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COMMUNITY PLANNING &

ECONOMIC DEVELOPMENT DEPARTMENT

Creating Solutions for Our Future

Joshua Cummings, Director

MEMORANDUM

TO: Thurston County Planning Commission

FROM: Maya Teeple, Senior Planner
Ashley Arai, Agriculture Community Program Manager

DATE: May 17, 2023

SUBJECT: Work Session 2: Long-Term Agriculture Designation and Zoning Update

SUMMARY & DECISION POINTS

This is work session 2 on the Long-Term Agriculture Designation and Zoning Update, which is one component of CPA-16 "Community Driven Review of Agricultural Policies and Programs".

At this work session, the Planning Commission will hear from some stakeholder workgroup members about their process to review and suggest changes to the long-term agriculture designation and zoning. Additionally, staff will provide follow up information from questions received at the last meeting.

The Planning Commission will have an opportunity for additional discussion and questions. An option to schedule a public hearing for June 21 will be included for the Planning Commission's consideration.

To review the full packet of amendments, please see the [May 3, 2023 Planning Commission Packet on the Long-Term Agriculture Zoning Update](#).

FOLLOW-UP FROM WORK SESSION #1 ON MAY 3, 2023

Included in this section are questions from the May 3, 2023 work session with follow-up responses.

Can staff provide a table that compares the current criteria and scenarios?

Information	Current LTA Designation	Baseline – Based on Appeal	Scenario 1 – Based on Stakeholder Themes	Scenario 2 – Based on Stakeholder Themes
Acreage of LTA	15,500	Additional 22,000	Additional 12,000	Additional 19,000
Criteria that are outside the scope of discussion as set by BoCC				
Criteria 3. Land Capability and Tax Status	Used or capable of being used for agriculture	Applied without change	Applied without change	Applied without change
Criteria 6. Land Use Settlement Patterns	Adjacent residential development should be minimal and at densities of 1 per 5 acres or less.	Applied without change	Applied without change	Applied without change
Criteria 7. Proximity of Markets	Should have access to road, rail, or air transportation routes	Applied without change	Applied without change	Applied without change
Criteria 9. Environmental Considerations	Outside of Natural Shoreline Environments	Applied without change	Applied without change	Applied without change
Criteria that are within the scope of discussion as set by BoCC				
Criteria 1. Soils information	1990 USDA Soil Survey, predominantly prime farmland	2022 USDA Web Soil Survey	2022 USDA Web Soil Survey	2022 USDA Web Soil Survey

	soils (>50%)	predominantly prime farmland soils (>50%)	predominantly prime farmland soils (>75%)	predominantly prime farmland soils (>75%)
Criteria 2. Availability of public facilities and services	Designated lands should be outside of area planned to be served by public facilities and utilities	Applied without change	Applied without change	Applied without change
Criteria 4. Proximity to Urban Growth Areas	Designated lands should be outside of urban growth areas and should be separated by a natural or man-made barrier	Applied without change	Applied without change	Applied without change
Criteria 5. Predominant Parcel Size	20 acres or more	20 acres	20 acres	15 acres
Criteria 8. Agricultural Diversity	Agricultural Block of Land must be: 320 acres or 200 acres if nearby to other agriculture	320 acres or 200 if nearby	100 acres or more	40 acres or more

What are the considerations of designating lands that are prime if irrigated or prime if drained?

