

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
1	1.4.2 Table 1-1	<p><b>Establishment of Land Use Districts and Official Maps.</b> ... 2. <b>Official Maps</b> <b>Table 1-1: <i>Comprehensive Plan</i> Land Use District Designations</b> ... <b>Resource Lands</b> <u>Agricultural Resource Lands</u> <u>AGAP-20 Commercial Agriculture Prime Agricultural Land</u> <u>AG-5 Local Agriculture AL-20 Agricultural Land of Local Importance</u></p>
2	2.3	<p><b>Definitions.</b></p> <p><b>Agricultural Resource Lands (<u>Agricultural Lands</u>)</b> Lands that are primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animals products or of berries, grain, hay, straw, turf, seed, <del>livestock</del>, or Christmas trees not subject to the excise tax imposed by RCW 84.33.100-140, <u>finfish in upland hatcheries, or livestock</u>, and <u>that</u> have long-term commercial significance for agricultural production (RCW 36.70A.030(2)). Agricultural Resource Lands <del>is also are divided into two</del> land-use designations, <u>Prime (AP-20) and Local (AL-20), (AG)</u> in the <i>Comprehensive Plan</i>.</p> <p><b>Agricultural Land of Local <del>Significance</del>Importance</b> Land in addition to designated <del>Class I or Class II farmlands</del> <u>Prime Agricultural Land</u> that is of local importance for the production of food, fiber, forage or oilseed crops. Generally, additional farmlands of local importance include those that are nearly prime farmland and that economically produce high yields of crops when treated or managed according to acceptable farming methods. Such farmlands may include areas of commercial aquaculture.</p> <p><b>Agriculture, Existing and Ongoing</b> Any agricultural activity conducted on <u>an ongoing basis on</u> lands enrolled in the Open Space Tax Program <del>as Agricultural Lands for</del> <u>agriculture</u> or designated as Agricultural Lands of Long-Term Commercial Significance on the <u>official map of</u> <i>Comprehensive Plan</i> Land Use <del>Map</del> <u>Designations, provided that agricultural activities were conducted on those lands at anytime during the five-year period preceding April 28, 2003;</u> <del>agricultural</del> <u>Agricultural</u> use ceases when the area on which it is conducted is converted to a nonagricultural use.</p> <p><b><u>Agriculture, New</u></b> <u>Agricultural activities proposed or conducted after April 28, 2003 and that do not meet the definition of “existing and ongoing agriculture.”</u></p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
		<p><b><u>Agricultural Best Management Practices (BMPs)</u></b>  <u>Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution of waters or degradation of wetlands and fish and wildlife habitat areas.</u></p> <p><b><u>Best Management Practices, Agricultural</u></b>  <b><u>(See Agricultural Best Management Practices)</u></b></p> <p><b><u>Farm Equipment</u></b>  <u>Includes but is not limited to tractors, trailers, combines, tillage implements, balers, and other equipment, including attachments and accessories that are used in the planting, cultivating, irrigation, harvesting, and marketing of agricultural, horticultural, or livestock products.</u></p> <p><b><u>Agricultural Product or Commodity</u></b>  <u>Any plant or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.</u></p> <p><b><u>Accessory Uses (to Agriculture)</u></b>  <u>Uses accessory to agriculture that support, promote, or sustain agricultural operations and production, as provided in Section 4.3 of this code.</u></p> <p><b><u>Open Space Tax Program</u></b>  <u>County program associated with property taxation. Land being used for agriculture may be enrolled in the Tax Program through the County Assessor. The Tax Program is independent of land use designation (i.e., zoning) and these development regulations, except in the context of identifying “existing and ongoing agriculture,” as defined and regulated in this code.</u></p> <p><b><u>Livestock</u></b>  <u>Horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, and other species so designated by statute. Livestock does not mean free ranging wildlife as defined in Title 77 RCW.</u></p> <p><b><u>Livestock Management</u></b>  <u>Includes breeding, birthing, feeding, care, processing and sales of animals and animal products, birds, honey bees, fish and shellfish.</u></p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
		<p><b><u>Custom Slaughtering Establishment</u></b>  <u>The facility operated by a person licensed to slaughter meat food animals for the owner of the animal at a fixed location.</u></p> <p><b><u>Custom Meat Facility</u></b>  <u>The facility operated by a person licensed to prepare uninspected meat for the owner of the uninspected meat.</u></p> <p><b><u>Certified Feed Lot</u></b>  <u>Any place, establishment, or facility commonly known as a commercial feed lot, or the like, which complies with all of the requirements of Chapter 16.58 and associated rules and which holds a valid license from the State.</u></p> <p><b><u>Public Livestock Market</u></b>  <u>Any place, establishment or facility commonly known as a “public livestock market,” “livestock auction market,” “livestock sales ring,” yards selling on commission, or the like, conducted or operated for compensation or profit as a public livestock market, consisting of pens and other enclosures, and their appurtenances in which livestock is received, held, sold, or kept for sale or shipment. The term does not include the operation of a person licensed under Ch. 16.65 RCW to operate a special open consignment horse sale.</u></p> <p><b><u>Stockyard</u></b>  <u>Any place, establishment, or facility commonly known as a stockyard consisting of pens or other enclosures and their appurtenances in which livestock services such as feeding, watering, weighing, sorting, receiving and shipping are offered to the public: <i>provided</i>, that stockyard shall not include any facilities where livestock is offered for sale at public auction, feed lots, or quarantined registered feed lots.</u></p> <p><b><u>Agricultural Warehouse (Public Warehouse)</u></b>  <u>Any elevator, mill, subterminal grain warehouse, terminal warehouse, country warehouse, or other structure or enclosure that is used or useable for the storage of agricultural products, and in which commodities are received from the public for storage, handling, conditioning, or shipment for compensation. The term does not include any warehouse storing or handling fresh fruits and/or vegetables, any warehouse used exclusively for cold storage, or any warehouse that conditions yearly less than three hundred tons of an agricultural commodity for compensation.</u></p> <p><b><u>Warehouse, Agricultural</u></b>  <u>(See <b><u>Agricultural Warehouse (Public Warehouse)</u></b>)</u></p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
		<p><b><u>Animal Feeding Operation (AFO)</u></b>  <u>Agricultural enterprises where animals are kept and raised in confined situations. AFOs congregate animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. The formal definition in Federal regulations is a lot or facility (other than an aquatic animal production facility) where the following conditions are met: (a) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and (b) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. [40 CFR 122.23(b)(1)]</u></p> <p><b><u>Animal Feeding Operation, Concentrated (CAFO)</u></b>  <u>An AFO that is defined as a Large CAFO or as a Medium CAFO according to Federal regulations, or that is designated as a CAFO by the permitting authority. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes. [40 CFR 122.23(b)(2)]</u></p> <p><u>Large CAFO. An AFO that meets or exceeds one of the following thresholds: 700 mature dairy cows; 1,000 beef cattle or heifers; 2,500 swine (each 55 lbs or more); 10,000 swine (each under 55 lbs); 1,000 veal calves; 500 horses; 10,000 sheep or lambs; 55,000 turkeys; 30,000 ducks (other than liquid manure handling systems); 5,000 ducks (liquid manure handling systems); 30,000 chickens (liquid manure handling systems); 125,000 chickens except laying hens (other than liquid manure handling systems); 82,000 laying hens (other than liquid manure handling systems).</u></p> <p><u>Medium CAFO. An AFO where either a man-made ditch or pipe carries manure or wastewater from the operation to surface water or animals come into contact with surface water running through the area where they are confined; and the operation meets or exceeds the following thresholds: 200 mature dairy cows; 300 beef cattle or heifers; 750 swine (each 55 lbs or more); 3,000 swine (each under 55 lbs); 300 veal calves; 150 horses; 3,000 sheep or lambs; 16,500 turkeys; 10,000 ducks (other than liquid manure handling systems); 1,500 ducks (liquid manure handling systems); 9,000 chickens (liquid manure handling systems); 37,500 chickens except laying hens (other than liquid manure handling systems); 25,000 laying hens (other than liquid manure handling systems).</u></p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
