

Appendix 4

Farmlands

Farmlands

What regulations apply to designated farmlands?

Farmlands Protection Policy Act

The purpose of the Farmlands Protection Policy Act (FPPA) of 1981 (7 USC 42014209) is to minimize impacts on farmlands and maximize compatibility with state and local farmland programs. Farmlands are classified as prime, unique or of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land. The following types of land are exempt under the FPPA:

- Soil types not suitable for crops (such as rocky terrain and sand dunes);
- Urban sites where the right-of-way required for a highway project is wholly within a delineated urban area and the project requires no property from prime or unique farmlands or farmlands of statewide or local importance; and
- Farmland that has already been converted to industrial, commercial, residential or recreation activity.

Under the FPPA, federal agencies such as WSDOT are required to submit a Farmland Conversion Impact Rating for Corridor Type Projects form (NRCS-CPA-106) to the Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service. The NRCS uses a land evaluation and site assessment (LESA) system to establish a farmland conversion impact rating score on proposed sites of federally funded and assisted projects, such as the Bigelow Gulch/Forker Road Urban Corridor Improvement project. Farmlands that score 160 points or less do not need to be given further consideration for protection by the federal agency (7 CRF 658.4).

In compliance with FPPA, a farmland conversion impact rating process was completed to assess the degree of impact on farmland conversion and whether alternative mitigation would be necessary (see attached form). Based on the NRCS evaluation, the Bigelow Gulch/Forker Road Urban Corridor Improvement project results in a score of 154 (see attached Farmland Conversion Impact Rating Form NRCS-CPA-106).

Farmlands Preservation Executive Order

Washington's Farmlands Preservation Executive Order 8001 of 1980 requires state agencies to consider farmland preservation during program development.

Specifically, the order requires every state department, commission, board or other agency of state government making decisions affecting the siting of energy facilities, disposal facilities, transportation systems or utility corridors and agencies making decisions on environmental and/or land use permits, shall consider farmland preservation when making decisions and, in addition, give due regard to local government planning, zoning, or other local government agricultural land protection programs.

Washington State Growth Management Act

The Washington State Growth Management Act (GMA) requires all counties and cities in rapidly growing areas including Spokane County to designate resource lands, including agricultural lands of long-term significance. In Spokane County these policies are included in the Countywide Planning Policy 6 and in the County's Comprehensive Plan and implementing regulations.

Spokane County Countywide Policy 6. Spokane County should maintain commercial agricultural areas to protect the long-term viability of agriculture as an important element of the local economy (Spokane County 2004).

Spokane County Comprehensive Plan

The Spokane County Comprehensive Plan is a set of goals, policies, maps, illustrations and implementation strategies that states how the County should grow physically, socially, and economically. The plan emphasizes innovative and flexible strategies to guide growth and development. One of the central themes of the Plan is the promotion of economic development that occurs in harmony with environmental protection and preservation of natural resources. The Spokane County Comprehensive Plan originally adopted in November 2001, last updated on March 2007, contains 11 elements that address land use, transportation, housing, capital facilities, utilities parks, the natural environment, natural resource lands, cultural resources and subarea planning.

The Natural Resources Element of the Spokane County Comprehensive identifies agricultural lands of long-term significance within the unincorporated areas of the county and contains policies protecting those agricultural lands.

Policies

Agricultural Land Designation Criteria

Policy NR.1.4 Lands meeting the following criteria shall be designated as Spokane County Large Tract Agricultural Resource Lands of Long-term Commercial Significance:

- a) Lands predominantly used for or capable of long-term commercial agricultural production.
- b) Lands with large areas of contiguous ownership and parcel sizes predominately 40 acres or larger.
- c) Lands that produce or are capable of producing predominately annual crop rotations including small grains, non-forage legumes and grass seed.
- d) Land that has been designated as Large Tract Agriculture may only be redesignated or rezoned consistent with the agricultural zones reclassification criteria as specified in the Spokane County Zoning Code.

Policy NR.1.5. Lands that do not meet all the criteria for the large tract agricultural designation but do meet the following criteria shall be designated as Spokane County Small Tract Agricultural Resource Lands of Long-term Commercial Significance.

- a) Lands predominantly used for or capable of commercial agricultural production.
- b) Lands which produce or are capable of producing crops of local significance such as dairies, orchards, truck crops, vineyards, Christmas trees/wood lots, foraged crops, small grains, non-foraged legumes and grass.

