



DESIGNATING FARMLAND AROUND PUGET SOUND

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Introduction

In Washington State, many counties are required by law to plan for their long-term population growth and development using the Growth Management Act (GMA) planning process. The Growth Management Act was made into law and written into the Revised Code of Washington (RCW) in 1990. As part of the GMA planning process, counties are required to identify, designate and preserve “agricultural lands of long-term commercial significance.”¹

Although the GMA language makes it clear that counties are supposed to designate “agricultural lands of long-term commercial significance,” counties are given considerable latitude under both the RCW and Washington Administrative Code (WAC) in how they make the determination to designate, and what criteria they use. This means that for counties who view farmland as an asset and are motivated to protect it, the state guidance gives them sufficient authority to designate most if not all of their farmland. However, the leeway afforded to the counties also poses a risk to farmland protection. In some counties, the lack of specific guidance provided in the RCW language has allowed for minimal designation of agricultural lands, which are typically granted additional protections from conversion and development and awarded higher priority for funding from state and federal programs.

This paper provides an overview of the designation criteria used by the twelve counties around Puget Sound, and provide recommendations on what makes a good set of criteria for counties wishing to strengthen protections for agricultural land through planning and zoning. There is little consistency in the process counties go through to develop their designation criteria, and county planners often lack opportunities to engage with their counterparts and exchange notes. This analysis is important to provide a comprehensive look at who is doing what, and some insight into what is working. Although not a replacement for conversations among planners, it may give those working on planning for agriculture a sense of why designation criteria matter and how they can be written to protect farmland most effectively.

RCW Language & the 1990 Growth Management Act

Some background and context for why the State Legislature perceived the need to designate farmland with long-term commercial significance to the state and other natural resource lands can be found in the original Growth Management Act language from the 1990 bill. In their findings section on rural lands, the authors of the bill discuss the need to coordinate growth, protect the public’s interest in conservation, and promote sustainable economic development. They stated that:

“Uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands,

¹ RCW 36.70A.170, <http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.170>

pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state.”²

Further, the legislature found that rural lands play an important role in the state by working to “enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life,”³ recognizing that:

“In defining its rural element under RCW 36.70A.070(5), a county should foster land use patterns and develop a local vision of rural character that will: help preserve rural-based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns”⁴

The *key* language concerning the designation of farmland from the original 1990 Growth Management Act is brief, and states simply the following:

“On or before September 1, 1991, each county, and each city, shall designate where appropriate: Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products.”⁵

The only other explicit guidance provided in the RCW states that when making the required designations of agricultural land, counties and cities should consult with the Department of Agriculture, and with other stakeholders including representatives of landowners, builders, developers, state and local officials, environmental groups, etc.⁶

Definitions

In the GMA context, the terms “agricultural land” and “long-term commercial significance” are defined as follows:

“Agricultural land” means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.⁷

² RCW 36.70A.010, <http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A.010>

³ RCW 36.70A.011, <http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A.011>

⁴ RCW 36.70A.011, <http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A.011>

⁵ RCW 36.70A.170, <http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.170>

⁶ RCW 36.70A.050, <http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.050>

⁷ RCW 36.70A.030 – Definitions, <http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A.030>

“Long-term commercial significance” includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.⁸

"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW [36.70A.170](#). When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.⁹

In many Washington counties, people have raised questions about this definition of “long-term commercial significance.” The main point seems to be that conserving farmland or farm soils does not in itself protect the farmer or the agricultural industry. While critics note that additional measures to support farmers and the farm industry are needed to complement farmland protection policies, the economics of farming (whether local farmers are making money or can make money) is not to be considered when designating agriculture lands.¹⁰ This is to ensure that local government policy decisions regarding conservation of agricultural resource lands are not based on short-term economics.¹¹

WAC Language on Designating Agricultural Resource Lands

Since the GMA was created and new planning language was adopted into the RCW, similar language regarding the designation of agricultural lands has also been adopted into the Washington Administrative Code (WAC). The WAC highlights the same emphasis found in the RCW on land that has “long-term commercial significance,” and states that:

“Counties and cities planning under RCW [36.70A.040](#) must adopt development regulations that assure the conservation of designated agricultural, forest, and mineral lands of long-term commercial significance.”¹²

In discussing agricultural lands, the WAC uses the same definition in the original GMA language of the RCW, including the criteria of long-term commercial significance and

⁸ RCW 36.70A.030 – Definitions, <http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A.030>

⁹ RCW 36.70A.030 – Definitions, <http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A.030>

¹⁰ *City of Redmond v. Central Puget Sound Growth Management Hearings Board*. 136 Wn.2d 38, 56 (1998); 1000 Friends I, CPSGMHB Case No. 03-3-0019c.

¹¹ Renkor, B., *Designation of Agricultural Lands in Chelan, King, Lewis, and Yakima Counties*, Washington State Department of Community, Trade and Economic Development, December, 2004.

¹² WAC 365-196-815 – Conservation of Natural Resource Lands, <http://apps.leg.wa.gov/wac/default.aspx?cite=365-196-815>

excluding areas of urban development. But unlike the RCW, the WAC provides some additional language and more specific guidance to help local jurisdictions in trying to implement the mandate to designate and conserve resource lands of long-term commercial significance.

Much of this updated WAC language has been developed as counties have developed their own code language and grappled with GMA compliance. After passing the GMA in 1990, the legislature subsequently created three independent Growth Management Hearings Boards to resolve land use disputes and to reflect regional diversity. The jurisdictional regions for the three boards are: Eastern Washington, Western Washington, and central Puget Sound.¹³ Often, the precedent for land use decisions is set through decisions made by the Growth Management Hearings Board (GMHB). For example, in determining a case in Lewis County, the GMHB defined agricultural land as land that is:

1. Not already characterized by urban growth
2. 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*
3. That has long-term commercial significance for agricultural production, as indicated by:
 - a. soil,
 - b. growing capacity,
 - c. productivity,
 - d. and whether it is near population areas or vulnerable to more intense uses.

¹⁴

What's Important in Considering "Long-Term Commercial Significance"?

The WAC states that lands should be considered for designation as agricultural resource lands based on the same three factors defined by the GMHB, and outlines parameters for determining what constitutes long-term commercial significance, and how to take it into consideration when designating agricultural resource lands. Below are the guidelines provided by the WAC for some of the relevant factors that should be considered in making agricultural resource land designation decisions. These factors can be a useful starting point for creating a set of county specific criteria, or in determining how to adjust current criteria to serve the needs of the agricultural industry.

WAC Long-Term Commercial Significance Factors

In determining long-term commercial significance, the WAC states that counties and cities should consider the following nonexclusive criteria, as applicable:¹⁵

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

¹³ <http://www.gmhb.wa.gov/>, accessed January 8, 2014.

¹⁴ *Lewis County v. Western Washington Growth Management Hearings Bd.*, 157 Wn.2d 488, 502, 139 P.3d 1096, 1103 (2006). Taken from PowerPoint presentation given by Tim Trohimovich, December 18th, 2013.

¹⁵ WAC (365-190-050)

- The availability of public facilities, including roads used in transporting agricultural products;
- Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;
- The availability of public services;
- Relationship or proximity to urban growth areas;
- Predominant parcel size;
- Land use settlement patterns and their compatibility with agricultural practices;
- Intensity of nearby land uses;
- History of land development permits issued nearby;
- Land values under alternative uses; and
- Proximity to markets.

Additional WAC Designation Factors

In addition to urban growth, current or potential agricultural use, and long-term commercial significance, the WAC lists other factors counties may want to take into consideration when designating farmland.¹⁶ The WAC suggests that:

- Counties and cities may consider food security issues including:
 - Providing local food supplies for food banks, schools, and institutions
 - Vocational training opportunities in agricultural operations, and
 - Preserving heritage or artisanal foods
- When applying the long-term commercial significance criteria, 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
- Counties and cities may further classify additional agricultural lands of local importance

The entire WAC section on designating agricultural resource lands can be found in the Appendices below.

The Department Of Commerce’s Role in Implementing GMA

The WA State Department of Commerce provides technical assistance to local governments in the form of publications, guidebooks, and other research services on growth management and planning topics. Responsibility for adopting guidelines to aid counties that are participating in GMA planning in the classification of agricultural lands is given to the Department of Commerce through the Administrative Procedure Act. The GMA mandates that these are “minimum guidelines that apply to all jurisdictions, but also shall allow for regional differences that exist in Washington State. The intent of these guidelines is to assist counties and cities in designating the classification of

¹⁶ WAC (365-190-050)

agricultural lands.”¹⁷ In 2010, the Department of Commerce adopted the new more explicit minimum guidelines for designating agricultural resource lands found in the WAC, representing an important change since the GMA was enacted in 1990.

Designation Criteria Used by Puget Sound Counties

Because counties all start with the same minimum guidelines, and many of the characteristics that make good farmland are consistent across the region, counties have often developed similar designation criteria. The long-term commercial significance factors included in the WAC are nonexclusive and are not explicitly ranked or weighted, Factors which are relatively easy to measure (e.g. parcel size or tax status) as well as factors like soil quality that have a direct impact on growing capacity and productivity are more commonly used in Puget Sound counties. The table below illustrates some of the most common types of criteria, as well as some of the differences in how they are constructed.

