Date: February 11, 2010

Public Hearing Date: March 3, 2010

Prepared by: Jeremy Davis, Associate Planner Planning
Corina Hayes, Assistant Planner Resource Stewardship Thurston County

Proponent/Applicant: NA

Staff Contact, OTHER JURISDICTION: Amend Chapter 3 Natural Resource Lands to Facilitate Proposed Working Lands Plan

Proposal Description:

☐ Map Changes  ☐ Text Changes  ☐ Both  ☑ Affects Comprehensive Plans/documents
☐ Affected Jurisdictions

ISSUE:
Consider proposed amendments to the Thurston County Comprehensive Plan that would better enable implementation of recommendations contained in the Thurston County Agricultural Advisory Committee’s Working Lands Strategic Plan.

BACKGROUND:
The Thurston County Agricultural Committee (Ag Committee) has over the past twenty-four months been developing a Working Lands Strategic Plan (WLSP). The WLSP provides recommendations that, if implemented by the County, may increase the conservation of working lands such as farms and timber lands. The recommendations would enable formalization of a purchase of development rights (PDR) policy, enable improvements to the existing transfer of

2000 Lakeridge Drive SW, Olympia, Washington 98502 (360) 786-5490/FAX (360) 754-2939
TDD (360) 754-2933 Website: www.co.thurston.wa.us/permitting
development rights (TDR) program and potentially create a Working Lands Advocate position within County government. It is the Ag Committee’s intent that the County’s Comprehensive Plan be amended to enable implementation of the WLSP.

DEPARTMENT ANALYSIS:
Currently, Thurston County does not have a formal policy for the purchase of development rights. The County has executed the purchase of development rights in the past based on unique and discrete opportunities, but has never developed a formal policy for how to rank properties, secure funding, and handle PDR real estate transactions. The WLSP makes recommendations that seek to fully develop the County’s PDR policy and program.

Regarding the transfer of development rights, Thurston County’s Comprehensive Plan and associated development regulations limit TDR programs to property that is designated as Long Term Agriculture. The WLSP would allow greater flexibility in the type of properties could be considered in a TDR transaction. Finally, the WLSP seeks to better manage working lands within Thurston County. In past years, working land issues have been addressed sporadically as limited staff resources and funding would allow. The WLSP advocates for the addition of a working lands staff position to manage working lands policy and program issues.

Several minor amendments to Chapter 3 Natural Resource Lands are necessary to add policies and action steps to support the WLSP and ensure consistency with the Thurston County Comprehensive Plan. The proposed amendments are shown in Attachment A, and detailed below. The proposed new goals are underlined, with staff comments.

Comprehensive plan amendments:

Goal 1, Objective A, Policy 6
The County should work with conservation groups and commercial farmland owners to encourage participation in a voluntary Purchase of Development Rights (PDR) Program for the conservation of agricultural and working lands.

This new policy supports involving the land owner and conservation groups to propose and accomplish the purchase of development rights. This would allow conservation groups to manage the easements instead of the County. This also allows for the land owner to continue doing the day-to-day management and stewardship of the working land property.

Goal 1, Objective A, Policy 7
A Purchase of Development Rights (PDR) Program should be utilized as an incentive for farmers to stay in agriculture on agricultural lands within the County to ensure that agricultural and working lands stay available for such uses.

Goal 1 states: “AGRICULTURE LAND SHOULD BE PRESERVED IN ORDER TO ENSURE AN ADEQUATE LAND BASE FOR LONG-TERM FARM USE. (This applies to all agricultural land).”

Policy 7 provides another option for protecting these lands from the pressures of development by encouraging/allowing use of the purchase of development rights program to compensate property owners for their development rights. This incentive will help keep these lands from being converted to other uses.

Goal 1, Objective A, Action Needs for Objective (4)
The County should coordinate and collaborate with conservation groups, farmers, and others to develop funding sources and obtain matching funds for a Purchase of Development Rights (PDR) program.
Thurston County does not have adequate funds to make a purchase of development rights program effective. This action provides the County an opportunity to work with other funding sources to procure more money for working lands conservation.

