

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, March 6, 2024, 6:00 p.m.

The Planning Commission will conduct a regularly scheduled meeting in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362 and by Zoom, meeting number 857 7304 5582 with passcode 12345. Materials regarding past and upcoming meetings are available at: <https://wa-clallamcounty.civicplus.com/669/Live-Archived-Meetings-Online>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES:** February 21, 2024
- F. ANNOUNCEMENTS**
- G. PUBLIC COMMENT on AGENDA ITEMS** – Please Limit Comments to Three Minutes
- H. UNFINISHED BUSINESS**
- I. PUBLIC HEARING/COMMISSION ACTION:** None
- J. WORK SESSION ITEMS:**
 - 1. Request for text amendment to setbacks within the Carlsborg Residential zones.
 - 2. Continued discussion on Ag Accessory Uses.
- K. PUBLIC COMMENT** – Please Limit Comments to Three Minutes
- L. DISCUSSION OF PUBLIC COMMENTS**
- M. GOOD OF THE ORDER**
- N. ADJOURNMENT**

Members:

Chair, Steve Gale & Vice-Chair, Ron Long
N. Bonnie Booth; Jeff Carter; Thomas Butler; Katina Hester;
Kenneth Reandeau; Jane Hielman; Vacancy District 3

Department of Community Development Staff:

Donella Clark, Principal Planner, Holden Fleming, Deputy Director, Bruce Emery, DCD Director

MINUTES

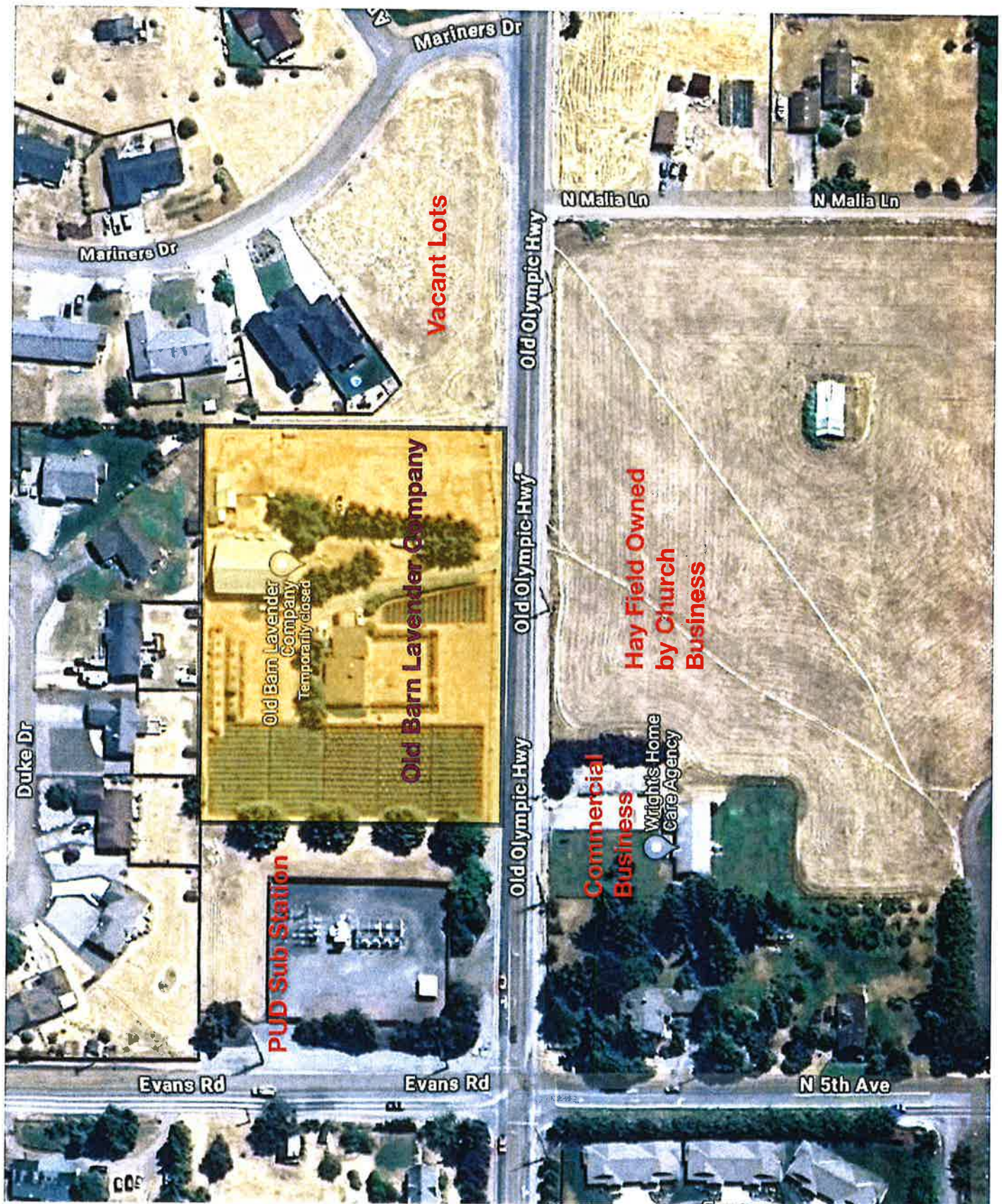
Clallam County Planning Commission

Meeting of February 21, 2024, 6:00 PM

- A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Steve Gale, Jeff Carter, Tom Butler, Ken Reandeau, and . Katina Hester. Holden Fleming, Deputy Director and Bruce Emery, Director, represented staff from the Department of Community Development.
- D. WELCOME: Chair Gale welcomed all in attendance.
- E. APPROVAL OF MINUTES: Commissioner Hester motioned to approve the minutes of February 7, 2024 and Commissioner Reandeau seconded. Motion passed unanimously.
- F. ANNOUNCEMENTS: None.
- G. PUBLIC COMMENT PERIOD: Two members of the public commented on the Ag Accessory Code.
- H. UNFINISHED BUSINESS: Letters of Transmittal for REZ2023-00001 and REZ2023-00002 were accepted by the Commission and signed by the Chair.
- I. PUBLIC HEARING ITEM: None
- J. WORK SESSION ITEMS: Staff discussed changes made to the Ag Accessory Use code along with Commissioner Hester's comments. Staff requested a subcommittee be convened to meet with the public Thursday morning at 9am at the County Courthouse to allow a back and forth discussion of the proposed code. Commissioners voted unanimously and a committee of three appointed to attend the meeting (Steve Gale, Ken Reandeau, Katina Hester) on Thursday February 22 in the County Courthouse.
- K. PUBLIC COMMENT PERIOD: Five additional comments were made related to the Ag Accessory Use Code.
- L. GOOD OF THE ORDER: Jeff Carter pointed out that Section 12 of the Planning Commission Bylaws spells out what should occur when a Planning Commissioner recuses themselves. The Bylaws state that "the member should excuse him/herself from the Planning Commission and shall leave the meeting room until conclusion of the subject matter."
- M. ADJOURNMENT: The meeting adjourned at _8:30_ p.m.

- (1) "Agricultural Accessory Use" means a use that directly supports, promotes and is incidental to a permitted primary agricultural use or agricultural activity on a farm.
- (2) "Agricultural Processing Facilities" means a facility, located on a farm, which adds value to, refines, or processes raw agricultural goods, including but not limited to washing, sorting, cutting, drying, bagging, freezing, cold storage/controlled atmosphere and/or packing.
- (3) "Agricultural Work" means tasks related to farming, cultivation, and production of agricultural products. These tasks include, but are not limited to, manual labor assisting with crop production, harvesting and sorting, and animal care and husbandry.
- (4) "Farm Dependent Outdoor Activities" means those activities that directly relate to or dependent on the environment and operations of a farm. These activities may provide an engaging and educational experience for participants and include, but are not limited to, corn mazes and other such maze structures, tractor rides, and agriculturally focused educational classes.
- (5) "Farm Stays" means paid accommodation on a working farm where guests partake in agricultural work.
- (6) "Farm Tours" means a guided tour of an agricultural operation allowing members of the public to observe agricultural operations onsite.
- (7) "Farmers' Markets" means a venue located on a farm, which is used by multiple agricultural producers, for the sale of farm products grown, produced, or processed primarily in Clallam County or counties immediately adjacent to Clallam County and from Washington State.
- (8) "Onsite Retail Greenhouses" means a structure (greenhouse), located on a farm, accessible to the public, devoted to the cultivation and retail of plants or other grown agricultural products, directly to consumers.
- (9) Onsite Retail Stores means a retail establishment, located on a farm, primarily engaged in the sale of agricultural products produced onsite directly to consumers.
- (10) "Temporary Onsite Retail Stand" means a temporary or permanent structure, not internally accessible to the public, located on a farm, where agricultural products produced onsite and related items are sold directly to consumers.
- (11) "U-pick" means an agricultural enterprise where consumers visit a farm to harvest, or pick, produce and other agricultural products directly from the fields or orchards.

Public Comments attached to minutes





Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company

Current Set Up deemed "No Issue"

Old Barn Lavender Company is named after the 3,700 sqft historic barn on the property dating back to 1913. It's one of the oldest buildings in Sequim.



The entire east portion of the barn is used for hanging and drying lavender.



On summer mornings, the 10' bay door is opened and lavender is distilled into essential oil in a Portuguese Cooper still. It operates in a completely closed system.



The front of the west portion of the barn has 12' cargo doors that open to a gift shop which sell soaps, candles, essential oil, lavender bud, and incense all made by hand on the property using the lavender grown on the farm.





Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company

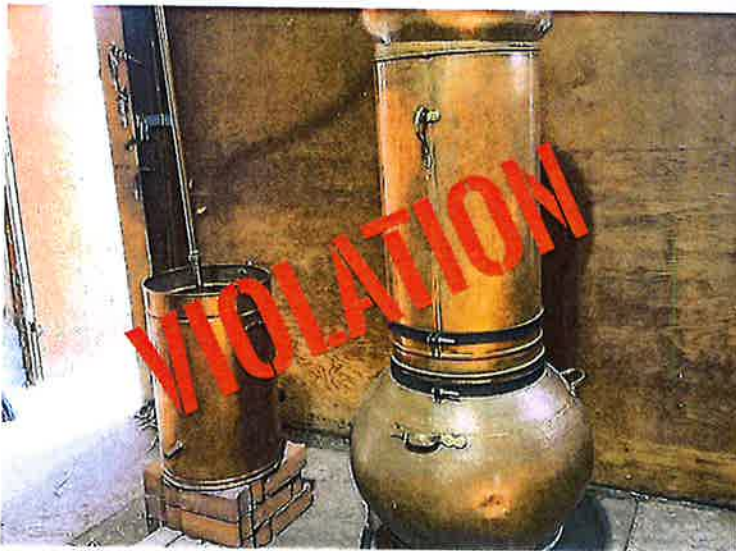


Although built for agriculture and the majority of its life used for agriculture, OBLC's barn cannot be used. Farms less than three acres cannot have an agriculture processing facility without a Conditional Use Permit

Farms under three acres cannot cut, dry or clean their raw materials to add value without a Conditional Use Permit.



Farms under three acres cannot have any processing facility without a Conditional Use Permit.



Farms under three acres are not allowed onsite retail stores without a Conditional Use Permit



Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company

County Visit to Old Barn Lavender Company (OBLC) - "No issues"

On November 17th, 2023, four County officials visited Old Barn Lavender Company's farm in the process of reviewing and understanding Clallam County's farming industry and its relation to the Agricultural Codes. The officials inspected the grounds, the parking lot, the fields, and the barn where processing and retail sales were conducted. After the inspection, the County officials stated they saw "no issues" with the farm. The only items called to attention were by the fire inspector who requested a small ramp to help wheelchairs over the 1.5" lip into the barn and to have any propane tanks located outside the building. Other than these two items, the County officials stated that Old Barn Lavender Company should have no problems with the new codes.

Agricultural Accessory Uses Draft Code 2-14 - OBLC is Out of Compliance

According to the Agricultural Accessory Uses Draft Code 2-14, OBLC is deemed out of compliance without acquiring Conditional Use Permits and paying fees.

	Less than 3 acres	3-4.99 acres
Ag. Processing Facility	Conditional Use Permit	Certificate of Compliance
Onsite Retail Store	Conditional Use Permit	Certificate of Compliance
Outdoor Activities (Corn mazes, tractor, etc.)	Conditional Use Permit	Conditional Use Permit
Farm Stays	Prohibited	Prohibited

How did Old Barn Lavender Company go from having "no issues" to being restricted by Conditional Use Permits and fees?

OBLC is restricted from two crucial components of running a successful farm because it sits on 2.61 acres. If the property was .39 acres larger, OBLC could continue forward with processing lavender and operating a retail store of their goods without applying for Conditional Use Permits and paying fees. Processing and retail are rights afforded to all other farms three acres or more with a Certificate of Compliance.

Agricultural Processing Facility

The current draft of the Agricultural Accessory Use Code states that properties under three acres cannot have an Agricultural Processing Facility unless they acquire a Conditional Use Permit. *"Agricultural Processing Facilities' means a facility which adds value to, refines, or processes raw agricultural goods, including but not limited to washing, sorting, cutting, drying, bagging, freezing, cold storage/controlled atmosphere and/or packing' (Agricultural Accessory Uses Draft Code 2-14).* By this definition OBLC cannot harvest their lavender, and use their barn to hang it to dry, strip the bud off the stems, or distill it. They are limited to only growing lavender. They cannot touch it past that.

