



# OFFICE OF FARMLAND PRESERVATION

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## DRAFT

The Farmland Preservation Task Force met in Wenatchee for a day and half to work through the Task Force recommendations that will be presented to the Commission in January 2009. Minutes are from Tuesday, December 2, 2008, at the Wenatchee Coast Center Hotel in Wenatchee. Chair Bob Hart called meeting to order at 1:10 pm

### MEMBERS ATTENDED:

Bob Hart  
Richard Thomason  
Jacob Anderson  
Don Munks

Sheryl Cox  
Jeff Emtman  
Roylene Rides-at-the-Door  
Representative Larry Springer  
Representative Joel Kretz  
Fred Colvin  
Dee Caputo  
Rudy Plager  
Lynn Bahrych

### COMMISSION STAFF:

Mark Clark, Executive Director  
Ron Shultz, Director of Policy  
Lori Gonzalez, Administrative Assistant  
Josh Giuntoli, Commission Staff

### GUESTS:

Kirk Mathewson  
Jason Schley, CD Employee  
Laura Clark, Okanogan CD  
Craig Nelson, Okanogan CD

### APPROVAL OF MINUTES

*Commissioner Munks moved to approve the October 2008 Meeting Minutes, Sheryl Cox seconded the motion. Motion Passes.*

### PUGET SOUND PARTNERSHIP

Ron Shultz, WSCC Policy Director briefed the Task Force on the Puget Sound Action Agenda 2020 that was just released by the Puget Sound Partnership December 1<sup>st</sup>. Ron pointed out in the agenda they talked about the roles of agriculture both in terms of threats to Puget sound, however, not many, they mainly emphasized the role of preservation of farms ask key to long term health of Puget Sound and maintaining viable agriculture. Some of the actions identified were:

- Purchase of Development Rights or use of conservation easements for working lands that are at immediate risk of conversion. Want to identify were those lands are to have an approach in funding. Partnership would be lead working with the different partnering agencies.
- Coordinate with the 5248 to resolve critical areas of regulations.
- Support Conservation Conservation's efforts to protect agricultural areas and work together to identify strategies to protect agricultural lands.
- Also landowner incentive programs-conservation districts working with other entities to work with the landowners to help them in programs to keep them in production.

The Commission is working with the 12 districts in Puget Sound creating their own action agenda that would help meet the priorities of the Puget Sound Action Agenda. Ron mentioned

1 that the prior biennial work plan did not include farmland preservation and the current biennial  
2 work plan does.

3  
4 **PUBLIC COMMENT**

5  
6 Kirk Mathewson is a citizen of Manson, WA. His area is going under a sub area review and they  
7 are looking for alternatives on how they can preserve farmland instead of cutting down trees  
8 and subdividing. City of Manson has a new Commissioner Doug Ingham 3<sup>rd</sup> or 4<sup>th</sup> generation  
9 farmer. He is asking of the task force if there are any alternatives to bring forth to his  
10 community. Mr. Manson also spoke of the current mapping project the UW is forgoing and  
11 wanted to make sure that the city of Manson is included in the mapping.

12  
13 **DRAFT REPORT RECOMMENDATIONS**

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15 The lists of recommendations were presented to the task force. Recommendations developed  
16 were based on the various meetings, discussions and tours held throughout the past year. Ron  
17 Shultz went through the process; once the task force has agreed to the recommendations, the  
18 recommendations will be presented to the Commission Board on Thursday, December 4 for the  
19 Commissioners to deliberate and adopt, from the Commissioners the final report then goes to  
20 the Governor and Legislature on behalf of the Farmland Preservation Task Force.

21  
22 Ron Shultz and Josh Giuntoli, presented to the task force recommendations and concepts that  
23 they may want to consider or work together in coming up with a concept together. In many of  
24 the issues, one to three concepts were presented for consideration. The Task Force deliberated  
25 on each issue and adopted with a consensus vote, each recommendation. For a full description  
26 of recommendations, please refer to the OFP report online at <http://ofp.scc.wa.gov>

27  
28 **Water Transfers**

29 ***Recommendation: Out of Basin Transfers***

30 A water right is the right of the holder and may be sold only for agriculture use.

31  
32 **Relinquishment**

33 ***Recommendation: Relinquishment***

34 To encourage the wise use of water, relinquishment laws need to be modified. The holder of the  
35 right should not lose the right or a portion of the right through non-use for a period of time. The  
36 water right holder should not be punished for conserving or non-use for a period time.

37  
38 **Conservation Easements**

39 ***Recommendation: Conservation Easements***

40 The Farmland Preservation Task Force would, through the OFP and Commission, provide input  
41 on the policy framework for developing the ranking criteria used by RCO or other groups  
42 evaluating and ranking farmland preservation projects.