Spokane County requires that applicants for development permits be notified if they are planning to develop near natural resource areas so that they are aware of potential impacts. When appropriate, notification shall be placed on land titles so that potential buyers are alerted to the existence of natural resource activities nearby. Below are comprehensive plan policies intended to protect and conserve agricultural lands.

Residential Density - Agricultural Lands

Policy NR.3.16. The maximum residential density within designated agricultural lands will be 1 unit per 40 acres on designated large tract agricultural lands and 1 unit per 10 acres on designated small tract agricultural lands.

Conservation and Protection of Natural Resource Lands

Policy NR.4.1. Notification should be placed on all county land use permits or approvals on or within 1,000 feet of designated natural resource lands, that the adjacent land is in resource use and subject to a variety of activities that may not be compatible with residential development. The notice should state that forest or agricultural activities performed in accordance with local, State, and federal laws are not subject to legal action as public nuisances.

Policy NR.4.2. Agricultural, forest and mining operations shall be allowed on natural resource lands when carried on in compliance with applicable regulations, even though they may impact nearby residences.

Policy NR.4.3. Natural resource lands shall be managed, conserved and protected while used for natural resource production and restored to a natural state or developed in conformance with the Comprehensive Plan once resource use has stopped.

Tax Policies and Incentive Programs

Policy NR.4.4. Owners of agricultural, timber and other natural resource lands should be encouraged to participate in the current use taxing program.

Policy NR.4.5. The establishment or expansion of special purpose taxing districts and local improvement districts and the imposition of fees and charges on land within the forest.

Spokane County Zoning Regulations

Spokane County Zoning Ordinance chapter 14.616, Natural Resource Lands, contains regulations designating agricultural lands and the uses permitted on agricultural lands, implementing the County's Comprehensive Plan policies. Agricultural lands of long term significance in Spokane County are zoned either Large Tract Agricultural or Small Tract Agricultural as follows:

Large Tract Agricultural

The Large Tract Agricultural (LTA) zone establishes large tract agricultural areas devoted primarily to commercial crop production including small grains, non-forage legumes, grass seed and animal production. Nonresource related uses other than rural residencies are discouraged.

Residential density is 1 unit per 40 acres and residential uses should be associated with farming operations. A small lot subdivision provision is included in this zone to allow retiring farmers the ability to continue to live on their homesite after they are no longer actively involved in the farming operation.

Small Tract Agricultural

The Small Tract Agricultural (STA) zone establishes small tract agricultural areas devoted primarily to berry, dairy, fruit, grain, vegetable, Christmas trees, and forage crop production. Direct marketing of agricultural products to the public and associated seasonal festivities are permitted. Residential density is 1 unit per 10 acres and residential uses should normally be associated with farming operations.

What farmlands are found in the project area?

Land along the project corridor is actively used for production of wheat, alfalfa, and produce. In general, the farms in the area are smaller than the Spokane County average farms size of 289 acres. Approximately 1 mile of the urban corridor, starting at Lehman Road moving east, crosses land designated STA on its north side and land

zoned Rural Traditional on the south, the next 1.7 miles of the corridor crosses land zoned STA on both sides of the alignment. Not all of the land along the corridor being farmed is located in the STA zone some farmed land is also found in land zoned STA, but some of the farmed area is located in areas zoned Rural Traditional or Rural Conservation.

Approximately 34 acres of the farmland that will be converted by the project to rights-of-way is defined as “prime farmland” based on the Spokane County Soil Survey (SCS 1968) and consultation with NRCS. Prime farmland refers to land that has the best combination of physical and chemical characteristics for producing agricultural commodities with minimum inputs of fuel, fertilizer, pesticides, and labor without intolerable soil erosion and that is being used to produce livestock or timber.

What alternative routes in the agricultural impact area were considered?

Several initial alternative routes were considered by the county before arriving at the preferred alternative which is evaluated in this EA. For a more detailed description of those initial alternatives refer to section 3.1.1 of the Revised EA. Those alternatives were not selected for a variety of reasons including significant loss or conversion farmland because the alternatives would cross undeveloped (i.e., no existing roadway) land that was currently in use as farmlands.

What impacts would the Urban Connector have on farmlands, and how would the County mitigate those impacts?