Puget Sound Counties GMA Designation Criteria					
	Proximity to UGA or incompatible uses	Current Use	Minimum lot size for designation	Includes land that is adjacent to, or contiguous with designated land	Soil Suitability
Clallam Co.	YES	NO	15 acres	YES	YES
King Co.	YES	YES (also considers historic use)	10 or 35 acres	YES	YES
Kitsap Co.	N/A	N/A	N/A	N/A	N/A
Island Co.	NO	YES	20 acres	YES (smaller lots under same owner)	YES
Jefferson Co.	YES	YES (also considers historic use)	10 acres and smaller	NO	YES
Mason Co.	NO	YES (also considers historic use)	10 acres	YES (if surrounded by qualifying lands)	YES
Pierce Co.	YES	YES	5 acres	NO	YES (including specific soil types)
San Juan Co.	NO	YES	10 acres	NO	YES (including specific soil types)
Skagit Co.	YES	YES (also considers historic use)	5 acres	YES (parcels can be included to preserve contiguity)	NO
Snohomish Co.	YES	YES	10 acres	YES (if adjacent to qualifying lands)	YES
Thurston Co.	YES	YES (also considers historic use)	20 acres	YES (to keep large farm blocks intact)	YES (including specific soil types)
Whatcom Co.	YES	YES	40 acres with some exceptions	NO	YES (including specific soil types)

¹⁷ RCW 36.70A.50 <http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A.050>

Despite these commonalities, when looking at the amount or type of land designated as “farmland of long-term commercial significance” around the region, we see very different results county to county. These discrepancies are most likely accounted for both by the specific criteria each county uses, and the subtle differences in how criteria are interpreted. These subtle differences from county to county have occasionally led to significant differences in the way the policies play out on the ground. Below are some examples.

Soil Suitability

Across the board, Puget Sound counties use some measure of their soil’s suitability for farming when they designate agricultural land—with the exception of Kitsap County, which has not designated any farmland of long-term commercial significance. In most counties, this means that to be considered agricultural land of long-term commercial significance and designated as such in the county zoning code, the land must be listed as “prime farmland” or include “prime soils” according to the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS).¹⁸ This can be in the form of specific soil types determined by a county level soil survey, or can be based on broader soil classifications. Some counties structure their criteria around NRCS soil classes alone. For example, Clallam County includes all land with soil capability classes I and II, classes III and IV if they are currently irrigated or located in an irrigation district, and even class is V or VI if they are drained or can be drained without violating critical areas regulations. In 2002 Clallam County had 455 farms, employing 1,190 people and totaling 22,372 acres of farmland. During the same 2002 USDA Census of Agriculture, Clallam County’s agricultural production was valued at \$17.8 million annually.¹⁹ Although Clallam may not have as much designated acreage as some other counties, their commitment to agriculture comes through clearly in their policy language.

The quantity of prime soils necessary to meet the designation criteria also varies between counties. For example, Mason County only requires that a parcel contain prime soils, while other counties include a threshold or minimum percentage of prime soil on the parcel to be eligible. If the goal is to designate more farmland, or to be inclusive in designating farmland and ensure that as much actively farmed and potentially farmable land is protected as possible, then keeping this threshold low may be important. Many farms contain multiple types and grades of soil, and not all agriculture requires large amounts of prime soil to be productive. The table below illustrates some of the variation in soil criteria

Use of Soil Criteria by County		
County	Soil Criteria?	Criteria Language
Clallam	Yes	Soil capability class is I, II, and includes the Agnew Soil Series that is a Class III; or the soil capability class is III-VI and meets certain criteria.
King	Yes	Lands containing prime agricultural soils.

¹⁸ A description of the soil capability classifications can be found here:

<http://soils.usda.gov/technical/handbook/contents/part622.html>

¹⁹ Clallam County Code, 31.02.115

Kitsap	No	N/A
Island	Yes	At least twenty-five percent (25%) of the parcel is composed of prime soils.
Jefferson	Yes	NRCS Prime agricultural soil on a significant portion (approximately one third or more) of the parcel.
Mason	Yes	The parcel has prime farmland soils.
Pierce	Yes	Parcel must contain at least 51% Prime Soils, including Prime with conditions.
San Juan	Yes	Soils identified by the NRCS as suitable for farming in San Juan County and capable of supporting long term commercial agricultural production.
Skagit	Yes	“Prime farmland soils” as determined by the USDA Natural Resource Conservation Service.
Snohomish	Yes	Prime farmland as defined by the U.S. Soil Conservation Service (SCS) or consists of other Class III soils in the SCS capability classification.
Thurston	Yes	Designated lands should include predominantly prime farmland soils based upon the land capability classification system.
Whatcom	Yes	Soils are classified as APO soils based on the NRCS's Prime Farmland classification system and Land Evaluation and Site Assessment (LESA) system.

Parcel Size

Another common criteria used in determining what to designate as farmland of long-term commercial significance is the size of the parcels being considered. In the Puget Sound region, 11 out of the 12 counties use some minimum parcel size in their designation criteria, ranging from 5 to 20 acres. This minimum may be different from the minimum lot size written in the zoning code or the density allowed, and only means that in order for an area to be considered for designation as “farmland of long-term commercial significance” there must be at least a certain critical mass of suitable land. The most common minimum parcel size used as a designation criterion in the Puget Sound is 20 acres, with many counties also using 10 acres.

The table below lists criteria language from each of the 11 counties with designated farmland and the minimum parcel size allowed:

Minimum Parcel Size Criteria by County		
County	Size Criteria?	Criteria Language
Clallam	Yes	Minimum net farmable parcel size of fifteen (15) acres, including land under contiguous ownership (such as five (5) acre survey parcels).
King	Yes	Parcels smaller than 20 acres.
Kitsap	No	N/A
Island	Yes	Parcel is at least twenty (20) acres in size.
Jefferson	Yes	Parcels 10 acres or larger in size should be given strong consideration however smaller parcels may also be highly suitable for agricultural designation.
Mason	Yes	The property has a minimum parcel size of ten acres.
Pierce	Yes	Only 5 acre parcels and larger will be considered Ag Resource Land.
San Juan	Yes	Parcels of ten acres or larger

Skagit	Yes	Generally, all lands in unincorporated Skagit County which are parcels 5 acres or greater.
Snohomish	Yes	Parcel(s) of 10 acres or greater in areas designated as Upland Commercial Farmland or Local Commercial Farmland.
Thurston	Yes	Predominant parcel size is 20 acres or more, which, in conjunction with soil type, provides economic conditions sufficient for managing agriculture lands for long-term commercial production.
Whatcom	Yes	(Ag District Criteria) 40 acres, with some exceptions.

Current Use

The third most commonly used factor in counties’ designation criteria is how the land in question is currently being used. As with parcel size, 10 out of the 12 Puget Sound counties consider how a parcel is being used in designating farmland of long-term commercial significance, and King County uses current farming practices in determining its Agricultural Protection Districts (discussed further in Appendices). Often counties will require that land being designated have existing commercial farming activity present, or be “primarily devoted” to commercial agricultural production. Some, like Skagit County will also allow for the designation of land that has been in agricultural use within the past 10 years. In some cases, counties use enrollment in the Open Space-Agriculture taxation program as proof of current farm related use.²⁰

County	Active Ag Use	Current Use Taxation
Clallam	No	No
King	No	Lands being farmers and lands in the current use taxation program can be designated
Kitsap	No	No
Island	No	Property as of June 2, 1999, is classified in the open agriculture tax program.
Jefferson	Currently in commercial agricultural use.	Open Space Taxation not a requirement for agricultural designation; but is a good indication of qualifying land.
Mason	Existing commercial agricultural use or Ag use as of January 1991, where identified by the Open Space Agriculture taxation program or where Ag is the principal use of the property.	No
Pierce	No	No
San Juan	No	Lands in production of food and agricultural products which are under conservation easement for agricultural use or which are enrolled in the Open Space-Agriculture taxation program.
Skagit	1) Existing land uses are primarily agricultural and minimal financial commitment to non-farm uses has been made	The land is in a current-use tax assessment program as it pertains to agriculture.
Snohomish	Land is devoted to agriculture by: the adopted future land use map; current zoning	No

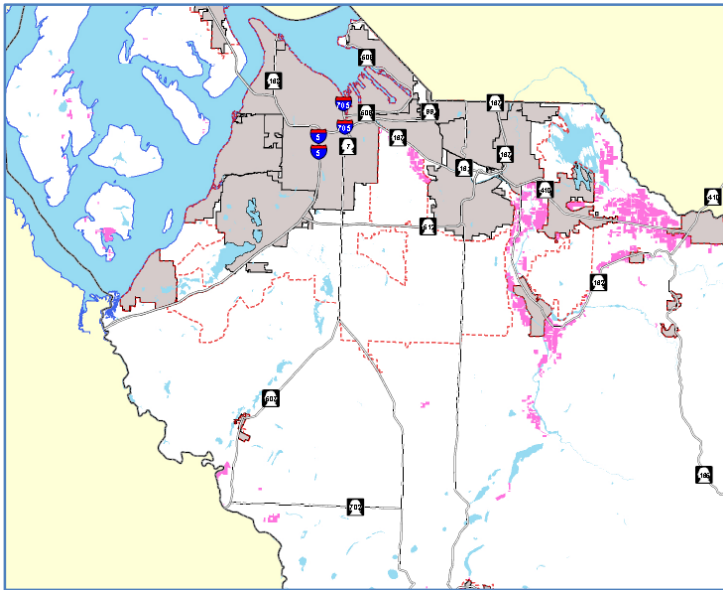
²⁰ Open Space Taxation Act, RCW 84.34.

	classification of Ag-10; and was identified various field surveys.	
Thurston	Designated agricultural lands should be primarily devoted to the commercial agricultural, including land capable of production based on land characteristics.	Current use taxation information can help identify lands capable of being used for agriculture.
Whatcom	No	Designated as agricultural open space for county property tax purposes within the past seven years; and/or

