Automotive fuel, service, and repair stations	C	N	N	P	P	N	N	N	N	
Bed and breakfast inn	C	N	C	N	P	N (C if historic) <sup>(5)</sup>	N (C if historic) <sup>(5)</sup>	N (C if historic) <sup>(5)</sup>	N	
Bed and breakfast residence	P	N	P	N	P	P	P	N (C if historic) <sup>(5)</sup>	N	

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations  
(1, 2, 3)

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
Camping facilities	C	N	N (C if historic) <sup>(5)</sup>	N	N	N	N	N	N	
Day care with 1 – 6 children	P	P	P	P	P	P	P	N	N	
Day care with 7+ children	C	C	C	C	P	N	N	N	N	
Drinking establishment	N	N	N	N	N	N	N	N	N	
Eating establishment	C	N	N	N	C	N	N	N	N	
Hotel/Motel	N	N	N	N	N	N	N	N	N	
Indoor entertainment facility	C	N	N	N	N	N	N	N	N	
Nursing homes	N	N	N	N	N	N	N	N	N	
Personal and professional services	P/C	N	N	N	N	N	N	N	N	
Personal wireless service facilities, co-located on an existing, permitted stand-alone tower, or mounted to the surface of an existing structure	P	P/C <sup>(13)</sup>	P/C <sup>(13)</sup>	P	P	P/C	P/C	N (Except Y at Mt. Constitution Sites)	N	
Personal wireless service facilities mounted on a building which meets the height standards of the land use designation, or facilities disguised or camouflaged as an allowable exemption to the height standard	P	P/C	P/C	P	P	P/C	P/C	N (Except Y at Mt. Constitution Sites)	N	
Personal wireless service facilities, other	P/C	N	C <sup>(13)</sup>	P/C	P/C	C <sup>(14)</sup>	C	N (P at Mt. Constitution Sites)	N	
Residential care facilities with up to 8 persons	P	P	P	N	P	P	P	N	N	
<b>Commercial Uses</b>										
Vet clinic	C	N	C	N	P/C	N	N	N	N	
Residential care facilities with 9 – 15 persons	P	C	C	N	C	N	N	N	N	

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations  
(1, 2, 3)

Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Resorts and camps, new	C	N	N (C if historic) <sup>(5)</sup>	N	N (P/C if historic) <sup>(5)</sup>	N	N	N	N
Resorts and camps, existing: expansion of existing uses without increase to scope or scale	P	P	P	P	P	P	P	P	P
Resorts and camps, existing: increase in scope or scale of facilities or services	P/C	P/C	P/C	P/C	P/C	P/C	P/C	N	N
Retail sales and services	C	N	N	N	P	N	N	N	N
Warehouse, mini-storage, and moving storage facilities	C	N	N	N	N	N	N	N	N
Unnamed commercial uses	P/C	N	P/C	P/C	P/C	N	N	N	N
<b>Industrial Uses</b>									
Bulk fuel storage facilities	C	N	N	C	C	N	N	N	N
Commercial composting	P/C	N	N	P/C	P/C	N	P/C	N	N
Concrete and concrete batch plants	C	N	N	C	N	N	N	N	N
Construction yards	C	N	N	P/C	P/C	N	N	N	N
Feedlots	N	N	N	N	N	N	N	N	N
Garbage and solid waste transfer stations	C	N	N	P/C	P/C	N	N	N	N
Heavy equipment rental services	C	N	N	P	P	N	N	N	N
Heavy industrial	C	N	N	C	N	N	N	N	N
Light industrial	C	N	N	P/C	C	N	N	N	N
Light manufacturing	C	N	N	P/C	C	N	N	N	N
Lumber mills, stationary	C	N	P	P	P/C	P/C	P/C	N	N
Marijuana production and processing, Tiers 1 and 2 <sup>(15, 16, 18)</sup>	C	N	C <sup>(17)</sup>	C	N	C <sup>(17)</sup>	N	N	N
Marijuana production and processing, Tier 3	N	N	N	N	N	N	N	N	N
Outdoor storage yards	C	N	N	P	N	N	N	N	N

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations  
(1, 2, 3)

