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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 04-124

AN ORDINANCE RELATING TO AGRICULTURAL LANDS; AMENDING NARRATIVE TEXT OF THE GENERAL POLICY PLAN (GPP) OF THE GMA COMPREHENSIVE PLAN (GMACP) LAND USE ELEMENT; AMENDING GPP POLICIES 7.C.5 AND 7.C.7; AMENDING LU 7 IMPLEMENTATION MEASURES; AND REPEALING GPP POLICY LU 7.D.6; RESPONDING TO THE SEVEN-YEAR COMPLIANCE REVIEW REQUIRED BY THE GROWTH MANAGEMENT ACT (GMA), RCW 36.70A.130

WHEREAS, RCW 36.70A.130 directs counties planning under the Growth Management Act (GMA) to take legislative action to review and, if needed revise its comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements in chapter 36.70A RCW; and

WHEREAS, Snohomish County adopted the Snohomish County Growth Management Act Comprehensive Plan ("GMACP") on June 28, 1995; and

WHEREAS, in 2002 the Legislature amended RCW 36.70A.130 to extend the deadline for the initial compliance review to December 1, 2004 for several jurisdictions, including Snohomish County; and

WHEREAS, in the spring of 2003 the County provided general notice it was, pursuant to RCW 36.70A.130, undertaking "the seven-year review process" (hereinafter referred to as the "seven-year compliance review"), along with the separate 10-year update process, through its widely disseminated *Focus on Tomorrow Newsletter* and through updates to the county website; and

WHEREAS, public open houses concerning the seven-year compliance review, as well as the 10-year update, were held in Everett on February 4, 2003, in Lynnwood on February 6, 2003, Monroe on February 10, 2003, and Arlington on February 19, 2003; and

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WHEREAS, on November 8, 2003, an all-day event referred to as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review and 10-year update with the public; and

WHEREAS, in April 2004, the County updated the public on the seven-year compliance review and 10-year update process through its widely disseminated *Focus on the Future Newsletter* and placed on the county website and through updates to the county website; and

WHEREAS, the County held public hearings concerning the seven-year compliance review and 10-year update in Arlington on June 1, 2004, and June 8, 2004, as well as in Everett on June 3, 2004; and

WHEREAS, on May 15, 2004, an all-day event known as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review update and 10-year update with the public; and

WHEREAS, Snohomish County Department of Planning and Development Services ("PDS") staff hosted public workshops on the seven-year compliance review and 10-year update in Lynnwood on June 14, 2004, in Monroe on June 16, 2004, and in Arlington on June 17, 2004; and

WHEREAS, on June 29, 2004, a joint public hearing before the County Council and Planning Commission hearing was held in Everett concerning the seven-year compliance review and 10-year update; and

WHEREAS, on July 27, 2004, PDS presented overviews of the seven-year compliance review and 10-year update to the Planning Commission and the County Council Planning Committee; and

WHEREAS, based on the information and comment gained during the public process and on extensive internal review of the County's GMACP and GMA development regulations, PDS prepared a list of tasks to be taken in response to the seven-year compliance review required by RCW 36.70A.130, and forwarded the same to the County Council for consideration on July 27, 2004; and

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WHEREAS, on July 28, 2004, the County Council scheduled a public hearing for August 11, 2004 to consider the scope of the seven-year compliance review based upon the recommended task list provided by PDS, which was advertised to the public; and

WHEREAS, at the public hearing on August 11, 2004, the County Council heard public testimony on the scope of review for the seven-year compliance review recommended by PDS and responded to written comments from the public; and

WHEREAS, following public testimony at the hearing on August 11, 2004, the County Council passed Amended Motion 04-329, which adopted the task list recommended by PDS as Exhibit A, with minor corrections to improve the accuracy of information contained in PDS list and attached exhibits; and

WHEREAS, among the action items included in the list adopted by Amended Motion 04-329 are updates to the Land Use chapter of the County's GMACP General Policy Plan (GPP) relating to designated agricultural resource lands; and

