

**SAN JUAN COUNTY LAND BANK**

**POLICY MANUAL**

**San Juan County Land Bank**  
**350 Court Street, #6**  
**Friday Harbor, WA 98250**  
**378-4402**

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## I. ACQUISITION PRIORITIES AND CRITERIA

### A. LAND BANK ACQUISITION PRIORITIES<sup>1</sup>

The Land Bank Commission has set acquisition priorities that are derived from public opinion reflected in the *San Juan County Open Space and Conservation Plan*. Setting acquisition priorities will allow the Commission to make most effective use of its resources. The Land Bank Commission will regularly review its priorities, revising them when necessary to make the Land Bank more effective; and to reflect changes in public opinion, the real estate market, funding opportunities, and overall need.

1. In order to maximize the impact of its expenditures and to keep property in private ownership, the Land Bank's priority acquisition method shall be the conservation easement.
2. The Land Bank's priorities for consideration are:
  - a) conservation easements that will preserve San Juan County's most prized scenic vistas (particularly in areas that were most highly rated by the public in the *San Juan County Open Space and Conservation Plan*); and
  - b) conservation easements that are important for the protection of San Juan County's prime plant and animal habitat and its wetlands.
3. Notwithstanding these priorities, the Land Bank may consider and acquire any property meeting the purposes stated in the Land Bank ordinance, through any acquisition method permitted under the Ordinance, so long as the Land Bank Acquisition Criteria are met.

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<sup>1</sup> Adopted by the Land Bank Commission 12/3/91.

**B. PROPERTY ACQUISITION CRITERIA<sup>2</sup>**

**1. The property must provide an important conservation resource.**

- a) Acquisition of the property must be consistent with the goals of the San Juan County Citizens Conservation Land Bank as set forth in County Ordinance 142-1990:

*The purpose of the San Juan County Citizens Conservation Land Bank is to preserve in perpetuity areas in San Juan County that have environmental, agricultural, aesthetic, cultural, scientific, historic, scenic, or low-intensity recreational value, and to protect existing and future sources of potable water.*

- b) The conservation resource(s) identified for the property (environmental, agricultural, aesthetic, cultural, scientific, historic, scenic, low-intensity recreational, and potable water source) should be significant or unique.

**2. The property's identified conservation resource should be vulnerable to adverse change.**

- a) There should be a potential for adverse change in the status of the property. Some factors affecting the potential for change include ownership, existing land division, real estate market factors and land use regulations.
- b) The identified conservation resource(s) of the property should be sensitive to such adverse change in the status of the property. Development of the property to the extent allowed by current regulations would significantly impact the conservation resource(s) of the property or adjacent properties.
- c) The identified conservation resource may not be protected adequately through existing laws or regulations.

**3. It should be possible to adequately protect the identified conservation resource(s) of the property through the acquisition.**

- a) Title to the property should be free of encumbrances that might make conservation of the resource difficult or impractical.
- b) The property should be free of hazardous or toxic waste.
- c) The property should be of sufficient size to protect its identified conservation resource(s). The property should be big enough that its identified conservation resources are likely to remain intact, even if adjacent property is developed; or the property

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<sup>2</sup> Adopted by the Land Bank Commission 12/3/91.

## I. Acquisition Priorities and Criteria

should contribute to or further protect the conservation resources of already protected nearby properties or resources.

- d) The proposed acquisition method should be adequate to protect the conservation resource(s) of the property. In the case of a conservation easement, the restrictions should be clear, meaningful, and enforceable.
- e) The Land Bank should be capable of providing in perpetuity for any necessary stewardship and maintenance of the property.

### **4. The acquisition should make effective use of the Land Bank's limited funds and resources.**

- a) The acquisition method should be the least costly method possible that will adequately protect the conservation resource(s). Conservation easements or other non-fee simple interests, when available, shall be the first methods considered as a means to protect the identified conservation resource(s) of a property.
- b) The acquisition should involve an identified conservation resource that is not likely to be protected through acquisition by another agency or organization, unless it involves a property interest being acquired or held by another agency or organization for acquisition by the Land Bank .
- c) The Land Bank Commission shall seek over time to balance its acquisitions with the geographical locations from which the Land Bank's tax revenues are generated. (Ordinance 142-1990, Section I.)

### **5. There must be general public support for the acquisition.**

- a) San Juan County residents should have adequate opportunity to become informed and to comment on the proposed acquisition of a property.
- b) The acquisition should have the general support of county residents.

### C. DEFINITIONS: CONSERVATION RESOURCES<sup>3</sup>

#### **Environmental Resources**

A site is considered to have environmental value if is important for the protection of:

- wetlands;
- endangered, threatened or sensitive plant or animal species;
- unique communities of plants or animals or species of local significance; or
- the ecological balance of any of the region's natural systems.

#### **Aesthetic and Scenic Resources**

Aesthetic and scenic resources are discussed in detail in the *San Juan County Open Space and Conservation Plan*. They include:

- prominent geographical features,
- water, shoreline and mountain views,
- lack of obtrusive development patterns,
- landscape diversity,
- contrasting landscape types or high contrast edges, and
- visibility from a public place or thoroughfare.

#### **Historic Resources**

Historic resources are districts, sites, buildings, structures, and objects that have significance in history, archaeology, architecture, and culture, and:

- that are associated with events that have made a significant contribution to the broad patterns of our history; or
- that are associated with the lives of persons significant in our past; or
- that embody the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master, or that possess high artistic values; or that represent a significant and distinguishable entity whose components
- may lack individual distinction; or
- that have yielded, or may be likely to yield, information important in prehistory or history.

The site should be on the National Register of Historic Places or Washington State Register of Historic Places or be documented by one or more of the following: Washington State Office of Archeology and Historic Preservation, a county historical

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<sup>3</sup> Adopted by the Land Bank Commission 12/3/91.

society, San Juan County, or a qualified professional in anthropology, archeology, or history chosen by the LBC.

### **Cultural Resources**

A site is considered to have cultural value if it is associated with the history, customs, beliefs, or rituals of a particular ethnic group, **or** contains artifacts, remains or other records relevant to the study of a particular culture. Cultural value shall be documented by a qualified professional in anthropology, archaeology, ethnography, or ethnohistory chosen by the LBC.

### **Recreation Resources**

A site is considered to have low-intensity recreational value if it enhances recreational opportunities by opening access to beaches, rural open spaces and other areas for uses that do not significantly impact the conservation resources of the property. Compatible recreational uses shall be determined on a case-by-case basis. Public access and recreational use of Land Bank property will be guided by the Land Bank's Public Access Policy.

### **Agricultural Resources**

A site is considered to have agricultural value if it has areas currently in active agricultural use, if it has areas of agricultural soils (Classes II, III, and IV as described in the *San Juan County Soil Survey*), or if it has areas historically used for agricultural purposes.

### **Scientific Resources**

A site is considered to have scientific value if it is important to conducting biological, archeological, anthropological, geological, or historical research, or other types of research related to the goals of the Land Bank. Scientific value shall be documented by a qualified professional chosen by the LBC.

### **Sources of Potable Water**

A site is considered to be protecting existing or future sources of potable water if it protects streams, stream corridors, or watersheds that are important in recharging aquifers and other ground water, or impounded surface water.

**D. LAND BANK PARTICIPATION IN ACQUISITION OF PROPERTY IN TOWNS AND VILLAGES<sup>4</sup>**

The Land Bank Commission recognizes the importance of preserving open space in the county's towns and villages. A relatively small amount of land preserved in these areas can have a profound impact on their character and atmosphere. Open space in the towns and villages is often under intense pressure for development. Land Bank participation in efforts to acquire land for greens, greenways, parks, and other open spaces may be important in taking advantage of opportunities that might otherwise be lost.

The primary purpose of the Land Bank, however, is to conserve scenic and environmental resources that occur primarily in rural areas. This is also demonstrated by the record of intent of the Land Bank Ordinance and of Proposition 1 (the 1% real estate excise tax ballot issue). In addition, the *San Juan County Open Space and Conservation Plan*, which is to serve as a guide for Land Bank acquisition efforts, addresses primarily the rural areas of the county.

The Land Bank Land Acquisition Criteria and Acquisition Priorities reflect this emphasis on rural conservation. Parcels in densely populated areas, because of their size, relative cost per acre, condition, management requirements, and relationship to surrounding properties, most often will not meet the Acquisition Criteria and Acquisition Priorities, even if they are consistent with the requirements of the Land Bank Ordinance.

This policy governs when Land Bank funds or other resources may be used to help preserve open space in San Juan County towns and villages.

