

APPENDIX D

Review of Policies, Regulations, and Incentives

An overview of best practices, unsuccessful strategies, and recommendations for Kitsap County

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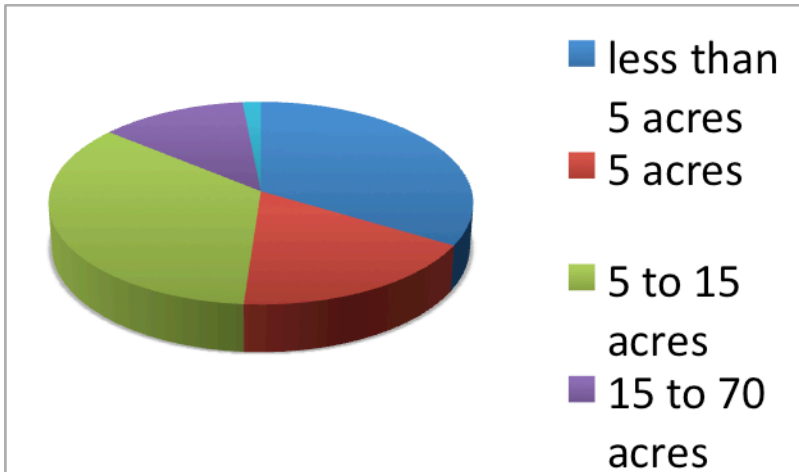
For our practicum project, we were tasked with reviewing the current Kitsap County Code and identifying what was lacking and what could be incorporated in order to better equip the Code with language reflecting Kitsap County's commitment to preserving farmland. In addition to reviewing the Code, we also completed an overview of best practices, policies, and regulations adopted elsewhere in the region, with the intent of providing a "menu of policy options." By providing this research, we hope to assist Kitsap County officials in selecting the most promising options to be incorporated into their Agricultural Sustainability Strategic Plan. The following is a summary of our research, including our recommendations.

I. Overview of Kitsap County:

According to the KEDA Community Agriculture Survey, Kitsap farmers feel that excess regulation is a major obstacle to success (76). While some of this frustration is due to federal regulations that don't account for small farms, some policy and regulation at the local level could also be improved to help promote agriculture. Additionally, county supported non-regulatory programs such as buy local initiatives, technical assistance and education are positive ways to help build Kitsap County's farming community and infrastructure.

The following are key economic indicators and agricultural trends in Kitsap County identified from the "Kitsap County Agriculture Sustainability Situation and Analysis," prepared by Chase Economics. The following suggestions included in this report are based off these trends and indicators.

- The rate of growth in unincorporated areas is greater than in incorporated areas
- Virtually all the growth in farm numbers from 2002 to 2007 were due to a rise in small farms
- 90% of all farms are smaller than 50 acres
- Comparatively Kitsap County farmers earn one-sixth of what other urbanized farmers in Central Puget Sound region earn from their agricultural marketing.
- The fragmentation and development encroaching on farm operations indicates Kitsap's transition to more intensive, value-added urban-edge farming from the more traditional commodity agriculture.



Note:
 less than 5 acres = 32.2%
 5 acres = 16.9%
 5 - 15 acres = 33.4%
 15 - 70 acres = 12%
 400 acres = 1.5%

II. Review of Kitsap County Code:

17.110 Definitions

Under 17.110.666 Rural character, the patterns of land use and development are specifically defined with a focus on rural lifestyles and economies. Similarly, 17.110.667 Rural cluster refers to sites that typically have a portion that is “preserved in its existing natural or farmed state, with individual house lots occupying the remaining acreage.” These are the only definitions referring to agricultural property in the entire code. With a known entity of over 660 farms – and after mapping, over 1,000 likely actual farms – it seems prudent to specifically define agricultural land in the Kitsap County Code.

Under Mason County Code [17.06.010 Definitions](#), the following were found as potential references:

"Agricultural lands" 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 not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock.

"Agricultural resource lands" means land designated by Mason County as agricultural lands of long-term commercial significance.

In the Kitsap County Code, under Section 17.110.050 Agricultural uses, the definition is stated as follows:

“Agricultural uses” means the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, wholesale nurseries, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses; provided, however, that the operation of any such accessory use shall be incidental to that of normal agriculture activities, and provided further, that the above uses shall not include slaughter houses and meat packing or commercial feed-lots.

However, the Kitsap Food and Farm Policy Council has recommended that the following language regarding agricultural use be added into the Kitsap County Comprehensive Plan:

Policy RL-40 Allow the use of normal agricultural activities, as those define in RCW 7.48.310, and such as cropping, cultivation, rotational grazing livestock, spraying, manure application and composting within the designated Rural use areas, provided all applicable environmental laws and regulations are followed.

Livestock and poultry producers shall be allowed accepted management practices, such as; animal husbandry practices, feeding, breeding, birthing & farrowing, neutering & gelding, and slaughtering within designated rural areas provided all applicable environmental laws and regulations are followed. Agricultural practices shall not be unduly limited by parcel size or acreage.

This language could also be adapted into the Kitsap County Code, providing a more comprehensive list of specific uses that are already occurring in the county. Note: The last statement about agricultural practices should be carefully considered, as parcel size and acreage are currently barriers to some uses.

17.301 Rural Wooded Zone (RW)

This particular zone has the only language specific to agriculture in the Code. Under the *Purpose* statement, the following is stated:

Residents of rural wooded (RW) residential tracts shall recognize that they can be subject to normal and accepted farming and forestry practices on adjacent parcels.

The reference to farming does acknowledge agricultural practices, however, the language itself does not go far enough to actually protect them. As mentioned later in this report, Right to Farm language and notifications should be added to the Code, in order to specifically address agricultural use and its impact on neighboring residences / developments. (*See Right to Farm section*).

17.305 Rural Protection Zone

17.305.010 Purpose.

“This zone promotes low-density rural development that is consistent with rural character and protects environmental features such as significant visual, historical, natural features, wildlife corridors, steep slopes, wetlands, streams and adjacent critical areas.”

While the language in this section refers back to preservation of “rural character,” this zone does not necessarily provide agricultural land or use protections.

17.381 Allowed Uses

According to the Zoning tables, agricultural uses are permitted in the Urban Reserve Zone (URS), Rural Protection (RP), Rural Residential (RR) and Rural Wooded Zones (RW) – as well as in the Parks Zone (relating to Open Space) and the Mineral Resource Zone.

17.381.050 Footnotes for zoning use table.

Section (7) states as follows:

- (7) In rural wooded (RW), rural protection (RP), or rural residential (RR) zones:
 - a. Animal feed yards and animal sales yards shall be located not less than two hundred feet from any property line; shall provide automobile and truck ingress and egress; and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses.
 - b. All stables and paddocks shall be located not closer than fifty feet to any property line. Odor, dust, noise, flies, or drainage shall not be permitted to create or become a nuisance to surrounding property.

While these regulations do protect nearby property owners from nuisance, they do not provide any agricultural protections. Similarly, they do not necessarily address agricultural uses on small parcels. This section should be further developed with characteristics of typical Kitsap agricultural properties in mind.

Section (15) refers to the number of animals that can be housed on a given piece of property, based on the size of the parcel, types of animals, location and zoning of the property.

“The number of animals on a particular property shall not exceed one large livestock, three small livestock, five ratites, six small animals, or twelve poultry:

- a. Per forty thousand square feet of lot area for parcels one acre or smaller or for parcels five acres or smaller located within two hundred feet of a lake or year round stream; provided, that when no dwelling unit or occupied structure exists within three hundred feet of the lot on which the animals are maintained the above specifications may be exceeded by a factor of two;” and so on.

The language in this particular section is a bit obscure and could easily be misinterpreted by an average citizen. This section should either be edited for clarity or educational materials should be developed for public benefit.