		<p><b><u>Concentrated Animal Feeding Operation (CAFO)</u></b> <b><u>(See Animal Feeding Operation, Concentrated)</u></b></p> <p><b><u>Agricultural Processing, Heavy</u></b> <del>Facilities and uses associated with high intensity agricultural activities such as grain elevators, commercial slaughterhouses, rendering plants or other similar uses.</del></p> <p><b><u>Feed Lots (Stockyards)</u></b> <del>A commercial lot, yard, corral or other area in which livestock are confined primarily for the purpose of feeding and growth prior to slaughter. The term does not apply to areas which are used for raising crops or other vegetation or to areas in which livestock are allowed to graze in the normal and accustomed manner associated with rural agricultural practices.</del></p> <p><b><u>Livestock</u></b> <del>Domestic animals such as cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and poultry raised for home use or profit.</del></p> <p><b><u>Agritourism</u></b> <u>Agriculturally-related accessory uses designed to bring the public to the farm on a temporary or continuous basis, such as U-Pick farm sales, retail sales of farm products, farm mazes, pumpkin patch sales, farm animal viewing and petting, wagon rides, farm tours, horticultural nurseries and associated display gardens, cider pressing, wine or cheese tasting, etc.</u></p> <p><b><u>Farm Worker Housing</u></b> <u>A place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees.</u></p> <p><b><u>Conservation District</u></b> <u>A "special purpose district," like a fire district or school district, organized in accordance with Chapter 89.08 RCW for the purpose of providing assistance to landowners for the conservation of renewable resources.</u></p> <p><b><u>Field Office Technical Guide (FOTG)</u></b> <u>A USDA Natural Resources Conservation Service manual that contains information for use in technical assistance to decision-makers for resource management.</u></p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
		<p><b><u>Farm Plan</u></b>  <u>A conservation plan developed by a Conservation District technician and a landowner outlining a series of actions developed to meet a landowner's goals, while protecting water quality and the natural resources within and around the farm property. Many things are considered in a farm plan, including farm size, soil types, slope of the land, proximity to streams, wetlands, or water bodies, type and numbers of livestock or crops, resources such as machinery or building, and finances available. The terms Conservation Plan and Farm Plan are interchangeable in this context.</u></p> <p><b><u>Resource Management System</u></b>  <u>A conservation system that meets or exceeds the quality criteria in the NRCS FOTG for resource sustainability for all identified resource concerns for soil, water, air, plants and animals.</u></p> <p><b><u>Natural Resources Conservation Service</u></b>  <u>The Natural Resources Conservation Service is a US Dept. of Agriculture division that provides technical assistance to decision-makers to protect, maintain, and improve soil, water, air, plant, and animal resources and related human considerations.</u></p>
3	3.1.3.a(1) & (2)	<p><b>Land Use Districts.</b>          ...  <b>3. Resource Lands.</b>          ...  <b>a. Agricultural Resource Lands (AG).</b>  <b>(1) <del>Commercial Agriculture (AG-20)</del><u>Prime Agricultural Lands (AP-20)</u>.</b>  <u>The purpose of the <del>Commercial-Prime</del> Agricultural <del>District-Lands District-district</del> is to protect and preserve areas of prime agricultural soils for the continued production of commercial crops, livestock, or other agricultural products requiring <u>relatively</u> large tracts of agricultural land. It is intended to preserve <del>the open-space character of the area and thereby protect the business and life-style associated with commercial agriculture and upland-associated aquaculture</del> and <u>protect the land, environment, economy and lifestyle of agriculture in Jefferson County. These lands must be protected as "Agricultural Lands of Long-Term Commercial Significance."</u></u>  <b>(2) <del>Local Agriculture (AG-5)</del><u>Agricultural Lands of Local Importance (AL-20)</u>.</b> <u>The purpose of the Agricultural Lands of Local <del>Agriculture-Importance District-district</del> is to protect and preserve <u>parcels of land which, while not necessarily consisting of prime agriculture soil or relatively large acreage, are still considered important to the local agricultural economy, lifestyle and environment. As such they deserve protection as "Agricultural</u></u></p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
		<del>Lands of Long-Term Commercial Significance.”areas of locally important agricultural lands for the production of crops or other agricultural products requiring smaller tracts of agricultural land. It is intended to preserve areas meeting the requirements of “agricultural lands of local significance” criteria as defined in the Comprehensive Plan, including upland-associated aquaculture.</del>
4	3.3.3	<p><b>Development Permits and Resource Lands.</b> Development permit approvals for the use of lands adjacent to <del>lands designated as AG and FOR</del> Resource Lands <del>or lands with a Mineral Resource Land (MRL) Overlay designation, may shall</del> be conditioned <del>through the disclosure statement in section 3.3.2.d(2) and other appropriate measures</del> to ensure that the use of such lands shall not interfere with the continued use in the accustomed manner and in accordance with best management practices of those lands designated for resource purposes.</p>
5	3.5.2.a & b & c	<p><b>Rural and Resource Districts – Special Provisions.</b> ... 2. <b>Agricultural Resource Districts.</b> a. <b>Residential Density.</b> No land designated as <del>Commercial Agriculture (AG-20)</del><u>Agricultural Land</u> shall be subdivided <del>or developed</del> such that its residential density exceeds one unit per twenty (20) acres, when the property owner elects not to use the cluster subdivision option provided in Section 3.5.2(<del>cb</del>), below. <del>Lands designated as Local Agriculture (AG-5) shall have a maximum residential density of one dwelling unit per parcel or one dwelling unit per twenty (20) acres, whichever is greater.</del> b. <del><b>Setback Requirements for Adjacent Development.</b></del> The standard setback for a dwelling unit constructed on a parcel that lies immediately adjacent to a parcel designated as <del>Commercial Agriculture (AG-20)</del> shall be seventy-five (75) feet from the legal property line. <del>The standard setback for a dwelling unit constructed on a parcel that lies immediately adjacent to a parcel designated as Local Agriculture (AG-5) land shall be thirty-five (35) feet from the legal property line.</del> <del>These setback requirements shall be strictly adhered to with the following exception: Where a parcel lying immediately adjacent to designated agricultural land has been created prior to adoption of this Code, the residential setback may be reduced when a written waiver is obtained from the owner of the designated agricultural land. If a waiver is granted, the final residential setback shall not be less than that provided by the underlying zoning setback.</del> c. <b>Clustering Provisions...</b></p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
6	3.6.8.d(3)	<p><b>Fish and Wildlife Habitat Areas.</b></p> <p>...</p> <p><b>d. Exempt Activities.</b></p> <p>...</p> <p>(3) ...and existing and ongoing agricultural activities on lands enrolled in the Open Space Tax Program <del>as Agricultural Land</del> <u>for agriculture</u> or on lands designated as Agricultural Lands of Long-Term Commercial Significance on the <u>official map of Comprehensive Plan Land Use Map Designations</u>...</p>
7	3.6.9c(1)v	<p><b>Wetlands.</b></p> <p>...</p> <p><b>c. Exempt Activities.</b></p> <p><b>(1) Wetlands.</b></p> <p>...</p> <p>v. Existing and ongoing agricultural activities on lands enrolled in the Open Space Tax Program <del>as Agricultural Land</del> <u>for agriculture</u> or on lands designated as Agricultural Lands of Long-Term Commercial Significance on the <u>official map of Comprehensive Plan Land Use Map Designations</u>. For the purpose of this section, existing and ongoing means that agricultural activities have been conducted within the five-year period leading up to the adoption of Ordinance No. 05-0428-03 on April 28, 2003.</p>