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
Reclamation of mineral extraction sites	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Recycling collection/processing	C	N	N <sup>(12)</sup>	C	C	N	N	N	N	
Recycling collection	P	N	N	Y	Y	N	N	N	N	
<b>Industrial Uses</b>										
Resource processing accessory to extraction operations	C	N	N	N (C if existing) <sup>(6)</sup>	N	N	N	N	N	
Mining and mineral extraction activities	C	N	N	N (C if existing) <sup>(6)</sup>	N	N	N	N	N	
Wholesale distribution outlet	C	N	N	N	N	N	N	N	N	
Wrecking and salvage yards	C	N	N	P/C	N	N	N	N	N	
Storage and treatment of sewerage, sludge and septage – lagoon systems	C	N	N	P	N	N	N	N	N	
Unnamed industrial uses	C	N	N	C	N	N	N	N	N	
<b>Institutional Uses</b>										
College or technical school/adult education facility	C	N	N	C	C	N	N	N (P/C at UW FHL)	N	
Community club or community organization assembly facility	C	C	N	N	P/C	N (P/C at Port Stanley School) <sup>(11)</sup>	N	N	N	
Emergency services	Y	C	C	Y	Y	C	C	C	N	
Government offices	Y <sup>(19)</sup> /C	C	C	Y <sup>(19)</sup> /C	Y <sup>(19)</sup> /C	C	C	C	N	
Institutional camps	N	N	N (P/C if historic) <sup>(5)</sup>	N	N	N	N (P/C if historic) <sup>(5)</sup>	N	N	
Library	C	C	N	N	N	N	N	N	N	
Museum	C	C	N	N	C	N (C at Port Stanley School) <sup>(11)</sup>	N	N	N	

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations  
(1, 2, 3)

Land Uses	Classification of Uses by Land Use Designation									
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
Post office	N	N	N	N	N	N	N	N	N	
Religious assembly facility	P/C	P/C	P/C	P/C	P/C	C	C	N	N	
School, primary and secondary	C	N	N	N	C	N	N	N	N	
Existing school, primary and secondary	N	N	Y	N	N	N	N	N	Y	
Unnamed institutional uses	C	N	N	C	C	N	N	N	N	
<b>Recreational Uses</b>										
Camping facilities in public parks	C	N	N	N	N	N	N	C	N	
Indoor recreation facilities	C	N	N	N	C	N	N	N	N	
Indoor swimming pool	C	N	C	N	C	N	N	N	N	
<b>Recreational Uses</b>										
Outdoor recreation developments	C	C	C	C	C	N	N	P/C	C	
Parks	C	C	C	C	C	N	C	P/C	C	
Playing fields	C	C	C	C	C	N	N	C	N	
Recreational vehicle parks	N	N	N	N	N	N	N	N	N	
Outdoor shooting ranges	C	N	N	C	N	N	N	N	N	
Unnamed recreational uses	C	C	C	C	C	C	C	N	N	
<b>Residential Uses</b>										
Cottage enterprise	P	N	P	P	P	P	P	P	N	
Farm worker accommodations	P	N	P	P	P	P	P	N	N	
Farm stay	P	N	P	N	N	P	P	N	N	
Home occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Mobile home parks <sup>(7)</sup>	N	N	N	N	N	N	N	N	N	
Multifamily residential units (3+ units)	N	N	P/C	N	N	N	N	N	N	
Single-family residential (1 unit only) or accessory apartment (1 unit only), accessory to an allowable nonresidential use	P	N	P	p <sup>(9)</sup>	p <sup>(9)</sup>	P	P	N	N	



Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations  
(1, 2, 3)