Section (27) refers to temporary stands (no greater than 200 sq ft) and “exclusively for the sale of agricultural products grown on site.” While there are some specific restrictions regarding location, the footnote itself refers to the temporary permit provisions under 17.455 – which requires the approval of the director. The Food & Farm Policy Council recently raised concerns about the regulations surrounding temporary stands, as the current code does not allow for two or more property owners to collectively sell & transport goods offsite, unless the property is zoned industrial. Many farmers would like to see the code changed to allow for more collaboration between farms / properties, while benefiting their personal operations and the local economy. Considerations would also need to be given to onsite parking, money allowed per day, etc.

17.430 Transfer of development rights.

This section establishes the protocol for transfer of development rights or TDR from one property (called the “sending site”) to another (called the “receiving site”). One of the primary goals of TDR is to preserve open space and rural character. However, Kitsap has yet to fully engage the use of TDR in the county. (*See section on TDR*).

17.445.090 Conditionally exempt signs.

(B) Signs advertising the sales of farm products are regulated under this section. While the information provided seems adequate for general purposes, it is advised that the county provide further information for individual uses. Many agricultural products are readily available in Kitsap, but the specific regulations about advertising and signage are not. (E.g. compost vs. manure available)

17.455.110 Obnoxious things.

In this section, the code specifically calls out nuisance items – which agricultural properties are particularly susceptible to complaints about. Farms & agricultural use that has existed prior to surrounding development is protected under the WA state Right to Farm Act ([RCW 7.48.300](#)). However, those farms or uses implemented after or with development are vulnerable to nuisance complaints and potential lawsuits. Kitsap County should adopt Right to Farm language in the Code to assist with nuisance issues, alert developers and residents of nearby agricultural practices, and protect farms and ranches to the greatest extent possible. (*See section on Right to Farm Policy / Ordinance*)

18.12 Open Space Plan

This section refers to the state and county policies regarding the open space / current use taxation program – as under *Chapter 458-30 WAC* for the Open Space Taxation Act. While this section does adequately describe the Open Space designations, it does not refer to designations under Farm & Agricultural Land – which specifically aim to protect agricultural land and practices. (*See section on Current Use Taxation*)

7.14.030 Infractions.

Looking back to section 7.14.030, the following are declared to be Class 1 civil infractions:

(3) Animal Noise. For any person(s) to own any animal which by its barking, howling, baying, squealing, crowing, crying, bleating, screeching, or making any other noise by its volume or frequency unreasonably disturbs or interferes with the peace of any person(s) for more than fifteen minutes in any one-hour period of any day, and is documented by three or more separate episodes of such noise in a sequential seven-day period. The burden is upon the owner of such animal(s) to maintain quiet. Exceptions to this subsection are farm animals in permitted zones...

The last line referenced specifically exempts farm animals in permitted zones. However, assuming that the permitted zones are the zones where agricultural use is specified, the density of residences / developments varies greatly. In previously referenced language (i.e. 17.381.050 Allowed Uses or 17.455.110 Obnoxious Things), animal noise is listed as a nuisance item – and specifically in the RW, RR, and RP zones, which are meant for agriculture. This seems contradictory and could easily be misinterpreted by property owners.

II. Review of Regulatory Opportunities / Regional Strategies

Right to Farm Policy / Ordinance
Current Use Property Tax / Differential Assessment
Agricultural Districts
Agriculture Protection Zoning
Conservation / Protective Easements
Transfer or Purchase of Development Rights
Acquisition

Policy: Right to Farm Policy / Ordinance

The Kitsap Food & Farm Policy Council (FFPC) and Kitsap Community & Agriculture Alliance (KCAA) have made it a priority to implement Right to Farm language in Kitsap County. While there have been some misinterpretations about how this type of policy actually works, the Washington State Right to Farm Law ([RCW 7.48.300](#)) does currently protect farmers in Kitsap County. However, because the state law is somewhat removed from individual communities / counties, it is beneficial to reiterate these specific protections at the local level, with education and notifications for local officials, developers and citizenry.

The FFPC is currently looking to include a new policy regarding Right to Farm in the Kitsap County Comprehensive Plan (see language below, which has been submitted to the Kitsap County Planning Office):

Under Goal 8:

Policy RL-39 – Adopt a Right to Farm Ordinance

In this case, the county will need to go one step further and develop specific language, or the FFPC will need to make some decisions about further language recommendations to make to the Planning Department, as well as to the Commissioners.

In Mason County, specific Right to Farm language (or “Preferential Right”) is called out in the County Code of Ordinances:

From Mason County Code

8.52.040(c)(5) Preferential Right to Manage Resources — "Right to Forestry," "Right to Farm," "Right to Mine." Description of Preferential Rights.

(A) No resource use or any of its component activities shall be or become a nuisance, private or public, by any changed conditions in or about the locality thereof after the same has been in operation for more than five years, when such operation was not a nuisance at the time the operation began; provided that the provisions of this subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such operation or its component activities, and the property owner follows the standards of this chapter.

(B) A resource operation shall not be found to be a public or private nuisance if the operation conforms to local, state, and federal law and best management practices.

(C) A farm or forest operation shall not be restricted to time of day or days of the week, but shall be conducted according to best management practices pursuant to state law.

(D) A farm or forest operation shall be free from excessive or arbitrary regulation.

Similarly, the Mason County Code goes on to specify protections for owners of “agricultural resource lands,” and requires notification of all proposed neighboring developments as to the nature of agricultural practices.

From Mason County Code

8.61.010(5) Agricultural resource lands -- Preferential Right to Manage Resources and Resource Use Notices.

(A) For land owners who have land designated as agricultural resource lands, provisions of "Right to Farm" provided under Section **8.52.040(c)(5)** shall fully apply.

(B) All plats, short plats, large lot subdivision, development permits, and building permits issued for activities on, or within five hundred feet of lands designated as agricultural resource lands shall contain the following notification: "This property is within or near designated agricultural resource lands on which a variety of commercial activities may occur at times and that are not compatible with residential development. Residents of this property may be subject to inconvenience or discomfort associated with these activities including, but not limited to: dust, odor, noise and chemical applications."

Pierce County also has similar Right to Farm language and requirements for new project notifications, under Title 18I of the Pierce County Code. Major differences are the Pierce County requires notifications of neighbors within as far as 2,500 feet of properties with agricultural operations, and the county has an Agricultural Operations Map that is scheduled to be updated every 2 years, with subsequent amendments and notifications shared across county and real estate offices.

One item that Pierce County does reference, in direct relation to the state Right to Farm law, is the need for the agricultural use or operation to be in place *before* surrounding development (i.e. residential housing). For

example, if an agricultural operation were to come into an area after other residences were established, then that operation could still be open to nuisance litigation.

From Pierce County Code, Title 18I.35.030

Agricultural operations conducted on farmland, if consistent with good agricultural practices and established prior to surrounding nonagricultural activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

Policy: Current Use Property Tax Assessment

The Current Use Property Tax Assessment (or Differential Assessment) under the Open Space Taxation Act is a strongly supported program – but one that should be given more resources. Many farmers and other landowners do not currently possess the knowledge about this benefit, so it could be an area where more land is preserved with very little overall effort. Basically, two categories exist for preserving farmland: Open Space Land and Farm & Agricultural Land.

Under Open Space Land, the intent of the law is to preserve land for the enjoyment of the citizens of WA State. However, land that has little or no farming activity can fit under this category, as long as it has high potential for returning to commercial agriculture. Requirements vary, but generally include restrictions on domestic animals or livestock (unless the property is defined as “traditional farmland”), and restrictions on clearing of vegetation. Any agricultural use on the site requires inclusion of a Farm Plan.