8	3.6.13.2.a	<p><b>Planned Rural Residential Developments (PRRDs).</b></p> <p>...</p> <p><b>2. Applicability.</b></p> <p>a. This section 3.6.13 shall apply to all permitted uses within all rural residential and agricultural districts (i.e., RR 1:5, RR 1:10, RR 1:20, <del>AG-5AP-20</del>, and <del>AG-20AL-20</del>) and constitutes an overlay district (i.e., floating zone) over these districts. This Section 3.6.13 may be applied to existing subdivisions and lots of record on which no development has yet occurred, or where adequate vacant land exists within an existing development to meet the criteria contained within this Section 3.6.13.</p>
9	3.6.13.3.a & b	<p><b>Planned Rural Residential Developments (PRRDs).</b></p> <p>...</p> <p><b>3. Minimum and Maximum Land Area – Dwelling Unit Cap and Cluster Cap.</b></p> <p>...</p> <p>a. The minimum land area required for PRRD proposals shall be as follows:</p> <p>(1) RR 1:5 <del>and Ag-5</del> districts – ten (10) gross acres;</p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
		<p>(2) RR 1:10 district – twenty (20) gross acres; and            (3) RR 1:20 and <del>AG-20</del><u>Agricultural (AP-20 and AL-20)</u> districts – forty (40) gross acres            b. The maximum land area that may be included in a PRRD proposal shall be as follows:            (1) RR 1:5 <del>and AG-5</del> districts – 225 gross acres;            (2) RR1: 10 district – 450 gross acres; and            (3) RR 1:20 and <del>Ag-20</del><u>Agricultural (AP-20 and AL-20)</u> districts – 900 gross acres</p>
10	3.6.13.5.a	<p><b>Planned Rural Residential Developments (PRRDs).</b>            ...  <b>5. Agricultural Districts – Reserve Tract Requirements.</b>            a. Each PRRD within <del>the Ag-5 and AG-20</del><u>Agricultural</u> districts shall contain a reserve tract(s) comprising at a minimum the following percentage of the proposed PRRD:            (1) <del>AG-5 district – seventy five (75) percent</del><u>Eighty-five (85) percent, with emphasis on preserving land with prime agricultural soils for the practice of agriculture; and</u>            (2) <del>Ag-20 district – eighty five (85) percent</del></p>
11	3.6.13.6. a & b	<p><b>Planned Rural Residential Developments (PRRDs).</b>            ...  <b>6. Agricultural Districts – Development Setbacks from Reserve Tract(s).</b>  <del>a. Dwelling units constructed on PRRD parcels located within the AG-5 district shall be setback a minimum of thirty five (35) feet from the nearest line of any reserve tract.</del>  <del>b. Dwelling units constructed on PRRD parcels located within the AG-20 district shall be setback a minimum of seventy five (75) feet from the nearest line of any reserve tract. [Section deleted by ordinance, 2004.]</del></p>
12	<b>Table 3-1 NOTES:</b>	<p><b>Allowable and Prohibited Uses</b>            ...            5. Land Use Districts:            ...  <b>AG Agricultural Resource Lands</b>  <del>AGAp-20 Commercial Agriculture</del><u>Prime Agricultural Land</u>  <del>AG-5AL-20 Agricultural Land of Local Agriculture</del><u>Importance</u></p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
13	Table 3-1	<p><b>Allowable and Prohibited Uses</b></p> <p><i>(Column heading - Resource Lands)</i></p> <p><del>Agriculture-Agricultural</del> – <del>Commercial-Prime</del> and Local</p>
14	Table 3-1	<p>(Row under <b>Specific Land Use—Residential Uses—Single Family Housing</b>)</p> <p><i>[Note: All references are to the AG column unless otherwise noted.]</i></p> <p><u>Farm Worker Housing</u> AG column- <u>See 4.3</u> (all other columns – <u>No</u>)</p> <p>Animal Shelters and Kennels, Commercial – <del>Ca</del><u>See 4.3</u></p> <p>Clinics (Medical, Dental, and Vision) <del>&amp; Veterinary Clinics and Hospitals</del> – No</p> <p><u>Veterinary Clinics and Hospitals - See 4.3</u></p> <p>Small Equipment Repair, Sales and Rental Services — <del>No</del><u>See 4.3</u></p> <p>Retail Sales and Service — <del>No</del><u>See 4.3</u></p> <p><del>Feedlots and Stockyards</del> — No</p> <p>Light Industrial/Manufacturing — <del>No</del><u>See 4.3</u></p> <p>Food or Beverage Bottling and/or Packaging — <del>No</del><u>See 4.3</u></p> <p>Outdoor Storage Yards — <del>No</del><u>See 4.3</u></p> <p>Recycling Center — <del>No</del><u>See 4.3</u></p> <p>Warehouse/Wholesale Distributing Center — <del>No</del><u>See 4.3</u></p> <p>Unnamed Essential Public Facilities — <del>No</del><u>See 4.3</u></p> <p>Assembly Facilities — <del>No</del><u>See 4.3</u></p> <p>College or Technical School/Adult Education Facility (not State owned) — <del>No</del><u>See 4.3</u></p> <p>Recycling Collection Facilities — <del>No</del><u>See 4.3</u></p> <p>School, Primary &amp; Secondary — <del>No</del><u>See 4.3</u></p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
		<p><u><del>Agritourism – See 4.3</del></u></p> <p>Animal Preserves and Game Farms <u><del>with Dangerous, Wild Animals</del></u> - - No</p> <p><u><del>Animal Tourist Farms with Domestic and Non-dangerous Wild Animals— See 4.3</del></u></p> <p>Campgrounds and Camping Facilities, New — <u><del>NoSee 4.3</del></u></p> <p>Campgrounds and Camping Facilities and Small-Scale Resorts; Expansion of Existing Facilities — <u><del>NoSee 4.3</del></u></p> <p>Outdoor Commercial Amusement Facilities — <u><del>NoSee 4.3</del></u></p> <p>Recreational, Cultural or Religious Conference Center/Retreat Facilities — <u><del>NoSee 4.3</del></u></p> <p>Outdoor Recreational Equipment Rental and/or Guide Services – <u><del>NoSee 4.3</del></u></p> <p>Rural Restaurant, only when associated with a primary recreational or tourist use — <u><del>NoSee 4.3</del></u></p> <p>Rural Recreational Lodging or Cabins for Transient Rental — <u><del>NoSee 4.3</del></u></p> <p>Unnamed Small Scale Recreation and Tourist Uses – <u><del>NoSee 4.3</del></u></p> <p><u><del>Agricultural Processing Heavy—No</del></u></p> <p>Agricultural <u><del>Uses &amp; Activities</del></u> <u><del>&amp; Accessory Uses</del></u> – <u><del>Yes See 4.3</del></u> [for all land use districts in row; replace current language]</p> <p>Aquatic Plant and Animal Process and Storage — <u><del>NoSee 4.3</del></u></p> <p>Lumber Mills and Associated Forestry Processing Activities and Use s— <u><del>NoSee 4.3</del></u></p>
15	Section 4	<p><b>Section 4 Performance and Use-Specific Standards</b></p> <p>...</p> <p><b>4.3 Agricultural Activities, <u>Best Management Practices for Water Quality [Reserved] and Accessory Uses.</u></b></p> <p><i>[Note: Refer to full proposal for Section 4.3, beginning on page 14.]</i></p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
16	4.8	<p><b>Assembly Facilities.</b></p> <p>...</p> <p><u>6. On Agricultural Lands. Assembly facilities on designated Agricultural Lands must be for uses related to the practice of agriculture, such as classes and programs on raising crops, animals husbandry, etc.</u></p>
17	4.12.1	<p><b>Colleges or Technical Schools.</b></p> <p>...</p> <p>1. Colleges or technical schools must comply with the Site Standards for Industrial Uses, Section 4.22.</p> <p><u>2. Schools on designated Agricultural Lands must also meet the requirements set forth in Section 4.3, Agricultural Activities and Accessory Uses.</u></p>
18	4.33	<p><b>Seasonal Roadside Stands.</b></p> <p>The following standards apply to all seasonal roadside stands <u>which are not located on designated Agricultural Lands</u>:</p>
19	4.33.7	<p><b>Seasonal Roadside Stands.</b></p> <p>...</p> <p><u>7. Retail sales on designated Agricultural Lands is subject to the provisions of Section 4.3, Agricultural Activities and Accessory Uses.</u></p>
20	4.35.1	<p><b>Small-Scale Recreation and Tourist Uses.</b></p> <p>1. <b>Small-scale Recreation and Tourist Uses.</b> Small-scale Recreational and Tourist Uses rely on a rural location and setting and provide opportunities to diversify the economy of rural Jefferson County by utilizing the County’s abundant recreational opportunities and scenic and natural amenities in an environmentally sensitive manner consistent with the rural character of the County. Upon approval pursuant tot his Code, these types of uses may be conducted I n the land use districts specified I n Table 3-1 and as provided for in Small-Scale Recreation and Tourist (SRT) overlay districts under UDC 3.6.14. <u>Agritourism on designated Agricultural Lands is regulated in Section 4.3, Agricultural Activities and Accessory Uses.</u> The following list of uses in not intended to be exhaustive, but rather is intended to be illustrative of the types of Small-Scale Recreation or Tourist Uses:</p>

