

BEFORE ANNEXATION, THE PUBLIC DESERVES ANSWERS

Washington's Growth Management Act requires growth that is planned, served, financed, and environmentally responsible and that **REDUCES SPRAWL**

WE ARE ASKING FOR **TWO** WRITTEN PLANS:



1. PLAN FOR PROVISION OF URBAN SERVICES

1



Complete Urban-Services Plan

for sewer, water, stormwater, roads, police, fire, EMS, and code enforcement.

2



Capital Facilities & Financing Plan

showing costs, funding sources, phasing, and what happens if funding is not available.

3



Ecological & Engineering Analysis

for sewer extension, pump or lift-station needs, creek crossings, wetlands, aquifer impacts, shoreline impacts and critical areas



Show how services will be provided, paid for, and protect our environment--**BEFORE ANNEXATION.**



2. PLAN FOR PROTECTION OF EXISTING RURAL USES

1



Side-by-Side Comparison

of current Lewis County rules and proposed Vader city ordinances for animals, livestock, animal noise, nuisance, odors, manure, carcasses, slaughter, fences, lights, signs, farm equipment, greenhouses, sheds, barns, farm stands, nursery sales, garden production, and licensing.

2



Written Determination

of whether each existing farm, ranch, nursery, livestock, garden, and rural production activity will be permitted outright, treated as legal non-conforming, prohibited, or subject to enforcement after annexation.

3



Explicit Protections

for existing farms, ranches, gardens, nurseries, livestock uses, agricultural structures, and farm-adjacent activities so that annexation does not criminalize or penalize lawful rural production.



Protect the rights and livelihoods of rural families, farms, ranches and local food production



Annexation of properties west of the Olequa should not proceed on aspiration alone.

If the city cannot show how it will provide urban services, pay for them, protect critical areas, and preserve existing rural and agricultural uses **THEN THE ANNEXATION IS PREMATURE**



PLAN FIRST. PROTECT OUR COMMUNITY. PREVENT URBAN SPRAWL.

Good planning today. Strong community tomorrow.

Plan for provision of urban services west of the Olequa (exhibit c1/c2)

The City is proposing urban regulation without showing a complete plan for urban services. If the City does not plan to extend sewer or water, has not shown the cost or funding, has not identified routes or pump/lift-station needs, and has not analyzed impacts to Olequa Creek and critical areas, then annexation is premature. *Annexation should not create urban regulation without urban services.*

Washington planning requirement/expectation	What appears missing for west-of-Olequa parcels	What should be shown before annexation
RCW 36.70A.020 (1,2) - Urban growth should occur where adequate public facilities and services exist or can be provided efficiently. - Planning should reduce urban sprawl.	- The City states there are no immediate plans to extend sewer or water service. - No clear explanation of how this annexation reduces sprawl or creates efficient urban growth.	- Written explanation of how urban services will be provided efficiently to the annexed area. - Explanation of how annexing a small remaining pocket of rural agricultural parcels reduces sprawl rather than expanding urban regulation without urban services.
RCW 36.70A.030 (47) - Defines urban services as sewer, water, fire/police, public transit, street cleaning, and other city-level utilities. WAC 365-196-320 (d) - States at minimum, adequate public facilities include sanitary sewer systems and public water service.	- No written service plan showing when, how, or whether these urban services/facilities will ever be provided to the west-of-Olequa parcels. - No sewer-extension plan, water-service plan, pump/lift-station analysis, or route plan has been shown for extending services west of Olequa Creek.	- Plan for sanitary sewer, stormwater, domestic water, fire and police protection, street cleaning, public transit, and other city-level services. - Sewer-extension plan, water-service plan, pump or lift-station analysis, route analysis, capacity analysis, and connection strategy.
RCW 36.70A.070 (3.a-e) - Capital facilities planning is required. - Funding must be identified. WAC 365-196-320 (4.a-f) - Any amendment to an urban growth area must be accompanied by an analysis of what capital facilities investments are necessary	- No annexation-specific capital facilities update showing costs, locations, capacities, funding sources, or six-year financing for these parcels. - No cost estimate, funding source, phasing plan, or explanation of who pays if funding falls short.	- Inventory of existing facilities, forecast of future needs, proposed improvements, locations and capacities, funding sources, and a six-year financing plan. - Cost estimates, funding sources, phasing, and explanation of what happens if funding is not available.
RCW 43.21C.030 SEPA requires agencies to consider environmental values and impacts in governmental decisions.	No ecological review has been shown for extending services over or under Olequa Creek or through adjacent wetlands, aquifers, shorelines, and critical areas.	Feasibility of extending sewer over or under Olequa Creek, wetlands, aquifers, shorelines, flood areas, and critical areas.

