

Comments on 2016 Kitsap County Draft Comprehensive Plan.

Contributed by Scott Hall

The following comments address the topic of agriculture, agriculture accessory uses, the marketing, value adding, distribution, processing of agricultural products, and agri-tourism.

NOTE: In general, the topic of agriculture and/or "food systems" appears in numerous places throughout the 2016 draft Comprehensive Plan Review, hereafter referred to in these comments as the 2016 review. The topic of agriculture/food systems appears in the following sections of the 2016 review: Land use, Economic Development, Housing and Human Services, and Capital Facilities and Utilities. Comments appropriate to each section are separated and grouped by section

Section, Land Use:

Goal 14 states: "Preserve and expand land suitable for agricultural production within the county through regulatory and non-regulatory means". While the "goal" itself, as written, has a high degree of merit, and should, in fact, be a goal for the county to strive for, it creates an expectation which may not be supported by the attendant land use policies for this goal.

At present, in the 2016 review, and in all past county adopted Comprehensive Plans there is no means through zoning, districting, overlaying, or any form of formally adopted comprehensive map to identify (a) any land currently being used for agriculture, (b) any land the county wishes to see preserved as agricultural land, (c) any land deemed "suitable" for agricultural production, (d) any land protected by regulation as to its primary use as agricultural land, (e) any land not presently in agricultural production which the county might like to see come into agricultural production.

With no means within the text of the Comprehensive Plan(land use policy(ies)) to identify agricultural land, much less measure its existing quantity, or suitability for agricultural production, it is not possible to determine if the existing "suitable" agricultural production land base is being preserved or expanded.

Through the development/adoption of the "Kitsap County Strategic Agriculture Plan and Inventory" (SAPI) it has been found that although agricultural use of the land is very common, and growing in term of numbers of agricultural operators, the county has been very reluctant to formally identify any land within the county as Agricultural Resource Land (ARL), i.e., land of long-term commercial agricultural significance. Owing to this, there is no land identified anywhere in the county either within the body of the Comprehensive Plan, or on any associated

comprehensive plan land use/zoning designation map where the recognized primary use of the land is for agricultural production purposes.

The State, through the GMA provides quite specific means to identify land suitable for inclusion as ARL, and compels each county required to plan under GMA to protect ARL from unnecessary conversion to other land uses. When Kitsap County made its initial determination regarding ARL, it used the relative quantity of what was then considered commercial agricultural activity (number of "commercial farms") as the primary factor for finding no land worthy of ARL designation. This was instead of applying the GMA criteria regarding lands suitability for commercial agricultural production, whether or not land found suitable under the criteria was currently being used for agricultural production. The SAPI makes note of the apparent inconsistency between Kitsap County and other jurisdictions with respect to ARL designation. The SAPI contains a strategy regarding re-examining whether ARL, or some functional equivalent designation may be appropriate for some lands in Kitsap County.

Given that Land Use Goal 14 specifically addresses preserving and expanding land suitable for agricultural production within the county, one or more attendant land use policies must address (a) the quantity, and (b) the suitability factors supporting the overall goal statement.

Some examples might include something similar to:

Example land use policy XX: Re-examine, and if required adopt/amend criteria used to determine if land meeting Growth Management Act designation criteria as Agricultural Resource Land (ARL) exists within the county. If it is found there is land matching the criteria, such land shall be mapped in some manner, and considered for inclusion into specific agricultural zoning, agricultural districting, agricultural use focus areas, or their equivalent.

Example land use policy XX: For land not meeting Growth Management Act Agriculture Resource Land (ARL) designation, adopt criteria for allowing the land owner to "opt in" to a mapping system showing land either (a) used primarily for agricultural production, (b) used for commercial farming purposes or (c) available for, but not currently being used for agricultural production purposes. (c) may be used to identify publicly owned, institutional, tribal, or utility land where the owner may be interested in allowing agricultural use under certain conditions. The mapping system for non-ARL designated agricultural lands will show all land under Current Use Agriculture property tax status, regardless of any land owners "'opt-in" status for that land.

Example Land use policy xx: Establish/adopt a "no-net-loss" policy for agricultural lands similar to the no-net-loss policies for certain critical areas. For lands meeting ARL designation criteria adopt mitigation criteria for lands lost/converted to non-agricultural uses, excepting agricultural accessory uses on land where the primary use of the land remains agricultural production.