Under Farm & Agricultural Land, the rules are a bit more complicated. If a property is less than 20 acres, specific financial requirements per acre are needed for several years prior to the application. In addition, property owners have to pay compensating tax:

“Compensating tax equals the difference between the tax paid under Farm & Agriculture classification and the tax at true and fair market value for the current year and the last seven years, plus interest at 1% per month” (Kitsap County Assessor, *Farm & Agricultural Land*, p.2).

Because many of the parcels in Kitsap County are under 20 acres, and property owners would need to report all earnings for a minimum of 3-5 years prior to the application, it is understandable why this assessment has not been utilized more within Kitsap. Additionally, some feedback from the farming community has suggested that county regulators interpret the state law to an extent that further hinders them from seeking use of this assessment. (E.g. WAC definition of “commercial agricultural purposes”, December 2010).

While there are some barriers to the current use property tax assessment, the full extent of information is simply not known by the greater community in Kitsap. Initial steps should be dissemination of the information beyond the Assessor’s website, and discussions with the agricultural community about the specific details & definitions for both Open Space and Farm & Agricultural Land designations.

Policy: Agricultural Districts

Kitsap County could benefit from the development of voluntary Agricultural Districts in areas where agricultural operations are clustered. The City of Lacey has developed some language within their Municipal Code to allow for Agricultural Districts, as well as special permitted uses within those districts.

From Lacey Municipal Code – 16.21.020 Permitted uses.

A. Specific types permitted in the agricultural district:

1. Production of crops and livestock including but not limited to the following:
 - a. All horticultural crops including tree farms, green houses and nurseries;
 - b. Livestock production including grazing, dairying, poultry and egg production, and riding stables;
 - c. Limited processing and packaging of produce and animal products, including slaughtering, limited to crops and animals produced on the premises;
 2. Single-family structures, not exceeding one per five acres.
- B. Other or related uses:
1. Accessory buildings or structures clearly related to the basic use of the premises such as storage of personal property, vehicles, equipment and supplies;
 2. Stands or sheds for the sale of agricultural products produced on the premises;
 3. Mobile homes for persons related to or employed in the agricultural pursuits of the premises;
 4. Accessory residential dwelling as defined in Section 16.06.055;
 5. Home occupations as provided in Chapter 16.69 of this title. (Ord. 1024 §36, 1995; Ord. 931 §10, 1992; Ord. 927 §9, 1992; Ord. 583 §2.15(B)(1, 2), 1980).

Policy: Agriculture Protection Zoning

According to the American Farmland Trust, Agriculture Protection Zoning (APZ) refers to county and municipal zoning ordinances that designate areas where “farming is the desired land use, generally on the basis of soil quality as well as a variety of locational factors. Other land uses are discouraged.” In Whatcom County, [Chapter 20.38](#) of the Whatcom County Code is entitled “Agriculture Protection Overlay”, and identifies the important agricultural soils in the county, requires developments to be clustered, etc. The introduction of this section reads:

Whatcom County Code 20.38.010 Purpose.

The purpose of this chapter is to maintain and enhance commercial agricultural activity and further protect open space resources within Whatcom County; further the county’s efforts in meeting long-term agricultural needs; 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 the area for agricultural activities. **This chapter is not intended to interfere with the use of other resources.**

This particular section of code seems very applicable to Kitsap, particularly after the recent mapping of valuable soils and agricultural use in the county.

Policy: Conservation /Protective Easements:

Description:

Protective easements are part of an acquisition strategy considered to be crucial in preventing the development of current farmlands and maintaining such lands as productive viable operations into the future (American Farmland Trust, 2006). Although zoning can be an effective strategy, it is largely considered to be a short-term remedy, due to the fact that zoning is subject to change as political wills shift (American Farmland Trust, 2006). Protective Easements, on the other hand, are a means of ensuring that the use of a given property will have its use limited to agriculture in the future.

Most local and state farmland preservation programs in the United States are easement acquisition programs in which the program acquires a less than fee interest in the property through the purchase of an easement

(American Farmland Trust, 2006). Property owners apply to these programs to sell the development potential of their land, or they may simply donate the easements.

Another means of obtaining an easement on a property is fee simple acquisition with subsequent sale subject to easement (Bainbridge Island Report). This is viewed as a quick method for obtaining keystone properties, or obtaining properties whose owners aren't interested in continuing farming, and therefore do not want to sell a lesser interest in the land (American Farmland Trust, 2006). These programs require significant upfront capital, as the lands are initially bought in fee from owners. The properties are then quickly resold, subject to easement, so they may continue generating tax revenue that can contribute to the acquisition of additional lands (American Farmland Trust, 2006).

Bainbridge Island:

The city of Bainbridge Island has acquired lands a number of different ways over the past decade (Bainbridge Island, 2006). These have included "public bond levies, such as the Open Space Bond Levy; through activities of private organizations, such as the Bainbridge Island Land Trust (BILT); through private-public partnerships, and through private *ad hoc* fundraising groups..." (Bainbridge Island, 2006).

The Bainbridge Island Land Trust has been an integral key to many acquisitions and placements of easements on Bainbridge Island, and as of February 10, 2010, The BILT had acquired 44 easements on almost 700 acres (Bainbridge Island Ferry Tales, 2010).

The following are two examples of counties where conservation easements are used as a common method of farmland preservation.

Bainbridge Island Municipal Code and Conservation Easements:

In the Bainbridge Island Municipal Code, Chapter 16.24, titled "Protection and Preservation of Farmlands and Open Space," there is code language that could be adopted into the Kitsap County code in order to encourage the acquisition of more easements to protect agricultural lands.

The Bainbridge island code specifies that acquiring easements specifically for agricultural use is a priority for the city. The language that the city has adopted is a "Priority of Acquisition," (16.24.040 in the Bainbridge County Code), and "Criteria for Selection Within the Same Priority (16.24.050 in the Bainbridge County Code). Although this particular portion of the code refers to development rights, lands where development rights are purchased typically have easements placed on them after acquisition (Bainbridge Island Report).

Bainbridge Island's code "Priority of Acquisition" (16.24.040) states the following:

16.24.040 Priority of acquisition

"Development rights shall be purchased in sequential order of the priorities listed below:

A. Farmlands that the owner must sell because of the owner's age or infirmity or because of economic pressure;

B. Other farmlands

C. Open space land (Ord. 92-14 § 1992)."

Language such as this places the preservation of agricultural lands as a higher priority than the preservation of other types of “open lands,” and also provides guidance for decision -making as far as allocating funds for land acquisition and easement purchases. Of particular interest here should be that the city of Bainbridge Island gives first priority to farms where the owners are forced to sell due to age or economic pressures. As the report prepared by the Chase Economics report points out, the majority of small farms on Kitsap are currently not economically, and a significant loss of farmland in the county has been due to unviable operations. If Kitsap adopted language such as this, they could assist farmers with struggling operations, a goal that coincides with Kitsap’s revised “Agriculture Policies for Rural Lands.”

Furthermore, it is recommended that farmland preservation plans identify certain priority areas for targeting the acquisition of agricultural conservation easements. This is so that county officials might designate certain farmland preservation areas that will compliment other programs and preservation efforts underway. Also, given that initial acquisition of lands can be expensive, the county should be having clear priorities as to where the most critical and crucial lands to place easements on are located.

Opportunity for incorporation of priority of acquisition language such as this into the code includes current sections covering Open Space Lands and Transfer of Development Rights. Currently, in the “Open Space Plan,” section 18.12, of the Kitsap County Code, the following policy regarding conservation easements is identified.

(12) Kitsap County encourages the dedication of open space lands in perpetuity to conservation easement.

However, missing is information specific to agricultural lands, and additional wording may be needed to identify the county’s priorities as far as where easements are purchased in Kitsap County.

Bainbridge Island’s code “Criteria Selection within Same Priority” also offers example of language that would benefit the portions of the Kitsap code covering open space land and transfer of development rights.

