KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES
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2.3(C) Resource Lands

Kittitas County hereby adopts the standards set forth in RCW 36.70A.170 as to designation of resource lands, including that these lands may not currently be characterized by urban growth and that they must have long term commercial significance. Kittitas County hereby adopts the definitions found in RCW 36.70A.030.

Commercial Agriculture Land Use

The purpose and intent of this designation is to comply with the requirements of the Growth Management Act [RCW 36.70A.060]. The county has considered the Minimum Guidelines [WAC 365-190] in the classification, designation and conservation of commercial agricultural lands in Kittitas County. It is the county's intent to meet these requirements by establishing a Commercial Agricultural designation. Based on the review criteria established by Kittitas County, land located in the Commercial Agricultural Zone [CAZ] has been formally designated as Agricultural Lands of Long-term Commercial Significance.

~~Agricultural lands of long-term commercial significance have been identified by considering the following criteria:~~

~~**Procedure for Designation and De-designation:**~~

~~1. Application submitted to Community Development Services (CDS).~~
~~2. Application referred to Agricultural Lands Advisory Committee for review and recommendation to the Planning Commission.~~
~~3. Planning Commission conducts public hearings.~~
~~4. Planning Commission makes recommendations to Kittitas County Board of Commissioners for which makes the final decision.~~

~~**Designation:**~~

~~In classifying agricultural lands of long-term commercial significance, Kittitas County shall use the prime and unique soils as contained in the land-capability classification system of the United States Department of Agriculture Soil Conservation Services as defined in Agriculture Handbook No. 210, the actual presence of such soils on the subject property to be demonstrated by the best available science. Kittitas County may further consider the combined effects of proximity to population areas and the possibility of more intense uses of the lands as indicated by:~~

~~a. The availability of public facilities;~~
~~b. Tax status;~~
~~c. The availability of public services;~~

d. Relationship or proximity to urban growth area(s), which shall include areas of where historic growth has occurred
e. The location of public roads, utilities and other public services;
f. Predominant parcel size and parcel size of the resource;
g. Land settlement patterns and their compatibility with agricultural practices;
h. Intensity of nearby land uses;
i. History of land development permits issued nearby;
j. Land values under alternative uses;
k. Proximity of markets;
l. Availability of agriculture infrastructure;
m. Availability and adequate water supplies; or
n. Long-term economic conditions which affect the ability to manage and/or maintain commercially viable agricultural lands, which should include consideration of the following market factors:
    i. The location of manufacturing or processing facilities,
    ii. Equipment and transport costs,
    iii. Site productivity and production costs,

Taxes and administrative costs.

De-Designation

Kittitas County, hereby adopts the following provision with respect to dedesignation of agriculture land of long-term significance:

1) Change in circumstances pertaining to the comprehensive plan or public policy;
2) A change in circumstances beyond the control of the landowner pertaining to the subject property;
3) An error in designation; or
4) New information on natural resources land or critical area status.

In considering any one of these elements, the criteria for designation should additionally be considered.

Upon review of these considerations, Kittitas County determined that there were two different categories of land appropriate for designation: irrigated croplands and non-irrigated grazing lands. Irrigated croplands identified for designation were lands located within the Agricultural 20 zone, within an irrigation district, consisting primarily of prime or unique soils, and complied with the other criteria under the GMA. Non-irrigated grazing lands were lands that lacked adequate water for crop growing purposes, but have a capacity for and historic use for grazing, and are lands that are predominately a section of land in size with contiguous blocks of ownership of those lots.

~~Kittitas County was able to identify large, contiguous areas containing parcels, which met the review criteria. Kittitas County then reviewed the areas, which were consistent with the review criteria, taking into consideration topography and natural designation boundaries. The lands designated as agricultural lands of long-term commercial significance depict the final review of all the factors considered for designation.~~

Comprehensive Plan Goal Regarding Designation of Agricultural Lands of Long-term Commercial Significance

For purposes of designating Agricultural Lands of Long-term Commercial Significance, and in considering any request for de-designation of such lands, Kittitas County has identified the following criteria:

Designation and De-designation of Agricultural Lands of Long-term Commercial Significance.

The purpose of this section is to identify the goals and policies in Kittitas County necessary to implement Goal 8 (RCW 36.70A.020(8)) of the Growth Management Act concerning Agricultural Lands of Long-term Commercial Significance.

> (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agriculture, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

All decisions dealing with the designation or de-designation of Agricultural Lnads of Long-term Commercial Significance shall be in support of that goal.

