

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON



AMENDED  
EMERGENCY ORDINANCE NO. 95-049  
REGULATIONS TO CONSERVE AGRICULTURAL LANDS;

AMENDING ORDINANCE 93-038 AND  
SNOHOMISH COUNTY CODE TITLE 32

WHEREAS, the goals of the Growth Management Act of 1990, as amended (hereinafter referred to as "GMA") relating to resource lands are to maintain and enhance natural resource-based industries, including productive timber, agriculture and fisheries industries, and to encourage the conservation of productive forest lands and productive agriculture lands, and discourage incompatible uses; and

WHEREAS, on August 4, 1993, the County adopted the Interim Agricultural Conservation Plan (Motion 93-145) and Interim Regulations to Conserve Agricultural Lands (Ordinance 93-038), to conserve productive agricultural lands until the County Comprehensive Plan is adopted; and

WHEREAS, the Snohomish County Comprehensive Plan General Policy Plan (hereinafter referred to as the GPP), adopted by Ordinance 94-125, establishes resource land designations and policies to conserve resource lands, replacing the Interim Agricultural conservation Plan policies and interim agricultural land designations; and

WHEREAS, the Interim Regulations to Conserve Agricultural Land require revisions to conserve resource lands designated in the GPP consistent with the GPP policies and to repeal sections of Ordinance 93-038 which are no longer applicable;

NOW, THEREFORE, BE IT ORDAINED:

Section 1:

Snohomish County Code Chapter 32.14, last amended by Ordinance 94-084 on September 17, 1994 is amended to read as follows:

## INTERIM AGRICULTURAL LAND REGULATIONS

### Sections:

- 32.14.005 Definitions
- 32.14.010 Land use disallowance.
- 32.14.020 Subdivisions in upland commercial farmland.
- 32.14.030 Subdivisions in local commercial farmland.
- 32.14.040 Reduced lot sizes in rural cluster~~((ed residential))~~ subdivisions.
- 32.14.050 Setbacks for dwellings along boundaries of interim farmlands.
- ~~((32.14.060 Procedure to delete or add farmland designations.))~~
- 32.14.070 Road and utility limits.
- ~~((32.14.080 Assign community development division agricultural specialists.))~~
- ~~((32.14.085 Assign agricultural advisory board to monitor and recommend changes to plan.))~~
- 32.14.087 Study feasibility of transfer/purchase of development rights.
- ~~((32.14.090 Plan designation list.))~~

### 32.14.005 Definitions

(1) "~~Interim f~~Farmlands" means all lands designated ~~interim~~ riverway commercial, upland commercial or local commercial farmland by the Snohomish County Comprehensive Plan General Policy Plan adopted by Snohomish County Council Motion 93-145 Ordinance No. 94-125.

(2) "Resource protection area" means an area ~~((a minimum of 50 feet in width))~~ that is located along the boundaries of ~~((lands))~~ designated ~~((interim))~~ farmland. Resource protection areas shall be recorded in the manner required by law for covenants running with the land. Dwellings shall not be located in the resource protection area and this use restriction shall be considered in calculating the assessed value of the property.

### 32.14.010 Land use disallowance.

Within the riverway commercial farmland and upland commercial farmland designation areas, the following uses ~~((are subject to further evaluation during the comprehensive plan code update process and))~~ shall not be allowed ~~((during the effective date for this ordinance))~~:

- (1) Churches;
- (2) Ultralight airfields; and
- (3) New Government structures and facilities, except roads, utilities, and flood protection, drainage, and irrigation structures and facilities.

### 32.14.020 Subdivisions in upland commercial farmland.

Areas designated upland commercial farmland and not zoned agriculture 10-acre, shall not be subdivided into lots less than 10 acres unless a properly executed deed restriction which runs with the land and which provides that the land subdivided is to be used exclusively for agriculture,

forestry, utility purposes or for gift or dedication to a public or not-for-profit park or conservation agency and specifically not for a dwelling(s) is recorded with the Snohomish County auditor.

32.14.030 Subdivisions in local commercial farmland.

Areas designated local commercial farmland shall not be subdivided into lots of less than 10 acres unless, (1) a properly executed deed restriction which runs with the land and which provides that the land subdivided is to be used exclusively for agriculture, forestry, utility purposes or for gift or dedication to a public or not-for-profit park or conservation agency and specifically not for a dwelling(s), is recorded with the Snohomish County auditor, or (2) a rural cluster subdivision at the underlying zoning is approved.

32.14.040 Reduced lot sizes in clustered residential subdivision.

In areas designated local commercial farmlands, minimum lot sizes in rural cluster((ed)) ((residential)) subdivisions may be reduced to not less than one (1) acre.

32.14.050 Setbacks for dwellings along boundaries of ((interim)) farmlands.

New dwellings proposed to be located on ((interim)) farmlands or on parcels adjacent to ((interim)) farmlands shall:

(1) Establish and maintain a minimum 50-foot setback from the boundaries of ((adjacent interim)) farmlands, except as follows:

(a) If the size, shape, and/or physical site constraints of an existing legal lot do not allow for a setback of 50 feet, the new dwelling shall maintain the maximum setback possible within the physical constraints of the lot;

(b) If the owner of the land on which the new dwelling is proposed and the owner of the adjacent designated farmland each sign and file for record, in the manner required by law for covenants running with the land, a document which establishes an alternative setback for one or both of the adjacent properties, a setback of less than 50 feet may be maintained.