- If a farm cannot prepare their product for market, what can they market?
- If a farm cannot produce anything for market, how can they survive?

Onsite Retail Store

The current draft of the Agricultural Accessory Use Code states that farms under three acres cannot have an onsite retail store without a Conditional Use Permit and that such stores must be less than 1,000 sqft, which includes storage.

- If a farm has enough land to accommodate the required minimum of 1 acre of land utilized in the production of agricultural products and the parking required by the Agricultural Accessory Use Code, then why is this not enough to support an onsite retail store?

Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company

- Under the current code, a 200 sqft store with 1,000 sqft of backroom product storage would not be allowed. How does the amount of storage factor into the safe operation of an onsite retail store?

Why three acres?

- If OBLC was seen as having "no issues" by county inspectors, why does it need to apply and pay for Conditional Use Permitting simply because it is .39 acres less than three acres?
- What guaranteed securities are there in three acre properties that allow them to operate under a Certificate of Compliance that a 2.61 acre property does not have?
- How was it determined that three acres would be the cut off for rights?
- What studies were conducted to support this policy?

Additional Restrictions - Farm Stays

According to 33.50 CCC, Clallam County allows properties 1.5 acres and above to construct Additional Dwelling Units (ADU's) subject to requirements. These ADU's can be used as short stay rentals. However, according to the Agricultural Accessory Use Draft Code 2-14, Farm Stays for farms less than 5 acres are prohibited. According to the Code *"Farm Stays' means paid accommodation on a working farm where guests partake in agricultural work."*

- Why does having a 5 acre or less farm forfeit a property owner's rights to building and short stay renting an AUD on their property; a right they would have if they had only 1.5 acres and no farm?

Additional Costs and Restrictions - Landscape Barrier

According to 33.XX.050 paragraph 6 states that a landscape barrier must be installed to block the view of the parking lots for farms. This paragraph does not differentiate between full-time parking lots or temporary parking lots.

The parking lot for OBLC is used for 10 weeks of the year (19%). The rest of the year (81%) it is goat pasture. The fencing and gating along this lot sits on the property line. For OBLC to install a landscape barrier the fence would need to be moved inward 10' on the east and south sides so that landscaping could be installed outside the fence away from the goats. This would eliminate the ability to use the existing exit gate, and a new one would need to be installed. The parking area would decrease significantly, reducing parking spaces. In total, with new fencing, a new gate, and installing new landscaping, rough estimates amount to over twenty thousand dollars to create a landscape barrier for this temporary parking lot that was previously described as having "no issue" by County officials.

OBLC's fate with the current Agricultural Accessory Use Code Draft

As it is currently written, the Agricultural Accessory Use Code limits OBLC to growing raw materials and eliminates hosting any customers. OBLC cannot process their materials, host a store to sell their materials, or invite guests to their property to purchase these materials unless tens-of-thousands are invested in Conditional Use Permits and landscape barriers. However, if OBLC were .39 acres larger, many of these restrictions would disappear.

These costs and restrictions are an insurmountable hurdle for OBLC: a farm that was verbally deemed as having "no issues" prior to the current Draft Code. If the code is passed as is, Old Barn Lavender Company will have no option than to close its operations.

A Potential Solution

This illustration of a farm moving from having "no issues" to now being required to invest thousands into Conditional Use Permits and updates begs several questions including:

- What methods of measurement were used to create the delineation of rights between the farms of different acreages?
- What qualities are inherent in a property that is 3 acres that allows it to have more rights and freedoms than a property that is 2.6 acres?

Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company

- Are these qualities consistent and universal with all parcels of this size?
- What inherent qualities of farming makes it so that farms have less rights than residents in terms of ADU's and short stay rentals?

If these qualities are not universal, consistent, or quantifiable, then they should not be used as a method of judgement and policy making. Rules that govern the masses should not be made on arbitrary methods. As illustrated by Old Barn Lavender Company, a successful, well organized argitourism farm can be deemed as having "no issues" on less than three acres.

The current draft, as written, dictates a farm's abilities, such as their ability to process their crops, run a gift shop, have outdoor activities, and host farm stays, based on acreage size, which has little to do with the farm's ability to support these endeavors.

A more quantifiable and consistent method would exist in the farm's ability to support proposed activities based on parking spaces. A farm should be able to partake and host the activities it can support with adequate guest parking. This would dictate the size of the gift shop and the proposed outdoor activities. This is a method used in many other commercial industries. The fault of the current system in the Draft Code is that it is based purely on acreage. It is possible for a less than 3 acre farm to have 30 parking spots. And it is equally possible for a 20 acre farm to have only two. However, the current draft code would allow the 20 acre farm with two parking spots more rights and freedoms of commerce than the well set up smaller farm. Acreage does not inherently support activities, whereas parking spaces do.

If a delineation of farms and approved activities is needed, then I recommend transitioning from an arbitrary acreage delineation system to a quantifiable system based on support of guest parking.

2/19/24

Comments on 2/14/24 Draft Agricultural Accessory Uses
Clallam County Planning Commission
Bruce McCloskey, B&B Family Farm

Thank you for providing a draft of the proposed code language prior to the 2/21/24 Planning Commission Meeting, allowing time for public review and comment.

I appreciate the notice for the Agricultural Accessory Code Discussion 9-11 AM, Thursday February 22, in the Board of County Commissioners room. What will be the format for that meeting? Will the meeting be with DCD staff and include Planning Commission members? Will there be opportunity for Public discussion, not limited to a 3 minute presentation? I hope that is the case. That would be very helpful.

Specific comments related to the Draft Code language provided:

1. **Definitions (page 1)** Obviously and critically, the Definitions section needs to be finished. Without that, we are not clear what we are talking about. In our case, the definition of Onsite Retail Store (verses a Farmers Market) and Temporary Onsite Retail Stand (verses a Farmers Market), and "other farm related outdoor activities or events" (weddings?, photographers? artists & painters?) (different from Farm Dependent Outdoor Activities?); are important. Some of these activities occur indoors in our barn or product making areas, not just outdoors. We need a definition for agriculture product or do we use the one in Clallam County Code 35.55 Definitions?

2. **Agriculture Accessory Uses (page 3)**

- a. (4) Onsite agriculture processing facilities IS NOT AN ACCESSORY USE, BUT RATHER INCLUDED IN THE DEFINITION OF AGRICUTLURE:

WAC 296-307-006:

The term "agriculture" means farming and includes, but is not limited to:

- (a) The cultivation and tillage of the soil;
- (b) Dairying;
- (c) The production, cultivation, growing, and harvesting of any agricultural or horticultural commodity;
- (d) The raising of livestock, bees, fur-bearing animals, or poultry; and
- (e) Any practices performed by a farmer or on a farm, incident to or in connection with such farming operations including, but not limited to, preparation for market and delivery to:

- (i) Storage;
- (ii) Market; or
- (iii) Carriers for transportation to market.

As farmers we need the flexibility to add, modify, repair our facilities to process our farm products. Our barns, equipment and implement storage, drying areas, supply storage are essential to our farming operation and should not be categorized as accessory uses. They are included in the Clallam County Code: 35.55 Definitions

"Agricultural equipment and agricultural facilities" means to include, but is not limited to:

- (a) The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
- (b) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
- (c) Farm residences and associated equipment, lands, and facilities; and
- (d) Roadside stands and on-farm markets for marketing fruit or vegetables. WAC 173-26-020.

c. Additional Standards for onsite Retail Stores (page 7)

- a. No larger than 1000 sq. ft. of total space, including all storage areas is not enough space for our store if you include all storage areas and the potential need for growth in the future. The actual retail space where the public is allowed is less than 1000 sq. ft and we could expand that area within the current building. If we include the storage area the 1000 sq ft limit would be a problem. We make some of our non-perishable products in the off season (when we have more time) and store them for our busy summer season. Those storage areas are not accessible to the public and we consider those areas to be part of our agriculture processing facilities, not part of the retail store.
- b. Hours of Operation is overly restrictive for our farm as written. For private customers with reservations we frequently open the farm including our retail store before 7:00 am and after sunset. If a small private group is taking pictures until sunset (or a little later when they run out of any daylight) we may open the store so they can make a purchase before they head back to Seattle, for instance. Likewise with pre-sunrise customers that leave the farm before 7:00 am after they have taken pictures. Our normal store hours are 9:00 am – 5:00 pm, however there are exceptions for a few, but important customers with prior reservations.
- d. May through October is too limiting. We have opened our farm and retail store for a few select weekend days for Holiday shoppers around Christmas and would like the option to do so. We have discussed doing the same for Thanksgiving, Valentines' Day and Easter. We would prefer a maximum number of days (180)

rather than the current wording. That allows us flexibility while still being less than half the year.

3. Additional standards for onsite agricultural processing facilities (page 8)

This whole section should be deleted as this is not an accessory use.

We understand the public access issue and the requirements to safeguard the publicly accessible areas, along with the need for a building permit. If it needs to be included somewhere to address the public access issues, it needs to be clarified to apply only to publicly accessible areas.

The maximum size of 4000 square feet should be deleted. We exceed that now if you include areas under lean-to covers attached to our barns. We may well need to expand in the future. We should not be required to go through the expense and effort of a CUP when we determine we need additional processing space for our agriculture operations. Nor should we be restricted as to hours of operation. As previously mentioned, when our crop needs to be processed, we need to do it, regardless of day or time.

4. Additional standards for farm tours (page 11)

Must be guided by a designated farm employee OR REPRESENTATIVE

During busy seasons we have volunteers or family members helping give tours (under our guidance and direction) that are not employees. Technically, I am not an employee even though my wife and I own the farm.

5. Farm Stays(page 12)

This excludes Harvest Host <https://harvesthosts.com/> or

Hipcamp <https://www.hipcamp.com>

or similar programs as those RVer's are not working on the farm. For our farm their RVs would be self-contained (no hookups), and they would hopefully spend some money in the farm store. We would like the option to attract those visitors in the future.

The rest of the requirements in the draft language are fine.

General Comment

There are numerous references to compliance with the Clallam County Environmental Health Services Division requirements related to solid waste disposal, sewage disposal, food handling, and water system compliance. It would be very helpful to have a written summary of those requirements most likely to impact the farms along with some links to the actual code requirements so we can determine what is expected of us. The Clallam County Code is rather intimidating to those of us that don't deal with it every day. Perhaps a representative from their office could attend the Thursday (2/22/24) morning Code Discussion? It think it would be helpful to have their input. Will that meeting be available via ZOOM?

Thank you for your work on this.

Bruce McCloskey, B&B Family Farm

5883 Old Olympic Hwy, Sequim, WA 98382

Comments from B&B Family Farm
Clallam County Draft Agriculture Accessory Uses
1/17/2024

Thank you to the Department of Community Development for providing a first draft of proposed wording for addressing the Agriculture Accessory Uses issue. We appreciate the relatively quick timeline in place and the willingness for the DCD staff and Planning Commission to dig into these matters with input from those impacted. We realize this is a complex issue with many perspectives to be considered. Thank you for the opportunity to provide input throughout the process.

We generally like the approach and the stated goal of encouraging accessory uses to help encourage and support the ability of farms to make a living, while also being mindful of their neighbors.

We understand staff's intent to add definitions of key words or terms as necessary, near the end of the process. However those definitions are critical to allow readers to fully understand the draft language and implications for particular farms. We hope to see draft language for definitions soon so we can accurately understand the impacts.

Specifically we need definitions for:

- Accessory Use (not just examples as that list will undoubtedly omit current or planned uses)
- Administrator (who makes these decisions?)
- Designated parking area (does this include temporary parking areas used for only a few days per year?)
- Temporary onsite retail stand (what is temporary? maximum time span?)
- Ag processing facility (what does that include? (drying, cleaning, sorting, boxing, storing, freezing, cooling of the agriculture products are all done on our farm)
- Farm Tour (some visitors walk around on their own, do their own self-guided tour, take pictures and leave without ever coming into a building or talking to a farm representative)
- Educational "class" (we do these occasionally)
- Product (needs to include value added products produced with raw materials grown on the farm, ie lavender oil use to make lavender lotion); the 75% requirement needs to include value added products

made outside of Clallam or Jefferson County as long as it is made with raw materials grown on the farm (lavender ice cream made in Seattle area with our lavender, for example)

- Farm stay (what is it? Hip camp? Harvest Host? Random Rv'ers?)

General Requirements

(3) "vehicles are not required to back onto public roads" is a too restrictive. Farms don't require that, but it sometimes happens, just as garage sales or estate sales can have "customers" parking on the public roads during peak hours. We do not want it or encourage it, but a couple of days per year it might happen.

(4) Trying to define where an agriculture use is allowed and where it is not is problematic. It depends on the specifics of what and where is planned by the farm; a drying pole barn may need to be closer to the field (than the current building foot print) to be harvested for example; limiting those uses to no more than one acre of agriculture land is too restrictive for a larger farm. We do not want to take land out of production, but sometimes it is unavoidable.

Additional Standards for onsite retail stores

Why limit the hours to 7:00 am to 7:00 pm? On occasion we have special groups that might opt to come before or after hours (by reservation). Especially on a larger farm, that is not an issue.