The stakeholder group discussed considerations on designating lands that are prime if irrigated or prime if drained, as well as the impact of water rights availability on lands that may fall into these soil categories. While this was not an area of consensus, the group noted that a suitable approach for a county-wide designation and mapping is to presume lands are capable of being used as prime farmland (drained/irrigated) unless proven otherwise. Below is a summary of what other counties are applying for lands considered prime if irrigated or drained:

- **Lewis County** - Considers lands that are classified by NRCS as “prime farmland if drained” or “prime farmland if irrigated” as presumed to be drained or irrigated in the absence of evidence to the contrary. (Lewis County Comprehensive Plan, [Land Use Element 4-42](#)).
- **Whatcom County** – Designates prime if drained, prime if irrigated, prime if drained and protected from flooding, and prime if irrigated and protected from flooding. (Whatcom County Comprehensive Plan Aug. 3, 2021, [Chapter 8 – Resource Lands](#))
- **Skagit County** – Designates prime alluvial soils, prime if drained, and prime if protected from flooding. Does not explicitly exclude soils that are prime if irrigated. ([2016 Skagit County Comprehensive Plan](#), page 111)
- **Pierce County** – Designates prime if drained, prime if irrigated, and prime if protected from flooding. (2021 [Pierce County Comprehensive Plan](#), Appendix A)

The current designation criteria in the comprehensive plan include prime farmland soils from the 1990 USDA Soil Survey. As listed, there are 29 soils identified as prime farmland which covers around 83,814 acres in Thurston County. Of those 29 soils, several are considered prime if irrigated or prime if drained, and have been included in the designation for long-term agriculture since the original adoption in 1993.

- 14 of 29 soil types are prime where drained
- 1 of 29 soil types are prime if irrigated

With the update to the 2022 USDA Web Soil Survey, 29 new soils are added that cover an additional 99,638 acres. Of those 29 soils:

- 4 of 29 are prime if protected from flooding
- 7 of 29 are prime where drained
- 11 of 29 soil types are prime if irrigated

Staff contacted the USDA Natural Resource Conservation Services soil scientist and asked if prime if irrigated and prime if drained should be considered for designation. Below is the response:

“I can’t speak as to whether a soil with a prime farmland classification is commercially significant or not. Our classification simply identifies which soils have the best combination of soil properties to sustain continuous economically viable agriculture. The official definition is found here [Prime Farmland \(usda.gov\)](#) and I’ve copied it here:

'Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.'

The 'prime if...' designation is just that. If the soil is prime if drained (artificial drainage through pumping, ditches, etc), then the soil properties would meet the requirements for prime farmland. If the soil is prime if irrigated, then that amendment of additional water would allow the soil to be classified as prime farmland. The 'prime if...' indicates the unmanipulated natural soil is close but doesn't meet the requirements for prime farmland, but can be pushed to that if long-term and repeated measures are taken. If a soil is designated as prime if drained, and the drainage fails, or is no longer maintained, that soil would be considered not prime, as the artificial drainage is no longer effective."

Another consideration is that not all agricultural uses are soil dependent or water dependent. Agricultural uses such as livestock grazing, poultry rearing, timber production, or the production of other commodities like nursery plants or mushrooms are not as reliant on particular soil types or irrigation. According to the 2017 USDA Agricultural Census, approximately 27% of the County's agricultural land was in woodland production, while another 25% was in pastureland primarily devoted to livestock production.

Additionally, existing agricultural activities can be maintained within critical areas under Thurston County's approved [Voluntary Stewardship Program Work Plan](#) and new ones may be established in accordance with a conservation farm plan that meets the standards of [Thurston County Code Chapter 17.15](#). Common agricultural activities such as livestock grazing, crop production (including tilling and soil amendments), and routine maintenance of farm facilities occurring in Mazama Pocket Gopher habitat are also exempted from the [Endangered Species Act under the Section 4\(d\) rules](#).

Nuisance Claims Data

Staff is in the process of compiling historic nuisance claim data associated with agricultural uses. Unfortunately, the information is not readily accessible in the County's permit tracking system, so a custom report will need to be created and from that require manual review and categorization. From a qualitative perspective, compliance staff relayed that within the past five years most nuisance claims have been related to agritourism businesses established without all the applicable permits. Other claims have been associated with on-site manure management, noise from livestock or poultry, and farm structures installed without building permits.