Requested Written Plan

Before annexation, the City and County should provide a Plan for Provision of Urban Services that includes:

1. Sewer, water, stormwater, roads, fire, EMS, police, code enforcement, and other city services.
2. Existing facilities and future service needs.
3. Proposed infrastructure, locations, capacities, and routes.
4. Pump or lift-station needs and creek-crossing analysis.
5. Costs, funding sources, phasing, and a six-year financing plan.
6. A clear explanation of who pays if funding is not available.
7. Ecological review for Olequa Creek, wetlands, aquifers, shorelines, and critical areas.

Plan to protect the citizens right-to-farm

Washington and Lewis County law treat agricultural impacts as protected or expected rural production activities. Vader's ordinances appear to treat agriculture in residential zones as conditional, compatibility-based, and subject to urban enforcement. The City should provide a written matrix stating which activities will be permitted outright, conditional, legal nonconforming, prohibited, or subject to enforcement after annexation.

Washington/Lewis County	Vader ordinance or issue	Conflict
Agriculture		
RCW 7.48.305. Protects agricultural activities from nuisance claims when conducted on farmland and consistent with good agricultural practices. LCC 17.40.040. States agricultural activities, operations, facilities, and appurtenances shall not become a nuisance because of changes in surrounding land use or zoning.	Vader R-1 does not list agriculture as an outright permitted use. Agriculture is listed as a conditional use requiring review and approval, with conditions to ensure compatibility. VMC 27.08.210, 27.08.220.	County/state law treats agriculture as protected rural activity; Vader treats agriculture as conditional and compatibility-based. The City should state whether existing and future agricultural activity is protected outright, conditional, nonconforming, or subject to enforcement.
Noise, odors, dust, fumes		
RCW 7.48.310 (1) Defines agricultural activity to include "noise," "odors," "dust," "fumes," machinery, irrigation pumps, fertilizer application, and livestock movement.	Vader penalizes and criminalizes public disturbance noises including repetitive or continuous sounds in connection with operating machinery. VMC 9.12.010 (a.2) Vader residential districts are designed to protect against "hazards" and "objectionable influences." VMC 27.08.190, 27.08.200.	Ordinary farm noise, odors, dust, fertilizer smell, manure smell, livestock sound, pumps, and machinery could be treated as urban residential nuisances unless expressly protected.
Composting, mulch, crop residue, manure bedding, nursery waste		
RCW 7.48.305 (1) States agricultural activities conducted on farmland, if consistent with good agricultural practices and established before surrounding nonagricultural activities, are presumed reasonable and shall not be found a nuisance unless they substantially affect public health and safety.	VMC 9.08.020 treats keeping "junk, refuse, or litter" as maintaining a nuisance. VMC 9.08.010 defines: <i>Litter</i> means and includes all other waste, paper and discarded material. <i>Refuse</i> means and includes all trash, garbage, discarded food, feces, animal and vegetable matter, and cans.	Compost piles, mulch piles, crop residue, manure bedding, spoiled hay, plant trimmings, nursery waste, leaves, wood chips, and soil amendments are commonly stored outdoors as part of farming, ranching, gardening, livestock care, and nursery production. Without an agricultural exemption, these materials could be treated as "refuse" or "litter," turning normal composting and soil-building practices into a nuisance violation.
Farm equipment, trailers, irrigation supplies, fencing materials, pots, pallets, soil, compost, feed		
RCW 7.48.310 (1) Includes machinery, irrigation pumps, and plant protection products.	Vader's junk rule and residential compatibility standards could reach visible equipment, parts, materials, or storage VMC 27.28.020. R-1 purpose provisions emphasize protection from objectionable influences and congestion. VMC 27.08.190–.200.	Farm storage should not be treated like abandoned junk. The City should distinguish active agricultural equipment/materials from nuisance junk.

