

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, February 21, 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 7, 2024
- F. ANNOUNCEMENTS**
- G. PUBLIC COMMENT on AGENDA ITEMS** – Please Limit Comments to Three Minutes
- H. UNFINISHED BUSINESS:** Letters of Transmittal REZ2023-00001 and REZ2023-00002
- I. PUBLIC HEARING/COMMISSION ACTION:** None
- J. WORK SESSION ITEMS:** 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:
Holden Fleming, Deputy Director, Bruce Emery, DCD Director

MINUTES

Clallam County Planning Commission

Meeting of February 7, 2023, 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, Tom Butler, Bonnie Booth, Ken Reandeau, Jane Hielman and Katina Hester. Donella Clark, Principal Planner, 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: Katina Hester moved to approve, Bonnie Booth seconded, motioned passed.
- F. ANNOUNCEMENTS: Board of Commissioners holding a public hearing on the proposed Park Model ordinance on February 13th. Conservation Futures Board has a vacancy in District 1 and Planning Commission still looking for someone to fill the District #3 vacancy. Board of County Commissioners accepted bids on February 6th for a consultant to assist in the Comprehensive Plan update.
- G. PUBLIC COMMENT PERIOD: Nine written comments were provided with the packet, three additional written comments were provided to Commissioners at the start of the meeting. These comments are attached herein to the minutes.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEM: Presentation of staff report regarding rezone application REZ2023-00001: request to rezone from CF zoning to CFM5. Staff answered questions from the Commissioners and the applicant answered questions also. Bonnie Booth motioned to approve the rezone and Steve Gale seconded. Commissioner Reandeau recused himself for the vote. Vote was taken and the rezone failed 3-2. Staff presented the staff report on application REZ2023-00002: request to rezone from Public zoning to RCC3 zone since the Fire District intends to sell the property. Katina Hester motioned to approve the rezone and Tom Butler seconded. The rezone was approved 6-0.
- J. WORK SESSION ITEMS: Staff provided a draft ordinance for Ag Accessory Uses and asked for direction and a discussion with the Planning Commission. Examples from other jurisdictions were provided. Staff is working with Environmental Health, Building, as well as starting conversations with the Department of Ecology regarding regulations for commercial development in regard to retail stores and farm stays. Staff was directed to consider Christmas tree sales, parking standards, removal of number of people in group, adding a definitions section, consideration of lighting and noise, differentiating working housing and farm stays, what constitutes a farmer's market, and clearly identifying farm related activities.
- K. PUBLIC COMMENT PERIOD: Numerous people offered comments on the Ag Accessory draft ordinance and process. Richard Olsen provided a written comment that will be added to these minutes. Steve Wirth, agent for Rezone2023-00001 asked the Commissioners if there were specific questions or concerns with the application.
- L. GOOD OF THE ORDER: Staff requested language for findings for the votes for and against the rezone in order to write a letter of transmittal to forward to the Commissioners. Staff will bring the letter of transmittal back to the next meeting to ensure the language is correct.
- M. ADJOURNMENT: The meeting adjourned at _8:30_ p.m.

Public Comments
attached to 2-7-2024 minutes

February 7, 2024
Planning Commission Meeting Comments

Re: Chapter 33.XX Agricultural Accessory Uses

I have completed a review of the County Staff's Draft of the above referenced proposed Chapter of the Chapter 33.XX Agricultural Accessory Use.

I prepared a letter with comments on this draft and submitted it on January 16, 2024 which was emailed to your Planning Director prior to the originally scheduled meeting that had this on the agenda. With the postponement of that meeting till tonight, I hope that you have all received my comments and had a better chance to review them prior to tonight's meeting.

The original draft code presented is very restrictive in many areas and my previous comments were limited to trying to just refine the excessively restrictive requirements. There is room to allow a sizable reduction in the limitations included in that draft.

I am not going to go over those comments now but have the following observations regarding the proposed draft zoning code revisions:

- 1) In past meeting discussions it was discussed by your staff why we needed to put restrictions on the Agricultural Accessory Uses. One quote was that one criteria might include the idea that "Would you want your Grandmother to live next to the potential Agg Accessory Use that might be allowed on an agricultural parcel."

I might point out that all agricultural activities currently allowed could cause some grandmothers some angst, such as horse stables or even raising pigs, and farm equipment operation at early and late hours of the day. That doesn't mean they are not allowed or not appropriate for agricultural zoned properties.

- 2) The concept of what Agricultural activities might be describe as has changed over the past several centuries. In the 19th Century, there were few if any mechanical driven farm implements. In the 20th Century, we went from horse drawn plows to diesel combines and other loud equipment. In the 21st Century farms most are having to be mega-farms with computer driven equipment to be profitable.
- 3) The option is to allow small farms to operate in a micro manner with retail sales on the farm and a diverse set of crop and agricultural options in order to be profitable on a very small scale. Clallam County does not have the farmland area to be capable of supporting any of the mega-farms. The County must adapt to allow the small micro-farms to flourish in order to maintain any "agricultural ambiance" that is so desired by the general public to live in or near and to interact with on a daily basis.

Please create the appropriate zoning code revisions to allow as much diversity in agricultural accessory uses as possible in the least restrictive manner possible, and only restrictive as necessary to satisfy the vast majority of the general population of the county, but not necessarily all residents.

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

Clark, Donella

From: Fleming, Holden
Sent: Tuesday, February 6, 2024 3:46 PM
To: Clark, Donella
Subject: FW: Planning Commission Regarding Ag. Accessory Uses 1/17

This comment related to Ag. Accessory Uses was just received.

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: ROnDi smith <Olympicalpacas@outlook.com>
Sent: Tuesday, February 6, 2024 3:42 PM
To: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>
Subject: Re: Planning Commission Regarding Ag. Accessory Uses 1/17

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

Farm Stay Information:

1. I understand that the Comprehensive plan discusses promoting agritourism activities. It uses the word Agritourism yet the Agricultural definitions do not use Agritourism. Either the Comprehensive plan needs to remove the word Agritourism or a new definition needs to be written.
2. The Comprehensive plan uses the words Farms Stays should be encouraged. The definition of a Farm Stay is as follows:
 - a.
 - Farm stay: Typically offers private accommodations in cottages, guesthouses, converted farm buildings, or sometimes even glamping tents. May include amenities like private bathrooms, kitchens, or decks.

Campground: Provides designated camping sites for tents, RVs, or sometimes group camping. Amenities vary depending on the campground, but often include shared restrooms, showers, and laundry facilities. Some campgrounds offer cabins or yurts for rent, but these are usually more basic than farm stay accommodations.

- Farm stay: Often focused on immersing guests in farm life. This can involve helping with chores, participating in workshops or demonstrations, learning about sustainable practices, or simply enjoying the farm environment. Some offer additional activities like horseback riding, farm-to-table dinners, or nature walks.
- Campground: Primarily focused on outdoor recreation.
- Farm stay: Many farm stays offer farm-to-table meals prepared with fresh ingredients grown on the property. Some provide self-catering facilities or access to local restaurants.
- Campground offers no food services.
- Farm stay: Generally more expensive than campgrounds due to the unique experience and often-included meals. Prices vary depending on the amenities, location, and duration of stay.
- Campground: Costs vary depending on the type of site (tent, RV, etc.), amenities offered, and location. Generally more affordable than farm stays.

To recap, what DCD is explaining as offering Farm Stays now means the potential of allowing guests to rent rooms, or small buildings outside which most likely would need to be inspected and get a permit since the public will occupy and also the facilities will now need to have approved kitchens for preparing meals which would be included in a farm stay. It would also create more "code violations" as people will not voluntarily get these permits unless they are forced to.

The use of the word "FARM STAY" is not the meaning that "FARM STAY" in the comprehensive plan uses. If DCD uses the word FARM STAY, they will have to add a complete other section requiring what will determine "Commercial Kitchen" and "Occupancy Permits" for houses to house paying guests, like a B n B which essentially is the same thing.

Using the word "Camping" will allow DCD to eliminate a whole lot of other complications.

Also DCD wants to limit camping spaces to 5 sites for 20 acres of property. Here are some current other county allowances for camping:

Thurston County: 4.5

Camp or Recreation Ground.

a.

Minimum size of camp or recreation ground: two acres. Minimum camping site: one thousand square feet.

DCD's recommendations will create larger agricultural properties to subdivide down into four 5-acre parcels just so that they can have the same income basis relationship.

1) I.E. a 5-acre parcel can have 1 campsite per acre. If each campsite earns \$70 per night, the 5 acre property could earn \$350.00 per night or \$70.00 per acre for camping.

2) A 20 acre parcel as proposed can have 5 campsites at \$70 per night or \$350 total or \$17.50 per acre of income.

This scenario prejudice reduces the 20 acre property's daily income by \$1050 per night, however, 5 acres vs 20 acres have a huge cost difference in operating. The property taxes are higher (by 4 times), maintaining the property (by 4 times), insurance (by 4 times), labor (by 4 times). If anything smaller parcels will produce more of a nuisance on neighbors because the closer proximity to property lines, where as a 20 acre property can easily situate their campsites further away from property lines, thereby creating less affects on neighbors.

At a minimum, 2 (due to increased expenses for a larger property) campsites per acre, would encourage and support, as the Comprehensive plan states, farmers to continue operating, especially, keeping farmers to continue farming larger parcels as it would be more profitable and discourage farmers to subdividing into small parcels.

Thank you,
Rondi

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

Sent: Wednesday, January 17, 2024 2:32 PM

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

Subject: RE: Planning Commission Regarding Ag. Accessory Uses 1/17

Hello,

The Planning Commission meeting scheduled for 1/17/2024 has been canceled due to the recent inclement weather. All agenda items will be moved to the 2/7/2024 meeting date. Please share this information with other interested parties who may be unaware. Thank you for your patience and continued participation in this process.

Hello members of the Planning Commission,

I believe that the proposed draft for agricultural accessory uses is a good starting point for what is needed here in Clallam County. However, there are many issues with the most recent draft that do not reflect the comments made by the public at previous meetings or the goals and objectives listed in the Clallam Comprehensive Plan (CCP). Some of the limitations in this draft are not consistent with the CCP or Revised Code of Washington (RCW) and will result in a continued loss of farmland while also preventing local farms from being able to compete on the same level as farms in neighboring counties. After researching relevant state and county code for a year and attending almost all the local public meetings regarding this topic, I have a good understanding of the complexity of creating code for this type of use which needs to be able to be applied at a countywide level. And based on my previous experience, there needs to be a thorough analysis of how this draft amendment compares to the existing examples in other Washington counties and how it would function here in Clallam County. It is also imperative that the definitions section of this amendment be developed concurrently with the performance standards so the intent of these regulations is clear and the public is allowed to provide relevant and detailed comments during its creation.

According to data collected from the most recent USDA Census of Agriculture conducted in 2017, the decline of Clallam County's agricultural economy leads Washington state in multiple metrics. From 2002 to 2017 the total annual net income on farms decreased by 330% and between 2012 and 2017 Clallam County lost 27.25% of its farmland. Based on the sales of farms in other counties within the Puget Sound region, Clallam County farms missed out on over \$2,300,000 in gross sales from accessory uses in 2017 alone. This number does not account for the additional revenue that would also have been captured by other tourism and service-based businesses throughout the county.

Since 1997, Clallam County has allowed farms located in Agricultural Retention zones to remove up to 25% of its land from agricultural use in exchange for the agricultural use preservation of the remaining 75%. Common uses for this removed land have been residential subdivisions or transfers of development rights which result in a one-time cash infusion to a farm. So, it stands to reason that farms should also be allowed the opportunity to retain ownership of that same 25% and develop it into uses encouraged by the RCW and CCP that would serve to increase the economic viability of the entire farm in perpetuity. For comparison, Whatcom County allows up to 25% of a parcel to be covered by structures in its Agricultural District and neither Jefferson County nor Kitsap Counties put any special restrictions on agricultural use development size beyond the underlying zoning restrictions.

Finnriver Farm & Cidery, located in Jefferson County, has been a reoccurring example given by many individuals and organizations of the type of use that should be allowed by this amendment. However, the current draft of this amendment would still prevent a farm like this from existing in Clallam County. Finnriver currently uses over 15% of its 32.5-acre parcel for accessory uses and has approximately 12,000 sq ft of production and processing structures, 12,000 sq ft of retail and food service structures, and 6,000 sq ft of dedicated office space. Also, most of the apples processed at Finnriver Cidery are not grown on site and even come from other states. Finnriver must source apples for off-site sources for many reasons, such as seasonal availability with cold storage limitations, varietal availability, and unforeseen environmental factors affecting the yearly harvest at local and on-site sources which could jeopardize the long-term economic viability of the cidery. Based on Jefferson County's agricultural accessory use code and information available on Jefferson County's website, the

only uses that required an administrative conditional use permit were their restaurant and “outdoor market” that allows for other vendors to operate on their premises. In addition to a sliding scale for the intensity of administrative review for accessory uses relative to the size of the parcel where they occur, there also needs to be a sliding scale for allowable building size because as the parcel size increases the need for mitigation in between property lines and neighboring uses is inherently reduced. Clallam County’s support for a sliding scale for both the permit review intensity and allowed structure size for a use relative to a parcel size was a reoccurring theme at the public outreach meetings held in November.

I have attached a more specific review of the current draft amendment to this letter, as well as excerpts from relevant state and county code for the issues I have mentioned and to supplement the code that was provided by the Department of Community Development at the request of the Planning Commissioners as a reference for how other counties have addressed these uses. I specifically want to highlight that two of the sections of Jefferson County Code that were cited, JCC 18.20.020 and JCC 18.20.330, do not apply to the types of agricultural accessory uses we are currently discussing and should only be used to illustrate how Jefferson County has chosen to separately address agricultural accessory uses that occur on farms from all other accessory uses. This is why I have also included the relevant code and performance standards that are actually cited in the agricultural accessory use code from Jefferson, Whatcom, and Thurston counties.