1. Definitions.

The County adopts and shall utilize the following definitions and considerations:

"Agricultural land" 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 subject to the excise tax imposed under *RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.[1]

"Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

[1] RCW 84.33.100 through 84.33.118 were repealed or decodified by 2001 c 249 §§ 15 and 16. RCW 84.33.120 was repealed by 2001 c 249 § 16 and by 2003 c 170 § 7.

In determining "the combined effects of proximity to population areas and the possibility of more intense uses of the land" upon agricultural lands, the County shall consider (a) the availability of public facilities; (b) tax status; (c) the availability of public services; (d) relationship or proximity to urban growth areas; (e) predominant parcel size; (f) land use settlement patterns and their compatibility with agricultural practices; (g) intensity of nearby land uses; (h) history of land development permits issued nearby; (i) land values under alternative uses; and (j) proximity of markets.

2. Designation Criteria.

In order to be designated Agricultural Lands of Long-Term Commercial Significance in Kittitas County, the land must: (1) not be characterized by urban growth; (2) be primarily devoted to agriculture, and (3) have long-term significance for agriculture.

Land shall be designated Agricultural Lands of Long-Term Commercial Significance (referred to as Commercial Agricultural Lands in the Kittitas County Code) in accordance with the designation criteria and considerations set forth herein.

A. Land Grade Consideration. Agricultural Lands of Long-term Commercial Significance shall be prime and unique farmland soils as mapped by the United States Department of Agriculture ~~Soil~~ Natural Resources Conservation Service and considered capable of agricultural use according to land capability criteria in Agriculture Handbook No. 210 or successor guide adopted by the federal agency

B. Other consideration. In determining whether land should be designated as Agricultural Land of Long-term Commercial Significance, the County may also consider the needs and nature of the agricultural industry.

C. Designation. Upon a determination that a tract qualifies as Agricultural Lands of Long-Term Commercial Significance (referred to as Commercial Agricultural Lands in the Kittitas County Code) under the definitions and considerations noted above, such lands shall be so mapped in the Comprehensive Land Use Plan map of Kittitas County and shall be zoned Commercial Agricultural lands under Kittitas County zoning code, section KCC 17.31. The County's Commercial Agricultural zoning code, KCC 17.31, shall control uses, maintenance and enhancement of the agricultural industry and conserve productive agricultural lands consistent with the needs and best practices of the industry. Lands presently mapped as "commercial agriculture" shall retain that designation unless a specific de-designation request is filed by the owner for a review under the guidelines of this Ordinance.

3. De-designation criteria.

A. Definitions. De-designation is a change of land classification from Agricultural Lands of Long-Term Commercial Significance to another GMA classification.

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B. De-designation Criteria. The considerations and criteria for de-designation are the same as the considerations and criteria for designation identified in sections 1 and 2 above. De-designation requests may be initiated by the County or by individuals based on a request to consider (1) a mistake in the original designation or (2) that factors leading to the original designation have changed, rendering the site inappropriate for long-term commercially significant agricultural land designation.

C. A de-designation request shall provide a legal description of the property subject to the request and map showing the agricultural land grades listed above for the property. The request shall specifically address each of the factors above deemed pertinent to the consideration of designation and de-designation.

4. Applications and Processing.

A. Applications for the designation of Agricultural Lands of Long-Term Commercial Significance shall be docketed with the planning department for annual consideration by the Kittitas County planning commissioners and board of county commissioners as a change to the County comprehensive plan and map in accordance with Chapter 15.B of the Kittitas County Code. Application for de-designation of Agricultural Lands of Long-Term Commercial Significance shall only be docketed and considered as part of the County's seven-year comprehensive plan update cycle. Applications for de-designations of Agricultural Lands of Long-Term Commercial Significance must be accompanied, and processed along with, a specific development application.

B. In determining a request to designate or de-designate Agricultural Land of Long-Term Commercial Significance, the County may consider the needs and nature of the agriculture industry (*Lewis County v. Western Washington Growth Management Hearings Bd.*, 157 Wn.2d 488, 139 P.3d 1096 (2006)).

C. In considering a request for de-designation, the County shall make the same considerations as in designating lands under the provisions of Section 2 above (*City of Redmond v. Central Puget Sound Growth Management Hearings Board*, 116 Wn. App. 48, 65 P.3d 337 (2003) (*Benaroya II*).

D. In addition to such considerations as may be undertaken by the County under these provisions, the County shall address in writing: (1) the factors that warrant the designation or de-designation, and (2) how the action meets the objectives of Goal 8 of GMA (RCW 36.70A.020(8)) to maintain and enhance a productive agriculture industry and to encourage the conservation of productive agricultural lands and to discourage incompatible uses when making a decision on designation or de-designation of Agricultural Lands of Long-Term Commercial Significance.

GPO 2.110A Oppose laws and regulations, which restrict agriculture, and support laws and regulations, which enhance agriculture.

