



## JEFFERSON COUNTY

### DEPARTMENT OF COMMUNITY DEVELOPMENT

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## MLA02-485: Revised “Exhibit B,” proposed text amendment to the Unified Development Code

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**Date:** February 28, 2003

**Background:** The original Master Land Use Application (MLA) 02-485 is dated September 12, 2002. The Unified Development Code (UDC) is proposed for amendment in order to implement a Settlement Agreement between Jefferson County and the Washington Environmental Council (WEC). The revised staff recommendation presented below concerns the component of the Settlement Agreement that addresses the relationship between habitat protection and existing and ongoing commercial agriculture. The other components of Exhibit B (regarding wetland replacement ratios and special report review procedures) remain as originally presented. A **public hearing** on MLA02-485, including this revised recommendation, has been scheduled before the Planning Commission for **March 19**, 2003, at 7:00 PM, WSU Extension, Port Hadlock.

Please review the **Landowner Interpretation Key** at the conclusion of this document for a summary of the results of these proposed amendments for different categories of land. For more information, please visit the DCD web page dedicated to Agricultural Lands Planning (use the “Issue Links” portal from the DCD page cited above); consult a 14-page DCD staff memorandum to the Planning Commission dated February 13, 2003 (posted on the web page) and/or contact DCD Long-Range Planning ([planning@co.jefferson.wa.us](mailto:planning@co.jefferson.wa.us)).

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### Revised Staff Recommendation

#### Step One: UDC Amendment Regarding Agricultural (Ag) Exemption

The result of these amendments would be that lands either designated as GMA Ag Lands (i.e., lands that are designated/zoned Agricultural Lands of Long-Term Commercial Significance pursuant to the Jefferson County *Comprehensive Plan* and the Growth Management Act—GMA) or enrolled in the Jefferson County Open Space Tax Program as Ag Lands would be exempt from the standard UDC stream and wetland buffers.

1. Modification of the definition of “Agriculture, Existing and Ongoing” in Section 2 of the UDC:

## **Agriculture, Existing and Ongoing**

Any agricultural activity conducted on lands ~~defined in RCW 84.34.020(2)~~ enrolled in the Open Space Tax Program as Agricultural Land or designated as Agricultural Lands of Long-Term Commercial Significance on the *Comprehensive Plan* Land Use Map; agricultural use ceases when the area on which it is conducted is converted to a non-agricultural use.

2. Removal of the General Exemption at 3.6.4.f(1)ii. Refinement of exemptions in 3.6.8 Fish and Wildlife Habitat Areas (specifically 3.6.8.d(3) and (6)) and 3.6.9 Wetlands (specifically 3.6.9.c(1)v).

### **UDC 3.6.4 Environmentally Sensitive Areas District (ESA), f. General Exemptions**

(1) The following activities are exempt from the requirements of this Section: ...

~~ii. Pre-existing and ongoing agricultural activities on lands containing environmentally sensitive areas. For the purpose of this Section, existing and ongoing means that the activity has been conducted within the past five years.~~

### **UDC 3.6.8 Fish and Wildlife Habitat Areas, d. Exempt Activities.**

~~(3) Ongoing and existing~~ Existing and ongoing landscaping activities (such as lawn and garden maintenance) and existing and ongoing agricultural activities on lands enrolled in the Open Space Tax Program as Agricultural Land or on lands designated as Agricultural Lands of Long-Term Commercial Significance on the *Comprehensive Plan* Land Use Map. For the purpose of this section, existing and ongoing means that agricultural activities have been conducted annually<sup>1</sup> within the five-year period leading up to the adoption of Ordinance No. \_\_\_\_\_ on \_\_\_\_\_, 2003.<sup>2</sup>

(6) Harvesting wild crops which do not significantly affect the viability of the wild crop, the function of the Fish and Wildlife Habitat Area or regulated buffer (does not include tilling of soil or alteration of the Fish and Wildlife Habitat Area, except as provided in (3), above).

### **UDC 3.6.9 Wetlands, c. Exempt Activities, (1) Wetlands.**

v. Existing and ongoing agricultural activities on lands enrolled in the Open Space Tax Program as Agricultural Land or on lands designated as Agricultural Lands of Long-Term Commercial Significance on the *Comprehensive Plan* Land Use Map. For the purpose of this section, existing and ongoing means that agricultural activities have been conducted annually within the five-year period leading up to the adoption of Ordinance No. \_\_\_\_\_ on \_\_\_\_\_, 2003.

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<sup>1</sup> This sentence as it appears differs from the recommendation offered at the conclusion of the staff memorandum to the Planning Commission dated February 13, 2003. "Agricultural activities" has been substituted for "activity" and "annually" has been inserted after "conducted."

<sup>2</sup> The blank date space is reserved for the date of adoption of the amending ordinance associated with MLA02-485, if and when adopted.

