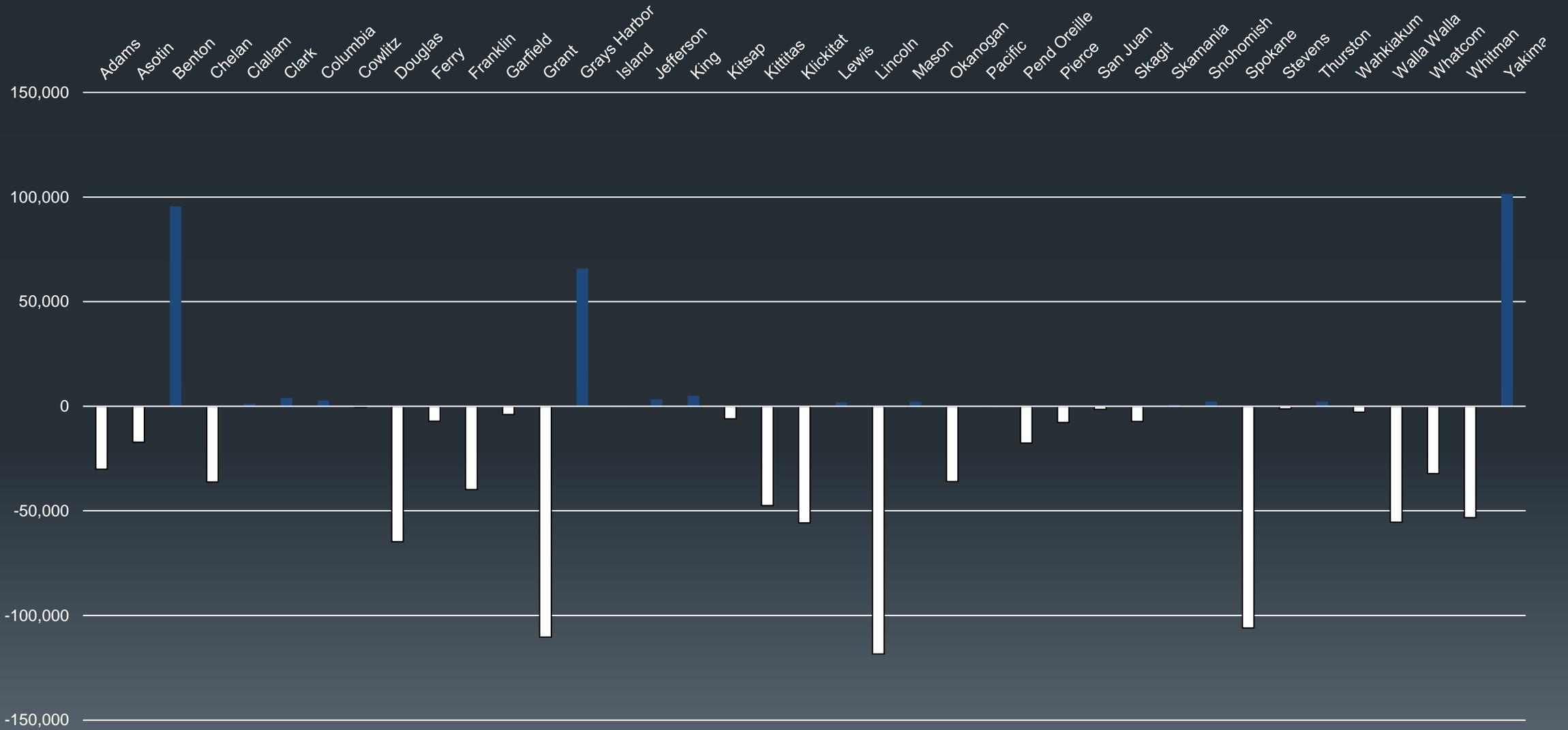


Comprehensive Planning and Agriculture

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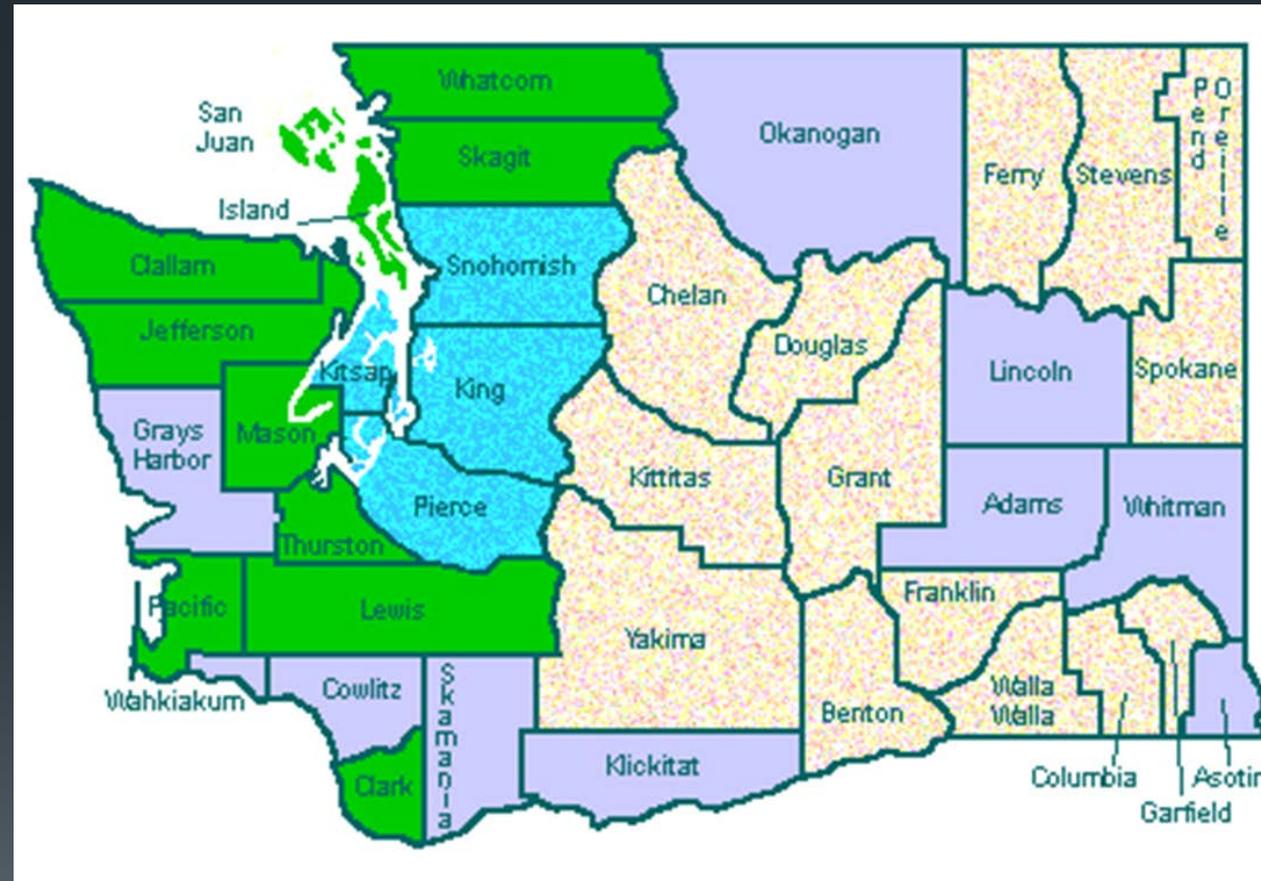
Change in Land in Farms 2002 to 2012



What is a comprehensive plan & why is it important

- A generalized coordinated land use policy statement of the governing body of a county or city adopted under the GMA
- Comprehensive plans make fundamental decisions about a community's future
- Community vision
- Comprehensive plans can help protect working farms:
 - By directing growth away from agricultural areas
 - By including policies that protect farmland, and
 - Including policies that protect farmers and encourage agriculture and the agricultural industry
- Implemented through:
 - Development regulations
 - Public investments
 - Education
 - Tax policy
 - Incentives