**SPECIAL CONSIDERATION OF PROPERTY IN TOWNS AND VILLAGES**

**1. Special Criteria**

Property<sup>\*</sup> in a town or village may not meet the Land Bank Acquisition Criteria, or may meet the criteria but insufficiently to compete with rural property for Land Bank funds or resources. Despite this, the Land Bank may participate in the acquisition<sup>\*\*</sup> of property in towns or villages if the following criteria are met:

- a) Participation by the Land Bank is consistent with the requirements of the Land Bank Ordinance (Ordinance No. 142-1990).
- b) The acquisition would provide important benefits to the local community and to the residents of the entire island.

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<sup>4</sup> Adopted by the Land Bank Commission 2/4/92.

<sup>\*</sup> "Property" means any interest in real property, including options, rights of first refusal, conservation easements, leases, mineral rights, and development rights.

<sup>\*\*</sup> "Acquisition" means the gift or purchase from a willing seller of fee or less than fee interests in real property, without the exercise of eminent domain.



## I. Acquisition Priorities and Criteria

- c) The acquisition has strong island-wide support.
- d) The acquisition would not conflict with or preempt any adopted town or county plan or planning process for the area.

### 2. Additional Conditions

Since the primary goal of the Land Bank is conservation of rural open space, the Land Bank will usually not take a lead role in acquiring open space in towns and villages. If the Land Bank Commission decides to commit Land Bank funds or other resources to acquisitions that meet the above criteria, the following conditions must also be met:

- a) The Land Bank will contribute funds only for property acquisition, not for project planning, site development, construction of facilities, or management.
- b) The Land Bank usually will not take the lead role in coordinating the acquisition, but will work in cooperation with another agency, a land trust, or citizens group.
- c) The Land Bank generally will contribute funds for acquisition only if the property will be publicly owned.
- d) The Land Bank will contribute funds for acquisition only when the Land Bank Commission believes the project will be successfully completed.
- e) When Land Bank funding is proposed, the Land Bank will contribute only a portion of the needed amount, and will depend on matching funds from other agencies, land trusts, community groups, or other sources.

### PROPERTIES THAT MEET THE GENERAL ACQUISITION CRITERIA

Some properties proposed for acquisition in towns or villages will meet the Land Bank's Acquisition Criteria without the special consideration provided for above. When such properties compare competitively with rural properties being considered for acquisition, the Land Bank may acquire interests in them as it would acquire interests in rural parcels.

## II. SELECTION AND ACQUISITION PROCESS

### A. OVERVIEW OF PROPERTY SELECTION PROCESS<sup>5</sup>

#### IDENTIFICATION OF PROPERTIES TO CONSIDER FOR ACQUISITION

1. Identification Process
  - a) target properties
  - b) publicize priorities
  - c) accept recommendations
  - d) certify owner interest

#### EVALUATION AND SELECTION OF PROPERTIES FOR ACQUISITION

2. Collection of Relevant Information
  - a) director collects information
  - b) owners complete information forms
  - c) director may meet with owners
  - d) director may make site visits
3. Director's Review and Recommendation
  - a) property is evaluated using acquisition criteria
  - b) properties are evaluated comparatively
  - c) properties are considered using the Evaluation Questionnaire
  - d) director makes recommendation to Land Bank Commission
4. LBC Initial Selection of Properties
  - a) Land Bank Commissioners agree on preliminary list
  - b) other county departments are notified of properties on preliminary list
5. Collection of Additional Information
  - a) director collects additional necessary information
  - b) material terms of acquisition are negotiated and documented
  - c) property owners provide requested information
  - d) Land Bank Commissioners may visit the property
6. LBC Selection of Properties for Inclusion in Acquisition Plan
  - a) Land Bank Commissioners agree on proposed acquisitions
  - b) Draft Acquisition Plan is prepared
  - c) public hearing is held and Acquisition Plan is adopted
7. BOCC Ratification of Acquisition Plan
  - a) Plan is presented to BOCC
  - b) public hearing is held
  - c) BOCC ratifies or rejects plan

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<sup>5</sup> Adopted by the Land Bank Commission 12/3/91.

## **B. PROPERTY SELECTION AND ACQUISITION PROCEDURES<sup>6</sup>**

The Land Bank will make acquisitions using a fair, open and consistent process. This policy outlines the general procedures the Land Bank will follow in selecting properties for acquisition.

### **IDENTIFICATION OF PROPERTIES TO CONSIDER FOR ACQUISITION**

#### **1. Process of Acquisition**

- a) The Land Bank will identify properties for consideration.
- b) The Land Bank shall publicize its priorities and shall seek applications from interested property owners whose properties meet the priorities.
- c) Properties may also be recommended for consideration by other individuals, organizations or agencies. These recommendations should be submitted in writing.
- d) Where a property has been identified for consideration by the Land Bank or has been recommended for consideration by anyone other than its owner, it shall not be evaluated for possible acquisition until its owner has expressed a willingness that the property be considered for acquisition.

### **EVALUATION AND SELECTION OF PROPERTIES FOR ACQUISITION**

#### **2. Collection of Relevant Information**

- a) The Land Bank Director will collect information on property being considered for acquisition sufficient for the Director and the Land Bank Commission to evaluate the property. Maps, studies, reports, inventories, and other local, state and federal data sources relevant to the property or its conservation resource(s) will be consulted.
- b) The Land Bank Director may meet with the property owner and may visit the property to collect information about it. It is also possible that Land Bank Commissioners will visit the property.
- c) Property owners whose property is being considered for acquisition by the Land Bank are encouraged to complete a Property Information Form and to provide the Land Bank with comprehensive information about the property. The Form is

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<sup>6</sup> Adopted by the Land Bank Commission 12/3/91.

## II. Selection and Acquisition Process

intended to assist the Land Bank in accumulating sufficient information on which to evaluate the property, and to help standardize the process and make it as equitable among landowners as possible.

- d) Where a property is recommended for consideration by an agent acting on behalf of the owner, the Land Bank may require that a Property Information Form be completed in order for the property to be considered for acquisition.

### **3. Director's Initial Review and Recommendation**

- a) All property will be evaluated using the Land Bank Acquisition Criteria, and the information provided by the land owner and other information deemed relevant.
- b) Properties will be evaluated comparatively against other properties being considered for acquisition.
- c) Property will be considered using the Land Bank Property Evaluation Questionnaire, which reflects the Land Bank acquisition criteria. The Questionnaire is designed to assist the Land Bank Director and the Land Bank Commissioners as they make their individual evaluations of properties.
- d) The Land Bank Director will make a recommendation about the property to the Land Bank Commission. The Land Bank Director will either (1) recommend the Land Bank Commission consider the property for acquisition, or (2) recommend the property be re-evaluated for acquisition at a later date, (3) recommend the property not be given further consideration for acquisition, or (4) make other recommendations as appropriate.

### **4. Land Bank Commission Initial Selection of Properties**

- a) The Land Bank Commission will consider the Director's recommendations, and from among all of the properties being considered for acquisition at the time, will decide which parcels will receive further consideration for acquisition.
- b) Relevant County departments, including the Board of County Commissioners, the Planning Department and the Prosecutor's Office will receive notice of the parcels receiving further consideration to assure that they may offer any pertinent information available to them at this stage in the process.

## II. Selection and Acquisition Process

Conservation organizations, including the San Juan Preservation Trust, may also be solicited for comment.

- c) The Land Bank Commission's actions are governed by the State's Open Public Meetings Act and public disclosure laws. Potential acquisitions will be discussed by the Land Bank Commission in open public meetings.
- d) Public participation in the selection process will be guided by the Land Bank Public Participation Policy.

### 5. Collection of Additional Information

- a) The Land Bank Director will work to obtain additional information important to the Land Bank Commission's final decision.
- b) The Director is authorized by the Land Bank Commission to enter into preliminary discussions of price and other material terms of acquisition, which may be documented by a letter of intent. In the case of an easement, this will include discussions of the restrictions to be agreed-upon.
- c) When acquisitions are being considered in cooperation with another agency or organization, a memorandum of understanding will be executed.
- d) Property owners may be asked to provide one or more of the following:
  - (1) written evidence of the willingness of a mortgage lender, holder of a deed of trust or real estate contract seller to subordinate its rights in the property to the rights of the Land Bank as an easement holder. The Land Bank will not purchase easements where the rights of any such party will not be subordinate to the right of the Land Bank to enforce the easement.
  - (2) a preliminary title report and commitment for title insurance.
  - (3) an appraisal of the property. In the case of an easement, this would occur after tentative agreement of restrictions and rights retained has been reached.

## II. Selection and Acquisition Process

- e) Members of the Land Bank Commission may visit the property.