Respectfully,
Warren Billups

Port Angeles, WA

Specific Comments on CHAPTER 33.XX AGRICULTURAL ACCESSORY USES Draft
(Downloaded from the Clallam DCD website on 2/3/23)

- 33.XX.010 Definitions
 - Add these definitions compiled from the RCW and various Washington counties:
 - Agricultural (farm) activities
 - “Agricultural activities” are agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.
 - Agricultural accessory uses
 - “Agricultural accessory uses” include, but are not limited to, the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities
 - Agricultural processing
 - “Agricultural processing” means the transformation, either chemically or physically, of raw agricultural products including but not limited to washing, grading, sizing, drying, extracting, icing, producing ornamental agricultural products, sorting, cutting, pressing, bagging, freezing, canning, packaging, milling, crushing, fermenting, aging, pasteurizing, preserving, storage, bottling, but excluding slaughtering of livestock. Agricultural processing includes those process steps associated with product preparation and processing. Storage, warehousing, distributing, and marketing products in conjunction with the agricultural processing activity occurring on that site shall be allowed. Agricultural processing activities are not limited to only processing regionally produced agricultural products.
 - Agricultural (farm) products
 - “Agricultural products” means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries

and apiary products, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

- Agritourism
 - “Agritourism” means agriculturally related accessory uses designed to bring the public to the farm on a temporary or continuous basis, including, but not limited to, U-Pick farm sales, retail sales of farm products, farm mazes, pumpkin patch sales, farm animal viewing and petting, wagon rides, farm tours, horticultural nurseries and associated display gardens, hay bale sculptures and similar crop art installations, cider pressing, and wine or cheese tasting.
- Farm-related outdoor activities
 - “Farm-related outdoor activities” include, but are not limited to, agricultural accessory uses and agritourism activities that take place outside. Farm-related outdoor activities are not considered a nonagricultural accessory use.
- Nonagricultural accessory uses
 - “Nonagricultural accessory uses” include, but are not limited to, corporate or group events, reunions, photography/art classes, nonagricultural art exhibits, indoor archery ranges, group camping and similar accessory uses as determined by the administrator are permitted as long as they are consistent with the size, scale, and intensity of the existing primary and accessory agricultural uses of the property and the existing buildings on the site.
- Right-to-Farm Provisions
 - “Right-to-Farm Provisions” include all current and future state regulations protecting activities which occur on a farm in connection with the commercial production of farm products.
- RV Campground
 - “RV Campground” means a campground for day use and overnight accommodations by recreational vehicles or tent-trailers without hookups.
 - These types of “RV campgrounds” are allowed at outdoor shooting ranges in resource lands – CCC 33.07.020(8)(e)(vi)

- 33.XX.020 Purpose and intent
 - This section does not accurately capture the extent to which agricultural activities, agricultural accessory uses, and nonagricultural accessory uses on farms are currently supported and encouraged by the Clallam Comprehensive Plan. The following are suggested additions that come directly from the existing Comprehensive Plan (with sources cited):
 - Implement the goals and objectives of the Clallam County Comprehensive Plan by developing regulations that are the least restrictive to private property as necessary. - CCC 31.08.100, CCC 33.01.020(6)

- Encourage the re-establishment of agricultural suppliers, processors, and other agricultural infrastructure needed to maintain a healthy agricultural industry. - CCC 31.02.115(1)(d)
- Support the significant change in local agricultural industry from large commercial farms to more high-value, unique agricultural products and services on smaller farms. - CCC 31.02.115(1)(g)
- Recognize the current and potential economic, environmental, and cultural benefits of our diverse agricultural and working lands. - CCC 31.02.115(3)
- Entice visitors to rural Clallam County to see and experience the value of local agricultural lands to our culture, economy, landscape, and local food supply. - CCC 31.02.115(5)(b)
- Allow farmers to be innovative and entrepreneurial and to find markets that are not satisfied by the industrial agricultural and food industry. - CCC 31.02.115(6)
- Provide enhanced capacity to perform local processing and increased efforts to effectively brand and market Clallam County farm products. - CCC 31.02.115(6)
- Redefine and broaden what we mean by the term “farm,” and in so doing develop policies and programs that support this new vision of agriculture supported in the Clallam County Comprehensive Plan and the Washington State Growth Management Act (RCW [36.70A.177](#)). - CCC 31.02.115(6)
- Promote a strong, economically viable and ecologically responsible agricultural economy. - CCC 31.02.120(1), CCC 33.01.020(3)
- Incorporate right-to-farm provisions in development regulations. - CCC31.02.120(3)
- Create clear development regulations for agricultural land-owners to start new agricultural activities and accessory uses as a way to supplement their income, educate visitors about their way of life, and share their agricultural heritage with others. - CCC 31.02.620(5)(a), CCC 33.01.020(4)
- 33.XX.030 Applicability
 - Substitute “agricultural accessory uses” with “both agricultural accessory uses and nonagricultural accessory uses as defined by this chapter.”
- 33.XX.040 Agricultural accessory uses
 - What is meant by “onsite” in (1), (2), (3), and (4)? Doesn’t this chapter require all of these uses to be on a parcel with a primary agricultural use?
 - Add the following examples of other agricultural accessory uses that are commonly found in other counties (including Jefferson and Kitsap):
 - Agricultural schools and educational programs related to the other agricultural activities conducted on site.
 - Assembly events.
 - Community supported agriculture (CSA)
 - Facilities that meet the Food Safety and Inspection Service definition of a very small processing facility or a very small slaughtering facility, as well as mobile slaughtering facilities.
 - Facilities used to breed, maintain, and sell herding dogs as defined by the American Kennel Club or livestock guardian dogs.

- Lodging or cabins for overnight rental.
- Rural restaurants when they are a component of the other accessory and agritourism uses of a farm.
- Permanent or seasonal employee housing in addition to any allowed accessory dwelling units.
- Primitive campgrounds and RV campgrounds.
- 33.XX.050 General requirements
 - Change “agricultural accessory uses” to accessory uses regulated by this chapter.”
 - (1) In order to bring this subsection into compliance with the Clallam County Comprehensive Plan and the Washington Growth Management Act, change to “*Relationship to Onsite Agricultural Production*. Any proposed agricultural accessory use must be related to the agricultural activity taking place on site and in alignment with the purpose and intent of this chapter found in CCC 33.XX.020.”
 - (2) Change “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” to “and shall ensure the agricultural accessory use or nonagricultural accessory use is in alignment with the purpose and intent of this chapter found in CCC 33.XX.020.”
 - (4) In order to bring this subsection into compliance with the Clallam County Comprehensive Plan and the Growth Management Act, change “all agricultural accessory uses” to “nonagricultural accessory uses.” And add “agricultural 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.”
 - (6) Clarify this subsection to specify if designated parking is the only use requiring landscape buffers pursuant to CCC 33.53 or if they are also required for agricultural and nonagricultural accessory uses located within 30 feet of a property boundary.
- 33.XX.060 Use review table
 - A draft of the “Certificate of Compliance” for each use is necessary to determine the appropriateness of its use as shown in this table
- 33.XX.070 Additional standards for temporary onsite retail stands.
 - (1)(b) In order to bring this subsection into compliance with the Clallam County Comprehensive Plan and the Washington Growth Management Act, change it to “at least 75% of all products in the display area must be agricultural products produced in the Pacific Northwest region.”
- 33.XX.080 Additional standards for onsite retail stores.
 - (1)(a) In order to bring this subsection into compliance with the Clallam County Comprehensive Plan and the Washington Growth Management Act, remove the structure and size limitation on large parcels. I cannot recall another example of a county in Washington state with this type of draconian restriction. In counties with a significant size limitation irrespective of parcel size, there is always an option to have a larger structure subject to a higher level of administrative review. In addition to the sliding scale of administrative review relative to the parcel size, there also needs to be a sliding

- scale of allowable building size because as the parcel size increases the need for mitigation in between property lines is inherently reduced.
- (1)(b) In order to bring this subsection into compliance with the Growth Management Act and the Clallam County Comprehensive Plan, change to “at least 75% of all products in the display area must be agricultural products produced in the Pacific Northwest region.”
 - (1)(e) Remove this subsection. Washington’s Right-To-Farm Statutes prohibit rules that restrict the days of the week and hours of the day a lawful agricultural activity can occur that takes place on a farm in connection with the commercial production of farm products.
 - 33.XX.090 Additional standards for onsite retail greenhouses.
 - (1)(b) In order to bring this subsection into compliance with the Clallam County Comprehensive Plan and the Washington Growth Management Act, change it to “at least 75% of all products in the display area must be agricultural products produced in the Pacific Northwest region.”
 - (1)(e) Remove this subsection. Washington’s Right-To-Farm Statutes prohibit rules that restrict the days of the week and hours of the day a lawful agricultural activity can occur that takes place on a farm in connection with the commercial production of farm products.
 - 33.XX.100 Additional standards for agricultural processing facilities.
 - (1)(a) In order to bring this subsection into compliance with the Clallam County Comprehensive Plan and the Washington Growth Management Act, remove the structure size limitation on large parcels. I cannot recall another example of a county in Washington state with this small of a threshold for a conditional use permit. Additionally, many Washington counties (including Jefferson, Kitsap, and Whatcom) do not put any special limitations on processing facility size in their agricultural accessory use code. Regulating processing facility size purely on the amount of needed indoor space does not consider the myriad of different processes used on the even larger number of agricultural products that could be used by this type of use. In addition to the sliding scale of administrative review relative to the parcel size, there also needs to be a sliding scale of allowable building size because as the parcel size increases the need for mitigation in between property lines is inherently reduced.
 - (1)(b) Remove this subsection. Washington’s Right-To-Farm Statutes prohibit rules that restrict the days of the week and hours of the day a lawful agricultural activity can occur that takes place on a farm in connection with the commercial production of farm products.
 - 33.XX.110 Additional standards for farmers’ markets.
 - (1)(e) Remove this subsection. Washington’s Right-To-Farm Statutes prohibit rules that restrict the days of the week and hours of the day a lawful agricultural activity can occur that takes place on a farm in connection with the commercial production of farm products.
 - 33.XX.120 Additional standards for U-picks.
 - (1)(c) Remove this subsection. Washington’s Right-To-Farm Statutes prohibit rules that restrict the days of the week and hours of the day a lawful agricultural activity can occur

that takes place on a farm in connection with the commercial production of farm products.

- 33.XX.130 Additional standards for farm tours.
 - (1)(d) Remove this subsection. Washington's Right-To-Farm Statutes prohibit rules that restrict the days of the week and hours of the day a lawful agricultural activity can occur that takes place on a farm in connection with the commercial production of farm products.
- 33.XX.140 Additional standards for farm stays.
 - (1)(a) Since permanent structures and/or recreational vehicles are not allowed for farm stay use, what type of structure is allowed?
 - (1)(b) Why are farm stays limited to individuals or groups larger than 6 individuals?
 - (1)(c) What is a "site?"
- 33.XX.150 Additional standards for corn mazes, tractor rides, and other farm dependent outdoor activities.
 - (1)(a) A definition of "farm dependent outdoor activities" is needed to know if this includes assembly events that are agricultural and/or nonagricultural in nature.

Clallam County Code References

- CCC 31.02.115 - Agricultural Resource Land Inventory and Issues
 - (1)(d) - As farming has declined, so too have agricultural suppliers, processors, and other agricultural infrastructure needed to maintain a healthy agricultural industry;
 - (1)(g) - Effective public policies needed to support the significant change in local agricultural industry from large commercial farms to more high-value, unique agricultural products and services on smaller farms.
 - (3) - Benefits provided to Clallam County citizens by farms and farmland include:
 - Improved food security, selection, and quality through diversified local production geared to local markets;
 - Preservation of the rural character, local culture, and quality of life;
 - Creation and maintenance of a visually pleasing landscape;
 - Preservation of valuable historic and cultural resources;
 - Preservation of biodiversity and wildlife habitat;
 - Improved watersheds/reduced likelihood of flooding (compared to development);
 - Recharging of aquifers through irrigation;
 - Economic diversification;
 - Attraction of tourists and tourism dollars to the County; and
 - Preservation of options for future generations.
 - (5)(b) - *Agritourism*. Clallam County's lavender industry is another example of the market niches farmers can identify and develop to make their farms profitable and sustainable. Our lavender farmers produce a wide array of value-added lavender products and have developed an agritourism industry to complement the sales of lavender products by selling the experience of visiting lavender farms and the region through festivals, farm tours, and other events. Other types of farming can also benefit by cultivating tourists on the farm such as U-pick berry farms and corn mazes that are popular with locals as well as tourists, farm stays in which visitors pay to work on farms, and farm educational events. Agritourism also benefits other local businesses such as lodging and food service, thus multiplying its economic impact.
 - (6) - *Changes in Local Agricultural Industry*. For farming to survive and thrive in Clallam County, how we view agriculture and how we develop local land use policies and implement development regulations needs to be continuously evaluated and updated. In the past our County policies have been driven by a view of agriculture as largely a producer of farm commodities such as milk, beef cattle, barley, hay, potatoes, or apples. These commodities were either processed locally or shipped out of the County as raw commodities. Clallam County can no longer compete in most of these markets. For farmers to succeed here they need to be innovative and entrepreneurial and to find markets that are not satisfied by the industrial agricultural and food industry. Products such as organic baby salad greens, gourmet lavender barbecue sauce, or farmstead gouda cheese are the high-value, niche products that many small farmers are turning to in order to make a profit.

This will require enhanced capacity to perform local processing and increased efforts to effectively brand and market Clallam County farm products. These and other new agricultural opportunities can continue and expand in the County if supported by local land

use policies and regulations that allow farm entrepreneurs to explore and exploit these types of farming niches. There are a few large, commercial farms left in Clallam County that have adapted to changing economic conditions, but the future of agriculture in Clallam County will largely be determined by operators who produce high-value, unique products and agricultural services on relatively small farms.

The need to redefine and broaden what we mean by the term “farm,” and in so doing develop policies and programs that support this new vision of agriculture, exists in many places, not just in Clallam County. 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). The State of Washington now recognizes that the needs of many farmers are much broader than in the past, and that small, innovative, entrepreneurial farmers require the ability to sell everything from high-dollar, value-added products to farm experiences on agritourism-oriented farms.