GMA Counties



Gray: CARL
counties

Dark:
Western
Region
Counties

Middle:
Central
Region
Counties

Light (Buff):
Eastern
Region
Counties

Definition of Agricultural Lands

- We hold that agricultural land is land:
 - (a) not already characterized by urban growth
 - (b) that is primarily devoted to the commercial production of agricultural products enumerated in RCW 36.70A.030(2), including land in areas used or capable of being used for production based on land characteristics, *and*
 - (c) that has long-term commercial significance for agricultural production, as indicated by
 - soil,
 - growing capacity,
 - productivity,
 - and whether it is near population areas or vulnerable to more intense uses.

Lewis County v. Western Washington Growth Management Hearings Bd., 157 Wn.2d 488, 502, 139 P.3d 1096, 1103 (2006)

WAC 365-190-050 Minimum Criteria for Designating Agricultural Lands of Long-Term Commercial Significance

- The guidelines shall be minimum guidelines that apply to all jurisdictions, but also shall allow for regional differences. RCW 36.70A.050(3)
- Includes guidance for all three *Lewis County* elements
- Calls for a county- or area-wide approach to designating agricultural land
- “We further hold that counties may consider the development-related factors enumerated in WAC 365–190–050(1) in determining which lands have long-term commercial significance.” *Lewis County v. Western Washington Growth Management Hearings Bd.*, 157 Wn.2d 488, 502, 139 P.3d 1096, 1103 (2006)

Additional Considerations (WAC 365-190-050)

- (4) Counties and cities may consider food security issues
- (5) When applying the criteria in subsection (3)(c) of this section, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.
- (6) Counties and cities may further classify additional agricultural lands of local importance

De-designating Agricultural Land

- The same criteria are used to de-designate agricultural lands. *Yakima County v. Eastern Washington Growth Management Hearings Bd.*, 146 Wn. App. 679, 688 – 89, 192 P.3d 12, 16 – 17 (2008)
- In *Futurewise v. Benton County*, the Growth Management Hearings Board found the de-designation of 1,263 acres of agricultural land violated WAC 365-190-050(1) because it was not done as part of a county- or area-wide study. *Futurewise v. Benton County*, GMHB Case No. 14-1-0003, Final Decision and Order (Oct. 15, 2014), at 35 of 38. Currently under appeal.

How We Can Do Better in Designating Agricultural Lands

- We need to recognize that continuing losses of working farms and working forests threatens our state's economic future
- Have clear and objective designation criteria
- Prime farmland is not enough
 - 14.7 million acres of land in farms in 2012
 - 6.4 million prime farmland soils, 9.2 million farmland of statewide significance, and 888,182 acres of farmland of unique importance
- Protect farmland on uplands, not just in flood plains
- Improve the minimum criteria for the designation of agricultural lands so that it is more specific
- Improve the designation of agricultural lands during the 2015 to 2018 updates
- Implement *Vision 2040* and similar regional and comprehensive plan visions throughout the state

Duties Applicable to Designated Agricultural Resource Lands

- The County was required
 - *to assure the conservation of agricultural lands and*
 - *to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products.*

King County v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields), 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000) emphasis in original

How We Can Do Better to Conserve Farmland

- Minimum lot sizes 40 acres and smaller do not protect farmland. See Nelson
- Limit residential uses on agricultural lands to residences related to agricultural operations as Skagit County does and Douglas County does for certain types of lots on agricultural land
- Allow farm worker housing
- Do not allow cluster developments on agricultural land of long-term commercial significance, they just convert farmland. See Daniels
- If they are allowed limit cluster developments limited to lands with poor soils or otherwise unsuited to agriculture. RCW 36.70A.177(1)
- Allow value-added and supportive agricultural uses

How We Can Do Even Better

- Prohibit the use of irrigation and stock water for residential development
- Never expand urban growth areas into or near natural resource lands
- Work with your county to make sure agricultural land can easily get in the current use taxation program
- Adopt and implement effective transfer and purchase of development rights programs
- Require RCW 36.70A.060(1)(b) incompatibility notices