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

Row #	UDC Section #	Planning Commission and DCD Staff Recommendation: UDC Line-In/Line-Out Amendments
21	4.35.3.j	<p><b>Small Scale Recreation and Tourist Uses.</b></p> <p>...</p> <p><u>(6) for designated Agricultural Lands, converts as little land with prime agricultural soils as practicable into nonagricultural use.</u></p>
22	Table 6-1	<p><b>Density, Dimension and Open Space Standards</b></p> <p><i>[First Column heading - ]</i>  <del>Agriculture—Commercial</del><u>Agricultural Resource Lands</u></p> <p><i>[Delete Second Column heading – Combine into one Column]</i>  <del>Agriculture—Local</del></p> <p>Development Standard — <del>AG-20, AG-5AP-20 &amp; AL-20</del></p> <p>Maximum Density (DU/Acre) — 1/20 <del>and 1/5</del></p>
23	Table 6-2	<p><b>Minimum Number of Parking Spaces Required for Different Land Uses.</b></p> <p><b>AGRICULTURAL USES</b></p> <p>Agricultural <del>uses and</del> activities — None</p> <p><del>Agricultural processing — 1 per employee and 1 per 300 square feet of any associated retail sales area</del></p> <p><del>Seasonal agricultural produce stands — [Determined by the Administrator]</del></p> <p><u>Accessory uses – Parking fully accommodated onsite, unless otherwise permitted</u></p>