### **6. Land Bank Commission Selection of Properties for Inclusion in the Acquisition Plan**

- a) The Land Bank Commission will determine a list of proposed acquisitions.
- b) The Director will prepare the Draft Acquisition Plan containing the proposed acquisitions. For each property, the Draft Acquisition Plan will include the rationale for acquisition, the nature of the interest to be acquired, a budget of costs of acquisition, a proposed management plan, and an estimate of the annual cost of stewardship.
- c) After the Land Bank Commission has reviewed and approved the Draft Acquisition Plan, it will be considered at a public hearing. The public will be given at least a ten day notice of the hearing through a legal advertisement and an opportunity to review the Draft Acquisition Plan during that time.
- d) At a meeting of the Land Bank Commission, the Draft Acquisition Plan may be revised based on the hearing, and will be adopted for presentation to the Board of County Commissioners.

### **7. Board of County Commissioners Ratification of Plan**

- a) The Acquisition Plan will be presented to the Board of County Commissioners as part of the Land Bank Commission's Annual Expenditure and Acquisition Plan or as an amendment to its Plan for the year pending.
- b) The County Commissioners will hold a public hearing on the Plan or amendment.
- c) The Board of County Commissioners will either reject or ratify in its entirety the Plan or amendment.

### **8. Expedited Selection Process**

It is likely that situations will arise where acquisition of a parcel must be accomplished rapidly due to constraints such as those imposed by

## II. Selection and Acquisition Process

the current real estate market, or by an immediacy of threat. In those instances, properties may receive expedited review and may be selected for acquisition outside of the normal selection process outlined above.

- a) The following conditions must apply for a property to be selected for acquisition outside of the normal selection process:
  - (1) Waiting to consider the property will likely result in loss of the opportunity to acquire the property; or delaying acquisition of the property would result in a substantial increase in the cost to the Land Bank or a significant adverse impact the property's identified conservation resource(s).
  - (2) When evaluated using the Land Bank's Acquisition Criteria, the property rates high enough that it would almost certainly be recommended for acquisition if it was considered as part of the next acquisition cycle.
- b) Any property receiving expedited review must be considered by the Land Bank Commission at a public hearing after ten days notice to the public through a legal advertisement. If the Land Bank Commission decides to include the property as an amendment to its Acquisition Plan for the year pending, the amendment must be ratified by the Board of County Commissioners.

### **ACQUISITION OF PROPERTIES**

- 9. Upon County Commissioners' ratification of the Acquisition Plan or amendment, the Land Bank will proceed to acquire the properties proposed for acquisition in it. Documents necessary to effect acquisition, including recordable easements, will be prepared.
- 10. Property owner's are encouraged to seek the independent advice of qualified professionals on the legal and tax implications of transactions with the Land Bank. Land Bank Commissioners and the Director can provide only general information on tax benefits available to landowners. They cannot determine if a proposed transaction with the Land Bank will meet tax law requirements.
  - a) The Land Bank's goals in drafting conservation easements will be to create documents that are clear, enforceable and that achieve meaningful protection of the property's identified conservation resources.

## II. Selection and Acquisition Process

- 11.** All documents must be approved by the Land Bank Commission and by the County Prosecutor. Documents must be executed by the Board of County Commissioners.
- 12.** Certain items may be required as a condition of closing.
  - a) A survey of all or a portion of the property is likely to be required in the following circumstances:
    - when the property to be placed under easement is not a separate legal parcel; or
    - when a boundary of the property is in dispute or uncertain; or
    - where the terms of an easement will apply only to a portion of the property.
  - b) For any acquisition in fee simple, a policy of title insurance will be required.
  - c) For any property to be placed under easement, a baseline data form documenting the condition of the property must be signed at the time of closing.
- 13.** After a property is acquired, it will be managed and maintained as specified in the Land Bank Stewardship Policy to preserve the values for which it was acquired. Easements will be monitored on at least an annual basis and enforced pursuant to the terms of easement agreements. Land Bank property will only be transferred in compliance with the Land Bank's property transfer policy.



**C. SAN JUAN COUNTY LAND BANK PROPERTY INFORMATION FORM**

**GENERAL INFORMATION**

Owner(s): \_\_\_\_\_

Daytime phone: \_\_\_\_\_

Evening phone: \_\_\_\_\_

Mailing Address:

\_\_\_\_\_

Property Address:

\_\_\_\_\_

Please provide a general description of the property location and attach a rough sketch showing the property location.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please attach a legal description of the property.

Which of the following are you proposing? (Please number your choices in order of preference.)

1. a gift of your property to the Land Bank \_\_\_\_\_

2. a gift of a conservation easement: \_\_\_\_\_

3. sale of a conservation easement to the Land Bank: \_\_\_\_\_

4. sale of your property to the Land Bank: \_\_\_\_\_

5. other: \_\_\_\_\_

**INFORMATION REGARDING CONSERVATION RESOURCES OF THE  
PROPERTY**

Please describe briefly why you feel this property is appropriate for consideration by the Land Bank.

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Have you placed the property in any special property tax classification under the county's current use taxation programs? If so, is it designated forestland, timberland, agricultural land or open space?

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Does the property have any scenic vistas? Are there any water, shoreline or mountain views across the property from any public roadway or other public property? Please elaborate.

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## II. Selection and Acquisition Process

Does the property have any prominent geographic features? Please describe them.

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Is the property used for agricultural purposes? Please describe.

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Are you aware of wetlands on the property? Please describe.

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Is the property waterfront? If so, please describe the shoreline.

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## II. Selection and Acquisition Process

Please describe other unique features of the property. For example: Does the property have any special plants or animals? Does it provide any special wildlife habitat?

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Is the property a site of scientific research or has anyone proposed conducting scientific research there? Please elaborate.

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Does the property have any historical or cultural value? Please elaborate.

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Are you aware of whether the property is part of any critical water resource area? Please describe.

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**OTHER CHARACTERISTICS OF THE PROPERTY**

How many acres in size is the property? What is its designation under the county's Comprehensive Plan? Has it been subdivided, and if so, into how many parcels? What is its designation, if any, under the county's Shoreline Master Plan?

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Has the property been developed in any way? How? Are there structures on the property? Please describe.

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How is the property being used currently?

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## II. Selection and Acquisition Process

Has any portion of the property been logged in recent years? Please describe.

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Has the property ever been used for commercial purposes other than agriculture or logging? Please elaborate.

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Is it possible that there is any hazardous waste on the property? Please elaborate.

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Please briefly describe the adjacent properties. Do you know whether any of the adjacent properties are publicly owned, protected by conservation easements, or affected by the covenants of a homeowner's association?

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**OTHER INFORMATION**

What is the assessed value of the property? Please provide the assessor's tax parcel number(s) for the property.

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Is the property currently listed for sale? If so, at what price and on what terms? If it is not currently for sale, is it likely to be in the near future? When?

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Is there any recent appraisal of the property? Please provide a copy, if available?

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What future development do you anticipate is likely to occur on the property?

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Do you know when and by whom the land was last surveyed? Please attach copies of any survey maps of the property, if possible.

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Do any easements (for access, utilities, or any other purposes), restrictions or covenants apply to the property? Is the property subject to any covenants through a homeowner's association? Please describe.

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## II. Selection and Acquisition Process

Are you aware of any boundary disputes affecting the property? Please elaborate.

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Do you have a title report for the property? Please attach a copy of the most recent title report you have.

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Is the property subject to a mortgage, deed of trust, real estate contract? Please elaborate.

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Please feel free to provide any other information you feel may be relevant to the Land Bank's consideration of your property for conservation.

Signed: \_\_\_\_\_  
(property owner or representative)

Date: \_\_\_\_\_



## D. PROPERTY EVALUATION QUESTIONS

The following questions are to be used as a guide in the evaluation of property being considered by the Land Bank. The questions reflect the Land Bank's acquisition criteria. Some questions, relating to environmental resources, sources of potable water, and agricultural resources will be refined as the county meets the requirements of the Growth Management Act in 1992.

### **Does the property provide resources in one or more of the following areas?**

1. **Open Space Plan Rating: scenic, aesthetic and agricultural resources.**  
Does the property have significant or unique scenic resources or aesthetic value?
  - Is the property in a landscape unit that is highly rated in the *San Juan County Open Space and Conservation Plan*?
  - How does the property score using the rating system in the *San Juan County Open Space and Conservation Plan*?
2. **Environmental resources.** Does the property have significant or unique environmental value?
  - Is the property important for the protection of a wetland?
  - Is the property important for the protection of endangered, threatened, or sensitive plant or animal species?
  - Is the property important for the protection of a unique community of plant or animal species or species of local significance?
  - Is the property important for the protection of the ecological balance of any of the region's natural systems?
3. **Scientific resources.** Does the property have significant or unique scientific value?
4. **Historic resources.** Does the property have significant or unique historic value?
  - Is the property (or a structure on it) on the state or national registers?
  - Has the property been recommended by one or more of the county historical societies?
5. **Cultural resources.** Does the property have significant or unique cultural value?
6. **Recreation resources.** Does the property have significant or unique low-intensity recreational value?

