Rural Farmland Preservation

Background
Preserving rural farmland is crucial to the success of existing and future farms. Farmland preservation also results in economic development and environmental benefits beyond the value of production. Local governments use a variety of strategies to protect farmland. These include requiring large lot sizes in agricultural zones and ensuring that all viable farmland is within these zones. They can also offer tax relief authorized under existing statutes and participate in the purchase or transfer of development rights.

Local governments also recognize the value of integrating economic and business activities around existing agricultural production. Farms require strong support infrastructure and distribution networks in order to remain economically viable. Fostering scale-appropriate processing and distribution channels will also help ensure a healthy agricultural sector.

Conservation funding can also support farmland preservation. Land trusts that include farmland in private conservation agreements can help preserve farmland by virtue of tax advantages associated with such agreements. Creative application of conservation funding by local jurisdictions will afford further opportunities to enhance the scope of farmland protection.

Please see the Farmers Market and Local Food Procurement blueprints for more information about some direct marketing opportunities to support local agriculture.

Recommendation: Review zoning and land use regulations to ensure farmland is protected for long-term agricultural use and is sufficient to support local food, forage and fiber production.

Each county and many municipalities in the region promote some type of agricultural land preservation. In some instances, the intent of preservation is directly related to the benefits of supporting agriculture, while in others, support is based on synergies with other goals, such as environmental protection.

County governments can preserve agricultural land through zoning. Agricultural lands of long-term commercial significance are required to be designated and zoned appropriately per the Growth Management Act (RCW 36.70a). In addition to this requirement, land suited to or used for agriculture may be preserved with additional zones protective of this use. To do this, counties should identify all lands suitable for agricultural production, both within and outside agricultural zones, and evaluate whether minimum lot sizes and allowable uses are sufficient to promote agricultural uses. To discourage low-density rural sprawl, consider minimum lot sizes of at least 20 acres and tight restrictions on residential and commercial uses not related to agriculture. Other appropriate measures include expanding agricultural zones and using agricultural districts to protect farmable land outside current agricultural zones.

Land in cities may also be suitable or currently used for temporary or permanent food production. City governments can identify this property and ensure that food production is a permitted use. Soil remediation may be of greater concern in cities; public health issues of food produced on brownfield or potentially contaminated sites should be considered.

Local examples: Farmland preservation

King County
King County devotes a chapter of its county code to agricultural and open space land. This chapter includes priority areas and agricultural districts for land acquisition and conservation. See Title 26 Agriculture and Open Space Lands. Lot size and development standards for agricultural and rural area land are addressed in Title 21A.04.
Bainbridge Island

Bainbridge Island has a long history of agricultural production and has included goals and policies to protect and promote agricultural uses in its comprehensive plan and development regulations. In 2006, American Farmland Trust and Cascade Harvest Coalition completed a report for the city with recommendations on long-term management and support of agricultural uses on the island. The recommendations in the report may be useful to other cities or towns interested in preserving some agricultural uses.

Recommendation: *Purchase or transfer development rights to protect agricultural land.*

Purchase of development rights (PDR) programs allow local governments to buy the development rights from threatened resource lands. This voluntary, incentive-based approach fairly compensates willing landowners while ensuring agricultural potential in perpetuity. All cities and counties may consider the appropriation of funds from discretionary sources, including the Conservation Futures Tax or Real Estate Excise Tax for conservation (RCW 82.46.070), for programs that purchase development rights from farmland.

Transfer of development rights (TDR) programs are set up between urban and rural lands and create a market-based solution for protecting farmland. Instead of a government purchasing and holding the development rights of farmland, the development rights are purchased by a private developer for use as a density bonus or upzone in an urban development project. In cooperation with cities, county governments establish criteria and processes that prioritize farmlands as the source for development rights and quantify these development rights. City governments identify receiving sites for transferred development rights and prioritize rights from farmlands for initial trading activity. To strengthen use of the program, city governments may consider requiring transfer of development rights for all zoning and development actions that increase density.

Local examples: Transfer of Development Rights

**Pierce County**
Pierce County prioritizes agricultural and farmland for sending areas within their Transfer of Development Rights Program. Pierce County has used County Conservation Futures and grant funds to acquire development rights for its TDR bank. In 2012, the county completed its first transaction to transfer development rights to an urban area when it signed a conservation easement for the Reise Farm site. The county acquisition of the development rights reduced the development value of the property, allowing PCC Farmland Trust to buy the property at an affordable price. In fall 2012, Pierce County signed an interlocal agreement with the City of Tacoma to transfer 369 development rights to the city.

**Seattle**
Under the Landscape Conservation and Local Infrastructure Program, Seattle has proposed including both South Lake Union and downtown as TDR receiving areas. Under the program, a portion of incentive zoning would be gained through the purchase of regional TDR credits. In exchange, the city would use a portion of future county property tax revenue from new development in the area to fund local infrastructure improvements.

Recommendation: *Promote current use taxation programs for farmers.*

Counties offer current use taxation programs that tax agricultural properties at their present use instead of their highest and best use. Land must meet specific size and use criteria. While these programs are already in place, not all properties eligible for the programs take advantage of their benefits and protections. Fine tuning current use taxation programs and actively promoting them to landowners could increase the amount of farmland protected.
Local examples: Current Use Taxation

Pierce County
Like other current use taxation programs, Pierce County’s Farm & Agriculture Tax Program incentivizes voluntary conservation of active farm and agricultural land. To qualify for the program, property owners must have income generated from the farm and a farm plan.

Recommendation: Provide Economic Development and Regulatory Assistance to Agricultural Business Enterprises

Processing and Marketing
While agricultural zoning can protect farmland, it may restrict commercial activities that make farming economically feasible. Jurisdictions should review zoning to ensure that compatible on-site processing and sales are permitted and that physical structures to support processing and direct marketing of farm products are allowed.

Environmental regulations
Achieving a harmonious balance between environmental regulation and agricultural enterprise is a challenge. Jurisdictions can ensure that permitting essential for environmental purposes does not place an undue financial or procedural burden on farmers. Common agricultural practices that require permits include ditch maintenance and storage of agricultural products. While the issues are complicated, clear advice and regulatory assistance to farmers can add predictability to agricultural business.

Local examples: Economic Development and Regulatory Assistance

Snohomish County
The Focus on Farming program is a hub of economic development and assistance information for farmers in Snohomish County. Plain language guides demystify the processes of permitting and regulation and a dedicated agricultural planner are available to assist farmers on regulatory issues.

Other Resources

Losing Ground: Farmland Protection in the Puget Sound Region – American Farmland Trust (2011)
FARMS Report: Future of Agriculture Realizing Meaningful Solutions – King County (2009)
Kitsap County Strategic Agricultural Plan and Inventory – Kitsap County (2011)
Preserving Farmland and Farmers: Pierce County Agriculture Strategic Plan – Pierce County (2006)
Regional Transfer of Development Rights in Puget Sound – Regional TDR Alliance (2013)
Direct Marketing Support for Puget Sound Area Producers – [presentation]
Marin Agricultural Land Trust
Washington State Land Trusts – Land Trust Alliance

Puget Sound Regional Council