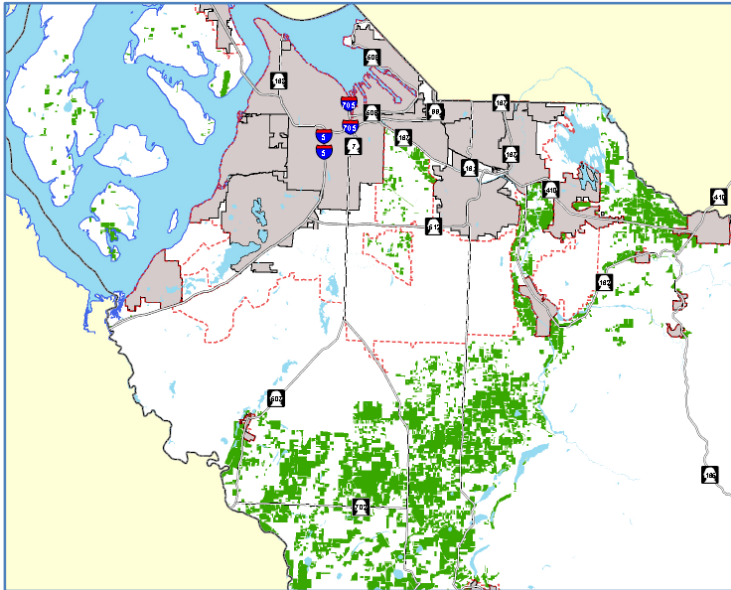
Other Criteria Used Around Puget Sound

Although many counties share common criteria for designating their farmland under the GMA, the state’s guidelines for designating farmland are designed to allow for regional differences between counties, as a result counties place different emphasis on certain long-term significance factors. Less common criteria include specific soil yield, location in the floodplain, diking and drainage factors, agricultural infrastructure, and access to municipal services. These unique or county specific criteria can also create vastly different results in designation and zoning, and thereby level of protection. In Pierce County, planners designing the criteria for the county’s Agricultural Resource Land (ARL) zone added a yield criteria requiring that ARL designated land must be capable of producing at least 3.5 tons per acre per year of grass or legumes. This yield criteria alone *reduces the ARL zoned lands by over 50,000 acres.*

Pierce County Agricultural Resource Lands (in pink) with yield criteria. Approximately 11,500 acres:



Pierce County Agricultural Resource Lands (in green) without yield criteria.
Approximately 63,000 acres:



What criteria have been effective in designating *all* of the best farmland?

It is our presumption that the ideal set of farmland designation criteria would strike a balance between being too narrowly prescriptive and so broad as to lose value. If a county's criteria define farmland of significance too narrowly, they will fail to capture all of the county's agricultural lands. For example, in Thurston County only half of the soils designated as "prime" for agriculture are designated.²¹ Conversely, if farmland designation criteria are designed too broadly they may not serve their purpose either. Although broadly defined criteria may have the potential to be inclusive of all a county's farmland, in reality the need to further determine eligibility on a case-by-case basis may leave too much room for interpretation. In general, using the following elements to create criteria seem to have been effective:

- NRCS Prime Soils or Soil classes I-IV, and Soils of Statewide Significance
- Excluding UGAs and other areas of intense development except for where large blocks of farmland remain
- Current agricultural use, typically as of the date of designation
- Policies that keep large farm parcels from being subdivided, but still permit small lots (smaller than 5 acres) to be designated to keep contiguous agricultural lands together and prevent small farm parcels from being orphaned

How do designation criteria impact farmland preservation?

Looking at the change in farmland acreage over time can help draw conclusions about how effectively counties are designating and protecting farmland, bearing in mind that designation criteria are only one aspect of a county's farmland protection efforts and that other factors are often at play: markets, residential real estate prices, etc. Although with

²¹ Conversation with Tim Trohimovich, Director of Planning and Law at Futurewise.

some imitations, the USDA Census of Agriculture remains the best source of data to track farmland loss over time. Self-reported data is collected every five years, and the most recent 2012 census provides the best snapshot available.

The two counties that gained the most land in farms from 2007-2012 were Jefferson and Whatcom counties. Jefferson County's criteria include lands that are away from Urban Growth Areas, existing land uses that might interfere with agriculture, and typically where urban levels of service (sewer, water, etc.) do not already exist. Parcels designated Agricultural Resource Lands are required to have Prime soils present (approximately one third), and land that is currently farmed, is in the Open Space Taxation program, or has been farmed in the past and can be brought back into production is also included. Jefferson County's criteria appear to strike the right balance—encompassing all land that could be viably farmed, but anticipating and excluding areas where farming may encounter challenges in the future. In east Jefferson County vacant land may have been brought back into agricultural production rather than developed due to a depressed real estate market for residential housing, and having a small but dedicated farm community backed by good agricultural code language has also helped.

Whatcom County has opted to add additional regulatory framework beyond traditional zoning to their farmland protection strategy. To accomplish this, they have created what they call as Agricultural Protection Overlay (APO). The purpose of the APO is to promote and encourage commercial agricultural activity, meet long-term agricultural needs not otherwise met in the Agriculture zone, provide a reasonable mix of uses and activities which may enhance the economic resources available to the farmer, and provide for a variety of uses within the rural areas which are not inconsistent with or incompatible with agriculture.²² While Whatcom's designation criteria are good, the creation of their APO—which seeks to conserve lands with agriculturally important soils, whose predominant use is or could be commercial agriculture regardless of underlying zoning—is also key. Farmers in Whatcom County have also been receiving record high prices for raspberries, and as a result entrepreneurial farmers have been starting or expanding operations to take advantage of the relatively high profit margins. This increased value of land for agricultural production is a very effective deterrent to conversion.

Code language designating agricultural land must be reinforced by policies that support the protection of farmland and upheld by staff who understand the value of preserving the local farm landscape and economy. For example, Clallam County, which also gained land being farmed from 2007-2012 uses language in their county code makes very clear the priority to identify, designate, and actively preserve their agricultural lands. Clallam County has even developed a Conservation Strategy—a set of policies to help ensure agricultural land is prioritized and preserved. The County code states that “Clallam County has demonstrated its willingness to provide for long-term preservation of resource lands and the County shall be willing to consider additional resource land purchases as landowner opportunities arise and the public indicates their strong preference for additional land purchases.” Clallam County has designated and zoned just

²² Whatcom County Comprehensive Plan, Chapter 8 – Resource Lands, <http://www.whatcomcounty.us/pds/plan/lr/compplan/pdf/Chapter8.pdf>

over 6,000 acres of its farmland as Agricultural Retention (AR), as the County's GMA designated agricultural lands of long-term significance, but by our estimates this still only accounts for approximately one third of the county's total farmland. According to the USDA Census of Agriculture, Clallam County showed modest gains in both the number of farms and the land in farms countywide between 2007 and 2012.

On the other end of the spectrum, Kitsap County "recognize[s] agricultural activities without designating land specifically for such uses"²³ and does not designate any farmland of long-term commercial significance. While they do discuss allowing and even encouraging farming and agricultural activities in their rural areas, there is not language that talks explicitly about what this means or how it might be implemented. Between 2007 and 2012, Kitsap County lost over 5,000 acres of land being farmed, a 34% decrease. While the loss of farmed acreage in Kitsap is likely due to a combination of factors, the lack of agricultural zoning undoubtedly contributes to the scale and pace of farmland conversion.

Summary of Findings

- Designation criteria provide the foundation for state mandated protection of a county's most important farmland.
- Subtle differences in criteria can have dramatic results when put into practice on the landscape.
- Using physical characteristics like soil productivity makes sense, but current and historic agricultural use are also very good indications of farmland that should be considered commercially significant.
- In order to protect a county's farm landscape and future food production, criteria should be constructed to include as much as the actively farmed land as possible.

Implications for Planning for Agriculture

Because the term "long-term commercial significance" is relatively subjective, there are inherent challenges to ensuring farmland is protected as the GMA intended. Nevertheless, good criteria are necessary as a foundation for good land use planning and zoning. Through periodic or annual comprehensive plan updates, local planners can help refine code and policy language to support farmland protection goals and compliment other county efforts, like Transfer of Development Right (TDR) programs, agritourism initiatives, etc. Based on our findings, we believe the following lessons can be used to raise the bar for farmland protection around the region.

Local planning typically deals with parcels as the unit of analysis, but thinking about farmland in terms of landscapes rather individual lots often leads to better policies. Economies of scale, equipment sharing, and farm support businesses rely on a critical mass of contiguous farmland. While it is important to write criteria that utilize defensible physical characteristics, being inclusive enough to keep large farm blocks intact and prevent designating "islands" of farmland surrounded by development will make for a more sustainable industry over time.

²³ Kitsap County Comprehensive Plan, 3.2.6 Agricultural Lands, Goal 13.

Land use policy can be controversial, and what is in the best interest of today's farmers may not be good for the future of the industry. By providing technical assistance, working with farmers to streamline permitting, hosting regional events like Pierce County's "Farm Forum" and supporting local farmers, county staff can help decision makers and community members see the value of agriculture and the benefit of taking a long-term view of farmland protection.

Planning for agriculture cuts across issues of land use, the environment, and economic development. This can produce political and technical challenges, but if done well, taking a comprehensive approach to planning a viable future for farms and farmers has great potential to build constituency.

Lastly, communication between local planners is vital. Through outreach, hosting conferences and webinars, and providing technical assistance, AFT has had the opportunity to talk to planners all around Puget Sound. There is a lot going on, and often the challenges faced in one county are parallel to those faced elsewhere. Fostering conversations and collaboration between counterparts in other counties may provide support, innovation, and solutions throughout the comprehensive planning process.