7. **Sources of potable water.** Does the property help protect an existing or future source of potable water?

**Are any of the property's identified conservation resources vulnerable to adverse change?**

1. **Potential for change.** Is there a potential for any adverse change in the status of the property?
2. **Sensitivity.** Are any of the identified conservation resource(s) of the property sensitive to such adverse change in the status of the property?
3. Is the resource adequately protected through existing regulations?

**Is it possible to provide adequate protection of the identified conservation resource through the acquisition?**

1. Is the property free of encumbrances that could make conservation of the resource difficult or impractical?
2. Is the property free of hazardous or toxic waste?
3. Is the size of the property sufficient to protect its identified conservation resource?
4. Would the conservation resource remain intact even if adjacent property were developed, cleared or drained?
5. Does the property contribute to or further protect the conservation resources of already protected nearby property?
6. Is the acquisition method adequate to protect each identified conservation resource of the property? In the case of an easement, could the restrictions be clear and meaningful, and can an enforceable easement agreement be prepared?
7. Is the Land Bank capable of providing in perpetuity for any necessary stewardship and maintenance of the property?

**Would the proposed acquisition be an effective use of limited Land Bank funds and resources?**

1. Will the acquisition be made through a conservation easement? Is a gift or bargain sale involved? Is the acquisition method the least costly available that will adequately protect the conservation resource?

## II. Selection and Acquisition Process

2. Is the acquisition likely to attract grants or matching funds, or any other form of support, from other public or private sources?
3. Is it more appropriate for another agency or organization to make the acquisition? Is it likely that the property will be acquired by another agency or organization?
4. Does the acquisition reflect a fair distribution of Land Bank resources over time among the geographic sources of Land Bank revenue?

### **Is there public support for the project?**

1. Have county residents been provided with an adequate opportunity to become informed and to comment on the acquisition?
2. Do county residents support the project?

### III. STEWARDSHIP OF OWNED PROPERTIES

#### A. STEWARDSHIP ACTIVITIES FOR LAND BANK OWNED PROPERTIES<sup>7</sup>

For each property owned by the Land Bank, there will be a range of stewardship activities the Land Bank will engage in to protect the community's investment in the property and its resources and to be a good neighbor. Some of the basic stewardship activities are listed below.

1. **Maintaining Management Plans.** For each property there will be a management plan that will govern basic stewardship of the property. Land Bank staff will regularly review management plans and propose appropriate revisions to the Land Bank Commission. Material revisions to management plans will be considered and adopted through public hearings before the Land Bank Commission and County Commissioners in the same manner Land Bank budgets are considered and adopted.
2. **Maintaining Baseline Data.** For each of its properties, the Land Bank will keep a detailed "baseline data" file with photos, maps and other information (technical, legal, etc.) about the property and its resources. These files will be compiled with technical assistance and will be updated on an annual basis. They will be used in monitoring the property over time and to help keep the Land Bank aware of changing stewardship needs.
3. **Coordinating Volunteer Stewards.** The Land Bank will work through its Volunteer Stewards Program to enhance stewardship of Land Bank properties. For each Land Bank property, the goal will be to have a small group of people who know the property well, visit it regularly, observe its condition, and report to Land Bank staff any noteworthy changes in use or condition of the property.
4. **Respecting Adjacent Private Properties.** The Land Bank will be a good neighbor to owners and residents of property adjacent to Land Bank properties. Management activities necessary to protect neighboring property and residents will be incorporated into management plans.
5. **Keeping the Community Informed.** At each Land Bank property, there will be a sensitively placed sign indicating that the property is owned by the citizens of San Juan County and was acquired with Land Bank funds. Language intended to promote the particular management plan goals for the property may be included on the sign. Fires and

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<sup>7</sup> Adopted by the Land Bank Commission 11/16/93.

#### IV. Stewardship of Conservation Easements

camping will not be permitted on any Land Bank properties and the Land Bank will work to assure that visitors are kept mindful of this.

6. **Keeping the Sheriff Informed.** The San Juan County Sheriff will be encouraged to respond to reports of illegal activities occurring on Land Bank properties. To facilitate this, the Land Bank will work to keep the Sheriff informed of the location and use restrictions on Land Bank properties. When it acquires a property, the Land Bank will provide the Sheriff's office with a description of the property, a map showing the location of the property, a summary of restricted uses and anticipated human use management issues for the property, and a list of neighbors of the property.

**B. LAND BANK VOLUNTEER STEWARDS PROGRAM FOR LAND BANK OWNED PROPERTIES<sup>8</sup>**

The Land Bank hopes to work with volunteer land stewards to promote effective stewardship of Land Bank owned properties. For each Land Bank property, there will be a range of stewardship activities the Land Bank must engage in to protect the community's investment in the property and to be a good neighbor: The volunteer stewards program will be one element of these stewardship activities.

Our goal for each Land Bank property is to have a small group of people who know the property well, visit it regularly, observe its condition, and report to Land Bank staff any noteworthy changes in use or condition of the property. There will be an on-site orientation for each volunteer steward. Stewards will be asked to observe the guidelines for volunteer stewards (see attached).

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<sup>8</sup> Adopted by the Land Bank Commission 11/16/93.

### **C. GUIDELINES FOR LAND BANK VOLUNTEER STEWARDS<sup>9</sup>**

Here are some of the guidelines we have set for volunteer stewards as we experiment with enhancing stewardship of Land Bank properties through volunteers. Suggestions for better ways to do this will always be appreciated.

1. Volunteer preserve stewards will visit assigned property(s) at least twice per month, on weekends if possible. Land Bank staff will coordinate communications, orient volunteers, and track hours and activities.
2. Volunteer preserve steward tasks may include litter removal, noxious weed control, wildlife observation, simple trail maintenance, and public education.
3. Volunteer preserve stewards need to be familiar with property features, boundaries, and specific use restrictions in order to recognize changes and respond to issues. Except in cases of emergency, volunteer stewards should report anything of concern to Land Bank staff.
4. Volunteer preserve stewards will submit a monitoring report after each visit to the property. This may be done via e-mail, phone, or by mailing the provided report form. The reports are important for tracking the condition of the properties, making decision regarding management, responding to changes, and calculating volunteer hours for L&I reports.

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<sup>9</sup> Adopted by the Land Bank Commission 11/16/93.

## IV. Stewardship of Conservation Easements

### San Juan County Land Bank Preserve Volunteer Monitor Form

<b>Property:</b>		<b>Date:</b>																			
<b>Preserve Volunteer:</b>		<b>Phone:</b>																			
<b>Arrival Time:</b>	<b>Departure Time:</b>	<b>Total Time:</b>																			
1																					
Weather: (circle one) Clear    Pt. Cloudy    Overcast    Rain    Snow			Temperature: (approx.)																		
<b>Use Observations:</b>  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> # people hiking/sitting _____  # boats on beach _____  other (describe) _____ </div> <div style="width: 45%;"> # cars parked in pull-outs _____  # boats on Westside Lake _____ </div> </div>																					
<b>Prohibited Activities:</b> <i>please note location and describe evidence of camping, fires, bicycles, motorized vehicles, loose dogs, horses, or other prohibited activities</i>  <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 33%;"><u>Activity</u></th> <th style="text-align: left; width: 33%;"><u>Location</u></th> <th style="text-align: left; width: 33%;"><u>Description</u></th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> </tbody> </table>				<u>Activity</u>	<u>Location</u>	<u>Description</u>	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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<b>Visitor Contact:</b> <i>please note issues discussed or questions asked by visitors</i> <div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div>																					
Notable Wildlife, Bird or Plant Observations: <div style="border-bottom: 1px solid black; height: 20px; width: 100%;"></div>																					
Invasive Species Observed:		Location:																			
Other Notes:																					

*Please use back of this form for further descriptions and notes*



**D. CLASSIFICATIONS OF LAND BANK PROPERTIES ACCORDING TO STEWARDSHIP NEEDS<sup>10</sup>**

This summary of some anticipated *direct* costs of managing individual Land Bank properties has been developed to help the Land Bank Commission determine allocations to its Stewardship Fund. The costs associated with each classification will be updated annually based on actual experience.