WHEREAS, pursuant to chapter 30.73 SCC, a properly noticed public hearing was held before the Planning Commission on September 21, 2004, to consider the GMA Plan amendments adopted by this ordinance and recommendations provided by PDS; and

WHEREAS, pursuant to chapter 30.73 SCC, a properly noticed public hearing was held before the County Council on November 17, 2004 to consider the entire record and to hear public testimony concerning the GMA Plan amendments adopted by this ordinance.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council bases its findings of fact and conclusions on the entire record of the planning commission and the county council, including all testimony and exhibits.

Section 2. The County Council adopts and incorporates the foregoing recitals as findings and conclusions as if set forth fully herein.

Section 3. The County Council makes the following additional findings and conclusions regarding proposals to amend the comprehensive plan to ensure that the GMACP and implementing development regulations are internally consistent and that they comply with the GMA:

- A. The proposed amendments, which delete narrative text of the Agricultural Lands section of the Land Use Element of the GPPA the GMACP dated August 2004, on page LU-42 and GPP Policy LU 7.C.5 and repeals GPP Policy LU 7.D.6 that reference the 1982 Agricultural Preservation Plan, are necessary in order to acknowledge that the 1982 Agricultural Preservation Plan, including the Plan's transition policies, has been entirely superseded by the GMACP.
- B. The proposed amendment to GPP Policy LU 7.C.6 regarding notification of property owners located near designated farmland is necessary in order to achieve consistency with the notice and disclosure requirements in Snohomish County Code Section 30.32B.210 and RCW 36.70A.060.
- C. The proposed amendments to LU 7 Implementation Measures to allow the use of fish farms, farm product retail stores, farm processing and farm equipment repair on all farmlands are necessary in order to achieve consistency with the regulatory requirements of the County's zoning code (Chapter 30.22 SCC) and the regulatory authority granted to counties by the Legislature in enacting SB 6237 in 2004.
- D. The proposed amendments maintain consistency with other elements of the GMA comprehensive plan.
- E. All applicable elements of the GMA comprehensive plan support the proposed amendments.
- F. The proposed amendments more closely meet the goals, objectives and policies of the GMA comprehensive plan as discussed in the specific findings.
- G. The proposed amendments are consistent with the countywide planning policies (CPPs).

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- H. Addendum No. 40 to the Final Environmental Impact Statement (EIS) for the GMACP was issued on August 11, 2004. This addendum describes the amendments adopted by this ordinance and adds information and analysis of the significant impacts identified for the alternatives analyzed in the Draft EIS dated April 11, 1994 and Final EIS issued on June 21, 1995. The information and analysis in Addendum No. 40 expanded on previously identified alternatives but did not substantially change the analysis of significant impacts and alternatives analyzed in the county's adopted environmental documents. No additional significant impacts beyond those identified in the EIS are expected to occur.
- I. The amendments adopted by this ordinance are within the scope of analysis contained in the FEIS for the GMACP, June 21, 1995, and related environmental documents adopted by the County. Addendum No. 40, which was issued on August 11, 2004, performs the function of keeping the public apprised of the refinements adopted by this ordinance by adding new information, but it does not substantially change the analysis of significant impacts and alternatives analyzed in the existing adopted environmental documents.
- J. The State Environmental Policy Act requirements with respect to this proposed action have been satisfied by this addendum.
- K. There has been early and continuous public participation in the review of the proposed amendments as required by chapter 30.73 SCC and 30.74 SCC.
- L. The county council held public hearings on November 17, 2004 to consider the planning commission's recommendation.
- M. The public was notified of the public hearings held by the planning commission and the county council by means of published legal notices in The Everett Herald and local newspapers.
- N. The proposed ordinance has been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.

