

ORDINANCE NUMBER 52-00

AMENDMENT TO AGRICULTURAL RESOURCE LANDS PROVISIONS

AN ORDINANCE amending various Mason County development regulations as follows:
Amending the Mason County ~~Interim~~ Resource Ordinance, Ordinance 77-93, Section 17.01.061
Agricultural Resource Lands, last amended by Ordinance 32-99, under the authority of Chapters
36.70 and 36.70A RCW.

WHEREAS, the Mason County Board of Commissioners held a public hearing on June 8, 2000, to
consider comments of citizens on the proposed amendments;

WHEREAS, these amendments are intended to comply with the Order of the Western Washington
Growth Management Hearings Board of August 19, 1999;

WHEREAS, the Mason County Board of Commissioners has approved findings of fact to support
its decision as ATTACHMENT A;

WHEREAS, maps depicting the Agricultural Resource Lands have been prepared as
ATTACHMENT C;

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason
County hereby ADOPTS an amendment to the Agricultural Resource Land provisions of the Interim
Resource Ordinance 77-93, as described in ATTACHMENT B, and to its Agricultural Resource
Land Maps, as shown in ATTACHMENT C.

DATED this 8th day of June, 2000.

Board of Commissioners
Mason County, Washington

Absent
John A. Bolender, Commissioner

Mary Jo Cady
Mary Jo Cady, Commissioner

Cynthia D. Olsen
Cynthia D. Olsen, Commissioner

ATTEST:

Deene S. Zorunfor
Clerk of the Board

APPROVED AS TO FORM:

Chris Whit, CH-DPA
Prosecuting Attorney

**Mason County Board of County Commissioners
Public Hearing - June 8, 2000
FINDINGS OF FACT**

1.

Under consideration is a proposal to amend the Agricultural Resource Lands provisions first adopted as ordinance 152-97. The proposal was prepared in response to an order of the Western Washington Growth Management Hearings Board (Hearings Board) dated August 19, 1999. Specifically, the proposed action is to amend Section 17.01.061 Agricultural Resource Lands and to designate additional Agricultural Resource Lands.

2.

Agricultural Resource Lands were designated and protected by Mason County on December 30, 1997, after a lengthy public review. It was also amended by Ordinance 89-98 - to remove a sunset provision that applied to the Skokomish Valley - and by Ordinance 32-99 - to amend the criteria and protections for the resource lands and to designate additional lands.

3.

A State Environmental Policy Act Determination of Nonsignificance was issued on the proposed changes on May 25, 2000, and no comment was received on the determination.

4.

The proposal was forwarded to the Planning Commission, and a public hearing was scheduled on May 31, 2000. However, the Planning Commission did not have a quorum and was unable to make a recommendation to the Board of Commissioners in time for consideration prior to the date for action (June 9, 2000) ordered on this issue by the Hearings Board.

5.

The order of the Hearings Board stated:

- the County must demonstrate the rationale for designating some agricultural resource lands characterized by woodlands, housing lots, ponds, pasture or rangeland and not others;
- the County must clearly define what it means by "surrounded" by agricultural land; and
- the County must recheck its designated ARL acreage for accuracy.

6.

Discussion:

In researching the nature and extent of agricultural activity in Mason County, one source of information was the US Department of Commerce Census of Agriculture. The difficulty with the utility of the information is that: 1) the farms are not identified in location and need not even be in Mason County, 2) the acreages are self reported numbers, 3) the acreages include woodlands which are forested lands that may not be appropriate for agricultural lands in the meaning of the

GMA, and 4) none of these farms are shown to have suitable soils (over a 1,000 acres that were identified and used for farming were not designated because of the lack of such soils). The farms are credited to a county based on the place of residence of the owner, not on the location of the farm. The county was unable to identify any lands for consideration based on this information.

However, the county noted that the Census of Agriculture stated that there were 3,870 acres of cropland, 474 acres of pasture, and 870 acres of house lot, ponds etc. adding up to 5,214 acres of improved land. In just those lands designated in 1997, the county designated 4,249 acres of improved land. Woodland acreage would generally be categorized by the Assessor as unimproved acreage or timber acreage.

The point the county was attempting to make when it presented Census of Agriculture information is that the amount of improved land designated by the county is consistent with what is suggested by Census information. Further analysis could be done to determine exactly how much improved land the county did designate and to factor in improved farmland that the county did not designate because of lack of suitable soils or too small a lot size, but that seems a waste of scarce resources, since the 5,214 acre number from the Census of Agriculture is not a definitive number for improved farmland nor for agricultural resource land located in Mason County.

No particular portion of the Census of Agriculture's 5,751 acres of woodland should be expected to be identified and designated. This is not to say that some woodlands are not to be included in land designated as agricultural resource lands, but that forested land is not what makes land agricultural resource land by the definition in the Act. It might be on a different property, perhaps not even on adjacent land, although it may be part of a "farm." The county's designation of agricultural resource land does include some timber land and unimproved land (woodlands) and finds that appropriate. However, tracts of timber are treated differently than agricultural resource land under the Act. The county did designate about 200,000 acres of long-term commercial forest lands. Some or all of the woodland identified in the Census of Agriculture may be LTCF land, there is no way to know.

Finding:

The county designated those lands that it could identify and show met the criteria for designation. Information provided by the Census of Agriculture provides a sense of magnitude in how much agricultural resource land might be found in Mason County, but it does not provide definitive numbers nor does it identify the lands so that further analysis can be performed on them. A comparison of the information found in the Census of Agriculture and the amount of improved land designated just in 1997 indicate that the county designation seems reasonable.

7.

Discussion:

When the county amended the agricultural resource lands designation criteria in 1999 to include

lands surrounded by agricultural land, the term “surrounded” was applied according to its dictionary meaning “to encircle on all sides of simultaneously” (Webster’s II New Riverside University Dictionary, Riverside Publishing Co., 1988). The purpose was to have more cohesive blocks of agricultural land and reduce potential conflicts.

This purpose can be taken further and one option for doing that is considered in the current amendment. With the proposed language, lands which are adjoining or adjacent to the agricultural land would be designated, if at least 50% of their boundaries were shared with the resource lands. On review, such a change would result in an identified 296 acres being designated as additional agricultural resource lands. Some parcels, which were already designated as long-term commercial forest land were not proposed for re-designation, and one parcel which was just designated in May as an isolated commercial/industrial area, is not proposed. This leaves some 49 parcels, as listed and mapped on the draft materials. Thirty eight of these parcels are under 10 acres.

A review of the maps shows that, while some blocks of designated land have intrusions reduced, other blocks have boundaries that are at least as irregular as before. Even where the regularity of the block boundaries are not improved, the additional designation lands could help buffer the best resource lands (those which are in larger lots and with prime agricultural soils) from development on the rural lands. Of course, specific buffer requirements for this purpose are an existing part of the county regulations. Another consideration is that the rural densities and development potential for the rural area lands adjoining most agricultural land was also reduced in May of this year. Should this be approved by the Hearings Board, then there is even less purpose for additional precautions being taken to buffer the agricultural lands.