County History on Density Bonuses

The County intends to look at opportunities for density bonuses and/or density transfers in cluster developments (planned rural residential developments) as part of the comprehensive plan periodic update. Density bonuses were permitted in Thurston County cluster developments previously and were adopted with the original regulations for cluster developments in August 1993 under Ordinance 10398. The historical density bonuses that were allowed for cluster developments allowed for density to be as high as 65% above the underlying rural zoning district density.

20.30A.060 Density Bonus within Rural Residential/Resource - 1/5 District.

A. Subdivisions established within the Rural Residential/Resource-1/5 District, in accordance with this chapter, shall receive a density bonus of 35% for the resource use parcel required pursuant to TCC 20.30A.040(A)(4).

B. This minimum bonus shall be increased to a maximum of 65% at the rate of one additional percent of allowable density for each additional one percent of resource use or open space area in excess of the minimum requirement (see chart below).

<u>Resource Use/Open Space Parcels (percent of gross acreage of site)</u>	<u>Density Bonus Within Rural Residential/ Resource - 1/5 District</u>
60%	35%
65%	40%
70%	45%
75%	50%
80%	55%
85%	60%
90%	65%

(Excerpt of Ordinance 10398, adopted Aug. 16, 1993)

During the 2004 periodic update the County identified that cluster developments and density bonuses may be impacting rural character and that the existing regulations allowed for cluster developments with urban density impacts. Interim ordinance 13192 in August 2004 revised density bonuses by reducing the maximum density bonus to 50%. Ordinance 13192 was appealed (GMHB Case No. 04-2-0018). Ordinance 13222 adopted on Nov. 8, 2004 adopted interim regulations that removed the density bonuses entirely which resolved Case No. 04-2-0018 and resulted in an order of dismissal. Interim regulations were renewed between 2004 and 2011, and in 2011, density bonuses were fully repealed under ordinance 14524.

GMHB Case No. 05-2-0002 in part touches on impact of density to rural character. A recurrent point made in the case is that “rural densities are generally no more intense than one dwelling unit per five acres” (line 10-11, page 17, Final Decision and Order, 1000 Friends v. Thurston County Case No. 05-2-0002).

State law provides guidance around clustering that rural clusters should not create a pattern of development that relies on or requires urban governmental services.

[WAC 365-196-425](#) – “Rural Element” – (5)(b) Rural clusters. One common form of innovative zoning technique is the rural cluster. A rural cluster can create smaller individual lots than would normally be allowed in exchange for open space that preserves a significant portion of the original parcel.

- (i) When calculating the density of development for zoning purposes, counties should calculate density based on the number of dwelling units over the entire development parcel, rather than the size of the individual lots created.
- (ii) The open space portion of the original parcel should be held by an easement, parcel or tract for open space or resource use. This should be held in perpetuity, without an expiration date.
- (iii) If a county allows bonus densities in a rural cluster, the resulting density after applying the bonus must be a rural density.
- (iv) Rural clusters may not create a pattern of development that relies on or requires urban governmental services. Counties should establish a limit on the size of the residential cluster so that a cluster does not constitute urban growth in a rural area. A very large project may create multiple smaller clusters that are separated from each other and use a different access point to avoid creating a pattern of development that would constitute urban growth.

(v) Development regulations governing rural clusters should include design criteria that preserve rural visual character

Food Security & Amount of Agricultural Resource Lands

State law does not provide a number to indicate how much lands need to be protected for agriculture. Instead, the guidance under state law is that the process of designating resource lands should result in an amount of agricultural resource lands that is sufficient to maintain and enhance economic viability of the agricultural industry in the County over the long-term. It is important to recognize that designation and zoning is one tool to maintain and enhance the long-term economic viability of agriculture – primarily doing so by ensuring an available land base now and into the future that can support future agricultural operations.

There are several other tools that are just as important for improving food system resiliency but are outside the scope of this project. At the forefront of these efforts is an emerging farm-owned food hub—[SW Washington Food Hub](#)—that is establishing regional value-based supply chains, mid-scale aggregation, distribution infrastructure, and community food processing facilities. The County, through its ongoing contract and partnerships with WSU Extension is an active supporter of the Food Hub’s great work.