Example land use policy XX: All lands meeting ARL designation criteria shall be the last lands considered for any of the following purposes: (a) Acquisition and change of primary use through public ownership, (b) inclusion within an Urban Growth area (UGA), (c) re-zoning for a density greater than one dwelling unit per 5 acres, or other commercial, industrial, LAMIRD or other use where adjoining land uses could be detrimental to agricultural use.

Section, Economic Development:

The existing goals and policies affecting agriculture/the food system are essentially o.k. However, they are not very measurable. Terms such as “support”, “foster” “encourage” “engage” and “when feasible” create such a wide degree of latitude that any action, regardless of how minor the action is, can be seen as “supporting”, “fostering”, etc. This makes it very difficult to hold the county accountable for any specific degree or depth towards these goals/policies. Additionally, those terms are the “buzz words” associated with economic development grant funding. The county could be seen as including the proposed “food system” goals/policies more as a means to make grant funding under the auspices of the “food system” available than any actual intent to have any meaningful end-user economic development impact. Essentially, the food system “industry” is inherently non-governmental, so the benefits accruing from the use of the “buzz words” in the Comprehensive Plan should not just be for local government funding towards these nebulous goals/policies.

One or more additional goals/policies should be quite specific.

Example: Economic Development policy XX: Assess whether publicly owned properties/facilities that may be currently underutilized could be made available for one or more facets of the food system loop, i.e., primary agricultural production, value added processing, warehousing/cold storage, distribution, marketing, food hub, waste reduction and composting.

Section, Housing and Human Services:

The same general comments towards measurability and “buzz words” apply to this section also. The wording of the goals and policies themselves is somewhat problematic in that while the goals may be desirable, it is impossible to tell from the goal statement who, exactly, is supposed to be taking the actions described in the housing and human services goals/policies. Is it Kitsap County government, by itself? There appears to be little recognition in most of the goal/policy statements that NGO agricultural/food system advocacy/operator entities exist.

One glaring example is Housing and Human Services policy 32. “Create Mechanisms for fresh local food to be affordable and accessible to all segments of our community”

How exactly does Kitsap County, as a matter of policy, propose to ensure affordability of local food, or that it will be accessible to all segments of the community. This text of this particular policy appears tailor-made primarily to act as a placeholder within the Comprehensive Plan for the county to use to seek federal funds for food subsidy programs. Local food affordability and accessibility are primarily a function of the local agricultural/food system industry, and how well it is doing. If the local industry is doing well, local food will be both affordable and accessible. Otherwise, affordability and accessibility relate to those eligible for food subsidies, and food retailers stocking those things on the "approved to buy" lists. It begs the question, are we "creating mechanisms" to make the production, processing, value adding, distribution, marketing, etc. affordable? Or, not worrying about those things, simply making sure the county is in line for sufficient federal food subsidy dollars. This can't be determined looking at the language of Housing and Human Services policy 32.

Comment regarding Title 17 Zoning Code definitions/purposes statements for Rural Residential and Rural Preservation Lands.

For each of the zones identified in the Kitsap County Comprehensive Plan, Comprehensive Land Use map (zoning map), and most particularly within in Title 17 there are zones identified.

Within title 17 the zones are identified by name of the zone, followed by a statement describing the "purposes", or expected uses of each zone.

The existing "purpose statements" for the Rural Residential (RR) and Rural Protection (RP) zones address only the residential use of these lands, with the difference between these two zones primarily being the level of development constraints related to environmental features.

Nowhere in the purpose statement is their mention of the zones being used for natural resource purposes, i.e., agriculture, small scale timber operations, or any other natural resource based economic purposes. Thus, under the existing "purpose statements" residential use is the primary de-facto use, and other uses, not mentioned, may be allowed in the "use table" but only to the extent they do not interfere with the "quiet enjoyment of residential use."

So long as there is a lack of formally designated land for agriculture/agriculture accessory uses to occur (designated ARL) , and the vast majority of the land base within the county falls into either the RR or RP zones, the existing RR and RP purpose statements are inappropriate given the past, current and expected future land uses in these two zones to include natural resource based uses.