Treat farmland like other critical areas

In the same section that deals with designating farmland, the GMA also addresses the need to designate and protect critical areas. Although the GMA language on the two topics and the leeway given counties is very similar, there has been vastly more policy developed around the protection of critical areas. Managing farmland of long-term commercial significance the way we manage critical areas may be one way to bolster protections for farmland regionally.

Recent updates to the State Environmental Policy Act (SEPA) checklist have included agriculture, requiring consideration of the environmental benefits farmland provides and the impacts of converting it to other uses.

Conclusion

In counties with criteria that include most of the actively farmed land, incentivize keeping land in production, and provide protections beyond general purpose rural zoning, farmland is less likely to be annexed, rezoned, subdivided, or otherwise converted out of agricultural use.

Moving forward into the future, thinking about farmland and food production in a new context might help communicate the need to plan for a region's "critical" farmland. Some municipalities like the City of Seattle own land that is set aside as a dedicated watershed to supply the city with its drinking water.²⁴ While the term foodshed is often used, it is rarely defined as clearly or as literally as the Cedar River Watershed is by Seattle. A new

²⁴ <http://www.seattle.gov/util/environmentconservation/education/cedarriverwatershed/>. Accessed August 27, 2014.

concept of a foodshed, and more data defining exactly how much dedicated farmland would be required to feed a county or region could provide a starting point for how to think about critical farmland.

Appendices

Appendix 1:

WAC Section (365-190-050) on Designation Agricultural Resource Lands

1. In classifying and designating agricultural resource lands, counties must approach the effort as a county-wide or area-wide process. Counties and cities should not review resource lands designations solely on a parcel-by-parcel process. [Cities] are encouraged to coordinate their agricultural resource lands designations with their county and any adjacent jurisdictions.
2. Once lands are designated, counties and cities planning under the act must adopt development regulations that assure the conservation of agricultural resource lands. Recommendations for those regulations are found in WAC 365-196-815.
3. Lands should be considered for designation as agricultural resource lands based on three factors:
 - a. The land is not already characterized by urban growth. To evaluate this factor, counties and cities should use the criteria contained in WAC 365-196-310.
 - b. The land is used or capable of being used for agricultural production. This factor evaluates whether lands are well suited to agricultural use based primarily on their physical and geographic characteristics. Some agricultural operations are less dependent on soil quality than others, including some livestock production operations.
 - i. Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation. The intent of a landowner to use land for agriculture or to cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production. Land enrolled in federal conservation reserve programs is recommended for designation based on previous agricultural use, management requirements, and potential for reuse as agricultural land.
 - ii. In determining whether lands are used or capable of being used for agricultural production, counties and cities shall use the land-capability classification system of the United States Department of Agriculture Natural Resources Conservation Service as defined in relevant Field Office Technical Guides. These eight classes are incorporated by the United States Department of Agriculture into map units described in published soil surveys, and are based on the growing capacity, productivity and soil composition of the land.

- c. The land has long-term commercial significance for agriculture. In determining this factor, counties and cities should consider the following nonexclusive criteria, as applicable:
 - i. The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service;
 - ii. The availability of public facilities, including roads used in transporting agricultural products;
 - iii. Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;
 - iv. The availability of public services;
 - v. Relationship or proximity to urban growth areas;
 - vi. Predominant parcel size;
 - vii. Land use settlement patterns and their compatibility with agricultural practices;
 - viii. Intensity of nearby land uses;
 - ix. History of land development permits issued nearby;
 - x. Land values under alternative uses; and
 - xi. Proximity to markets.
4. When designating agricultural resource lands, counties and cities may consider food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods.
5. When applying the criteria in subsection (3)(c) of this section, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.
6. Counties and cities may further classify additional agricultural lands of local importance. Classifying additional agricultural lands of local importance should include, in addition to general public involvement, consultation with the board of the local conservation district and the local committee of the farm service [agency].

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

**Appendix 2:
Clallam County Policy Language**

*Designation Criteria*²⁵

(3) Final Regulation.

(a) [Policy No. 3] Land meeting the following criteria is designated as agricultural on the land use map and as an agricultural retention zone on the zoning map:

(i) Soil Criteria.

(A) The soil capability class is I, II, and includes the Agnew Soil Series which is a Class III; or

(B) The soil capability class is III and IVs if within an irrigation district or if irrigated; or

(C) The soil capability class is V (if drained) or VI (if drained), subject to the critical area regulations;

(ii) The property does not now have access (hookup rights) to municipal sewers;

(iii) The property has a minimum net farmable parcel size of fifteen (15) acres, including land under contiguous ownership (such as five (5) acre survey parcels);

(iv) The property is usually found in a large contiguous block of agricultural use (minimum of forty (40) acres);

(v) The property is not within a designated urban growth area;

(b) [Policy No. 4] Development regulations shall provide for an agricultural retention zoning district with the following provisions and considerations:

(i) Conserve agricultural lands through land use regulations utilizing agricultural retention developments (twenty-five (25) percent maximum development area/seventy-five (75) minimum farm area). The regulations shall contain the following provisions:

(A) Residential base density in agricultural zones shall be one dwelling unit per sixteen (16) acres if a conventional development pattern of sixteen (16) acre lots is utilized or one dwelling unit per five (5) acres plus a density bonus if a cluster development pattern is utilized. Properties in an agricultural retention zone which have previously divided consistent with the land division ordinance to parcel sizes of approximately five (5) acres or less and are being recombined into a contiguous parcel of a size capable of qualifying for an agricultural retention development shall be able to utilize all of the available residential base density plus density bonuses on-site in an agricultural retention development site or they may transfer development rights to a nonagricultural property. Properties in an agricultural retention zone which have not previously divided to parcel sizes of approximately five (5) acres

²⁵ Clallam County Code, 31.03.230 Agricultural land conservation – Policies.

or less shall be able to utilize a base density of one home per sixteen (16) acres in an on-site agricultural retention development with the remaining one home per five (5) acre base density plus density bonus available for transfer of development rights or for purchase of development rights.

(B) A fifty (50) percent density bonus should be provided for landowners pursuing a cluster development pattern in order to provide an incentive to those owners of contiguous five (5) acre lots (2,300 acres of the agricultural designation) to recombine those lots to a minimum lot size of sixteen (16) acres for the purpose of establishing an agricultural retention development. The fifty (50) percent density bonus may be utilized on-site for a cluster development where previously divided parcels of approximately five (5) acres or less are being recombined into a contiguous parcel size capable of qualifying for an agricultural retention development (sixteen (16) acre minimum size). The fifty (50) percent density bonus for all other lands within the agricultural retention zone may only be utilized outside of the agricultural retention zone through a transfer of development rights to a designated receiving zone or may be extinguished through the purchase of development rights.

(C) Allow golf courses in agricultural zones as a conditional use in an agricultural retention development. All structures and residential components of a golf course shall locate in the development portion (twenty-five (25) percent) of the site. Any elements of a golf course located in an agricultural reserve shall be designed to be compatible with continuing agricultural activities.

(ii) The raising of crops and livestock and associated agricultural activities shall be the principal land use within areas designated as agricultural. Agricultural land uses on the portion of a parcel set aside for agriculture would include, but not be limited to, a farm residence, farm buildings, and direct marketing farm stands, home enterprises and home-based industries. These uses shall not disrupt agricultural land use within the district.

(iii) Residential developments in agricultural lands should be clustered on the least productive portion of the parcel and should be designed to accommodate adjacent agricultural uses. Residential developments shall be clustered in such a manner as not to impact wetland areas consistent with the Clallam County Critical Areas Code.

(iv) Lands designated as agricultural shall provide for the retention of large parcels and ownership patterns conducive to agriculture. The minimum agricultural reserve size in agricultural resource lands shall be

fifteen (15) net farmable acres. The term “net farmable acres” means that at a minimum fifteen (15) acres shall remain open and farmable after all associated development is complete. When clustered subdivisions are used in areas designated for agricultural, the clusters should be arranged to protect and combine large tracts for productive farming, minimize conflicts with continued agriculture and be consistent with public facility and service requirements.

(c) [Policy No. 5] Land designated as agricultural will remain in this classification unless it can be shown that:

(i) An error was made in application of the criteria establishing the zone;
or

(ii) Commercial farming is no longer a viable option for this area due to loss of all irrigation potential or other significant physical loss of agricultural potential; or

(iii) After giving careful consideration and upon the basis of abundant long-term evidence utilizing local agricultural land values (nonresidential values) and local farmland lease rates as a means of comparison, the Board of County Commissioners finds that no entity will purchase or lease the land for agricultural use at a fair, locally determined, agricultural market value.

Chapter 27.10 Right to Practice Forestry, Mining, and Agriculture

31.02.115 Agricultural resource land inventory and issues.

31.02.120 Agricultural resource land goals.

Chapter 33

Appendix 3: King County Policy Language

Agricultural Production Districts

The primary tool King County uses to designate and protect agricultural lands is the creation of Agricultural Production Districts (APDs). For more on King County’s APD process and the policies that apply to land designated within an APD, see below.

The criteria used to designate land as an APD are as follows:

A. Agricultural districts and agricultural lands of county significance may be established as focal areas for county agricultural programs.