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GPO 2.110B ~~As allowed in GPO 2.10B and 2.10C d~~Develop a study area where the Rural Land Use designation and the Commercial Agriculture designation interface occurs which may lead to the development of a Commercial Agriculture Transition Zone overlay. The study area should consider but not be limited to:

- Strategies that site land use activities within or adjacent to Commercial Agriculture lands that minimize conflicts with agricultural activities.
- Consider Transfer of Development Rights from Commercial Agriculture to Rural lands.
- Use of Cluster Development within the transition zone to minimize impacts.
- Use of open space to act as a "buffer" between Rural and Commercial Agriculture designations.

GPO 2.111 Continue and expand support for right-to-farm ordinances.

GPO 2.112 Kittitas County recognizes that new residents may not understand the rural living differences encountered in Kittitas County, therefore the county supports the efforts of educational opportunities and agencies to educate on rural living and agricultural activities.

GPO 2.113 Support efforts to see that all lands receive their full allocation of water.

GPO 2.114A Agricultural activities within areas designated as Commercial Agriculture shall take precedent over recovery activities targeted for the recovery of threatened and endangered species.

GPO 2.114B Economically productive farming should be promoted and protected. Commercial agricultural lands includes those lands that have the high probability of an adequate and dependable water supply, are economically productive, and meet the definition of "Prime Farmland" as defined under 7 CFR Chapter VI Part 657.5.

For the purpose of this chapter, "Adequate and dependable water supply" means enough water as outlined in those engineering reports available on most commercial farmlands in the Kittitas Valley, from Adjudication records (i.e. Aquavella et al) that detail the water duty necessary for each parcel to remain viable as commercial agricultural lands.

For the purpose of this chapter, "Economically productive" means the ability to provide and continue to provide sufficient return on investment to allow present and future farmers to continue using the designated commercial agricultural land. This would include but not be limited to being economically realistic as Ag lands with respect to land value, property taxes, market conditions, water costs and other economic factors.

GPO 2.115 Reserved

GPO 2.116 ~~Support an information campaign to educate our non-farm populace on agricultural activities.~~Reserved

GPO 2.117 Encourage non-farmers in agricultural areas to meet farm performance standards.

GPO 2.118 Encourage development projects whose outcome will be the significant conservation of farmlands.

GPO 2.119 Identify and designate agriculture transportation corridors that facilitate farm use.

GPO 2.121 Cooperate in sound voluntary farm conservation or preservation plans (i.e., be recipients and overseers for conservation easements and/or assist with transferable development rights programs).

GPO 2.122 Look into additional tax incentives to retain productive agricultural lands.

GPO 2.123 Value agricultural lands for tax purposes at their current agricultural land use.

GPO 2.124 Create a growth management agricultural advisory council comprised only of agriculture producers to review and make recommendations to the Board of County Commissioners on at least an annual basis over the coming 20 years on:

a. the status of agriculture in Kittitas County,
b. county agriculture policies and regulations,
c. local agriculture marketing and economic planning, and
d. review and make recommendations regarding zoning and development regulations.

GPO 2.125 ~~If any lands are reclassified out of the Commercial Agricultural designation, then the land reverts to the Agricultural designation.~~Reserved

Incentives for Commercial Agriculture Land Use

It is the policy of Kittitas County to encourage and support agricultural uses of lands within the Commercial Agricultural designation. The county will continue to explore additional incentives for conserving both rural and resource lands. These incentives may be developed through the Kittitas County Comprehensive Plan and subsequent implementation mechanisms.

GPO 2.126 Where appropriate, Kittitas County will exert its influence to help provide the delivery of water to all lands within the county whether the deliveries are through Bureau of Reclamation, Districts, or private facilities; and to oppose other government agency action impairing water rights or delivery.

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GPO 2.127a Irrigation delivery facilities shall be managed and maintained by adjacent landowners to facilitate the unimpeded delivery of waters to agricultural lands in Kittitas County. No existing contractual agreement pursuant to any water system shall be impaired by this ordinance.

GPO 2.127B Encourage all development to incorporate drought tolerant or native vegetation as a major component of their landscaping plan (i.e. xeriscaping)

GPO 2.128 To the extent possible the Board of County Commissioners shall promote processing facilities for the products produced upon those lands designated as Commercial Agricultural under this Chapter.

GPO 2.129 In determining the current use value of open space land, the County Assessor shall consider only the use to which such property and improvements is currently applied and shall not consider potential uses of such property. In determining the current use value of farm and agricultural land the County Assessor shall consider the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years.

GPO 2.129B Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that states that: "The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with county, state and federal laws are not subject or legal action as public nuisances. (RCW 7.48.305)"