Additional standards for onsite agriculture processing facilities

Do not try to limit the hours. During peak harvest and processing times we are often working early in the morning and as late as midnight. That is routine for our farm. That's just the way it is. When the crop needs to be processed we do it.

Additional standards for U-pick

Do not limit the hours. We have visitors that reserve before 7 am and after 7 pm. They pay for the privilege to have the farm with more peace and quiet than during normal operating hours.

Additional standards for farm tours

Limiting the size of a group to 21 is not workable. We have tour buses show up with many more than 21 people. On occasion, there is more than one bus at a time. We are not going to divide the group or turn some away. The logistics of managing large tours falls on the farm for us to handle. Do not limit the hours for all the reasons previously stated. Tours do not take place in the dark, but otherwise may happen earlier or later than 7 am or 7 pm.

Additional Standards for Farm Stays

This whole section needs work, especially for a larger farm. We don't currently do these, but are considering it. We are interested in self-contained RVs that want peace and quiet with no hookups, staying for maybe a few days. We are not thinking employees.

Additional Standards for corn mazes.....

We need to know what "other farm related outdoor activities" includes???? Does it include weddings? Photography shoots? Artist/painters? Conferences? Local club or organization meetings?

If so, we have concerns. If not, maybe we are fine.

Thank you for providing a first draft for actual wording. We look forward to additional drafts and providing our input.

Bruce McCloskey

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Sequim, WA 98382
info@bbfamilyfarm.com

Ag Accessory Use Amendment – Katina Hester suggested changes for Wednesday Meeting

Recommended Changes - Summary (Details and supportive documentation follows)

Definitions – Modify definitions for agricultural accessory use, agriculture processing facilities, farm dependent outdoor activities, farm stay, farmers market, farm tours. Add in temporary non-ag accessory use and camping definitions and sections

33.XX.030: Modify to .5 acre instead of 1 acre

33.xx.40 – add self guided to #7, add educational classes and workshop, clarify temp onsite retail stand definition.

33.xx.050 - modify language for review procedure and placement. Landscaping code does not address ag uses.

33.xx.060 – Modify review requirements for several categories. Define requirements for any newly added categories, per previous suggestions.

33.xx.070 - Expand to Washington or PNW.

33.xx.080 - Remove sq ft limitation, length of operation, hours of operation and expand to include PNW/Washington

33.xx.090 - Remove length of operation and hours of operation

33.xx.100 - Remove sq foot limitation, hours of operations. Add additional standard for noxious emissions and slaughterhouses, packing houses, breeder houses and feed lots.

33.xx.120 – ADA requirement clarification

33.xx.130 - Add self-guided tours

33.xx.140 – Remove max sites, clarify density, clarify ADA parking proximity

33.xx.150 - Remove limit of days, add hours of operation 7-7, add noise generating activities require CUP/Event permit

Add Accessory uses to include: Restaurants, Camping, Temporary Non-Ag Accessory Use, Regional Parks, Wineries, Distilleries and Breweries

Recommended Changes - Details

Definitions

1. Agricultural accessory use: Modify to read “supports, promotes and does not interfere with the permitted primary agricultural use or agricultural activity on a farm.” Instead of “is incidental to”
 - a. This change aligns with definition from state RCW code RCW 36.701.177 3a where it states “Accessory uses shall be located, designed, and operated so as to not interfere with, and

to support the continuation of, the overall agricultural use of the property and neighboring properties, and shall comply with the requirements of this chapter;"

2. Include Wineries, distillers and breweries in Ag Accessory Use.
 - a. Comp plan 31.02.115 includes wineries in definition of farm inventory under the premise that an agricultural product is produced
 - b. See appendix Item A for full recommendation.
3. Agricultural Processing Facilities: Modify to read "freezing, cold storage/controlled atmosphere, packing, and/or food processing"
 - a. Provides for farms to have facilities for processing raw fruits, vegetables, berries and grains into value added products.
4. Farm Dependent Outdoor Activities: Remove Agriculturally focused educational classes and move into its own section. Modify definition to read "tractor rides, pettings zoos and other agritourism activities."
 - a. The size and scale of a maze/tractor ride style activity has a different impact and should have different requirements than hosting educational workshops. Small farms are often ideal places for workshops where they can educate on intensive, regenerative, small scale farming.
5. Farm Stay: Modify to be defined as "Work Stay" for clarity. These can be unpaid too as work-trade options, recommend remove word "paid" or add "or unpaid"
 - a. Comp plan does use the term farm stay, should be corrected in comp plan in upcoming update too. Farm stays term is most often used for recreational stay like an Air B&B in a farm setting. Work Stay is the more common term for a work-camp opportunity.
6. Farmers Market: Need consistent definition. Either change to Clallam/Jefferson County here, or change retail store/farm stand definition to match. Expand to Washington State or PNW.
 - a. Food security is improved when a broader growing area can be included to bring in food that does not grow well here but might grow well in the warmer parts of Washington
7. Farm Tours: Modify definition to include self-guided or guided tours.
 - a. Self guided tours are listed in RCW 4.24.830 in the agritourism definition.
8. Clarify farmers market
 - a. If a farmer has a plant sale event, or pop up that includes 1-2 other farms, would this fall under farmers market?
9. Add in Camping
 - a. RCW 4.24.830 in the definition for Agritourism includes camping. Allow camping at the same density as work-stay and set the max sites as the combination of both cannot exceed 3 per 5 acres.
10. Add in NonAgriculture Accessory Use Section to cover temporary non-ag accessory use
 - a. Temporary non-agricultural accessory use : Activities that utilize existing structures and do not otherwise convert agricultural lands permanently included but not limited to yoga, painting, photography, farm to table, and picnicking.
 - i. RCW 36.70A.177 includes nonagricultural accessory uses and activities in 2a and 3bii.

- ii. These types of activities are temporary and do not permanently convert lands, and align to 31.02.115 in attraction of tourists and tourism dollars and preservation of options for future generations.
- iii. Align to CCC 31.02.620 to : 1) advocate solutions to local industry issues in order to expand employment opportunities and revenue generation. 2) Work to promote a strong, economically viable and ecologically responsible agricultural economy 3) Amend zoning standards to allow for small-scale, on-farm enterprises in rural areas, 4) Support development of a comprehensive tourism plan that provides for cooperative planning between industry and government agencies to prioritize, coordinate and develop tourism throughout the County; Support master planned resorts with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities;

33.XX.030:

- 1. Discuss minimum of .5 acre instead of 1 acre
 - a. Small scale flower farms and intensive market gardens can be profitable at a smaller acreage. (ex. Dahlia farm can have 750 dahlias on half acre generating over 30K in dahlia tubers + u-cut revenue)

33.xx.40

- 1. Add guided “and self-guided “ to #7
- 2. Add educational classes and workshops
- 3. Expand definition of temporary onsite retail stands (do these have to be temp structures? If they only have 3 sides, how much overhang/entry counts as public)

33.xx.050

- 1. #2 Review Procedure. Remove “Remains clearly incidental and subordinate.....” and instead put “consistent with the size, scale and intensity of the existing agricultural use of the property”.
- 2. Placement: Remove “shall not be located.....” and replace with “shall not interfere with primary use “....and shall not convert more than
 - a. Aligns to RCW 36.70A.177 3a terminology
 - b. Allows larger acreage to better place processing facilities and other buildings where they are best needed. For example, if a farm is 80 acres, they may need the processing facilities closer to specific utilities, but may need their retail stand or upick located closer to the field/crop land.
- 3. Landscaping: Current landscaping code 33.53 does not address ag uses. If ag accessory is going to require then ag uses need to be addressed in this code.

33.xx.060

- 1. Fix less than 3 acres to 2.99

2. Change Ag Processing Facility for less than 2.99 to COC.
 - a. Example: small lavender farm would need a drying barn where they process the lavender. Small flower farm would need a small cooler to cool and process flowers. Small vegetable farm would need a place to wash fruits and vegetables ie. process. Provided they meet the 25% compliance requirements.
3. Change 3-4.99 to outright allow u-pick
4. Change 3-4.99 to outright allow farm tours
5. Change the 5-9.99 to allow work stays with COC
6. Change corn mazes, tractor rides to read farm related outdoor activities and change to COC for 5-9.99 acres
7. Add educational workshops with COC, COC, outright allowed, outright allowed, outright allowed
8. Add Temp non ag accessory uses with COC, outright allowed, outright allowed, outright allowed, outright allowed.
9. Add camping with prohibited, prohibited, COC, COC, COC
 - a. Because the state code mentions a minimum of 5 acres for camping

33.xx.070

1. Expand to Washington or PNW.

33.xx.080

1. Remove sq ft limitation.
 - a. Farm should work with building codes and set the size based on building code allowances.
2. Expand to Washington or PNW
3. Remove Length of Operation
 - a. This discriminates against farms who have fall or winter crops/seasonal focused activities (ie pumpkin patch, Christmas trees, spring flowers)
 - b. If the requirement to operate less than 180 days is for building code bathroom allowances, this should be a farm decision. If they want to operation 180+ days then they need to comply with the 'permanent' codes.
4. Remove hours of operation.
 - a. Per Washington State Law 'Right to Farm'
 - i. Agricultural activities and forest practices undertaken in conformity with all applicable laws and rules are presumed to be good agricultural and forest practices not adversely affecting the public health and safety for purposes of this section and RCW 7.48.300. An agricultural activity that is in conformity with such laws and rules shall not be restricted as to the hours of the day or day or days of the week during which it may be conducted.
 - ii. (1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; ...

33.xx.090

1. Remove length of operation and hours of operation per same reasons as 33.xx.080

33.xx.100

1. Remove sq foot limitation. Provided 25% rule is met, restriction to 4000 sq foot unduly restricts larger parcels who may need significant processing space.
2. Remove hours of operations. "right to farm act" + processing in winter time is very likely to go beyond 4 pm (ie sunset) and farms should not be restricted from indoor processing as such.
3. Add additional standard
 - a. Shall emit no noxious emissions that are detectable beyond the property line, in such a concentration of or such a duration as to cause a public nuisance, threaten health or safety, or unreasonably infringe upon use of adjacent property.
 - b. Need to discuss slaughterhouses and packing houses. These are needed in the county and this is called out in the Comp plan. But should have additional performance standards to ensure large scale slaughter operations, feed lots, breeder houses are appropriately located given the intensive adjacent impact they will have on property.

33.xx.120

1. ADA parking.
 - a. U-pick occurs in the crop field. Requiring ADA parking for an activity that is inherently non-ADA compatible may be an issue. Feels like something like u-pick might fall under something like 1110.4.1 area of sport activity
 - b. Field rows tend to be 36" or less, so 44" inch accessible route is an issue

33.xx.130

1. Add language for self-guided tours

33.xx.140

1. Remove max sites.
2. Clarify density. No more than 3 sites per 5 acres with a maximum sites including any other type of camping sites on the parcel to not exceed 3 sites per 5 acres.
3. ADA Parking: proximity question. If work-stay camping is located in an unused area of the farm, that may be generally away from the standard parking lot or inaccessible by car, what is the proximity requirement

33.xx.150

1. Remove limit of days
 - a. If you have a petting zoo, you would want to operate that for the entire season. Limit types of activities, or specify activity types where a limitation of days is desired versus a blanket limitation.
2. Add hours of operation 7-7.
3. Add requirement:

- a. Activities generating noise beyond typical agricultural operations shall require a CUP or event permit included but not limited to: cannons, barn parties, and festivals.
 - i. RCW 4.24.830 specifically mentions barn parties and festivals.

Add Restaurants

1. Recommend “Restaurants, when located on the same property and subordinate to a permanent facility for processing of agricultural products into food or beverage for human consumption; provided, that the size, scale and character of the restaurant facility are compatible with the agricultural/rural character of the surrounding area.”
 - a. Similar to supportive arguments for wineries, these greatly enhance the revenue generating ability of farms to offer “tasting rooms” for their value added products (salsa, jams, etc..) and provide an enhanced tourism experience.

Add Regional Park

1. Regional park: offer interpretive, historical, or educational experiences related to agriculture
 - a. The educational or interpretive component, open space, and trails of a park must comprise at least 70 percent of the physical area of the park.
 - b. will not preclude present and future agricultural use of the property nor substantially detract from agricultural production on-site or in the area.
 - c. Places like “Master Gardener” may fall into this.

Appendix Item A

The inclusion of wineries, breweries, and distilleries as agricultural accessory uses within Clallam County represents an innovative strategy to bolster local agriculture, diversify the rural economy, and enhance the cultural and educational landscape of the region. This approach is not only consistent with Washington State's agricultural policies but also aligns with provisions within Clallam County Code and the visions outlined in the Clallam County Comprehensive Plan.

1. Alignment with Washington State Agricultural Policies:

- Washington State Code recognizes the importance of agriculture and agritourism as a vital component of the state's economy and cultural heritage. By clarifying the categorization of cideries, breweries, and distilleries as agricultural accessory uses, Clallam County would be supporting the state's broader goals of agricultural innovation, sustainability, agritourism and economic diversification.

- The processing of locally grown agricultural products into wine, beer, and spirits embodies the farm-to-table ethos, encouraging sustainable agricultural practices and the preservation of farmland.