16.24.050 Criteria for selection within same priority.

“If funds are not adequate in any selection round to purchase all eligible lands of equal priority for which valid offers have been received by the city, the following criteria shall be considered in determining which offers to accept within a priority group:

A. An offer, which is below appraisal, shall be favored over an offer, which is at appraisal.

B. Agricultural land as defined in BIMC [16.20.020](#) shall be favored over other eligible lands.”

Other criteria may also be considered. The weight to be given to each criterion shall be determined finally by the city council for each parcel of property and such good faith determination shall be conclusive. (Ord. 92-14 § 1, 1992)

King County:

King County has been successful in protecting many acres of land with the use of conservation easements. Currently King County has slightly over 90,000 acres preserved with conservation easement (Born, 2008). However, this number represents acres of both farmlands and forestlands, and therefore cannot be used as an estimate of preserved farmland. The far majority of these easements have been obtained with the county’s transfer of development rights program (Born, 2008).

King County Code and Conservation Easements:

Title 26 in the King County Code covers agricultural policy, and similar to the Bainbridge Island Code, the King County Code identifies priorities for acquisition of lands, as well as criteria for selection of lands within same priority.

Per title 26.04.040, “eligible lands and priority of acquisition,” priority lands for acquisition are located within the designated areas of the Sammamish, upper or lower Green River Valleys, or any “food producing farmlands,” The regions including the Sammamish and Green River Valleys receive priority because they are considered to have prime agricultural lands (Oldham, 2006).

Consideration for Kitsap County:

In order for Conservation Easements to ensure the preservation of prime farmlands in Kitsap County, they must be strategically placed, and priority assigned based on a clear, predetermined criteria. Language regarding priority of acquisition can be placed in the areas of county code covering the Open Space Plan and Transfer of Development Rights

Also, Kitsap County should conduct the assessments to determine which lands will be of most agricultural significance. Also, the county has the opportunity to protect the most struggling farmers on the urban fringe by using economic situation as one of the criteria.

A perceived difficulty with easements is that they are individually negotiated, however, for Kitsap County this will prove to be a huge benefit. “This flexibility is beneficial as it allows each easement to be tailored to needs and desires of individual landowners (Born et al, 2008).

Policy: Transfer of Development Rights and Purchase of Development Rights

Overview:

Transfer of Development Rights (TDR) is an innovative tool that has been increasingly implemented by counties and municipalities to preserve farmlands and keep agricultural operations viable. Transfer of development rights preserves agricultural lands by transferring development rights from one parcel (sending area) to parcels designated as growth zones (receiving area) (American Farmland Trust, 2001). These transactions are between private landowners and developers, and require relatively few funds on the part of local government. The sending areas are then permanently protected with conservation easements to limit development in the future (American Farmland Trust 2001).

Similar to TDR is Purchase of Development Rights (PDR), or otherwise known as Purchase of Conservation Easements (PACE). PDR/PACE are voluntary programs in which a land trust or local government purchases the development rights on a parcel. After the agreement is made a permanent deed restriction is placed on the property that restricts the type of activities that may take place on the property (Ohio State University).

King County’s PDR/TDR program:

The county adopted a pilot TDR program in 1998 and made the program a permanent part of the county code in 2001 (King County, 2011). Every TDR program has different goals and objectives; one community might cite preservation of forests and endangered species habitat as the upmost priority, while another might focus its attention strictly on preservation of farmlands. King County’s program focuses on protecting rural and “urban separator lands” from encroaching development. These “urban separators” are intended to abate urban sprawl, and divide the more heavily populated western part of the state from the rural, less heavily populated east. Since

the pilot program began 455 TDRs have been sold in 48 private market transactions as of February 2007, and a total 92,000 acres have been preserved (Walls, 2007).

King County initiated a PDR program in 1979 to preserve farmland through a voter-approved \$50 million bond measure. The county has been very successful in utilizing their web site and newspapers to find applicants; there is currently a backlog of property owners and suitable sites. As of 2011, The county has spent \$60 million to purchase development rights on farmlands, and the purchases total 13,020 acres of protected farmland, including donated easements (Barney & Worth, 2006).

The criteria used by King County to determine where to purchase development rights are as follows: priority is based on “parcel size, soil quality and drainage, history of active farming, adjacency with other protected properties, and proximity to protected areas” (Barney & Worth, 2006).

Key Features and Successes of King County TDR Program:

There are several elements of King County’s Program that set it apart from most other county TDR and PDR programs, and have also attributed to much of the program’s success. Two key features include the use of interlocal agreements and the establishment of a TDR bank (King County, 2011).

1.) Use of interlocal agreements:

King County has accomplished transfers through interlocal agreements with Seattle, Black Diamond, and Issaquah, although the Seattle agreement has expired. These interlocal agreements have been an effective means of getting urban residents to accept additional density and prevent further development in rural areas that the county wants to preserve for agricultural lands. The agreement with Issaquah authorizes transfers of land in the Issaquah basin, and in return for this increased density, King county provides funding to help fro infrastructure for Issaquah (Aken, 2008). The program permits the city of Issaquah to accept up to 75 density rights, and succeeded in protecting 10 aces in its first year (Aken, 2008).

While interlocal agreements are one device used by King County to direct growth away from rural areas, another one is the use of “amenity funds,” a form of compensation to municipalities for accepting additional growth. King county is currently working to develop additional interlocal agreements with municipalities, including renewing the previous agreement with Seattle (Aken, 2008).

2.)Operation of a TDR bank:

King County Operates a “TDR Bank” which involves the county buying development rights and “banking” them for later sale and use in the receiving area. The TDR program is an important market mechanism intended to facilitate transactions (Aken 2008). The TDR bank was established in 1999 with the appropriation of \$1.5 million by the Metropolitan King County Council. The TDR bank can only purchase “development rights from qualified sending sites in the rural areas or in agricultural or forest production districts.” (King county, 2011). Only sending sites deemed to be of the upmost priority and reaping the most public benefits are protected with the limited funds made available to the TDR bank.

Applications to Kitsap County:

The bank is an important component of King County’s program, and is one that could potentially be put to use in Kitsap County. The mechanisms of a TDR program are complex, and relying solely on the market to achieve transfers may not be sufficient to protect critical, quickly diminishing farmland. A TDR bank could be a means of quickly purchasing important lands, and transferring the development rights to a project in a city, as a King County has done, could be a means of unloading them quickly (King County, 2011).

In Kitsap County, the rate of the growth in unincorporated areas is greater than in incorporated areas (Chase Economics, 2011), and the use of interlocal agreements could be a means for Kitsap to abate growth in rural areas and protect agricultural lands.

Snohomish County's TDR Program:

In 2008 Snohomish County adopted a comprehensive plan with policies that allow for the expansion of the TDR program and the establishment of a new sending and receiving area. Like King county, Snohomish has a program that incorporates both TDR and PDR policies. The TDR sending designation is a legislative planning overlay that is applied to important agricultural or forestlands designated as "natural resource lands" pursuant to the GMA (Snohomish County Planning and Development Services, 2011).

In December of 2004 the county passed Motion No. 04-461 relating to the establishment of a PDR program. This motion authorized the County Executive to implement a PDR program for designated agricultural lands outside of the TDR sending area. A limited amount of county funds and Federal Grants were made available for the initial acquisition (Snohomish County Planning and Development Services, 2011).

Key Features and Successes of Snohomish County Program:

1.) Use of Interlocal Agreements:

Snohomish County adopted a TDR program under an interlocal agreement with the city of Arlington to protect farmland-surrounding Arlington. The county also considered adopting a countywide program in 2008 but decided to work through interlocal agreements, development agreements and code changes. On May 12, 2010 Snohomish County's Urban Centers Code was approved by a County Council votes (Snohomish County Planning and Development Services, 2011). The update designates all urban centers in the southwest portion of the county as TDR receiving areas. Developers may increase building floor area buy purchasing TDR credits from private landowners in Snohomish County.