After reviewing the effect of the proposed amendment on the boundaries of the resource lands, the Board determined that in some cases the adjusted boundaries seemed logical or more regular. The Board determined that judgement should be used in applying the proposed criteria and proposed to amend the criteria to allow that. On review, two new parcels were added for designation and some were removed from consideration, resulting in the designation, according to the revised criteria, of a total 283 acres. This would result in a total designation of 5, 948 acres of agricultural resource lands.

Finding.

The agricultural resource lands designation criteria uses the term “surrounded” according to its dictionary meaning “to encircle on all sides of simultaneously.” The current proposal adds to that the designation of some adjoining lands which share at least 50% of their boundary with the resource lands and which provide for a logical or regular boundary to the resource lands.

8.

Discussion:

A review of the lands designated was done and the results compiled with parcel and acreage information. In December of 1997 there were 4483 acres designated. (A total acreage of 4,491 from an estimate done in May of 1997 is in some places confused with the actual acreage designated in December of 1997 as shown in the list of parcels.) In 1998 an additional 80 acres were designated, for a total 4,563 acres. In 1999 an additional 1,102 acres were designated, for a total of 5,665 acres. The lands identified that meet the proposed amendments are identified by parcel.

In Finding of Fact 6 of Ordinance 32-99, it was noted that: "Of the approximately 5,900 acres of potential resource land identified, less than 6 percent are in the small lots, and very few of the small lots are adjacent to other small lots." This number is the sum those parcels which meet classification criteria 1 and 3 or 5 as designated in December 1997 (4483 acres) and as designated in 1999 (1,078 acres) together with those parcels of potential resource land under 10 acres in size (295 acres in 1997 and 34 acres in 1999) that were considered, but were not designated because they were not at least 10 acres. The point of the analysis was to assess the qualitative effect of small lots under 10 acres. That is not significantly changed when including the additional "surrounded" lands designated or the "adjoining" lands under consideration.

Finding:

Mason County has designated 5,665 acres of agricultural resource lands, as of the end of 1999. The proposed amendment to the criteria would result in the designation of an additional 296 acres as identified. This would give a total of 5,961 acres.

9.

Discussion:

In Martha and Guy Parsons' letters of May 31 and June 8, 2000, a number of suggestions are made, but no new issues not reviewed in depth during the county review from 1996 through 1999 are raised. These issues were extensively discussed in an agricultural subcommittee made up of members from the farming community and including petitioners to the Hearings Board on the agricultural resource land issues. These issues have been presented to the Hearings Board and accepted as in compliance with the act.

While 16 acre or 20 acre minimum lot size requirements may have their defenders, a 10 acre minimum lot size was found to be appropriate and supported in the record. The letters present inconsistent positions, stating on one hand that a ½ acre farm should be designated as resource land while proposing regulations that would prohibit the creation of a farm of such size. That is a different issue than including in designated lands some properties which are part of a larger block of agricultural land, provided that the area qualifies to being "primarily devoted to commercial production" as stated in the Act.

The letters confuse farm land with agricultural resource land ("Examples of farm land that has not

been designated as such” from attachment 3). The letters also do not recognize that agricultural activity is a permitted and encouraged use in the Rural Area and that land need not be designated as agricultural to operate and to receive some protection. The letters do not recognize that properties that do not meet the standard criteria can request to be designated by showing in other ways that they have long-term significance for agricultural use. This is the provision that immediately follows criteria 5 in 17.01.061 A.

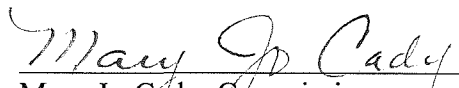
Attachment 1 of the letters is a 1997 Census of Agriculture (released in 1999) that updates the 1992 Census that had used during the county’s review. While this report indicates a boom in agricultural activity, it is not at all clear what is happening or where it is happening. For the reasons noted in Finding of Fact 6, the application of the Census information to agricultural resource lands is indirect and only suggestive, not determinate. This reversal of long term trends, if that is what it is and should it continue, is certainly interesting information to be considered in future planning.

In attachment 3 of the letters, seven examples of “farm land that has not been designated as such” are presented. Four of the seven were identifiable based on the information presented. Of those four, only two are larger than 10 acres. Neither of those parcels have prime farmland soils. Of the three properties not identified, according to the information presented, only one was larger than 10 acres. Based on the information available, none of these properties are appropriate for designation.

Finding:

The current agricultural resource lands regulations for Mason County are in compliance with the Growth Management Act and the new information provided does not form a basis for additional changes at this time.

From the preceding findings, it is concluded that proposed amendment should be adopted.



Mary Jo Cady, Commissioner



Cynthia D. Olsen, Commissioner

6.8.00
Date

MASON COUNTY ORDINANCE 52-00, ATTACHMENT B

17.01.061 AGRICULTURAL RESOURCE LANDS

The purpose of this Section is to maintain and enhance natural resource based industries, to encourage the conservation of commercial agricultural lands, and to discourage incompatible land use.

A. CLASSIFICATION

The following criteria shall be used in identifying lands appropriate for Agricultural Resource Lands:

1. The property has an existing commercial agricultural use (as of the date of designation) or where the property was used for agricultural purposes as of January 1991, where identified by property tax classification in the Open Space - Agriculture property tax classification program pursuant to Chapter 84.34 RCW or where agricultural use has been identified as the principal use of the property, are presumed to meet this criteria; and
2. The property has a minimum parcel size of ten (10) acres; and
3. The parcel has Prime Farmland Soils; or
4. The property is surrounded by or adjacent to lands qualifying under classification criteria 1 to 3 above, where adjacent to means at least 50% of the property line adjoins resource lands per criteria 1 to 3 above, not including water bodies (rivers, lakes, or salt water), provided this creates a more regular or logical boundary; or
5. The property is an upland fin-fish hatchery.

Provided that, property owners may apply to have their land designated as Agricultural Resource Lands upon a showing that the property is eligible for and participates in the Open Space - Agricultural property tax classification program pursuant to Chapter 84.34 and upon a showing that either that the property has Prime Farmland Soils or that, in some other fashion, the agricultural use has long-term commercial significance. Such applications shall be reviewed by the county as provided for in the annual amendment process for the county comprehensive plan and development regulations.

B. DESIGNATION

Lands of Mason County which have been identified as meeting the classification criteria for Agricultural Resource Lands, and are so specified on the official Mason County Map, available at the Mason County Planning Department, titled, "Mason County Agricultural Resource Lands" or as thereafter amended, are hereby designated as Agricultural Resource Lands.

C. LAND USES

Development and land uses and activities allowed in the agricultural resource lands or on adjacent lands are as specified in the Mason County Development Regulations and other applicable ordinances, codes and regulations.