The portion of the Urban Connector that extends through designated farmland follows the existing Bigelow Gulch right-of-way. Therefore, impacts are limited to farmland impacted by roadway expansion. Of the approximate 101 acres of farmland within the project corridor, approximately 50 acres would be converted to roadway and drainage facilities, cut banks, or included in the right-of-way. Additional farm-associated land (i.e., driveways, outbuildings, etc.) would also be converted to right-of-way). Some farmland within the right-of-way would continue to be available for farming on a lease basis (Brueggeman pers. comm.). Access to farmland use would not be prevented by the Bigelow Gulch project, and in fact would better accommodate farm equipment due to wider shoulders, two travel lanes in each direction, and the center turn lane to provide easier road crossing than what currently occurs.

The NRCS evaluation identified 1,081,493 acres as farmable within Spokane County, 61 percent of which falls under the definitions of farmland in the FPPA. According to the NRCS evaluation, the amount of farmland that would be converted in the proposed project corridor accounts for 0.0093% percent of the farmland in Spokane

County. The NRCS uses this information to evaluate whether there are farmlands subject to the FPPA requiring protection in the project area. The farmlands in the project area scored a 154 points and therefore do not need to be considered further for protection by the federal agency.

What would happen to farmlands in the project area if the County did not build the Urban Connector? (No Action Alternative)

The No Build Alternative assumes that the proposed project would not be constructed and that no right of way acquisition would be required. Therefore, no direct impacts to farmlands are expected.

References

- Brueggeman, Robert. Spokane County Engineer. Personal communication with Jon Ives, March 6, 2007.
- Spokane County. 2004. Countywide Planning Policies for Spokane County. Amended December 14, 2004. Available: <<http://www.spokanecounty.org/BP/Documents/CWPP/cwpp.pdf>>. Accessed: March 2007.
- . 2001. Spokane County Comprehensive Plan. Amended March 13, 2007. Spokane County Public Works Division of Planning. Available: <<http://www.spokanecounty.org/BP/Documents/CompPlan/TOC.pdf>>. Accessed: March 2007.

United States Department of Agriculture



Natural Resources Conservation Service
MLRA Soil Survey Office
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Jonathan Ives
Principal Scientist

Jones & Stokes
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RE: Bigelow Gulch/Forker Road FPPA

Dear Mr. Ives:

Enclosed please find a completed 106 form. I've completed part II, IV, and V of the form. Please call me if you have any questions or if I may be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Chris Miller".

Christopher S. Miller
MLRA Soil Survey Project Leader

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 3/16/07	4. Sheet 1 of <u>1</u>
1. Name of Project Bigelow Gulch/Forker Road	5. Federal Agency Involved FHWA		
2. Type of Project Urban Connector Improvement	6. County and State Spokane, Washington		
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 3/19/07	2. Person Completing Form Chris Miller
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 12230	Average Farm Size 289
5. Major Crop(s) Small Grain/Hay/Pasture	6. Farmable Land in Government Jurisdiction Acres: 1081493 % 73	7. Amount of Farmland As Defined in FPPA Acres: 902438 % 61	
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment _____			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	101.2			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0			
C. Total Acres In Corridor	101.2	0	0	0

PART IV (To be completed by NRCS) Land Evaluation Information	
A. Total Acres Prime And Unique Farmland	33.6
B. Total Acres Statewide And Local Important Farmland	67.5
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.0093
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)	
	85

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points			
1. Area in Nonurban Use	15	15		
2. Perimeter in Nonurban Use	10	10		
3. Percent Of Corridor Being Farmed	20	17		
4. Protection Provided By State And Local Government	20	10		
5. Size of Present Farm Unit Compared To Average	10	0		
6. Creation Of Nonfarmable Farmland	25	0		
7. Availability Of Farm Support Services	5	2		
8. On-Farm Investments	20	10		
9. Effects Of Conversion On Farm Support Services	25	0		
10. Compatibility With Existing Agricultural Use	10	5		
TOTAL CORRIDOR ASSESSMENT POINTS	160	69	0	0

PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	85		
Total Corridor Assessment (From Part VI above or a local site assessment)	160	69	0	0
TOTAL POINTS (Total of above 2 lines)	260	154	0	0

1. Corridor Selected: A	2. Total Acres of Farmlands to be Converted by Project: 101.2	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:

Signature of Person Completing this Part:  DATE: **April 25, 2007**

NOTE: Complete a form for each segment with more than one Alternate Corridor