2.) Work with Cascade Land Conservancy:

In 2009 the Cascade Land Conservancy worked with Snohomish County to expand its TDR program. In June 2009 a new section was added to the counties TDR code was added to broaden eligibility and simplify the process by which sending sites are designated (Cascade Land Conservancy, 2011). The CLC purchased 17 TDR credits from family-owned and forested Hidden Valley Camp following this change to the TDR code (Cascade Land Conservancy, 2011).

Considerations for Kitsap County:

Kitsap County should look to Snohomish's TDR and PDR programs as models due to the fact that both counties are currently experiencing similar trends. Like Kitsap, Snohomish has experienced population growth in its more rural areas. IN Snohomish County the preferred housing style has been single family detached housing, which has been historically been built away from urban centers on land recently converted to residential uses, thus encroaching on agricultural lands, a similar situation facing Kitsap County. A closer look at the fine-tuning of Snohomish's TDR/PDR programs could provide a good model for Kitsap in order to conserve agricultural lands.

Also, Kitsap County may want to utilize organizations in the future, such as the Cascade Land Conservancy, to conduct outreach to Kitsap citizens about the benefits of TDR programs. Many studies have found that public support is a critical factor in the success of TDR program (Aken, 2008).

Thurston County's TDR program:

The TDR program in Thurston County was launched in 1995. The county had done a one-time PDR to purchase 940 of the best agricultural lands in the county, but county officials did not feel that they would have support from taxpayers to purchase the remaining 12,000 or so acres that they deemed to be “significant, sensitive agricultural lands.” A TDR program was initiated instead, and began with a feasibility program in 1993 to see if TDR would be realistic for Thurston county. One of the findings from the study was that many farmers were skeptical of the TDA program due to a contentious relationship with the county over a reduction of agricultural zoning lots to 20 acres.

Lessons to be learned from Thurston County’s Model:

Thurston County is an example of a program that has not yet achieved its intended goals of preserving sensitive, important farmlands for the future. The county has an easement template intended to be used for any easements secured under the TDR program, however to date no easements have been established as no TDR transactions have taken place (Boone County Planning Commission, 2001).

Several issues have resulted in the lack of success in Thurston County’s TDR program, and provide lessons for Kitsap were they to pursue a TDR program of their own. One key factor in the lack of success for Thurston County’s program is that county officials did not start actively promoting TDR for years after its adoption. This is likely due to understaffing; “the TDR program is administered by one staff member within the county planning agency and by staff in each of the cities of Olympia, Lacey, and Tumwater,” (Boone county Planning Commission, 2001). Also, there was a lack of interest from developers to participate in the program because the density “bonus” available in some zones would not lead to increased profits.

Application to Kitsap County:

Thurston County’s unsuccessful program highlights the importance of active promotion and adequate staffing in every TDR program. There must be ample outreach to the public, and adequate research done to ensure that developers will be interested in purchasing development rights in the designated receiving areas.

Policy: Acquisition

Overview:

As far as Acquisition there are three primary management models (American Farmland Trust 2006). These include

- 1.) Fee simple acquisition with restrained ownership
- 2.) Fee simple Acquisition with subsequent sale subject to easement
- 3.) Strengthening the agricultural industry

King County:

King County established an acquisition program in 1979 in which the county is authorized to acquire “developmental rights, full ownership, or any lesser interest (American Farmland Trust, 2006). The county ordinance stipulates however that full ownership can only be pursued on “first priority” land and when the owner will not sell for less than fee interest (American Farmland Trust, 2006). The ordinance instructs the county to sell the land as soon as practicable. Historically, the program has received funding from the sale of county bonds as well as county appropriations and funds from the Federal Farmland Protection Program.

III. Review of Non-Regulatory Opportunities / Regional Strategies

Improving Agriculture Infrastructure

Appendix D: Review of Policies, Regulations and Incentives

Improved Technical Assistance
Monitor Health of Agriculture in Kitsap County
Organic Certification Assistance
Build Current Farmers Markets
Buy Local Initiatives / Contracts
Direct Marketing Opportunities

Policy: Improving Agriculture Infrastructure

Overview:

The Chase Economics report found that some of key factors weakening agriculture in Kitsap County include a lack of supporting agricultural infrastructure. The report states, “reduced agricultural product has not only prevented expansion of input suppliers and agricultural services, but has marginalized existing suppliers and service firms. On the forward linkage side, food processors need to go beyond the County to secure needed product.” Kitsap County has recognized the need for improved infrastructure for its farmers in its updated “Agriculture Policies for Rural Lands.” In that document, Policy RL-45 seeks to “Allow development of agricultural infrastructure essential to farm support in rural zones...” In this context agricultural infrastructure refers to but is not limited to commercial kitchens, value added food processing, farm stands, co-processing, co-cops, and cooperation among farmers.

An increase in commercial kitchens is one option that may be particular benefit for Kitsap farmers, as it will encourage and facilitate farmers to move towards more value added products. Given the fragmentation of Kitsap’s parcels and the pressures of encroaching development, transitioning to more intensive, value-added, urban edge farming from the more traditional commodity agriculture may be a key strategy in keeping small farms economically viable (Chase Economics, 2011). Also, it was demonstrated that there was support for a commercial farm amongst Kitsap’s farmers in the KEDA report. (Kitsap Economic Development Alliance, 2011).

Another option for improving infrastructure is the promotion of USDA-inspected facilities for meat production. Kitsap farmers identified the lack of USDA / WSDA slaughter facilities as a major obstacle. In recent years, the Puget Sound Meat Producers co-op has brought a mobile slaughter unit into production, with the assistance of the Pierce County Conservation District. While this mobile unit does travel to Kitsap, it is limited in capacity and is only used for the slaughter of larger animals (i.e. cattle, pigs, sheep & goats). The Kitsap Poultry Growers Cooperative has been working toward the purchase of a similar certified mobile processing unit – specific to poultry. With the increase of poultry growers in Kitsap County, this is a definitive need for the area.

The following include examples from the region where counties and municipalities have taken action in promoting agricultural infrastructure for its farmers.

Snohomish County:

From the Snohomish County Economic Opportunity Assessment, published in 2006, it was found that “Lack of infrastructure disproportionately affects small and medium sized businesses.” This is due to the fact that processing equipment is more of a significant cost for smaller businesses than larger operations, as larger farms have the capital to invest in processing equipment and are able to take advantage of volume discounts from suppliers (Snohomish County Economic Opportunity Assessment, 2006).

Snohomish County has moved towards improving agricultural infrastructure with the announcement of a 60,000 square foot agricultural center. The center will house a commercial kitchen, processing facility, farm distribution

hub, in addition to a full time, year round farmer's market. The center will be operated by the Snohomish County Grower's Alliance, a county led initiative with support from County Executive Reardon.

Also, in evaluating how Snohomish County currently supports agricultural infrastructure for its farmers, the county identified in its "Snohomish County Agricultural Plan," that the "current county code does not provide for slaughterhouses, canneries, or auction barns near agricultural facilities." In response to this, the county set a goal to review and update the comprehensive plan and zoning and development ordinances, to remove obstacles to siting agricultural infrastructure facilities in rural areas (Snohomish County, 2005).