Goal 1, Objective C, Policy 2
The County should provide the agricultural community with an advocate. The advocate will provide technical assistance, and facilitate objectives of the County's Working Lands Strategic Plan.

A major component of the working lands plan is a working lands advocate. This policy would support the creation of this type of position.

Goal 4, Objective A, Policy 5
Conservation futures funds should be used in conjunction with other funds to purchase development rights from willing forest landowners to preserve the resource for future generations.

Goal 4 states "FOREST LANDS SHOULD BE CONSERVED IN ORDER TO MAINTAIN A VIALBLE FORESTRY INDUSTRY WHILE PROTECTING ENVIRONMENTAL VALUES." This minor policy amendment adds support for the County to obtain other funds for the purchase of development rights program. This will provide more opportunity to conserve additional lands, and will help the County seek grant funding for conservation purposes.

Goal 4, Objective A, Policy 6
The County should work with conservation groups, commercial family forest land owners, and others to encourage voluntary participation in a Purchase of Development Rights (PDR) Program for the conservation of managed working forest lands.

This policy supports involving the land owner and conservation groups to propose and accomplish the purchase of development rights. This would allow conservation groups to manage the easements instead of the County. This also allows for the land owner to continue doing the day-to-day management and stewardship of the working land property.

Goal 4, Objective A, Action Needs for Objective (4)
The County should coordinate and collaborate with other funding sources to obtain matching funds for purchase of development rights.

Thurston County does not have adequate funds to make a purchase of development rights program effective. This action provides the County an opportunity to work with other funding sources to procure more money for working lands conservation.

Goal 6, Objective A, Policy 3
A Purchase of Development Rights (PDR) Program should be utilized as an incentive for property owners to conserve forest lands within the county to ensure that working forest lands continue to stay available for such uses.

Goal 6 states: "RURAL FOREST LANDS ENROLLED IN A CURRENT USE TAX ASSESSMENT PROGRAM SHOULD BE PROTECTED FROM PRESSURES TO CONVERT TO OTHER USES". Policy 3 provides another option for protecting these lands from the pressures of development by encouraging/allowing use of the purchase of development rights program to compensate property owners for their development rights. This incentive will help to keep these lands from being converted to other uses.

OPTIONS:

Option 1: Adopt the proposed changes.
With this option, several minor text amendments would be made to Chapter 3 Natural Resource Lands to facilitate the implementation steps in the Working Lands Strategic Plan. Further changes to the Thurston County Code would follow at a later date.

Option 2: No Change
With this option, no change would be made to the Thurston County Comprehensive Plan.

SEPA:
An environmental determination has not been made at this time; however, this will be completed prior to final consideration of the proposed text changes in March of 2010.

NOTIFICATION:
Written notice of any future public hearings shall be distributed as required by State Law and the Thurston County Code.

PUBLIC COMMENT:
Since the April briefing, the Working Lands Strategic Plan has been available for public comment on the Agricultural Committee website. Also, members of the Agricultural Committee staffed a booth at the Thurston County Fair, and a public meeting was held in Tenino on October 1, 2009. No written public comments have been received as of this date. Discussion at the public meeting held on October 1, 2009, resulted in minor text changes to the Working Lands Strategic Plan.

DEPARTMENT COMMENTS:
This item was distributed to other departments for review over the summer and fall of 2009 as a package. The Resource Stewardship Department and the Planning Department have both contributed to the policies.

PLANNING DEPARTMENT RECOMMENDATION:
The Planning Department and the Resource Stewardship Department recommend Option 1.

ATTACHMENTS:
Attachment A Proposed Policy Changes to Thurston County Comprehensive Plan
V. GOALS, OBJECTIVES AND POLICIES

GOAL 1: AGRICULTURE LAND SHOULD BE PRESERVED IN ORDER TO ENSURE AN ADEQUATE LAND BASE FOR LONG-TERM FARM USE. (This applies to all agricultural land)

OBJECTIVE A: Agriculture lands should be conserved and enhanced for long-term farming use.