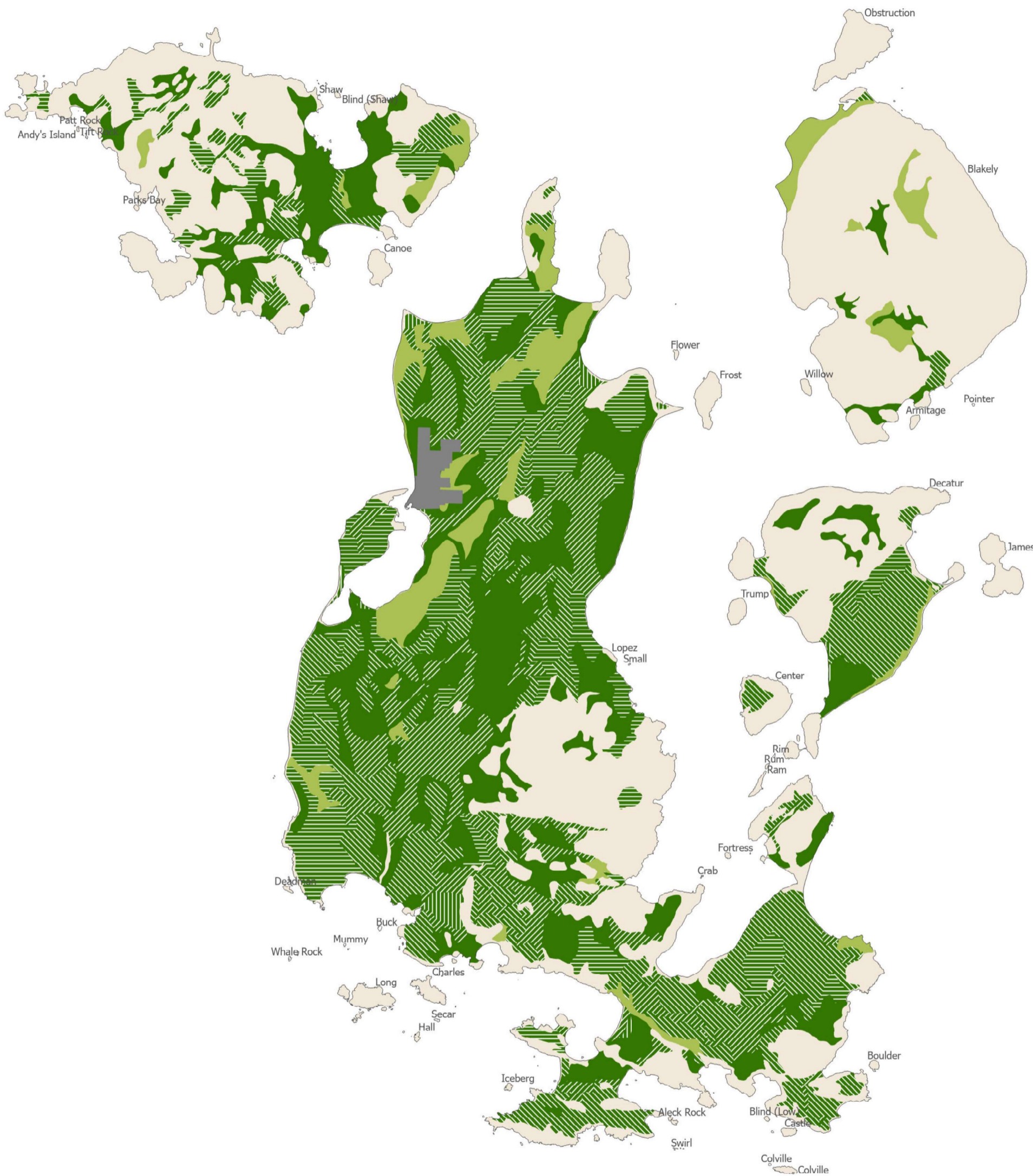
Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Category "B" joint use wireless facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Storage and treatment of sewerage, sludge and septage systems other than lagoons	C	C	C	C	C	C	C	N	N
Utility distribution lines	P	P	P	P	P	P/C	P/C	P/C	P/C
Utility facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility substations	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility transmission lines	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Water storage tanks, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C
Water treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C
Unnamed utility uses	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	C
<b>Agricultural and Forestry Uses</b>									
Agricultural activities	Y	Y	Y	Y	Y	Y	Y	Y	N
Forest practices, no processing <sup>(8)</sup>	Y	Y	Y	Y	Y	Y	Y	Y	N
Lumber mills, portable	Y	Y	Y	Y	Y	Y	Y	P/C	N
Nurseries	Y	N	Y	Y	Y	Y	Y	N	N
Small-scale slaughterhouses	P	N	P	Y	Y	P	P	N	N
Unnamed agricultural and forestry uses	C	C	C	C	C	C	C	N	N

## Notes:

- All uses must be consistent with the goals and policies of the land use designation in which they are proposed to occur; cf. the Land Use Element of the Comprehensive Plan. All land uses in all designations must meet the general regulations in SJCC [18.30.050](#) through [18.30.055](#) unless otherwise stated therein.
- A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable provisions of Section 3 of the Comprehensive Plan and of Chapter [18.50](#) SJCC, as well as the applicable provisions and permit requirements indicated in this table. Please refer to Chapter [18.50](#) SJCC for specific use regulations and regulations by shoreline environment; see also SJCC [18.80.110](#) for shoreline permit requirements.
- Overlay districts provide policies and regulations in addition to those of the underlying land use designations for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district, the applicable provisions of the overlay district shall prevail over any conflicting provisions of the UDC.