B. Areas of the county which contain prime agricultural soils, land being farmed, and lands under the Current Use Taxation Program may be designated by the council as agricultural districts; and in addition, specific lands within these districts which meet the criteria set forth in Attachment F, and commercial food

producing horticultural farm lands may be designated as agricultural lands of county significance. (Ord. 3870 § 1, 1978: Ord. 3064 § 3, 1977).²⁶

Once land has been designated as an APD, specific areas within the APD can also be designated as agricultural land of county significance, if they are either: “commercial food producing horticultural farm lands” or by meeting the criteria of Attachment F. In this case “food producing horticultural,” means the soil-dependent cultivation of plants for food, including vegetables, small fruits, large fruits, cereal grains and silage corn.²⁷ Within King County Agricultural Districts, lands that *do not* meet all of the following (Attachment F) criteria are also designated as Agricultural Lands of County Significance:

1. Lands containing Class IV through Class VIII soils except for those lands containing Class IV soils currently being farmed and contiguous to Class II and III soils; and
2. Wooded lands – lands that contain established brush or tree cover or swampland as of July, 1976; and
3. Lands in urban uses – lands containing Class II and III soils which have been developed and/or covered by fill material since the SCS 1972 soils survey. This criterion includes golf courses and parks, if developed and in use; and
4. Lands which have urban level sewer and/or water lines in place and where either:
 - a. indebtedness has been incurred by abutting property owners, or
 - b. indebtedness has not been incurred but a local service agency is authorized to provide service and no local government approval is required to connect to a Metro interceptor; and
5. Physical parcels of less than 20 acres – land which has been physically divided by construction of roads or a combination of roads and a natural separator such as a river into parcels smaller than 20 acres in size; and
6. Inclusions of less than 40 acres Parcels of land which have not already been eliminated, are smaller than 40 acres in size, and are separated from other designated significant lands.²⁸

In five of the County’s seven APDs, the entire APD has been designated as land of county significance as follows:

A. Based on the findings set forth herein and the criteria set forth in Attachment F*, the agricultural lands of unincorporated King County which are so identified in Attachments A through D* are designated as agricultural lands of county

²⁶ King County Code 20.54.030 – King County agricultural districts and agricultural lands of county significance, http://www.kingcounty.gov/council/legislation/kc_code/23_Title_20.aspx

²⁷ King County Code 20.54.060 – Designation of agricultural lands of county significance, http://www.kingcounty.gov/council/legislation/kc_code/23_Title_20.aspx

²⁸ King County Code 20.54.030, Ordinance 3870, http://your.kingcounty.gov/mkcc/clerk/OldOrdsMotions/Ordinance_03870.pdf

significance and shall be made subject to the provisions of Section 20.54.070, provided that:

1. The partial designation of an undivided parcel of land under a single ownership shall not be effective until determined by the council in accordance with the provisions of Section 20.54.100 A.
2. Where designation is appealed in accordance with Section 20.54.100 C., the designation shall not be effective until a final determination has been made by the council.

B. Based on the findings set forth herein, all lands in unincorporated and incorporated King County with commercial, food producing horticultural farm operation, which lands are not served by an existing installed public sewer facility, are designated as agricultural lands of county significance. The term "food producing horticultural," as used in the Ordinance codified in this section, means the soil-dependent cultivation of plants for food, including vegetables, small fruits, large fruits, cereal grains and silage corn. (Ord. 3870 § 1, 1978: Ord. 3064 § 6, 1977).²⁹

Agricultural Land Protection

King County Comprehensive Plan, Chapter 3 – Rural Area and Natural Resource Lands; Title VI. Resource Land; Section D. Agriculture:

1. Protecting Agricultural Lands Agriculture Production Districts

King County designates over 41,000 acres at this designation. Based on a 2009 survey approximately 24,000 acres are being “actively farmed”. A 2003 survey of Rural Area identified that 25,000 acres are in active agriculture outside of APDs designated as Rural Area zone.

APDs are blocks of contiguous farmlands where agriculture is supported through the protection of agricultural soils and related support services and activities. Roads and natural features are appropriate boundaries for APDs to reduce the possibility of conflicts with adjacent land uses.

R-645 All parcels within the boundaries of an APD should be zoned Agricultural, either A-10 or A-35.

R-646 Lands within APDs should remain in parcels large enough for commercial agriculture. A residential density of one home per 35 acres shall be applied where the predominant lot size is 35 acres or larger, and a residential density of one home per 10 acres shall be applied where the predominant lot size is smaller than

²⁹ King County Code 20.54.060 – Designation of agricultural lands of county significance, http://www.kingcounty.gov/council/legislation/kc_code/23_Title_20.aspx

35 acres.

R-647 Agriculture should be the principal land use in the APDs. Permanent new construction within districts shall be sited to prevent conflicts with commercial farming or other agricultural uses, and nonagricultural uses shall be limited. New development shall not disrupt agriculture operations and shall have a scale compatible with an active farming district.

R-648 On-site housing for farm employees shall be allowed where this can be accomplished without unnecessarily removing land from agricultural use or conflicting with other public interests. King County should address the regulatory constraints that make it difficult for farmers to offer housing for farm employees.

Agricultural Lands of County Significance

Title 20 Planning; 20.54 Agricultural Lands Policy; 20.54.070 Application of policies concerning agricultural lands of county significance:

A. King County shall not approve rezone applications for more intensive use classifications for any of the agricultural lands of county significance shown on Attachments A through D*.

B. King County shall not approve any subdivisions into parcels of less than ten acres for any of the agricultural lands of county significance identified on Attachment B*, representing lands in the Sammamish Valley/Bear Creek agricultural district; or Attachment C*, representing lands in the Lower Green River Valley agricultural district, except when it is determined that any parcel created by the subdivision which is less than ten acres will be consolidated with adjacent agricultural operations into agricultural land parcels of at least ten acres.

C. King County shall not approve any subdivision into parcels of less than forty acres or a fractional one-sixteenth part of a section for any of the agricultural lands of county significance identified on Attachment

A*, representing lands in the Snoqualmie Valley/Patterson Creek agricultural district, and those lands identified on Attachment D*, representing lands within the Upper Green River Valley agricultural district, except when it is determined that any parcel created by the subdivision which is less than forty acres or a fractional one-sixteenth part of a section will be consolidated with adjacent agricultural operations into agricultural land parcels of at least forty acres.

D. King County shall not approve any subdivisions into parcels of less than ten acres for any of the agricultural lands of county significance identified on Attachment D*, representing lands in the Enumclaw Plateau agricultural district except when it is determined that any parcel created by the subdivision which is less than ten acres will be consolidated with adjacent agricultural operations into agricultural land parcels of at least ten acres; provided, that further consideration shall be given to this guideline and revision

made as a part of the agricultural land and support programs developed in accordance with Attachment F* in order to provide a zoning classification that distinguishes large commercial dairy farms from other livestock or small "hobby farm" operations.

E. It shall be the policy of King County to find that any extension of boundaries by a governmental unit to include any of the agricultural lands of county significance identified on Attachments A through D* is in the public interest or for the public welfare only when the comprehensive plan or zoning for the area proposed for annexation is consistent with the provisions of this chapter.

F. King County shall not approve or support application for sewer or water district franchises or extension services by a governmental agency which include any portion of the lands designated on Attachments A through D* as agricultural lands of county significance except when such action is consistent with the provisions of this chapter and benefits agricultural activities on these designated lands.

G. The provisions of this section apply to subdivision, rezone, variance, or other development permit applications submitted after February 10, 1977. (Ord. 3110 § 2, 1977; Ord. 3064 § 7, 1977).

Appendix 4: Kitsap County Policy Language

Designation Criteria Kitsap County Comprehensive Plan 3.2.6. Agricultural Lands

Agricultural land is defined by the GMA as “land primarily devoted to the commercial production of horticulture, viticulture, floriculture, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees, or livestock, and that has long-term commercial significance for agricultural production” (WAC 365-190-050). Long-term commercial significance “includes the growing capacity, productivity and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.”

In 2002, only 4,102 acres of property were used as harvested farmland within Kitsap County according to the United States Department of Agriculture (USDA), National Agricultural Statistics Service. This means that approximately 0.1% of Washington State’s agricultural land is located within Kitsap County. Less than 4% of the County’s total area comprises prime agricultural soils.

Goal 13: Recognize agricultural activities without designating land specifically for such uses. (new)

Policy RL-59

Recognize that Kitsap County currently has no lands specifically designated and zoned for long-term commercially significant agricultural use. (RL-27 with revisions)

Policy RL-60

Encourage and allow farming and agricultural activities in the designated rural areas of the County and consider them an important rural activity. (RL-28 with revisions)

Appendix 5: Island County Policy Language

Designation Criteria

Island County Code

17.03.100 Commercial Agriculture (CA) Zone³⁰

The primary purpose of the Commercial Agriculture (CA) zone is to protect and encourage the long term Commercially productive Use of Island County's agricultural resource lands of long term Commercial significance that have been designated pursuant to RCW 36.70A.170. It is established to identify geographic areas where a combination of soil, and topography allow Commercial farming practices to be conducted in an efficient and effective manner; to help maximize the productivity of the lands so classified; to protect farming operations from Interference by non-farmers; and to maintain agricultural land areas for Agriculture Use free from conflicting non-farm uses. Otherwise, the purposes of the zoning classification are the same as the RA zone.

Designation Criteria:

Parcels that meet the following criteria qualify as resource Agricultural Land and shall be classified in the Commercial Agriculture classification:

1. The Lot, Tract or Parcel is at least twenty (20) acres in size or smaller contiguous lots owned by the same Owner that, in combination, are at least twenty (20) acres in size; and
2. At least twenty-five percent (25%) of the Lot, Tract or Parcel is composed of prime soils; and
3. The Lot, Tract or Parcel as of June 2, 1999, is classified in the open agriculture tax program or if withdrawn, all taxes, interest and penalties were not paid in full as of June 2, 1999; and
4. The Lot, Tract or Parcel is not located within a Drainage or Diking District or otherwise protected by dikes, UGA, RAID, State Park or owned by the Navy.