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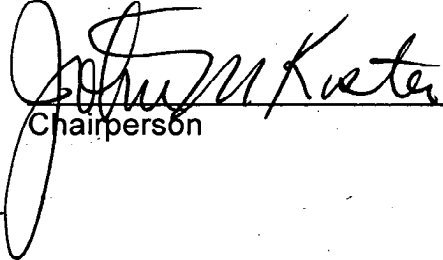
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Section 4. Based on the foregoing findings and conclusions, the Snohomish County GMA Comprehensive Plan – General Policy Plan adopted as Exhibit A in Section 4 of Amended Ordinance 94-125 on June 28, 1995 and last amended by Ordinance No 04-057 on May 24, 2004 is amended as indicated in General Policy Plan Amendments to Land Use Policies, which is attached hereto as Exhibit A and incorporated by reference into this ordinance as if set forth in full.

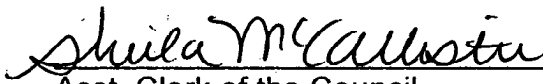
Section 5. Severability. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance.

PASSED this 17th day of November, 2004

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

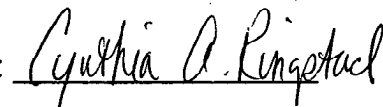
ATTEST:


Asst. Clerk of the Council

- APPROVED
 EMERGENCY
 VETOED

DATE: 11/30/04


Snohomish County Executive

ATTEST: 

Approved as to form only:

Deputy Prosecuting Attorney

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EXHIBIT A

General Policy Plan Text Amendments

The narrative text to the Agricultural Lands section of the Land Use Element of the GPP to the GMACP, dated August 2004, set forth on page LU-42 is amended to read:

Agricultural Lands

The GMA states that cities and counties should "assure conservation of agricultural land of long-term commercial significance."

The Act also requires local government to assure that land uses adjacent to designated resource lands not interfere with the continued resource use. These statements provide a clear directive to conserve agricultural lands for the future of the state.

~~((Snohomish County has a history of agricultural land preservation. In 1982 the county enacted the Agricultural Preservation Plan as an element of the county's comprehensive plan. The plan delineated agricultural districts to be implemented through Agriculture 10 Acre zoning and established recommendations supporting agriculture and reducing incompatible land uses. In 1983 policies for adjacent non-farm lands, or transition areas, were incorporated into the plan. The policies sought to further reduce conflicts between agricultural and nonagricultural uses through distance and visual setbacks, buffers, and barriers.~~

~~Snohomish County also adopted comprehensive plans subsequent to adoption of the 1982 Agricultural Preservation Plan. These plans include agricultural land area designations and policies which are consistent with and refine the 1982 Agricultural Preservation Plan.))~~

The GMA required the county to prepare and adopt an interim agricultural conservation plan and development regulations. The interim agricultural conservation planning process began

in 1990 and has relied heavily on the land use inventory, documented farmland loss, and issues discussion completed for the 1982 Agricultural Preservation Plan.

The GMA interim plan mapped and characterized farmlands included in the 1982 plan, as well as other identified areas fulfilling state and local criteria for designation as agricultural lands of long-term commercial significance. Three types of agricultural land were classified and designated:

- Riverway Commercial Farmland,
- Upland Commercial Farmland, and
- Local Commercial Farmland.

Protective measures were adopted for each of the three farmland classifications together with supplemental policies for land use and zoning, adjacent land uses, innovative land use techniques, road and utility restrictions, water management, and industry enhancements. Where appropriate, future policy needs were identified along with a strategy to ensure their timely consideration.

Formal public participation for GMA agricultural planning was initiated in August 1991. The Citizen Agriculture Committee consisted of eleven farm-related positions and an equal number of nonfarm related positions.