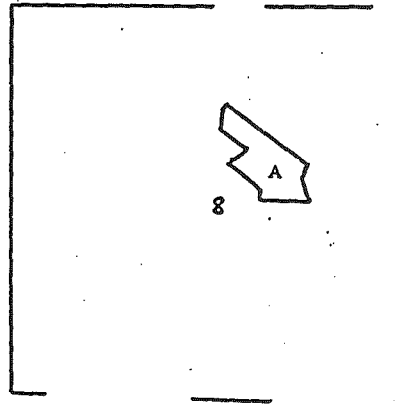
D. PREFERENTIAL RIGHT TO MANAGE RESOURCES AND RESOURCE USE NOTICES

1. For land owners who have land designated as agricultural resource lands, provisions of "Right to Farm" provided under Section 17.01.040.C.5 shall fully apply.
2. All plats, short plats, large lot subdivision, development permits, and building permits issued for activities on, or within 300 feet of lands designated as agricultural resource lands shall contain the following notification: "This property is within or near designated agricultural resource lands on which a variety of commercial activities may occur at times and that are not compatible with residential development. Residents of this property may be subject to inconvenience or discomfort associated with these activities including, but not limited to: dust, odor, noise, and chemical applications."

Mason County Agricultural Resource Lands Map
June 8, 2000

Range 1W, Township 21N, WM
Section 8

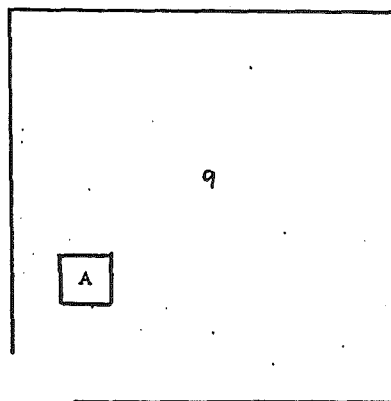
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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 1W, Township 22N, WM
Section 9

Scale: 1 inch = 2,640 feet

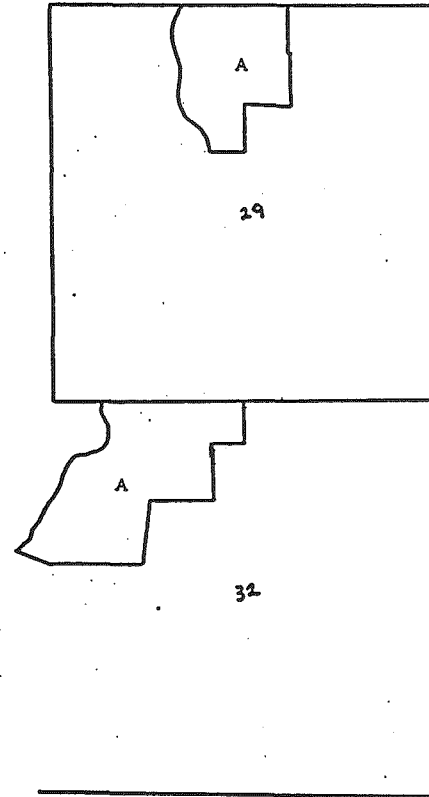
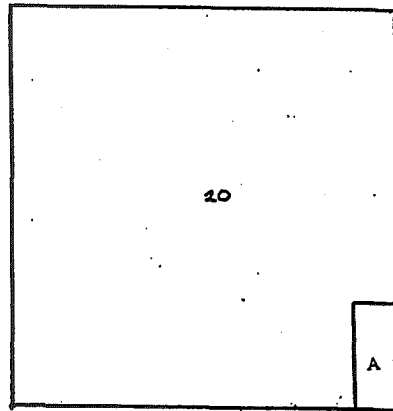
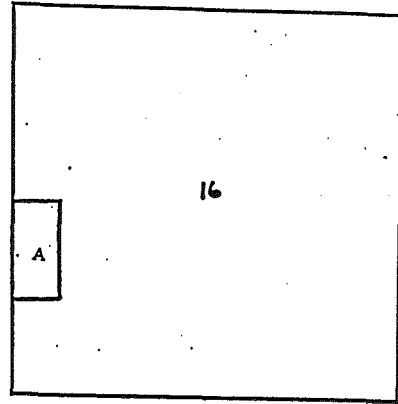


Mason County Agricultural Resource Lands Map

June 8, 2000

Range 1W, Township 23N, WM
Section 16, 20, 29, 32

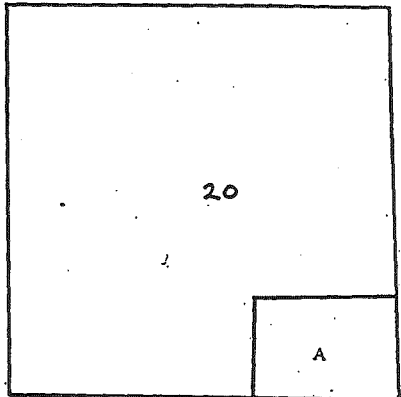
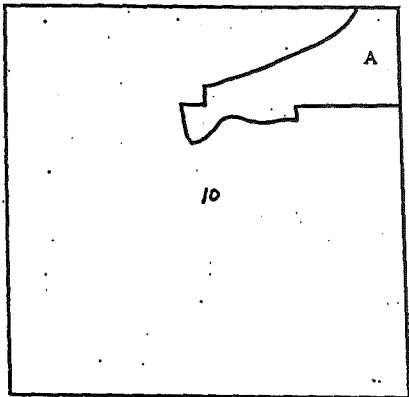
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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 2W, Township 21N, WM
Section 10, 20