POLICIES:

1. Residential uses adjacent to farms should be developed in a manner which minimizes potential conflicts and reduces unnecessary conversion of farmland. The use of "cluster" development patterns should not result in increased density adjacent to existing farms, and should ensure that resource use parcels intended for agricultural use can be reasonably farmed.

2. Commercial farmland owners should be encouraged to retain their lands in commercial farm production and enroll their land in the Open Space- Farm and Agriculture Tax Program.

3. In order to reduce development pressure from the farm and rural areas, future development should be directed toward designated growth areas where existing and planned services can more easily accommodate growth. Outside these growth areas, densities should remain low.

4. Agricultural lands within the Nisqually Valley should be given a high priority for protection by means specially suited to the Valley's unique characteristics. Agricultural lands within the Nisqually Sub-Area should be protected from the encroachment of existing and potential residences within the valley and along the adjacent wooded hillsides.

5. The County should continue to develop innovative strategies for the conservation of farmland. Strategies such as rural cluster subdivisions, purchase of development rights, and transfer of development rights should continue to be implemented throughout the county.

6. The County should work with conservation groups and commercial farmland owners to encourage participation in a voluntary Purchase of Development Rights (PDR) Program for the conservation of agricultural and working lands.

7. A Purchase of Development Rights (PDR) Program should be utilized as an incentive for farmers to stay in agriculture on agricultural lands within the County to ensure that agricultural and working lands stay available for such uses.
ACTION NEEDS FOR OBJECTIVE A:

1. Strategies aimed at recognizing the importance of farming in rural areas, including farms located outside designated agricultural lands, should also be considered. This may include placing signs along roads warning drivers about farm equipment on roadways in farming areas.

2. Recognizing the importance of farmland conservation and local food production in maintaining the quality of life and long-term sustainability of the community, the county should create a Purchase of Development Rights (PDR) Program using conservation futures funds for important agricultural lands throughout Thurston County. The Thurston County Agriculture Advisory Committee should take the lead in creating a PDR strategy.

3. Maintain a register of farmland owners interested in participating in development rights programs.

4. The County should coordinate and collaborate with conservation groups, farmers, and others to develop funding sources and obtain matching funds for a Purchase of Development Rights (PDR) program.

54. The impacts of cluster development on agricultural lands should be studied to ensure that clustering is achieving the intended benefits of minimizing impacts to resource industries and enhancing rural character.

OBJECTIVE B: Full utilization of the county's agricultural resources by farmers should be encouraged.

POLICIES:

1. The county should encourage the schools and the media to provide more information on the special problems, potential, and importance of agriculture to all citizens.

2. The county should work with community groups to support the continued viability of agriculture and encourage community support for it.

ACTION NEEDS FOR OBJECTIVE B:

1. Encourage community efforts to support local agriculture, including continued support for the Agricultural Advisory Committee, Thurston County Fair, farmers markets, WSU-Cooperative Extension and the Thurston Conservation District.

OBJECTIVE C: Provide regulations that are supportive to long-term agricultural use.

POLICIES:
1. Farmers often need to work with a variety of federal, state, and local government regulations and agencies. Thurston County staff should be trained to assist farmers in working their way through this often time-consuming and complex process.

2. The County should provide the agricultural community with an advocate. The advocate will provide technical assistance, and facilitate objectives of the County’s Working Lands Strategic Plan.

32. Noxious weeds pose a significant economic threat to agriculture. The County Noxious Weed Control Board should have the opportunity to recommend control options as part of their integrated pest management program in accordance with the proposed Ground Water Management Plan, the Thurston County Pest and Vegetation Management Policy, and any other applicable county policies.

43. . Thurston County shall not be precluded from regulating agricultural chemicals if adequate protection of the resources and public health are not being met by existing regulatory agencies.

54. Within Thurston County, farmers should be given protection from nuisance claims in accordance with State law.

65. The County should continue to work with flood agencies and neighboring jurisdictions to address ongoing flooding problems of the Chehalis River and other areas that adversely affect agricultural operations.