*[End of table. Complete proposed Section 4.3 begins on next page.]*

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

**4.3 Agricultural Activities and Accessory Uses**

1. **Definitions.** For the purposes of this section 4.3, the following definitions shall apply. Other relevant definitions appear in subsections of this section 4.3 and in Section 2 Definitions of this code.
  - a. **Agriculture.** The science, art, and business of producing crops, or raising livestock; farming.
  - b. **Agricultural Activities.** Land preparation for agricultural purposes, such as clearing, grading, contouring, ditching, fencing, plowing, tilling, planting, cultivating, fertilizing, weed pest and disease control, spraying, pruning, trimming, harvesting, processing, packing, sales, and construction of farm and stock ponds, irrigation ditches and systems; livestock management, such as breeding, birthing, feeding and care of animals, birds, honey bees, and fish; the repair maintenance and incidental construction of equipment, structures, or machinery used to perform agricultural or husbandry operations; and the storage of agricultural products and machinery.
  - c. **Agricultural Product or Commodity.** Any plant or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.
  - d. **Accessory Uses.** Uses accessory to agriculture that support, promote, or sustain agricultural operations and production, as provided in subsection 3 below.
  - e. **Agricultural Lands.** Designated as either Prime Agricultural Land (AP-20) or Agricultural Land of Local Importance (AL-20) on the official map of Comprehensive Plan Land Use Designations. Agricultural Lands of Long-Term Commercial Significance is a category of Resource Lands under the State Growth Management Act and the Jefferson County Comprehensive Plan.
  - f. **Open Space Tax Program.** County program associated with property taxation. Land being used for agriculture may be enrolled in the Tax Program through the County Assessor. The Tax Program is independent of land use designation (i.e., zoning) and these development regulations, except in the context of identifying “existing and ongoing agriculture,” as defined in this code and exempted from standard stream and wetland buffers as described in subsection 2.b.(2) below.
  - g. **Existing and Ongoing Agriculture.** Any agricultural activities conducted on an ongoing basis on lands enrolled in the Open Space Tax Program for agriculture or designated as Agricultural Lands, provided that agricultural activities were conducted on those lands at anytime during the five-year period preceding April 28, 2003. Agricultural use ceases when the area on which it is conducted is converted to a non-agricultural use.
  - h. **New agriculture.** Agricultural activities proposed or conducted after April 28, 2003 and that do not meet the definition of “existing and ongoing agriculture.”
  - i. **Agricultural Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution of waters or degradation of wetlands and fish and wildlife habitat areas.
  - j. **Farm Equipment.** Includes but is not limited to tractors, trailers, combines, tillage implements, balers, and other equipment, including attachments and accessories that are used in the planting, cultivating, irrigation, harvesting, and marketing of agricultural, horticultural, or livestock products.

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

**2. Agricultural Activities.**

- a. Where Allowed.** Agricultural Activities, as defined above, are an allowed use under any of the Comprehensive Plan land use designations, subject to the provisions of this subsection 2, except that “processing,” “packing,” and “sales” are regulated under subsection 3, Accessory Uses.
- b. When Exempt from Permit Process.** Agricultural Activities are considered a matter of right and not subject to land use permits or approval from the Administrator, subject to the following:
- (1) **Other applicable laws and rules.** This section does not exempt the proponent from acquiring any other required approvals from County, State or Federal agencies, including but not limited to approvals related to matters of public health, safety, and welfare.
  - (2) **Environmentally sensitive areas.** The Growth Management Act, Chapter 36.70A RCW, requires local governments to designate and protect “critical areas,” such as wetlands and fish and wildlife habitat areas. This code contains provisions for the protection of environmentally sensitive areas (i.e., critical areas) at section 3.6.4, *et seq.* The fish and wildlife habitat areas section is 3.6.8 and includes protections for streams and their buffers. The wetlands section is 3.6.9 and includes protections for wetland buffers. These sections pertain to agricultural activities in the following manner:
    - (i) New agriculture is required to meet all applicable provisions of UDC 3.6.4, *et seq.*
    - (ii) Existing and ongoing agriculture is exempt from standard stream and wetland buffers. Refer to Sections 3.6.8 and 3.6.9, respectively. The exemption covers only existing and ongoing activities related to cultivating crops and grazing livestock and the land preparation associated with those agricultural activities. The exemption does not cover new structures, parking areas, or other similar development activities. New development activities related to agriculture are regulated as new agriculture.
    - (iii) In exchange for this exemption from standard stream and wetland buffers, the agricultural communities in each Jefferson County watershed are expected to establish and implement appropriate agricultural Best Management Practices (BMPs) in order to protect wetlands and fish and wildlife habitat areas from adverse impacts related to the practice of agriculture. Refer to subsection (3) regarding agricultural BMPs *below.*
    - (iv) The exemption from standard stream and wetlands buffers for existing and ongoing agriculture will be revisited during periodic review of the Comprehensive Plan and development regulations, pursuant to RCW 36.70A.130. If the County finds through evaluation of best available science that the voluntary implementation of agricultural BMPs is failing to protect wetlands and fish and wildlife habitat areas from impacts related to agriculture in any given watershed or specific areas within a given watershed, this exemption will be modified or eliminated for that watershed or particular sites within that watershed.
  - (3) **Agricultural Best Management Practices.** Agricultural activities are expected to be conducted in a manner that protects against harm or degradation to the existing functions and values of fish and wildlife habitat in and adjacent to streams and wetlands through the implementation of agricultural Best Management Practices (BMPs).
    - (i) Agricultural landowners and operators are encouraged to design BMPs through consultation with the following resources:

