

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



AMENDED
EMERGENCY ORDINANCE NO. 95-051

**AMENDING ORDINANCE 93-040 AND SNOHOMISH COUNTY
CODE TITLE 32, RIGHT TO FARM**

WHEREAS, the Washington State Growth Management Act (hereinafter GMA) (36.70A.060 RCW) requires cities and counties to adopt development regulations which assure the use of lands adjacent to agriculture, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner, of these designated lands for the production of food, agricultural products, timber, or for the extraction of minerals; and

WHEREAS, the GMA (36.70A.060 RCW) requires that counties and cities shall require that all plats, short plats development permits, and building permits issued for development activities on, or within 300 feet of, lands designated as agricultural lands, forest lands or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration; and

WHEREAS, on August 4, 1993, the County adopted the Right to Farm Ordinance (Chapter 32.15 SCC), which requires notification of landowners of designated interim agricultural lands and landowners within 1300 feet of designated interim agricultural lands of commercial agricultural activities, thus meeting the requirements of the GMA (36.70A.040 and 36.70A.070 RCW); 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, Chapter 32.15, Right to Farm, should be revised to maintain the notification requirements on agricultural lands designated in the GPP, including the GMA requirements for notification of landowners within a minimum of 300 feet of designated agricultural lands (36.70A.070 RCW);

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1:

Snohomish County Code, Section 32.15.020 adopted by Ordinance 93-040, on August 4, 1993, is amended to read as follows:

32.15.020 Definitions.

(1) "Acceptable agriculture practices" means agricultural activities undertaken in conformity with all applicable laws and rules, including farm water quality management plans developed in accordance with standards and specifications of the U.S. department of agriculture/soil conservation service authorized in the compliance agreement among the Washington state department of ecology, the Snohomish conservation district, and the Washington state conservation commission relative to agricultural water quality management and approved by the Snohomish conservation district.

(2) "Agricultural activities" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets, noise, odors, dust, fumes, operation of machinery and irrigation pumps, movement of water, including, but not limited to, use of current county ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses; and conversion from one agricultural activity to another.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

(4) "Building permit" means a permit issued under Title 17 SCC, except permits for group M occupancies, plumbing and mechanical.

(5) "Designated farmland" means any land designated as agricultural land pursuant to RCW 36.70A.070(1) by ~~the Snohomish C(e)ounty ((council Motion 93-145, land-zoned agricultural 10-acre in the zoning code, and land designated agricultural land of primary importance in the agricultural preservation plan))~~ Comprehensive Plan General Policy Plan adopted by Ordinance No. 94-125.

(6) "Development permit" means a permit requiring discretionary review, including but not limited to subdivision approval, short plat approval, a planned residential approval, special use permit, shoreline substantial development permit, and a conditional use permit.

(7) "Farm" means the land, building, freshwater ponds, freshwater culturing and growing facilities, and machinery used in the commercial production of farm products.

(8) "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries, equine and other similar products, or any other products which incorporates the use of food, feed, fiber, or fur.

(9) "Person" means an individual, corporation, partnership, association, or other legal entity.

SECTION 2: Effective Date this ordinance shall be effective on the date Ordinance No. 94-125 becomes effective.

SECTION 3. Emergency Declared. The County Council finds that it is necessary for this ordinance to be effective on the same date as the ordinance adopting 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 2.

PASSED this 10th day of July, 1995.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Karen Miller
Chairperson

ATTEST:

Matthew J. Bratcher
Clerk of the Council

APPROVE
 VETOED
 EMERGENCY

Date: 7/13/95

Amy Weibel
County Executive

ATTEST:

Linda McCrea

APPROVED AS TO FORM:
