

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ADOPTING A)
NEW ORDINANCE, CHAPTER 16.25) ORDINANCE C- 84-98
ICC, TO PROTECT FARM AND) PLG-019-98
FOREST ACTIVITIES)

WHEREAS, in 1985, Island County implemented notice requirements to protect surface mining, farm and forest activities but the notice requirement was limited to lands adjacent to such lands; and

WHEREAS, the Growth Management Act, Chapter 36.70A now requires that the notice requirement apply to lands located within three hundred (300) feet of designated resource lands; and

WHEREAS, the Heritage Lands Task Force has recommended specific expanded notice requirements; and

WHEREAS, Island County intends to adopt broader notice requirements as a development regulation under the Growth Management Act to provide greater protection to farm and forest activities in Island County; as a measure to protect designated resource lands and rural farm and forest lands; and as a measure to protect rural character and implement Island County's GMA Comprehensive Plan; and

WHEREAS, after completing four public hearings on March 16, 18, 24 and 26 the Planning Commission recommended adoption of new Chapter 16.25 on April 17, 1998; and

WHEREAS, a SEPA determination on the Planning Commission recommendation was published in the Whidbey News Times on June 10, 1998 providing for a fifteen (15) day comment period ending June 25, 1998, and fifteen (15) day appeal period ending July 10, 1998.

NOW, THEREFORE, IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the proposed Agriculture and Forest Protection Ordinance (new Chapter 16.25) attached hereto as Exhibit A to provide greater protection to farm and forest activities in Island County..

Reviewed this 22nd day of June, 1998 and set for public hearing at 1:30 p.m. on the 13th day of July, 1998.



BOARD OF COUNTY COMMISSIONERS OF
ISLAND COUNTY, WASHINGTON

Absent

Wm. L. McDowell, Chairman

[Signature]

Tom Shughnessy, Member

[Signature]

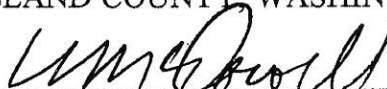
Mike Shelton, Member

ATTEST:

[Signature]
Margaret Rosenkranz
Clerk of the Board

APPROVED AND ADOPTED this 13th day of July, 1998.

BOARD OF COUNTY COMMISSIONERS OF
ISLAND COUNTY, WASHINGTON



Wm. L. McDowell, Chairman



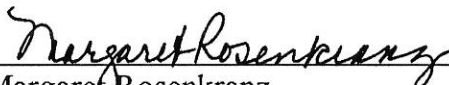
Tom Shaughnessy, Member



Mike Shelton, Member




ATTEST:



Margaret Rosenkranz
Clerk of the Board

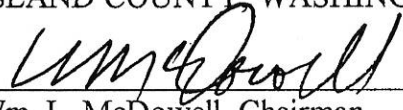
APPROVED AS TO FORM:

 7/21/98


DAVID L. JAMIESON, JR.
Deputy Prosecuting Attorney
& Island County Code Reviser

APPROVED AND ADOPTED this 13th day of July, 1998.

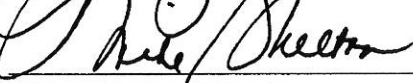
BOARD OF COUNTY COMMISSIONERS OF
ISLAND COUNTY, WASHINGTON



Wm. L. McDowell, Chairman




Tom Shaughnessy, Member



Mike Shelton, Member




ATTEST:



Margaret Rosenkranz
Clerk of the Board

APPROVED AS TO FORM:

 7/21/98

DAVID L. JAMIESON, JR.
Deputy Prosecuting Attorney
& Island County Code Reviser

NEW CHAPTER

**Chapter 16.25
Agriculture and Forestry Protection**

Sections:

- 16.25.010 Purpose**
- 16.25.020 Definitions**
- 16.25.030 Policy**
- 16.25.040 Protection Measures**
- 16.25.050 Severability**
- 16.25.060 Effective Date**

16.25.010 Purpose

The purpose of this chapter is to reduce the loss of commercially productive agriculture and forestry operations by such things as nuisance complaints, and governmental policies. Island County recognizes that it is imperative that the rights and opportunities of agriculturists and foresters to earn a livelihood be maintained for lands that have agriculture or forestry operations.