- CCC 31.02.120(1)
 - Clallam County shall work to promote a strong, economically viable and ecologically responsible agricultural economy.
- CCC31.02.120(3)
 - Clallam County shall incorporate right-to-farm provisions in its regulations.
- CCC 31.02.620(5)(a)
 - Policy 1. Enact regulations and standards which encourage development of appropriate commercial, business and residential areas, and regularly review such regulations to enhance their consistency, predictability, timeliness and to decrease business costs.
- CCC 31.08.100 - Overview of issues.
 - The County Comprehensive Plan is a general guide to the orderly growth and development of land and physical improvements in Clallam County. Historically, the Comprehensive Plan is generally not considered to be a regulatory document. The Growth Management Act of 1990, however, requires that Clallam County “enact development regulations that are consistent with and implement the comprehensive plan. [The county] shall perform their activities and make capital budget decisions in conformity with their comprehensive plan.” (RCW 36.70A.120)

(...)

There are generally three tiers of increasing development review. The first tier is land uses which are permitted outright, like homes in single-family zones on existing lots. The second tier is land uses that may or may not be objectionable, or where additional information and scrutiny may be warranted. For example, bed and breakfast inns in most rural areas can be compatible but review and scrutiny might be warranted. The third tier is land uses that are more likely to raise objections, and public debate and consideration are warranted. For example, large subdivisions, commercial rezones, etc., generally warrant public debate and consideration. (Rezoning requires an ordinance and by State law, a public hearing is required.

Subdivisions require notice to adjacent property owners with the right to request a public hearing before the Planning Commission.)

There are several ways to make land use decisions timely, fair and predictable. In general, a comprehensive plan or regulation with more specific standards and environmental analysis, the better likelihood that a development project can be approved by administrative staff. For example, a development project which provides for appropriate land uses, specific landscaping or other performance standards, should be acceptable and quickly approved. Such land uses could move from the third tier explained above, to the second tier, or the second tier to the first tier. Having adopted comprehensive plan and regulations standards gives landowners assurance that objective, consistent standards will be applied to the project, rather than be subject to “conditions” of approval which are often viewed as being inconsistent and arbitrary.

(...)

The goals and policies of this Plan should be achieved first through incentives and public investments, and second through regulatory measures. Regulations should be the least restrictive to private property as necessary to accomplish the goals and objectives of this Plan.

- CCC 31.08.200 - Implementation Goals
 - (2) The Comprehensive Plan, land use regulations and/or environmental analysis should provide clear guidance to landowners and citizens as to the appropriate land uses and standards for development.
 - (10) To enact reasonable regulations and amend existing regulations which promote the goals and the land use pattern set forth in this Plan.
 - (13) To facilitate development consistent with the purposes of this Plan by establishing a development permit coordination procedure which minimizes project application processing time.
 - (15) To design implementing regulations so that innovative and unique developments are encouraged.
- CCC 33.01.020: Title 33 – Zoning – Purpose
 - (2) Direct the future growth and development of the County, consistent with the Clallam County Comprehensive Plan;
 - (3) Provide the economic, social, and aesthetic advantages resulting from an orderly planned use of land resources within the County;
 - (4) Provide definite and precise official land use regulations for public and private property within Clallam County;
 - (6) Implement the goals and policies of the Comprehensive Plan in a manner which protects private property rights and in the least intrusive manner possible.
- CCC 33.01.020: Agricultural Retention (AR)
 - (4) *Agricultural Retention Development.* Agricultural Retention development may proceed in accordance with the standards and requirements of subsections (4) through (10) of this section. An Agricultural Retention development consists of a development section(s) and an agricultural reserve. The development section is the location of home sites which may be

established on up to a maximum of 25 percent of the area of the entire Agricultural Retention development parcel. The number of housing units allowed within the development section of the subject site is determined in accordance with the requirements of this chapter. The remainder of the Agricultural Retention development site constitutes an agricultural reserve which shall be reserved in perpetuity for agricultural land reservation uses as specified in this chapter.

- (a) Developments with less than twelve (12) dwelling units must have a single development section. Larger developments, with more than one development section, may be approved; provided, that the minimum number of homes in a development with more than one development section is six (6) homes and that the maximum number of homes in one development section is fourteen (14) homes; and provided, that the provisions of subsection (7) of this section are available if the conditions can be met.
 - (b) Separate owners of contiguous parcels may combine their parcels for the purpose of designating the combined parcels as an Agricultural Retention development and an agricultural reserve site.
 - (c) In the case where contiguous parcels are under one ownership and are reflected in a survey recorded prior to the effective date of this title, such parcels may not be further subdivided except in accordance with the provisions of this chapter. No boundary line adjustments shall be approved which would in any way reduce the size of an agricultural reserve or would reduce the future ability of a parcel of land to be developed in accordance with this chapter.
 - (d) At the time the development site and the agricultural reserve are approved and recorded, the landowner(s) and any successors or assigns may not prohibit the use of the agricultural reserve site for agriculture purposes.
 - (e) Agricultural retention developments may be developed in phases with one or more lots set aside for future development in accordance with the Clallam County Land Division Code, CCC Title 29.
- (9) *Special Standards for Agricultural Retention Development within the Agricultural Retention Zone.* The following special standards shall apply to all parcels of land within an Agricultural Retention zone when approved in accordance with this chapter:
- (a) Where more than one home site would be permitted in a proposed development on a portion of the Agricultural Retention zone that does not contain previously divided lots of approximately five (5) acres and smaller, then the maximum lot size of additional home sites (beyond one home site) shall be limited to a maximum of two (2) acres in size in order to conserve farmable land. In this case where small lots of five (5) acres or less have not been previously created (approximately 3,900 acres of the Agricultural Retention zone), the sixteen (16) acre density allowed and the maximum lot size for home sites (two (2) acres) will increase the percentage of agricultural reserve retained to approximately eighty-eight (88) percent of the total development site while decreasing the size of the developable area for homesites to approximately twelve (12) percent of the total development site.
 - (b) A minimum of either seventy-five (75) percent (lands already divided into five (5) acre parcels) or approximately eighty-eight (88) percent (lands not divided into five

(5) acre or smaller parcels) of the area to be developed shall be reserved for agricultural land uses as shown in subsections (7) and (8) of this section; provided, however, that if the parcel is greater than fifty (50) acres, the landowner may exclude any additional fifty (50) acre blocks of land under his ownership from the development site. The agricultural reserve shall be noted on the preliminary master site plan (PMSP) and final master site plan (MSP) and shall state that the reserve is to remain in agriculture in perpetuity. Once an agricultural reserve is established, the reserve area shall not be rezoned nor shall plat alterations or boundary line adjustments be allowed which would remove the land from its status as an agricultural reserve.

- (c) The minimum residential lot area, width, frontage and yard requirements, setback standards, street standards, and building heights applying to development in this zone will be established in the preliminary master site plan, as approved in conformance with Chapter 33.23 CCC.
- (d) A transition buffer shall be established within the perimeter boundaries of the development section of an agricultural retention development to assure the development is compatible to abutting property through appropriate screening and/or setbacks. The width of the transition buffer shall be at least fifteen (15) feet unless more appropriate standards are approved in the preliminary master site plan. The transition buffer shall consist of screening, landscaping, fencing or structural setbacks as appropriate to ensure compatibility to abutting property.
- (e) The development portion should occupy that portion of the tract which is least appropriate for agricultural uses; provided, that the development section should meet all of the requirements of the Clallam County Critical Areas Code. Consideration shall be given to site conditions conducive to agriculture in reviewing the development portion location, such as maintenance of large contiguous blocks of farmland to allow for ease of equipment use and harvesting operations, minimizing unusable isolated portions of farmland within the development, soils, irrigation availability, winds, solar power, etc.
- (f) The maximum number of dwelling units per gross acre of the parcel subject to the Agricultural Retention development shall be determined as outlined in subsection (10) of this section. The maximum number of dwellings within a single Agricultural Retention development area shall be fourteen (14) dwelling units.
- (g) All final plats approved pursuant to this chapter shall include a notice that agricultural uses of the land are favored uses in this zone and that noise, tree removal, odors, insects, fumes, dust, smoke, operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides generated by agricultural land activities on the agricultural reserve site shall not be considered nuisances by the county if best management practices as defined by the Clallam County Conservation District are in use by the operator.
- (h) The agricultural land reservation in all Agricultural Retention developments shall be a minimum of fifteen (15) acres in area.

Jefferson County Code References

- JCC 18.10.010 A definitions.
 - “Accessory use” means use of land or of a building or portion thereof incidental and subordinate to the principal use or building and located on the same lot with the principal use.
 - “Accessory uses (to agriculture)” mean uses accessory to agriculture that support, promote, or sustain agricultural operations and production, as provided in JCC 18.20.030.
 - “Agricultural resource lands (agricultural lands)” means lands that are primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that have long-term commercial significance for agricultural production (RCW 36.70A.030(2)). Agricultural resource lands are divided into two land use designations, prime (AP-20) and local (AL-20), in the Comprehensive Plan.
- JCC 18.20.210 Hospitality establishments.
 - (1) Bed and Breakfast Inns. The following standards apply to all bed and breakfast inns:
 - (a) No more than six guest sleeping rooms shall be accommodated in any bed and breakfast inn.
 - (b) If a building is on a federal, state, or local register of historic structures, then the owner may apply for a bed and breakfast inn for up to 10 rooms. A conditional use permit may be granted if the historic character and fabric of the building are preserved, if there are no new structures or additions to the existing structure(s), and if all other bed and breakfast inn standards and restrictions are met.
 - (c) Meals may only be served to overnight guests.
 - (d) Kitchen facilities are prohibited in guest rooms.
 - (e) Bed and breakfast inns shall be restricted to proprietor-occupied, single-family residences.
 - (f) Guest occupancies shall be limited to no more than 30 consecutive days.
 - (g) The exterior of the building shall retain a residential appearance.
 - (h) Bed and breakfast inns shall be operated in a way that will prevent unreasonable disturbance to area residents.
 - (i) One off-street parking space shall be provided for each guest room in addition to parking required for the residence. All parking spaces shall meet the standards of Chapter 18.30 JCC.
 - (j) Approval shall be conditional upon compliance with all applicable building code requirements, state liquor laws, and state sanitation requirements.
 - (k) No more than one sign is allowed, consistent with the sign standards in JCC 18.30.150.
 - (l) All bed and breakfast inns are subject to the applicable water and food service sanitation requirements established by the Washington State Board of Health and the Jefferson County board of health.
 - (2) Bed and Breakfast Residence. The following standards apply to all bed and breakfast residences:

- (a) Bed and breakfast residences shall be restricted to owner-occupied single-family residences.
 - (b) No more than three guest sleeping rooms shall be available for the accommodation of bed and breakfast residence guests.
 - (c) Guest occupancies shall be limited to no more than 30 consecutive days.
 - (d) Meals may only be served to overnight guests.
 - (e) The bed and breakfast residence shall be operated in a way that will prevent unreasonable disturbance to area residents.
 - (f) One off-street parking space shall be provided for each guest room in addition to parking required for the residence.
 - (g) Approval shall be conditional upon compliance with all applicable building code requirements, state liquor laws, and state sanitation requirements.
 - (h) No more than one sign is allowed, consistent with sign standards in JCC 18.30.150.
- (3) Transient Residence or Transient Guest House (Accessory Dwelling Unit). The following standards apply to all short-term (less than 30 days) transient rentals of single-family residential units and guest houses (ADUs) or portions thereof:
 - (a) The transient residence or guest house shall be operated in a way that will prevent unreasonable disturbances to area residents.
 - (b) At least one additional off-street parking space shall be provided for the transient use in addition to the parking required for the residence or guest house.
 - (c) If any food service is to be provided the requirements for a bed and breakfast residence must be met.
 - (d) No outdoor advertising signs are allowed.
 - (e) The owner or lessee may rent the principal residence or the guest house on a short-term basis, but not both.
 - (f) Where there are both a principal residence and a guest house (i.e., an accessory dwelling unit), the owner or lessee must reside on the premises.
 - (g) Transient accommodations must meet all local and state regulations, including those pertaining to business licenses and taxes. [Ord. 8-06 § 1]
- JCC 18.20.220 Industrial uses – Standards for site development
 - (1)(a) The use of chemicals, industrial solvents, or other noxious or hazardous substances shall comply with all federal, state, and county safety, fire, structural, storage, and disposal standards.
 - (1)(c) Retail sales and services incidental to a principally permitted use are allowable, provided:
 - (i) The operations are contained within the main structure which houses the primary use;
 - (ii) Retail sales occupy no more than 15 percent of the total building square footage;
 - (iii) No retail sales or display of merchandise occurs outside the structure; and
 - (iv) All products offered for retail sales on the site are manufactured, warehoused, or assembled on the premises (except for products sold at colleges or technical schools).