³⁰ Island County Code – 17.03.100 Commercial Agriculture (CA) Zone,
<http://www.islandcounty.net/code/documents/ICC17.03.pdf>

In planning subdivisions, zoned agricultural lands and areas of prime soils get second priority after critical areas.³¹

Appendix 6: Jefferson County Policy Language

Designation Criteria

Classification and Designation of Agricultural Land:

It is Jefferson County's intent to protect and foster opportunities for the successful practice of agriculture. The land in Jefferson County was examined to assess the long-term commercial viability of parcels considered for agriculture zoning. While undeveloped land with prime agricultural soils as identified in the Natural Resources Conservation Service's *Soil Survey of Jefferson County, Washington*, clearly must be preserved, additional parcels also have long-term commercial significance for agriculture at the local level. Successful, commercial agriculture can be practiced on many types of soils, through a variety of environmentally sound means on small parcels as well as large. Economically valuable agriculture does not have to be the exclusive support of a family. Small ventures that simply augment family income are valuable to the land owner and the community as a whole. The guidelines, listed below, taken as a whole and interpreted on a parcel by parcel basis, direct which parcels of land are suitable for designation as Agricultural Lands of Long Term Significance. No single guideline is considered essential for agricultural designation nor is there a minimum lot size threshold.

Guidelines for Classification of Agricultural Resource Lands in Jefferson County:

- | | |
|---|--|
| 1. Presence of prime agricultural soil as the Natural Resources Conservation Service's <i>Soil Survey of Jefferson County, Washington</i> on a significant portion of the parcel. | A significant portion of prime agricultural soils should be approximately one third or more of the parcel. |
| 2. Historic usage for agriculture. | Land which has been used for agriculture for a number of years or can be converted back to active agriculture, even if it is currently lying fallow, should be given high priority for agricultural designation. |
| 3. Parcels of land 10 acres or larger in size should be given strong consideration however smaller parcels may also be highly suitable for agricultural designation. | Some types of agriculture are best practiced on parcels ten acres and larger and they should be given high priority for agricultural designation. Smaller parcels considered suitable for agriculture designation, which are adjacent to residentially designated land, may be subject to increased regulatory oversight for some types of agricultural practices. |
| 4. Participation by parcel owner in | Participation in the Open Space Tax Program is not a |

³¹ 16.17.070 PLANNING AND SUBDIVISIONS

the Open Space Tax Program for Agricultural Land.	requirement for agricultural designation; however, it is a good indication of qualifying land.
5. Located away from existing land uses that would interfere with agricultural practices.	Some existing land uses would interfere with agricultural activities such as uses, which pollute. Residential uses are not considered uses, which would interfere with agricultural practices. The possibility that agricultural uses practiced according to Best Management Practices, may interfere with residential uses shall not be a reason to deny agricultural designation of a parcel.
6. Located outside of areas already served with “urban governmental services” which are typically provided in cities.	Areas where the public has already made a significant investment in services suited to urban levels of development such as storm and sanitary sewers, street cleaning services, urban levels of fire and police protection, etc. are no longer suitable to be classified as a natural resource to be protected from more intense development.
7. Location outside of existing Master Planned Resort (MPR) or Urban Growth Area (UGA) land use designations.	Undeveloped land with prime agricultural soils was not included in Jefferson County’s designated UGA or MPR areas, therefore any additional undeveloped parcels in those areas should be preserved for more intensive development and not designated as agricultural lands of long term commercial significance.
8. Currently in commercial agricultural use.	Land currently being used for any type or scale of commercial agriculture should be given high priority for agricultural designation.
9. Physically and topographically suitable for the practice of commercial agriculture.	Some land which is excessively steep, wet, unstable, prone to frequent flooding, primarily rock cliffs, etc. is clearly not suitable for designation as agricultural land of long term commercial significance.
10. If currently designated as Rural Forest (RF-40) land has already been platted into 20 acre or smaller parcels.	A rezone from Rural Forest designation to Agricultural designation must not result in creating an increase in allowable residential density. Therefore only those Rural Forest parcels already platted in 20 acres or smaller lot sizes may be considered for reclassification to Agricultural designation.
11. Is not currently designated as Commercial Forest (CF-80).	Commercial Forest land has been designated based on soil suitability for forestry and should not be converted to agricultural designation.
12. Is not currently designated as Inholding Forest (IF).	This land is located within Commercial Forest designation areas and it has poor soils for agriculture and is not suitable for agricultural designation.

Summary of Agricultural Land Designations:

Land Use Designation	Criteria for Designation	Principal Land Use
Prime Agricultural Land (AP-20)	Land designated as Prime Agricultural Land shall meet the following criteria: <ul style="list-style-type: none"> • Consist, in substantial proportion, of land with prime agricultural soils as defined by the 	Agricultural activities and single family residential

Natural Resources Conservation Service's *Soil Survey of Jefferson County, Washington*; and

- Be in regions of the county where commercial agriculture is the current and historically predominant use including but not limited to the following areas:
 - Quimper Peninsula
 - Beaver Valley
 - Chimacum Valley
 - Discovery Bay Valley
 - Quilcene River Valley
 - Tarboo Valley
 - Dosewallips Valley
 - West Jefferson County valleys; and
- is not currently served by “urban governmental services”; and
- is in an area characterized by a substantial proportion of undeveloped parcels of land 20 acres or greater in size; and
- is outside of any area designated as Master Planned Resort (MPR) or Urban Growth Area (UGA); and
- is in an area where no existing land uses are present, which will seriously interfere with the successful long term practice of a range of agricultural activities; and
- does not include land currently designated Rural Forest (RF-40) presently in a parcel size 40 acres or larger, or Commercial Forest (CF-80) or Inholding Forest (IF).

Agricultural Land of Local Importance (AL-20)

In order to preserve and stimulate agricultural diversity and to maintain an undeveloped land base for future agricultural use, the owner of a parcel may petition the County for designation as Agricultural Land of Local Importance. When the owner of a parcel or an aggregate of parcels petitions successfully for rezone to agriculture the land shall be considered an Agricultural Land of Long Term Commercial Significance and as such, it shall be afforded the rights and protections of natural resource land. Land designated as Agricultural Land of Local Importance shall meet the following criteria:

- the owner of the parcel currently utilizes or intends to utilize the land for long term commercial agricultural purposes; and
- the land is located away from existing land uses that would interfere with agricultural practices; and
- the land is located outside of areas already

Agricultural uses and single family residential

served with “urban governmental services” which are typically provided in cities; and

**Appendix 7:
Mason County Policy Language**

Designation Criteria

Mason County Code

Title 8 – Environmental Policy

Chapter 8.61 – Agricultural Resource Lands

Section 8.61.010 - Agricultural Resource lands

“The purpose of this section is to maintain and enhance natural resource based industries, to encourage the conservation of commercial agricultural lands, and to discourage incompatible land use.

(1) Classification. The following criteria shall be used in identifying lands appropriate for agricultural resource lands:

- (A) The property has an existing commercial agricultural use (as of the date of designation) or where the property was used for agricultural purposes as of January 1991, where identified by property tax classification in the open space - agriculture property tax classification program pursuant to Chapter 84.34 RCW or where agricultural use has been identified as the principal use of the property, are presumed to meet this criteria;
- (B) The property has a minimum parcel size of ten acres; and
- (C) The parcel has prime farmland soils;
- (D) The property is surrounded by lands qualifying under classification criteria 1 to 3 above; or
- (E) The property is an upland fin-fish hatchery.

Provided that, property owners may apply to have their land designated as agricultural resource lands upon a showing that the property is eligible for and participates in the open space - agricultural property tax classification program pursuant to Chapter 84.34 and upon a showing that either that the property has prime farmland soils or that, in some other fashion, the agricultural use has long-term commercial significance. Such applications shall be reviewed by the county as provided for in the annual amendment process for the county comprehensive plan and development regulations.”³²

It is also in the Mason County Comprehensive Plan that:

³² Mason County Code, Title 8 – Environmental Policy, Chapter 8.61 – Agricultural Resource Lands, Section 8.61.010 - Agricultural Resource lands, <http://library.municode.com/index.aspx?clientId=16478>

“Agricultural lands of long-term commercial significance shall be identified, designated and appropriately protected by the county in its development regulations. Other lands on which valuable agricultural operations exist should also receive some protection for their continued operation as non-designated agricultural land.”³³

Additionally, non-designated Agriculture Lands shall have a preferential right to farm without being subject to nuisance complaints, etc. and lists provisions to do so.

Appendix 8: Pierce County Policy Language

Designation Criteria

Pierce County Code

Title 18A – Development Regulations – Zoning

Chapter 18A-10 – Zone Classifications

18A-10-090 – Rural and Resource Zone Classifications

In Pierce County, three categories of Resource Lands are identified, to “promote long-term commercially significant resource use.” Forest lands and Agricultural Resource Lands are recognized as zone [classifications...].³⁴

Agricultural Resource Lands. The Agricultural Resource Lands (ARL) zone classification includes land primarily devoted to the commercial production of agricultural products and is applied to parcels outside of urban growth areas that meet certain criteria.³⁵

Pierce County Code

Title 18I - Development Regulations – Natural Resource Lands

Chapter 18I-30 – Agricultural Lands

18I-30-020 – Applicability

A. General. Agricultural Lands are lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products.

B. Classification.

1. Agricultural Lands are those lands meeting all of the following criteria:

a. Lands in parcels which are ten acres or larger in size;

³³ Mason County Comprehensive Plan, III-4 Resource Lands, RE-400 and RE-401, http://www.co.mason.wa.us/code/comp_plan/CH3-4.pdf

³⁴ Pierce County Code, Title 18A – Development Regulations – Zoning, Chapter 18A-10 – Zone Classifications, 18A-10-090 – Rural and Resource Zone Classifications, Part C.