32.14.055 Resource protection area establishment.

(1) Applicants for building permits for new dwellings proposed to be located on existing legal lots within ((interim)) farmlands or on parcels adjacent to ((interim)) farmlands may establish a resource protection area.

(2) Subdivisions, short subdivisions and rural cluster subdivisions of parcels adjacent to ((interim)) farmland shall establish a resource protection area of a minimum 50-foot width along ((interim)) farmland boundaries.

~~32.14.060 Procedure to delete or add farmland designations.~~

~~(1) The county shall review landowners' requests to have their land excluded from an interim farmland designation. Requests for exclusion shall be accepted by the county for six months following the adoption of the interim agricultural conservation plan. The properties to be reviewed shall be evaluate for their consistency with the five mandatory criteria described in appendix A of the interim agricultural conservation plan and a site visit by planning division staff shall be conducted as part of the review. Where a single parcel has been placed in more than one interim resource land designation, planning division staff shall evaluate the property and recommend a single interim resource land designation. recommended changes in the interim farmland boundary resulting from review of individual properties shall be processed as a comprehensive plan amendment. This subsection shall be repealed when permanent farmlands are designated as part of the countywide comprehensive plan.~~

~~(2) The county shall review landowners' requests to have their land designated as interim farmland. Requests for designation shall be accepted by the county until permanent farmlands are designated as part of the countywide as amendments to comprehensive plan. The county Planning staff shall develop use criteria in the GPP for evaluating requests for inclusion and a site visit by planning division staff shall be conducted as part of the review. Recommended changes in the interim farmland boundary resulting from review of individual properties shall be processed as a comprehensive plan amendment. This subsection shall be repealed when permanent farmlands are designated as part of the countywide comprehensive plan.))~~

#### 32.14.070 Road and utility limits.

Within ((designated)) farmlands ((areas)), installation of all new or expanded public road, utilities, or drainage facilities subject to the Snohomish County environmental policy ordinance shall include review of impact on farmlands and farm operations. Said road and utility development shall avoid prime farmland as much as possible and minimize disruption of current field and farm operation patterns.

#### ~~((32.14.080 Assign community development division agricultural specialist.~~

~~Within six months of the effective date of this chapter, the county shall hire or assign and train a community development division specialist in agricultural site development, shoreline, grading and related review to assist in and accelerate agricultural related permit processing.))~~

#### ~~((32.14.085 Assign agricultural advisory board to monitor and recommend changes to plan.~~

~~Monitoring and evaluation of implementation of regulations, incentives and other policies of the interim agricultural conservation portion of the GPP plan and implementing development regulations ordinances shall be the responsibility of the agricultural advisory board as provided in chapter 2.06 SCC.))~~

#### 32.14.087 Study feasibility of transfer/purchase of development rights.

The county is studying the feasibility of purchase and/or transfer of development right programs (PDR and TDR) as a means of conserving designated farmland. If the feasibility study concludes that PDR and/or TDR would be an effective means of conserving designated farmland, an ordinance to allow purchase and/or transfer of development rights shall be adopted.

~~((32-14.090 Plan designation list.~~

~~The planning division shall maintain a list of farmland areas for which a request for redesignation from agricultural to other designations has been submitted at agricultural conservation plan public meetings and public hearings either orally or in writing. The list may also include farmland areas that may be added to an agricultural designation because of further data analysis. Redesignation requests shall be addressed in the rural resource element of the updated comprehensive plan.))~~

Section 2:

Section 2 of Ordinance 93-038 hereby repealed in its entirety.

Section 3. Effective Date. This ordinance shall be effective on the date Ordinance No. 94-125 becomes effective.

Section 4. Emergency Declared. The Council finds that it is necessary for this ordinance to be effective on the same date as the ordinance approving the GMA required Comprehensive Plan, Ordinance 94-125. Insufficient time exists for this ordinance to take effect on or before that date under the normal non-emergency ordinance adoption process. The Council further finds that this ordinance is necessary for the support of county government and its existing public institutions. Based on the foregoing, the County Council declares that an emergency exists and this ordinance shall take effect as provided for in Section 3.

PASSED this 10<sup>th</sup> day of July, 1995.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Karen Miller  
Chairperson

ATTEST:

Matthew J. Bratcher  
Clerk of the Council

DATE: 7-13-95

- APPROVE  
 VETOED  
 EMERGENCY

Joan M. Earl  
County Executive **JOAN M. EARL**  
Deputy Executive

ATTEST:

Linda M. Crea

APPROVED AS TO FORM:

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ORDINANCE NO. 95-049  
AMENDING ORDINANCE 93-038 & TITLES 17, 18,  
19, 20 & 32 TO CONSERVE AGRICULTURAL LANDS  
28 March, 1995  
Planning Commission Version  
w/council revisions introduced

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