- (1)(d) No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, heat, glare, odor, or electrical interference to the detriment of the quiet use and enjoyment of adjoining property. [Ord. 8-06 § 1]
- JCC 18.20.230 Lumber mills (portable and stationary).
 - (1) The hours of operation of all lumber mills – new, existing, or portable – are limited to 7:00 a.m. to 7:00 p.m.
 - (2) No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property. [Ord. 8-06 § 1]
- JCC 18.20.280 Outdoor storage yards.
 - (1) All outdoor storage for vehicles, equipment, materials or products used in production, for sale on premises, awaiting shipment, or otherwise in conjunction with commercial or industrial use, shall be conducted so as to ensure public safety, health, and welfare and to minimize detrimental visual impact upon neighboring property and public rights-of-way.
 - (2) Every reasonable effort shall be made by persons operating a commercial or industrial business to store vehicles, equipment, materials and products within an enclosed building, except:
 - (a) Where such enclosed storage is not practical or desirable for reasons related to health, fire or safety requirements;
 - (b) Where outside storage of merchandise, manufactured products, or raw materials is normal and standard practice, such as in the sale of automotive equipment, farm machinery, lumber, gardening materials, nursery stock, manufactured homes, and similar products, or on the site of construction projects; or
 - (c) When materials or products are temporarily stored outside incidental to shipping, delivery, loading or unloading thereof.
 - (3) Materials and products may be stored outside subject to the provisions of these performance standards and applicable development standards, but shall comply with the landscaping and screening requirements of JCC 18.30.130, as applicable. [Ord. 8-06 § 1]
- JCC 18.20.350 Small-scale recreation and tourist uses.
 - (1) Small-Scale Recreation and Tourist Uses. Small-scale recreational and tourist uses rely on a rural location and setting and provide opportunities to diversify the economy of rural Jefferson County by utilizing the county's abundant recreational opportunities and scenic and natural amenities in an environmentally sensitive manner consistent with the rural character of the county. Upon approval pursuant to this code, these types of uses may be conducted in the land use districts specified in Tables 3-1 and 3A-1 in JCC 18.15.040 and as provided for in small-scale recreation and tourist (SRT) overlay districts under JCC 18.15.470 and 18.15.572. Agritourism on designated agricultural lands is regulated in JCC 18.20.030, agricultural activities and accessory uses. The following list of uses is not intended to be exhaustive, but rather is intended to be illustrative of the types of small-scale recreation or tourist uses:
 - (a) Aerial recreational activities such as balloon rides, glider and parachute events;
 - (b) Animal preserves and game farms;
 - (c) Equestrian centers, on parcels 10 acres or larger in size;
 - (d) Campgrounds and camping facilities;

- (e) Commercial fishing ponds;
 - (f) Cultural festivals;
 - (g) Miniature golf, not to exceed a gross use area of one acre;
 - (h) Model hobby parks and sites on parcels 10 acres or larger in size;
 - (i) Outdoor recreational equipment rental and/or guide services;
 - (j) Outdoor archery ranges;
 - (k) Private hunting or fishing camps;
 - (l) Public display gardens;
 - (m) Recreational off-road vehicle (ORV) and all terrain vehicle (ATV) parks and recreational areas on parcels 20 acres or larger in size;
 - (n) Recreational, cultural or religious conference center/retreat facilities on parcels 10 acres or larger in size;
 - (o) Recreational vehicle parks, travel trailer parks, and commercial campgrounds on parcels at least five acres in size;
 - (p) Rural restaurants, only when associated with a primary recreational or tourist use; and
 - (q) Rural recreational lodging or cabins for overnight rental on parcels 10 acres or larger in size.
- (2) Repealed by Ord. 3-20.
 - (3) A small-scale recreation or tourist use shall meet the requirements of this code (except as provided for in SRT overlay districts per JCC 18.15.470 and 18.15.572), including the provisions of JCC 18.20.290, Recreational developments, JCC 18.20.140, Commercial uses – Standards for site development, and the following standards:
 - (a) Small-scale recreation or tourist uses may include limited and commensurately scaled commercial facilities intended to serve those small-scale recreational or tourist uses (e.g., a gift shop, delicatessen, convenience store, or associated retail sales and services); provided, that the applicant can demonstrate the following to the satisfaction of the approving authority that:
 - (i) The principal demand for the commercial facilities is derived from the principal recreational or tourist use and not the existing and projected rural population;
 - (ii) The associated commercial activities shall be clearly accessory to and dependent upon the primary recreational or tourist uses;
 - (iii) The associated commercial activities, in addition to the principal recreational or tourist use, will not have a measurable detrimental traffic, noise, visual or public safety impact on adjacent properties;
 - (iv) The use and associated structure is clearly appropriate and compatible in scale, size, design and function with surrounding uses and environment;
 - (v) The use will not constitute new urban development in a rural area;
 - (vi) The public facilities and services provided are limited to those necessary to serve the associated commercial activities and the principal small-scale recreational or tourist use in a manner that does not permit low-density sprawl; and
 - (vii) All other applicable requirements and standards in this UDC are met.

- (b) Unless a larger parcel size is specified, minimum lot size shall be five acres, except that no minimum lot size is required for parcels that include a historic site, structure or landmark.
- (c) Only one small-scale recreational or tourist use shall be allowed per legal lot of record, with the exception of rural restaurants.
- (d) Only those buildings or areas specifically approved by the county may be used in the conduct of the business.
- (e) Parking shall be contained on-site and provided in conformance with this code, including JCC 18.30.100 and 18.30.130.
- (f) All activities shall, at a minimum, be screened from the view of adjacent residential uses subject to the landscaping and screening requirements of JCC 18.30.130 and set back a sufficient distance from all rear and side property lines to protect the character of adjacent and surrounding properties and uses. The approving authority may authorize variations to the setbacks established in Table 6-1 in JCC 18.30.050 in order to ensure that any small-scale recreation or tourist use or structure, when proposed in or adjacent to a rural residential (RR) district, shall be compatible with and not disruptive to the character of existing and anticipated future uses in the district.
- (g) All small-scale recreation or tourist uses shall utilize local access or minor collector roads for primary access whenever practicable. Access off of state routes, arterials, or major collector roads may be allowed if access improvements or a traffic analysis assures mobility is not degraded.
- (h) Structures shall comply with the landscape, lighting, site coverage, and design standards set forth in Chapter 18.30 JCC.
- (i) Any small-scale recreational or tourist use development allowed under this section that proposes to include permanent occupancy on-site residential development may only be permitted subject to:
 - (i) The underlying rural residential density;
 - (ii) A master planned resort (MPR) district designation subject to a legislative action to amend the Comprehensive Plan; or
 - (iii) That necessary for on-site management (e.g., a caretaker's residence).
- (j) For any small-scale recreation or tourist use, the county shall impose such reasonable conditions (e.g., location and size restrictions, design standards, landscape buffers, setbacks, etc.) as are found necessary by the approving authority to ensure that the activity or use, due to proximity, location or intensity:
 - (i) Is compatible with the rural character of adjacent lands and shorelines, including forestry, agriculture, and mineral lands of long-term commercial significance;
 - (ii) Does not disrupt the character of any surrounding permitted uses;
 - (iii) Is adequately served by public facilities and services (including roadway level of service and minimum fire flow requirements) without the need to extend those services in a manner that promotes low density sprawl;
 - (iv) Adequately protects critical areas including surface and groundwater resources; and

- (v) Would not cumulatively, in combination with the effects of existing development (or given the probable development of subsequent projects with similar effects) in the vicinity (i.e., within one mile) of the proposed use, create a development pattern that constitutes low density sprawl; require the extension of public facilities or expansion of public services in a manner that promotes low density sprawl; or be otherwise incompatible with or injurious to the rural character of the area;
- (vi) For designated agricultural lands, converts as little land with prime agricultural soils as practicable into nonagricultural use.
- (k) If the preceding conditions (in subsection (3)(j) of this section) cannot be met to the satisfaction of the approving authority, the use shall be denied.
- (4) Expansion of Existing Small-Scale Recreational and Tourist Facilities.
 - (a) Where alteration, modification, or expansion of existing small-scale recreation and tourism facilities would increase the scope, scale or intensity of the use or facilities (e.g., adding meal service or new recreational facilities, adding new conference or lodging facilities), the proposal shall be subject to a conditional use permit and must demonstrate that the expansion of the existing use or location is reliant upon a rural location and setting.
 - (b) The approving authority may attach reasonable performance standards and/or conditions to ensure that alteration and expansion of such uses have minimal adverse impacts on surrounding areas and uses, maintains the rural character of the area; does not constitute low density sprawl, and is in compliance with RCW 36.70A.070(5)(d).
 - (c) Any alteration, modification or expansion of an existing small-scale recreation or tourist use shall require site plan approval consistent with the standards and requirements of this code.
- (5) Aerial Recreational Activities. Aerial recreational activities may be approved as a small-scale recreation use provided the following standards are met:
 - (a) No permanent structures or improvements are required to carry out the activity;
 - (b) The proposal will comply with all FAA regulations;
 - (c) For recreational aerial activities on designated agricultural resource land, the proposal will not remove lands from agricultural production or substantially interfere directly or indirectly with the continued agricultural use of the parcel; and
 - (d) Minimum lot size may be increased by the administrator based on the site area required to safely undertake the activity.
- (6) Recreational Vehicle (RV) Park, Travel Trailer Park, or Commercial Campground.
 - (a) The use of any parcel for an RV/campground park and any modifications to an existing RV/campground park shall comply with the following standards and requirements:
 - (i) The minimum parcel area for an RV/trailer park or commercial campground shall be five acres. The maximum area of any parcel devoted to the principal RV/travel trailer or commercial campground use shall not exceed 20 acres;

- (ii) The maximum density of any RV/travel trailer or commercial campground approved under this code shall not exceed 60 spaces;
 - (iii) No RV shall be located anywhere but in an RV space and only one RV shall be located within any RV space;
 - (iv) All RV, travel trailer, recreational park trailer and campground uses in new RV/travel trailer and commercial campgrounds (approved after the effective date of this UDC) shall be limited to a temporary occupancy not to exceed nine months;
 - (v) The minimum width for a parcel containing an RV park shall be 300 feet, except that portions of the parcel intended only for general vehicular entrances and exits may be as narrow as 50 feet;
 - (vi) No part of any RV/campground park shall be used for the parking or storage of any heavy equipment;
 - (vii) No home occupation or business shall be operated from an RV/campground park except for the resident manager and as allowed in subsection (3)(a) of this section;
 - (viii) A responsible caretaker, owner, or manager shall be placed in charge of any RV/campground park to keep all grounds, facilities and equipment in a clean, orderly, and sanitary condition, and shall be answerable to the owner for any violation of the provisions of this title or any other ordinance;
 - (ix) An on-site caretaker or manager's residence is allowed; and
 - (x) Allowable accessory uses and improvements may include facilities for:
 - (A) Picnicking;
 - (B) Boating;
 - (C) Fishing;
 - (D) Swimming;
 - (E) Outdoor games;
 - (F) Miniature golf courses;
 - (G) Mechanical amusements; and
 - (H) Other sports and activities.
- (b) Layout and Design Specifications. The following layout and design specifications shall apply to any RV/campground park:
- (i) A buffer area shall be provided immediately within all boundaries. The required buffer area shall be a minimum of 100 feet in depth within all common property boundaries or public streets. Variable width buffers may be considered based upon topography and design considerations;
 - (ii) No RV or camp site may be located within a buffer area;
 - (iii) No building or structure may be erected or placed within a buffer area, except a sign or fence;
 - (iv) No refuse disposal area shall be located within a buffer area;
 - (v) No plant materials may be deposited or removed within a buffer area except as a part of a recognized landscaping scheme or except for emergency access;

- (vi) Only roads which cross the buffer, are as close to right angles as practicable, and connect directly with the road system contained within the remainder of the park shall be permitted within a buffer area; no road shall traverse the buffer area and give direct access from any public road to any RV space or camp site;
 - (vii) The road system shall comply with the standards and specifications for roads pursuant to Chapter 18.30 JCC;
 - (viii) Adequate off-street parking spaces shall be provided;
 - (ix) Each RV space shall have sufficient unobstructed access to, or frontage on, an RV park road, so as to permit the movement of RVs;
 - (x) No structural addition to any RV shall be permitted;
 - (xi) All refuse containers shall have an animal-proof lid and shall be maintained in a clean and sanitary condition. Garbage and refuse shall be disposed of in such a manner to control flies, rodents and odors;
 - (xii) All utilities, including electrical power and telephone lines, shall be installed underground;
 - (xiii) All roads, walkways, grouped-bay parking and service areas shall be provided with lighting adequate to ensure the safety of vehicular and pedestrian traffic;
 - (xiv) Central comfort stations and similar central facilities may be permitted;
 - (xv) Adequately sized wastewater disposal facilities shall be required and must be approved by the Jefferson County environmental health department.
- (7) Equestrian Center. Uncovered and covered facilities for commercial boarding, training, teaching, breeding and rental of horses including facilities for shows and competitive events, and riding trails. This does not include stables used solely for breeding or boarding of horses. An equestrian center may be permitted when the following standards are met:
- (a) All setbacks to the stable structure (does not include facilities for riding, training or exercising horses, such as a riding arena) shall be at least 50 feet from any property line and 100 feet from any existing residence, except the owner's or caretaker's dwelling(s);
 - (b) Facilities for riding, training or exercising horses shall be at least 25 feet from any property line and at least 100 feet from any existing residence except the owner's or caretaker's dwelling(s);
 - (c) Riding trails are not considered riding, training or exercising facilities and are not subject to this standard;
 - (d) The administrator may authorize a reduced setback for equestrian facilities; provided, that the county may impose conditions of approval to mitigate any adverse impacts which may result from granting the reduced setback;
 - (e) An animal waste management plan shall accompany the application. The plan shall be prepared in consultation with the Natural Resource Conservation Service (NRCS), local conservation district, or similar agency;
 - (f) Adequate parking, traffic management, and dust management shall be provided for horse shows with stables with more than 20 stalls;