4. Special provisions for uses within conservancy and natural land designations are described in SJCC [18.30.070](#).
5. "Historic": In several isolated cases, an existing use that would be made nonconforming by this UDC is considered desirable to allow to continue and possibly to expand. Because this might be difficult or prohibited if the use were to become nonconforming, the use is labeled "historic," and the allowable use designation is indicated. See also the definitions in Chapter [18.20](#) SJCC.
6. Restriction of mining and mineral extraction and related resource processing in RI shall not preclude consideration of an application for redesignation as a mineral resource lands overlay district. "Existing" means operating at the time of the adoption of this code.
7. This row is to be used solely in the instance where a mobile home park will use additional density allotted to it through a transfer-of-development-rights (TDR) program. Otherwise, a mobile home park must proceed through and meet the requirements of the subdivision regulations of Chapter [18.70](#) SJCC; for a platted mobile home park the allowable uses would be indicated by the row "Single-family residential unit."
8. Forest practices (including timber harvesting), except for Class IV General (see SJCC [18.40.120](#) through [18.40.180](#)), are regulated by the Washington Department of Natural Resources.
9. One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and located within or attached and subordinate to the commercial or industrial structure. The unit may not include an accessory dwelling unit in addition to the main residence.
10. Though a project permit is not required, these facilities are subject to the requirements for joint use wireless facilities found in Chapter [18.40](#) SJCC.
11. The use of the Port Stanley School for artistic, scientific, historic, museum or educational purposes or community gatherings or meetings (as provided by RCW [84.36.060](#)) is allowed by permit.
12. Properties with existing conditional use permits for recycling centers may apply for a new conditional use permit to expand the allowable uses to include recycling collection and/or processing.
13. To minimize commercial developments in residential neighborhoods, in lands designated RR and RFF with lots of less than five acres in size, wireless facilities other than joint use wireless facilities must be permitted by the use table and accessory to a legal conforming or nonconforming structure and cannot be the primary land use.
14. In AG resource designations wireless facilities shall be located, designed and operated so as to minimize interference with agricultural uses and the open, uninterrupted, pastoral viewscapes.
15. Marijuana production is allowed in:
  - a. Fully enclosed and secure structures such as stick-built buildings or opaque greenhouses with rigid walls, a roof and doors;
  - b. Nonrigid translucent greenhouses or other structures; or
  - c. In ground in an area fully enclosed by a physical barrier.
16. The maximum square footage used for marijuana production cannot exceed the amount licensed by the Washington State Liquor and Cannabis Control Board. Applicants must designate the proposed production tier and amount of square footage of plant canopy on land use and building permit application plans. The marijuana production tiers and canopy limits are:
  - a. Tier 1: Less than 2,000 square feet;
  - b. Tier 2: Two thousand square feet up to 10,000 square feet; and
  - c. Tier 3: Ten thousand square feet up to 30,000 square feet.
17. Marijuana processing is only allowed on a parcel designated RFF or AG resources if it supports a marijuana production operation on the same parcel.
18. The following minimum lot sizes apply to marijuana production and processing operations:
  - a. Tier 1: One acre in the RGU and RI and three acres in the RFF and AG resource designations; and
  - b. Tier 2: Five acres in the RGU and RI and 10 acres in the RFF and AG resource designations.
19. Use allowed by right when in conjunction with a preexisting use.  
(Ord. 2-2023 § 2; Ord. 07-2022 § 1; Ord. 11-2020 § 3; Ord. [25-2012](#) § 8; Ord. [10-2012](#) § 18; Ord. 44-2009 § 1; Ord. 15-2005 § 3; Ord. 6-2004 § 1; Ord. 21-2002 § 4; Ord. 12-2001 § 4; Ord. 8-2001 § 1; Ord. 6-2001; Ord. 14-2000 § 7(AAA); Ord. 11-2000 § 4; Ord. 2-1998 Exh. B § 3.2 (Table 3.2))

