

Ag Changes to JC Comprehensive Plan
(by Al Latham 4/23/14)

JCC 18.20.030(2)(a) Agricultural activities are allowed in all land use designations, while accessory uses are restricted to Agriculture zoned land

Changes: Agriculture activities in other zoning designations should not be subject to permit requirements, such as a Storm Water Management Permit for “disturbing” (tilling/plowing etc.) over 7,000 sq. ft. (0.16 acre). Many home gardens are larger than 2,000 sq. ft. (45’x45’ or 0.05 acre).

JCC 18.20.030 There are two types of Ag zoned land – Prime and Local Importance.

Changes: A lot of agriculture is happening on land zoned Rural Residential. Need easy, inexpensive process to convert from “Rural Residential” to “Ag Local Importance” zoning.

JCC 18.20.030(2)(b) Agricultural activities that are “existing and ongoing” may be exempt from the permitting process, while “new” agriculture must meet current code such as Critical Area standards and buffers. New development activities related to agriculture on “existing and ongoing” farms are regulated as new agriculture.

Changes: Virtually all of our “prime” agricultural soils are hydric (wetland) soils. On many farms they were cleared and drained for agricultural purposes many years ago. Unfortunately the county considers any man-made structure subject to critical area standards and buffers. This mean that even structures that do not affect the “functions and values” of the wetland soils can be placed on these soils or within the CAO buffer. For instance, a farmer cannot put a “hoop house” (poly covered greenhouse with no floor) to enhance crop production on “prime” (wetland) soils that have been used for pasture, hay etc. for years, or within the designated wetland buffer that is not on wetland soils. This needs to be changed so that farmers can utilize these “prime” soils for any sort of agriculture. A threshold density for hoop house exemption should be developed to address potential storm water impacts.

JCC 18.20.030(2)(b)(iv) Commercial Ag is allowed and exempt from grading, excavation and stormwater management standards.

Changes: All land considered “existing and ongoing” agricultural land should be included in this section.

Guidelines for Classification of Agricultural Resource Lands in Jefferson County
Table 4-2

1. Presence of prime agricultural soil *and/or soils of statewide significance* as the Natural Resources Conservation Service’s Soil Survey of Jefferson County, Washington on a significant portion of the parcel.

This should be changed to include the NRCS classification “Soils of Statewide Significance”. Most Jefferson Co. prime soils are hydric (only prime if drained) and a lot of farmland is on the more mineral type soils of statewide significance.

2. Historic Usage for Agriculture: Land which has been used for agriculture for a number of years or can be converted back to active agriculture, even if it is currently lying fallow, should be given high priority for agricultural designation. *Note: This is contradicted in portions of the UDC that require farmland to have been actively used within the past 5 years. This should be corrected to go along with the above intent of the comp plan.*

Table 4-2
Guidelines for Classification of Agricultural Resource Lands in Jefferson County

<p>1. Presence of prime agricultural soil <i>and/or soils of statewide significance</i> as the Natural Resources Conservation Service’s Soil Survey of Jefferson County, Washington on a significant portion of the parcel. <i>Note: Most Jefferson Co. prime soils are hydric (only prime if drained) and a lot of farmland is on the more mineral type “soils of statewide significance.”</i></p>	<p>A significant portion of prime agricultural <i>soils and/or soils of statewide significance</i> should be approximately one third or more of the parcel.</p>
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2. Historic usage for agriculture.	<p>Land which has been used for agriculture for a number of years or can be converted back to active agriculture, even if it is currently lying fallow, should be given high priority for agricultural designation.</p> <p>Note: This is contradicted in portions of the UDC that require farmland to have been actively used within the past 5 years. This should be corrected to go along with the above intent of the comp plan</p>
8. Currently in commercial agricultural use.	<p>Land currently being used for any type or scale of commercial agriculture should be given high priority for agricultural designation.</p>

Table 4-2a

Summary of Agricultural Land Designations

<p>Agricultural Land of Local Importance (AL-20)</p>	<p>In order to preserve and stimulate agricultural diversity and to maintain an undeveloped land base for future agricultural use, the owner of a parcel may petition the County for designation as Agricultural Land of Local Importance. When the owner of a parcel or an aggregate of parcels petitions successfully for rezone to agriculture the land shall be considered an Agricultural Land of Long Term Commercial Significance and as such, it shall be afforded the rights and protections of natural resource land. Land designated as Agricultural Land of Local Importance shall meet the following criteria:</p> <ul style="list-style-type: none"> • the owner of the parcel currently utilizes or intends to utilize the land for long term commercial agricultural purposes; and • the land is located away from existing land uses that would interfere with agricultural practices; and • the land is located outside of areas already <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>served with "urban governmental services" which are typically provided in cities; and</p> <ul style="list-style-type: none"> • the land is located outside of existing Master Planned Resort (PR) or Urban Growth Area (UGA) land use designations; NOTE: This should be removed –SpringRain Farm is in the UGA and there are other potential parcels that could be farmed. • the land is physically and topographically suitable for the practice of commercial agriculture. • if currently designated as Rural Forest (RF-40), the land is already platted into 20 acre or smaller parcels; and </div>	<p>Agricultural uses and single family residential Note: Should be expanded to include farm worker housing.</p> <p>Note: the ability to petition to be included in AL-20 category should be ongoing.</p>
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Jefferson Co. Unified Development Code (UDC) (*suggested changes* 4-27-14 by Al Latham)