- (g) Public address systems using loud speakers shall only be used between 10:00 a.m. and 8:00 p.m.;
 - (h) A tack shop may be provided when it is only for the use of owners of horses boarded at the stable or event participants;
 - (i) An on-site caretaker or manager's residence is allowed; and
 - (j) A parcel size of not less than 10 acres shall be required.
- (8) Repealed by Ord. 15-18.
- (9) Rural Recreational Lodging or Cabins for Overnight Rental and Recreational Cultural or Religious Conference Center/Retreat Facilities. Rural recreational lodging or cabins for overnight rental and conference retreat facilities are subject to the following standards:
 - (a) Minimum parcel size is 10 acres;
 - (b) Fifteen built cabins or bedrooms for overnight lodging comprising up to 6,000 square feet of gross floor area are allowed for every 10 acres of parcel size, up to a maximum of 30 rooms or cabins comprising no more than 12,000 square feet of total building area over the entire site, excluding a caretaker's or manager's residence;
 - (c) Lodging operators may not allow any person to occupy overnight lodging on the premises for more than three months in any year;
 - (d) New residential development shall not be permitted. New residential development includes the subdivision or sale of land for year-round or second-home residential housing that is owner-occupied or rented;
 - (e) An on-site caretaker or manager's residence is allowed;
 - (f) A conditional use permit subject to a Type III approval process, which includes a public hearing, shall be required.
- (10) Rural Restaurants. Rural restaurants may be allowed as small-scale recreational and tourist uses, subject to the following standards:
 - (a) Only when associated with and subordinate to a primary recreational or tourist use;
 - (b) Indoor dining facilities shall not exceed a total of 50 seats, including outdoor seating, unless it can be demonstrated that a larger capacity facility is needed to serve the demand generated by the primary recreational or tourist use;
 - (c) The structure shall constitute no greater than 5,000 square feet of gross floor area;
 - (d) Drive-through food service is prohibited. This does not include espresso stands. [Ord. 3-20 § 1 (Appx. A); Ord. 14-18 § 4 (Exh. B); Ord. 13-12 § 1; Ord. 8-06 § 1]
- JCC 18.20.380 Temporary outdoor uses.
 - (1) The following temporary outdoor uses, unless otherwise regulated by the provisions of Chapter 8.20 JCC, Assemblies, are permitted as a matter of right and are exempt from an approval process; provided, that the requirements below are met:
 - (a) Garage or yard sales conducted on the premises of a residential dwelling;
 - (b) Rummage sales, outdoor sales, and other fund-raising activities sponsored by schools, places of worship, or other nonprofit organizations. Such uses shall not occur on a site for more than 30 days in any one calendar year;

- (c) Outdoor arts and crafts shows and exhibits on public park and/or school property;
 - (d) Neighborhood association meetings or picnics on property owned by the association or its members;
 - (e) One sales office for the purpose of selling lots or homes within a subdivision constructed on the site of a subdivision prior to final plat approval and may operate until all of the lots have been developed and sold;
 - (f) Properties rented or used for personal social events, such as wedding receptions, private parties, or similar activities, not more than four times during any one calendar year;
 - (g) Estate sales held on the property of the deceased;
 - (h) Christmas tree sales limited to no more than 30 days of site occupation and operation in only a one-year period. Merchandise displays may only occupy parking stalls which are in excess of parking requirements;
 - (i) Running, walking and biking events associated with charitable or community events;
 - (j) Hay rides, corn mazes, square dances, pony rides, and harvest social gatherings; and
 - (k) Similar uses as determined by the administrator.
- (2) The following temporary outdoor uses, unless otherwise regulated by the provisions of Chapter 8.20 JCC, Assemblies, are allowed subject to a Type I approval process for a temporary outdoor use permit:
- (a) Outdoor art craft shows and exhibits not exceeding three days and not located on public park and/or school property;
 - (b) Circuses, carnivals and similar transient amusement enterprises, limited to not more than 30 days of site occupation and operation in any one calendar year;
 - (c) Rummage and other outdoor sales sponsored by schools, places of worship or other nonprofit organizations occurring more than 30 days in any one calendar year;
 - (d) Charitable or community events, not exceeding seven days in duration and not more than four times in any one calendar year;
 - (e) Overflow off-site parking, not exceeding seven days in duration and not more than four times in any one calendar year;
 - (f) Auctions, not exceeding three days and not located on public park and/or school property;
 - (g) Temporary asphalt or concrete batch plants for public road construction or repaving; provided, that all equipment, including the plant shall be removed within 30 days of project completion and the site shall be restored to its original condition;
 - (h) Temporary food and beverage stands may be permitted for a period of six months and may be extended for an additional six months. Once an extension has been granted the site may not be used for a temporary food and beverage stand for two years after the expiration of the permit extension; and
 - (i) Similar uses as determined by the administrator.

- (3) The following temporary outdoor uses, unless otherwise regulated by the provisions of Chapter 8.20 JCC, Assemblies, are allowed, subject to an administrative (Type II) conditional use (C(a)) permit:
 - (a) Outdoor art craft shows and exhibits exceeding three days and not located on public park and/or school property;
 - (b) Circuses, carnivals and similar transient amusement enterprises more than 30 days of site occupation and operation in any one calendar year;
 - (c) Charitable or community events exceeding seven days in duration or more than four times per year for any single property;
 - (d) Properties rented or used for personal social events, such as wedding receptions, private parties, or similar activities, more than four times during any one calendar year;
 - (e) Overflow off-site parking exceeding seven days in duration or more than four times in any one calendar year;
 - (f) Auctions exceeding three days or more or held more than four times in any one calendar year on the site of any legally established nonresidential use;
 - (g) Similar uses as determined by the administrator.
- (4) Temporary outdoor uses are subject to the following regulations:
 - (a) No temporary outdoor uses shall be permitted on public rights-of-way, unless a right-of-way obstruction permit is authorized by the county engineer;
 - (b) Approval of temporary outdoor uses is subject to written permission of the property owner on which the use is to be located;
 - (c) The county may apply additional conditions to any permit for a temporary outdoor use in order to:
 - (i) Ensure compliance with the intent of this code;
 - (ii) Ensure that such outdoor use is not detrimental to neighboring properties and the community as a whole;
 - (iii) Ensure compliance with the International Building Code;
 - (iv) Within three days after termination of any temporary outdoor use permit, such use shall be abated and all structures, signs and evidence of such use removed. The administrator may require a cash bond be posted by the applicant upon application to defray the cost of cleanup and repair of the property should the applicant fail to do so; and
 - (v) Temporary outdoor use permits not exercised within 180 days of issuance shall be null and void.
- (5) In addition to any other remedy provided by this chapter, at any time when such temporary outdoor use is operated in violation of required conditions of this section, or otherwise found to constitute a nuisance, the county may revoke the temporary outdoor use permit. The permittee shall be given notice of and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the administrator, the violation poses a life, health, or safety threat, the use permit may be revoked immediately, and the permittee shall be given the opportunity to request consideration and/or appeal.
- (6) Where any provision of this section on temporary outdoor uses is in conflict with Chapter 8.20 JCC, Assemblies, the provisions of Chapter 8.20 JCC shall control. [Ord. 8-06 § 1]

- JCC 18.20.420 Veterinary clinics or hospitals.
 - (1) Boarding and grooming of animals, other than that incidental to medical and surgical care, shall be allowed subject to meeting the provisions for commercial animal kennels, catteries and shelters in JCC 18.20.060; [Ord. 14-18 § 4 (Exh. B); Ord. 8-06 § 1]

Whatcom County Code References

- WCC 20.40.450 - Lot coverage.
 - No structure or combination of structures, including accessory buildings, shall occupy or cover more than 25 percent of the total area of the subject parcel. Exceptions to the maximum lot coverage may be allowed when any of the following can be demonstrated:
 - (1) Proposed structures, in excess of the allowed maximum lot coverage, are located on lesser quality soils.
 - (2) Proposed structures in excess of the allowed maximum lot coverage support additional agricultural production on parcels other than the subject parcel.
 - (3) Expansion of facilities that were in operation prior to the adoption of the ordinance codified in this section if it can be demonstrated that substantial on-site investment has been made and location of additional structures off site would cause an economic hardship to the farm operation. (Ord. 2013-040 Exh. 1, 2013; Ord. 2006-048 § 1 (Exh. A), 2006).
- WCC 20.97.010 - "A" definitions.
 - "Accessory use" means a use customarily incidental to a permitted use; provided, that such use shall be located on the same lot as the permitted use except where specifically permitted elsewhere in zoning district regulations.
 - "Agricultural processing" means the transformation, either chemically or physically, of raw agricultural goods including but not limited to washing, grading, sizing, drying, extracting, icing, producing ornamental agricultural products, sorting, cutting, pressing, bagging, freezing, canning, packaging, milling, crushing, fermenting, aging, pasteurizing, preserving, storage, bottling, but excluding slaughtering of livestock. Agricultural processing includes those process steps associated with product preparation and processing. Storage, warehousing, and distributing products in conjunction with the agricultural processing activity occurring on that site shall be allowed. However, the processing of cannabis is not considered agricultural processing.
- WCC 20.97.120 - "L" definitions.
 - "Lot coverage" means the percent of a lot or parcel which is, or will be, covered by all structures located thereon. Coverage is determined by measuring areas covered by a weather tight roof. For properties within the jurisdiction of the Shoreline Management Program (WCC Title 23), submerged lands and/or tidelands within the boundaries of any waterfront parcel that are located waterward of the ordinary high water mark shall not be used to compute lot coverage.
- WCC 20.97.160 - "P" definitions.
 - "Permitted use" means a principal use of a site allowed as a matter of right in conformance to applicable zoning, building and health codes, and not subject to special review or conditions under this ordinance beyond those specifically set forth in zoning district regulations.

Thurston County Code References

- TCC 20.54.070(11.7) - Farm stands.
 - a. Farm stands for retail sale of agricultural products are permitted as a matter of right: meaning no land use approval is required, provided the farm stand meets the following standards:
 - i. The structure does not exceed four hundred square feet if enclosed on one or more sides, or seven hundred square feet if open on all sides, and the roofed area of the associated structure is a tent or similar membranous material.
 - ii. The structure is licensed as a vehicle.
 - iii. The stand may not be in place for more than six months out of the year. Wood or metal framed structures meeting all applicable Building Code requirements that do not exceed seven hundred square feet may operate year around.
 - iv. Safe vehicular access and customer parking shall be provided on site, such that vehicles are not required to back onto a road right-of-way or easement.
 - v. The farm stand and associated parking shall be located outside of any road right-of-way or easement. Structures and canopies associated with a farm stand must be set back a minimum of ten feet from any road right-of-way or easement.
 - vi. At least seventy-five percent of the agricultural produce displayed is grown in the Pacific Northwest. Sale of ancillary products is permitted: however, such products shall not exceed twenty-five percent of product display area.
 - vii. Farm stands operated by separately owned farms are encouraged to be collocated in the same area, using shared vehicular access and parking, or stands shall be separated by a minimum of one thousand feet between access points. The director of resource stewardship may consider exceptions to this separation standard on a case by case basis. Up to three separately operated farm stands are permitted on one site, but must be separated by a minimum of twenty feet pursuant to International Fire Code requirements. Collocated farm stands may be reviewed under one application if applied for concurrently.
 - viii. All other applicable state and local regulations related to public health, safety, including but not limited to food safety and general welfare shall be met.
 - ix. Unless a twenty foot wide, existing, legal vehicular access is used, a new farm stand requires a Thurston County Public Works encroachment permit to provide access, or to improve an existing access from a county road.
 - x. On-site advertising signs of no more than four square feet meeting the standards of TCC Section 20.40.035 are exempt from Thurston County review and approval. Larger signs are permitted pursuant to TCC Chapter 20.40 and may require a building permit.
 - b. Farm stands for retail sale of agricultural products which exceed the size criteria contained in Section 20.54.070(11.7)(a)(i) shall be reviewed through an administrative special use permit if the following standards are met:
 - i. The roofed area or associated structure does not exceed two thousand square feet, and
 - ii. The standards of 11.7(a)(iv) through (x) are met.

- c. Farm stands for retail sale of agricultural products meeting the following standards shall be reviewed and approved by the Thurston County Hearing Examiner through a special use permit.
 - i. The roofed area or associated structure is between two thousand and one and three thousand square feet, and
 - ii. The standards of 11.7(a)(iv) through (x) are met.
 - iii. Farm stands larger than three thousand square feet would be reviewed as commercial operations subject to all applicable land use regulations, including underlying zoning.
- TCC 20.54.070(41.5) - Temporary uses.
 - a. Permitted Temporary. Uses. The following temporary uses are permitted as a matter of right and are exempt from an approval process provided that the requirements in subsection (d) below are met.
 - i. Garage or yard sales conducted on the premises of a residential dwelling;
 - ii. Rummage sales, outdoor sales and other fundraising activities sponsored by schools, places of worship or other nonprofit organizations. Such uses shall not occur on a site for more than thirty days in any one calendar year;
 - iii. Outdoor art and craft shows and exhibits on public park and/or school property;
 - iv. Neighborhood association meetings or picnics on property owned by the association or its members;
 - v. One sales office for the purpose of selling lots or homes within a subdivision may be constructed on the site of a subdivision prior to final plat approval and may operate until all of the lots have been developed and sold;
 - vi. Properties rented or used for personal social events, such as wedding receptions, private parties, or similar activities, not more than four times during any one calendar year;
 - vii. Estate sales held on the property of the deceased;
 - viii. Use of mobile homes or recreational vehicles during construction of a dwelling following issuance of a building permit, not to exceed the period of construction;
 - ix. Christmas tree sales, limited to not more than forty-five days of site occupation and operation in any one calendar year;
 - x. Parking lot and other outdoor sales, limited to no more than thirty days of site occupation and operation in any one year period. Merchandise displays may only occupy parking stalls which are in excess of parking requirements;
 - xi. Temporary stands for the sale of fireworks, subject to rules and regulations administered by the fire district;
 - xii. Running and biking events associated with community events;
 - xiii. Similar unclassified uses as determined by the department consistent with Section 20.54.070(41.5)(d).
 - b. The following temporary uses are permitted with an administrative special use permit for which the approval authority shall be the director, subject to the requirements in Section 20.54.040(41.5)(d) below, in zoning districts as shown on Table 1.
 - i. Outdoor art and craft shows and exhibits not exceeding three days and not located on public park and/or school property;

- ii. Circuses, carnivals and similar transient amusement enterprises, limited to not more than thirty days of site occupation and operation in any one calendar year;
 - iii. Rummage and other outdoor sales sponsored by schools, places of worship or other nonprofit organizations occurring more than thirty days in any one calendar year;
 - iv. Community events, not exceeding seven days in duration and not more than four times per year for any single property;
 - v. Overflow off-site parking, not exceeding seven days in duration and not more than four times in any one calendar year;
 - vi. Auctions, not exceeding three days and held four or fewer times in any one calendar year on the site of any legally established nonresidential use;
 - vii. Similar unclassified uses as determined by the department consistent with Section 20.54.070(41.5)(d).
- c. The following temporary uses are permitted with a special use permit for which the approval authority shall be the hearing examiner, subject to the requirements in Section 20.54.070(41.5)(d) below, in zoning districts as shown on Table 1.
- i. Outdoor art and craft shows and exhibits exceeding three days and not located on public park and/or school property;
 - ii. Circuses, carnivals and similar transient amusement enterprises, more than thirty days of site occupation and operation in any one calendar year;
 - iii. Community events, exceeding seven days in duration or occurring more than four times per year for any single property;
 - iv. Properties rented or used for personal social events, such as wedding receptions private parties or similar activities, more than four times during any one calendar year;
 - v. Overflow off-site parking, exceeding seven days in duration or more than four times in any one calendar year;
 - vi. Auctions, exceeding three days or held more than four times in any one calendar year on the site of any legally established nonresidential use;
 - vii. Similar unclassified uses as determined by the department consistent with Section 20.54.070(41.5)(d).
- d. Temporary uses are subject to the following regulations:
- i. No temporary use shall be permitted on public rights-of-way, unless a right-of-way obstruction permit is authorized by the public works department.
 - ii. Approval of temporary uses is subject to written permission of the property owner on which the use is to be located.
 - iii. The applicable approval authority may apply additional conditions to any special use permit for a temporary use in order to:
 - (A) Ensure compliance with the intent of the Zoning Ordinance;
 - (B) Ensure that such use is not detrimental to neighboring properties and the community as a whole; and
 - (C) Ensure compliance with the Uniform Building Code and Uniform Fire Code.