This ordinance is not to be construed in any way as modifying or abridging state law as set out in the Washington Administrative Code (WAC), the Forest Practices Act, Chapter 7.48 RCW or any other applicable provision of state law; rather, it is only to be utilized in the interpretation and enforcement of the provisions of Titles 11, 16, and 17 ICC.

16.25.020 Definitions

As used herein, the following words have the designated meanings:

- A. **“Agricultural Operation”** means a condition or activity that occurs in connection with the commercial production of food or fiber and includes: cultivation and tillage of the soil; dairying; the production, irrigation, cultivation, growing, harvesting, processing and sale of any agricultural commodity, including viticulture, horticulture, apiculture, the raising of livestock or poultry, and any commercial agricultural practices performed as incident to or in conjunction with

such operations, including storage, preparation for market, delivery to storage or to market, or to carriers for transportation to market. and includes agricultural activity as defined in RCW 7.48.310.

- B. **“Forestry Operation”** means a condition or activity that occurs in connection with the commercial production of forestry products including the cultivation, growing, harvesting, managing, processing and sale of any forestry commodity, including any commercial forestry practices performed as incident to or in conjunction with such operations, such as storage, preparation for market, delivery to storage or to market, or to carriers for transportation to market and includes forest practices as defined in RCW 76.09.020.
- C. **“Nuisance”** refers to activities that are defined by Chapter 7.48 RCW.
- D. **“Agricultural Good Management Practices”** means current, economically feasible, management practices available as endorsed by the United States Department of Agriculture, Washington State University, University of Washington, the Washington State Department of Agriculture, or the Agriculture and Forestry Technical Advisory Committee.
- E. **“Forestry Good Management Practices”** with respect to non-conversion forestry means those practices set forth in the Washington State Forest Practices Act and administered by the Department of Natural Resources. In general, it means those practices endorsed by the Department of Natural Resources, Washington State University, and the University of Washington and the Society of American Foresters.

16.25.030 Policy

It is the declared policy of Island County to conserve, protect, enhance and encourage agricultural and forestry operations within the County. Where non-agricultural/forestry land uses extend into areas of agricultural and forestry operations, or exist side-by-side, such operations may become subject to nuisance complaints. As a result, agriculture and forestry operators may be forced to cease or curtail operations and agricultural and forestry operators may be discouraged from making investments in agriculture and forestry improvements. As long as these uses are allowed under County Code and are conducted and maintained in a manner consistent with good management practices and do not violate local, state, or federal regulations, they shall not be considered a nuisance or be declared a nuisance as defined in the Island County Code.

16.25.040 Protection Measures

The following measures shall be taken to protect agriculture and forestry operations in Island County:

- A. **Mailed Notice:** With property tax statements next issued after the effective date of this chapter, Island County shall mail the following notice to all owners of real

property in Island County; provided that no liability shall attach to Island County for any actions or omissions under this section:

“Island County has established a policy for unincorporated areas to protect and encourage agriculture and forestry operations. If your real property is located near an agriculture or forestry operation, you may be subject to inconvenience or discomfort arising from such operations, including, but not limited to, noise, odors, fumes, dust, flies, and other associated pests, the operation of machinery of any kind during any 24-hour period, the storage and disposal of manure, and the application of fertilizers, soil amendments, and pesticides. If conducted in compliance with local, state, and federal laws, these inconveniences or discomforts are hereby deemed not to constitute a nuisance as provided in Chapter 7.48 RCW for purposes of the Island County Code and shall not be subject to legal action as a public nuisance.”

