

Washington Conservation Commission, Office of Farmland Preservation Farmland Preservation Task Force Recommendations

RECOMMENDATION: WATER TRANSFERS

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

RECOMMENDATIONS: RELINQUISHMENT

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

RECOMMENDATION: CONSERVATION EASEMENTS

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

RECOMMENDATION: TRANSFER OF DEVELOPMENT RIGHTS

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

RECOMMENDATIONS: PARTNERING WITH STATE MANAGERS

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

Development of an Agriculture Impact Statement for agency land management activities. Whenever a state agency proposes to acquire any interest in property (fee simple or easement, or other), or when an agency proposes to become a lessee or lessor, that agency must complete an Agriculture Impact Statement (AIS) and submit the AIS to the State Conservation Commission for review and comment. The agency must then address the WSCC comments provided in response to the AIS prior to making the final determination on the acquisition. The WSCC should also submit a report to the Governor and Legislature once every two years on the results of agency acquisitions and their impact on agricultural production.

Agencies should be required to complete and AIS whenever an agency undertakes an activity that requires the agency to complete a SEPA analysis. The AIS would be submitted to the WSCC for review and comment.

State agencies should be encouraged to develop voluntary public access agreements and habitat easements to achieve their goals with landowners for recreational activities such as hunting and fishing and providing the landowner with alternative revenue streams.

Interagency coordination of long-range land acquisition, disposal and management plans will include local governments and agricultural interests to ensure the long-range plans are connected to those interests.

WDFW wildlife management plans should consider the impact of wildlife on agricultural activities and implement strategies to address these impacts.

RECOMMENDATION: FARMLAND AND COMMERCIAL AGRICULTURE

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

RECOMMENDATIONS: GMA AND OPEN SPACE RELATIONSHIP

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

RECOMMENDATIONS: DEFINITION OF OWNERSHIP FOR A COMMERCIAL FARMING OPERATION

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

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

RECOMMENDATION: DEFINITION OF COMMERCIAL AGRICULTURE

Department of Revenue regulations should be clarified to reflect the language of the Board of Tax Appeals decision that landowners of parcels greater than 20 acres are not required to demonstrate income, and the rules should identify how to show that the land has been in productive agriculture on a “continuous and regular” basis.

RECOMMENDATIONS: 20 ACRE LIMITATIONS

The OFP should engage in a review of criteria for determining small farm performance and methods to check farm income to maintain the open space tax benefits.

RECOMMENDATIONS: FINANCIAL INCENTIVES OF THE OPEN SPACE PROGRAM

Concept 1: Structure current use tax to reflect actual cost of services and encourage agricultural investments.

Concept 2: The current use tax system should be structured to include agricultural improvements.

RECOMMENDATIONS: AGRICULTURAL PERMITTING

Concept 1: Enact a new state-wide exemption for agricultural structures, with clear criteria for receiving the exemption. The Task Force recommends establishment of an educational program to distinguish between commercial agricultural structures and agricultural structures.

Concept 2: The OFP should examine the possibility of an “Agricultural Permit Fee Schedule” and permitting time line that would apply to building structures and other activities that occur on agricultural lands.

RECOMMENDATIONS: RIGHT TO FARM

Concept 1: The Task Force recommends an education and outreach component for counties to implement to educate new landowners on rural living.

Concept 2: The Task Force recommends that all counties should have a right-to-farm ordinance. OFP staff should develop a model right-to-farm ordinance that would be presented to counties for their consideration.

RECOMMENDATION: MAPPING

The Task Force recommends continued funding for the mapping project to develop the system as a useful and ongoing tool for the identification of prime agricultural lands at risk of conversion.

RECOMMENDATION: INCREASING URBAN DENSITY

Local jurisdictions should review their zoning regulations to develop programs to allow for greater density within the UGA and link these densities to preserving more farmland.

RECOMMENDATIONS: MARKETING

Concept 1: The Task Force supports marketing strategies that support the preservation of working farms and utilizes the ongoing work of organizations around the state.

Concept 2: The OFP and Conservation Commission should explore opportunities to support local agriculture product processing so that the necessary infrastructure is in place to maintain viable agriculture across the state.

RECOMMENDATIONS: REGULATIONS

Concept 1: A study should be conducted to evaluate regulations impacting farms, looking at various farm operations by type and size, physical location, and crop types. The study should examine either hypothetical farms or actual farms if willing landowners are found.

Concept 2: A more detailed examination of existing rules and regulations affecting farm owners should be undertaken and rules or regulations found to be burdensome should be revised or eliminated. Some existing rules and regulations that should be examined include: labor laws relating to agricultural laborers; state and local taxation reporting requirements; business licensing requirements.