Washington/Lewis County	Vader ordinance or issue	Conflict
Fencing for livestock, deer exclusion, nursery screening, and farm security		
RCW 7.48.310 (1) Includes construction and maintenance of fences, protection from damage by wildlife and similar agricultural features.	Vader generally limits fences/walls/hedges along property lines to six feet , and sight-obscuring front/side fences to four feet , with an exception for open wire-mesh fences only for playgrounds, public utilities, and similar public-safety hazards. VMC 27.28.030 .	Livestock fencing, predator fencing, deer fencing, nursery screening, and farm security fencing may need agricultural exemptions beyond residential fence limits.
Farm buildings, barns, sheds, greenhouses, coops, hoop houses		
RCW 7.48.310 (1) Includes construction and maintenance of buildings, fences, and similar features.	Vader R-1 has residential lot coverage, setback, height, and yard standards. VMC 27.08.240–.260 . Nonconforming structures may be repaired or altered only if they do not increase nonconformity. VMC 27.44.020 .	The City should state whether barns, greenhouses, coops, sheds, farm shelters, and hoop houses are protected agricultural structures or subject to residential accessory-structure restrictions.
Farm stands, roadside sales, nursery sales, egg sales, produce sales, plant sales, signage		
RCW 7.48.310 (1) expressly includes commercial production of farm products and marketed produce at roadside stands or farm markets.	Vader R-1 prohibits commercial and industrial uses other than authorized home occupations. VMC 27.08.230 . Home occupations listed in VMC 27.28.070 do not expressly include farm stands, nursery sales, egg sales, produce sales, or plant sales. Vader limits signs in any use district, including on-premises product/use signs, and prohibits billboards. VMC 27.28.090 .	The City should clarify whether farm stands and nursery sales are protected agricultural activity or treated as prohibited commercial uses/home occupations. The City should clarify whether small agricultural signs for eggs, produce, plant starts, nursery stock, and farm stands will be permitted as part of rural production.
Livestock, livestock movement, animal husbandry		
RCW 7.48.310 (1) includes livestock and roadway movement of livestock	VMC 7.16 allows livestock by acreage, but Vader's zoning definition of agriculture is narrower and agriculture remains conditional in R-1. VMC 27.08.220 ; VMC 27.56.020 definition of agriculture.	Livestock may be allowed numerically, but the full incidents of animal husbandry—noise, manure, fencing, shelters, movement, culling, harvest—need explicit written protection.
On-farm harvest, slaughter, culling, flock/herd management		
RCW 7.48.310 does not specifically immunize every slaughter/processing activity from all regulations.	Vader criminalizes slaughter of livestock intended to be sold. VMC 7.20.070 Vader's agriculture definition includes animal husbandry but excludes "slaughterhouse," "plant for the reduction of animal matter," and "secondary processing of agricultural products." VMC 27.56.020 .	The City should distinguish industrial slaughterhouses from ordinary on-farm harvest, culling, poultry processing, and herd/flock management. Otherwise, animal husbandry is incomplete.