8.20.030 Agricultural activities and accessory uses.

(1) Definitions. For the purposes of this section, the following definitions shall apply. Other relevant definitions appear in subsections of this section and in Chapter [18.10](#) JCC.

(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, orchadists, 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) of this section.

(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. (*definition needs work*)

(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)(ii) of this section.

(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 nonagricultural use. (*NOTE: Change indicated needed to comply with Comprehensive Plan, specifically Table 4-2, #2 Historic Usage for Agriculture: "Land which has been used for agriculture for a number of years or can be converted back to agriculture even if it is currently lying fallow should be given high priority for agricultural designation."*)

(h) New Agriculture. Agricultural activities proposed or conducted after April 28, 2003 **other than changes in crops or livestock types** 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.

(k) **Conservation Plan**: The record of decisions and supporting information for treatment of a unit of land meeting planning criteria for one or more identified natural resource concerns as a result of the planning process. The plan describes the schedule of implementation for practices and activities needed to solve identified natural resource concerns and takes advantage of opportunities.

(j) “Existing functions and values” relates to the following categories:

(I) Water quality, as documented in 2014 by a given watershed by the Jefferson County conservation district or other management agency.

(II) 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.

(III) 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.

(IV) The existing channel morphology as documented with year ~~2000~~ **2013(?)** Department of Natural Resources (DNR) Aerial Photography.

(V) The existing functions and values of Wetland (hydric) soils that have been altered from their natural state to agricultural land through clearing, grading, draining, etc as documented by 2013(?) Department of Natural Resources (DNR) Aerial photography and meeting the criteria for Farmed Wetland, Farmed Wetland Pasture or Hayland, and/or Prior Converted Croplands.

(k) **Farmed Wetland (FW)**: A wetland that is farmed under natural conditions, was manipulated and planted before December 23, 1985* but still meets wetland criteria, and addresses either of the pothole, playa or pocosin criterions. These areas may be farmed and maintained as documented before December 23, 1985 as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for five consecutive years).

(l) FWP Farmed Wetland Pasture or Hayland (FWP): A wetland that is used for pasture or haying under natural conditions, was manipulated and planted before December 23, 1985, meets the inundation or saturation criteria, but still meets wetland criteria. These areas may be farmed and maintained as documented before December 23, 1985* as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for five consecutive years).

(m) Prior converted croplands (PCCs) are identified for the purpose of implementing the Food Security Act (FSA), and refers to wetlands that were converted from a non-agricultural use to production of a commodity crop prior to December 23, 1985. In other words, PCCs are wetlands that were drained, dredged, filled, leveled, or otherwise manipulated, including the removal of woody vegetation, to enable production of an agricultural commodity.

(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, except that “processing,” “packing,” and “sales” are regulated under subsection (3) of this section, Accessory Uses.

(b) When Exempt from Permit Process. Agricultural activities are considered a matter of right and not subject to land use permits, **stormwater permits** or approval from the administrator, subject to the following:

(i) 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.

(ii) Critical 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 critical areas at Article VI-D of Chapter [18.15](#) JCC, et seq. The fish and wildlife habitat areas section is Article VI-H of Chapter [18.15](#) JCC and includes protections for streams and their buffers. The wetlands section is Article VI-I of Chapter [18.15](#) JCC and includes protections for wetland buffers. These sections pertain to agricultural activities in the following manner:

(A) New agriculture is required to meet all applicable provisions of Article VI-D of Chapter [18.15](#) JCC, et seq.

(B) Existing and ongoing agriculture ~~is exempt from~~ **does not have to meet** standard stream and wetland buffers **if following the site specific protections outlined in a Conservation Plan**. Refer to Articles VI-H and VI-I of Chapter [18.15](#) JCC, 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.

(C) In exchange for this exemption from standard stream and wetland buffers, the agricultural communities in each Jefferson County watershed ~~are expected to~~ **will** 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. **The appropriate BMP's will be site specific and outlined in a Conservation Plan produced by the Jefferson Co. Conservation District, or USDA Natural Resources Conservation Service.** Refer to subsection (3) regarding agricultural BMPs below.

(D) 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 RCW36.70A.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.

(iii) 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).

