

Easement Program Land Planning Guidelines

The Easement Committee adopts the following guidelines pertaining to development of land plans. These guidelines are intended to provide general guidance for the development of land plans on easement properties.

Because each property and land plan is unique and farming is a dynamic enterprise, the thresholds established in these guidelines may not be appropriate for the development of all land plans. Where land plans cannot conform to the standards established in these guidelines, Easement Program staff may solicit guidance from the Easement Committee for development of a plan.

1. Total Number of Easements

When possible, only one easement should be developed per property. Creating more than one easement per property increases stewardship obligations and costs and affects the conservation gains created by the easement. Creation of more than one easement on a property will be considered on a case by case basis.

2. Total Number of Tax Parcels Per Easement

Since a landowner may convey an existing tax parcel without grantee approval (i.e this is not considered a subdivision but still constitutes a division of the easement), planners should consider total number of tax parcels (existing and additional) that will be in the easement encumbered portion of the property.

To determine the number of additional tax parcels (subdivisions) that a land owner may be allowed planners should:

- 1) Count the number of **existing tax parcels** in a property to establish how many potential properties may be created out of the easement without subdivision.
 - A. **Existing Tax Parcels** under 7 acres should be excluded from the easement because, if conveyed, they may not be eligible for an agricultural assessment and WAC could potentially be left with a non - agricultural property in its easement portfolio.
 - B. Agricultural Assessments are calculated on a per parcel basis (one Soils Worksheet is used for each tax parcel). A Boundary Line Adjustment (BLA), subdivision, or creation of an outparcel that reduces

or eliminates acreage from a parcel identified in a Soils Worksheet may affect the agricultural assessment. Potential effects of land plan design on Agricultural Assessments should be discussed with the landowner.

- 2) Discuss whether the landowner needs to have the ability to subdivide and discuss the number of **additional tax parcels** the landowner may need or would like (beyond the number of **existing tax parcels**). Some landowners may not like current configuration or number of existing tax parcels on their property and may wish to reconfigure tax parcels prior to WAC authorizing and appraisal of the property. Where beneficial to WAC, the landowner may have the property appraised based upon multiple tax parcel configuration scenarios.
 - a. A Land Plan may be appraised under no more than two scenarios . Minor reconfiguration to tax parcels may not result in differences in appraised values and should be discussed with an appraiser to determine if additional appraisal scenarios for reconfigurations are warranted.
- 3) Determine the **Total Number of Tax Parcels** (existing and additional) that may be appropriate for an easement property, by dividing the total number of acres that will be encumbered on a property by 100 acres. The quotient (the number created by dividing the encumbered property acreage by 100) represents the total number of tax parcels that may be appropriate for an easement property. The quotient representing the **Total Number of Tax Parcels (existing and additional)** allowed on an easement property must be the lowest whole number and may not be rounded up.

Example:

 - a. 300 acre property consisting of 1 tax parcel divided by 100 equals 3 . Under this scenario the land owner may be given two additional tax parcels
 - 195 acre property consisting of 1 tax parcel divided by 100 equals 1.95. Under this scenario, the land owner would not be given an additional tax parcels
- 4) The total number of **additional tax parcels** that may be appropriate for a property are determined by subtracting the total number of **existing tax parcels** from the **total number of tax parcels** determined in 2(3). If the total number of **existing tax parcels** is equal to or greater than the **total number of tax parcels (existing and additional)**, no additional tax parcels will be provided.

3. Outparcels

For properties that do not conform to the standards established in Section 2, “Total Number of Tax Parcels Per Easement,” the Land Conservation Specialist and landowner may discuss utilizing outparcels as a planning tool to identify and establish additional or future tax parcels.

- a. An outparcel is a portion of the property that is not encumbered by the easement .
- b. Outparcels should not exceed 5 percent of the total property size (all properties owned by the landowner)
- c. Outparcels may be created on the adjacent outer boundaries of the easement , and may not be located within the easement so that the outparcel is surrounded by easement encumbered lands.
- d. Landowners must check with their municipal planning departments to ensure that all proposed outparcels conform to local land use regulations and include sufficient road frontage, access and acreage where required by a local ordinance.
- e. Landowners must be made aware that creation of an outparcel may affect status of landowners agricultural exemption and/or enrollment status in 480A
- f. Outparcels may be used of as a planning tool in lieu of an ADA/FADA so long as it is determined that there are no Non Point Source (NPS) pollutant issues associated with the area of the proposed outparcels that may be addressed through a Whole Farm Plan.