The committee generally met every two weeks from August until it completed a recommendation in early February 1992. During that same period, five public meetings were held in five locations throughout the county. The agricultural goal, objectives, policies, and implementation measures of this General Policy Plan incorporate and

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replace the 1982 Agricultural Preservation Plan ~~((except the transition area policies))~~ and the 1993 Interim Agricultural Conservation Plan. Many of the policy needs identified in earlier plans have been directly addressed. The 1993 Interim Agricultural Conservation Plan provides the basis for the agricultural land designations in the General Policy Plan and the interim plan text is incorporated by reference.

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GPP Policies 7.C.5 and 7.C.7 of the GMACP, dated August 2004, set forth on Page LU-44 are amended to read:

Objective LU 7.C

Conserve and enhance the agricultural industry through development and adoption of supporting programs and code amendments.

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| LU Policies | 7.C.1 | Public and private infrastructure improvements should not be planned or constructed on designated farmland, or should minimize impacts on farmland and farm operations. |
| | 7.C.2 | The county shall work with the cities to develop interlocal agreements that apply transition policies and standards to developments which occur in cities and are adjacent to designated farmlands. |
| | 7.C.3 | Opportunities for the expansion of specialty agriculture, especially greenhouses and hydroponic farming, shall be promoted in Upland Commercial farmland and Rural Residential-10 areas. |
| | 7.C.4 | The regulatory measures adopted concurrently with the adoption of the General Policy Plan shall be incorporated in the appropriate titles of the Snohomish County Code. |
| | 7.C.5 | ((Transition area policies from the 1982 Agricultural Preservation Plan shall be retained and shall apply to lands within the transition area jurisdiction as defined on pages 104 and 105 of the 1982 Agricultural Preservation Plan until development regulations required by this plan are adopted.)) <u>[Reserved]</u> . |
| | 7.C.6 | The county shall ensure that permitted uses in designated agricultural lands adjacent to airports are compatible with airport operations and requirements of the Federal Aviation Administration. |
| | 7.C.7 | The County shall ((continue notification)) notify ((ef)) owners ((ef)) that their property is located near designated farmland. ((and nearby lands as required by the Right to Farm Ordinance.)) |

GPP Policy LU 7.D.6 of the GMACP dated August 2004, set forth on page LU-45, is repealed.

Objective LU 7.D

Initiate and continue studies which may result in improved conservation of agricultural lands.

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|--------------------|-------|---|
| LU Policies | 7.D.1 | Larger minimum lot sizes of forty acres for Riverway Commercial farmlands shall be investigated. |
| | 7.D.2 | Establishment of a Rural Resource Transition designation with a minimum lot size of ten acres between designated Riverway Commercial farmland and land designated rural residential shall be studied. |
| | 7.D.3 | The transfer of development rights (TDR) and purchase of development rights (PDR) studies shall be completed to determine the extent to which these techniques should be used to help conserve designated farmland. Analysis shall include:
(a) applicability of these techniques to the different farmland classes; |

- (b) plan policies, zoning code amendments, and a budget to establish a TDR program including sending and receiving area designations and related TDR implementation tasks;
 - (c) bond issue size and timing to provide funding for a purchase of development rights program; and
 - (d) methods to gain cooperation of cities to establish and maintain TDR receiving areas within incorporated areas.
- 7.D.4 Methods for mitigating future redesignation of designated farmlands to other designations shall be studied.
- 7.D.5 Incentives for agricultural industry enhancement such as improved permit processing for designated farmlands and value assessment of farm residences in designated farmland areas at farm rates shall be investigated.
- 7.D.6 ~~((The transition area policies of the 1982 Agricultural Preservation Plan shall be studied for their effectiveness in protecting designated farmlands))~~[Reserved].
- 7.D.7 Criteria and procedures should be investigated that allow minor adjustments (ten acres and less) to the boundaries between Riverway Commercial farmland and rural designations.
- 7.D.8 The impacts of siting public facilities such as schools, fire stations, and community centers adjacent to designated farmland should be studied and, if necessary, plan and code amendments should be initiated.