- B. **Recorded Disclosure Notice:** All recorded documents concerning the transfer of real property located within Rural Agriculture, Rural Forest or Commercial Agriculture and within 300 of these lands by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, or any other means of transfer, shall contain a statement containing the language set forth in subsection (1) above.
- C. **Property Declaration:** A declaration shall be executed for any plat, short plat, PRD, or building permit(s) approved by Island County located within three hundred (300) feet of property zoned Rural Agriculture, Rural Forest or Commercial Agriculture.

The declaration shall state:

“Declarant and declarant’s heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated near agricultural or forest land, and as such may be subject to noise, dust, smoke and odors resulting from harvest, planting, fertilization, waste disposal and pest control associated with permitted agricultural or forest practices. These practices, when performed in accordance with County, State and Federal law, shall not be subject to legal action as a public nuisance.”

16.25.050 Severability

If any provision or provisions of this chapter or its/their application to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision or provisions to other persons or circumstances shall not be affected.

16.25.060 Effective Date

This Chapter shall take effect on October 1, 1998 or the effective date of Chapter 17.03 ICC whichever is later and shall apply to new applications submitted on or after that date and to incomplete applications filed prior to that date.

Margaret Rosenkranz

From: Ellen Meyer
Sent: Wednesday, July 15, 1998 2:19 PM
To: Edie Elerick; Margaret Rosenkranz
Subject: Amended Language C-84-98 PLG-019-98

HEARING: Ordinance #C-84-98, PLG-019-98, Adopting a New Ordinance, Chapter 16.25 ICC, To Protect Farm and Forest Activities

BOARD ACTION. By unanimous motion, the Board adopted Ordinance #C-84-98 in the matter of adopting a new ordinance, chapter 16.25 ICC, to protect farm and forest activities, with the following changes:

Page 1. 16.25.010 Purpose

- First paragraph delete "that have been zoned by an agriculture or forestry zoning classification" and replace with: "that have agriculture or forestry operations".
- Second paragraph the second line after the word Act, insert "RCW 7.48".

Page 2. 16.25.010 Purpose

- Delete Section C entirely, and renumber D, E & F to C, D & E respectively
- Definition of Nuisance be changed to read: "Nuisance" refers to activities defined by RCW 7.40.

Page 3. 16.15.040

- Change first sentence to read: "The following measures shall be taken to protect agriculture and forestry operations in Island County:"

A. Mailed Notice. Notice language be changed to read:

"Island County has established a policy for unincorporated areas to protect and encourage agriculture and forestry operations. If your real property is located near an agriculture or forestry operation, you may be subject to inconvenience or discomfort arising from such operations, including, but not limited to, noise, odors, fumes, dust, flies, and other associated pests, the operation of machinery of any kind during any 24-hour period, the storage and disposal of manure, and the application of fertilizers, soil amendments, and pesticides. If conducted in compliance with local, state and federal laws, these inconveniences or discomforts are hereby deemed not to constitute a nuisance, for purposes of the Island County Code and shall not be subject to legal action as a public nuisance as provided in Chapter 7.48 RCW. "

B. Recorded Disclosure Notice language be changed to read:

"All recorded documents concerning the transfer of real property located within Rural Agriculture, Rural Forest and Commercial Agriculture and within 300' of lands zoned in these classifications, by

sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, or any other means of transfer, shall contain a statement containing the language set forth in subsection (1) above."

C. Property Declaration. five hundred (500) feet be changed to three hundred (300) feet

Page 4.

16.25.50 Public Information. Delete entire section.

Sections 16.25.060 and .070 be changed to .050 and .060 respectively.

NEW CHAPTER

Chapter 16.25

Agriculture and Forestry Protection

Sections:

- 16.25.010 Purpose
- 16.25.020 Definitions
- 16.25.030 Policy
- 16.25.040 Protection Measures
- 16.25.050 Severability
- 16.25.060 Effective Date

*This was an
orig doc on date
of approval*

16.25.010 Purpose

The purpose of this chapter is to reduce the loss of commercially productive agriculture and forestry operations by such things as nuisance complaints, and governmental policies. Island County recognizes that it is imperative that the rights and opportunities of agriculturists and foresters to earn a livelihood be maintained for lands that have agriculture or forestry operations.