Washington/Lewis County	Vader ordinance or issue	Conflict
Changing from one agricultural activity to another		
RCW 7.48.310 (1,4) expressly protects “conversion from one agricultural activity to another,” including changes in plant-related farm products.	Vader nonconforming-use rules prohibit extension, enlargement, or expansion of nonconforming land uses, and require any change of nonconforming use to be conforming. VMC 27.44.030.	A five-year transition or nonconforming-use approach may freeze farms in place rather than protect their ability to adapt, diversify, add greenhouses, change crops, add livestock, or modernize.
Seasonal hours, pumps, machinery, deliveries		
Lewis County says farm operations shall not be restricted by time of day or day of week if conducted according to generally accepted agricultural practices. LCC 17.40.040(3). RCW 7.48.305 (2) also says qualifying agricultural activity shall not be restricted by hours/day if conforming to applicable laws and rules.	Vader residential compatibility standards and home-occupation criteria allow conditions to reduce noise/glare, control access, increase parking/loading, and review future alterations. VMC 27.28.080.	Seasonal farm work, early/late irrigation, machinery, loading, deliveries, and nursery operations need right-to-farm treatment, not urban home-occupation treatment.
Lighting for greenhouse, livestock, security, loading, and farm work		
RCW 7.48.310 (1) protects machinery, buildings and new practices/equipment consistent with agricultural technology.	Vader requires artificial lighting on any lot/building/structure/parking area to be oriented away from adjacent residential properties. VMC 27.28.040.	Reasonable farm, security, greenhouse, and loading lighting should be clarified so ordinary farm use is not treated as incompatible urban lighting.
Existing farms relying on “grandfathering” or transition period		
RCW 7.48.305 and LCC 17.40.040 protect agricultural activity from becoming a nuisance due to changes in surrounding land use or zoning.	Vader nonconforming-use rules limit extension, enlargement, expansion, and changes of nonconforming uses; unused nonconforming use for one year may not be reoccupied except by conforming use. VMC 27.44.030.	A transition period or nonconforming status is not the same as right-to-farm protection. The City should state which uses are permanently protected versus merely tolerated until compliance.
Code enforcement/penalties		
State and county right-to-farm laws reduce nuisance-based pressure on agriculture and recognize farm impacts as expected in rural conditions. RCW 7.48.305, LCC 17.40.020–.040.	Vader zoning includes sections for unauthorized use/placement and violation penalties. VMC 27.01.090–.100. The City's development-regulations page also lists “Unauthorized Use or Placement” and “Violation-Penalty” under general zoning provisions.	If farming activities are not expressly protected, ordinary rural production could become a zoning/code-enforcement issue after annexation.

RCW 7.48.305 Washington agricultural activities and forest practices law Intent

Intent—2007 c 331: "The legislature finds that agricultural activities are often subjected to nuisance lawsuits. The legislature also finds that such lawsuits hasten premature conversion of agricultural lands to other uses. The legislature further finds that agricultural activities must be able to adopt new technologies and diversify into new crops and products if the agricultural industry is to survive and agricultural lands are to be conserved. Therefore, the legislature intends to enhance the protection of agricultural activities from nuisance lawsuits, and to further the clear legislative directive of the state growth management act to maintain and enhance the agricultural industry and conserve productive agricultural lands." [2007 c 331 s 1.]

Requested Written Plan

Before annexation, the City and County should provide a Plan for Protection of citizens right to farm that includes:

1. Will existing farms, ranches, nurseries, gardens, livestock uses, greenhouses, and rural production activities be permitted outright, treated as conditional, treated as legal nonconforming, prohibited, or subject to enforcement after annexation?
2. Is the five-year transition period a permanent protection plan, or is it delayed compliance with city ordinances? What happens after five years?
3. Will compost piles, mulch, crop residue, manure bedding, plant trimmings, soil amendments, and nursery waste be protected from debris, nuisance, or junk enforcement?
4. Will fertilizing fields, spreading compost, manure management, livestock odors, and soil amendment use be protected as ordinary agricultural activity?
5. Will tractors, trailers, irrigation supplies, fencing materials, pallets, pots, soil, compost, feed, and farm tools be protected from junk, nuisance, or outdoor-storage enforcement?
6. Will livestock, poultry, animal noise, manure, shelters, fencing, movement, loading, and ordinary animal husbandry be protected?
7. Will the City distinguish industrial slaughterhouses from ordinary on-farm harvest, culling, poultry processing, and herd or flock management?
8. Will farm stands, roadside sales, nursery sales, egg sales, produce sales, plant sales, CSA pickup, and farm markets be protected as agricultural activity rather than treated as prohibited commercial use or home occupation?
9. Will barns, sheds, coops, greenhouses, hoop houses, fencing, irrigation structures, ponds, drains, and farm roads be protected from residential accessory-structure limits?
10. Will animal noise, machinery, irrigation pumps, greenhouse lighting, security lighting, deliveries, and seasonal farm work be protected from urban residential nuisance standards?
11. Will farms be allowed to change crops, add livestock, add greenhouses, add farm stands, or shift from one agricultural activity to another without losing protection?
12. Which activities could result in warnings, fines, abatement, daily violations, permit revocation, misdemeanor enforcement, or other code-enforcement action?
13. Will the City provide a side-by-side comparison of Washington right-to-farm protections, Lewis County rules, and Vader ordinances before annexation is approved?
14. Will the City adopt explicit written protections so lawful rural production is not criminalized or penalized simply because the city boundary moves?