The result of these amendments would be that all lands either designated as GMA Ag Lands or enrolled in the Open Space Tax Program as Ag Lands would be exempt from the standard UDC stream and wetland buffers. Fish and Wildlife Habitat Area and Wetland protection would be accomplished through the basin-by-basin riparian management planning process being implemented pursuant to the WEC Settlement Agreement.

Provision 4.1 of the Settlement Agreement concerns limiting the current agricultural exemption. This proposal would limit the current exemption in two ways; the agricultural exemption would apply to only the Fish and Wildlife Habitat Areas and Wetlands sections of the UDC and to only lands that have been committed to commercial agriculture for the long-term, either through the Open Space Tax Program, a GMA Ag Lands designation, or both.

### **Step Two: Comprehensive Agricultural Lands Policy and Regulation**

Staff also recommends that the Planning Commission work with staff to craft a *Comprehensive Plan* amendment and UDC amendment package for submittal into this year's *Comprehensive Plan* amendment cycle that addresses in a comprehensive manner the following issues:

- Clarification of various Agricultural Lands designations, as defined and regulated in the UDC
- Designation / petition process for Agricultural Lands of Local Significance, including Aquaculture Resources (may involve an outreach program to generate agricultural landowner interest in "opting in" to the Agricultural Lands of Local Significance program)
- Clarification of UDC regulations as applied to Ag land use districts and reconsideration of allowed and conditional uses per the use table (Table 3-1) (e.g., allow the potential for "farm camps" as schools operating on agricultural lands)
- Completion of UDC Section 4.3 on agricultural best management practices (BMPs), including BMPs for aquaculture
- Other unfinished *Comprehensive Plan* policies and action items, as necessary and possible

### **Landowner Interpretation Key**

Following is a breakdown of how each category of agricultural land would be regulated following adoption of these proposed UDC amendments. It is necessary to know the land use district designation (i.e., zoning) of a parcel to use this key. Interested parties can use the map tools on the County website or contact DCD.

**Land that is designated (i.e., zoned) either Commercial Agriculture (AG-20), Local Agriculture (AG-5), or within an Agriculture Production District (APD)**

Land that is in one or more of these categories is part of the County's "GMA Ag Lands" (i.e., Agricultural Lands of Long-Term Commercial Significance). Existing and

ongoing agriculture practiced on these lands would *not* be subject to standard stream and wetland buffers (which range between 25 and 150 feet). Landowners would be strongly encouraged to participate in voluntary, basin-by-basin riparian management planning efforts coordinated by Jefferson County Natural Resources and Jefferson County Conservation District. The basin-by-basin planning process is scheduled to be completed by the end of 2006.

**Land that is enrolled in the Jefferson County Open Space Tax Program as Agricultural Land**

Ag Land in the Tax Program would also be exempt from standard buffers, as above. Landowners would be encouraged to participate in the voluntary management program. Note that some land may be *both* GMA Ag Land *and* enrolled in the Tax Program as Ag Land.

**Land on which agriculture is being conducted annually, but that is at this time neither designated GMA Ag Land nor enrolled in the Tax Program as Ag Land**

Landowners would have the option of either petitioning to “opt-in” for GMA Ag Land designation (most likely as Agricultural Land of Local Significance, which in the UDC is called Local Agriculture, AG-5) *or* applying to the Assessor for enrollment in the County Open Space Tax Program as Agricultural Land. For either of these programs, the petition or application would be reviewed against the qualifying criteria. A petition for GMA Ag Lands designation would be reviewed during the 2003 Comprehensive Plan annual amendment cycle, beginning May 1. More information on this process will be available within the coming months, pending adoption of these proposals by the Board of County Commissioners. The criteria for GMA Ag Lands is described in the *Comprehensive Plan*. Criteria for enrollment in the Tax Program as Ag Lands is described in the County Open Space Tax Program and the Washington State Open Space Taxation Act of 1991 (RCW 84.34).

**Land that is not currently used for agriculture but may be proposed for agricultural use at a future time**

The exemption under discussion is for existing and ongoing agriculture, not for future agriculture. Land use proposals are reviewed by DCD with regard to goals, policies, and regulations found in the Jefferson County *Comprehensive Plan* and the UDC. Future new agriculture would be required to meet the standard stream and wetland buffers (25 to 150 feet) in the UDC, similar to most other land uses. In some cases, buffers may be reduced with a habitat management plan or buffer enhancement plan (see UDC 3.6.8.g(6) for streams and UDC 3.6.9.d(6) for wetlands).

**Land that is subject to the standard UDC stream and wetland buffers**

Land that is subject to the standard buffers (i.e., any land that does not qualify for the buffer exemption as described above) is regulated through the environmentally sensitive areas provisions of the UDC (sections 3.6.4 through 3.6.9). The sections most applicable to agricultural activities are 3.6.8 Fish and Wildlife Habitat Areas, such as streams, and 3.6.9 Wetlands. The UDC is available at DCD and on the DCD website in Portable Document Format (PDF). Contact a DCD planner for more information on County regulations to protect environmentally sensitive areas. **[END]**