(A) Agricultural landowners and operators ~~are encouraged to~~ **will** design BMPs through consultation with the following resources:

(I) 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.

(II) The Jefferson County conservation district is available to assist in the development of ~~informal farm plans as well as formal~~ Conservation plans such as the resource management system (RMS) plan or other type of conservation plan approved through the **Jefferson Co. Conservation District** or NRCS.

(B) BMPs should be designed for site-specific conditions and should include pollution prevention and control measures that effectively address the following management areas:

(I) 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.

(II) 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 Chapter 15.58 RCW (Pesticide Control Act), Chapter 17.21 RCW (Pesticide Application Act), and 7United States Code (USC) 136, et seq., (Federal Insecticide, Fungicide, and Rodenticide Act).

(III) 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.

(IV) 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 15th and October 31st) 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.

(V) 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.

(C) 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.

(D) Agricultural activities are expected to meet the objectives and standards of this subsection ~~through voluntary compliance.~~

(E) Jefferson County, the Jefferson County conservation district and the Jefferson Co. Dept. of Health ~~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.

(F) "Existing functions and values" relates to the following categories:

(I) Water quality, as documented in a given watershed by the Jefferson County conservation district or other management agency.

(II) 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.

(III) 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.

(IV) The existing channel morphology as documented with year ~~2000~~ **2013** Department of Natural Resources (DNR) Aerial Photography.

(V)) The existing functions and values of Wetland (hydric) soils that have been altered from their natural state to agricultural land through clearing, grading, draining, etc as documented by 2013(?) Department of Natural Resources (DNR) Aerial photography, and meeting the criteria for Farmed Wetland, Farmed Wetland Pasture/Hayland, and/or Prior Converted Croplands.

(G) “No harm or degradation” means the following:

(I) Maintaining or improving documented water quality levels, if available.

(II) 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.

(III) Meeting all applicable requirements of Chapter 77.55 RCW and Chapter 220-110 WAC (Hydraulics Code).

(IV) No evidence of degradation to the existing fish and wildlife habitat characteristics of the stream or wetland (**see definitions**) that can be reasonably attributed to adjacent agricultural activities.

(H) 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.

(iv) Stormwater Management. Jefferson County stormwater management regulations and procedures are described in JCC [18.30.060](#), Grading and excavation standards, and JCC [18.30.070](#), Stormwater management standards. These sections pertain to agricultural activities in the following manner:

(A) Commercial agriculture is exempt from stormwater management minimum standards pursuant to JCC [18.30.070](#)(2) and the referenced Department of Ecology Stormwater Management Manual for Western Washington (manual).

(B) 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.

(C) Accordingly, agricultural activities such as land preparation for the cultivation of crops or the grazing of livestock and the maintenance of agricultural irrigation **or drainage** infrastructure are exempt from meeting the minimum requirements for stormwater management and from obtaining a stormwater management permit.

(D) 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.

(E) 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 JCC [18.20.160](#), [18.30.060](#) and [18.30.070](#). The State Department of Natural Resources may also require a Class IV general forest practices application.

(v) Farm Ponds and Irrigation Infrastructure.

(A) 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 Article VI-D of Chapter [18.15](#) JCC. 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.

(B) Construction or expansion of ponds or irrigation ditches and infrastructure in wetlands and their buffers is subject to the provisions of Article VI-I of Chapter [18.15](#) JCC.

(l) 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 JCC [18.15.355](#)(1)(e), if the activities are not prohibited by any other law.

(II) Construction of new ponds or expansion of existing ponds and drainage-related activities that would introduce new impacts is regulated under Article VI-I of Chapter [18.15](#) JCC. Activities within wetlands and their buffers require review and approval of a mitigation or enhancement plan pursuant to that article.

(C) Generally, pursuant to JCC [18.30.060](#)(5)(b), drainage improvements constructed in accordance with JCC [18.30.060](#)(2) and [18.30.070](#) 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 JCC [18.30.070](#)(6).

(vi) Livestock Management.

(A) On designated agricultural lands, livestock management is allowed as a matter of right, except:

(I) 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).

(II) 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 (C(a)) land use permit.

(III) 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.

(B) On lands that are not designated agricultural lands, livestock management is allowed as a matter of right, except:

(I) The slaughter and preparation of between 100 and 1,000 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 (C(a)) land use permit; over 1,000 shall be prohibited.

(II) Any operation that meets the state or federal definition for an animal feeding operation (AFO) requires a conditional administrative land use permit (C(a)).

(III) 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.

(C) Facilities for breeding and maintaining working dogs raised for livestock management purposes are exempt from performance of JCC [18.20.060\(3\)](#), 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 JCC [18.20.060\(3\)](#).

(vii) Structures. According to JCC [15.05.040\(1\)](#), certain types of agricultural structures do not require a building permit from the department of community development.