It is suggested the RR and RP purpose statements be modified to read as follows:



## Proposed language for Rural Residential zone

Rural Residential (RR) Zone: This zone is intended to encourage the preservation of resource based land uses, and conservation of the natural resources while also allowing low density residential development consistent with rural character. For residential development purposes this zone is applied to those areas that are relatively unconstrained by environmental features such as visual, historical, natural features, wildlife corridors, steep slopes, wetlands, streams and adjacent critical areas. These areas are provided with limited public services. Residents of Rural Residential Tract shall recognize that they can be subject to normal and accepted farming practices, accessory agricultural land uses, and limited forestry practices on adjacent parcels.

## Proposed language for Rural Protection zone

Rural Protection Zone: This zone is intended to encourage the preservation of resource based land uses and conservation of the natural resources while also allowing for low density residential development consistent with rural character. For residential development purposes this zone is applied to areas with significant environmental features such as visual, historical, natural features, wildlife corridors, steep slopes, wetlands, streams, and adjacent critical areas. These areas are provided with limited public services. Residents of Rural Preservation Tracts shall recognize they can be subject to normal and accepted farming practices, accessory agricultural land uses, and limited forestry practices on adjacent parcels.

Advantages for adopting proposed changes to RR and RP zone “purpose statements” concurrently with the Comprehensive Plan update:

- While Title 17 is not directly up for review/amendment at this time, Title 17 is the primary Land Use regulation implementing land use/zoning under the umbrella of the county’s Comprehensive Plan. The changes suggested would only apply to the zoning purpose statements for RR and RP zoned land.
- The suggested changes to the purpose statements for RR and RP zoned land do not require any re-zoning of any lands currently under RR or RP zoning. The changes only clarify the “intent” regarding land uses within the existing zones.
- The proposed changes would not equate to a “downzone” with respect to any current or future development rights. All vested rights would remain intact.
- The suggested changes support a “Right to Farm” without necessarily requiring a separate “Right to Farm” ordinance, and create a “notification” to adjacent landowners. One very specific benefit is that it would not be necessary for farming activities to precede adjacent residential development in order to engage in normal and accepted

farming practices. The suggested changes include language letting adjacent land owners know they may be subjected to normal and accepted farming practices on adjacent parcels with the same zoning. If there is a question regarding "allowed use", the county can show the "purpose statement" as evidence that normal and accepted farming practices and accessory agricultural uses are allowed in those zones.

- The suggested changes create a means for landowners to choose from among primary land uses in these zones. If a landowner chooses to use land in these zones primarily for residential use, that is allowed. If a landowner chooses to use land in these zones either primarily or even exclusively for natural resource based uses, including for agriculture, that is also allowed. This makes residential and natural resource based uses in these zones co-equal, rather than various natural resource based uses merely being found only in the use table under residential zoning.

Comment regarding Kitsap County Strategic Agricultural Plan and Inventory (SAPI) and Food Production: Rural Agriculture, Central Puget Sound Food Assessment, Regional Food Policy Council & University of Washington, June 2011.

Kitsap County Has made use of these two, and other documents to show a change in direction towards how the county views its agriculture resources, including attempting to classify/designate appropriate Agricultural Resource Lands (ARL). The recognition through these documents by Kitsap County that some more formal means of recognition/designation of ARL is necessary is evidenced within the documents themselves. What is still missing is recognition through the Kitsap County Comprehensive Plan, and accompanying mapping associated with land use/zoning of any land with agriculture zoning, or any "Agricultural Emphasis Areas" (AEA's), any Agricultural Districts, any agricultural land use overlays, or the like. Nor is there any textual criteria found in the Comprehensive Plan necessary in determining which, if any lands in the county should be considered as lands considered for preservation and expansion as lands suitable for agricultural production.

Effectively, the county is telling its residents and other jurisdictions that changes are in order and underway, yet these changes are not formalized in a way to hold the county accountable for adopting/implementing the changes. Goal statements and policy statements must in some way be measurable. We cannot use the mere existence of documents such as the ASPI as evidence of working to make necessary changes toward achieving goals. Supporting land use policies need to be outcome based and specific. The average person should be able to compare the policy statement to the actual condition, and make an informed judgement regarding if the policy is being met.