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

- A. Section 4 of the USDA Natural Resources Conservation Service (NRCS) "Field Office Technical Guide" (FOTG) contains a nonexclusive list of conservation practices (BMPs) to guide implementation of the expectations of this section.
  - B. The Jefferson County Conservation District is available to assist in the development of informal farm plans as well as formal plans such as the Resource Management System (RMS) Plan or other type of conservation plan approved through the NRCS.
- (ii) BMPs should be designed for site-specific conditions and should include pollution prevention and control measures that effectively address the following management areas:
- A. Livestock and dairy management. Livestock and dairy operations must be conducted so as not to contribute any wastes or sediments into a natural or modified natural stream in violation of adopted State water quality standards.
  - B. Nutrient and farm chemical management. Manure must not be placed in a stream or location where such wastes are likely to be carried into a stream by any means. Farm chemicals shall be applied consistent with all requirements stated on the chemical container labels and all applicable Federal and State laws and regulations, such as Ch. 15.58 RCW (Pesticide Control Act), Ch. 17.21 RCW (Pesticide Application Act), and 7 United States Code (USC) 136 *et seq.* (Federal Insecticide, Fungicide, and Rodenticide Act).
  - C. Soil erosion and sediment control management. Construction of roads used for agricultural purposes, agricultural equipment operation, and ditch construction and maintenance should be undertaken in such a manner as to avoid sediment contribution to streams.
  - D. Operation and maintenance of agricultural drainage infrastructure. Dredging or removal of accumulated sediments in any ditch or ditched stream should be conducted when there is no or minimal flow in the stream (generally between June 15 and October 31) and in a manner that minimizes sediment contribution or other impacts to water quality. Excavation spoils should be placed so as not to cause bank failures and so that drainage from such spoils does not contribute sediment to streams. Maintenance of vegetation located within a stream that is part of drainage infrastructure may be conducted at any time, provided that any cutting or mowing is above the ground surface within the channel and in a manner that does not disturb the soil or sediments and that the cut vegetation does not block water flow. Stream bank vegetation should be preserved or planted as soon as practicable after drainage construction and maintenance are completed in order to stabilize earthen ditch banks.
  - E. Riparian management. Existing riparian vegetation should be managed to continue to provide soil and streambank stability, shade, filtration, and habitat for fish and wildlife. Landowners are encouraged to plant riparian vegetation to improve fish and wildlife habitat by providing shade, cover, organic debris, and control of noxious weeds.

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

- (iii) An owner or operator is responsible only for those conditions caused by agricultural activities conducted by the owner or operator and is not responsible for conditions that do not meet the standards of this subsection resulting from actions of others or from natural conditions not related to the on-site agricultural operations. Conditions resulting from unusual weather events (such as storm in excess of a 25-year, 24-hour storm) or other exceptional circumstances that are not the product of obvious neglect are not the responsibility of the owner or operator.
  - (iv) Agricultural activities are expected to meet the objectives and standards of this subsection through voluntary compliance.
  - (v) Jefferson County, the Jefferson County Conservation District, and the Department of Ecology work cooperatively to identify potential violations of State water quality standards and to provide assistance to agricultural owners and operators for preventing or correcting water quality violations. The Department of Ecology maintains ultimate compliance authority for enforcing State water quality standards.
  - (vi) "Existing functions and values" relates to the following categories:
    - A. Water quality, as documented in a given watershed by the Jefferson County Conservation District or other management agency.
    - B. The existence or absence of large woody debris within a stream, as documented in the "Salmon & Steelhead Habitat Limiting Factors" analyses completed by the Washington Department of Fish and Wildlife (WDFW) between 2000 and 2003 for the Water Resource Inventory Areas (WRIAs) 16, 17, 20, and 21, or other relevant studies.
    - C. The existing riparian buffer characteristics and width, including but not limited to the existing amount of shade provided by the existing riparian buffer, as documented in the "Salmon & Steelhead Habitat Limiting Factors" analyses completed by WDFW between 2000 and 2003 for the Water Resource Inventory Areas (WRIAs) 16, 17, 20, and 21, or other relevant studies.
    - D. The existing channel morphology as documented with year 2000 Department of Natural Resources (DNR) Aerial Photography.
  - (vii) "No harm or degradation" means the following:
    - A. Maintaining or improving documented water quality levels, if available.
    - B. Meeting, or working towards meeting, the requirements of any total maximum daily load (TMDL) requirements established by the Department of Ecology pursuant to Chapter 90.48 RCW.
    - C. Meeting all applicable requirements of Chapter 77.55 RCW and Chapter 220-110 WAC (Hydraulics Code).
    - D. No evidence of degradation to the exiting fish and wildlife habitat characteristics of the stream or wetland that can be reasonably attributed to adjacent agricultural activities.
  - (viii) The references above to Chapters 77.55 and 90.48 RCW and Chapters 173-201A and 220-110 WAC shall not be interpreted to replace Department of Ecology and WDFW authority to implement and enforce these State programs.
- (4) **Stormwater management.** Jefferson County stormwater management regulations and procedures are described in sections 6.6, Grading and Excavation Standards, and 6.7, Stormwater Management Standards, of this code. These sections pertain to agricultural activities in the following manner:

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

- (i) Commercial agriculture is exempt from stormwater management minimum standards pursuant to section 6.7.2 of this code and the referenced Department of Ecology *Stormwater Management Manual for Western Washington* (Manual).
  - (ii) According to the Manual, “commercial agriculture” is defined as, “Those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five (5) years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.”
  - (iii) Accordingly, agricultural activities such as land preparation for the cultivation of crops or the grazing of livestock and the maintenance of agricultural irrigation infrastructure are exempt from meeting the minimum requirements for stormwater management and from obtaining a stormwater management permit.
  - (iv) This exemption does not apply to new development that is secondarily related to agriculture and that involves the construction of new structures, such as buildings for agricultural processing and retail sales, and the addition of impervious surfaces, such as compacted areas designed to accommodate parking.
  - (v) This exemption does not apply to the initial clearing of forested land. Conversion of forested land to some other use incompatible with commercial forestry, as defined in the Forest Practices Act, Chapter 76.09 RCW, requires review under sections 4.16, 6.6 and 6.7 of this code. The State Department of Natural Resources may also require a Class IV general forest practices application.
- (5) Farm ponds and irrigation infrastructure.**
- (i) Construction or expansion of farm and stock ponds and irrigation ditches and infrastructure in association with commercial agriculture as defined above is exempt from meeting stormwater management minimum standards and from obtaining approval, *provided that* said activities are not conducted in environmentally sensitive areas and their buffers as defined in sections 3.6.4 *et seq.* of this code. Landowners are encouraged to document the creation of new exempt ponds through photographs (before, during, and after construction) in order to facilitate any future development review on the property.
  - (ii) Construction or expansion of ponds or irrigation ditches and infrastructure in wetlands and their buffers is subject to the provisions of section 3.6.9 of this code.
    - A. Maintenance of existing farm and stock ponds and agricultural irrigation ditches and infrastructure is allowed without having to meet the protection standards pursuant to the exemption for “existing and ongoing agriculture” at 3.6.9.c(1)v, if the activities are not prohibited by any other law.
    - B. Construction of new ponds or expansion of existing ponds and drainage-related activities that would introduce new impacts is regulated under section 3.6.9 of this code. Activities within wetlands and their buffers require review and approval of a mitigation or enhancement plan pursuant to that section.