Currently Snohomish County has materials online to educate farmers on what is necessary to build/start their own farm kitchen operations. Per Snohomish County code, (SCC 30.91K.055), a farm kitchen is defined as "a room or area on a farm site used, intended to be used for cooking or preparation of food for distribution, sale, and consumption of agricultural products, at least a portion of which are produced or grown on the farm site or within Snohomish County or Puget Sound Fresh region, provided it contains any two of the following: a kitchen-type sink, refrigerator, range, or 220 H2 outlet." The website goes on to provide information on the submittal requirements for obtaining permits for starting such a farm kitchen, and can be found at the following website.

http://www.co.snohomish.wa.us/documents/County_Services/FocusOnFarming/AGBulletin6_1010.pdf

King County:

From the "Rural Economic Strategies Report," prepared in 2005 by the King County Office of Business Relations and Economic Development, it was stated that King County would adopt the policy to "create partnerships with rural communities to promote economic vitality," with one of the action items to be infrastructure improvements (Rural Economic Strategies Report). The report stated that commercial kitchens, either as cooperatives, or part of a culinary institute, have been identified as one of the infrastructure needs for rural farmers who cannot afford to convert their home kitchens to make value added products (King County rural report.). It was also stated that additional processing facilities were needed in King County for poultry, grass fed beef, and other livestock.

Policy: Improved Technical Assistance

Overview:

The "Kitsap County Agriculture Sustainability and Situation and Analysis Report" prepared by Chase Economics, identified the trend of declining technical expertise in Kitsap County. This loss of technical expertise is part of a larger, region wide trend of declining support for agricultural infrastructure. To promote agriculture in Kitsap, the report identifies that following opportunity: "Technical and marketing assistance is needed to comply with the panopoly of food safety, labor, and environmental regulations at the state, federal, and local level. "

The need for technical assistance for Kitsap farmers was echoed in the 2010 "Community Agriculture Survey" compiled by the Kitsap Economic Development Alliance. In this report it was indicated by 39% of respondents that "excess regulation is a major obstacle to success. Farmers must deal with a wide range of federal, state and local regulations, depending on what they grow, where they grow it, and how they process it, package it, label it and sell it. Farmers must also deal with local permitting issues that impact land use, farm structures, farm stands, and signage. " Another sentiment expressed by Kitsap farmers, and one that is seen as a nation wide issue, is that government regulations are especially burdensome for small farmers. Consequentially, the burden of regulation is considered to be one of the primary barriers for small start up farms, and for small farms to obtain the proper permitting and licensing (Kitsap Economic Development Alliance, 2011).

In addition to an expressed interest among Kitsap farmers for technical assistance regarding regulations and permitting, there has also been a great deal of interest in technical training and assistance to improve farm management, particularly in sustainable methods, and in techniques to extend the growing season. Online guidebooks have been identified as an opportunity in this instance, as they could include links to websites that provide instruction (Kitsap Economic Development Alliance, 2011). Also, in these guidebooks it could be useful to include information specific to the region's climate, latitude and Washington State regulations (Kitsap Economic Development Alliance, 2011).

Snohomish County:

Overview of Strategy:

Much of the information in the report developed by Chase Economics, and the Kitsap Economic Development Report, indicate that improving and increasing online resources for farmers on Kitsap's websites might be an effective means of providing the technical assistance needed to promote agricultural, especially small scale agriculture.

One model for Kitsap County to look to is Snohomish County's "Focus on Farming" website, available at the following link.

http://www1.co.snohomish.wa.us/County_Services/Focus_on_Farming/Services/Business_Help.htm. This website offers a variety of links offering business and technical help for farmers. One particularly helpful link is the site for the "Northwest Agriculture Business Center," available at the following link: <http://www.agbizcenter.org>. This Northwest Agriculture Business Center (NABC) is an organization that provides support for agricultural enterprises in Snohomish, Skagit, Island, San Juan, and Whatcom counties. Some of the assistance and services the NABC offers includes practical business support, business plan development, direct and regional marketing strategies, technical production assistance, and agrotourism and niche market support.

The NABC site may be of particular interest to Kitsap Farmers due to the information provided on creating value added products. The website offers information on upcoming workshops on creating value added products, and offers assistance every step of the way in the value-added business development process. For example, the website states that NABC offers "one-on-one guidance" for compliance with regulations and certification of value added products, and offers technical assistance in the upgrading production facilities, and fiscal planning for projected production volumes, business expansion and operating costs (Northwest Agriculture Business Center).

Also on the Snohomish website provides links to the Snohomish Conservation District, available at the following site: <http://snohomishcd.org/>, where information is made available for local farmers regarding "technical assistance, farm plans that address Natural Resource Issues, and land use issues and regulatory issues on farmlands (Snohomish County).

It is recommended that Kitsap county examine Snohomish's "Focus on Farming" website, and create a similar model website for Kitsap County farmers offering information and notices of workshops on value added products, certification, regulation, fiscal planning, and technical assistance related to all types of production facilities.

Snohomish County also produces another website specifically helping farmers with regulations. Available at the following web address

http://www1.co.snohomish.wa.us/County_Services/Focus_on_Farming/Information/Help_With_Regs.htm, Snohomish County's "Focus on Farming: "Help with Regulations Affecting Farmers," website provides a wealth of information intended to help farmers understand the county regulations that most often affect them, and to also educate farmers on the types of permits that might be needed for different types of activities or building that might take

place on their property (Snohomish County, 2010). The county makes available simplified explanations of the most common permits, as well as sections of the code relating to agriculture.

Also, a very impressive tool made available on the website is the Focus on Farming Interactive Map, available at the following site: <http://gis.snoco.org/maps/farming/index.htm>. The map is a helpful tool for viewing regulatory conditions that affect farm operations (Snohomish County, 2010). The Map displays parcel boundaries with county zoning, flood hazard areas, and shoreline environment areas, and farmers are able to enter in a parcel number and view a report detailing what regulations may affect their property (Snohomish County, 2010).

King County:

Overview of strategy:

Like farmers in Kitsap County, there is a general sentiment among King County farmers that the current regulatory system offers too many constraints, that there should be assistance offered in the permitting system, and user friendly materials should be made available to assist farmers in navigating the regulatory system (Martin, 2009). Farmers have also commented that the permit process takes too long.

Very recently, King County's Department of Development and Environmental Services has moved to remove some of these barriers by streamlining the permit process (Snovalleystar.com, 2011). King County will provide an additional service in which there will be a pre-submittal review for complex applications. The objective is to help people with "permit applications that are too complicated for over the counter service, but not so involved that they require-or qualify for- a pre application meeting," (Snovalleystar.com, 2011). By identifying technical issues and "red flags" early on, the service is expected to speed up the permit process, and make it easier to apply for permits in unincorporated area (Snovalleystar.com, 2011). As was explained by one staff member from the Department of Development and Environmental Services, "the early feedback should reduce the time required for permit application review...and enable applicant to start their projects sooner." The new service is expected to help with 12 types of mid sized permit applications, including agricultural buildings (Snovalleystar.com, 2011). The proposal for the new service has been submitted but

WSU Kitsap Extension

The objective of WSU Kitsap Extension is to assist farmers in finding and operating practical, profitable enterprises. They are currently a very valuable source for many of Kitsap's farmers, as they provide classes and workshops intended to improve farm management skills and small business skills. In the KEDA agricultural survey, 41% of farmers who participated in the survey cited that they have taken a class or workshop with WSU Extension, and 35.4% of respondents in the survey reported having received information from WSU Extension via materials they make available online. The Sustainable Farming Business course in particular, is an especially helpful source made available to small farmers.

However, despite all the assistance that they currently provide to farmers, there is further room for improvement. WSU Kitsap Extension could increase the amount of online guidebooks and resources they make available to their farmers to assist in the many technical aspects of operating farms, such as building hoop houses, and other methods of extending the growing season. WSU Extension for both Clark and Island County provide guidebooks on this technical practice on their website, and while WSU Kitsap does offer workshops on constructing hoop houses, an increase in the number of guidebooks on their website is always a benefit. This is supported by the fact that the KEDA survey found that approximately 56.3% of respondents currently get their information from websites for assistance. Also, the KEDA report found that farmers show a slight preference for guidebooks over other methods of training, and therefore WSU Kitsap Extension should be encouraged to increase the number of guidebooks and other materials made available online. These guidebooks and training materials should focus on sustainable farming methods and techniques to extend the growing season, as these are two topics that Kitsap farmers have expressed a lot of interest in learning more about.