- iv. Within three days after termination of the special use permit for any temporary use, such use shall be abated and all structures, signs and evidence of such use removed. The county may require a cash bond be posted by the applicant upon application to defray the costs of cleanup and repair of the property should the permittee fail to do so.
- v. Temporary use permits not exercised within one hundred eighty days of issuance shall be null and void.
- vi. Violations. In addition to any other remedy provided by this chapter, at any time when such temporary use is operated in violation of required conditions of this section, or otherwise found to constitute a nuisance, the county may revoke the temporary use permit. The permittee shall be given notice of and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the department, the violation poses a life, health or safety threat, the temporary use permit may be revoked immediately, and the permittee shall be given the opportunity to request reconsideration and/or appeal.

Revised Code of Washington References

- RCW 7.48.300 Agricultural activities and forest practices—Legislative finding and purpose.
 - The legislature finds that agricultural activities conducted on farmland and forest practices in urbanizing areas are often subjected to nuisance lawsuits, and that such suits encourage and even force the premature removal of the lands from agricultural uses and timber production. It is therefore the purpose of RCW 7.48.300 through 7.48.310 and 7.48.905 to provide that agricultural activities conducted on farmland and forest practices be protected from nuisance lawsuits. [1992 c 52 § 2; 1979 c 122 § 1.]
- RCW 7.48.305 Agricultural activities and forest practices—Presumed reasonable and not a nuisance—Exception—Damages.
 - (1) Notwithstanding any other provision of this chapter, agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity or practice has a substantial adverse effect on public health and safety.
 - (2) 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.
 - (3) The act of owning land upon which a growing crop of trees is located, even if the tree growth is being managed passively and even if the owner does not indicate the land's status as a working forest, is considered to be a forest practice occurring on the land if the crop of trees is located on land that is capable of supporting a merchantable stand of timber that is not being actively used for a use that is incompatible with timber growing. If the growing of trees has been established prior to surrounding nonforestry activities, then the act of tree growth is considered a necessary part of any other subsequent stages of forest practices necessary to bring a crop of trees from its planting to final harvest and is included in the provisions of this section.
 - (4) Nothing in this section shall affect or impair any right to sue for damages. [2009 c 200 § 2; 2007 c 331 § 2. Prior: 1992 c 151 § 1; 1992 c 52 § 3; 1979 c 122 § 2.]
- RCW 7.48.310 Agricultural activities and forest practices—Definitions.
 - For the purposes of RCW 7.48.305 only:
 - (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; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; keeping of bees for production of agricultural or apicultural products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of stream

banks and watercourses; and conversion from one agricultural activity to another, including a change in the type of plant-related farm product being produced. The term includes use of new practices and equipment consistent with technological development within the agricultural industry.

- (2) "Farm" means the land, buildings, freshwater ponds, freshwater culturing and growing facilities, and machinery used in the commercial production of farm products.
- (3) "Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquacultural, or other farm products.
- (4) "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries and apiary products, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.
- (5) "Forest practice" means any activity conducted on or directly pertaining to forestland, as that term is defined in RCW 76.09.020, and relating to growing, harvesting, or processing timber. The term "forest practices" includes, but is not limited to, road and trail construction, final and intermediate harvesting, precommercial thinning, reforestation, fertilization, prevention and suppression of diseases and insects, salvage of trees, brush control, and owning land where trees may passively grow until one of the preceding activities is deemed timely by the owner. [2009 c 200 § 3; 2007 c 331 § 3; 1992 c 52 § 4; 1991 c 317 § 2; 1979 c 122 § 3.]

• RCW 36.70A.011 - Findings – Rural Lands

- The legislature finds that this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences. Rural lands and rural-based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life.

The legislature finds that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Further, the legislature finds that rural counties must have the flexibility to retain existing businesses and allow them to expand. The legislature recognizes that not all business developments in rural counties require an urban level of services; and that many businesses in rural areas fit within the definition of rural character identified by the local planning unit.

Finally, the legislature finds that in defining its rural element under RCW 36.70A.070(5), a county should foster land use patterns and develop a local vision of rural character that will: Help preserve rural-based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and

planned land use patterns; be compatible with the use of the land by wildlife and for fish and wildlife habitat; foster the private stewardship of the land and preservation of open space; and enhance the rural sense of community and quality of life.

- RCW 36.70A.020 - Planning Goals

- (5) *Economic development*. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (8) *Natural resource industries*. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

- RCW 36.70A.070(5) - Comprehensive Plans—Mandatory Elements—Rural Element

- (b) *Rural development*. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

- RCW 36.70A.100 - Comprehensive Plans—Must Be Coordinated

- The comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW 36.70A.040 of other counties or cities with which the county or city has, in part, common borders or related regional issues.

Chapter 33.XX Agricultural Accessory Uses

The revisions/input submitted for consideration below are identified by page and section. Thank you for considering the following input.

Page 1 - 33.xx.010 Definitions - Existing definitions, unless modified or amended, shall be considered applicable for initial interpretation. If deletions, modifications or additions are being considered, it's important that be spelled out in the very near term or under the next draft. The content presented and being considered for implementation must clearly define applicable term meanings for context and understanding.

33.xx.020 Purpose and Intent - " Clallam County recognizes the benefits that agricultural (ADD "and nonagricultural") accessory and nonagricultural accessory uses on farms...

Page 2,3 - 33.xx.040 Agricultural Accessory Uses

Add section(.)(.045) defining - Non agricultural accessory use standards provided the activity on site remains subordinate to the scale of the agricultural activity on site.

Page 3,4 - 33.xx.050 General Requirements

(4) Placement - "All" Agricultural Accessory Uses in this context may be inconsistent with the purpose and intent of RCW 36.70A.177 (3)(b)(ii). Perhaps replace the word "All" with "Nonagricultural". Restricting where such use is allowed is in conflict with typical farming operations. We process close to the source for efficiency. The larger the operation/farm the more dispersal of equipment and structures may be required. One acre of contiguous land would not be practical. A sliding scale percentage based on acreage might serve well in maintaining the same density objective. Conversion from producing agricultural land to nonagricultural uses is avoided at all times for economic reasons. Operational efficiency and safety requirements override economics in this instance.

Page 6 - Additional Standards for onsite (delete retail or add wholesale) greenhouses. Existing definition can be found at 33.03.10.(19) - Commercial Greenhouse or Nursery

Page 7 - 33.xx.100 Additional Standards for onsite agriculture processing facilities:

(1) Additional Performance Standards

b. Hours of (ADD "Open to the Public") operation - during harvest, generally July thru August, we may run a 24 hour operation. Harvest in the day, process, package and prepare shipments at night. Processing with adequate sound

buffers is non-disruptive both in terms of light and noise pollution and must run continuously to deliver product at it's peak. This is typical farming operation. If it was humanly and flowering stage development possible, we would work only 12 hours a day. Additionally private tours, group events, painters, photographers, to name a few may reserve the time and space well outside the proposed business hours. Invited guests with reservations can be a key revenue source and tourism driver.

Page 10 - 33.xx.140. Additional Standards for farm stays

a. Structures - What form of Seasonal Employee Housing is approved? How is Farm Stay defined?

b. Limitations - Our harvest period is 6-10 weeks in duration with dozens of individuals working 6 or 7 days/nights a week to complete harvest and sustain the farm operation and income. Waiting is not option and resource availability is limited. The existing provision for Seasonal employee housing as defined in 33.03.010(7) is a tool in managing human resources during harvest. The larger the farm operation, the more resources required. Here again, variable allowance by acreage would help maintain equity and improve predictability.

33.xx.150 Additional standards for agriculture accessory uses

a. Frequency - Event set up/tear down not included in the event or activity allowance.

Clark, Donella

From: Fleming, Holden
Sent: Wednesday, January 31, 2024 10:37 AM
To: Clark, Donella
Subject: FW: ag ass planning

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: Bill Hermann <Bill@hermannbros.com>
Sent: Monday, January 22, 2024 9:14 AM
To: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>
Subject: ag ass planning

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

Good morning.

We are looking at (2) parcels off of Laird road in the Dry Creek area.
They are zoned RCC3.

(1) Parcel is 8 acres that could be maximized as a cluster to build 3 houses.
This is not farm land but is cleared. This is not best use for the property since it would leave 5 acres that should have houses.

(2) Parcel is 14 acres that in that zoning as a cluster would have the potential for 5 houses and leave about 9 acres open.
Again this is not viable farm land and would be left open .

Lots are very difficult to find that can accommodate pricing for affordable and these properties fit the need. They are not view lots or farm fields but could be best utilized for the work force housing price range.

Can the planning group help with a solution?

Bill Hermann

Fleming, Holden

From: ROndi smith <Olympicalpacas@outlook.com>
Sent: Tuesday, January 16, 2024 4:12 PM
To: Fleming, Holden
Subject: Re: Planning Commission Regarding Ag. Accessory Uses 1/17

Thank you Holden for the information.

A few things I would like to bring up to planning commission is that the camping has now been changed to a farm stay. In all the meetings, including the last meeting, it was camping that was discussed. We are moving backwards now.

Also a member of the planning commission recommended a waiver for farms' code violations so farms can start pre-scheduling and advertising for financial survival. Nothing has been said or done except Bruce stated they are not enforcing code violations now but that doesn't insure they won't go retro. We need this time to ensure our families viability is protected. Please follow up on the planning commissioner and grant a one-year waiver for farms to protect them.

A change has been made to farm stay which is another definition in its own from camping. The proposed ordinance now states that anyone staying on site is required to work as temporary farm labor which is already allowed without a conditional use permit in all agricultural zoning and is not regulated by County but the state. Now Clallam County Code is essentially changing an already allowed activity to stiffer regulations. I am unsure whether the GMA or State allows the County to change this allowance.

Having camping now removed, this change also limits the use to 5 maximum sites. I do not think that is an adequate number based on the size of the operation. It should be as you have done with other issues, a number based on acreage.

The main reason for this change in zoning is as you said to support the ongoing business and survival as well as following the Comprehensive plan to assist farming.

Allowing 5 camping sites will not be sufficient to run a large scale agricultural operation. By doing so you will essentially cause financial harm. Camping is an agrotourism essential where farms can make money that is directly not attributed to an employee for the activity 24 7. I.e. farm tours require labor for the complete time. At least camping requires an onsite security or manager where the labor is not dependent on direct hour to hour assistance.

The costs to operate a 20 acre farm is more than a small farm. Small farms in your scenario will provide an unbalanced ration of income to acre, essentially prejudicing the larger farms. It also would push out the larger farms from being able to financially sustain income vs expenses of operations.

The proposed plan offers 5 campsites max per operation. I would encourage to at least allow 1 per half acre and at the least one site per acre. A camp site per acre allows required space and limited interference to neighbors.

So in recap, you changed camping to farm stays and limited camping on a 20 acre farm to 1 camp site per 4 acres. Currently agricultural land is allowed if I am correct 1 house per 5 acres of farm land. This makes no sense.

This is a make it or break it deal for larger farms. If you truly are trying to support farms, this supports smaller farms and is prejudicial to larger farms by allowing 1 site per half acre or acre and initiating an immediate waiver for current operating farm from code violations.

Fleming, Holden

From: Kia Armstrong <kia.armstrong1315@gmail.com>
Sent: Tuesday, January 16, 2024 12:56 PM
To: Fleming, Holden
Subject: Re: Planning Commission Regarding Ag. Accessory Uses 1/17

hi there, thank you for sending this update. i attended an initial meeting you had at Carrie Blake Park a while back. we have a very small farm near the Sequim Airport. we just moved here from Dungeness a year ago (i managed nash's organic produce for 15 years) and are getting our small farm up and running again after taking some infrastructure hits in the move. in the future, we would like to host classes and workshops, working CSA members (folks who grow food with us) and in particular be a site for children's education and farm connection opportunities. my husband is also a musician and we'd like to eventually do a summer concert series where we advertise to a closed group of community members small intimate shows on the farm. what additional info do you need from me, to access if these types of activities will be easily permissible, or not, in the future? Having information about what will be allowable will help us shape our farm plan going forward. Thank you for your time,
Kia Armstrong
Beanstalk Farm
360-582-6848

On Tue, Jan 16, 2024 at 9:55 AM Fleming, Holden <Holden.Fleming@clallamcountywa.gov> wrote:

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. This email is to inform you that a Planning Commission meeting to discuss Clallam County Agricultural Accessory Uses has been scheduled for January 17th, at 6 PM in the Clallam County Courthouse (223 E 4th St. Port Angeles).

There will be two opportunities to provide public comment at this meeting. Copies of the most recent version of the draft code are available at <https://clallamcountywa.gov/DocumentCenter/View/15599/DRAFT-AG-ACCESSORY-CODE-1-12-24> and a copy of the Planning Commission Packet can be found at [Agenda Center • Clallam County, WA • CivicEngage \(clallamcountywa.gov\)](#)

If you have any additional questions or comments, please feel free to reach out me.