³⁵ Pierce County Code, Title 18A – Development Regulations – Zoning, Chapter 18A-10 – Zone Classifications, 18A-10-090 – Rural and Resource Zone Classifications, Part C.

- b. Lands which are on prime or unique soils as identified in:
- (1) United States Department of Agriculture (USDA), Soil Conservation Service. February 1979, Soil Survey of Pierce County Area, Washington; or
 - (2) USDA, Soil Conservation Service, June 1981, Important Farmlands of Pierce County, Washington;
- c. Lands which are primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which have long-term commercial significance for agricultural production; and
- d. Lands which are not adjacent to lots of record of one acre or less on more than 50 percent of the perimeter of the parcel.

Pierce County Code
 Title 19A – Comprehensive Plan
 Chapter 19A-30 – Land Use Element
 19A.30.070 Resource Lands – Agriculture

The land use objectives stated in the Comprehensive Plan title of the Pierce County Code include “The conservation and enhancement of the County's agricultural land base” for diverse purposes including:

- Supporting the local and regional economic base for agriculture;
- Maintaining local, regional, state and national agricultural reserves;
- Preserving the high quality agricultural soils for future farming;
- Facilitating the availability of locally grown, healthy food options for residents;
- Alleviating some of the pressures to urbanize; and

While these goals support the preservation of agricultural lands, and are consistent with the RCW language concerning the need for designation of farmland, the Pierce County Comprehensive Plan indicates that Agricultural Resource Lands (ARL) will be designated based on the Growth Management Act language and the “Minimum Guidelines of WAC 365-190-050.”³⁶

The explicit policy to use only the minimum guidelines set forth by the state in the WAC and other potentially conflicting goals explicit in Pierce County’s Comprehensive Plan, may make it more difficult in practice to designate ARL, and to keep it zoned as ARL over time. These conflicting goals include:

- The need to take into consideration the pressure to urbanize;

³⁶ Pierce County Code, Title 19A – Comprehensive Plan, Chapter 19A-30 – Land Use Element, 19A.30.070 Resource Lands – Agriculture.

- Establishing a process for taking land out of ARL designation;
- Expansion of the urban growth area;
- Expansion of the R5 buffer surrounding the urban growth area with the intention to develop in the future; and
- The economic viability of farming

**Appendix 9:
San Juan County Policy Language**

Designation Criteria

Comprehensive Plan 2.3.D – Resource Lands

a. Agricultural Resource Lands

Goal: To ensure the conservation of agricultural resource lands of long-term commercial significance for existing and future generations, and protect these lands from interference by adjacent uses which may affect the continued use of these lands for production of food and agricultural products.

Policies:

(1) Lands in agricultural use which are characterized by the following criteria may be designated as Agricultural Resource Lands:

i. Areas in parcels of ten acres or larger with soils capable of supporting long term commercial agricultural production. The federal Natural Resources Conservation Service (NRCS) identified 34 soil types suitable for farming in San Juan County. These soils can be found on page 121 of the 2009 Soil Survey of San Juan County, Washington, available at:
http://soils.usda.gov/survey/online_surveys/washington/#san2009; or

ii. Lands which meet the criteria in a. above which are under conservation easement for agricultural use or which are enrolled in the Open Space-Agriculture taxation program.

(2) Limit conversion of Agricultural Resource Lands to permanent non-farm uses through implementation of a purchase or transfer of development rights program, special tax assessment programs, conservation easements, and conservation site design options for residential land divisions and boundary line modifications.

(3) Allow cottage enterprises that do not interfere with agricultural use, and allow agriculture-related activities such as processing and limited retailing facilities for locally grown products on farm sites and within agricultural areas consistent with allowances in State law for accessory uses in agricultural resource lands.

(4) Allow farm labor housing and farm stay accommodations subject to specific performance standards on Agricultural Resource Lands.

(5) Limit the location of utility lines and facilities, new roads and road realignments, access routes and other non-agricultural public and private facilities, to the least disruptive locations within agricultural areas.

Appendix 10: Skagit County Policy Language

Agricultural Resource Lands Introduction:

Agricultural Resource Lands are those lands with soils, climate, topography, parcel size, and location characteristics that have long-term commercial significance for farming. Skagit County is committed to preserving and enhancing the agricultural land base and promoting economic activities and marketing support for a strong agricultural industry. The agricultural community faces significant challenges in preserving the agricultural land base and a viable agricultural industry, including: conversion of agricultural lands to development and inappropriate habitat restoration; conflict with neighboring residential uses; drainage impacts; and other disruption of agricultural lands functions and values. The following policies are intended to ensure the stability and productivity of agriculture in Skagit County.

Agricultural Resource Designation Criteria Goal A: Maintain land use designation criteria and densities for agricultural natural resource lands. Designate and map long-term commercially significant agricultural resource land accordingly.

Designation Criteria

4A-1.1 Agricultural Resource Lands Designation Criteria

The following criteria shall be considered when designating Agricultural Resource Lands:

- a) Generally, all lands in unincorporated Skagit County which are parcels 5 acres or greater, and that contain “prime farmland soils” as determined by the USDA Natural Resource Conservation Service, shall be identified (see Agricultural Lands Profile for a description of prime farmland soils).
- b) Then those lands meeting the parcel size and soils shall be retained in Agricultural Resource Lands designation, provided that a majority of the area falls within the 100-year floodplain as adopted by the U.S. Federal Emergency Management Agency (FEMA).
- c) Parcels meeting both (a) and (b) above shall be further evaluated for inclusion or exclusion in Agricultural Resource Lands based upon the following additional factors:
 - i) The land is in a current-use tax assessment program derived from the Open Space Taxation Act, RCW 84.34 as it pertains to agriculture.
 - ii) The land is currently in agricultural use or has been in agricultural use within the preceding ten years.
 - iii) Existing land uses are primarily agricultural and minimal financial commitment to non-farm uses has been made.

- iv) The area includes special purpose districts (such as diking and drainage districts) that are oriented to enhancing agricultural operations, including drainage improvement and flood control.
 - v) Adjacent lands are primarily in agricultural use.
 - vi) Land use in the area demonstrates a pattern of landowner capital investment in agricultural operation improvements such as irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, agricultural worker housing, etc.
- d) Parcels that may not meet any of the criteria described in (a), (b), and (c) above may nonetheless be included to provide logical boundaries to the Agricultural Resource lands designation and to avoid small “islands” or “peninsulas” of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet some or all of the criteria described in (a), (b), and (c) above may be excluded to provide logical boundaries to the Agricultural Resource lands designation and to avoid conflict with existing land uses.

4A-1.2

Agriculture Resource Land Density Policy:

Residential gross densities for new land divisions in lands designated as Agriculture Resource shall be one (1) residential dwelling unit per 40 acres or 1/16 of a section.

Appendix 11: Snohomish County Policy Language

Snohomish County Resources

A land use study prepared for the County and available on their website provides a great overview of the agriculture industry in Snohomish County, the County’s current farmland policies, the challenges they face, and some recommendations:

- http://www.co.snohomish.wa.us/documents/County_Services/FocusOnFarming/SecB.pdf

Land Use Goals

Snohomish County Comprehensive Plan
Chapter 8 – Land Use

Goal LU-7, Conserve agriculture and agricultural land through a variety of planning techniques, regulations, incentive and acquisition methods.

Objective LU-7.A, Classify and designate agricultural land of long-term commercial significance.

LU Policy 7.A.3

The county shall designate farmland as required by the GMA, and consider the guidance provided for designating agricultural lands of long term commercial significance adopted by the State. In addition, farmland designations and expansions of such designations on contiguous lands should be made considering all of the following criteria:

- (a) The land is prime farmland as defined by the U.S. Soil Conservation Service (SCS) or consists of other Class III soils in the SCS capability classification;
- (b) The land is shown to be devoted to agriculture by:
 - 1. the adopted future land use map;
 - 2. a current zoning classification of Agriculture-10 acre; and
 - 3. was identified in the 1982 agriculture land inventory, the 1990 aerial photo interpretation, or the 1991 field identification of land devoted to agriculture;
- (c) The land is located outside a UGA;
- (d) The land is located outside a sewer service boundary; and
- (e) The land consists of a parcel of 10 acres or greater in areas designated as Upland Commercial Farmland or Local Commercial Farmland.

7.A.4

If requested by a landowner, the county shall consider adding farmlands to the commercial farmland designation if they meet the one of the following criteria:

- (a) the lands are adjacent to designated farmland and area minimum of 10 acres;
- (b) the lands are not adjacent to designated farmland and they are a minimum of forty (40) acres; or General Policy Plan Land Use LU-53 Land Use Chapter last amended effective November 10, 2012
- (c) the redesignation request is part of an application to opt into the Transfer of Development Rights program and the lands are a minimum of five acres.

Appendix 12: Thurston County Policy Language

Designation Criteria

In the zoning regulations of the Thurston County Code, the County has created a “Long-term Agriculture (LTA) District” to conserve agricultural lands of long-term commercial significance.