(A) 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: freestanding, located at least 10 feet from the nearest structure and not attached to any structure, unless attached to another agricultural building; do not contain plumbing, except as necessary to maintain farm animals; do not contain a heat source, such as a wood stove or electric heat, unless specifically permitted.

(B) Agricultural buildings that contain plumbing other than that as authorized above must obtain a plumbing installation permit and health department approval.

(C) Agricultural buildings that contain a heat source for an agricultural purpose must obtain a wood stove permit or an electrical permit as appropriate.

(D) 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.

(E) Agricultural buildings used for the purpose of hosting members of the public for the purpose of retail sales of agricultural products or machinery constructed on-site 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.

(F) 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.

(G) 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:

(i) Accessory uses that support, promote, or sustain agricultural operations and production shall comply with the following:

(A) 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;

(B) 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

(C) 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.

(ii) Accessory uses may include compatible commercial or retail uses including, but not limited to:

(A) Storage and refrigeration of regional agricultural products;

(B) Production, sales, and marketing of value-added agricultural products derived from regional sources;

(C) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;

(D) Support services that facilitate the production, marketing, and distribution of agricultural products; and

(E) 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 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:

(i) General. All accessory uses, when exempted from a permit or approval process, shall be conducted in such a manner that:

(A) Parking for all visitors or suppliers is fully accommodated on-site in a location and manner that does not encroach upon or negatively impact environmentally sensitive areas and their protection buffers and that converts as little prime agricultural soil as practicable into nonagricultural use.

(B) New structures are constructed or existing structures are expanded in a location and manner that does not encroach upon or negatively impact environmentally sensitive areas and their protection buffers and that converts as little prime agricultural soil as practicable into nonagricultural use.

(ii) Composting and recycling must be nonhazardous and biodegradable.

(iii) Processing and packing agricultural products if at least 50 percent 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.

(iv) 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:

(A) At least 50 percent of the square footage of the undercover, 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.

(B) If less than 50 percent 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.

(v) 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:

(A) The activity must be accessory to the main function of the property as a farm.

(B) The activity shall comply with JCC [18.20.220](#)(1)(a), (c), and (d), Industrial uses – Standards for site development.

(C) Storage of vehicles, equipment, materials or products not related to agriculture must meet the requirements of JCC [18.20.280](#), Outdoor storage yards.

(vi) 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:

(A) 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 JCC [18.20.350](#), 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 on-site, fireworks, sporting events, caged wild animals, exhibits, etc.

(B) Temporary events that are not related to agriculture are regulated by JCC [18.20.380](#), Temporary outdoor uses.

(vii) Classes. Subject to the following provisions:

(A) Classes are clearly accessory to the primary function of the farm.

(B) 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 subsection (3)(e)(ii)(B) of this section, addressing agricultural schools.

(C) If students are regularly housed on-site for the class, the provisions of JCC [18.20.210](#), Hospitality establishments, shall apply.

(viii) 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 JCC [18.20.230](#), Lumber mills (portable and stationary).

(e) When Permit Process is Required.

(i) Proposal Exceeds Terms or Limitations. Accessory uses on agricultural lands that are best described as one of the uses listed in subsection (3)(d) of this section and yet exceed or lie outside of the terms and limitations set forth in subsection (3)(d) of this section are considered discretionary uses (i.e., "D" uses), as defined at JCC [18.15.020](#)(1)(b), and subject to a Type II administrative review as specified in Chapter [18.40](#) JCC. 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 Chapter [18.40](#) JCC according to the use classification.

(ii) 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:

(A) Permanent and/or seasonal farm worker housing, in addition to an accessory dwelling unit; provided, that:

(I) 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.

(II) 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 JCC [18.20.350](#).

(III) The farm worker housing units are constructed in such a manner that they meet all applicable regulations for dwelling units for agricultural worker housing.

(IV) 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.

(V) The accommodations shall not require the extension of public sewer services.

(B) 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:

(I) 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.

(II) 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 JCC [18.40.080](#) for a conditional use permit.

(III) Buildings and parking facilities used for the school avoid location on prime agricultural soils, whenever practicable.

(C) 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 JCC [18.20.420](#)(1)(a) and (b). Veterinary clinics and hospitals that do not include an on-site, large animal practice are not permitted on land designated agricultural land.

(D) Farm restaurant when it is a component of the agritourism activities of a farm subject to the restrictions set forth in JCC [18.20.350](#)(1).

(E) Farm campground for fishing or hunting on or near farm property subject to the regulations in JCC [18.20.350](#)(6)(a)(1) through (9).

(F) Guide services associated with livestock used for trail riding, packing, etc.

(G) Rural recreational tourist lodging subject to the provisions of JCC [18.20.350](#).

(H) Commercial display gardens subject to the requirements of JCC [18.20.350](#)(3). [Ord. 8-06 § 1]