This ordinance is not to be construed in any way as modifying or abridging state law as set out in the Washington Administrative Code (WAC), the Forest Practices Act, Chapter 7.48 RCW or any other applicable provision of state law; rather, it is only to be utilized in the interpretation and enforcement of the provisions of Titles 11, 16, and 17 ICC.

16.25.020 Definitions

As used herein, the following words have the designated meanings:

- A. **“Agricultural Operation”** means a condition or activity that occurs in connection with the commercial production of food or fiber and includes: cultivation and tillage of the soil; dairying; the production, irrigation, cultivation, growing, harvesting, processing and sale of any agricultural commodity, including viticulture, horticulture, apiculture, the raising of livestock or poultry, and any commercial agricultural practices performed as incident to or in conjunction with

such operations, including storage, preparation for market, delivery to storage or to market, or to carriers for transportation to market. and includes agricultural activity as defined in RCW 7.48.310.

- B. **“Forestry Operation”** means a condition or activity that occurs in connection with the commercial production of forestry products including the cultivation, growing, harvesting, managing, processing and sale of any forestry commodity, including any commercial forestry practices performed as incident to or in conjunction with such operations, such as storage, preparation for market, delivery to storage or to market, or to carriers for transportation to market and includes forest practices as defined in RCW 76.09.020.
- C. **“Nuisance”** refers to activities that are defined by Chapter 7.48 RCW.
- D. **“Agricultural Good Management Practices”** means current, economically feasible, management practices available as endorsed by the United States Department of Agriculture, Washington State University, University of Washington, the Washington State Department of Agriculture, or the Agriculture and Forestry Technical Advisory Committee.
- E. **“Forestry Good Management Practices”** with respect to non-conversion forestry means those practices set forth in the Washington State Forest Practices Act and administered by the Department of Natural Resources. In general, it means those practices endorsed by the Department of Natural Resources, Washington State University, and the University of Washington and the Society of American Foresters.

16.25.030 Policy

It is the declared policy of Island County to conserve, protect, enhance and encourage agricultural and forestry operations within the County. Where non-agricultural/forestry land uses extend into areas of agricultural and forestry operations, or exist side-by-side, such operations may become subject to nuisance complaints. As a result, agriculture and forestry operators may be forced to cease or curtail operations and agricultural and forestry operators may be discouraged from making investments in agriculture and forestry improvements. As long as these uses are allowed under County Code and are conducted and maintained in a manner consistent with good management practices and do not violate local, state, or federal regulations, they shall not be considered a nuisance or be declared a nuisance as defined in the Island County Code.

16.25.040 Protection Measures

The following measures shall be taken to protect agriculture and forestry operations in Island County:

- A. **Mailed Notice:** With property tax statements next issued after the effective date of this chapter, Island County shall mail the following notice to all owners of real

property in Island County; provided that no liability shall attach to Island County for any actions or omissions under this section:

“Island County has established a policy for unincorporated areas to protect and encourage agriculture and forestry operations. If your real property is located near an agriculture or forestry operation, you may be subject to inconvenience or discomfort arising from such operations, including, but not limited to, noise, odors, fumes, dust, flies, and other associated pests, the operation of machinery of any kind during any 24-hour period, the storage and disposal of manure, and the application of fertilizers, soil amendments, and pesticides. If conducted in compliance with local, state, and federal laws, these inconveniences or discomforts are hereby deemed not to constitute a nuisance as provided in Chapter 7.48 RCW for purposes of the Island County Code and shall not be subject to legal action as a public nuisance.”

- B. **Recorded Disclosure Notice:** All recorded documents concerning the transfer of real property located within Rural Agriculture, Rural Forest or Commercial Agriculture and within 300 of these lands by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, or any other means of transfer, shall contain a statement containing the language set forth in subsection (1) above.
- C. **Property Declaration:** A declaration shall be executed for any plat, short plat, PRD, or building permit(s) approved by Island County located within three hundred (300) feet of property zoned Rural Agriculture, Rural Forest or Commercial Agriculture.