# Farmland Class (USDA & NRCS Data)



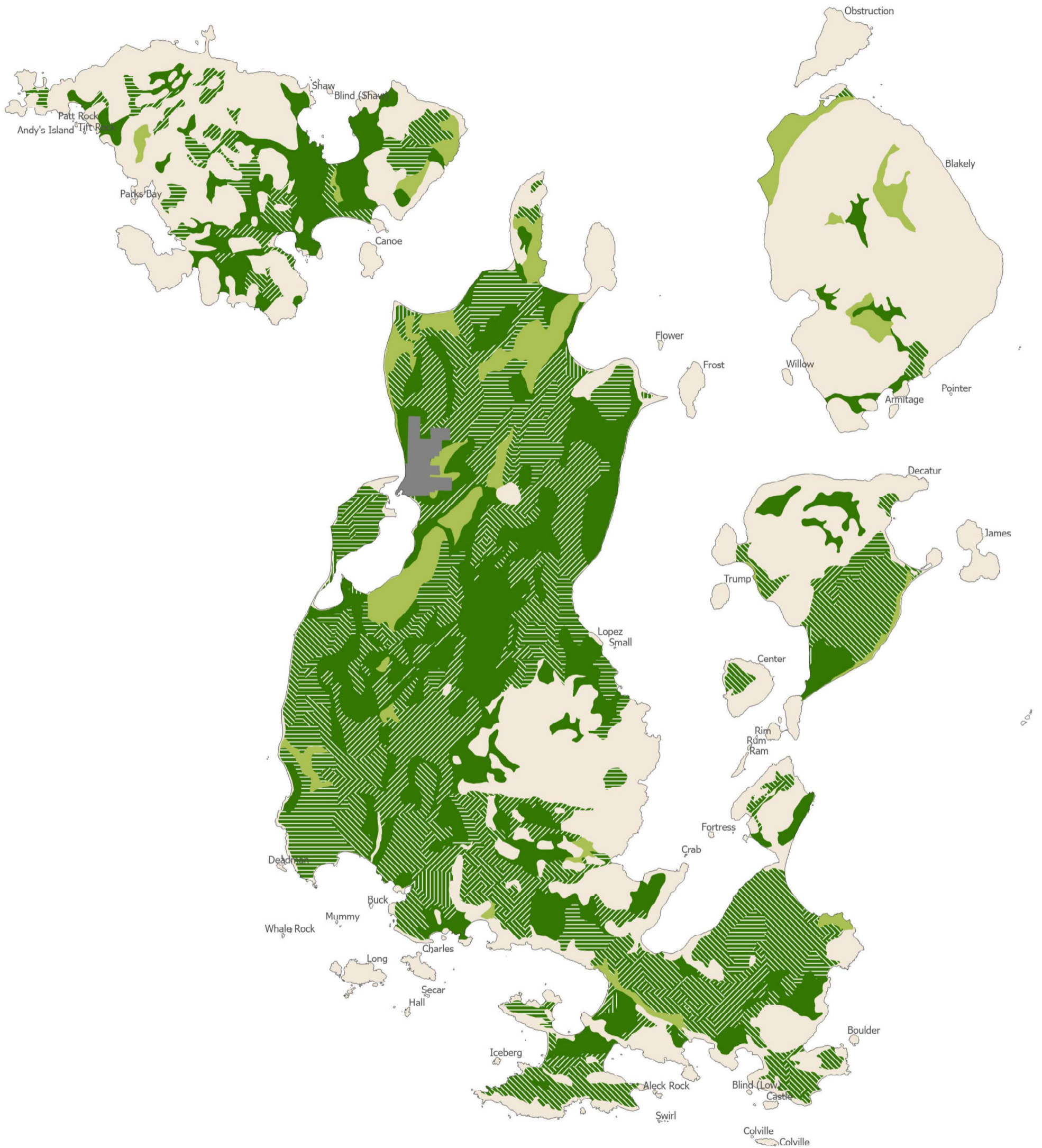
## Lopez & Surrounding Islands

This map is derived from San Juan County's Geographic Information System (GIS). It is intended for reference only and is not guaranteed to survey accuracy. The information represented on this map is subject to change without notice.



- UGA
- All areas are prime farmland
- Farmland of statewide importance
- Not prime farmland
- Prime farmland if drained
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season

# Farmland Class (USDA & NRCS Data)



## Lopez & Surrounding Islands

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- Prime farmland if irrigated and drained
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season