Food security is not a specific criterion for designation as a long-term agricultural land but is included in policies within the comprehensive plan. Most food security and access issues in the general Comprehensive Plan are outlined in Chapter 11-Health. This chapter includes information on access to healthy food and the impact of the built environment on access, as well as support for urban agriculture.

Chapter 11, Goal 5: Improve nutrition by promoting healthy and accessible food options for all local residents.

OBJECTIVE A: The County should increase the access to healthful foods in communities, including provision of full service grocery stores, farmers markets, and community gardens.

POLICIES:

- 1. The County should implement farm to institution strategies.*
- 2. The County should ensure that land use rules allow for farmers markets.*
- 3. The County should provide incentives for new grocery store development in areas where grocery stores are lacking.*
- 4. The County should ensure that land use rules allow community gardens.*
- 5. The County should facilitate the availability of locally grown, healthy food options for residents.*
- 6. The County should continue to collaborate with local partners to promote community gardens.*

- 7. The County should support education programs that teach youth and adults skills and behaviors to choose and prepare healthful foods.*
- 8. The County should support programs that increase market access for rural agriculture, such as Community Supported Agriculture, farm-to-table projects, etc.*
- 9. The County should support partnerships to reduce health disparities resulting from lack of access to healthful food options among all residents, with particular attention to those who identify as BIPOC (black, indigenous, people of color).*

The stakeholder group agreed that zoning is not the right tool for protecting agriculture within the Urban Growth Areas, but that the County should consider other tools and changes to better support agriculture in these areas. All the scenarios include some new agricultural lands adjacent to the UGA boundaries. Proposed amendments to the development regulations increase flexibility and clarify requirements under the Agritourism Overlay District, supporting improved access.

Equity

The Stakeholder Workgroup was comprised of a diversity of voices from traditionally underrepresented groups in the agriculture community, such as small/direct farm operations, women-owned agricultural businesses, and veteran organizations. Representatives from these groups highlighted the importance of access to affordable farmland, conservation incentives for smaller landholdings, streamlined permitting for value-added food businesses, and the establishment of 'right to garden' initiatives. While some of these concerns can be addressed in the current package of recommended policy and code updates, others are more appropriately addressed through ongoing programmatic efforts. For example, programs have been launched at the state and local levels more recently that could offer support for underrepresented farmers and ranchers with accessing farmland. The Washington State Housing Finance Commission Farmland Protection and Affordability Investment program (FarmPAI) or programs offered by the non-profit organization Washington Farmland Trust are just examples of innovative responses. The County is also exploring ways to increase language access for farm-related permit information, establish culturally informed service delivery, and expand access to vital farm equipment and processing facilities.

NEXT STEPS

This project is in-part in response to a GMHB appeal, and timely review is of the essence. Because of the level of public outreach done prior to the Planning Commission, staff requests the Planning Commission consider scheduling a public hearing on the draft proposal with time budgeted for work sessions to discuss public comment and amendments after the public hearing.

To facilitate review and remain on track for final action by the end of the calendar year, staff anticipates the following schedule for Planning Commission review:

- May 3, 2023 – Work Session #1 – overview of the project, state law, proposed amendments
- **This meeting - May 17, 2023 – Work Session #2** – follow up questions from Planning Commission; tentatively request to set a public hearing
- June 21, 2023 – Tentative public hearing date; Work Session #3 for follow-up
- July 5, 2023 – Work Session #4 – follow up, possible recommendation
- July 19, 2023 – Work Session #5 – follow up, recommendation

DRAFT MOTION

Move to set a public hearing on June 21, 2023 at 7 PM or soon thereafter on the Long-Term Agriculture Zoning Update, which is part of Docket Item CPA-16, Community Driven Review of Agriculture.