Specifically, RCW 15.89.010 Washington Beer Commission – Legislative declaration – declares that ... (3) The production of beer in this state is a new and important segment of Washington agriculture that has potential for greater contribution to the economy of the state if it undergoes continued development.

- Farms, wineries and breweries attract tourists to our region and strengthen our local economy. 89% of Washington Farms are small farms (less than 67 acres) and 96% of farms in Washington are classified as family farms. Agriculture and food/beverage processing provide over 164,000 jobs in Washington. Apples (#1) and Hops (#7) and grapes (#9) represent 3 of the top 10 commodities in Washington State.

2. Consistency with Clallam County Code:

- Clallam County Code should be interpreted to support uses that are directly related to and support agriculture. As wineries, breweries, and distilleries process locally sourced agricultural products, they serve as a natural extension of agricultural operations, enhancing the value of agricultural commodities and providing additional revenue streams for local farmers. Thus, the farm-based production of wine, beer, and spirits can be seen as an agricultural accessory use.

3. Support from the Clallam County Comprehensive Plan:

- The Clallam County Comprehensive Plan emphasizes the importance of preserving agricultural lands, promoting economic development and enhancing the quality of life for its residents. Supporting wineries, breweries, and distilleries as accessory agricultural uses aligns with these goals by providing economic opportunities, promoting agritourism, and supporting the local food and beverage industry.

- The Comprehensive Plan's vision for sustainable rural development includes supporting industries that add value to local agricultural products, thereby reinforcing the economic viability of farming and contributing to the conservation of agricultural land.

4. Support for using a Type B amendment to include wineries, breweries, and distilleries: The following logic provides evidence that wineries, breweries, and distilleries can be included in the Type B amendment.

- CCC 33.35.015 ZONING – AMENDMENTS – Types of Amendment – (2) - states that a Type B amendment include correcting errors, clarifying or revising development standards, and adopting new development standards that are consistent with and implement the comprehensive plan.

- CCC 31.02.115 COUNTY-WIDE COMPREHENSIVE PLAN – Agricultural Resource Land Inventory and Issues

CCC 31.02.115 (1) Agriculture - specifically calls out that a winery can be classified as a farm given that an agricultural product is produced.

CCC 31.02.115 (5)(b) Agritourism – while specifically calling out Lavender Farms, farm-based wineries, breweries, and distilleries can be seen as an equivalent niche farm providing the same benefits to the community as do our local Lavender farms.

CCC 31.02.115 (6) Changes in local Agricultural industry – calls for the need to redefine and broaden what the county means by the term “farm” and “agriculture”. The Washington State Legislature passed legislation in 2004, which was amended in 2006, that essentially redefined what agriculture is; including references to “agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities” (RCW 36.70A.177).

Given the evidence provided above, I believe it is clear that farm-based wineries, breweries, and distilleries are within the scope of the Comprehensive Plan, align with the intent and spirit of both Clallam County Code and Washington State Code, and are within the scope of a Type B amendment.

I recommend that farm-based wineries, breweries, and distilleries be added to the list of Agricultural Accessory Uses and that farm-produced wines, brews, and sprits be specifically called out as an agricultural product. Additional standards for farm-based wineries, breweries, and distilleries should be in alignment with 33.xx.100 “Additional standards for onsite agricultural facilities” and with 33.xx.080 “Additional standards for onsite retail stores”.

Fleming, Holden

From: Web_DCDAAdmin
Sent: Wednesday, February 21, 2024 8:15 AM
To: @DCD - Planning; Emery, Bruce; Fleming, Holden
Subject: FW: Online Form Submission #4219 for Contact the Planning Commission

Please see comments below.

Anastasia White
Administrative Specialist II
Dept. of Community Development
New contact information: 360-417-2416 anastasia.white@clallamcountywa.gov

Public Records Disclaimer: Pursuant to the Washington State Public Records Act (RCW 42.56), this e-mail is a public record and may be considered subject to disclosure to a third-party.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, February 20, 2024 4:58 PM
To: Web_DCDAAdmin <web_dcdadmin@clallamcountywa.gov>
Subject: Online Form Submission #4219 for Contact the Planning Commission

Contact the Planning Commission

First Name	SCOTT
Last Name	WIERZBANOWSKI
Email	SWIERZBO@YAHOO.COM
Phone Number	3606707206
Subject	Allowance for Contiguous parcels when considering land use
Comments/Questions	The latest draft of the Agricultural Accessory Uses chapter, 33.xx, refers to defining different sizes of land parcels for some agricultural accessory uses, however, it does not state that contiguous parcels would be considered as a single parcel when determining the size of land owned. Allowing the consideration of contiguous parcels when evaluating land for agricultural use is a crucial adaptation to modern farming practices and land management strategies. This approach recognizes the reality that many agricultural operations span multiple adjacent parcels of land, which together form a cohesive working farm. By evaluating these contiguous parcels as a unified entity for agricultural purposes, it reflects a more

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Fleming, Holden

From: Web_DCDAAdmin
Sent: Wednesday, February 21, 2024 8:14 AM
To: @DCD - Planning; Emery, Bruce; Fleming, Holden
Subject: FW: Online Form Submission #4218 for Contact the Planning Commission

Please see comments below.

Anastasia White
Administrative Specialist II
Dept. of Community Development
New contact information: 360-417-2416 anastasia.white@clallamcountywa.gov

Public Records Disclaimer: Pursuant to the Washington State Public Records Act (RCW 42.56), this e-mail is a public record and may be considered subject to disclosure to a third-party.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, February 20, 2024 4:46 PM
To: Web_DCDAAdmin <web_dcdadmin@clallamcountywa.gov>
Subject: Online Form Submission #4218 for Contact the Planning Commission

Contact the Planning Commission

First Name	SCOTT
Last Name	WIERZBANOWSKI
Email	SWIERZBO@YAHOO.COM
Phone Number	3606707206
Subject	Recommendations on Accessory Agricultural Use
Comments/Questions	An Argument for Breweries, Wineries, and Distilleries to be included in the Type B Amendment During the 7 Feb Planning Commission Meeting, Bruce Emery stated the following: "Breweries and such are not clearly identified in our Comprehensive Plan and they are of a nature that would require as amendment to the Comprehensive Plan before we would feel comfortable incorporating them in this round." I believe this is incorrect and should be revisited, not only for Breweries, but for Distilleries and Wineries (which includes

- The Clallam County Comprehensive Plan emphasizes the importance of preserving agricultural lands, promoting economic development and enhancing the quality of life for its residents. Supporting wineries, breweries, and distilleries as accessory agricultural uses aligns with these goals by providing economic opportunities, promoting agritourism, and supporting the local food and beverage industry.
- The Comprehensive Plan's vision for sustainable rural development includes supporting industries that add value to local agricultural products, thereby reinforcing the economic viability of farming and contributing to the conservation of agricultural land.

4. Support for using a Type B amendment to include wineries, breweries, and distilleries: The following logic provides evidence that wineries, breweries, and distilleries can be included in the Type B amendment.

- CCC 33.35.015 ZONING – AMENDMENTS – Types of Amendment – (2) - states that a Type B amendment include correcting errors, clarifying or revising development standards, and adopting new development standards that are consistent with and implement the comprehensive plan.

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CCC 31.02.115 (1) Agriculture - specifically calls out that a winery can be classified as a farm given that an agricultural product is produced.

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CCC 31.02.115 (6) Changes in local Agricultural industry – calls for the need to redefine and broaden what the county means by the term “farm” and “agriculture”. The Washington State Legislature passed legislation in 2004, which was amended in 2006, that essentially redefined what agriculture is; including references to “agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities” (RCW 36.70A.177).

February 20, 2024

Bruce Emery, Director
Department of Community Development
223 E 4th Street, Suite 5
Port Angeles, WA 98362

Re: Chapter 33.XX Agricultural Accessory Uses Draft Code 2-14

I have completed a review of the Revised Draft of the above referenced proposed Chapter of the Clallam County Zoning Code dated 2/14/2024.

In the following document, I have outlined comments and recommended revisions for each of the various Sections and paragraphs in the Draft document. This information is presented to assist the Planning Commissioners in their evaluation of how this draft could be improved to better represent the intent of the Clallam County's Comprehensive Plan vision for preserving agricultural activities and encouraging future expansion and development of economically viable agriculture in the county.

1) General Comments:

The current draft as presented has taken a very restrictive approach to formulating the code. It appears it has started with the concept that agricultural accessory use is generally undesirable in the rural zoned areas of Clallam County and that some limited and restricted forms should be allowed in order to comply with the Comprehensive Plan in its current form. It fails to take into consideration the past agricultural history until the 1990s where there was very little restrictions on agricultural accessory uses and most uses related to agricultural use were allowed outright with little restriction. If a crop required cleaning, drying and storing in a silo, it was done on site or with a neighbor and was all considered part of the "rural character" of the area. Bundling of hay into rectangular bails and more recently round bails was also considered part of the agricultural activities permitted whether they were considered accessory to or just part of what was considered Agricultural activities. Each of the dairy farms in the community had their own milking equipment and some processed the milk on the farm. While the county and or state may have had some control over the health aspects of the operations, there was never any doubt about these activities being accessory to the primary farm activity. The fact that an agricultural product needed to be processed and that the process may have required a health department approval did not make them less desirable or less "rural character" but actually added to that rural character. Agricultural farm workers were always considered part of the typical permitted activities of the farm with some farms having more permanent workers and some having seasonal workers that stayed on the farm, many bringing their families along to stay in a variety of temporary lodging.

The better approach to addressing Agricultural Accessory Use permitted on farms is to start with the understanding that all accessory uses to be performed on a farm site are best judged by the farm owner/operator and that as much latitude should be given in the zoning code to allow that decision to be made at that level. Then only applying the zoning restrictions to address specific concerns that may have a specific safety hazard to the community or are

excessively obnoxious to the immediate neighbors. The jest of this discussion is realizing that "rural character" may include some of the accessory uses related to raising and producing agricultural crops that may be less desirable directly next to an urban subdivision, and some of these activities may require the counties control through health regulation and building permits, but these activities should not be controlled by the zoning regulations. Zoning restriction might include control of activities that specifically impact safety of the community (such as hazardous traffic conditions) or are producing non-agricultural equipment related noise with excessively out of agricultural character (parties etc.) after daylight hours. The act of processing should not be controlled by zoning if it is directly related to the agricultural activities on the farm site.

2) Farm Site:

The farm site or term "parcel" used throughout the existing draft of the Agricultural Accessory Use section of the zoning code should be defined and clarified to mean an individual accessor parcel or such collective adjacent accessor parcels as used by the farm for the total agricultural activity including the agricultural accessory uses. The definition should allow the inclusion of multiple adjacent parcels collectively used in the farm site to be aggregated together for the purpose of determining the criteria for meeting any area requirements for a particular agricultural accessory use in the code. This might include a provision that if any parcel is removed from the aggregated farm site, that the farm might lose the prescriptive right to continue its operation if it falls below the minimum area otherwise required for that use or cause a new certificate of compliance be obtained.

3) Minimum Ag Size Issue:

The need for minimum 1 acre Ag to allow any Accessory use. Why? What about the small garden horticulturist that produces orchids in a 500 square foot greenhouse that wants to sell the plants to the public? Example is Marline Holl & Peg Phillips that started out with a small greenhouse with limited sales growing eventually with the nationally recognized Baker & Chantry Inc. greenhouses in Woodinville with 5 greenhouses maybe 6000 sf on 1.5 acres located less than ¾ miles from Woodinville City Hall in amongst subdivisions growing around them over the years. Until they were overtaken by development in 2002. People in Woodinville (including me) loved and shopped at that agricultural "accessory use?" and it did not detract from the rural character of the area until the rural character got swallowed up by development. See article in Seattle PI at <https://www.seattlepi.com/news/article/woodinville-s-best-kept-secret-facing-the-1096567.php>. That is what agriculture can look like on a small parcel. Don't preclude potential agricultural uses with preconceived limitations on what that should look like such as the required minimum 1 acre Ag.

4) Lack of Provisions for Tasting Rooms and Breweries/Distilleries:

Since the Comprehensive Plan appears to have used this type of Accessory Use in the formulation of the analysis of the county agricultural uses at the time, this type of Agricultural Accessory Use should be addressed in a manner similar to how onsite retail stores and onsite agricultural processing are addressed with their own specific section of requirements since they may differ from other types of Agricultural Accessory Uses.

SPECIFIC CODE WORDING ISSUES:

The following discusses the proposed draft Chapter 33.XX in order of each Section as follows:

33.XX.010 Definitions. Be sure to include a definition of the following:

Definition of farm site or parcel as discussed in Paragraph 2) above.

33.XX.020 Purpose and intent. No comment.

33.XX.030 Applicability. See paragraph 3) above.

In this section and throughout this proposed code, a reference is made to requirements of the "International Building Codes." It is believed to be an incorrect reference. This should be a reference to the Washington State Building Codes (that incorporate with modifications the International Building Codes of a specific date adopted by Washington). A direct reference to the International Building Code in this Zoning Code would codify a conflicting reference that may not yet be adopted by the state and does not have the required modifications as adopted by the state.

33.XX.040 Agricultural Accessory Uses. See paragraph 3) above.

Paragraph (10) Onsite wholesale greenhouses –

This paragraph topic should be added as an allowed AAU.