ACTIONS NEEDS FOR OBJECTIVE C:

1. Provide training and education to county permitting staff on agricultural issues and regulations to ensure consistent interpretation and application of rules affecting agriculture. County staff should assist farmers with meeting regulatory requirements.

2. Provide the Agriculture Advisory Committee the opportunity to comment on development and regulatory proposals that could adversely impact agriculture. Evaluate the impact of new regulations on agriculture to be sure they do not threaten a continued agriculture industry in Thurston County.

3. If administratively feasible, expand the resource use notice (see below) provision to all farms enrolled in the Open Space Tax Program. This provision should only be implemented if notices can be generated automatically via computer, and would not require additional staff resources to administer.
GOAL 2: AGRICULTURAL LAND OF LONG-TERM COMMERCIAL SIGNIFICANCE SHOULD BE CONSERVED.

OBJECTIVE A: Agriculture lands of long-term commercial significance should receive the highest priority for conservation.

POLICIES:

1. Designated agricultural lands should be zoned at very low densities to ensure the conservation of the resource for continued agricultural use.

2. Non-agricultural development within designated agricultural areas should be limited to non-prime farmland soils where possible.

3. Non-agricultural development within designated agricultural areas should be compactly developed, in order to conserve the largest area possible for continued agricultural use.

4. The county discourages the establishment or expansion of local improvement districts, utility local improvement districts, or sewer, water or public utility districts into designated agricultural areas of long-term commercial significance.

5. Except within urban growth areas, land uses that are adjacent to long-term commercial agriculture areas should be of compatible use, such as sawmill operations, warehousing, agri-businesses, and low density residential.

6. Adequate water rights should be reserved for designated agricultural land of long-term commercial significance.

7. The designation of agricultural land of long-term commercial significance should be reevaluated if changes in surrounding land use or farming economics create severe losses lasting several years, covering a wide range of crops or products, and affect a majority of the producers in the area.

8. A resource use notice should be placed on any new subdivision or residential building permit located within 500 feet of designated agriculture land of long-term commercial significance, which states that a variety of commercial agricultural activities may occur that may not be compatible with residential development. The notice should also state that a person's right to recover under a nuisance claim against agricultural activities may be restricted.

ACTION NEEDS FOR OBJECTIVE A:

1. The County should study the problem of water rights for lands designated as long-term commercially significant, and adjust designations or policies to ensure that lands intended for long-term agricultural use have the water supply necessary for this use.
OBJECTIVE B: Programs should be provided that help farmers of agricultural land of long-term commercial significance to realize the capital from the land's development potential without converting it to non-agricultural uses.

POLICY:

1. Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs should be utilized as economic incentives for farmers to stay in agriculture.

ACTION NEEDS FOR OBJECTIVE B:

1. Continue implementation of the Transfer of Development Rights program by educating eligible farmland owners about the program and encouraging the cities and towns to maintain receiving areas and provide incentives for application of transferred development rights.

2. Maintain consistency in determining the number of development rights to be credited to farmland owners under PDR and TDR programs (1 right per 5 acres).

GOAL 3: AQUACULTURE GROWING AREAS SHOULD BE PROTECTED AND PRESERVED IN ORDER TO ENSURE AN ADEQUATE RESOURCE BASE FOR LONG-TERM USE.

OBJECTIVE A: The county should provide land use and water management programs to conserve and enhance commercial marine aquaculture areas and land based aquaculture for long-term economic use.

POLICIES:

1. Impacts to shellfish growing areas classified for harvest by the Department of Health should be addressed throughout County ordinances.

2. Uses of lands that are near designated marine aquacultural areas should be compatible, such as forestry and low density rural residential. Those uses should not increase stormwater runoff or otherwise degrade water quality for aquacultural use.

3. Facilities for land based and marine aquacultural operations should be protected from incompatible adjacent or nearby land uses.
4. Land based and marine aquacultural activity should not be considered a nuisance if carried out in a reasonable manner and within applicable regulations. Restrictions should not be imposed on aquacultural activities unless they are necessary for preserving the public health, welfare, and safety.