Another significant opportunity for WSU Kitsap Extension to further assist farmers is to make use of the WSU Livestock Advisor program. Livestock Advisor volunteers are trained by Washington State University to provide small farmers and livestock farmers with answers to basic questions about animal husbandry and land stewardship. The Livestock Advisors make farm visits, host educational events, and mentor other farmers. They are qualified by the 80 hours of training they receive in specialized livestock instruction and BMPs. Currently, Livestock Advisors reside in Skagit, Snohomish, Island, Whatcom, and San Juan Counties, but serve the entire region. The following is a link to the WSU livestock Advisor Program fro Skagit County: <http://skagit.wsu.edu/agriculture/volunteer.htm>. WSU Kitsap Extension should make similar materials available on the Kitsap website so that farmers are aware of the programs existence. Furthermore, they should work towards training volunteers in the Kitsap area to serve as Livestock Advisors, as this would be a very helpful source for new farmers in particular.

Policy: Foster New Farmers

As mentioned above, mentoring is a very important key for new farmers, and one that could be improved by the development of network opportunities fostered by some of some of Kitsap's non-profits such as the Kitsap Community and Agricultural Alliance, and Kitsap County Food Chain (see below under Buy Local Initiatives).

Policy: Monitor Health of Agriculture in Kitsap County

Currently in the region there is very little monitoring of agricultural health, and therefore few models to look to. However, there are recommended benchmarks and yardsticks to monitor and evaluate a local agricultural sector's performance over time. It's important that Kitsap County adopt these and work towards a monitoring program, so they can gauge whether or not local agriculture is gaining or declining in economic strength. The following benchmarks would be particularly helpful:

- Acres of land actively farmed/in production
- Rate of land converted to non-agriculture uses
- Acres of land purchased/preserved through conservation PDR/TDR programs
- Farm parcels at risk for fragmentation

Once Kitsap County gets their TDR program up off the ground and succeeds in obtaining transactions, their tracking of acres of land preserved may prove to be the easiest benchmark to use to determine whether or not they are making progress in preserving farmland.

Policy: Organic Certification Assistance

In the KEDA report, many farmers specified that they use organic farming methods but do not have organic certification – either due to cost of certification or lack of information about the programs. One option would be for the County to help in further disseminating information from the state level. For example, the WSDA Organic Cost-Share Program allows for the reimbursement of 75% of certification fees, up to a maximum of \$750.00 per certification year. http://agr.wa.gov/FoodAnimal/Organic/docs/2182_us_costshare_appl.pdf By assisting farmers with access to this information, as well as potential program assistance through the Kitsap WSU Extension office, the County could benefit the local farming community in a very positive way (with relatively small amounts of funding / effort).

Policy: Build Current Farmers Markets

Kitsap County currently has 8 state-recognized farmers markets throughout the county (along with several smaller markets). Because Farmers Markets play such an important role in the success of many small Kitsap farms, the County should consider helping to further encourage these markets. Additionally, the County should conduct outreach at these markets, as each of the markets brings in a diverse group of farmers and customers. This has been an area of missed opportunity in the past, but could easily be remedied.

Recently, the Kitsap Community Agricultural Alliance has brought together farmers and farmers markets from across the county to discuss the possibility of a shared winter market (or several region-based winter markets). Since this has truly become a county-wide effort, and the County owns property / buildings throughout the area, this could be an ideal opportunity for collaboration.

King County:

In 2010, the King County Department of Natural Resources and Parks, Water and Land Resources Division conducted a study on King County farmers markets, including surveys, interviews and group discussion sessions. The subsequent report provides an incredible amount of insight into the financial challenges facing area farmers markets. (<http://your.kingcounty.gov/dnrp/library/water-and-land/agriculture/farmers-markets/farmers-market-report-final.pdf>) While King County is significantly larger than Kitsap, many of the reported findings can and do apply to Kitsap farmers markets as well. Similar to the KEDA survey, Kitsap County could work with the regional farmers markets to identify common issues and obstacles – and assist them in overcoming them.

Policy: Buy Local Initiatives / Contracts

One opportunity that exists for Kitsap County that has not been taken advantage of is the use of Buy Local Initiatives and contracts. A very successful regional model that could be looked at is the Food to Bank On Program (FTBO) initiated in Whatcom County. The FTBO program provides new farmers, which they define as those that have been in business less than three years, with in depth training and resources, while also providing food produced by these farmers to local charities and food banks. The program is sponsored by the non-profit Sustainable Connection's Food and Farming department, based in Bellingham, and as of 2010, included collaboration with WSU Whatcom County Extension's Cultivating Success Agricultural Entrepreneurship Class.

A key component that could be taken from this program, and applied in Kitsap, is the emphasis on assistance for new farmers. Helping new farmers with technical training and mentoring is definitely key to sustaining farming in Kitsap County. Additionally, Kitsap County should look at the opportunity of encouraging current non-profits such as the Kitsap Community and Agricultural Alliance, and Kitsap County Food Chain (as well as the Food & Farm Policy Council) in fostering network opportunities for beginning farmers to find mentors. Also, this example in Whatcom County provides information on how non-profits in Kitsap and WSU Kitsap Extension could collaborate in the future.

Policy: Direct Marketing Opportunities

Beyond farmers markets & again looking at Buy Local initiatives, the County could help facilitate direct marketing opportunities for local farmers. The Washington State Farm to School Program is one example where Kitsap County could assist in finding opportunities for partnership. Currently, the Kingston Farm & Garden Co-op is working with several North Kitsap schools, as well as the WSDA regional program coordinator, to discuss possible

programs, as well as holes in local infrastructure. This could be a very positive way for the County to reach out to schools and farms, with many additional organizations interested in program success.

As mentioned earlier (in the Code section), the County may also need to review some of the current code language regarding farm stands in order to allow for more collaboration between farmers / property owners. Supporting buy local programs and initiatives will additionally help farmers to work directly with consumers. These are extremely positive programs and will also help the County present itself to the public as a supportive and approachable entity.

IV. Summary of Recommendations for Kitsap County:

Our recommendations for Kitsap County are two-fold, the first portion comprised of suggested changes to the current Kitsap Code to offer more protection for Kitsap County farmers and better facilitate Kitsap County to preserve farmland, and the second portion is comprised of suggested recommended policies and non-regulatory measures that Kitsap County should adopt.

Recommended Code Changes:

As far as adjustments to the Kitsap code, one of our primary recommended changes includes an inclusion of a Right to Farm Policy/Ordinance. Inclusion of this language into the code will protect farmers from nuisance complaints, and preserve the farming operations in communities that are currently under development pressures. Even though Kitsap farmers currently are protected under Washington State Law, it is recommended that Kitsap County reiterate this protection at the local level and incorporate this language into the code.

Another recommendation is that Kitsap County adopts agricultural districts, and incorporates this language into the code as well. Given the fragmented nature of Kitsap's agriculture, it's important that clusters of agricultural lands be preserved where they can.

Recommended Regulatory and non-regulatory changes:

From our research we've found again and again that the most successful agricultural preservation strategies adopted by local governments utilize an assortment of incentives and regulations. It's recommended that Kitsap County do the same, by namely promoting and encouraging regulatory measures already included in their code, such as the use of their TDR and conservation easement programs. Also, it's recommended that non-regulatory measures be further explored as well, such as buy local initiatives, and collaborations between WSU Kitsap extension and Kitsap non-profits to provide assistance and mentoring for farmers.

