

February 4, 2004

**Report from the Agricultural Lands Committee
of the Jefferson County Planning Commission**

Proposed Amendments to the Jefferson County Unified Development Code (UDC)

This report is the third component of a process begun last year on Jefferson County's commercial agriculture policies and regulations. This process was funded in part by a grant from the State of Washington to assist in the completion of the Comprehensive Plan.

The steps have been (1) Comprehensive Plan amendment, (2) outreach to property owners interested in agricultural designation for their property, and (3) amendments to the Unified Development Code (UDC). The fourth step will be to process the applications for rezone to Agricultural Lands of Local Importance.

The objectives of the Committee were:

1. To be supportive of local commercial agriculture while at the same time protecting the environment and upholding the intent of the Growth Management Act.
2. To recognize that agricultural practices change and that the practices of modern farming need to be clearly addressed in the UDC.
3. To keep the planning procedures and regulations as simple as possible.

To accomplish these three objectives, the Committee utilized Reserved Section 4.3 in the UDC and created a body of regulations specifically for the Agricultural Districts defined in the Comprehensive Plan Amendments (Prime Agricultural Lands and Agricultural Lands of Local Importance). Numerous changes were also made to other sections of the UDC primarily to keep the wording consistent with the Comp Plan Amendments.

The new Section 4.3 was developed utilizing a concept taken from two other sections of the UDC, i.e., Home Business and Temporary Outdoor Uses. In both these sections certain uses, are permitted "as a matter of right" and are therefore "exempt from an approval process under the UDC," provided certain conditions are met. This is because some uses are considered part of normal activities for the land use district. For example writing a book in your home is a normal activity of residential use; operating a bookstore from your home is not. Having an occasional garage sale is normal; holding one every weekend is not.

The terms "matter of right" and "exempt from an approval process" are substantially different from the term "Yes" in the Table of Allowable and Prohibited Uses (page 55 of section 3 of the UDC). The term "Yes" after a specific use in a particular land use

district generally triggers, at a minimum, the completion of a “Master Land Use Permit Application Form, review of a “Master Land Use Permit Application Checklist” and preparation of a “Site Plan.” The site plan drawing must include an accurate, owner-verified rendition of the lot lines, elevations, existing buildings, septic system and reserve, well location and setback, wetlands and wetland buffers, fuel tanks, storm water disposal areas, Eagle, Osprey or Heron sightings, driveways and roads, required setbacks and several other features of the land. It also includes a basic fee of \$47.00 per hour for staff review time. This is a formidable first step even though it is minor compared to other permit requirements. Once these documents have been reviewed the Administrator decides what, if any, additional permits, drawings and documents will be required. Even though formidable this is a logical process for proposed uses that fall outside of what is considered normal activities permitted under a specific land use designation.

Commercial agriculture, i.e. raising crops or livestock for profit, is generally considered to be a form of industrial use and a wide range of activities are normal in an agriculture district. Agricultural activities are defined in Section 2 of the UDC. This definition is the same as the one use in state regulations.

It is the opinion of the Agricultural Lands Committee that activities that logically fit within the intent of this definition should be a “matter of right” and “exempt from the approval process.” Most agricultural activities such as plowing, planting and raising livestock, have already been treated this way even though they technically fall under the “Yes” rules of the Use Table. The Committee-proposed amendments will make agricultural activities clearly an exempt “matter of right.” They will also make some portions of the definition more explicit and will add some language to the definition that the Committee believes clearly falls within the normal practices of modern agriculture.

Commercial agriculture is not simply growing crops or livestock and selling them wholesale in bulk. Sometimes they are processed, some have value added and some are sold retail from the farm. Sometimes the farmer seeks to attract customers to his farm for activities and experiences which encourage sales of his products or give him added income by sharing his activities and lifestyle. The proposed amendments will directly address these types of agricultural activities.

The overall effect of these proposed amendments will be to clearly allow normal agricultural activities without the need for an approval process. County Health Department rules and state and federal regulations will still apply and the farmer will need to complete the necessary permits to the satisfaction of those departments. Farmers are used to those rules.

Under the proposed amendments, activities which go beyond normal agricultural practices will still require permits and activities which are not agriculture but which are valuable accessory uses, necessary to maintain the “infrastructure” of agriculture, can also be permitted subject to permit review.

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