The declaration shall state:

“Declarant and declarant’s heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated near agricultural or forest land, and as such may be subject to noise, dust, smoke and odors resulting from harvest, planting, fertilization, waste disposal and pest control associated with permitted agricultural or forest practices. These practices, when performed in accordance with County, State and Federal law, shall not be subject to legal action as a public nuisance.”

16.25.050 Severability

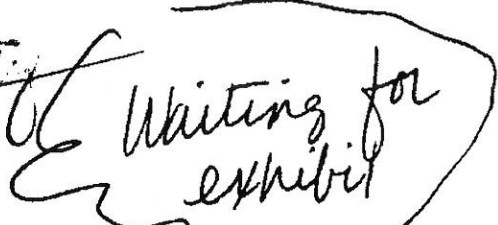
If any provision or provisions of this chapter or its/their application to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision or provisions to other persons or circumstances shall not be affected.

16.25.060 Effective Date

This Chapter shall take effect on October 1, 1998 or the effective date of Chapter 17.03 ICC whichever is later and shall apply to new applications submitted on or after that date and to incomplete applications filed prior to that date.

7/13/98

Eddie provided this
copy for hearing
meeting

~~10000~~
~~040000~~ Island County  Waiting for
exhibit

Attachment will
be re-typed per Keith

@Hearings

need Dave's signature

NEW CHAPTER

Chapter 16.25

Agriculture and Forestry Protection

Sections:

- 16.25.010 Purpose
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- 16.25.060 Severability
- 16.25.070 Effective Date

16.25.010 Purpose

The purpose of this chapter is to reduce the loss of commercially productive agriculture and forestry operations by such things as nuisance complaints, and governmental policies. Island County recognizes that it is imperative that the rights and opportunities of agriculturists and foresters to earn a livelihood be maintained for lands that have been zoned by an agriculture or forestry zoning classification.

This ordinance is not to be construed in any way as modifying or abridging state law as set out in the Washington Administrative Code (WAC), the Forest Practices Act, or any other applicable provision of state law; rather, it is only to be utilized in the interpretation and enforcement of the provisions of Titles 11, 16, and 17 ICC.

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As used herein, the following words have the designated meanings:

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viticulture, horticulture, apiculture, the raising of livestock or poultry, and any commercial agricultural practices performed as incident to or in conjunction with such operations, including storage, preparation for market, delivery to storage or to market, or to carriers for transportation to market, and includes agricultural activity as defined in RCW 7.48.310.

B. **“Forestry Operation”** means a condition or activity that occurs in connection with the commercial production of forestry products including the cultivation, growing, harvesting, managing, processing and sale of any forestry commodity, including any commercial forestry practices performed as incident to or in conjunction with such operations, such as storage, preparation for market, delivery to storage or to market, or to carriers for transportation to market and includes forest practices as defined in RCW 76.09.020.

C. **“Agriculture and Forestry-Permitted Use Areas”** refers to the Rural Agriculture, Rural Forest, and **Commercial** Agriculture zoning classifications.

D. **“Nuisance”** refers to activities that may be perceived as annoying, unpleasant, obnoxious, or creating an inconvenience.

E. **“Agricultural Good Management Practices”** means current, economically feasible, management practices available as endorsed by the United States Department of Agriculture, Washington State University, University of Washington, the Washington State Department of Agriculture, or the Agriculture and Forestry Technical Advisory Committee.

F. **“Forestry Good Management Practices”** with respect to non-conversion forestry means those practices set forth in the Washington State Forest Practices Act and administered by the Department of Natural Resources. In general, it means those practices endorsed by the Department of Natural Resources, Washington State University, and the University of Washington and the Society of American Foresters.