The description of the existing Paragraph (3) for Onsite retail greenhouses leaves out the use of onsite commercial wholesale greenhouses that are not allowed outright in some rural zones such as NC. If a farm involved in agritourism desires to grow plants for sale on site, but chooses not to allow access to the public in that greenhouse it might fall under the classification of the commercial wholesale greenhouse, and not be allowed without a special use permit. This would mean that a greenhouse would either need to call itself a retail greenhouse and then have to comply with all of the onerous requirements for public access or go thru a Conditional use permit process.

It is recommended that onsite wholesale greenhouses, where not allowed outright by the existing zoning of the farm site, would be added as an additional allowed Agricultural Accessory Use to be considered under a separate new classification with a new paragraph (10) in this and other related additional standards below for Onsite wholesale greenhouses.

Paragraph (11) Agricultural education/classes.

This paragraph topic should be added as an allowed AAU. This could include classes on various agricultural activities occurring on the site, or even artist events where artists come to the site to paint the farm scenes or activities.

Paragraph (12) Agricultural breweries, distilleries and tasting rooms.

This paragraph topic should be added as an allowed AAU.

33.XX.050 General requirements.

Paragraph (4) Placement.

This does speak to "temporary parking" that would not permanently damage future agricultural use of the property and might need to be located away from existing

developed area, specifically if property desired to be used is less ideal for agricultural uses or has better safer access from the county road. It is recommended that this paragraph either eliminate the parking from that restriction, or revise it to apply to parking with permanent surfacing. Also, it is recommended that consideration be given to allowing deviation from the requirement not to be located outside already developed areas if a Certification of Compliance is obtained. This would require documentation as to the proposed use of land less agriculturally suitable than the area that would otherwise be required to be used directly adjacent to the areas already developed for buildings and residential uses with justification why.

Paragraph (6) Landscaping.

At a minimum it is recommended that the word "developable" be added directly after the word "neighboring" in the last sentence.

This section should also be limited to apply only to "permanent" parking and not temporary seasonal parking that is limited to 6 months use out of the year without a paved or gravel surface and is grassland the rest of the year. Parking landscape buffer should not be required if the adjacent parcel is part of the same "farm site" or if the area of the parcel adjacent to the parking is a wetland or stream buffer where no neighboring use would be impacted by the unbuffered parking.

Perimeter Landscaping buffers consistent with Chapter 33.53.020, CCC, shall not be required for the "farm site" for any Agricultural Accessory Use allowed by this chapter including for onsite retail buildings that might normally be required under other chapters of the code.

33.XX.060 Use Review Table.

General Table Comments:

Refer to the beginning of this letter Paragraph 2) which discusses the term "Parcel" vs farm site or collective group of parcels making up the farm operation.

Consider addressing the determination of a 5, 10 and 20 acre parcel as also being the related fractional part of a Section of land. i.e. the SW ¼ of the SW ¼ of the SW ¼ would normally be considered a 10 acre parcel. If that section of land as originally laid out was not the standard 640 acre size, but only 635 acres, that parcel would actually be smaller than 10 acres. This type of consideration is often addressed in zoning issues allowing those nominal 10 acre sites to be consider 10 acres even if they have less than the actual 10 acres designated for the zone requirement. This could be addressed as an added item in the **33.XX.050 General requirements** above.

Ag. Processing Facility:

If the current definition of Processing is left unchanged, the requirement of a CUP for the smallest parcel size would prohibit a small lavender grower from processing their lavender by cutting, sorting or hanging to dry their lavender bundles, or cleaning their bud for sale with a seed cleaner without having to obtain a CUP. If they are only a small family part time farm, can they even prepare their products for sale at the allowed roadside stand without a CUP.

Also, what about home processed jams and jellies that are allowed by current codes for sale. Now all of these operations will be considered "processing" and prohibited without a CUP.

This is a separate issue from the health department requirements for processing food products that might appropriately require a permit. What harm is done to the rural character of the community by allowing that small operation without a CUP. If a Certificate of Compliance is required, then all the typical issues of parking for the "processing" by the homeowner on their parcel can be addressed. A CUP is ridiculous.

Farm Stays:

Under the tables Farm Stays row, this should not have any "Prohibited" classifications since the existing code for many Rural Zone classifications currently allow Primitive Camp uses in these zones with a Conditional Use Permit. The Agricultural Accessory Use classification should not be more restrictive than the existing general code requirements and since it is the desire to promote activities that support and promote agricultural uses within these zones, if the Agricultural Accessory Use designation allowing more liberal use of a modified primitive camp facility without having to go through the conditional use process, this would promote and definitely be supportive to the properties small farm focused agricultural use, even for "farm sites" as small as 3 acres. It is recommended that the Farm Stays row replace "Prohibited" with "Conditional use permit" for the 2.99 Acres and Less, and the 3-4.99 Acres columns. It is recommended that the "Conditional use permit" requirement for the 5-9.99 Acres column be replaced with Certificate of Compliance. This is again to promote as much as reasonably possible the Agricultural activities on the farm site with the least restrictive requirements while still allowing some regulatory control and oversight.

33.XX.070 Additional Standards for Temporary Onsite Retail Stands.

Paragraph (1)a. Structure,

It is recommended that the sentence be amended by adding "without first obtaining a commercial building permit for the farm stand."

33.XX.080 Additional Standards for Onsite Retail Stores.

No comments.

33.XX.090 Additional Standards for Onsite Retail Greenhouses.

Paragraph (1)b. Why is this so restrictive? Is it a potential threat to the rural character if a retail greenhouse has a few plants that they sell that was produced in a neighboring farm that does not have the retail greenhouse CUP or COP? Why not use a more permissive allowance of say 75% must be produced onsite with remaining allowed to be from Clallam and Jefferson Counties like some of the other retail restrictions?

33.XX.100 Additional Standards for Onsite Agricultural Processing Facilities.

Paragraph (1)a. Structure: The requirement for a building permit should not be required for family run processing without non-family members doing the work where processing is performed in existing residential structures or out buildings.

Paragraph (1)b. Hours of Operation: This restriction is crazy for a farm operation. There is no public involvement and impact on the community is limited. The issues of light and sound are already addressed above or set more restrictive noise requirements for evening hours if that is a concern regarding impact to neighbors. Limit shipping pickup and deliveries to the daylight hours if you think that is a concern. Address the concern, not the timing of the processing that

is needed. Farm processing goes on late into the night when the crop needs to be harvested and shipped out.

33.XX.110 Additional Standards for Farmers' Markets.

No comments.

33.XX.120 Additional Standards for U-picks.

Paragraph (1)d. Hours of Operation: This should be changed to between 1/2 hour before sunrise and 1/2 hour after sunset. This is to allow for early farm access for special guests at the sunrise and sunset times of the day for best photo opportunities on the farm.

33.XX.130 Additional Standards for Farm Tours.

No comments.

33.XX.140 Additional Standards for Farm Stays. See paragraph 4) above.

The Level of Review for Farm Stays is too restrictive as currently stipulated. At a minimum should be modified to allow even the Less than 3 Acre and 3-4.99 Acre "farm sites" to include Farm Stays with the simpler Certificate of Compliance. What is the real risk to the "rural character" of the community by having a single Farm Stay occurring on a 2-acre farm site in order to allow the farm to have outside farm labor assistance. Why the need of a CUP. What health and safety issues or traffic issues, parking etc. or even noise need to be addressed by the very cumbersome expensive CUP process in order to protect the rural character of the community from this very real option of farms to get help on their farm to make an agricultural activity viable and profitable.

Paragraph b. should be renumbered (1);

Paragraph (1)a. Structures: Since the state codes covering agricultural workers describes the type of housing that can be provided for temporary agricultural workers, and you can't have agriculture on a site with seasonal workers without allowing housing, this conflicts with allowing housing for agricultural workers.

Paragraph (1)c. Number of Sites: The limited number of sites appears much too restrictive. This should be changed to a number allowing 1 site for Less than 3 acres, and 3 sites per 5 acres for larger sites with the maximum being 10 sites for the larger "farm sites" and all without a Conditional Use Permit.

33.XX.150 Additional Standards for Corn Mazes, Tractor Rides, and Other Farm Related Outdoor Activities.

While the review criteria for the various farm sizes may be appropriate for Corn Mazes, and Tractor Rides, it may be excessive review requirements for some now undefined activities for the 3-4.99 Acre and 5-9.99 Acre farm sites requiring a Conditional Use Permit.

In general, this Section 33.XX.150 uses the general and broad inclusive terms "and Other Farm-Related Outdoor Activities" to allow undefined uses under this broad interpretation by planning staff with the review criteria designated based upon the size of the parcel. While this has many advantages to allow potential similar but undefined uses in the future, it also places restriction on some undefined uses to require Conditional Use Permits for the smaller parcels

where the other "Farm-Related Outdoor Activities" have not been defined but may be similar to those that are defined and would not require a Conditional Use Permit

It is recommended that the category of "Other Farm-Related Outdoor Activities" be moved to a its own new use category and allow the Planning Director latitude to define the Level of Review criteria to be applied based upon similarity of the new activities proposed to those of the many other above well-defined activities.

Respectfully Submitted
Richard Olson
Lavender Connection
1141 Cays Rd.
Sequim WA 98382



MEMORANDUM

Clallam County Department of Community Development

Date: March 6, 2024
To: Planning Commission
From: Donella Clark, Principal Planner
Re: Text Amendment Carlsborg Setbacks

Clallam County Department of Community Development received a request to amend the Clallam County Zoning code regarding the setbacks within the Carlsborg Residential zones CR-II, CR-III and CN. The applicant is requesting the front yard setbacks be reduced for residences from the current 15-feet to 10- feet (garages would require a 20-foot setback), reduction of the existing 10-foot side yard setbacks to 5-feet, and the current 15-feet in the rear to 10-feet. The applicant contends that the proposed amendment will promote growth through the utilization of urban standards within an area that provides urban densities.

Carlsborg was designated an Urban Growth Area in the year 2000. The current setbacks in CCC 33.20.050 were updated in 2016 following a years long review between DCD staff and the Carlsborg Community Advisory Committee and the Board of Commissioners that modified the standards in order to increase the density in Carlsborg to accommodate urban growth. Setbacks were altered as part of this review. Changing the setbacks per the proposed request will change the setbacks in code and become the standard throughout the zones identified for the change. The change will not be associated with just one proposed development, so the effect on all parcels within these zones needs to be considered.

Reduction of standard setbacks could have implications for building requirements. Building standards change when residential development gets close to property lines. If a wall is five feet from a property line then fire resistant rated materials are not needed, however, if projections (such as eaves or porches) encroach 2 feet then fire resistant rated materials must be used. CCC 33.03.010(97) allows eaves, decks, porches, bay windows, chimneys or other architectural elements to project no more than two feet. Therefore, a setback of 7-feet would provide enough of a setback that even with overhangs standard building materials could be used. There is also aesthetics that need to be considered when discussing side yard setbacks. The County does not want to sacrifice the expected quality of life in our communities by creating unusable spaces.

Through a comparison with the County's setbacks in the Urban Growth Area of Carlsborg with other UGAs and the Cities of Port Angeles and Sequim we can evaluate if the setbacks in Carlsborg reflect an urban density. The front yard setback of 15-feet aligns with every other jurisdiction, except in the City of Port Angeles that requires a 20' setback for garages and in their less dense residential zones. Rear yard setbacks of 15 feet also seem to align with higher density zones. In regard to side yard setbacks, numbers vary from 5-feet to 8-feet, whereas the side yard setback in Carlsborg is reflective of the Rural setbacks throughout the County. Clallam County requires 8' side yard setbacks for zones within the Urban Growth Area of Port Angeles. Other jurisdictions vary, whereby the City of Sequim allows a 6' setback in all of their residential zones and the City of Port Angeles requires 5-feet in their higher density zones and 7-feet in the less dense zones.

Based on the fact that the rear and front setbacks align with all other County UGA zones and other jurisdictions, staff recommends that the front and rear yard setbacks remain as noted in the Carlsborg zones, however, it is clear the side yard of 10-feet does require some modification since it does not align with urban zoning standards.

To determine an appropriate number for the side yard setback, staff has reviewed the variety of urban zones that exist within the County Code, the Sequim Municipal Code, and the City of Port Angeles Code. Within the UGA of Port Angeles, side yard setbacks are noted as 8-feet. All of these zones require an 8-foot side-yard setback, and allow up to 15 dwelling units per acre with a minimum lot size of 4,840 sqft in the most dense zone (MD). The City of Sequim allows a minimum lot size of 5,400 sqft in their residential zones and a 6-foot side yard setback. In the City of Port Angeles's R7 and RHD zones a 5-foot side yard setback is allowed. These two zones are high density zones allowing 24 dwelling units per acre and 10 dwelling units per acre. Mid-density residential zones in Port Angeles require a 7-foot setback. Carlsborg allows for a range of densities from 4 dwelling units to 10 per acre in all of the residential zones.