- 1. Conservation Easements**
  - annual monitoring visits by trained monitors with update of baseline data and photos
  - every five years: purchase new aerials
  - when property is conveyed: meet with new owner(s) and provide information
  - Estimated average annual stewardship cost: \$100
- 2. Owned Property with no public access or very restricted access (typically a property with a threatened or endangered species present)**
  - infrequent cleanup of litter by volunteer monitors
  - maintenance of signs
  - annual site visit to observe site condition and update baseline data file
  - negotiation of species-related management plans with relevant state agencies
  - technical evaluation of species status and implementation of protective or restorative measures
  - Estimated average annual stewardship cost: \$500
- 3. Owned Property with public access and minimal use anticipated**
  - infrequent cleanup of litter by volunteer monitors
  - maintenance of signs
  - annual site visit to observe site condition and update baseline data file
  - Estimated average annual stewardship cost: \$400
- 4. Owned Property with public access and regular use anticipated where there are minimal improvements to the site**
  - frequent cleanup of litter
  - maintenance of signs
  - annual site visit to observe site condition and update baseline data file
  - Estimated average annual stewardship cost: \$600

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<sup>10</sup> Adopted by the Land Bank Commission 11/16/93.

**5. Owned Property with public access and regular use anticipated with a variety of improvements to the site or with heavy use anticipated**

- frequent cleanup of litter
- maintenance of signs
- annual site visit to observe site condition and update baseline data file
- installation and long term maintenance of improvements
- Estimated average annual stewardship cost: \$2,000

**IV. STEWARDSHIP OF CONSERVATION EASEMENTS**

**A. STEWARDSHIP ACTIVITIES FOR CONSERVATION EASEMENT PROPERTIES<sup>11</sup>**

For each conservation easement acquired by the Land Bank, there will be a range of stewardship activities the Land Bank will engage in to maintain good relationships with the property owner(s) and to protect the community's investment in the easement. Some of the basic stewardship activities are listed below.

- 1. Maintaining Baseline Data.** For each of its easement properties, the Land Bank will keep a detailed "baseline data" file with photos, maps and other information (technical, legal, etc.) about the property and its resources. These files will be compiled with technical assistance and will be updated on an annual basis through a visit to the property by a trained conservation easement monitor. They will be used in monitoring the property over time and to help keep the Land Bank aware of changing stewardship needs.
- 2. Keeping in Contact with the Property Owner(s).** The Land Bank will keep owners of easement property aware of monitoring activities for their property. Property owners will receive a letter informing them of any pending monitoring visit for their property and a letter following the visit. The Land Bank will give prompt notice of any easement violations of which it becomes aware.
- 3. Developing Good Relationships with New Property Owners.** When a property conserved through a conservation easement passes to a new owner, the Land Bank will develop a constructive relationship with the new owner from the outset. A representative from the Land Bank will meet with the new owner to introduce the Land Bank and how it works and to review the easement and answer any questions about it.

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<sup>11</sup> Adopted by the Land Bank Commission 11/16/93.

#### IV. Stewardship of Conservation Easements

4. **Promoting Effective Stewardship by the Landowners.** The Land Bank may from time to time provide owners of easement properties with information that might help to prevent easement violations and maintain effective communication between the Land Bank and owners of easement properties.

## B. MODIFICATIONS TO CONSERVATION EASEMENTS<sup>12</sup>

San Juan County, through the San Juan County Land Bank, acquires and holds conservation easements on property in order to preserve in perpetuity areas in the County that have environmental, agricultural, aesthetic, cultural, scientific, historic, scenic, or low-intensity recreation value, and to protect existing and future sources of potable water.

It shall be the policy of the San Juan County Land Bank to hold and enforce its conservation easements as written. As such, the Land Bank will recommend amendments to its conservation easements only in very exceptional circumstances. Any request for amendment will be reviewed and approved in accordance to the procedures set forth in this policy, and will be implemented only where the Land Bank Commission determines that:

1. The requested amendment is warranted under one or more of the purposes set forth below; and
2. It is the minimum change necessary to satisfy that purpose; and
3. It will not erode the confidence of the citizen's of San Juan County, including past and future grantor's of conservation easements, about the goals of the organization or its intent to enforce its conservation agreements.

**A. Amendment of conservation easement.** Regardless of whether the Land Bank, landowner, or some other party initiates the request for amendment of the easement, the Land Bank shall not recommend approval of any amendment unless it finds that the following conditions have been met:

- 1.) The amendment will have a neutral or beneficial effect on the conservation value of the property; and
- 2.) The amendment is consistent with the purposes of the easement and does not affect the easement's perpetual duration; and
- 3.) The current owner of the property and the Land Bank agree to the amendment.

**B. Purpose of Amendment Request.** The San Juan County Land Bank will consider modification of its conservation easements only in one or more of the following circumstances:

- 1.) **Prior Agreement.** A conservation easement may include a specific provision allowing modification of the restrictions at a future date under specified circumstances. The amendment must be consistent with the terms and conservation intent of the original agreement.
- 2.) **Correction of an Error or Ambiguity.** The Land Bank may recommend an amendment to correct an obvious error or oversight made in the original

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<sup>12</sup> Adopted by the Land Bank Commission 12/19/03.

#### IV. Stewardship of Conservation Easements

conservation easement. This may include correction of a legal description, inclusion of standard language that was unintentionally omitted, or clarification of any ambiguities.

- 3.) **Settlement of Condemnation Proceedings.** Conservation easements and other property interest owned by the Land Bank are subject to condemnation for public purposes, such as highways, schools, etc. Where it appears that the condemnation power would be properly exercised, the Land Bank Commission may recommend that the County enter into a settlement agreement with the condemning authority in order to avoid the expense of litigation. In reaching such an agreement, the Land Bank shall attempt to preserve the intent of the original conservation agreement to the greatest extent possible.
- 4.) **Minor Modifications Consistent with Conservation Purpose.** The Land Bank may recommend other, minor modifications of the conservation easement where (a) the modification is not inconsistent with the intent of the principal parties to the original conservation project, and (b) the amended agreement is substantially equivalent to or enhances the conservation goals of the original agreement.

The Land Bank Commission will be extremely cautious in consenting to a change under this policy, and will do so only where the circumstances suggest that a change is clearly warranted and in the best interests of conservation.

#### **C. Amendment Procedures.**

- 1.) The Land Bank Commission and staff shall review all requests for amendments to Land Bank conservation easements, and where appropriate, conduct field reviews with on-site evaluations.
- 2.) If the Land Bank Commission concludes that the amendment is legally permissible, consistent with the terms of this Policy Statement, and clearly warranted by the circumstances, the Land Bank Commission shall forward a recommendation for amendment to the Board of County Commissioners.
- 3.) The Board of County Commissioners shall approve conservation easement amendments by resolution and sign the amended deed.

## **V. PUBLIC PARTICIPATION AND ACCESS**

### **A. PUBLIC PARTICIPATION<sup>13</sup>**

The San Juan County Land Bank is a public program funded by a voter-approved excise tax on the purchase of real property in the county. It is therefore important that the people of San Juan County participate, when possible, in all aspects of Land Bank functions.

The people of San Juan County are represented through the Land Bank Commission (LBC), a volunteer board consisting of seven county residents. The LBC believes that the people of the county should be informed of Land Bank activities and be involved in the development of major Land Bank policy, proposed acquisitions, long range planning, budget preparation, and stewardship and management planning.

In order to ensure this public participation, the LBC will undertake the following:

1. In the preparation of the San Juan County Open Space and Conservation Plan, the Open Space and Conservation Committee held public meetings and workshops, and employed surveys and "viewer employed photography" to assess public goals for open space preservation. The LBC shall use the San Juan County Open Space and Conservation Plan as a reflection of public opinion on conservation resources and goals for preservation of these resources.
2. The LBC shall provide opportunities for public input at its meetings. This will be done by scheduling specific time for public input, or by allowing interested individuals or groups agenda time to address the LBC on a specific issue or issues. In addition, at the Chair's discretion, members of the public attending a LBC meeting may be allowed to participate when appropriate during the course of the meeting.
3. The Land Bank Commission will hold its meetings on various islands. The LBC will publicize these meetings and reserve agenda time for public input.
4. Land Bank Commissioners or the Director shall be available to attend community meetings on the various islands on at least an annual basis to provide information and receive comments.
5. The LBC shall hold a public hearing on each of its proposed Expenditure and Acquisition Plans and any modifications to them. At least ten days prior to any such hearing, the Land Bank shall make available a draft plan or modifications for public review.

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<sup>13</sup> Adopted by the Land Bank Commission 11/19/91.