Implementation Measure LU 7(c) on pages H 3 to H 5 of the GPP to the GMACP, dated August, 2004, is amended to read:

LU 7 Implementation Measures

- a. Review requests for deletion from or addition to designated farmland based on the following mandatory criteria for agricultural land designation:

Subject land shall be:

- (1) prime farmland as defined by the U.S. Soil Conservation Service (SCS) and other Class III soils in the SCS capability classification;
- (2) identified as devoted to agriculture by:
 - Snohomish County plan designation,
 - Snohomish County Zoning Code Agriculture-10 acre,
 - identification in the 1982 agriculture land inventory, the 1990 aerial photo interpretation, or the 1991 field identification of land devoted to agriculture,
- (3) located outside a UGA,
- (4) located outside a sewer service boundary, and
- (5) a parcel of 10 acres or greater in Upland Commercial or Local Commercial Farmland areas.

Requests for addition to the farmland designation must also meet the following additional criteria:

- (1) be in or placed in the agricultural or other open space tax program,
- (2) adjacent to parcels totaling a minimum of eighty acres of land eligible for a designation as Commercial farmland,

- (3) be a minimum of twenty acres under single ownership or under a common management agreement to which a series of 10 acre parcels may be contiguous, and
- (4) if not adjacent to 80 acres of eligible land, the area must be at least eighty (80) acres in size.

b. Review and consider for adoption infrastructure policies such as:

- (1) electrical substations, sewer lines, treatment facilities, and services should avoid designated farmland and be sited therein only if it is demonstrated through the SEPA process that no other alternative is available;
- (2) in cases where a sewer line is installed through farmland, hookups from farmland to the sewer line shall be prohibited, unless a public health emergency is declared;
- (3) sewer planning and installation on land adjacent to and on valley sides near designated farmland, particularly riverway farmland, should be sized as to not promote urban encroachment, incompatible adjacent uses, or farmland conversion;
- (4) new or improved arterial roads in designated farmland should include grade separations, frontage roads, or other methods to safely move vehicles and livestock; and
- (5) clean water or drainage districts should be created to better manage run-off and sediment in farmland areas.

c. Investigate and adopt, as appropriate, code revisions such as:

- (1) delete ultralight airfields, churches, and government facilities, and buildings as permitted or conditional uses in Riverway and Upland Commercial Farmlands;
- (2) allow fish farms to continue as a permitted or conditional use in ~~((Riverway and Upland Commercial))~~ farmland~~((s))~~ areas only upon the adoption of development regulations including locational and performance conditions;
- (3) add farm product processing, farm product retail stores, and farm equipment repair garages as permitted or conditional uses in ~~((Upland Commercial F))~~ farmland areas;
- (4) provide for farm stand size increases to ~~((2))~~ 5,000 square feet in Riverway and Upland Commercial farmland areas;
- (5) allow temporary and easily removable, unlighted, noncommercial playfields within designated agricultural areas;
- (6) provide a minimum lot size of ten acres for Local Commercial Farmland and Upland Commercial Farmland not zoned to Agriculture-10 acre; and
- (7) provide that the rural cluster provisions of the Snohomish County Code may be used in Local Commercial farmlands not zoned Agriculture-10 acre with a basic lot yield of 1 lot per 200,000 square feet, except that no lot may be reduced to less than one acre.

d. Evaluate County sludge utilization policies (Solid Waste Plan) and regulations for consistency with the new federal standards (40 CFR Part 503) and the forthcoming State regulations. Consider permitting application of boiler bottom ash from wood waste only that meet EPA's standards for odors, pathogens and metals in designated agricultural lands. Consider strategies for cooperating with the Snohomish Health Department to eliminate redundancy in project review of some biosolid application projects.

e. Jointly study, with the City of Arlington and citizens, future land use, resource lands, and critical area choices for the Stillaguamish River valley within an area generally bounded on the north and south by the boundaries of the county's A-10 zone, on the west by the I-5 right-of-way, and on the east by SR 9 and the Arlington city limits, excluding any urban growth area.