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

- (iii) Generally, pursuant to section 6.6.5.b of this code, drainage improvements constructed in accordance with sections 6.6.2 and 6.7 of this code and construction of a pond of one-half acre or less which is not in a regulated wetland are exempt from the stormwater management permit requirement outlined in section 6.7.6.
- (6) **Livestock management.**
  - (i) On designated Agricultural Lands, livestock management is allowed as a matter of right, except:
    - A. Any operation that meets the State or Federal definition for an animal feeding operation (AFO) requires a consistency review land use permit (i.e., “Yes” or Type I).
    - B. Any activity that meets the State or Federal definition for a custom slaughtering establishment, custom meat facility, or medium concentrated animal feeding operation (medium CAFO) requires a conditional administrative (Ca) land use permit.
    - C. Any operation that meets the State or Federal definition for a large concentrated animal feeding operation (CAFO), certified feed lot, public livestock market, stockyard, warehouse, or grain elevator, requires a conditional use (C) land use permit.
  - (ii) On lands that are not designated Agricultural Lands, livestock management is allowed as a matter of right, except:
    - A. The slaughter and preparation of between one hundred and one thousand chickens or other fowl in a calendar year by the agricultural producer of the chickens for the sale of whole raw chickens by the producer directly to the ultimate consumer at the producer’s farm requires a conditional administrative (Ca) land use permit; over one thousand shall be prohibited.
    - B. Any operation that meets the State or Federal definition for an animal feeding operation (AFO) requires a conditional administrative land use permit (Ca).
    - C. Any operation that meets the State or Federal definition for a custom slaughtering establishment, custom meat facility, certified feed lot, public livestock market, stockyard, warehouse, grain elevator, or medium or large concentrated animal feeding operation (CAFO) shall be prohibited, except in the Heavy Industrial land use designation, where a conditional use (C) land use permit shall be required.
  - (iii) Facilities for breeding and maintaining working dogs raised for livestock management purposes are exempt from performance standard number 3 of section 4.6.3, Animal Kennels and Shelters, in order to allow livestock guardian dogs to work during nighttime hours. Facilities for breeding and raising dogs for show or sale must be incidental and accessory to the principal farm activities and meet all of the performance standards for Animal Kennels and Shelters at section 4.6.3.
- (7) **Structures.** According to Section 5.1 of the Jefferson County Building Code Provisions (Ordinance No. 03-0713-98), certain types of agricultural structures do not require a building permit from the Department of Community Development.
  - (i) No County building permit is required for buildings or structures erected exclusively for the storage of livestock, feed, and/or farm implements, provided said structures are: free standing—located at least ten (10) feet from the nearest structure and not attached to any structure—, unless attached to another agricultural building; do not contain plumbing, except

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

as necessary to maintain farm animals; do not contain a heat source, such as a woodstove or electric heat, unless specifically permitted.

- (ii) Agricultural buildings that contain plumbing other than that as authorized above must obtain a plumbing installation permit and Health Department approval.
- (iii) Agricultural buildings that contain a heat source for an agricultural purpose must obtain a woodstove permit or an electrical permit as appropriate.
- (iv) Agricultural buildings used for the storage of private automobiles, trucks, etc., which are not licensed as farm equipment, are considered garages or carports and must obtain a building permit.
- (v) Agricultural buildings used for the purpose of hosting members of the public for the purpose of retail sales of agricultural products or machinery constructed onsite shall require a building permit to ensure life safety and structural integrity. If an older agricultural building constructed under the building permit exemption for agricultural buildings is proposed for hosting members of the public, the building shall be brought into compliance with the building code, as determined by the Building Official.
- (vi) The Building Official shall judge whether a proposed structure, a structure under construction, or a completed structure violates this building permit exemption. A structure determined to be in violation will be considered a structure subject to the building code.
- (vii) Temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits are not considered structures subject to the State Building Code, Chapter 19.27 RCW, pursuant to RCW 19.27.065.

**3. Accessory Uses.**

**a. General Provisions.** Pursuant to RCW 36.70A.177:

- (1) Accessory uses that support, promote, or sustain agricultural operations and production shall comply with the following:
  - (i) Accessory uses shall be located, designed, and operated so as not to interfere with natural resource land uses and shall be accessory to the growing of crops or raising of animals;
  - (ii) Accessory commercial or retail uses shall predominantly produce, store, or sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on-site. Accessory commercial and retail uses shall offer for sale predominantly products or services produced on-site; and
  - (iii) Accessory uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of existing agricultural buildings on the site but shall not otherwise convert agricultural land to nonagricultural uses.
- (2) Accessory uses may include compatible commercial or retail uses including, but not limited to:
  - (i) Storage and refrigeration or regional agricultural products;
  - (ii) Production, sales, and marketing of value-added agricultural products derived from regional sources;
  - (iii) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;
  - (iv) Support services that facilitate the production, marketing, and distribution of agricultural products; and

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

- (v) Off-farm and on-farm sales and marketing of predominantly regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities.
- b. Where Allowed.** Accessory uses to agriculture are allowed exclusively in Agricultural Lands.
- c. Where Prohibited.** Accessory uses to agriculture, as defined and regulated in this section, are prohibited in all land use districts except Agricultural Lands. Proposals that would be classified “Accessory Uses” in Agricultural Lands—such as such as processing, packing, and sales of agricultural products—may be considered and approved in other land use districts under different and appropriate land use classifications—such as Commercial use, Light Industrial use, Home Business, Cottage Industry, or Small-scale Recreation and Tourist use—subject to allowed and prohibited uses per land use district and the associated permit processes and approval criteria.
- d. When Exempt from Permit Process.** Accessory uses on Agricultural Lands are considered a matter of right and not subject to land use permits or approval from the Administrator, subject to the following limitations and provisions in association with these various use categories:
  - (1) **General.** All accessory uses, when exempted from a permit or approval process, shall be conducted in such a manner that:
    - (i) Parking for all visitors or suppliers is fully accommodated onsite in a location and manner that does not encroach upon or negatively environmentally sensitive areas and their protection buffers and that converts as little prime agricultural soil as practicable into nonagricultural use.
    - (ii) New structures are constructed or existing structures are expanded in a located and manner that does not encroach upon or negatively environmentally sensitive areas and their protection buffers and that converts as little prime agricultural soil as practicable into nonagricultural use.
  - (2) **Composting and recycling** must be non-hazardous and biodegradable.
  - (3) **Processing and packing** agricultural products if at least 50% of the product was raised or produced on the site or on other Jefferson County parcels, including but not limited to prepared foods, cheese, wine, beer, decorative materials, compost, etc., including cooperative processing and packing involving more than one local farmer.
  - (4) **Retail and wholesale sales** of agricultural products from existing or new farm stands and farm buildings, including cooperative sales involving more than one local farmer, subject to the following provisions:
    - (i) At least 50% of the square footage of the under-cover, retail display area is comprised of products from the farm on which the stand is located or from land owned by the owner of the stand.
    - (ii) If less than 50% of the products sold come from the farm on which the sale occurs, all the products sold must primarily supply local agricultural activities and the sales must be accessory to the prime function of the land as a farm. Examples are sale of hay, specialized livestock materials, farm equipment, livestock fencing, horticultural supplies, etc.
  - (5) **Farm equipment.** Commercial repair and maintenance of farm equipment and sales of equipment, structures, or machinery manufactured on-site for use in agricultural operations subject to the following provisions:
    - (i) The activity must be accessory to the main function of the property as a farm.