By allowing 5-foot setbacks in Carlsborg we would be encouraging detached single-family residences at a very high density with no limitation on lot size and would fail to diversify a variety of housing types to be developed in Carlsborg. Because the zoning in Carlsborg is capped at 10 dwelling units per acre, it is more closely related to the City of Port Angeles mid-density residential zones, City of Sequim, and other UGA zones in the County that require 6- to 8-foot setbacks. Because the building code standards would require fire rated materials 5-feet from property lines and eaves are allowed to overhang two feet, a 7-foot setback seems more appropriate, but staff could support a 6-foot setback. Therefore, it is the recommendation by staff to deny the request by the applicant as proposed, but to change the side yard setbacks in both the Carlsborg and Port Angeles Urban Growth Areas to 6 or 7 feet to reflect a more urban setback at the recommendation of the Planning Commission.

Existing Setbacks

Zone	Density Dwelling units:acres	Lot size	Lot Width	Required Setbacks						
				Front				Side	Rear	Other standard
				Access	Collector	Arterial	Highway			

UGA

URH	1:12,500 sq ft	7,000 sq ft		45' CL		50'	60'	8' (40')	15' (40')	
URL	1:21,500 sq ft	12,500 sq ft	50 ft	45' CL		50'	60'	8' (40')	15' (40')	Diamond pt airport only 5'
VLD	1:21,500 sq ft	12,500 sq ft	50 ft	45' CL		50'	60'	8' (40')	15' (40')	
LD	9 dwelling: acre	4,840 sq ft		45' CL		50'	60'	8' (40')	15' (40')	
VLD/LD	2 dwelling: acre	4,840 sq ft		45' CL		50'	60'	8' (40')	15' (40')	
MD	15 dwelling: acre	4,840 sq ft		45' CL		50'	60'	8' (40')	15' (40')	
S(R-II)	4 dwelling: acre	9,000 sq ft	50 ft	20'	25'	35'		10'	15'	Coverage 50%
S(R-III)	4 dwelling: acre	9,000 sq ft	50 ft	20'	25'	35'		10'	15'	Coverage 50%
CR-I	4 dwelling: acre	None	None	15'	15'	60'		10'	15'	
CR-II	4 dwelling: acre	None	None	15'	15'	60'		10'	15'	
CR-III	4 dwelling: acre	None	None	15'	15'	60'		10'	15'	
CN	4 dwelling: acre	None	None	15'	15'	None		Zero	Zero	

Rural

R5	1 du: 4.8 acre	1 acre min	75'	45' CL		20'	30'	10'	15'	50' from resource
R1	1 du: 1 acre	1 acre min	75'	45' CL		20'	30'	10'	15'	50' from resource

Urban

Sequim										
R4-8		5,400 sq ft		15'				6'	15'	Max 25' height Lot coverage 40%

PA										
R7	1 du: 1,750 sq ft	5,000 sq ft	35'	15'				5'	15'	65% coverage
Garage				20'				5'	15'	
R9	n/a	7,000 sq ft	50'	20'				7'	25'	Max 30' height 60% coverage

Garage				20'						7'		25'	
R11	n/a	9,000 sq ft	65'	20'						7'		25'	50% coverage
Garage				20'						7'		25'	
RHD	10 du: acre	n/a	n/a	15'						5'		15'	Max 45' height 75% coverage

R302.2 Townhouses. Walls separating townhouse units shall be constructed in accordance with Section R302.2.1 or R302.2.2.

R302.2.1 Double walls. Each townhouse shall be separated by two 1-hour fire-resistance-rated wall assemblies tested in accordance with ASTM E119, UL 263 or Section 703.3 of the *International Building Code*.

R302.2.2 Common walls. Common walls separating townhouses shall be assigned a fire-resistance rating in accordance with Item 1 or 2. The common wall shared by two townhouses shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing.

TABLE R302.1(1)
EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263 or Section 703.3 of the <i>International Building Code</i> with exposure from both sides	0 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant-treated wood ^{a, b}	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	NA	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

For SI: 1 foot = 304.8 mm.

NA = Not Applicable.

- a. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where gable vent openings are not installed.

TABLE R302.1(2)
EXTERIOR WALLS—DWELLINGS WITH FIRE SPRINKLERS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263 or Section 703.3 of the <i>International Building Code</i> with exposure from the outside	0 feet
	Not fire-resistance rated	0 hours	3 feet ^a
Projections	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant-treated wood ^{b, c}	2 feet ^a
	Not fire-resistance rated	0 hours	3 feet
Openings in walls	Not allowed	NA	< 3 feet
	Unlimited	0 hours	3 feet ^a
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet ^a

For SI: 1 foot = 304.8 mm.

NA = Not Applicable.

- a. For residential subdivisions where all dwellings are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, the fire separation distance for exterior walls not fire-resistance rated and for fire-resistance-rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line.
- b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- c. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where gable vent openings are not installed.

31.03.350 Carlsborg urban growth area.

The purpose of this section is to establish land use designations and policies for the unincorporated Carlsborg UGA.

(1) *Community Vision.*

(a) *Policy 1.* In setting forth the 560-acre Carlsborg UGA, the Board of County Commissioners recognizes the Carlsborg community's historic mix of commercial, industrial and residential land uses, allows for continued development and economic growth, and seeks consistency with various state and local land use laws, while continuing to respect the character of the community.

(b) *Policy 2.* The 20-year vision for the Carlsborg UGA is for continued commercial, industrial and residential growth consistent with established land use policies and regulations.

(i) Residential growth will continue the historic housing pattern (i.e., single- and multiple-family dwellings). New residential housing will provide for the needs of a wide range of residents to maintain a dynamic community.

(iv) The area immediately southwest of the intersection of Spath and Carlsborg roads (commonly referred to as the Carlsborg historic village), contains a unique mixture of older commercial and residential properties located on small parcels. The County will continue to work with the community to maintain the historic and cultural value of this area. Development and redevelopment will reflect a human-scale, pedestrian-friendly character enhanced by amenities such as restaurants, shops, sidewalks, lighting, trail connections, and public restrooms.

(8) *Development Standards.*

(a) *Policy 25.* It is the general goal to improve the appearance of Highway 101 commercially zoned properties and the Carlsborg Village area through improvements to building appearance, landscaping, parks and trails. The following guidelines should be followed:

(i) The County should investigate obtaining an improvement district and/or grant funding to assist with these efforts. Landscaping of new commercial and industrial developments shall include street trees and landscape plantings along the roadside edge of the developments.

(ii) New development will be designed so that buildings and parking areas are situated on parcels in ways that improve access and safety for pedestrians and transit.

(iii) In conjunction with area property owners, the County should investigate the need for special zoning standards and financial incentives (tax credits, grants, etc.) that will assist in the preservation and redevelopment of the historic village of Carlsborg.

(iv) All new development shall incorporate adequate internal pedestrian circulation features (sidewalks, trails, pathways) that emphasize safety and connections to community features (historic village, Greywolf School, Highway 101, commercial areas, industrial parks, parks, Olympic Discovery Trail, etc.).

(v) The County shall work with the Carlsborg community to seek additional recreation opportunities, including trails and potential neighborhood parks should be explored. These facilities shall be connected through the development and implementation of a sidewalk/trail plan with mutual agreement from affected property owners.

(vi) Additional zoning standards shall be developed for the UGA to include minimum lot size and width and height, off-street parking, signage, and buffer provisions to safeguard residential areas from commercial/industrial developments.

Chapter 33.XX

AGRICULTURAL ACCESSORY USES

Sections:

- 33.XX.010** Definitions.
- 33.XX.020** Purpose and intent.
- 33.XX.030** Applicability.
- 33.XX.040** Agricultural accessory uses.
- 33.XX.050** General requirements.
- 33.XX.060** Use Review Table.
- 33.XX.070** Additional standards for temporary onsite retail stands.
- 33.XX.080** Additional standards for onsite retail stores.
- 33.XX.090** Additional standards for onsite retail greenhouses.
- 33.XX.100** [OBJ] Additional standards for agricultural processing facilities.
- 33.XX.110** [OBJ] Additional standards for farmers' markets.
- 33.XX.120** [OBJ] Additional standards for U-picks.
- 33.XX.130** [OBJ] Additional standards for farm tours.
- 33.XX.140** [OBJ] Additional standards for farm stays.
- 33.XX.150** [OBJ] Additional standards for corn mazes, tractor rides, and other farm dependent outdoor activities.

33.XX.010 Definitions.

- (1) "Agricultural Accessory Use" means a use that directly supports, promotes and is subordinate to a permitted primary agricultural use or agricultural activity on a farm.
- (2) "Agricultural Work" means tasks related to farming, cultivation, and production of agricultural products. These tasks include, but are not limited to, manual labor assisting with crop production, harvesting, sorting, and animal care and husbandry.
- (3) "Other Farm Dependent Accessory Activities" means those accessory activities, not elsewhere defined in this chapter, that directly relate to or are dependent on the environment and operations of a farm. These activities may provide an engaging and entertaining experience for participants and may include, but are not limited to, corn mazes and other such maze structures, tractor rides, and or agricultural demonstrations.

- (4) "Farm Tours" mean a tour of an agricultural operation allowing members of the public to observe agricultural operations onsite.
- (5) "Farmers' Markets" mean a venue located on a farm, which is used by multiple agricultural producers, for the sale of agricultural products grown, produced, or processed primarily in Clallam County or Jefferson County.
- (6) "Onsite Retail Greenhouses" means a structure (greenhouse), located on a farm, accessible to the public, devoted to the cultivation and retail of plants or other grown agricultural products, directly to consumers.
- (7) "Onsite Retail Stores" means a retail establishment, located on a farm, primarily engaged in the sale of agricultural products produced onsite directly to consumers.
- (8) "Temporary Onsite Retail Stands" mean a temporary or permanent structure, not internally accessible to the public, located on a farm, where agricultural products produced onsite and related items are sold directly to consumers.
- (9) "U-picks" means an agricultural enterprise where consumers visit a farm to harvest, or pick, produce and other agricultural products directly from the fields or orchards.
- (10) "Work Stays" means paid accommodation on a working farm where guests partake in agricultural work.

33.XX.020 Purpose and intent.

Clallam County recognizes the benefits that agricultural accessory uses can have on meeting community goals. The purpose and intent of this chapter is to:

- (1) Ensure that agricultural accessory uses remain clearly -subordinate incidental to ongoing agricultural activities on a parcel or parcels.
- (2) Protect rural and neighborhood character in areas where commercial activities are otherwise not allowed.
- (3) Accommodate unique and creative accessory uses that are harmonious with and support onsite agricultural activities.
- (4) Support a diversity of revenue streams for agricultural producers to strengthen the economic viability of agricultural operations.

- (5) Provide specific prescriptive standards for a wide range of agricultural accessory uses in Clallam County.
- (6) Encourage the continuation of agricultural lands for long-term agricultural use.

33.XX.030 Applicability.

With the exception of a temporary farm stand, to be eligible for the accessory agricultural uses specified in this Chapter, a parcel must have a minimum of one (1) acre of land utilized in the production of agricultural products. Agricultural accessory uses are allowed land uses in rural and resource zones where Agricultural Activities are listed as an allowed use per the zoning of the property. Any use authorized by this Chapter shall also require compliance with the Shoreline Master Program, stormwater management program, development regulations, Critical Areas Code, and any other federal and/or state requirements. Agricultural accessory uses which conform to the standards in this chapter and all other applicable standards shall not be considered an intrusion of commercial activity within rural residential, or resource zones.

For the purposes of this chapter, contiguous parcels under shared ownership will be reviewed as one farm when determining the appropriate level of review for a proposed agricultural accessory use.

No part of this chapter shall be interpreted to exempt uses or structures from the requirements of the International Building Codes and/or other applicable development regulations. Contact the Department of Community Development for all related permit requirements.

33.XX.040 Agricultural Accessory Uses.

An accessory use to agriculture shall include, but not be limited to, the following:

- (1) Temporary onsite retail stands
- (2) Onsite agricultural retail stores
- (3) Onsite retail greenhouses
- (4) Onsite agricultural processing facilities

- (5) Farmers' Markets
- (6) U-pick sales to the public
- (7) Guided tours of the agricultural operations, ~~of groups of 20 persons or less~~
- (8) WorkFarm stays
- (9) ~~Corn mazes, tractor rides, and Other~~ farm ~~-dependent outdoor accessory~~ activities

33.XX.050 General requirements.

The requirements listed below apply to all agricultural accessory uses:

- (1) *Relationship to Onsite Agricultural Production.* Any proposed agricultural accessory use must be related to and dependent on the agricultural activity taking place on site and remain subordinate to the scale of the agricultural activity on site.
- (2) *Review Procedure.* Agricultural Accessory Uses shall be reviewed on a site-by-site basis utilizing the standards specific to each agricultural accessory use found in this chapter. When no specific standards are found for a proposed agricultural accessory use, the Administrator may provide a Code Interpretation on the use in question pursuant to CCC 26.10.555, and shall ensure the agricultural accessory use remains clearly incidental and subordinate to the agricultural activity on the parcel and protect the rural and neighborhood character of the surrounding area.
- (3) *Access.* Safe vehicular access and customer parking shall be provided on site, such that vehicles are not required to back onto public roads. Temporary and permanent structures and parking shall be located outside of public rights-of-way, meet setbacks for the zoning area, and shall be located where impacts to adjacent residential uses will be minimized.
- (4) *Placement.* All Agricultural Accessory Uses, including new buildings, parking, or supportive uses, ~~should be all not be~~ located ~~in~~ outside the general area already developed for buildings and residential uses and ~~must~~ shall not otherwise convert more than ~~one acre~~ 25% of ~~agricultural~~ land to ~~nonagricultural accessory~~ uses.
- (5) Signs shall be compliant with CCC 33.57.