43  
44 **Transfer of Development Rights**

45 ***Recommendation: Transfer of Development Rights***

46 The Farmland Preservation Task Force recognizes that TDRs are a possible tool in the  
47 preservation of working farmlands if strategies for indentifying receiving areas can be  
48 developed.

1 **AGENCY LAND MANAGERS**

2 ***Recommendations: Agency Land Managers***

3 Private ownership of lands is the preferred alternative to state agency farmland acquisition.  
4 State agency acquisition of agricultural lands should be put on hold unless these agencies have  
5 developed and adopted land acquisition and management plans that follow farmland  
6 preservation strategies.

7 Possible strategies include:

- 8 • Development of an Agriculture Impact Statement for agency land management activities.  
9 Whenever a state agency proposes to acquire any interest in property (fee simple or  
10 easement, or other), or when an agency proposes to become a lessee or lesser, that  
11 agency must complete an Agriculture Impact Statement (AIS) and submit the AIS to the  
12 State Conservation Commission for review and comment. The agency must then address  
13 the WSCC comments provided in response to the AIS prior to making the final  
14 determination on the acquisition. The WSCC should also submit a report to the Governor  
15 and Legislature once every two years on the results of agency acquisitions and their  
16 impact on agricultural production.
- 17 • Agencies should be required to complete an AIS whenever an agency undertakes an  
18 activity that requires the agency to complete a SEPA analysis. The AIS would be  
19 submitted to the WSCC for review and comment.
- 20 • State agencies should be encouraged to develop voluntary public access agreements and  
21 habitat easements to achieve their goals with landowners for recreational activities such  
22 as hunting and fishing and providing the landowner with alternative revenue streams.
- 23 • Interagency coordination of long-range land acquisition, disposal and management plans  
24 will include local governments and agricultural interests to ensure the long-range plans  
25 are connected to those interests.
- 26 • WDFW wildlife management plans should consider the impact of wildlife on agricultural  
27 activities and implement strategies to address these impacts.

28

29 **OPEN SPACE TAX PROGRAM**

30 ***Definition of farmland and commercial agriculture***

31 **Issue:** Land not currently in production due to conservation practices may be interpreted to not  
32 be in compliance with current use standards.

33 **Recommendation:** The DOR WAC definition of “commercial agricultural purposes” should  
34 consider current agricultural and conservation practices. (20% Rule)

35 ***Relationship of the Growth Management Act (RCW 36.70A) and the Open Space Taxation Act***  
36 ***(RCW 84.34)?***

37 **Issue:** The regulatory framework of GMA, with its recognition of incentives and non-regulatory  
38 approaches, and the incentive framework of the current use tax law need to be integrated.

39 **Recommendation:** The Office of Farmland Preservation should investigate the extent to which  
40 the open space tax laws and the Growth Management Act are working to preserve farmland and  
41 identify any inconsistencies or areas where coordination could be improved.

1 ***The definition of “ownership” for a commercial farming operation***

2 **Issue:** Currently, adjacent parcels each with different owners are evaluated individually for  
3 Open Space Tax eligibility. This approach can be a disadvantage where the parcels are owned  
4 separately but the agricultural activity across all parcels is managed as a single operation. For  
5 example, a 60 acre farm made up of a number parcels of less than 20 acres each held by family  
6 members with the parcels recorded under different names would not be considered a farm of  
7 over 20 acres for current use farm and agricultural classification and would thereby be required  
8 to enroll each parcel individually and meet the income requirements.

9 Also, it is a common farming practice in many areas of the state for a farmer to own multiple  
10 parcels in a county, such parcels not adjacent to each other. These parcels would be treated  
11 individually rather than as part of a larger operation and add complexity in the land  
12 management for the farmer to meet the Open Space Tax requirements for each individual parcel.

13  
14 **Recommendations:**

15 **Concept 1:** Relevant statutes (e.g. RCW 84.34.020) should be changed to allow the aggregation  
16 of contiguous properties to qualify as commercial farming for open space purposes.

17 **Concept 2:** There should be more flexibility in parcel ownership requirements to allow  
18 multiple owners to group their parcels together to benefit from open space designation,  
19 consistent with other agricultural production requirements in such a designation.

20  
21 **EXECUTIVE DIRECTORS REPORT**

- 22
- 23 • Mark reported a commission staffer is currently looking into land acquisition that is  
24 occurring with SERC Board dollars. Will hand out the report and perhaps later on  
25 discuss.
  - 26 • Josh has put together a one pager on where the task force is at currently and where the  
27 TF is heading.
  - 28 • Proposed in creating a subgroup to work with Ron and help develop criteria for RCO.
  - 29 • John Mankowski is looking into the state’s policy position on farmland preservation.
  - 30 • County Reports are incorporated into the binder and it is time for us to look at some of  
31 the counties on who is due to do a GMA update.
  - 32 • Talked about the budget and future of the Task Force group on having four meetings  
33 next year in 2009.

34  
35 Chair Hart adjourned meeting at 4:50 p.m.