Protect farms and farmers from incompatible uses

- Use natural barriers, limited access highways, buffers, setbacks, and the location of non-farm uses to separate farms from incompatible adjacent uses to reduce the impacts of noise, dust, overspray, and other impacts
- Use buffers or fencing to reduce trespass or livestock and crop theft
- Minimize residential use of roads used to move farm equipment
- Do not direct undetained or unfiltered storm water into agricultural flood plains
- Plan for transit-oriented communities, mixed-use multi-story developments generate more tax revenues per acre than any other use

More Information

- Web Soil Survey: <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- *Department of Commerce Growth Management Webpage:*
<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Pages/default.aspx>
- *Growth Management Hearings Board website:* <http://www.gmhb.wa.gov/default.aspx>
- *The RCWs, WACs, and other materials are available at the website:* <http://slc.leg.wa.gov>
- *Judicial Opinions are available at:* <http://www.mrsc.org/legalres.aspx>
- *MRSC Planning Website:* <http://mrsc.org/Subjects/Planning/planning.aspx>
- *Vision 2040 Multicounty Planning Policies:*
[http://www.psrc.org/assets/1738/Part III Multicounty Planning Policies.pdf](http://www.psrc.org/assets/1738/Part_III_Multicounty_Planning_Policies.pdf)
- *WA State Dept. of Commerce's Procedural Criteria (chapter 365-196 WAC):*
<http://apps.leg.wa.gov/wac/default.aspx?cite=365-196>
- *Futurewise:* www.futurewise.org

Sources

- Arthur Nelson, *Preserving Prime Farmland in the Face of Urbanization: Lessons from Oregon* 58 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 467 (1992)
- Thomas L. Daniels, *Where Does Cluster Zoning Fit in Farmland Protection?* 63 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 129 (1997)
- Skagit County Department of Planning and Development Services, *Administrative Official Interpretation pertaining to implementation procedures for Skagit County Code (SCC) 14.16.400(6) Siting Criteria in the Agricultural-NRL zoning district* pp. 2 – 4 (May 14, 2010). Accessed on Dec. 8, 2014 at: <http://www.skagitcounty.net/PlanningAndPermit/Documents/Siting%20of%20Non-Ag%20Buildings%20in%20Ag-NRL%20zone.pdf>
- Dennis Canty, Alex Martinsons, and Anshika Kumar, *Losing Ground: Farmland Protection in the Puget Sound Region* p. 9 (American Farmland Trust, Seattle Washington: Jan. 2012) accessed on Nov. 11, 2014 at: <http://www.farmland.org/programs/states/wa/Puget-Sound-Farmland-Protection-Findings.asp>
- Tim Trohimovich, *GMA Goals 8 & 9: Natural Resource Lands and Recreation And Open Space: State of the Law, How We Are Doing, and Helpful Improvements in Law Seminars International The Nineteenth Annual Two-Day Conference on Washington's Growth Management Act* (Nov. 2010)

More Sources

- United States Department of Agriculture, National Agricultural Statistics Service, *2012 Census of Agriculture Washington State and County Data Volume 1 •Geographic Area Series • Part 47 AC-12-A-47 Chapter 2: County Level Data, Table 8. Farms, Land in Farms, Value of Land and Buildings, and Land Use: 2012 and 2007* pp. 271 -- 75 (May 2014) Accessed on Dec. 8, 2014 at:
http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_2_County_Level/Washington/
- United States Department of Agriculture, National Agricultural Statistics Service, *2007 Census of Agriculture, Washington State and County Data Volume 1 Geographic Area Series • Part 47 Chapter 2: County Level Data, Table 8. Farms, Land in Farms, Value of Land and Buildings, and Land Use: 2007 and 2002* pp. 290 – 94 (February 2009) accessed on Dec. 8, 2014 at:
http://www.agcensus.usda.gov/Publications/2007/Full_Report/Volume_1,_Chapter_2_County_Level/Washington/st53_2_008_008.pdf