Sincerely,

Clark, Donella

From: Fleming, Holden
Sent: Wednesday, January 17, 2024 12:31 PM
To: Clark, Donella; Emery, Bruce
Subject: FW: Feedback to ag accessory process

Additional comments.

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

-----Original Message-----
From: Wild Edge Farm <wildedgefarm@gmail.com>
Sent: Wednesday, January 17, 2024 12:00 PM
To: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>
Subject: Feedback to ag accessory process

[You don't often get email from wildedgefarm@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Thank you for the honing and specificity of this latest draft. We appreciate that this document upholds terminology and emphases that are agricultural.

We are sorry that we are not able to make this meeting in person, but will send in our feedback in writing.

First of all, we would like to affirm the requirement that 75% of all products retailed at a temporary onsite retail stand or an onsite retail store must be agricultural products produced in Clallam and/or Jefferson county. We are hopeful that this can be an impulse for local agriculture.

As we think toward the future of Clallam County, we must always hold food security as a baseline priority for agricultural lands. In this light we want to again underscore the diversity, quantity, and significance of agricultural production on small acreage in Clallam County. The nurturing of these lands to produce food for Clallam County residents is likely the least monetarily rewarded endeavor, yet the value to our county is invaluable. In a time when care of the soil is becoming increasingly recognized as a key to nutrition, climate resiliency, mental health and community cohesion we must show that we value our farmland by facilitating the type of residential and agricultural and industrial decisions that allow it to thrive.

While we are in agreement that limits to activities on small agricultural acreages in residential areas must be curtailed, thought should be given to the imbalance of income in those small acreages working to produce food. As has been mentioned, the conditional use permit places a disproportionate burden on small acreages working to produce food.

A few other thoughts and questions:

Regarding "farm tours," how are they defined? Can we assume that if we invite 20 members of our family and some friends to the farm at one time, that does not constitute a tour? Or if 20 CSA member families come to the farm for a tour and to harvest potatoes, can we assume that does not constitute either a farm tour or a U-pick? And if we host a workshop at our 3-5 acre farm in conjunction with WSU Extension, can we assume we do not need a certificate of compliance? Or that we are out of compliance if we do so on our 10 acre farm and 25 people come? Or that a field trip doesn't count as a farm tour, even if 30 or 60 kids participate?

Regarding farm stays, does this pertain to housing for part-time or full-time agricultural workers as well?

Thank you,

Jim and Karen Halberg Weaver
Wild Edge Farm
621 Sisson Rd.
Port Angeles

Sent from my iPhone

Fleming, Holden

From: Ashley Reddicks <daisedash@gmail.com>
Sent: Tuesday, January 16, 2024 10:54 AM
To: Fleming, Holden
Subject: Ag accessory comments

You don't often get email from daisedash@gmail.com. [Learn why this is important](#)
Thoughts on the sample provided for tomorrow's planning meeting

General

- Why are 75% of products from Clallam/Jefferson counties and not Washington or PNW?
- What constitutes acceptable products? For example, as a lavender farmer we order in ingredients and bases from around the world and combine them with our lavender essential oil. Is this considered a Clallam county agricultural product since, even though the percentage is small, it has our oil in it? Or if we make a spice blend and order all of our spices online and add our lavender bud, is this also accepted?
- Consider making a minimum amount of products required to be from the farm where the retail store is located. Current wording would allow a farm to sell zero of their products and only other's products in their store during winter months which is yes supporting agriculture but at that point not incidental to their farm itself during off season.
- Hours of operation- is there flexibility if we wanted to host a sunset u-pick special events during July when the lavender is in peak bloom?
- Should there be avenues around a CUP based on neighboring properties. So if a smaller farm of 4 acres wanted to do something like a corn maze and was surrounded by other farms not houses, could a certificate of compliance be required instead. Or if a 9 acre farm wanted to do tractor rides and their neighbors houses were all 200+ feet from their shared property line could a compliance letter be used instead? An explanation of the reasoning behind the choices made might help clear things up.
- Add a section on private roads and shared driveways. If a farm wants to build on a shared private road or driveway, there should be a CUP. The extra people driving on the road requires extra money to maintain it, increases traffic for neighbors, and could potentially require widening the road to accommodate 2 lanes.
- Are non-accessory uses going to be covered in this amendment or wait until the 2025 update? Things like photography sessions, painting in the field, yoga.
- Need a good definition of accessory use: when you say subordinate to the scale of agricultural activity is that a dollar or square footage scale?
- Are there any bathroom requirements?
- ADA parking. Is this a state requirement? I am just thinking that farms have uneven ground that isn't ADA friendly in the first place so I am curious why for u-pick you have to have ADA parking...

33.XX.040:Other

Are educational classes/workshops(how to harvest class, distillation class, etc) allowed outright?

Is animal petting and feeding allowed outright? (example-you raise sheep for fleece and want to allow people to feed and pet them)

Are farm to table dinners allowed outright? What about culinary demonstrations/workshops using your agricultural goods?

33.XX.050

Placement- *developed area* is really restricting. For example on my farm, Gnomelicious, our buildings are clumped in the center. I have an area in the very back of the property that is shaded and I can't grow crops on. If I needed to expand my processing space, it would make the most sense to build a drying barn in this area instead of the already developed center where I still have useable land. *One acre* should be a sliding scale. For example, if you had an 80 acre farm that raised cattle, chickens, hay, and veggies, you might need more than 1 acre of buildings spread throughout the farm for animal houses, hay storage, veggie processing, and butchering.

Landscaping- a 30 foot buffer is restrictive and potentially dangerous. Roadside farm stands don't typically have 30 feet of buffer space and to place a buffer decreases safe parking turnaround and visibility for road entry and exit. Also, clarification is needed on buffer height requirements.

33.XX.090

a. structure- wording might need to be changed. Greenhouses don't have carbon monoxide, fire suppression, etc... since they are in the field

c. does the parking have to be at the greenhouse or just generally on the property. Let's say you had a farmstand with parking in field A and your greenhouse in field bB about 200 feet away from the farmstand.

33.XX.100

This may be covered in the building code(I am not very familiar with it) but is there a public hearing for large structures? I am thinking about if let's say my neighbor(who has 10 acres) wants to build a large scale chicken house/ slaughter facility, I would want to be able to voice my opposition to that. On the other hand, if they wanted to build a hay storage barn, there would be no problem. Does a certificate of compliance give the county the ability to accept or deny based on intended building use?

Can a line be added to ensure that commercial kitchens are considered agricultural processing facilities to allow RC/ag zoned parcels to be able to put one in.

33.XX.130

Why is there a tour size limit? Is the goal to not have massive 50 person tours that require a microphone/speaker system to be heard? Is it to cut down on neighbor noise complaints? I suggest either take out the size limit or do a sliding scale based on parcel size. Make a way for small farms(under 5 acres) to do school/ retirement center tours without an expensive CUP.

33.XXX.140

This section needs a lot of work. What is laid out in the sample is describing work campers not farm stays since one person has to be working. Farms of all sizes need work camping so prohibiting this on under 5 acres is not going to be good. Also, limiting it to 2 weeks instead of 6 months makes getting seasonal labor extremely hard for farms. The structures allowed are confusing- it says no permanent structures or rvs allowed so logically that means only tents/yrurts are allowed? Permanent structures and rvs should be allowed since they pose less of an environmental and health concern. I suggest making a sliding limit on amount of work campers based on acreage(1 per every 2.5 acres)

Farm stays are supposed to be more of an air bnb type situation where you allow visitors to stay in a room/rv/tiny home on the farm without working. This helps the farm make extra money and solves some of the problems given the limited overnight sleeping options during the busy tourist season.

33.XX.150

Why 21 days? If I build a maze out of a crop I plan on harvesting, why do I have to limit access to the maze? Why would tractor rides need a CUP on parcels 5-9.99 acres instead of a certificate of compliance?

Thanks for all your hard work,

Ashley Reddicks

January 16, 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 Comments

I have completed a review of the Draft of the above referenced proposed Chapter of the Clallam County Zoning Code. In the following document, I have outlined comments and recommended revisions for each of the various Sections and paragraphs in the Draft document. It is hoped that you and your staff will review this information and consider my thoughts and recommendations in preparing your comments for presentation of your Draft to the Planning Commission at their next meeting on January 17, 2024. I apologize for not being able to get these thoughts to you prior to today, and I hope that you will be able to provide this document to the Planning Commissioners before the meeting. It is my desire that these comments will be meaningful to you and to the Planning Commissioners in the continuation of the final process of developing the proposed Chapter 33.XX for approval by the Board of Commissioners.

Initial Overall Comments

- 1) The current Draft of as presented is a well thought out plan for addressing the very complex matrix related to the zoning issues related to Agricultural Accessory Uses (AAU) within Clallam County. Your guidance and the hard work of Holden Fleming and his staff in preparing this initial document is very much appreciated in the relatively short time that you have been allowed for the tasks at hand. Please accept the comments below with the positive intent to participate in guiding preparation of this complex matrix in a process that will produce a Zoning Code Chapter that can be reasonably understood and applied to the intended Agricultural Accessory Uses on the many agricultural farm sites having active agritourism activities within the county now and in the long term future. With that I have the following general concerns and then specific detailed comments on the specifics of the draft chapter.
- 2) The first concern with the current draft of the AAU is that it attempts to adjust and amend existing permitted uses within the definition of "Agriculture" per the existing Zoning Code by bringing them under the proposed AAU umbrella. This should not be allowed to happen. The current Zoning Code allows Agricultural activities to occur in many of the zoning classifications including most all of the Rural classifications. The code then under 33.03.010 Definitions (7) Agriculture defines it broadly and includes specifically "ancillary" uses allowed outright to include "seasonal employee housing, and temporary on-site retail stands for the sale of agricultural goods". While these specific allowed uses are not specifically defined, they are clearly allowed without other conditions. The attempt to pull both of these types of uses out of the unconditioned Agricultural activities and ancillary uses into a more conditioned and regulated classification of the Agricultural Accessory Uses implies that these uses are not

paramount to the historic use of the agriculture term over the past 250 years of our country. These are not accessory at all to agriculture but agriculture depends upon these ancillary land use activities for agriculture and any form to survive and thrive.

- 3) Specifically, **Section 33.XX.070 - Additional standards for temporary onsite retail stands**, should be removed from this Agricultural Accessory Use chapter of the Zoning Code. If a clearer definition of what a "Temporary On-site Retail Stand is, and what products it might be limited to selling, then this definition should be added under **33.03.010** such as the proposed wording of the additional performance standards 1)a. and 1)b. under the propose draft of this section. If for clarity, it is desired to reference the allowed temporary farm stands in this section of the code, it should be added as a note to the **Section 33.XX.080** onsite retail stores to refer back to the definition of the permitted ancillary use not regulated under this section.

Related to this, the reference to temporary farm stand should be removed from the first sentence of **33.XX.030**, remove item **33.XX.040(1)** that includes temporary onsite retail stands as and Agricultural Accessory Use and the **Use Review Table** under **33.XX.060** should be amended to remove the row referencing said **Temporary onsite retail stand**.

- 4) Also, **Section 33.XX.140 Additional standards for farm stays**, should be modified to remove all references to requiring individual to be performing agricultural work on site, as this is a definition of an employee and therefor trying to regulate seasonal employee housing that is currently allowed outright in the definition of Agriculture in 33.03.010(7) and is regulated by Washington State.

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:

Agricultural Goods: This should include not only the raw agricultural products but the numerous products that are typically made and sold on the farm that contain a component of the agricultural production of the farms such as lavender stem, bud or oil that make the product unique to the farms for the agritourist. This would include juices, and essence or other components made or produced from the agricultural products grown on the farm such as carrot juice or berry jams.

Temporary On-site Retail Stands: This definition should be guided by the current wording in Section 33.XX.070 (1)a. & b.

I did not have time to look for other specific definitions that might be beneficial and or necessary to clearly and easily implement the desired intent of this code section for not only guidance of planning staff but for understanding of the applicants.

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

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

It is also necessary to address how the term parcel is used throughout this zoning code. It is not defined under Zoning definitions, but common interpretation may cause focus on a single parcel as a land unit as defined having an assessor parcel number assigned. Since many if

not most of the small and medium farms that are pursuing the Agricultural Accessory Use provisions of this code amendment consist of more than a single accessor parcel, the use of parcel to define minimum areas needed for certain uses and review purposes, it might be better to change the term parcel as used throughout this Chapter to something like "farm site". Then define what that aggregate farm site might consist of relative to common ownership or binding farm agreement such that multiple adjacent parcels might together be considered a single "farm site" for the purpose of this Chapters analysis and criteria. Wording could be included that any change to the ownership of parcels within a farm site could cause the farm site to lose its Certificate of Compliance and need to reapply for that compliance certificate if possible or terminate the type of uses that no longer are allowed with the change in farm site area.

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

Paragraph (3) Onsite retail greenhouses –

This description 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 (X) in this and other related additional standards below for Onsite wholesale greenhouses.

Paragraph (7) Guided tours of the agricultural operations of groups of 20 persons or less.

First, the 20-person size of the group would be unnecessarily restrictive for farm tours. As an example, for an elementary school class that could have 30 or more in the group when students, faculty and support staff are included. Suggest a higher limit of less than 50 or the occupancy capacity of the building whichever is less would be more appropriate criteria. Also, it should be clarified that the restrictions on size of guided tours is for groups accessing inside buildings or viewing farm equipment and not groups being toured through the farm fields.

Paragraph (10) Agricultural Education/Classes.

This paragraph topic should be added as an allowed AAU.

Visitors are often interested in learning more about the specifics of the agricultural activities at the farm and are willing to pay to attend a class where they can be given specific instruction or education on some of the specific agriculture. This might include classes or instruction on lavender oil distillation, how to harvest and maintain lavender plants, how to make products using lavender and numerous other activities and might be limited to classes less than 50. This could include presentations to school classes on site. This type of activity for most farm site sizes possibly with limited sizes for the

smaller farm sites less than 3 acres. The inclusion of this type of activity under the current Paragraph (9) could be too restrictive requiring conditional use permits for parcels less than 10 acres.