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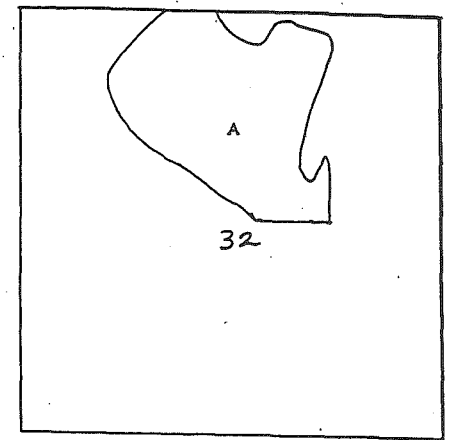
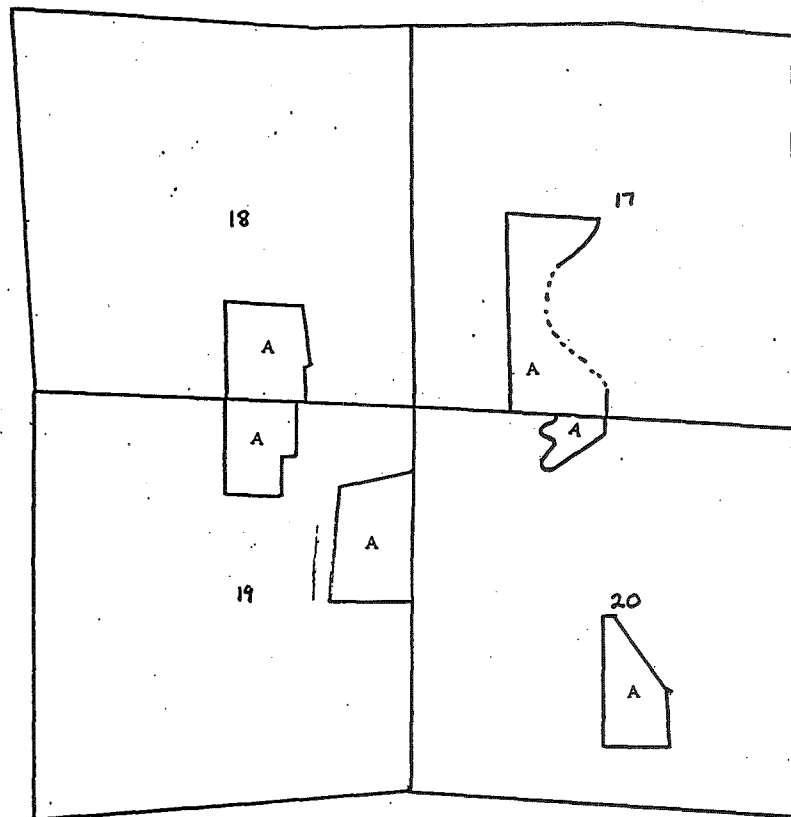
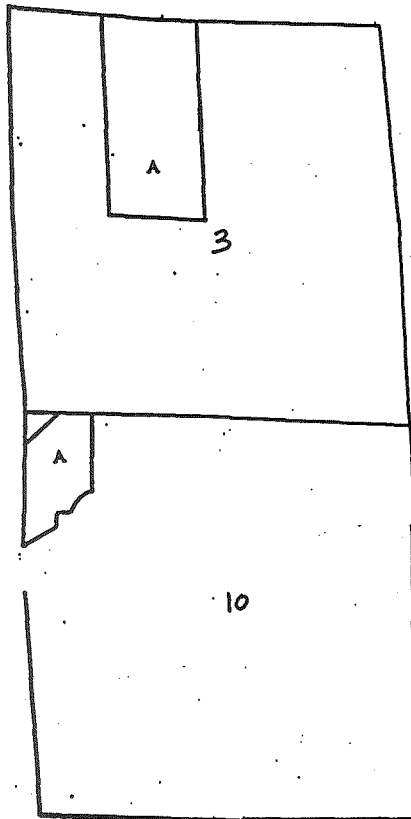
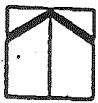


Mason County Agricultural Resource Lands Map

June 8, 2000

Range 3W, Township 19N, WM
Section 3, 10, 17, 18, 19, 20, 32

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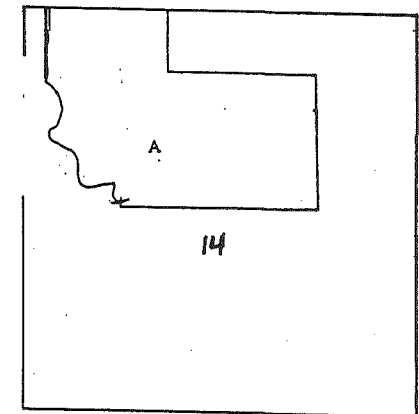
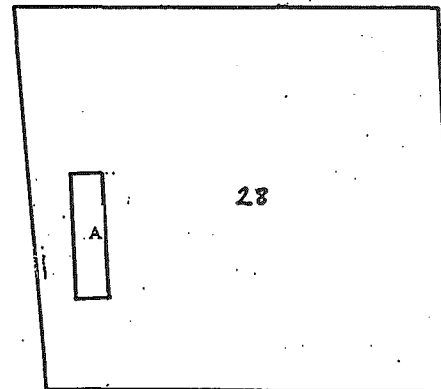
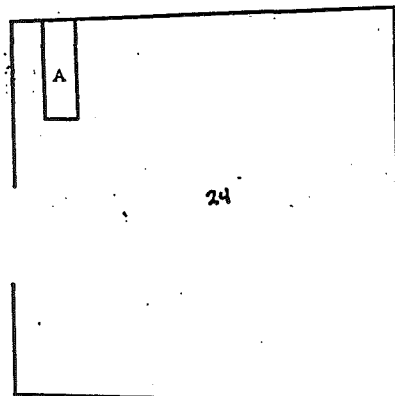
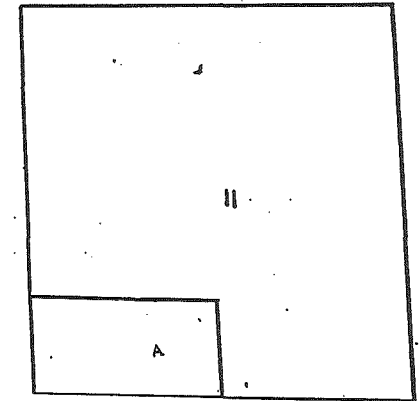
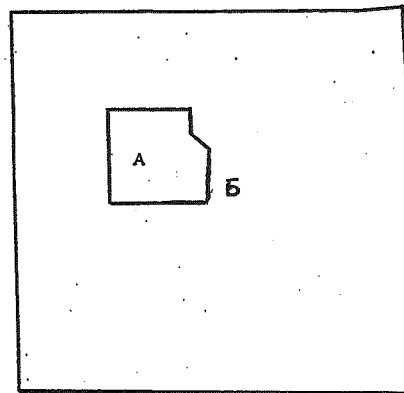
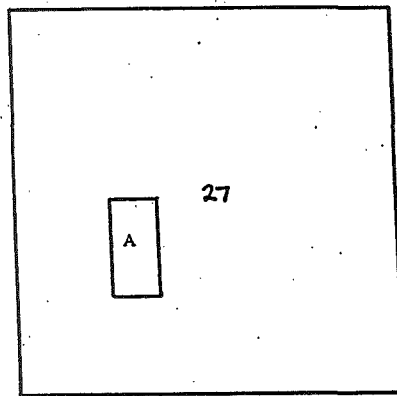


Mason County Agricultural Resource Lands Map

June 8, 2000

Range 3W, Township 20N, WM
Section 5, 11, 14, 24, 27, 28

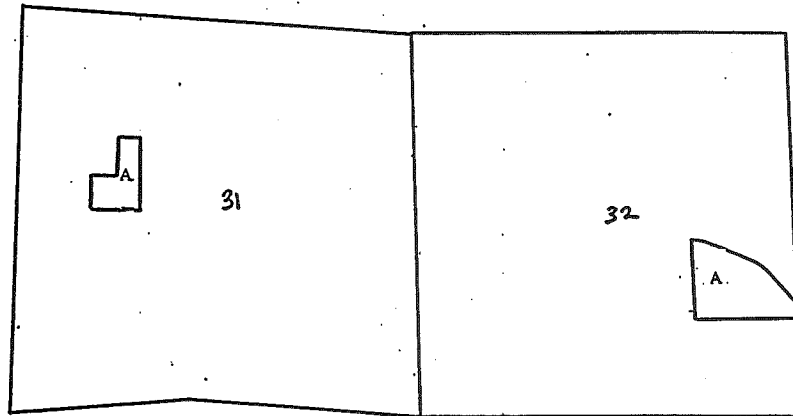
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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 3W, Township 20N, WM
Section 31, 32