5. Proposed residential and other uses in aquacultural areas should be developed in a manner that minimizes potential conflicts with aquaculture operations.

6. Aquacultural activities should be undertaken in a way that minimizes adverse impacts, such as views from upland property and general environmental quality.

7. Aquacultural operations that draw on ground water supplies should not degrade the quality nor substantially reduce the quantity of ground water.

8. Water quality in the county's marine and inland waters, and ground water in the county should be protected from degradation. Degraded waters should be restored within the drainage basins of designated commercial marine aquaculture areas, or areas of significant recreational shellfish harvesting.

9. Landowners in drainage basins feeding aquaculture growing waters should be eligible for the Open Space Tax Program, if they undertake conservation measures to protect water quality.

**ACTION NEEDS FOR OBJECTIVE A:**

1. Regulations affecting shoreline development, critical area protection, public health and water quality should be reevaluated and improved to preserve the ability of commercial and recreational harvesters to use the shellfish resource. County ordinances should be updated as new information on shellfish protection becomes available as a result of Shellfish Protection District and state agency studies.

2. The County, in cooperation with the Washington State Department of Health, should continue regular, ongoing water quality monitoring of marine waters, watersheds and groundwater.

3. The County, in cooperation with the Thurston Conservation District, WSU-Cooperative Extension, and other agencies, should implement education programs for residents of watersheds draining into shellfish growing areas classified by the state Department of Health. Such education should focus on how to reduce land use activities that threaten downstream shellfish harvest areas.

**RELATIONSHIP TO THE SHORELINE MASTER PROGRAM:**

The Shoreline Master Program is the county document which governs development on the shorelines in compliance with the State Shoreline Management Act (RCW 90.85). Within the master program there are policies and regulations relating to aquaculture. The Comprehensive Plan goals, objectives and policies are intended to complement those in
the master program; both documents should be consulted in reference to developing in the shoreline area.

**GOAL 4:** FOREST LANDS SHOULD BE CONSERVED IN ORDER TO MAINTAIN A Viable Forestry Industry WHILE PROTECTING ENVIRONMENTAL VALUES.

**OBJECTIVE A:** Forest lands should be conserved and enhanced for long-term economic use.

**POLICIES:**

1. Residential development adjacent to forestry uses should occur in a manner which minimizes potential conflicts and reduces unnecessary conversion of forest land through use of such mechanisms as clustering, buffers, etc.

2. The county supports and encourages the maintenance of forest lands in timber and current use property tax classifications consistent with RCW 84.28, 84.33 and 84.34.

3. Within Thurston County, forest practices should be given protection from nuisance claims in accordance with state law.

4. The county should provide outreach and information to forestland owners about county regulatory and permitting processes.

5. Conservation futures funds should be used in conjunction with other funds to purchase development rights from willing forest landowners to preserve the resource for future generations.

6. The County should work with conservation groups, commercial family forest land owners, and others to encourage voluntary participation in a Purchase of Development Rights (PDR) Program for the conservation of managed working forest lands.

**ACTION NEED FOR OBJECTIVE A:**

1. Continue to publicize and encourage enrollment in the Open Space-Timberland Designated Forest tax programs.

2. Provide training opportunities for staff to learn about forest landowner issues, and to ensure consistent interpretation of regulations applicable to forest lands.
3. Explore the use of county funds to purchase development rights from willing forest landowners to encourage continued tree farming.

4. The County should coordinate and collaborate with other funding sources to obtain matching funds for purchase of development rights.

54. The County should work with the Department of Natural Resources to create an informational handout on state and county permitting requirements for forest landowners.

65. If administratively feasible, expand the resource use notice (see below) provision to all forest lands enrolled in the Designated Forest or Open Space-Timber Tax Program. This provision should only be implemented if notices can be generated automatically via computer, and would not require additional staff resources to administer.

OBJECTIVE B: Provisions should be made for forest lands to accommodate public recreation and conservation of fish and wildlife habitats, scenic vistas, and nearby property values.