(6) Landscaping. A visuallandscape buffer consistent with Chapter 33.53, CCC, shall be required along all sides of a permanentdesignated parking area within 30 line~~aral~~ feet of a front, side, or rear property boundary. Natural vegetation may be allowed in lieu of a visuallandscape buffer provided existing vegetation is sufficient to break up the visual impact of the parking area from neighboring properties or road frontages.

(7) Lighting. All lighting associated agricultural accessory uses shall be directed downward and shielded to prevent glare and light encroachment onto neighboring properties and roads. All uses requiring a certificate of compliance or conditional use permit per CCC 33.XX.060 shall be required to submit a lighting plan for review and approval.

(8) Noise. Agricultural Accessory Uses must be compliant with CCC 15.30

33.XX.060 Use Review Table.

Agricultural Accessory Use Review Chart

	Size of Parcel				
	Less than 2.99 3 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acr
Temporary onsite retail stand	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright	Allowec Outright
Onsite retail store	Certificate of Compliance <u>Conditional Use Permit</u>	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certifica Complia
Onsite retail greenhouses	Certificate of Compliance <u>Conditional Use Permit</u>	Certificate of Compliance <u>Conditional Use Permit</u>	Certificate of Compliance	Certificate of Compliance	Certifica Complia
Ag. Processing Facility	Certificate of Compliance <u>Conditional Use Permit</u>	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certifica Complia
Farmers Market	Conditional Use Permit	Conditional Use Permit	Certificate of Compliance	Certificate of Compliance	Certifica Complia
U-Pick	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowec Outright
Farm Tours	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowec Outright
WorkFarm Stays	Prohibited	Prohibited	Conditional use permit	Certificate of Compliance	Certifica Complia

Corn mazes, tractor rides, etc. <u>Other Farm</u> <u>Dependent</u> <u>Acc. Activities</u>	Conditional Use Permit	Conditional Use Permit	Conditional use permit	Certificate of Compliance	Certifica Complia
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33.XX.070 Additional standards for temporary onsite retail stands.

In addition to the general requirements of CCC 33.XX.030, temporary onsite retail stands shall ~~be~~ are subject to the following requirements:

Temporary Onsite Retail Stands					
Level of Review	Size of Parcel				
	Less than 2.99 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright

(1) Additional Performance Standards

- a. *Structure:* Temporary Onsite Retail Stands shall be no larger than 40200 sq. ft., and ~~must~~ shall not be made internally accessible to the public.
- b. *Product:* 75% of all products retailed at a Temporary Onsite Retail Stand must be agricultural products produced in Clallam and/or Jefferson County.
- c. Temporary onsite retail stands are allowed in all zones that identify agricultural uses as allowed outright and is not otherwise restricted by the applicability provisions contained in this Chapter.

33.XX.080 Additional standards for onsite retail stores.

In addition to the general requirements of CCC 33.XX.030, onsite retail stores ~~are~~ shall be subject to the following requirements:

Onsite Retail Stores					
Level of Review	Size of Parcel				
	Less than 2.99 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance

	Less than 2.99 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
Level of Review	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Allowed Outright

(1) Additional Performance Standards

- a. *Structure*: For greenhouses with products grown on-site and allowing public entry, the owner is responsible for obtaining a building permit from the Clallam County Department of Community Development to review that the structure has adequate means of egress, exits, smoke detectors, carbon monoxide alarms, fire extinguishers, and other fire protection systems in compliance with the International Commercial Building Code. ~~the owner is responsible for obtaining an inspection by the Clallam County Department of Community Development, or by a qualified organization or person approved by the Administrator, to review that the structure has adequate means of egress, exits, smoke detectors, carbon monoxide alarms, fire extinguishers, and other fire protection systems in compliance with the International Commercial Code.~~
- b. *Product*: 100% of products retailed from a greenhouse must be agricultural products produced onsite.
- c. *Parking*: For greenhouses with products grown on-site and allowing public entry, the owner shall designate parking spaces onsite capable of providing adequate parking for the proposed useretail store. At least 1 ADA accessible parking space shall be provided, but additional ADA parking may be required conforming to applicable parking standards.
- d. *Environmental Health Services Requirements*: The owner must ensure all Clallam County Environmental Health Service Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.
- ~~d. *Sewage Disposal*: The owner shall implement a sewage disposal plan meeting the minimum requirements of the Environmental Health Division.~~
- e. *Hours of Operation*: Operation shall be limited to between sunrise 7:00 AM and 10 PM 7:00 PM.
- f. *Length of Operation*: Onsite Retail Greenhouses may only be operated between the months of May and October unless otherwise approved by certificate of compliance or a conditional use permit.
- e.

~~33.XX.100 Additional standards for onsite agricultural processing facilities.~~

~~In addition to the general requirements of CCC 33.XX.030, onsite agricultural processing facilities shall be subject to the following requirements:~~

~~(1) Additional Performance Standards~~

- ~~a. *Structure:* Farms are limited to 4000 sq. ft of indoor agricultural processing space. This maximum may be exceeded with the issuance of a conditional use permit. The owner is responsible for obtaining an inspection by the Clallam County Department of Community Development, or by a qualified organization or person approved by the Administrator, to review that the structure has adequate means of egress, exits, smoke detectors, carbon monoxide alarms, fire extinguishers, and other fire protection systems in compliance with the International Building Code.~~
- ~~b. *Hours of Operation:* Operation shall be limited to between 7:00 AM and 7:00 PM.~~

33.XX.110 Additional standards for farmers' markets.

In addition to the general requirements of CCC 33.XX.030, Farmers' markets ~~are~~ shall operate under the guidelines of the Washington State Farmers Market Association as amended, and ~~shall be~~ subject to the following standards:

Farmers' Markets					
Size of Parcel					
	Less than 2.99 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
Level of Review	Conditional Use Permit	Conditional Use Permit	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance

(1) Additional Performance Standards

- a. *Structure*: When a permanent structure is utilized, the owner is responsible for obtaining an inspection by building permit from the Clallam County Department of Community Development, ~~or by a qualified organization or person approved by the Administrator,~~ to review that the structure has adequate means of egress, exits, smoke detectors, carbon monoxide alarms, fire extinguishers, and other fire protection systems in compliance with the International Building Codes.
- b. *Parking*: The owner shall designate parking spaces onsite capable of providing adequate parking for the ~~proposed useretail store~~. At least 1 ADA accessible parking space shall be provided, but additional ADA parking may be required conforming to applicable parking standards.
- c. *Frequency*: No more than 2 farmers' market events shall be hosted per week.
- d. *Environmental Health Services Requirements*: The owner must ensure all Clallam County Environmental Health Service Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.
- ~~d. *Sewage Disposal*: The owner shall implement a sewage disposal plan meeting the minimum requirements of the Environmental Health Division.~~
- g. *Hours of Operation*: Operation shall be limited to between sunrise and 10 PM.
- ~~e. *Operation* shall be limited to between 7:00 AM and 7:00 PM.~~

33.XX.120 Additional standards for U-picks.

In addition to the general requirements of CCC 33.XX.030, U-picks shall be subject to the following requirements:

U-Pick					
Level of Review	Size of Parcel				
	Less than 2.99 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowed Outright

(1) Additional Performance Standards

- a. *Parking:* The owner shall designate parking spaces onsite capable of providing adequate parking for the ~~retail store~~ Proposed use. At least 1 ADA accessible parking space shall be provided, but additional ADA parking may be required conforming to applicable parking standards.
- b. *Environmental Health Services Requirements:* The owner must ensure all Clallam County Environmental Health Service Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.
- b. ~~*Sewage Disposal:* The owner shall implement a sewage disposal plan meeting the minimum requirements of the Environmental Health Division.~~
- h. *Hours of Operation:* Operation shall be limited to between sunrise and 10 PM.
- e. ~~Operation shall be limited to between 7:00 AM and 7:00 PM.~~

33.XX.130 Additional standards for farm tours.

In addition to the general requirements of CCC 33.XX.030, farm tours shall be subject to the following requirements:

Farm Tours					
Level of Review	Size of Parcel				
	Less than 2.99 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowed Outright

(1) Additional Performance Standards

- ~~(1)a. Educational Exemption: Educational tours or events hosted in partnership with the WSU Extension Office, Clallam County 4H club, or accredited educational institutes shall be considered allowed outright for the purposes of performance standards related to this section but must conform with all applicable performance standards.~~
- ~~a.b. Size of Groups: All groups and individuals involved in a farm tour must be smaller than 21 individuals and must be guided by a designated farm representative employee, or be contained within areas with clearly delineated boundary lines.~~
- ~~b. Parking: The owner shall designate parking spaces onsite capable of providing adequate parking for all farm tour participants the retail store. At least 1 ADA accessible parking space shall be provided, but additional ADA parking may be required conforming to applicable parking standards.~~
- ~~c. Environmental Health Services Requirements: The owner must ensure all Clallam County Environmental Health Service Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.~~
- ~~c. Sewage Disposal: The owner shall implement a sewage disposal plan meeting the minimum requirements of the Environmental Health Division.~~
- ~~d.i. Hours of Operation: Operation shall be limited to between sunrise and 10 PM. Operation shall be limited to between the hours of 7:00 AM and 7:00 PM.~~

33.XX.140 Additional standards for workfarm stays.

In addition to the general requirements of CCC 33.XX.030, farm stays shall be subject to the following requirements:

Work Stays					
Level of Review	Size of Parcel				
	Less than 2.99 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
	Prohibited	Prohibited	Conditional Use Permit	Certificate of Compliance	Allowed Outright

b. Additional Performance Standards

- a. *Structures:* Permanent structures, ~~park models, and/or~~ recreational vehicles, ~~and/or semi-permanent tents shall are~~ not ~~be~~ allowed for use as ~~workfarm~~ stays. ~~Work stays must be limited to temporary tents and tents shall not be provided by the farm operator.~~
- b. *Limitations:* Farm Stays shall be limited to individuals or groups where at least one individual is performing agricultural work onsite. Farm Stays ~~must be~~ ~~shall be~~ limited to no longer than two weeks and a group ~~must~~ ~~shall~~ be ~~no~~ larger than 6 individuals.
- c. *Number of Sites:* Farm stays shall be limited to no more than 3 sites per 5 acres with no more than a maximum of ~~125~~ sites. This maximum may be exceeded through the issuance of a Conditional Use Permit.
- d. *Parking:* The owner shall designate parking spaces onsite capable of providing adequate parking for the ~~work stay user~~ ~~retail store~~. At least 1 ADA accessible parking space shall be provided, but additional ADA parking may be required conforming to applicable parking standards.
- e. *Environmental Health Services Requirements:* ~~The owner must ensure all Clallam County Environmental Health Service Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.~~
- e. *Sewage Disposal:* ~~The owner shall implement a sewage disposal plan meeting the minimum requirements of the Environmental Health Division.~~

33.XX.150 Additional standards for ~~corn mazes, tractor rides, and other farm-related~~ **outdoor accessory activities.**

In addition to the general requirements of CCC 33.XX.030, these activities shall be subject to the following requirements:

Other Farm Dependent Accessory Activities

		Size of Parcel				
		Less than 2.99 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
Level of Review	Conditional Use	Conditional Use	Conditional Use	Conditional Use	Certificate of	Certificate of
	Permit	Permit	Permit		Compliance	Compliance

(1) Additional Performance Standards

- a. *Frequency.* No more than 21 days of activities or events shall be undertaken under this use within a calendar year ~~when those activities have the potential to generate noise, traffic, or other nuisances above uses otherwise allowed in this chapter.~~ This number may be increased through the issuance of a conditional use permit when all other standards are met.
- b. *Parking.* The owner shall designate parking spaces onsite capable of providing adequate parking for the ~~proposed user~~ ~~retail store~~. At least 1 ADA accessible parking space shall be provided, but additional ADA parking may be required conforming to applicable parking standards.
- c. *Environmental Health Services Requirements:* ~~The owner must ensure all Clallam County Environmental Health Service Division requirements are met including, but not limited to,~~

requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.

- ~~e. Sewage Disposal:~~ The owner shall implement a sewage disposal plan meeting the minimum requirements of the Environmental Health Division.

DRAFT

Public Comments received

Fleming, Holden

From: rick@lavenderconnection.com
Sent: Friday, February 23, 2024 10:35 AM
To: Fleming, Holden
Subject: FW: Ag. Accessory Code Discussion

You don't often get email from rick@lavenderconnection.com. [Learn why this is important](#)

Holden,

As a follow up, after a little more checking on the actual wording in the code regarding the four water connections, the wording does refer to residences. While the work-stay sites would be considered residences since they are "dwelling units" the connections to the store may not qualify even though they use less water than a residence. The shop, if it requires a health permit for any of the process that is performed, that food processing permit would require a Group B system out right. If not, and if the shop was only serving farm staff that reside or are family of the farm residence, that should qualify as part of the farm residence ancillary uses.

Just wanted to be as accurate as possible in delivery of all the pieces of meat that go into the sausage making.