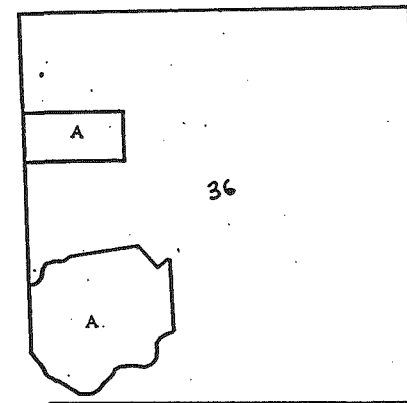
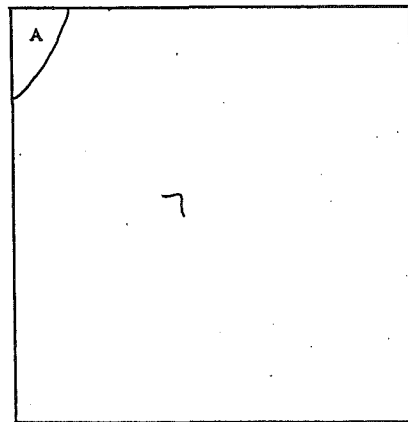
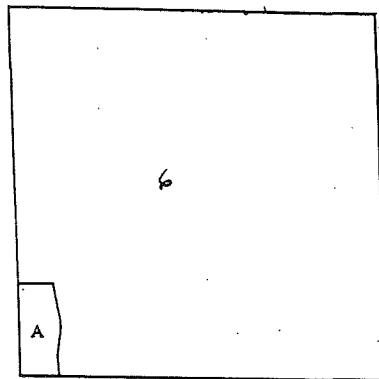
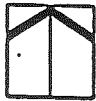
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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 3W, Township 21N, WM
Section 6, 7, 36

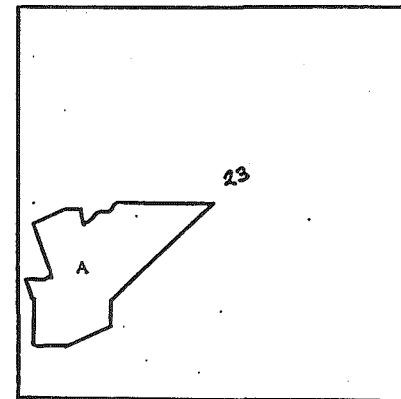
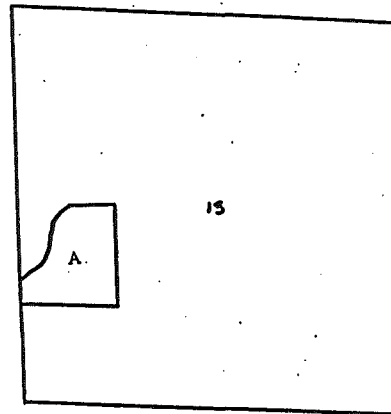
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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 3W, Township 22N, WM
Section 13, 23

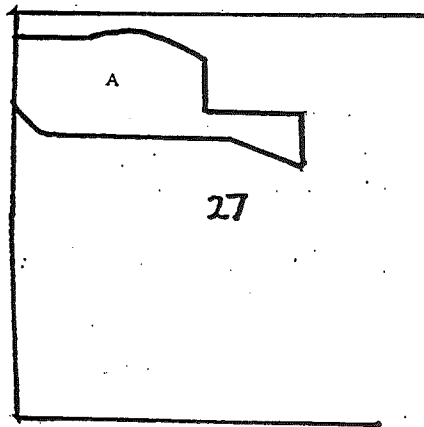
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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 3W, Township 24N, WM
Section 27

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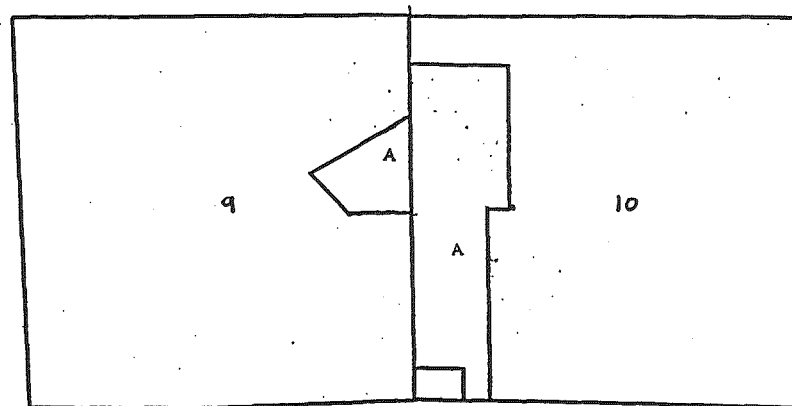
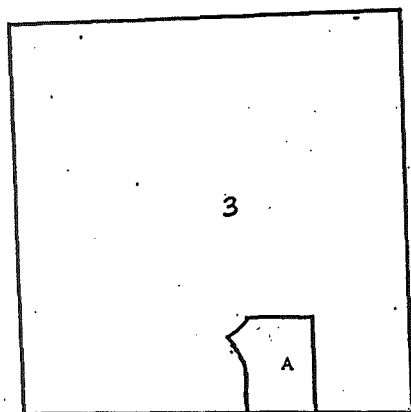
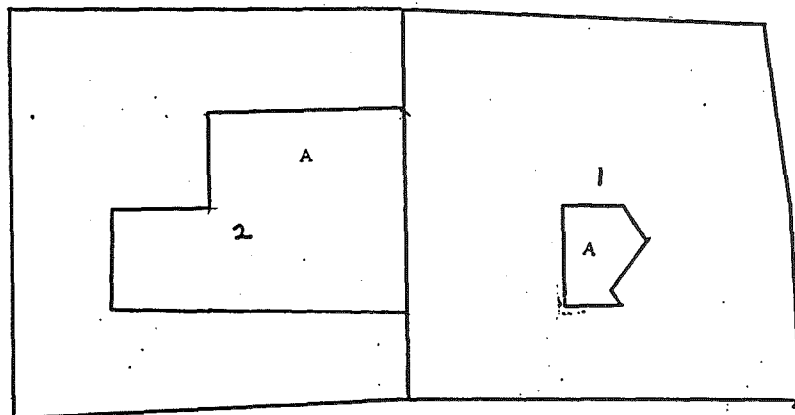