POLICIES:

1. Public trails, camping facilities, and other low intensity recreation uses are encouraged in forest lands.

2. The county endorses the concept of cooperative resource management as developed in the Timber, Fish and Wildlife agreement, which is an agreement among industrial timber landowners, environmental groups, state resource agencies, and Indian tribes for managing the state's public and private timber lands and public resources.

3. Some mature forest stands should be purchased in the metropolitan fringe areas of the county for their historic and aesthetic values for parks and other recreational uses, unless they are designated as forest lands of long-term commercial significance.

4. When timber harvesting is for conversion to other uses, the county should ensure that harvesting is done in a manner compatible with land uses of the surrounding area and maintenance of water quality, environmentally sensitive features, and fish habitat.

5. Owners of forest lands planned for conversion to another use should provide buffers between their property and adjacent forestry uses.

6. Forestry activities should not alter wetlands or stream corridors.
ACTION NEEDS FOR OBJECTIVE B: None.

GOAL 5: FOREST LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE SHOULD BE CONSERVED IN ORDER TO ENSURE AN ADEQUATE LAND BASE AND DISCOURAGE INCOMPATIBLE USES.

OBJECTIVE A: Forest lands of long-term commercial significance should be conserved for productive economic use.

POLICIES:

1. The primary land use activities in forest lands of long-term commercial significance should be commercial forest management, agriculture, mineral extraction, accessory uses, and other non-forest related economic activities relying on forest lands.

2. Land use activities within or adjacent to forest lands of long-term commercial significance should be sited and designed to minimize conflicts with forest management, and other activities on forest land.

3. Commercial forest land considered desirable for acquisition for public recreational, scenic and park purposes should first be evaluated for its impact on a viable forest industry and local government revenue and programs.

4. The county discourages the establishment or expansion of coal improvement districts, utility local improvement districts, or sewer, water or public utility districts in lands designated as long-term commercial significance which result in the imposition of assessments, rates, or charges on designated forest land.

5. Clustering of residential development on adjacent rural lands is encouraged. The open space in clustered development should be adjacent to the forest lands of long-term commercial significance.

6. The county should encourage the continuation of commercial forest management by supporting land trades that result in consolidated forest ownerships and are in the public interest.

7. The county should encourage the continuation of commercial forest management by working with forest managers to identify and develop other incentives for continued forestry.

8. Subject to any state or local regulation of critical areas, the county encourages the multiple economic use of forest land for a variety of natural resource and other land use activities particularly suited for forest lands because of physical and
topographical characteristics; remoteness from populated areas; availability of water supplies; the quality of the forest environment; or where the efficient provision of statewide or regional utilities, energy generating and/or transmission facilities, or public facilities require access across or use of such forest lands.

9. Designated forest lands of long-term commercial significance should be protected from nuisance claims from neighboring development through a resource use notice placed on any new subdivision or residential building permit located within 500 feet. The notice should state that a variety of forestry activities may occur that may or may not be compatible with residential development, and a person's right to recover under a nuisance claim against forestry operations may be restricted.

**ACTION NEED FOR OBJECTIVE A: None.**

**GOAL 6: RURAL FOREST LANDS ENROLLED IN A CURRENT USE TAX ASSESSMENT PROGRAM SHOULD BE PROTECTED FROM PRESSURES TO CONVERT TO OTHER USES.**

**OBJECTIVE A:** Provide measures to protect owners of rural forest lands from development pressures.

**POLICIES:**

1. Development regulations should accommodate and encourage clustering of residential development on rural lands adjacent to rural forest lands. The open space in clustered development should buffer rural forest land from development.

2. Land use activities adjacent to forest land in rural areas should be sited and designed to minimize conflicts with forest management and other permitted activities on forest land.

3. **A Purchase of Development Rights (PDR) Program should be utilized as an incentive for property owners to conserve forest lands within the county to ensure that working forest lands continue to stay available for such uses.**

**ACTION NEEDS FOR OBJECTIVE A:**

1. *The County should study the impacts of cluster development on forest lands to ensure that clustering is achieving the intended benefits of minimizing impacts to resource industries and enhancing rural character.*