## V. Public Participation and Access

6. If an acquisition of a parcel must be accomplished rapidly due to constraints such as those imposed by the current real estate market or by an immediacy of threat, the LBC shall make every reasonable effort to solicit public input on the proposed parcel.
7. The Land Bank will actively seek nominations of property for acquisition and will accept public comments on proposed acquisitions. Public support or opposition to a proposed acquisition shall be considered in the evaluation of the acquisition.
8. The Land Bank will provide informational material on the Land Bank, on Land Bank programs, and how Land Bank funds are being spent. The Land Bank will do occasional county-wide mailings to inform the community of Land Bank activities, and to solicit nominations for acquisition.

## **B. PUBLIC ACCESS TO LAND BANK PROPERTIES<sup>14</sup>**

### **GENERAL POLICY ON ACCESS**

Conservation is the primary purpose of the Land Bank. This is clear from the Land Bank Ordinance and is demonstrated by the record of intent of the ordinance and of Proposition 1 (the 1% real estate excise tax issue).

Nonetheless, since Land Bank property is acquired with public funds and since preserving properties with "low-intensity recreational" value is one of the goals of the Land Bank program, it is the policy of the Land Bank Commission that public access to Land Bank properties be allowed and encouraged whenever feasible.

1. Whether there will be public access to Land Bank property and the nature of that access will be determined on a case-by-case basis for each parcel. Public access will be permitted when:
  - a) access will not be detrimental to the conservation resources of the property, and
  - b) access will not result in undue expenditure of Land Bank or other county resources.

Exceptions to this provision may be made in the case of properties in towns and villages.

2. Some Land Bank properties may be acquired strictly for their conservation value. Public access may be inconsistent with conservation goals for those properties and access to them may be prohibited or limited.

### **ACCESS TO PROPERTIES OWNED BY THE LAND BANK**

#### **Access for Recreational Purposes**

Where public access to a Land Bank property for recreational purpose is permitted, it will generally be limited to compatible low-intensity recreational uses. Low-intensity recreational uses may include: walking, nature study, beach combing, kayaking, rowing, canoeing, or biking.

High-intensity recreational uses that are not incompatible with the conservation resources of the property may be allowed, but these uses are not acquisition or management goals of the Land Bank program. High-intensity uses may include: camping, off-road vehicle riding, horse riding, power boating, shooting, hunting, or fishing.

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<sup>14</sup> Adopted by the Land Bank Commission 2/4/92.



**Access for Educational, Scientific, Cultural, or Archaeological Study**

Where public access to a property is not otherwise permitted, access for purposes of educational, scientific, cultural, or archaeological study may be allowed. Permission for such access must be obtained from the Land Bank. Conditions may be placed on use of the property for study where the Land Bank feels they are necessary to protect the conservation resources of the property.

**ACCESS TO PRIVATELY OWNED PROPERTIES PROTECTED THROUGH CONSERVATION EASEMENTS**

The Land Bank does not require that there be public access to privately owned properties that are protected through conservation easements. When a landowner who sells or donates a conservation easement to the Land Bank chooses to allow public access to the property, the scope of that access will be covered in the easement agreement. Any such access will be tailored to the property owner's wishes and interests and the nature of the property's conservation resources.

### C. YOUTH INVOLVEMENT WITH THE LAND BANK<sup>15</sup>

The Land Bank will take advantage of Land Bank properties to create new opportunities for the youth of our community.

Land Bank staff will work cooperatively with other agencies and organizations to promote youth activities and programs that involve particular Land Bank properties. These activities and programs will generally revolve around the key ecological, historic, and cultural resource values of the properties. When funds necessary for these activities cannot be found within existing Land Bank budgets, they will be solicited from outside private or public sources.

In addition, the Land Bank is establishing the San Juan County Conservation Land Apprentices Program. This program will be designed to involve the County's youth in stewardship of Land Bank properties in a way that is enjoyable, informative and rewarding.

For high school aged youth, the program will include:

1. Assisting Land Bank property monitors. Apprentices will work side by side with professionals in the field who assess resources and advise the Land Bank on stewardship needs.
2. Participating directly in implementing elements of management plans as summer employment. Qualified apprentices will have the opportunity to participate in a range of management activities including marking boundaries, trail development, site enhancement, invasive plant control, and office work.

At the grade school and middle-school level, the program will include activities like the following site-specific projects:

3. At the Weeks Wetland: participating in an annual cycle of stewardship activities including water quality testing and monitoring plant and bird populations; conducting annual Earth Day clean up; and photo documenting site development and stewardship progress. In addition, we will be helping teachers to tie the classroom curriculum to specific projects at the site.
4. At Fowler's Pond: participating in wildlife enhancement by building bird boxes to encourage nesting, and monitoring enhancement by keeping field logs
5. Similar activities at a not yet designated San Juan Island property.

This program will expand gradually on a site-by-site basis as properties are acquired and as the pool of individuals willing to be participating mentors grows.

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<sup>15</sup> Presented to Land Bank Commission, conditional approval, 4/4/94

#### **D. COMMERCIAL USE<sup>16</sup>**

Commercial use is defined as the use of a property by any group or individuals engaged in a for-profit business operation. Examples of such business operations include sightseeing tours, whale watching tours, bicycle tours, commercial film production, guided hiking trips and kayak tours. Educational and non-profit interest groups are not included in this policy.

The Land Bank policy on Public Access allows low-intensity recreation only when that activity is not detrimental to the conservation value of a property, and when it does not result in undue expenses. In nearly all cases, commercial operations incur a level of activity and management expense that is incompatible with these principals. The Land Bank therefore prohibits commercial use of all of its properties, with the exception of special cases noted below.

When necessary, Land Bank properties with public access will be signed to advise that:

- 1) by law, the use of this property is limited to low-intensity recreation;
- 2) individuals and groups engaged in commercial use activities are not permitted on the property.

#### **Special Cases**

1. Deadman Bay Preserve – Commercial kayak groups touring the west side of San Juan Island regularly stop to rest and picnic at Deadman Bay. This activity predates Land Bank ownership, and will be allowed to continue so long as it does not adversely impact the facilities or conservation value of the property. This exemption from the standard commercial use policy applies only to brief, transitory stops at Deadman Bay from the water. Launching, storage, or take-out of kayaks or other watercraft by commercial operators is not allowed. Additionally, Deadman Bay has been a traditional destination for commercial snorkeling and SCUBA trips. This use will also be allowed to continue so long as it does not degrade the facilities or conservation value of the site.
2. The Land Bank Commission may consider other special cases on an individual basis and may approve limited commercial use as part of the regular stewardship planning process.

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<sup>16</sup> Adopted by the Land Bank Commission, 9/8/00

## **E. SPECIAL EVENTS ON LAND BANK PROPERTIES<sup>17</sup>**

### **BACKGROUND**

As described in the Land Bank's policy on Public Participation and Access (adopted 11/19/1991), public access is allowed on Land Bank fee-owned properties when it is not detrimental to the conservation resources, and is not too costly to oversee. Recreational use is generally limited to low-intensity activities. Other activities that are compatible with the land's conservation resources may be allowed.

The Land Bank periodically receives requests to conduct special events, such as wedding ceremonies, on fee-owned properties. Such events potentially constitute high-intensity use. They may be acceptable, however, on selected preserves and with certain restrictions.

This policy provides a guide for Land Bank staff to approve or deny requests for special events. It should be reviewed periodically and revised as needed. The purpose of this policy is to minimize impacts to conservation resources, as well as minimize staff time spent managing events.

A special event is here defined as a planned, private activity involving more than 15 people. No permission is required for groups of 15 people or less. This policy does not apply to educational or scientific groups, which will be evaluated on an individual basis.

### **SPECIAL EVENT RULES**

These rules apply to all special events except those at Eastsound Waterfront Park, where San Juan County Parks policies apply.

1. Group size may not exceed 50 individuals.
2. Events may last no more than 4 hours including any set-up and clean-up.
3. Any trash generated must be removed. The property shall be left in the same condition as it was before the event.
4. Carpooling or shuttling is required; see parking notes under individual properties.
5. A portable toilet may be required, depending on size and duration of the event.
6. Sound systems are not allowed.
7. Alcohol is not allowed.

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<sup>17</sup> Adopted by the Land Bank Commission, 4/21/2006

8. Exact time and location of the event, and the placement of any chairs, tables, or other set-up materials must be approved by Land Bank staff. Large canopy tents are not allowed. In general, the use of set-up materials is discouraged. See additional notes under individual properties.
9. The property will remain open to the public during the event, which should be staged so as not to interfere with regular public access.
10. All other general property use restrictions, such as dogs on leash, no campfires, etc., will apply to the event.

## **PROPERTIES WHERE SPECIAL EVENTS ARE ALLOWED**

### **San Juan Island:**

Special events are allowed at **Limekiln Preserve**, in the quarries along the main trail system. The Westside Lake parking area is available for parking, leaving the 2-3 spots at the gate entrance open for other visitors. Only minimal set-up materials may be used in this natural area, for example, chairs for elderly visitors.