Mason County Agricultural Resource Lands Map

June 8, 2000

Range 4W, Township 19N, WM
Section 1, 2, 3, 9, 10

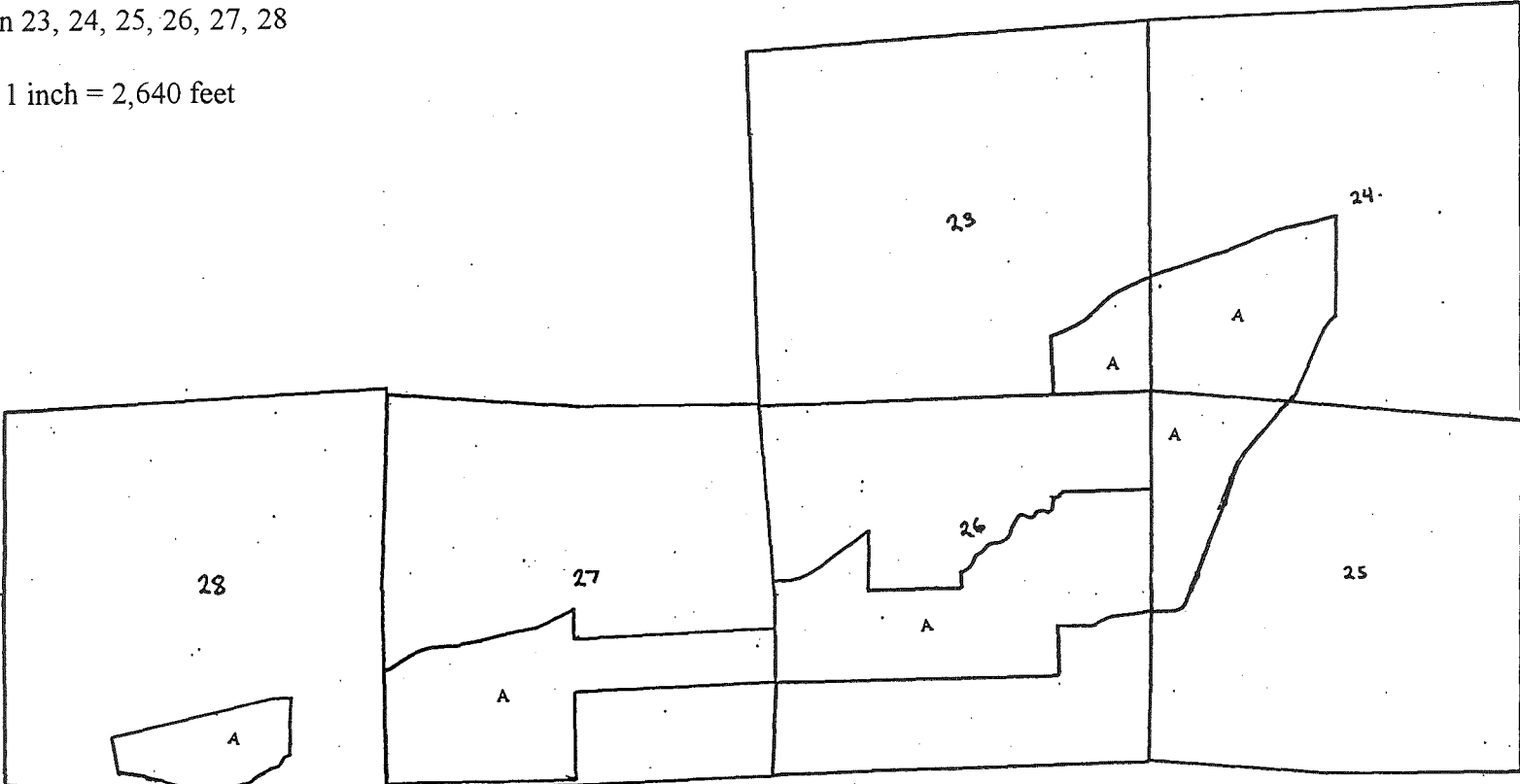
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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 4W, Township 19N, WM
Section 23, 24, 25, 26, 27, 28

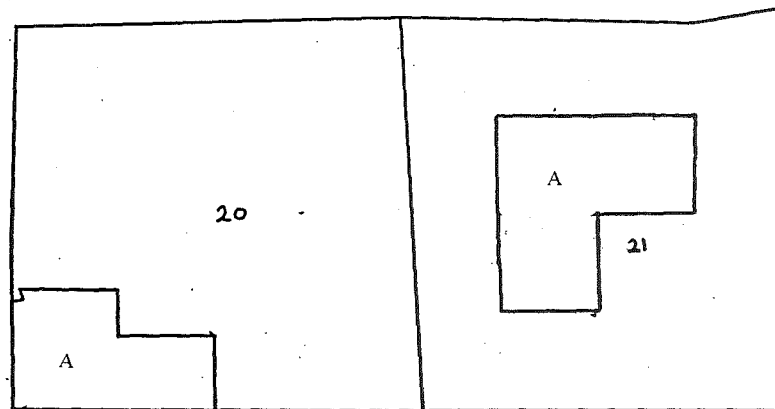
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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 4W, Township 20N, WM
Section 20, 21

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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 4W, Township 20N, WM
Section 25, 26, 27, 35

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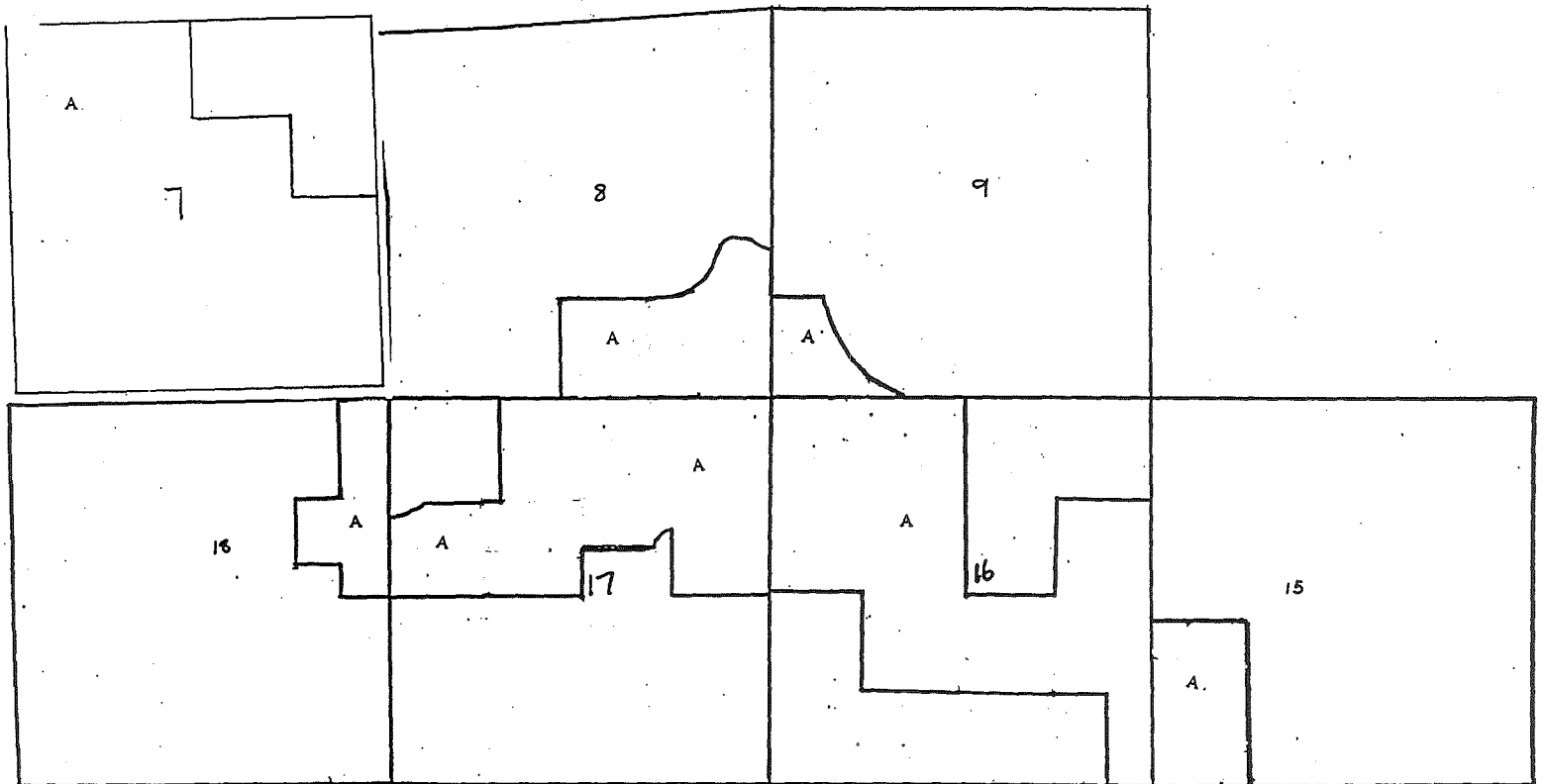


