

Agricultural Activities and Accessory Uses

(Recommendations for revision of JCC 18.20.030)

(1) Definitions.

For the purposes of this section, the following definitions shall apply. Other relevant definitions appear in Chapter 18.10 JCC.

[Definitions omitted for this report. See the section titled Definitions for the terms that would appear here, if relevant.]

(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, and subsection (3), Accessory Uses.

(b) **When Subject to Permits and Administrator Approvals.** Agricultural activities are not subject to land-use permits or approval from the Administrator except under the following conditions:

(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 Protection.** The Growth Management Act, Chapter 36.70A RCW, requires local governments to designate and protect Critical Areas, namely wetlands, geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, and fish and wildlife habitat conservation areas. This code contains provisions for the protection of Critical Areas in Chapter 18.16 JCC. The provisions of Chapter 18.16 JCC pertain to agricultural activities in the following manner:

(A) New agriculture, as defined in subsection (1), is required to meet all applicable provisions of Chapter 18.16 JCC.

(B) The cultivation of crops and the grazing of livestock on land areas meeting the definition of existing and ongoing agriculture, as defined in subsection (1), are exempt from the provisions for wetlands and fish and wildlife habitat conservation areas.

(C) Limitations to liability for harm or degradation of critical areas. 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.

(iii) **Stormwater Management.** Jefferson County stormwater management regulations and procedures are described in JCC 18.30.060 (Grading and excavation standards), and in JCC 18.30.070 (Stormwater management standards), of this code. These sections pertain to agricultural activities in the following manner:

(A) Existing and ongoing agriculture activities on lands of any designation are exempt, except as specified in (C) and (D) below.

(B) This exemption also applies to:

(I) New agriculture activities related to land preparation for the cultivation of crops or the grazing of livestock;

(II) The maintenance of farm ponds and irrigation infrastructure that have been in existence since before January 1, 1994;

(III) The construction or expansion of farm ponds and irrigation infrastructure on Agricultural Resource Lands, as provided in this subsection;

(IV) Pursuant to JCC 18.30.070(6), the construction of a pond of one-half acre or less which is not in a regulated wetland.

(C) This exemption does not apply to new development of accessory uses or structures on designated Agricultural Resource Lands, as provided in subsection (3), Accessory Uses.

- (D) This exemption does not apply to new development of nonagricultural uses or structures on lands of any designation, unless otherwise exempted elsewhere in this code.
- (iv) **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) **Grading and excavation.** Jefferson County grading and excavation standards are described in JCC 18.30.060.
- (A) Construction or expansion of farm ponds and irrigation infrastructure on designated Agricultural Resource Lands are not subject to land-use permits or the approval of the Administrator provided that said activities are not conducted in critical areas and buffers as defined in Chapter 18.16 JCC. Landowners are encouraged to document the creation of new ponds through photographs (before, during, and after construction) in order to facilitate any future development review on the property.
- (B) On lands of any designation, construction or expansion of farm ponds and irrigation infrastructure in Critical Areas and buffers is subject to the provisions of Chapter 18.16 JCC.
- (C) On lands of any designation, maintenance of farm ponds and irrigation infrastructure that have been in existence since before January 1, 1994 is allowed, if the activities are not prohibited by any other law.
- (D) On lands not designated Agricultural Resource Lands, construction or expansion of farm ponds, irrigation infrastructure, and drainage ditches and systems are subject to the provisions of JCC 18.30.060 (Grading and excavation standards).
- (vi) **Livestock Management.**
- (A) On designated Agricultural Resource Lands, livestock management is allowed as a matter of right, except:
- (I) Any activity that meets the state or federal definition for a custom slaughtering establishment, custom meat facility, or new medium concentrated animal feeding operation (medium CAFO) requires a conditional administrative (C(a)) land-use permit;
- (II) Any operation that meets the state or federal definition for a new large concentrated animal feeding operation, certified feed lot, public livestock market, stockyard, warehouse, or grain elevator, requires a conditional use (C) land use permit.
- (B) On lands of any designation, livestock management is allowed as a matter of right, except that:
- (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;
- (II) The slaughter and preparation of over 1,000 chickens or other fowl in a calendar year shall be prohibited;
- (II) 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 (HI) land use designation, where a conditional use (C) land use permit shall be required.
- (C) On designated Agricultural Resource Lands, 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 night time 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.** Permit requirements for agricultural structures are as follows:
- (A) According to JCC 15.05.040(1), no county building permit is required for buildings or structures, or additions to buildings or structures, erected exclusively for the storage of livestock, feed, and/or farm implements, provided said buildings or structures, with additions, are:
 - (I) freestanding and located at least 10 feet from the nearest non-agricultural building or structure;
 - (II) do not contain plumbing, except as necessary to maintain farm animals; and
 - (III) 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) Buildings used for the storage of private automobiles, trucks, or other equipment which is not licensed or defined 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) **Where Allowed.** Accessory uses to agriculture are allowed exclusively on designated Agricultural Resource Lands (AP-20 or AL-20).
- (b) **General Provisions.** Pursuant to RCW 36.70A.177:
 - (i) **Accessory uses** that support, promote, or sustain commercial 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 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.
- (c) **Where Prohibited.** Accessory uses to agriculture, as defined and regulated in this section, are prohibited in all land use districts except Agricultural Resource Lands. Proposals that would be classified accessory uses in Agricultural Resource 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 Not Subject to Permits and Administrator Approvals.** Accessory uses on Agricultural Resource Lands are considered a matter of right and not subject to land use permits or approval from the Administrator, except for the following limitations and provisions in association with the various use categories listed below.
- (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 have an adverse impact on Critical Areas and 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 have an adverse impact on Critical Areas and 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 are allowed if at least 50 percent of the product was raised or produced on the site, or on other Jefferson County parcels. Products may include, but are not limited to, prepared foods, cheese, wine, beer, decorative materials, compost. Cooperative processing and packing involving more than one local farmer is also allowed.
 - (iv) **Retail and wholesale sales** of agricultural products are allowed 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 foot area of the undercover, retail display must be 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 are allowed, 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. are allowed, 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) **Schools.** Classes are allowed, subject to the following provisions.
- (A) Classes must be 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 of lumber is limited to timber from the designated Agricultural Resource 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 Subject to Permits or Administrator Approval.**
- (i) **Proposal Exceeds Terms or Limitations.** Accessory uses on designated Agricultural Resource 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 therein are considered discretionary uses (i.e., "D" uses), as defined at JCC 18.15.020(1)(b), and are 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 Resource 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 are 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, may be permitted if:
- (I) The housing is used exclusively for agricultural workers on the farm and their families, or for 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) The accommodations shall not require the extension of public sewer services; and
 - (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.
- (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 may be permitted, subject to the following provisions.
- (I) The predominant focus of the curriculum and activities of the school must be 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 Resource Lands.
 - (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 must 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. may be permitted, 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 designated Agricultural Resource Lands.
- (D) A farm restaurant may be permitted 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) A farm campground for fishing or hunting on or near farm property, may be permitted, subject to the regulations in JCC 18.20.350(6)(a)(1) through (9).
- (F) Guide service facilities associated with livestock used for trail riding, packing, etc. may be permitted.
- (G) Rural recreational tourist lodging may be permitted, subject to the provisions of JCC 18.20.350.
- (H) Commercial display gardens may be permitted, subject to the requirements of JCC 18.20.350(3).