### **Orcas Island:**

**Eastsound Waterfront Park** is available for special events. San Juan County Parks will handle permitting for this property, in consultation with Land Bank staff, according to Parks policy.

### **Lopez Island:**

The mowed field at **Hummel Lake** may be used for special events. Only 6 parking spaces are available; two of these must be left unoccupied at all times for other visitors.

Special events at **Fisherman Bay Spit** must be restricted to the upland portion of the property. Absolutely no events may take place on the sand spit. Two parking spaces must be left open at all times for the public. Only minimal set-up materials may be used in this natural area.

## VI. TRANSACTIONS

### A. FORMULA FOR SETTING CONSERVATION EASEMENT PURCHASE PRICES<sup>18</sup>

The formula used by the San Juan County Land Bank to set conservation easement purchase prices shall have two major components: they are *attribute points* and a *price factor*. The attribute points awarded under the formula will be the same county-wide, with differences in markets among islands captured in the per acre price factor, which will be set by the Land Bank Commission and adjusted at the discretion of the Land Bank Commission as markets change. The attribute points and price factor are applied as explained below and as shown on the attached worksheet.

1. **Attribute Points.** Points are numerical values assigned to specific attributes of a property that make it more or less desirable as a conservation easement property. A property may score a maximum of 420 points. The attributes and point values assigned to them are as follows:

- (a) **Base**

30 base points are assigned to all properties to which the formula is to be applied.

- (a) **Density**

Points are assigned for the size to density ratio of the property. The number of acres that would come under conservation easement are divided by the San Juan County Comprehensive Plan designation of the property. A maximum of 40 points are available in this category.

- (c) **Lots Eliminated**

*Elimination of lots that have not yet been created.*

The number of potential lots (lots that are allowed under the Comprehensive Plan, but which have not yet been created) eliminated through the easement will be calculated as a percentage of lots allowed for the property under the Comprehensive Plan. The maximum number of points allowed in this category, 170, is then multiplied by this percentage of potential lots eliminated to give a point value for this attribute.

*Elimination of legal existing lots.*

In the case of properties with lots that have already been created (for example, through subdivision or simple land division), the number of legal existing lots eliminated will be calculated as a percentage of lots allowed for the property under the Comprehensive Plan. The maximum number of points in this category, 240, is then multiplied by this percentage of existing lots eliminated

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<sup>18</sup> Adopted by the Land Bank Commission, 2/16/96

to give a point value for this attribute. This provision will not apply to R-20 and R-40 properties.

*Elimination of both potential and existing lots.*

In instances where some potential lots are eliminated and some existing legal lots are eliminated, points from each subcategory will be allowed and combined for a total of not more than 240 points.

*Elimination of a lot that could be immediately created through simple land division.*

Where a property owner could obtain higher points in this category by creating through simple land division a lot that would then be eliminated under the easement, the points will be calculated as though the simple land division had been accomplished, but the final price to be paid under the formula will be reduced by \$250. This will apply only where all potential lots but one will be eliminated on the portion of the property for which the simple land division would be allowed.

**(d) Road Frontage**

The number of feet covered by the easement that front on a county road will be divided by 100 to give up to a maximum of 25 points.

**(e) House Size or Location**

25 points will be awarded where houses permitted under the easement will be screened from view from the county roads by existing vegetation that is at least 75 feet deep.

In the alternative, 25 points will be awarded where houses permitted under the easement will be limited in size to 2400 square feet or less. Ten points will be awarded where houses will be 2400 to 3200 square feet or less. No points will be awarded when houses can be between 3200 and 4000 square feet.

Where different provisions of this section apply (for example, some houses allowed are screened and some are limited in size), an average of the points per house will be calculated for a maximum score of up to 25 points.

**(f) Management Plan**

Where a forest, farm or habitat management plan is developed for the property and required under the easement, ten points will be awarded.

**(g) Special Attributes (Optional Points)**

Positive and negative optional points (up to plus or minus 50 points) are assigned at the discretion of the Land Bank Commission for characteristics that affect the desirability of the property. These include, but are not limited to, extensive encumbrances, water or mountain views from the property, attributes of surrounding lands, and adjacency to already conserved land.

2. **Price Factor.** The price factor is a dollar value that is assigned to each attribute point. It is set to reflect market factors. The price factor may differ among islands and may change from year to year. For easements to be acquired in 1996, the price factor for San Juan Island will be \$10.00 and the price factor for Orcas and Lopez Islands (and outer islands) will be \$7.50.
3. **The Formula.** The price per acre the Land Bank will pay to acquire a conservation easement will be determined by adding all the points assigned for attributes of the property and multiplying the total number of points by the price factor set for the island on which the property is located. This price per acre is then multiplied by the total number of acres that would be covered by the easement to yield the easement price.
4. **Option to Obtain an Appraisal.** At the property owner's or the Land Bank Commission's option, the purchase price will be set through appraisal. The party seeking the appraisal will bear the cost of the appraisal, and will select an appraiser from a list of qualified appraisers approved by the Land Bank Commission. The Land Bank will pay either the value of the easement as determined by appraisal or 20% more than the price set under the formula, whichever is less.



### Conservation Easement Purchase Price Worksheet

(1) **Base** (30 points awarded to each property.) \_\_\_\_\_

(2) **Density** (*Up to 40 points awarded.*)

$$\frac{\text{_____}}{(\# \text{ of acres})} \div \frac{\text{_____}}{(\text{density})} = \frac{\text{_____}}{(\text{points} \leq 40)} \quad \text{_____}$$

(3) **Lots Eliminated** (*Up to 240 points awarded.*)

$$\frac{[\text{_____}]}{(\# \text{ potential lots eliminated})} \div \frac{\text{_____}}{(\# \text{ allowed lots})} \times 170 = \text{points} \quad \text{_____}$$

$$\frac{[\text{_____}]}{(\# \text{ existing legal lots eliminated})} \div \frac{\text{_____}}{(\# \text{ allowed lots})} \times 240 = \text{points} \quad \text{_____}$$

(4) **Road Frontage** (*Up to 25 points awarded.*)

$$\frac{\text{_____}}{(\text{feet of road frontage})} \div 100 = \frac{\text{_____}}{(\text{points} \leq 25)} \quad \text{_____}$$

(5) **House Size or Location** (*Up to 25 points awarded.*)\*

House sites screened from county road by existing vegetation 75' deep = 25 points.

Houses limited to 2400 sq. feet or less = 25 points.

Houses limited to 3200 sq. feet or less = 10 points.

Houses limited to 4000 sq. feet or less = 0 points. \_\_\_\_\_

(6) **Management Plan** (*Ten points awarded for management plan.*) \_\_\_\_\_

**Total Attribute Points (sum of 1-6)** \_\_\_\_\_

**x Price Factor\*\*** \_\_\_\_\_

**= Price Per Acre** \_\_\_\_\_

**x Number of Acres** \_\_\_\_\_

**= Easement Purchase Price** \_\_\_\_\_

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\* (If houses have different restrictions, then for each restriction multiply the # of houses restricted by the points awarded for that restriction. Add up all the points and divide by the number of houses allowed to get total points. For example an easement permitting seven houses, with two houses 3200 sq. feet maximum, two houses screened by 75 feet deep vegetation and three house 4000 sq. feet maximum, the calculation is  $[[2 \times 25] + [2 \times 10] + [3 \times 0]] \div 7 = 10$  total points.

\*\* Price factor for 1996 easement purchases is \$10.00 for San Juan Island and \$7.50 for Orcas and Lopez.

**B. PROPERTY VALUATION POLICY**

To be included in a later draft.

**C. INSTALLMENT PURCHASE PLAN**

To be included in a later draft.

**D. TRANSFER OF LAND BANK INTERESTS IN REAL PROPERTY<sup>19</sup>**

This policy applies to transfers of Land Bank interests in real property, including fee simple interests, remainder interests, conservation easements, access easements, exchanges, leases and options.

**1. Conditions Necessary in Order to Transfer**

At least one of the following conditions must be met before the Land Bank transfers an interest in real property:

**(a) Retention of conservation easement.** At the time of transfer, the Land Bank retains a conservation easement on the property with restrictions the Land Bank Commission believes are sufficient to protect the property's conservation resources.

**(b) Amendment of conservation easement.** The transfer involves the amendment of a conservation easement (e.g., a change in the conservation restrictions, text of the easement deed, or bounds of the physical area under restriction).