Mason County Agricultural Resource Lands Map

June 8, 2000

Range 4W, Township 21N, WM
Section 7, 8, 9, 15, 16, 17, 18

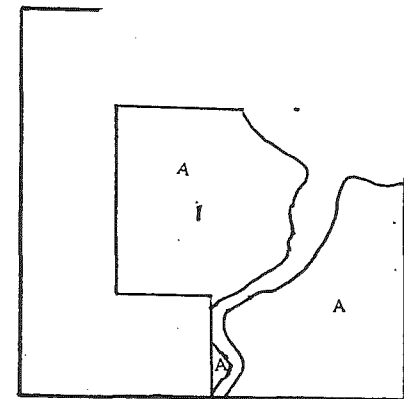
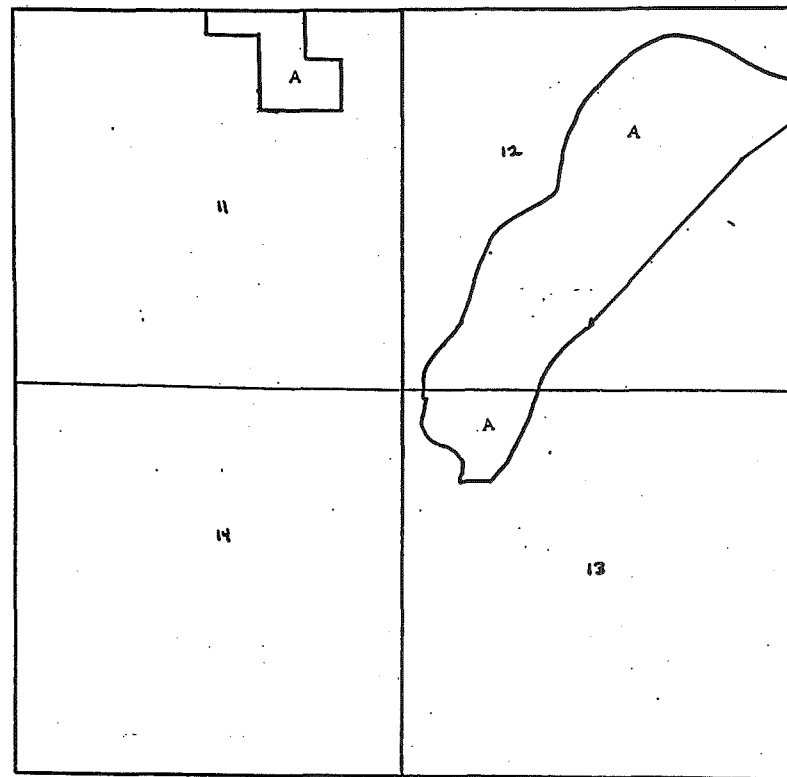
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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 4W, Township 21N, WM
Section 1, 11, 12, 13, 14

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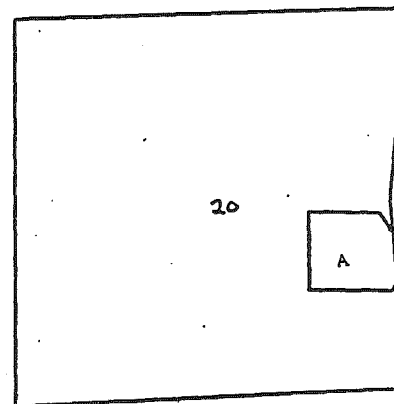
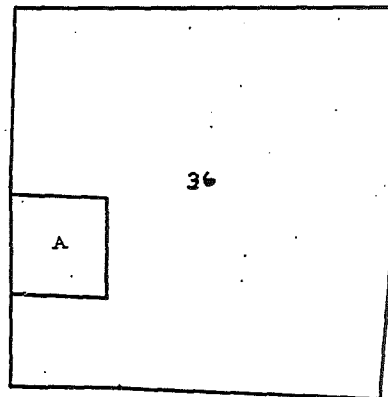


Mason County Agricultural Resource Lands Map

June 8, 2000

Range 5W, Township 19N, WM
Section 20, 36

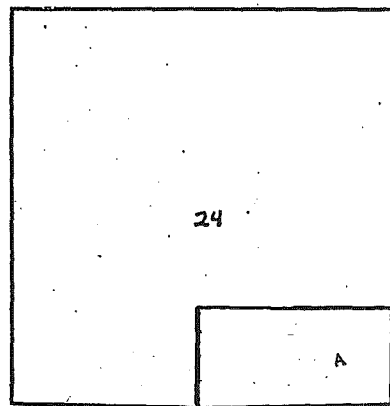
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Mason County Agricultural Resource Lands Map
June 8, 2000

Range 5W, Township 20N, WM
Section 24

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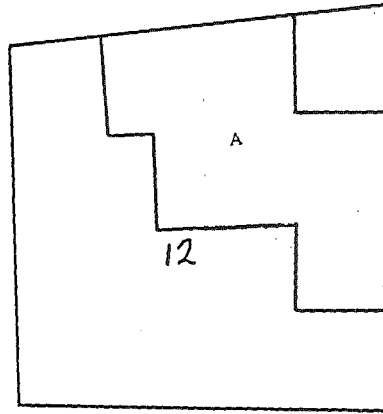