4. ADAs and FADAs

ADAs (Acceptable Development Areas) should be utilized as a planning tool to ensure that particular areas, such as a farm complex areas, are covered by a Whole Farm Plan and to also ensure that farmers have sufficient space to accommodate existing as well as future agricultural and forestry operations. Farm complex areas typically generate the greatest amounts of Non Point Source (NPS) Pollutants on farms. If these areas are included in an ADA they will be covered by a WFP. Future Acceptable

Development Areas (FADAs) represent areas for future development and remain unsighted in the in the planning phase.

1) Size of ADA & FADA

- A. The aggregate acreage for all ADA's and FADAs (combined) generally should not exceed 5 percent of the total property size (in acres).

500 acres - 25 acres

400 acres – 20 acres

300 acres-15 acres

200 acres – 10 acres

100 acres – 5 acres

50 acres – 2.5 -3 acres

- B. The Easement Program LCS must review the Conservation Easement Land Plan with A WAP Whole Farm Planner prior to Easement Committee review to review proposed size of ADA(s) /FADA(s) to ensure proposed use area size and locations are consistent with requirements of existing and proposed Whole Farm Plan BMPs.

2) Number of ADA's and FADA's

When considering the total number of ADAs and FADAs that are appropriate for a given property, planners should first locate all structures on a property and draw ADAs around existing residential and farm structures.

- 1) Once the number of ADAs with existing structures has been identified, planners should discuss with landowners how many additional residences or farm complex structures they may need or would like and determine whether those anticipated structures may be located in a previously identified ADA or whether they would require the creation of a new ADA or FADA.
- 2) The total acreage of all ADA's and FADAs should not exceed the aggregate acreage for ADAs and FADAs identified in section 2, paragraph 1A.

- 3) Because ADA and FADAs may be divided as of right if they go across two tax parcels, or subdivided using an additional tax parcel, the total number of ADAs and FADAs allowed should be based on the total potential number of development areas that may be created on a property if divided or subdivided.
 - A. LCS should review with the landowner how the location of ADA/FADA may affect the appraised value of the easement.
 - B. LCS should ensure that the total number ADA's and FADAs support the landowner's current and future agricultural and forestry management objectives and operations for the property, including succession.
- 4) The ratio of ADA/FADA should be 1 per 100 acres. This number is determined by dividing the proposed number of ADAs and FADAs into the total number of acres under easement. The quotient representing the total number of development areas allowed on an easement property must be the lowest whole number and may not be rounded up.
 - a. Exceptions to this ratio will be made on a case by case basis by the easement committee, especially on properties that have non contiguous farm complex areas with existing structures.

5. Use Areas

Use areas such as ADAs, RPA, FCEA , ACEA each allow for specified uses and have specific restrictions. Land owner need to be made aware of the specific restrictions associated with each use area to ensure that the landowner is comfortable with the activities and uses allowed and restricted for certain areas of their property.

- A. Use areas should be reconciled against geographic features as well as projected uses or activities by a landowner, which may include activities other than farming such as rural enterprises or recreational uses.
- B. If an ADA with existing structures is identified and is within an RPA, the RPA boundary should be drawn around the ADA. Water Quality issues that may emerge should be addressed through the WFP. The LCS should coordinate with the Whole Farm Plan Planner to ensure BMPs are identified where necessary under such circumstances.
- C. ADAs that do not have structures should be placed outside an RPA, unless there is an issue with road frontage or access that needs to be considered.

- D. When mapping water resources , RPAs must be created around surface water resources using the following standards:
- a. Streams - 100 feet from the bank of the stream on each side of the stream.
 - b. Ponds and lakes (with in and out flows only) – 25 feet from the edge of the pond or lake. Ponds without inflows/outflows do not need to be identified as RPA.
 - c. Landowners must be made aware that FADA's cannot be placed in an RPA. LCS must let appraisers know that FADAs are prohibited in an RPA.