Kitsap County currently has a TDR program, but to date the county has not achieved a single transaction. It's recommended that Kitsap actively promote and advertise their TDR program to make it attractive to both farmers and developers. Also, it's recommended that they pursue the development of more interlocal agreements, such as the one that they have very recently coordinated with Port Orchard. In combination with this TDR program, Kitsap should utilize the use of Conservation easements to acquire priority farmlands. Kitsap County already has the authority to acquire lands immediately with conservation easements, and this is something that should be

taken advantage of right away in order to acquire priority farmlands before they are lost to development. Furthermore, it's recommended that Kitsap County adjust the language in their code with respect to conservation easements to specify that the preservation of farmlands is a priority for the county, as opposed to just the preservation of "open space."

As was noted in our report, technical infrastructure and technical assistance are a must for farmers, especially for new ones. In light of this, it's recommended that Kitsap adopt a model for their website similar to one developed for Snohomish County, where farmers have access to a single source with well organized information, links, and guidebooks, detailing technical information, as well as help with permitting and regulations. This type of "one-stop-shop" for information would be a great benefit to farmers having difficulty deciphering the current permitting and regulatory system.

V. References / Resources:

Aken, Jeff, Jeremy Eckert, Nancy Fox, and Skip Swenson. "Transfer of Development Rights (TDR) in Washington State: Overviews, Benefits, and Challenged." March 2008. 28 2011

American Farmland Trust and NRCS, "Agriculture Protection Zoning." 1998.
http://www.farmlandinfo.org/index.cfm?function=article_view&articleID=29478

American Farmland Trust. "An Assessment and Recommendations for Preservation and Management of City owned Agricultural Land: Prepared for the City of Bainbridge Island by American Farmland Trust with Cascade Harvest Coalition" January 2006.

Bainbridge Island Ferry Tales. "What are Conservation Easements?" Bainbridge Island Land Trust. 22 February 2010. Web 5 May 2011.
<http://bainbridgeislandferrytales.com/blog/2010/02/22/bainbridge-island-land-trust/>

Barney & Worth, Inc. Globalwise, inc. "Preserving Farmland and Farmers: Pierce County Agriculture Strategic Plan." January 2006.

Boone County Planning Commission. "A Study of PDR and TDR for Boone County, Kentucky." September 2001.

Born, Branden, Alon Bassok. "Acreage protected by Conservation Easements." The William D. Ruckelshaus Center. 3 July 2008. Web 5 May 2011.
http://ruckelshauscenter.wsu.edu/documents/FF_III_Acreage_Protected_by_CE_BB_AB_07.03.08_WDRC_Cover.pdf

Cascade Land Conservancy. "The Cascade Agenda: TDR in Snohomish County." Web 2 May 2011.
<http://cascadeagenda.com/tdr/tdr-in-snohomish-county>

Clark County. "Agriculture Preservation Strategies Report." Web May 7 2011.
<http://www.co.clark.wa.us/legacylands/documents/AgPreservationText2.pdf>

Chase Economics. "Kitsap County Agriculture Sustainability Situation and Analysis." January 2011.

City of Bainbridge Island. "Recommendations of the Public Lands Stewardship Committee." 14 December 2006. Web 5 May 2011.

Essential Surveys, through KEDA 20/20 Community Agriculture Work Group. Community Agriculture Survey February 2010.

King County. "Farmers Market Report." February 2010.
<http://your.kingcounty.gov/dnrp/library/water-and-land/agriculture/farmers-markets/farmers-market-report-final.pdf>

King County. "Transfer of Development Rights Program." 6 May 2011. Web 28

April 2011. <http://www.kingcounty.gov/environment/stewardship/sustainable-building/transfer-development-rights.aspx>

King County "Sustainable Building: Land Stewardship in King County."

Kitsap County Assessor (July 2010). *Current Use Property Tax Assessment*.

http://www.kitsapgov.com/assr/exempt/curr_use.htm

Kitsap County Assessor (August 2010). *Farm & Agricultural Land*.

http://www.kitsapgov.com/assr/forms/ag_land.pdf

Kitsap County Code. February 28, 2011. <http://www.codepublishing.com/wa/kitsapcounty/>

Lacey Municipal Code. City of Lacey. Title 16, Zoning. 16:21 – Agricultural District. 2007.

<http://www.ci.lacey.wa.us/city-government/municipal-code/zoning/agricultural-district/>

Martin, Kara E. "Farmer's Perceptions of Farming in King County: The Challenges, Industry Trends, and need for Resources and Services." May 2009

Mason County Code of Ordinances. Codified through Resolution No. 12-11, enacted March 15, 2011.

<http://www.co.mason.wa.us/code/commissioners/book.html>

Pierce County Title 18I.30 & 18I.35. Development Regulations – Natural Resource Lands

<http://www.co.pierce.wa.us/xml/Abtus/ourorg/council/code/title%2018i%20pcc.pdf>

Ohio State University "Ohio State University Fact Sheet." Web 1 May 2011.

<http://ohioline.osu.edu/cd-fact/1263.html>

Oldham, Kit. "King County Farmland Preservation Program." Historylink.org 15

March 2006. Web 5 May 2011.

http://www.historylink.org/index.cfm?DisplayPage=output.cfm&file_id=7691

Snohomish County Planning and Development Services. "Transfer of Development Rights." Web 2 May 2011.

http://www1.co.snohomish.wa.us/Departments/PDS/Divisions/PlanningandTechnology/LR_Planning/Projects_Programs/Agriculture_Resources/Transfer_of_development_rights.htm

Snohomish County. "Snohomish County Agriculture Action Plan: A Plan to Enhance and Preserve the Agricultural Economy in Snohomish County." March 2005. Web 28 April 2011.

http://www.co.snohomish.wa.us/Documents/Departments/Executive/Business_Achievement_Reports/AgActionPlan1-05.pdf

SnoValleyStar.com. "King County Streamlines Permit Process." 11 May 2011

Web 14 May, 2011.

<http://snovalleystar.com/2011/05/11/king-county-streamlines-permit>

Walls, Margaret and Virginia McConnell. "Transfer of Development Rights in U.S. Communities: Transfer of Development Rights in U.S. Communities." September 2007.

Washington State Department of Agriculture – Organics (FAQs, Licensing, etc.)
<http://agr.wa.gov/Portals/Org/>

Washington State Department of Revenue. *Open Space Taxation Act*. October 2010.
http://dor.wa.gov/docs/pubs/prop_tax/openspace.pdf

Washington State Legislature – RCWs. RCW 7.48.300, Agricultural activities and forest practices (Right to Farm Act) — Legislative finding and purpose. <http://apps.leg.wa.gov/rcw/default.aspx?cite=7.48.300>

Washington State Legislature. RCW 84.34.200-250 Acquisition of open space, etc., land or rights to future development by counties, cities, or metropolitan municipal corporations. 1971.
<http://apps.leg.wa.gov/rcw/default.aspx?cite=84.34.210>

Washington State Legislature. RCW 84.36.500: Conservation futures on agricultural land. 1984.
<http://apps.leg.wa.gov/rcw/default.aspx?cite=84.36.500>

Washington State Legislature. RCW 64.04.130 Interests in land for purposes of conservation, protection, preservation, etc. — Ownership by certain entities — Conveyances. 1987.
<http://apps.leg.wa.gov/rcw/default.aspx?cite=64.04.130>

Washington State Legislature. *Open Space Taxation Act Rules: Chapter 458-30 WAC (Washington Administrative Code)*. December 2010. <http://apps.leg.wa.gov/WAC/default.aspx?cite=458-30&full=true#458-30-200>

Whatcom County Code (April 2011). Chapter 20.38 - Agriculture Protection Overlay.
<http://www.codepublishing.com/wa/whatcomcounty/html/Whatco20/Whatco2038.html#20.38>