




**JEFFERSON COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**

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## **DCD Administrative Policy**

**From:** Al Scaif, Director of Community Development   
**Date:** May 5, 2003  
**Re:** Implementation of 2003 Unified Development Code (UDC)  
amendments concerning regulation of existing and ongoing agriculture

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### **Exemption from Standard UDC Stream and Wetland Buffers for “Existing and Ongoing Agriculture”**

Ordinance No. 05-0428-03, adopted on April 28, 2003, amends the UDC such that “existing and ongoing agriculture” is defined as agricultural activities conducted within the last five years on lands that are either:

1. designated as Agricultural Lands of Long-Term Commercial Significance on the Jefferson County *Comprehensive Plan* Land Use Map pursuant to the Washington State Growth Management Act, or
2. enrolled in the Jefferson County Open Space Tax Program as Agricultural Land pursuant to the Washington State Open Space Taxation Act.

Agricultural activities conducted on these lands are considered “legal, nonconforming uses” are not subject to the standard stream and wetland buffers as delineated in the UDC under sections 3.6.8 (Fish and Wildlife Habitat Areas) and 3.6.9 (Wetlands).

### **Step Two of 2003 Agriculture Lands Planning**

Part of an essential second step to the 2003 Agricultural Lands planning effort is to provide an opportunity for landowners who are currently practicing agriculture on lands that are neither designated for agriculture (i.e., GMA Ag Land) nor enrolled in the Tax Program as Agricultural Land (i.e., Open Space—Ag Land) to either:

1. “opt in” to GMA Ag Land zoning for qualifying parcels during the 2003 *Comprehensive Plan* amendment cycle as part of a County-suggested amendment application (MLA03-209), or
2. enroll qualifying parcels in the Tax Program as Open Space—Ag Land.

The process for the first option above, GMA Ag Lands designation, began on May 1 and will be completed by the second regular meeting of the Board of County

Commissions in December of this year. The process for the second option, enrolling parcels as Open Space—Ag Land, involves submitting an application to the County Assessor by December 31, 2003. The Assessor will reach a decision by May 1, 2004 for applications submitted before December 31, 2003. (Actual tax implications occur in the tax year 2005.) Therefore, the results of a petition for GMA Ag Lands zoning will be known by the end of 2003 and the results of an application for Open Space—Ag Land tax status will be known by May 1, 2004.

### **Associated Code Enforcement Policy during Step Two**

This “window of opportunity” is an integral component of the 2003 Agricultural Lands planning effort. With regard to implementation of the UDC amendments adopted in April 2003 that influence how agricultural activities are regulated in streams and wetlands and their buffers, the UDC Administrator hereby determines that continuing agricultural activities conducted on lands that are either:

1. being considered for GMA Ag Lands designation as part of the 2003 Comprehensive Plan amendment cycle, or
2. being considered (i.e., an application has been submitted to the Assessor) for enrollment in the Tax Program as Open Space—Ag Land,

shall be considered “existing and ongoing” until such time as a determination is made with regard to pending petitions or applications. No DCD enforcement of UDC stream or wetland buffer regulations concerning continuing agriculture activities shall be pursued on these parcels under consideration until the petitions or applications are resolved.

### **General Code Enforcement Policy**

For activities on lands subject to standard UDC stream and wetland buffers, provisions for stream buffer reduction and averaging are located at sections 3.6.8.g(6) and (8), respectively, and provisions for wetland buffer reduction and averaging are located at sections 3.6.9.d(6) and (8), respectively. Buffer reductions and averaging generally involve preparation of site-specific special reports, such as a habitat management plan, buffer enhancement plan, and/or wetland delineation report. These provisions are available for other uses besides agricultural activities, including new residential or commercial development.

As a general enforcement policy, DCD supports voluntary code compliance. This is stated in UDC section **10.1 Intent**, 1. The primary intent of all enforcement actions described in Section 10 is to educate the public and to encourage the voluntary correction of violations to protect the public health, safety, and welfare.

Any questions on this policy should be directed to the UDC Administrator, Community Development Director Al Scalf.

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