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16.25.040 Protection Measures

The following measures shall be taken to protect agriculture and forestry operations in the Rural Agriculture, Rural Forest, and Agriculture zones:

- A. **Mailed Notice:** With property tax statements next issued after the effective date of this chapter, Island County shall mail the following notice to all owners of real property in Island County; provided that no liability shall attach to Island County for any actions or omissions under this section:

“Island County has established a policy for unincorporated areas to protect and encourage agriculture and forestry operations in Rural Agriculture, Rural Forest, and Agriculture zones. If your real property is located near an agriculture or forestry operation in one of these zones, you may be subject to inconvenience or discomfort arising from such operations, including, but not limited to, noise, odors, fumes, dust, flies, and other associated pests, the operation of machinery of any kind during any 24-hour period, the storage and disposal of manure, and the application of fertilizers, soil amendments, and pesticides. If conducted in a manner consistent with proper and accepted standards and that are in compliance with local, state, and federal laws, these inconveniences or discomforts are hereby deemed not to constitute a nuisance for purposes of the Island County Code and shall not be subject to legal action as a public nuisance.”

- B. **Recorded Disclosure Notice:** All recorded documents concerning the transfer of real property located in unincorporated Island County by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, or any other means of transfer, shall contain a statement containing the language set forth in subsection (1) above.

- C. **Property Declaration:** A declaration shall be executed for any plat, short plat, PRD, or building permit(s) approved by Island County located within five hundred (500) feet of property zoned Rural Agriculture, Rural Forest or Agriculture.

The declaration shall state:

“Declarant and declarant’s heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated near agricultural or forest land, and as such may be subject to noise, dust, smoke and odors resulting from harvest, planting, fertilization, waste disposal and pest control associated with permitted agricultural or forest practices. These practices, when performed in accordance with County, State and Federal law, shall not be subject to legal action as a public nuisance.”

16.25.050 Public Information

A public information program funded by Island County and conducted by the Washington State University Cooperative Extension of Island County, shall be established to inform local citizenry and visitors of Island County's policy to protect and encourage agriculture and forestry operations in Rural Agriculture, Rural Forest, and Agriculture zones. At a minimum, the public information program shall include the following:

- A. **Educational Brochure:** The brochure, designed by WSU Cooperative Extension in cooperation with agriculture/forestry and non-agriculture/forestry residents of Island County, shall provide an overview of the agriculture and forestry goals of the County in addition to addressing other issues such as: the differences between rural and urban lifestyles, understanding nuisances from the agriculturist/forester and resident perspectives, actions residents can take to cope with agriculture and forestry nuisances, and the role Island County plays in handling nuisance complaints.
- B. **Signage:** Signs designed by WSU Cooperative Extension in cooperation with agriculture/forestry and non-agriculture/forestry residents shall be placed at appropriate locations throughout the County indicating agriculture and forestry areas and Island County's support for agriculture and forestry operations in areas where agriculture and forestry are permitted uses.

16.25.060 Severability

If any provision or provisions of this chapter or its/their application to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision or provisions to other persons or circumstances shall not be affected.

16.25.070 Effective Date

This Chapter shall take effect on ~~August~~October 1, 1998 or the effective date of Chapter 17.03 ICC whichever is later and shall apply to new applications submitted on or after that date and to incomplete applications filed prior to that date.

NEW CHAPTER

*w/ document from
6/22 ~~Heaven~~ mtg
when hearing was
set*

Chapter 16.25

Agriculture and Forestry Protection

Sections:

- 16.25.010 Purpose
- 16.25.020 Definitions
- 16.25.030 Policy
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This ordinance is not to be construed in any way as modifying or abridging state law as set out in the Washington Administrative Code (WAC), the Forest Practices Act, or any other applicable provision of state law; rather, it is only to be utilized in the interpretation and enforcement of the provisions of Titles 11, 16, and 17 ICC.