Mason County Agricultural Resource Lands Map

June 8, 2000

Range 5W, Township 21N, WM
Section 12

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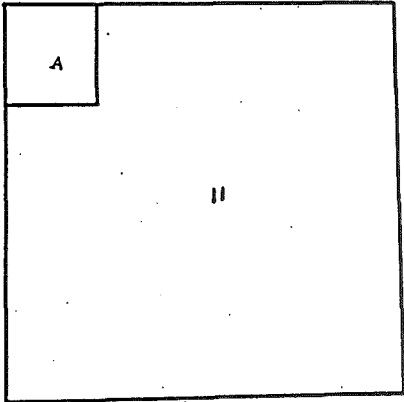


Mason County Agricultural Resource Lands Map

June 8, 2000

Range 6W, Township 19N, WM
Section 11

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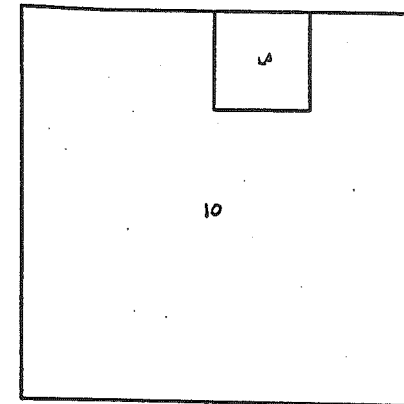
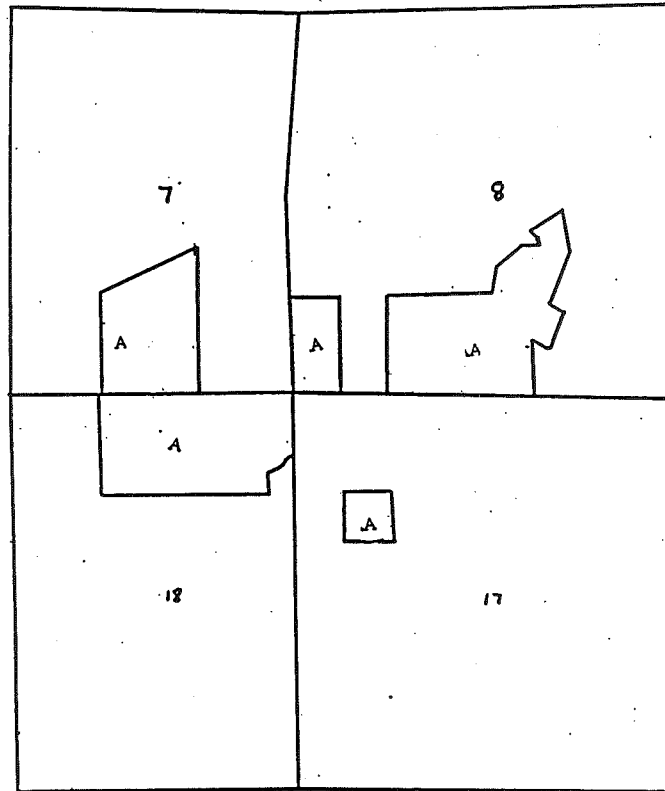
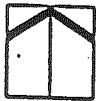


Mason County Agricultural Resource Lands Map

June 8, 2000

Range 6W, Township 20N, WM
Section 7, 8, 10, 17, 18

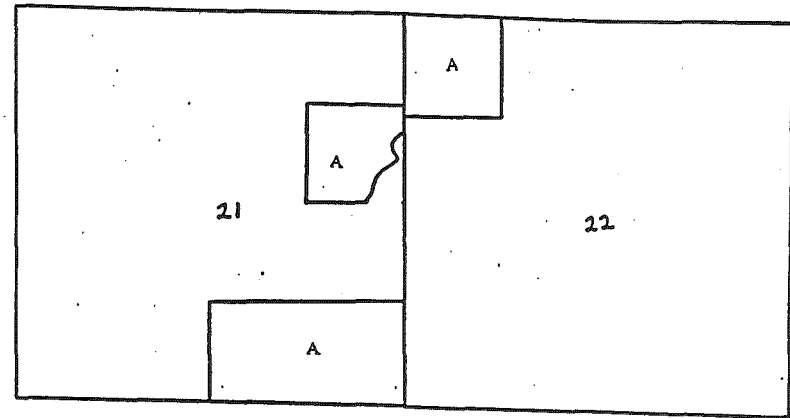
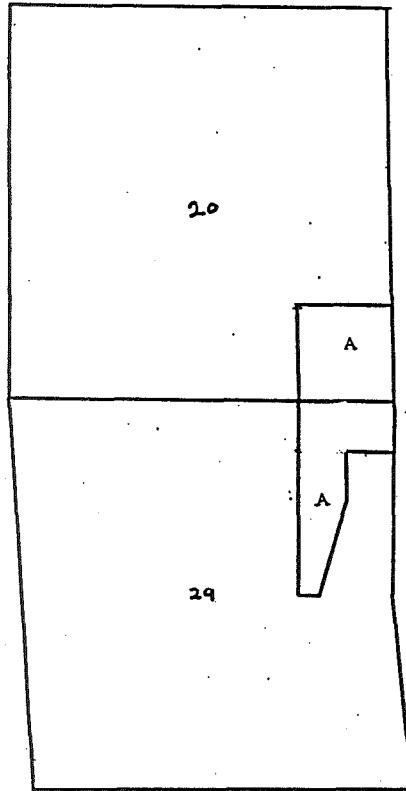
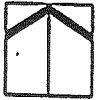
Scale: 1 inch = 2,640 feet



Mason County Agricultural Resource Lands Map
June 8, 2000

Range 6W, Township 20N, WM
Section 20, 21, 22, 29

Scale: 1 inch = 2,640 feet



AGRICULTURAL RESOURCE LAND
Parcels approved for designation
on June 8, 2000

Parcels which are adjacent to ARL

	Parcel Number	Acres
1	12332500089	3.69
2	319032100010	2
3	319321360030	4.88
4	320052400010	4.1
5	320113400010	2.7
6	320142100010	7.72
7	320142100011	0.75
8	320142100030	1
9	419034390020	3.88
10	419091400020	0.92
11	419252000040	3.83
12	419252100020	4.16
13	419252100090	1.84
14	419253200000	3.54
15	420203300000	3.31
16	420211300010	6.4
17	420213100010	2.89
18	420213100030	1.13
19	420351200010	9.79
20	420351200020	10.21
21	421083400040	6.89
22	421084300010	9.75
23	421084300050	0.43
24	421084300060	2.47
25	421084300070	0.25
26	421084400030	13
27	421093400000	5.2
28	421153200070	1.34
29	421153200110	2.66
30	421153200130	2
31	421162300020	1.71
32	421164190010	27.25
33	421164200020	10.25
34	421164200030	1.25
35	421172400000	63.49
36	421181100090	1.25
37	520244300000	10
38	520244300020	13.31
39	620074300000	20
40	620083490010	1.3
41	620291100020	10
TOTAL ACRES		282.54