Title 20 – Zoning
Chapter 20.8A - Long-term Agriculture District (LTA)
Section 20.08A.010 – Purpose

“It is intended that agriculture be the primary use in this district and that other uses be sited so as to minimize their impact on, or conflicts with, surrounding agricultural uses. This district is not intended to preclude farming in other areas of the county. The purpose of this district is to:

1. Conserve agricultural lands of long-term commercial significance used for the production of crops, livestock, or other agricultural products;
2. Protect agricultural lands from incompatible development;
3. Encourage the continued economic viability of agriculture;
4. Encourage property owners to maintain property in agriculture uses; and
5. Promote and protect agriculture and its dependent rural community through the enhancement, protection, and perpetuation of the ability of the private sector to produce food and fiber.”³⁷

The actual criteria that Thurston County has established to use in designating land for the LTA District is found in the County Comprehensive Plan:

“Criteria used to designate agricultural land of long-term commercial significance are based on: (1) the Washington State Supreme Court’s Definition of agricultural lands found in *Lewis County v. Hearings Bd.*, 157 Wn.2d 488 (2006); (2) the Washington State Department of Community, Trade and Economic Development’s (CTED) guidelines for the classification and designation of resource lands; (3) existing Thurston County policies; and (4) an analysis of local conditions. These criteria include:

1. Soil Type:

The classification and identification of agricultural lands of long-term commercial significance is based upon the land capability classification system of the United States Department of Agriculture Handbook No. 210. Those classes of agricultural lands are based upon consideration of growing capacity, productivity, and soil composition. They have been incorporated into map units of the Department's soil surveys. The following list of prime farmland soils in Thurston County is based on the Soil Conservation Service's Soil Survey of Thurston County, Washington, 1990. Designated lands should include predominantly prime farmland soils.

SCS Map Unit# and Soil Description:

- 14 Bellingham silty clay loam (where drained)*
- 26 Chehalis silt loam
- 29 Dupont muck (where drained)*
- 31 Eld loam

³⁷ Thurston County Code, Title 20 – Zoning, Chapter 20.8A - Long-term Agriculture District (LTA), Section 20.08A.010 – Purpose, <http://library.municode.com/index.aspx?clientId=16720&stateId=47&stateName=Washington>

- 36 Everson clay loam (where drained)*
- 37 Galvin silt loam, 0 to 5 percent slope
- 38 Giles silt loam, 0 to 3 percent slope
- 41 Godfrey silty clay loam (where drained)*
- 50 Kapowain silt loam, 0 to 3 percent slope
- 64 Maytown silt loam
- 69 Mukilteo muck (where drained)*
- 70 Mukilteo muck (drained)*
- 71 Newberg fine sandy loam
- 72 Newberg loam
- 73 Nisqually loamy fine sand 0-3 percent slope (where irrigated)
- 75 Norma fine sandy loam (where drained)*
- 76 Norma silt loam (where drained)*
- 86 Prather silty clay loam, 3 to 8 percent slope
- 88 Puget Silt loam (where drained)*
- 89 Puyallup silt loam
- 97 Salkum silty clay loam, 3 to 8 percent slope
- 100 Scamman silty clay loam, 0-5 percent slope (where drained)*
- 104 Semiahmoo muck (where drained)*
- 105 Shalcar muck (where drained)*
- 106 Shalcar Variant muck (where drained)*
- 107 Skipopa silt loam, 0-3 percent slope
- 115 Sultan silt loam
- 120 Tisch silt loam (where drained)*
- 126 Yelm fine sandy loam, 0 to 3 percent slope

** Large areas which are known to qualify as Class I wetlands, (wetlands with threatened or endangered species) and which are not already in agricultural use, should be excluded from designation.*

2. The Availability of Public Facilities and Services:

Since lands within Urban Growth Areas, as established within this Comprehensive Plan, are intended to be served by public facilities and services within a twenty-year period, agricultural lands of long-term commercial significance should be located outside of these boundaries.

3. Land Capability and Tax Status:

Designated agricultural lands should include only areas that are 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. Aerial photograph interpretation can identify areas used for agriculture. Historic use information, current use information (including enrollment in the open space tax program) and soil types can help identify lands capable of being used for agriculture; however these are not the only methods for determining land capability for agriculture.

4. Relationship or Proximity to Urban Growth Areas:
Since lands within Urban Growth Areas, as established within this Comprehensive Plan, are intended to be developed at urban densities over a twenty-year period, agricultural lands of long-term commercial significance should be located outside of those boundaries. Furthermore, designated agricultural lands should be separated from urban residential densities by a natural or man-made feature, (e.g., railroad, road, or river), in order to avoid potential land use conflicts.
5. Predominant Parcel Size: For Thurston County, the predominant parcel size is 20 acres or more, which, in conjunction with soil type, provides economic conditions sufficient for managing agriculture lands for long-term commercial production.
6. Land Use Settlement Patterns and Their Compatibility With Agricultural Practices:
Except within urban growth areas, adjacent residential development should be minimal and at rural densities of one unit per five acres. Recent subdivision activity near or adjacent to designated agricultural lands is an indication of settlement patterns that may have an effect on the long-term viability of agriculture. The most compatible land uses within and adjacent to long-term agricultural lands include forestry, mining, parks and preserves, and open space.
7. Proximity of Markets:
Local or regional markets should be available. Designated agricultural lands should have access to road, rail, or air transportation routes to markets.
8. Agricultural Diversity:
A diversity of agricultural activities should exist, or the area should be sufficiently large to support diverse agricultural activities. No single designated agricultural area should be smaller than 320 acres, or 200 acres if near another designated area. This helps assure land use compatibility for long-term resource use, and a diversity of agriculture uses in one area. Boundaries should follow landmarks visible on the ground when possible, to provide visual distinction of land use areas.
9. Environmental Considerations:
Designated agricultural lands should be outside of Natural Shoreline Environments if they are not already being used for agriculture. The Shoreline Master Program regulations severely limit the ability to convert such areas to agricultural uses, and from one agricultural use to another. The above criteria were applied to all agricultural lands of Thurston County and appropriate areas were designated as areas of long-term

agricultural significance. These lands are shown on Map M-42. Future lands that meet these criteria may also be considered for designation at the request of the farmland owner. Also included on Map M-42 are two areas of designated agricultural lands located in the Nisqually Valley. These areas merit special consideration due to the unique values the Nisqually Valley holds.³⁸

Redesignation of Agricultural Areas:

While the emphasis of this Plan is to prevent the loss of agricultural lands, the County is subject to trends and events that it has little ability to control. The process and procedures used to identify and designate agricultural land are based on the best available information, and not site-specific conditions. While the areas designated for long-term agricultural use meet the primarily physical criteria for long-term commercial use, other factors, and site specific conditions may arise that can render commercial agriculture activity completely non-viable. If farming economics changes so as to affect the long-term potential for farming in a substantial portion of an agriculture district, the land use designation should be reconsidered. In addition, if site-specific evidence conclusively indicates that land does not meet the criteria for designation as agricultural land, the land use designation should be reconsidered.

The following criteria are provided to capture, in a general way, the limited nature of the circumstances under which the County should reevaluate a whole area designated as agricultural land of long-term commercial significance:

- A. Changes in surrounding land use severely inhibit or severely interfere with continued agriculture use;
- B. Changes in market conditions severely reduce the economic viability of agriculture use; or
- C. Changes in regulatory requirements severely reduce the economic viability of agriculture use; or
- D. Site specific scientific evidence conclusively indicates the land does not meet the criteria for designation as agricultural land.

These circumstances should create severe losses lasting several years, covering a wide range of crops or products, and affect a majority of the producers in the area, before a reevaluation of agricultural lands is undertaken. One issue of concern is the ability of farmers to secure water rights for changing agricultural operations. More attention to this issue is needed at the state and local level.³⁹

³⁸ Thurston County Comprehensive Plan, Chapter Three – Natural Resource Lands, I. Agricultural Resources, http://www.co.thurston.wa.us/planning/comp_plan/docs/2009/Chapter_03_NATURAL_RESOURCE_12.08.pdf

³⁹ Thurston County Comprehensive Plan, Chapter Three – Natural Resource Lands, I. Agricultural Resources, http://www.co.thurston.wa.us/planning/comp_plan/docs/2009/Chapter_03_NATURAL_RESOURCE_12.08.pdf

Appendix 13: Whatcom County Policy Language

Designation Criteria

Agricultural Protection Overlay

Like some other counties around the Puget Sound, Whatcom County has opted to add additional regulatory framework beyond traditional zoning to their farmland protection strategy. To accomplish this, they have created what they call as Agricultural Protection Overlay (APO). The purpose of the APO is:

[To] promote and encourage commercial agricultural activity, meet long-term agricultural needs not otherwise met in the Agriculture zone district, provide a reasonable mix of uses and activities which may enhance the economic resources available to the farmer, and provide for a variety of uses within the rural areas which are not inconsistent with or incompatible with the use of lands within these areas for agricultural activities.⁴⁰

Whatcom County's Agricultural Protection Overlay (APO) seeks to conserve lands, with agriculturally important soils, whose predominant use has been and continues to be, or could be commercial agriculture. The APO overlay zone includes areas which:

1. Have been designated as agricultural open space for county property tax purposes within the past seven years; and/or
2. Those that include more than 50 percent APO soils.⁴¹

Whatcom County has also designated an Agriculture District in their zoning code, which is designed to “implement the agricultural designation of the Comprehensive Plan, established pursuant to RCW [36.70A.170](#), preserve, enhance and support the production of food and fiber in Whatcom County to maintain a sufficiently large agricultural land base to ensure a viable agriculture industry and to maintain the economic feasibility of supporting services.”⁴²

⁴⁰ Whatcom County Comprehensive Plan, Chapter 8 – Resource Lands, <http://www.whatcomcounty.us/pds/plan/lr/compplan/pdf/Chapter8.pdf>

⁴¹ Whatcom County Comprehensive Plan, Chapter 8 – Resource Lands, <http://www.whatcomcounty.us/pds/plan/lr/compplan/pdf/Chapter8.pdf>

⁴² Whatcom County Code, Title 20, Chapter 40, Agricultural District, <http://www.codepublishing.com/wa/whatcomcounty/>