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As used herein, the following words have the designated meanings:

- A. “Agricultural Operation” means a condition or activity that occurs in connection with the commercial production of food or fiber and includes: cultivation and tillage of the soil; dairying; the production, irrigation, cultivation, growing, harvesting, processing and sale of any agricultural commodity, including

16.25.040 Agriculture and Forestry Protection Measures

The following measures shall be taken to protect agriculture and forestry operations in the Rural Agriculture, Rural Forestry, and Resource-Agriculture zones:

A. Nuisance. No agriculture or forestry activity, operation, or facility or appurtenance thereof, on agriculture and forestry permitted use areas, conducted in conformance with good management practices, and in conformance with the Forest Practices Act and other local, state, and federal regulations, shall be or become a nuisance, pursuant to the Island County Code.

B. Disclosure. The following actions shall be taken for disclosure concerning agricultural and forestry operations:

A1. Mailed Notice: With property tax statements next issued after the effective date of this chapter, Island County shall mail the following notice to all owners of real property in Island County; provided that no liability shall attach to Island County for any actions or omissions under this section:

"Island County has established a policy for unincorporated areas to protect and encourage agriculture and forestry operations in Rural Agriculture, Rural Forestry, and Resource-Agriculture zones. If your real property is located near an agriculture or forestry operation in one of these zones, you may be subject to inconvenience or discomfort arising from such operations, including, but not limited to, noise, odors, fumes, dust, flies, and other associated pests, the operation of machinery of any kind during any 24-hour period, the storage and disposal of manure, and the application of fertilizers, soil amendments, and pesticides. If conducted in a manner consistent with proper and accepted standards and that are in compliance with local, state, and federal laws, these inconveniences or discomforts are hereby deemed not to constitute a nuisance for purposes of the Island County Code and shall not be subject to legal action as a public nuisance."

B2. Recorded Disclosure Notice: All recorded documents concerning the transfer of real property located in unincorporated Island County by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, or any other means of transfer, shall contain a statement containing the language set forth in subsection (1) above.

C3. Property Declaration Disclosure Statement: A disclosure statement declaration shall be placed on the face of executed for any plat, short plat, PRD, or building permit(s) approved by Island County located within five hundred (500) feet of property zoned Rural Agriculture, Rural Forestry, or Resource Agriculture. A notation containing the language set forth in subsection (1) above shall be included in documents of conveyance and any recorded covenants. The notations shall further state these practices, when performed in accordance with county, state, and federal law, shall not be subject to legal action as a public nuisance.

The declaration shall state:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated near agricultural or forest land, and as such may be subject to noise, dust, smoke and odors resulting from harvest, planting, fertilization, waste disposal and pest control associated with permitted agricultural or forest practices. These practices, when performed in accordance with County, State and Federal law, shall not be subject to legal action as a public nuisance."

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A public information program funded by Island County and conducted by the Washington State University Cooperative Extension of Island County, shall be established to inform local citizenry and visitors of Island County's policy to protect and encourage agriculture and forestry operations in Rural Agriculture, Rural Forestry, and Resource-Agriculture zones. At a minimum, the public information program shall include the following:

- A. Educational Brochure: The brochure, designed by WSU Cooperative Extension in cooperation with agriculture/forestry and non-agriculture/forestry residents of Island County, shall provide an overview of the agriculture and forestry goals of the County in addition to addressing other issues such as: the differences between rural and urban lifestyles, understanding nuisances from the agriculturist/forester and resident perspectives, actions residents can take to cope with agriculture and forestry nuisances, and the role Island County plays in handling nuisance complaints.
- B. Signage: Signs designed by WSU Cooperative Extension in cooperation with agriculture/forestry and non-agriculture/forestry residents shall be placed at appropriate locations throughout the County indicating agriculture and forestry areas and Island County's support for agriculture and forestry operations in areas where agriculture and forestry are permitted uses.

16.25.060 Severability

If any provision or provisions of this chapter or its/their application to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision or provisions to other persons or circumstances shall not be affected.

16.25.070 Effective Date

This Chapter shall take effect on August 1, 1998 and shall apply to new applications submitted on or after that date and to incomplete applications filed prior to that date.