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

- (ii) The activity shall comply with the following subsections of section 4.22, Industrial Uses—Standards for Site Development: 1(a), (c), and (d).
    - (ii) Storage of vehicles, equipment, materials or products not related to agriculture must meet the requirements of section 4.28, Outdoor Storage Yards.
  - (6) **Agritourism.** Agriculturally-related activities designed to bring the public to the farm on a temporary or continuous basis, such as U-Pick farm sales, retail sales of farm products, farm mazes, pumpkin patch sales, farm animal viewing and petting, wagon rides, farm tours, horticultural nurseries and associated display gardens, cider pressing, wine or cheese tasting, etc., subject to the following provisions:
    - (i) All activities must be closely related to normal agricultural activities. Activities which simply adopt an agricultural theme or setting but which are not otherwise a normal extension of agricultural activities are not permitted as a matter of right; however, they may be considered under section 4.35 Small-scale Recreation and Tourist Uses. The following list of uses *not* permitted as a matter of right is illustrative but not exhaustive: mechanical rides such as Ferris wheels and carousels, arcade type games and activities, dance halls, stage performances, drinking establishments that serve alcohol which is not wine produced onsite, fireworks, sporting events, caged, wild animals exhibits, etc.
    - (ii) Temporary events that are not related to agriculture are regulated by section 4.38, Temporary Outdoor Uses.
  - (7) **Classes.** Subject to the following provisions:
    - (i) Classes are clearly accessory to the primary function of the farm.
    - (ii) Classes must not exceed four weeks in length for any single course of instruction. Schools with classes that exceed four weeks must meet the provisions of section subsection e(2)(ii) *below*, addressing agricultural schools.
    - (ii) If students are regularly housed onsite for the class, the provisions of Section 4.21, Hospitality Establishments, shall apply.
  - (8) **Lumber mills and associated forestry processing activities and uses.** Harvesting, sawing, processing, assembling and selling lumber is limited to timber from the designated Agricultural Lands property on which the activity is located and is subject to the regulations of Section 4.23, Lumber Mills (Portable and Stationary).
- e. When Permit Process is Required.**
- (1) **Proposal exceeds terms or limitations.** Accessory uses on Agricultural Lands that are best described as one of the uses listed in subsection d. *above* and yet exceed or lie outside of the terms and limitations set forth in subsection d. *above* are considered discretionary uses (i.e., “D” uses), as defined at 3.2.1.b of this code, and subject to a Type II administrative review as specified in Section 8 of this code. The Administrator may classify the proposed use as an allowed “yes” use, conditional administrative use, conditional use, or prohibited use. The permit process is subsequently conducted pursuant to Section 8 according to the use classification.
  - (2) **Other Accessory Uses.** The following accessory uses may be permitted on designated Agricultural Lands subject to a discretionary determination by the Administrator (i.e., a Type II administrative review process for a “D” use), provided they are located, designed and operated so as not to interfere with natural resource land uses and subject to the following provisions in association with these various use categories:

**Planning Commission Recommendation to the Board of County Commissioners  
MLA04-26: UDC amendments related to Agricultural Activities & Accessory Uses**

- (i) **Permanent and/or seasonal farm worker housing**, in addition to an accessory dwelling unit, provided that:
  - A. The housing is used exclusively for agricultural workers on the farm and their families or members of the family of the farm owner with at least one member of each household actively working on the farm.
  - B. The housing for farm labor is not sold, leased or rented to the general public unless the owner applies for and receives a permit for an agriculture-related recreational or tourist use as specified in section 4.35.
  - C. The farm worker housing units are constructed in such a manner that they meet all applicable regulations for dwelling units for agricultural worker housing.
  - D. A covenant is recorded with the title of the parcel on which the housing is located in a form satisfactory to the County that specifies that the units are exclusively for use by farm laborers and their families employed on the property by the owner. The use of the farm labor dwelling units may be converted to nonagricultural uses and the covenant removed subject to approval by the Administrator and issuance of any required land use permits.
  - E. The accommodations shall not require the extension of public sewer services.
- (ii) **Agricultural schools** which offer a program that lasts for more than 30 days per year per student and which may be the primary function of the land, subject to the following provisions:
  - A. The predominant focus of the curriculum and activities of the school is closely tied to and dependent upon agricultural activities and facilities on the farm. If the school has a conventional curriculum and is merely utilizing an agrarian setting, it does not qualify for location on designated Agricultural Land.
  - B. Agricultural schools under this section which also house students and/or faculty for the duration of the course of study must meet the requirements of section 8.8 for a conditional use permit.
  - C. Buildings and parking facilities used for the school avoid location on prime agricultural soils, whenever practicable.
- (iii) **Veterinary clinics or hospitals** which have at least a portion of their business serving large domestic animals necessitating holding pens, paddocks, etc., subject to the provisions of section 4.42.1.a and b. Veterinary clinics and hospitals that do not include an onsite, large animal practice are not permitted on land designated Agricultural Land.
- (iv) **Farm restaurant** when it is a component of the agritourism activities of a farm subject to the restrictions set forth in section 4.35.10.
- (v) **Farm campground** for fishing or hunting on or near farm property subject to the regulations in section 4.35.6.a(1) through (9).
- (vi) **Guide services** associated with livestock used for trail riding, packing, etc.
- (vii) **Rural recreational tourist lodging** subject to the provisions of section 4.35.
- (viii) **Commercial display gardens** subject to the requirements of section 4.35.3.

*[End of Planning Commission recommendation: UDC line-in/line-out amendments.]*