Rick

From: rick@lavenderconnection.com <rick@lavenderconnection.com>
Sent: Friday, February 23, 2024 10:04 AM
To: 'Fleming, Holden' <Holden.Fleming@clallamcountywa.gov>
Subject: RE: Ag. Accessory Code Discussion

Holden,

Thanks for asking. I sent it more as a private correspondence with staff. It is up to you though if you want to send it on. I feel it might be better for the whole process, if your staff agrees with this, that they come up with an appropriate statement and clarification of the water supply issue for the Commissioners regarding agricultural farm water use rather than from an outside source. I have had some very beneficial conversations with your water specialist Benjamin over the last two years. It doesn't directly affect our farm since we do have an approved Group B system but it could make a significant issue for other farms without approved Group B systems.

Rick

From: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>
Sent: Friday, February 23, 2024 9:11 AM
To: rick@lavenderconnection.com
Subject: RE: Ag. Accessory Code Discussion

Rick,

I greatly appreciate these comments. I will share them with our Building Official and Bruce. I will also talk with Environmental health and try to clarify the water issue for the next Planning Commission meeting.

Would you like this email to be shared with the Planning Commission as comments on the Ag code, or is this independent correspondence with staff?

Sincerely,

Holden A. Fleming

Chief Deputy Director, DCD

Phone: 360-565-2616

Email: Holden.Fleming@clallamcountywa.gov

223 E. 4th Street, Suite 5
Port Angeles, WA
98362

clallamcountywa.gov

From: rick@lavenderconnection.com <rick@lavenderconnection.com>

Sent: Thursday, February 22, 2024 1:58 PM

To: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>

Cc: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>

Subject: RE: Ag. Accessory Code Discussion

You don't often get email from rick@lavenderconnection.com. [Learn why this is important](#)

Holden,

Thank you for this heads up copy in advance. If I had a smart phone it would have been helpful at the meeting but you saved the day with a hard copy for me to use. Also I appreciated your arranging for the chance to have stakeholders sit down one on one to have the back and forth discussions. I think it all went well in today's meeting, and gave a chance for us to get a better understanding of where your planning mindset was coming from in the wording of the draft code. While I don't always agree with your positions, they are mostly well grounded. It was the ability for you to adjust that position to reflect a different viewpoint where clarification from staff on regulations and or understanding the implications on some of the farmers particular conflicts where justified a possible change was greatly appreciated. Still a little work to be done to fine tune the details.

I really do feel that the county should push for changes to the Washington State Building Codes to address the type of issues exposed during this current process to allow a less demanding code for smaller structures in agricultural situations of temporary or part time use. IE port-a-potty use allowed for year round ag accessory use buildings for all farm staff (typically mostly the family) and for seasonal customer uses, and lower bar thresholds where buildings may not need to be built to withstand all windstorms and earthquakes and come out usable again, just keep people safe. Understand that most farmers know not to continue processing their products in a barn when there is a tornado heading towards them. A permanent structure for a farmer is a different mindset in longevity relative to risks. For a farmer some small year around (not temporary) structures may be considered "expendable" to be less expensive. The building code might state that the permanent structure be classified as a commercial structure by current codes the same as a store or office building in downtown Sequim. Those structures are built and assumed that they can take any normal 100 year storm event and come out fully usable. For a farm where needs change with the changing crops over the years, a loss of a building may be a reasonable risk for the much lower

cost. We have to ask the code changers to consider this for Washington to make this type of small farm agriculture financially viable for our county.

By the way, Washington's water system codes allow a farm water system to have four or fewer service connections on the farm without being classified as a "Public Water System" (WAC 246-291-010) and therefore would not even have to have a Group B system classification. So the service to the farm residence, service to a farm processing facility, and service to a farm store and possibly a single to a service to a group of 5 worker stay campsites could all be allowed without having to have a public water system classification. You would still need to have the proper waste disposal for each of those facilities. Except the work stay campsites that are only provided with a fresh water hose bib for water (no drinking fountain or sink) I believe would not need waste disposal system. Water rights may play into that question for areas within the Dungeness Rule area. My background is I am a PE with over 40 years of experience in small water system design.

Thanks to you and Bruce for all your efforts in pushing this through and bearing all the flack from us as we "make sausage" from all of the raw parts.

Rick

From: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>

Sent: Thursday, February 22, 2024 8:51 AM

To: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>

Subject: Ag. Accessory Code Discussion

Hello,

You are receiving this email because you attended a meeting related to agricultural accessory uses in Clallam County and provided an email address for continuing updates. Attached is a copy of the draft code that will be discussed at this morning's meeting and will be made available on the County's website through this link.

[Agriculture Accessory Use Public Outreach | Clallam County, WA \(clallamcountywa.gov\)](#).

Sincerely,

Holden A. Fleming

Chief Deputy Director, DCD

Phone: 360-565-2616

Email: Holden.Fleming@clallamcountywa.gov

223 E. 4th Street, Suite 5

Port Angeles, WA

98362

clallamcountywa.gov

Rondi Smith

In reviewing the proposed modifications to the "accessory use" code, the first and foremost problem is it doesn't address "Temporary Farm Housing". Most all counties have a section under their "Agricultural Accessory Uses.

Clallam County currently doesn't have enough housing for our workers. With the increases downtown of the events facility, expanding activities of Juan d'Fuca, Ag Fest, Crab Fest, etc, the housing market is being used up for additional employees requirements. It has been customary for decades to allow onsite farm labor housing. Without addressing this issue, it will create another revision of this modification, more public meetings, more code violations, and not "supporting local farms" as in the comprehensive plans. If we cannot assist in allowing farm helpers to stay on site with an r.v., yurt, etc, we wont need these changes because we wont have workers, and we wont have a farm.

33.XX.010 Work Stays definitions: guests partake in agricultural work" will eliminate every single camping person on every single Lavender Farm in Clallam County. As long as DCD will across the board provide code violations for every farm, DCD will tax their already backlogged system.

33.XX.020 Clallam County states it will support a diversity of revenue streams for agricultural producers to strengthen economic viability" Limiting work stays to 3 sites for 5 acres and larger farms with over 20 acres to be limited to 12 sites, heavily burdens the farms by limitations to "strengthen our diversity of revenue" Larger farms have more area to disperse camp sites and allow a larger buffer to neighbors. In todays economy, and especially since Clallam County's lodging is usually full during the summer months, adding additional camp sites will allow more income potential to all business in Clallam County. Tourism in Clallam County Comprehensive Plan states that it is the County's responsibility to "encourage and assist" farmers, not to over restrict, and offering camping is a huge revenue source for farms.

33.xx.150 (a) FREQUENCY: no more than 21 days of activities or events shall be undertaken on agricultural properties. Limiting our season from May to October, instills a huge financial burden on farms to "make or break" running our farms year round. The right to farm act protects farmers from Nuisance Claims already. Farms do not stop spending money to operate during November to April, Farms selling X-mas trees and Holiday Farm

events will not be able to sell x-mas trees, sell apple cider, wreaths, agricultural farms will not be able to have easter egg hunts, etc. If this is approved, all these events will have to be shut down and DCD will have to deal with all the Code Violations. It should be up to the farms to determine when they can operate their businesses like any downtown, grocery, and tourism stores.

33.xx.050 (3) Access “shall be located where impacts to adjacent residential uses will be minimized” sets up confusion because it is not a concrete definition and could put increased investigation responsibilities for Code Violation where the code is not clear. Roads are already designated, we just cant put in or get a “right of way” after we already have Access. This is confusing and irrelevant.

(4) requiring All Agricultural uses to be “located inside the general area already developed for buildings and residential uses and must not converts 25% of land to accessory uses will completely shut down some farms. A 20 acre farm will only be able to use 4 acres of its property it is being taxed on, & that some are making payments on. The farmer is expending money on the entire property and limiting agricultural uses to 25%. The lavender farms will not be able to have tours on their 1 acre farms. The implications of DCD policing this limitation will again increase code violations, potential farmers losing their properties and discouraging new farmers from buying farms, putting real estate developers to buy more farm land and turn it into housing., : Process products, “Agricultural Work”, will be limited on only 25% of farm land. Outdoor Accessory Activities, “activities taking place outdoors: related to or dependent on the environment and operations of a farm limited to 25%? This could mean the entire farm. (5) Farm tours? Some farms their whole farm is the agricultural operation, (11) Work Stays limiting 25% of property could put neighbors right next to camp sites instead of dispersing causing more obstructions to neighbors.

Lighting (7) Lighting shall be directed downward and shielded to prevent glare and light encroachment?

Provides unreasonable burden on the farm. Neighbors don't have to do this? My neighbor has an extremely bright LED system which shines 90

degrees off their house 24 7? Should this be a standard allocation because it to causes glare and light encroachment to my home.

Clallam County has the opportunity to modify this code once and do it right. Ramrodding the process to ensure that the Lavender farms can operate this season without getting code violations, has put this process in hasty time demands. Clallam County planning division already stated that they feel that a one year Waiver for farms to operate in the 2024 season would be reasonable to ensure proper time to develop a sound and "correct" applications to Accessory uses for farms and to allow farms to continue to operate.

My personal request is that the Commissioners accept the proposed "waiver" to allow the natural and dedicated process to ensure that this amendment is correct.

Fleming, Holden

From: ROn di smith <Olympicalpacas@outlook.com>
Sent: Tuesday, February 27, 2024 4:32 PM
To: Fleming, Holden
Subject: Re: Ag. Accessory Code Discussion
Attachments: pro-QBnyNAB9.jpeg

You don't often get email from olympicalpacas@outlook.com. [Learn why this is important](#)

Holden please attach this to the Planning Commissioners

Good day.

My name is Rondi Smith. I have been present at all but the last meeting at the Commissioners office. I have an alpaca rescue and farm at 669 N. Lee's Creek Road.

I am writing to you regarding our meeting in January where Director Emery stated that if people would be starting advertising for their summer season, he would "Not be siting violations". One of the commissions offered to give us a "Waiver" to start out summer season.

Please find attached \$30,000 of penalties and fines off of a hearing examiners order stating I was not allowed to have tours or advertise for rhe month of February after our public meeting.

Notice now they have given me two violations, one for advertising and one for accepting tours (I have not accepted any). Usually advertising tours which includes a link to reserve is one act, but not in my case.

Please in your meeting ensure that a waiver is discussed so that others who also start advertising for our summer season don't get fined as violation penalty. Or please explain why I am specifically not allowed this privilege but everyone else are.

How are we supposed to abide by County rules when things like this happen.

Rondi Smith

From: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>
Sent: Thursday, February 22, 2024 8:50:48 AM
To: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>
Subject: Ag. Accessory Code Discussion

Hello,

You are receiving this email because you attended a meeting related to agricultural accessory uses in Clallam County and provided an email address for continuing updates. Attached is a copy of the draft code that will be discussed at this morning's meeting and will be made available on the County's website through this link. [Agriculture Accessory Use Public Outreach | Clallam County, WA \(clallamcountywa.gov\)](#).



CLALLAM COUNTY
Department of Community Development
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Code Enforcement: (360) 565-2677
DCDCODEENFORCEMENT@ClallamCountyWA.Gov

FINES ASSESSMENT

February 12, 2024

Invoice 2024-002
Hearing Examiner Order No. CMP-2021-00120

Rondi Smith & Greg Winkle
PO Box 1045
Port Angeles, WA 98362
Parcel 06-30-12-13-9060

FINES WILL CONTINUE TO ACCRUE UNTIL VIOLATIONS HAVE BEEN ABATED
Invoices 2022-001, 2023-001 & 2023-002 & 2023-003 have
been turned over for collection.

Hearing Examiner Order Fines Assessment	Rate	x	Days	Total
Code Compliances Penalty	\$500.00		30	\$15,000.00
- Advertising of Tours	\$500.00		30	\$15,000.00
- Accepting Reservations				
o (repeat violation)				
(00100.331.35990.00.0010)				

Per Hearing Examiners Order No. CMP-2021-00120 Dated October 5, 2022 Page 13, Paragraph 1.

1. Rondi Smith and Greg Winkle have not abated all violations of the Clallam County Code, including CCC 33.13.030, on the property located at 669 N. Lee's Creek Road, in the Port Angeles area of unincorporated Clallam County. Specifically, within 10 days of receipt of the Hearing Examiners order, fines begin assessment on October 15, 2022 and continue to accrue daily, until the following items have been remedied:

- Remove all advertisements and discontinue allowing use of the property for primitive camping and/or allowing RV camping on-site.
- Discontinue use of the site for "flea markets" and any other events, including "festivals," until such time as a Conditional Use Permit for any such use is obtained and/or any required special event permits are obtained.
- Comply with and meet all conditions imposed with any approved conditional use permit.

Total Due \$30,000.00
Due 30 days

If not paid within 90 days of assessment, this account will be turned over for collection.

Check Payable: Clallam County Dept. of Community Development
223 East 4th St. Suite 5
Port Angeles, WA 98362

**PAYMENT OF FINES/LIENS DOES NOT SATISFY THE REQUIREMENT TO COMPLY WITH
CLALLAM COUNTY CODE.**

You may mail the payment to the address above or pay at the Clallam County Dept. of Community Development Office (Monday - Friday, 8am to 4:30pm) in the Courthouse.
Debit and Credit Cards are not accepted at this time.

Submit your payment with Case # and Invoice # clearly indicated on your check or with a copy of the invoice to ensure payment is correctly applied.