Regardless of whether the Land Bank, landowner, or some other party initiates the request for amendment of the easement, the Land Bank shall not approve any amendment unless it finds that the following conditions have been met:

- (i) the amendment will have a neutral or beneficial effect on the conservation value of the property; and
- (ii) the amendment is consistent with the purposes of the easement and does not affect the easement's perpetual duration; and
- (iii) the current owner of the property and the Land Bank agree to the amendment.

**(c) Property acquired incidental to a conservation purchase.** At the time the San Juan County Board of County Commissioners adopts a resolution to purchase a property that states:

- (i) portions of a property may have value to the Land Bank for uses other than conservation of that property, and
- (ii) the Land Bank reserved the right to sell or exchange the property interest.

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<sup>19</sup> Adopted by the Land Bank Commission, 9/18/98

**(d) Cooperation for public purposes.** The party to which the property will be transferred is either:

(i) another governmental unit whose purposes and capabilities include protection, management, monitoring, and enforcement of real property interests and which, in the judgement of the Land Bank Commission, will retain the property interest on a long-term basis; or

(ii) a qualified organization under Section 170(h)(3) of the Internal Revenue Code that will retain the interest for conservation purposes and whose purposes and capabilities include the protection, management, monitoring, and enforcement of real property interests; or

(iii) an organization qualified under Section 501(c)(3) of the Internal Revenue Code that will retain the interest for conservation purposes and whose purposes and capabilities include the protection, management, monitoring, and enforcement of real property or for the purpose of developing affordable housing for very low-income, low-income, or moderate-income households as defined by RCW 43.63A.510; and at the time of transfer, the Land Bank retains a conservation easement on the property with restrictions the Land Bank Commission believes are sufficient to protect its conservation resources.

**(e) Lease (short-term or long-term).** The land is leased for commercial or non-commercial use compatible with the Land Bank's conservation purposes and goals and on terms acceptable to the Land Bank Commission.

**(f) Change in conditions.** Changes in conditions surrounding the property since the date the interest was acquired by the Land Bank make impossible the retention of the interest for conservation purposes.

**(g) Dispute resolution.** The transfer is expected to result in the resolution of an ownership or boundary dispute in which, in the judgment of a majority of the Land Bank Commission, the claim of the other party to the dispute has merit.

**(h) Exchange.** The land or interest in land that is proposed for exchange is not necessary for conservation purposes; the property interest to be acquired by the exchange is necessary for conservation purposes as defined by the county ordinance; the value of the property to be exchanged is not more than the value of the property to be acquired by such

exchange; and the County Superior Court must approve the exchange pursuant to RCW 36.34.330.

## **2. Properties Acquired with Restrictions**

### **(a) Transfer of Interests Acquired through Gift or Bargain Purchase.**

Where the Land Bank has acquired property through gift or bargain purchase:

If a donor or seller specified uses or other restrictions concerning the asset at the time of the gift or sale, the Land Bank shall apply proceeds from the transfer in a manner that is consistent with the donor's original wishes or intentions.

**(b) Transfer of Interests Acquired with Financial Contributions from Other Organizations or Agencies.** Where the contribution was conditioned on restrictions on transfer, those restrictions will be honored.

## **3. Methods of Transfer.**

### **(a) Approvals Required**

(i) Transfers will be considered and approved as proposals within Land Bank Expenditure and Acquisition Plans, in the same general manner in which properties are approved for acquisition. Any proposed transfer must be considered at public hearings, as required by RCW 36.34, before the Land Bank Commission and the Board of County Commissioners.

(ii) The proposal for transfer included in the Expenditure and Acquisition Plan shall include a finding by the Land Bank Commission that the property no longer needs to be retained or is no longer necessary to achieve the conservation purpose that justified its acquisition and shall indicate which of the bases for transfer enumerated in Section 1 above applies. The Plan shall also include a finding to direct the use of proceeds that result from any property transfer.

**(b) Permitted Transfer Methods**

RCW Chapter 36.34. Any process allowed under RCW Chapter 36.34 shall be allowed. These include public auction and in the case of an exchange, petition to the superior court for approval of the exchange.

(i) Transfers approved by the Land Bank Commission shall be based on fair market value.

(ii) The Land Bank Commission shall reserve the right to involve the services of real estate brokers in a property transfer.

(iii) Public notice of properties being offered for sale may include local advertising in addition to required public notice.

**VII. FINANCE****A. FUNDING AND BUDGETING FOR STEWARDSHIP OF LAND BANK PROPERTIES<sup>20</sup>**

Effective stewardship of Land Bank properties is of highest priority for the Land Bank. The Land Bank Commission intends that adequate, stable funding for stewardship shall be available now and in the future.

1. There will be a Land Bank Stewardship Fund separate from the Conservation Area Fund. The funds in this account shall be invested and stewardship shall be funded out of investment proceeds. The Stewardship Account will be funded to a level that will permit some interest from the invested funds to be added to principal and reinvested.
2. When the Land Bank budgets for an acquisition, it will also budget an allocation to the Stewardship Fund intended to compensate for the additional stewardship obligations associated with the acquisition. Despite this, there will not be any direct correlation between the amount allocated into the Fund at the time of acquisition of a property and the amount spent on stewardship for that property: spending will be based on the comprehensive stewardship needs for all Land Bank properties. As the Land Bank develops a thorough understanding of the cost of its stewardship obligations, from time to time the Land Bank Commission may choose during its annual budget process to allocate additional funds to the Stewardship Fund not in connection with any particular property acquisition.
3. Each year, an annual budget for stewardship will be considered and approved as part of the Land Bank Expenditure and Acquisition Plan. (Nonetheless, to the extent feasible, during the initial years of the program, costs of administering the stewardship program and site enhancement costs will be funded out of the administration and land acquisition budgets of the Conservation Area Fund.) Costs that may be funded out of the Stewardship Fund through the annual stewardship budget include but are not restricted to the following:
  - a) Preserving the Asset
    - implementing elements of management plans
    - monitoring and protecting key resources of properties
    - monitoring and enforcing conservation easements
    - insurance and legal fees

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<sup>20</sup> Adopted by the Land Bank Commission 11/16/93.



- b) Providing for Human Use
  - routine maintenance including refuse removal and mowing
  - planning and permitting for site enhancement
  - installing and maintaining site enhancements (e.g. signs, fences, trails, parking areas, etc.)
  - providing educational information to users
  - site supervision
- c) Administering the Stewardship Program
  - developing management plans
  - maintaining contact with neighboring property owners
  - coordinating volunteers

**B. LAND BANK FINANCIAL INVESTMENTS<sup>21</sup>**

The Land Bank has three major sources of revenue, the 1% Real Estate Excise Tax, the San Juan County Conservation Futures Levy (.0625% property tax), and grant proceeds. In addition, by investing unspent revenue, the Land Bank can generate interest income.

As an arm of San Juan County government, the Land Bank works with the County Treasurer and the County Auditor to manage Land Bank funds.<sup>22</sup> The Treasurer controls investment decisions, and follows policies set by the County's Finance Committee and applicable laws and regulations that assure the security of invested public funds. Nonetheless, the Land Bank Commission makes suggestions regarding investment of Land Bank funds and has certain discretion regarding the timing and duration of investments. This policy is intended to govern how the Land Bank Commission acts within its limited range of discretion.

1. The Land Bank Commission shall manage its funds to generate as much interest income as possible, while meeting the cash flow needs of the program.
2. There shall be a Land Bank investment officer, appointed from among the Land Bank Commissioners, by a resolution of the Land Bank Commission. The investment officer shall have the authority to make investment decisions for the Land Bank Commission, subject to any limitations set by law and by the Commission through this policy or any resolution of the Commission. There shall be a back-up investment officer who shall make investment decisions when the investment officer is unavailable due to illness or travel.
3. There shall be an investments subcommittee of the Land Bank Commission. The subcommittee shall consist of the investment officer, the back-up investment officer and the Land Bank Commission chair. The investment officer shall be the chair of the subcommittee. The investment subcommittee shall meet from time to time as necessary to review the status of Land Bank investments and policy issues affecting investments. The subcommittee shall make recommendations on investment policy to the Land Bank Commission.
4. In making investment decisions, the investment officer shall rely on financial data provided by the County Auditor and County Assessor. Land Bank staff shall provide additional information and analysis as

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<sup>21</sup> Adopted by the Land Bank Commission 5/5/95.

<sup>22</sup> The County Auditor audits all income and expenditures of the Land Bank. Land Bank income and expenditures are included in the annual County audit conducted by the State Auditors.

necessary to facilitate decision-making. In addition, the investment officer shall adhere to the following guidelines:

- Land Bank funds should be invested on a ladder to the maximum level and interest rate feasible, such that investments mature and funds become available when needed for Land Bank acquisitions and expenses.
- No more than \$100,000 of Land Bank funds should remain uninvested for more than two weeks.