Paragraph (11) Agricultural Product Sampling/Tasting Facilities.

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 over a significant area that you establish here (i.e. 5000 square feet or ?). Also recommend the end of the last sentence be amended from “...one acre of land to nonagricultural uses.” To “...one acre of land to Agricultural Accessory Uses.” This will clarify that other nonagricultural uses such as residential uses and ancillary agricultural uses are not included in this one acre limit on the AAUs.

Paragraph (5) Landscaping.

This section should 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. See paragraph 3) above.

Change the second line of the table to read “Size of Farm Site” in place of “Size of Parcel”

Change heading for second column in table to “2.99 Acres or Less” in order to include the 2.99 acre parcel in at least one of the columns.

(The above two changes must also be made to each of the similar table sections in each of the “additional standards” in the following Sections 33.XX.070 through 33.XX.150.)

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. See paragraph 3) above. This section will be completely eliminated.

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

Paragraph (1)a., at the end of the paragraph includes a reference to the International Commercial Code that likely was meant to refer to the Washington State Fire Code or Building Code.

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

Paragraph (1)a., at the end of the paragraph includes a reference to the International Commercial Code that likely was meant to refer to the Building Code.

33.XX.0XX Additional Standards for Onsite Wholesale Greenhouses.

This section would explicitly state that these standards would not apply to all properties zoned to allow commercial greenhouses outright. This Section would be a new Agricultural Accessory Use allowed per the discussion in **33.XX.040(3)** above that would allow for the use of wholesale greenhouses on the parcels zoned for Agriculture but only include the few that are currently not zoned to allow wholesale greenhouses outright. This limitation technically restricts even the smallest of a greenhouse from the property if it is used for anything other than personal use. A small farm site that raises any plants for sale in a retail store, or wholesale regardless of size of the greenhouse, in those few limited zones that this unique restriction exists would not be allowed. This Section would allow non-retail ("retail" as interpreted being sales to the public from within the greenhouse requiring special building permit approval) from the "wholesale" greenhouse from within those few rural zones allowing agricultural uses but not allowing wholesale greenhouses for those farm sites that qualify for Agricultural Accessory Uses under this Chapter. This Section would include subsection (1) Additional Performance Standards that might possibly include a maximum greenhouse size restriction based upon the total size of the "farm site" to keep very large wholesale greenhouse operations from the small "farm sites", and would restrict any public access of the greenhouse. Consider 3 acres and less – 2,500 sq. ft., 3-4.99 Acres – 5,000 sq. ft., 5-9.99 Acres 9,000 sq. ft., 10-19.99 Acres – 20,000 sq. ft., and 20 Acres or greater – 40,000 sq. ft. But these performance standards would not include requirements similar to a. through e. of 33.XX.090

above related to restrictions due to public access of the greenhouse. These restrictions would not be applicable to non-public access wholesale greenhouses.

Since the use of the greenhouse would typically not generate any significant vehicle traffic, or other activities not related to typical agricultural uses on the sites, as long as the size of the facility limits set as discussed above, the uses should be allowed with the least possible level of review with possibly a Certificate of Compliance for "farm sites" 3 acres and less and Allowed Outright for all other "farm site" sizes.

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

No additional comments.

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

Paragraph (1)b. refers to adequate parking for the "retail store". This should likely be referring to the "farmers market".

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

Paragraph (1)a. Parking: refers to "adequate parking for the retail store." This should read "for the U-pick field patrons." The reference to the ADA accessible parking should refer to as necessary to access the associated Retail Store or Retail Farm Stand. ADA access to all areas of the farm field U-pick area should not be a requirement.

33.XX.130 Additional Standards for Farm Tours.

Paragraph (1)a. Size of Groups: should be changed from "...smaller than 21 individuals..." to "...smaller than 50 individuals..."

Paragraph (1)b. Parking: again, refers to "adequate parking for the retail store." This should read "for the Farm Tour patrons." The reference to the ADA accessible parking should refer to access as necessary to access the associated tour buildings.

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 3-4.99 Acre and the 5-9.99 Acre "farm sites" to include Farm Stays with the simpler Certificate of Compliance. The 3 Acre or Less "farm site" parcel should also be allowed to have Farm Stays with a Conditional Use Permit.

Paragraph b. should be renumbered (1);

Paragraph (1)b. Limitations: The first sentence "Farm Stays shall be limited to individuals or groups where at least one individual is performing agricultural work onsite." must be eliminated as stated in paragraph 2) at the beginning of this letter.

Paragraph (1)c. Number of Sites: The limited number of sites appears much too restrictive. A number allowing 1 site per acre with the maximum being 10 sites for the larger “farm sites” without a Conditional Use Permit.

Paragraph (1)d. Parking: This paragraph again, refers to “adequate parking for the retail store.” It is recommended that this entire paragraph be amended to better reflect what and how the access is being used. A suggested wording could be as follows: “A minimum of one parking space shall be provided for each Farm Stay site. In addition, at least one ADA parking space shall be provided with a readily accessible path to an ADA accessible Farm Stay site. If more than 10 sites are provided through a Conditional Use Permit, additional ADA parking and ADA accessible Farm Stay sites may be required based upon typical national ADA lodging requirement ratios.”

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

Paragraph (1)a. Frequency: The paragraph ends with the sentence “This number may be increased through the issuance of a Conditional Use Permit when all other standards are met.” The last part of the sentence “when all other standards to be met” is contrary to a Conditional Use Permit which is the process that allows modifications to the various typical standards within the zoning code. The Conditional Use Permit process stands on its own and this should be removed from the end of the last sentence.

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 also may be interpreted to apply to such things as a Festival Permit of a group of farms including smaller “farm sites” that would then require a Conditional Use Permit since they may be below the 10-acre minimum to only require Certificate of Compliance.

It is recommended that the category of “Other Farm-Related Outdoor Activities” be moved to a 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

Emery, Bruce

From: Web_DCDAAdmin
Sent: Wednesday, January 17, 2024 8:32 AM
To: @Commissioners; Emery, Bruce; Fleming, Holden; Clark, Donella
Subject: FW: Online Form Submission #3956 for Contact the Planning Commission

Please see comments below submitted on-line.

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

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From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, January 16, 2024 11:18 PM
To: Web_DCDAAdmin <web_dcdadmin@clallamcountywa.gov>
Subject: Online Form Submission #3956 for Contact the Planning Commission

Contact the Planning Commission

First Name	David
Last Name	Herbelin
Email	davidherbelin@gmail.com
Phone Number	3103518876
Subject	Agricultural Accessory Use Code
Comments/Questions	January 16th, 2024

Re: Clallam County Agricultural Agricultural Use Code

To the Clallam County Commissioners and those involved in the Agricultural Use Amendment Process,

Having reviewed the current draft of the Agricultural Accessory Use Code, it seems like the comments I shared in my January

4th, 2024 email may have not been heard or addressed. I would like to readdress one major sticking point I have with the draft and provide personal examples to the problem outlined.

Conditional use permits for farms 2.99 acres or less
As outlined in the current draft, and highlighted in the Agricultural Accessory Use Review Chart, farms 2.99 acres or less are required to apply for a conditional use permit for onsite retail stores, onsite retail greenhouses, agricultural processing facilities, farmers markets, and outdoor activities such as corn mazes, tractor rides, etc. This restriction on small farms only, places the largest burden on those who can least afford it, are unjustified and discriminatory, and places restrictions that make small farming impractical.

Unfair Financial Burden

Farms 2.99 acres and smaller have the least amount of room to grow product and therefore are subject to a smaller revenue stream from direct agriculture production than the larger farms outlined in the proposal. However, these smaller farms are being subject to the most expensive route to compliance by being forced to apply and pay all fees associated with acquiring a conditional use permit. Meanwhile the larger farms with more robust revenue streams have little to no financial burden placed on them through permit applications as they are allowed to operate with a certificate of compliance.

Unjustified Discrimination

It was stated at the last meeting by county representatives that smaller farms may potentially have a larger negative impact on surrounding neighbors if they take negative actions, which is why the decision to require 2.99 and under acreage farms to apply for conditional use permits was made. This argument assumes farmers with smaller parcels may employ negative practices, that smaller parcels are surrounded by more smaller parcels, and that farmed parcels are considered a negative impact on communities as opposed to a positive increase in value and quality of living. A farm of any size may be operated in a negative manner. Larger farms with a large diameter property line are more apt to have more neighbors as housing tracks are not required to be adjacent to smaller lots. And many move to the Olympic Peninsula to enjoy a rural living making properties next to farms more attractive to buyers. The difference between large farms and smaller ones is that larger farms are more likely to use heavy machinery creating noise

pollution as well as air pollution. But in the code, larger farms can go forward with their accessory uses with a certificate of compliance while smaller farms with smaller impacts can only go forward if approved through a costly conditional use permit application.

Impractical Restrictions

Agriculture, and specifically agritourism which is the main driver for the agricultural accessory use amendment, can only have a profitable existence if it utilizes the practices currently listed as conditional use only for farms under 2.99 acres. The most egregious restriction is that of agricultural processing. If a farm is not able to process their product for consumption then there is little a farm can do. Processing includes harvesting, cleaning, and packaging. Under the current restriction, unless a small farm has a conditional use permit, then they are required to let their product rot unharvested or face a fine for noncompliance. For most of these farms processing happens in the barn on property. These barns are also the location to sell products. However, the current restriction does not allow this unless a conditional use permit is acquired. In an agritourism market, the joy for the customer is interacting with the farm which equates to outdoor activities. However, this too is restricted without a conditional use permit. Barring a farm from processing, selling, or interacting with its product restricts it to a point of being an impractical venture. The farm is no longer a revenue stream for families to supplement their income, but instead an oversized garden with little use.

Personal Example

Our farm, Old Barn Lavender Company, is on 2.61 acres and is subject to the restrictions and county assumptions outlined above. To our west is a 1 acre PUD substation. To our south is a large 40 acre lot farmed for hay and owned by Sequim Community Church. To our east are two residential homes. And to our north are four residential neighbors that share our back fence. Our property has a total of six residential neighbors. However, B&B Lavender Farm, which qualifies as one of the largest farms and not required to apply for a conditional use permit, has eight neighbors. Meanwhile Purple Haze Lavender Farm, which covers several acres, has eleven neighbors to their west alone (part of a 55 unit housing track) with a total of at least 20 direct neighbors. This is a clear example of how smaller farms are not necessarily surrounded by more neighbors nor subject to more potential complaints.

Our Recommendation

My recommendation is to treat all farms equally. No evidence has been provided that small parcel farms are subject to more complaints than a larger parcel farm. But the current proposal jumps to this conclusion and prejudices smaller farms prior to complaints being levied, penalizes the farm with permit fees, and places them immediately under investigation through the permit application process. The County to date has held a complaint based system of regulation. The current proposal extends this same policy to all but the smallest of farms. If a larger farm is allowed to operate its accessory uses via a certificate of compliance, then a small farm should hold the same right. I recommend erasing the parcel size classifications in the proposal and allowing all farms to go forward with certificates of compliance. Once a series of official complaints are issued on a farm, the County can then investigate the farm to ensure it follows the processes outlined in the certificate of compliance or face fines or closure. This is the process for larger farms and should hold true for smaller farms as well as opposed to the current proposal which discriminates, penalizes, and unfairly restricts the smallest farms.

Thank you for your time in this matter.

Sincerely,
David Herbelin
Old Barn Lavender Company
9785 Old Olympic Hwy.
Sequim, WA 98382

Please Note

This form is not for emergencies. If you have an emergency, please phone 911.

Email not displaying correctly? [View it in your browser.](#)

Fleming, Holden

From: Marianne Condruk <mcondrup@olympicoutpost.com>
Sent: Tuesday, January 16, 2024 6:19 PM
To: Fleming, Holden
Subject: Re: Planning Commission Regarding Ag. Accessory Uses 1/17

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

Hi Holden,

Thank you for sending the draft over, and thank you for all the work you've done with such a short turnaround in this entire process. It is impressive and much appreciated.

I'm slightly confused by some of the language, to the point where I'm wondering if there might be some typos?

- **Additional Performance Standards: Farm Stays**
 - "a group shall be larger than 6 individuals" - is this supposed to be "no larger than" or is it in fact a requirement that farm stay groups have to be larger than 6 people?
- **Additional Performance Standards: Parking.**
 - The parking paragraph refers to "adequate parking for the Retail Store", for each section, even if the section talks about U-pick, Farmers Market, Greenhouse or Farm tour/Farm stay. Unintended copy/paste?

Thanks for clarification on this if possible.

Cheers,

Marianne Condruk

--

Marianne Condruk
Founder, Olympic Outpost LLC

E-mail: mcondrup@olympicoutpost.com
Cell: 831.601.5869
Web: www.instagram.com/olympicoutpost

On 1/16/2024 9:54 AM, Fleming, Holden wrote:

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. This email is to inform you that a Planning Commission meeting to discuss Clallam County Agricultural Accessory Uses has been scheduled for January 17th, at 6 PM in the Clallam County Courthouse (223 E 4th St. Port Angeles).

There will be two opportunities to provide public comment at this meeting. Copies of the most recent version of the draft code are available at <https://clallamcountywa.gov/DocumentCenter/View/15599/DRAFT-AG-ACCESSORY-CODE-1-12-24> and a copy of the Planning Commission Packet can be found at [Agenda Center • Clallam County, WA • CivicEngage \(clallamcountywa.gov\)](#)

Fleming, Holden

From: Judy Ann Peterson <japeterson55@gmail.com>
Sent: Tuesday, January 16, 2024 8:29 PM
To: Fleming, Holden
Subject: Re: Planning Commission Regarding Ag. Accessory Uses 1/17

We just received this email today, January 15th. Am I missing something or did this email get sent out much too late.
Judy Ann Williams

Sent from my iPhone

On Jan 16, 2024, at 9:55 AM, Fleming, Holden <Holden.Fleming@clallamcountywa.gov> wrote:

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. This email is to inform you that a Planning Commission meeting to discuss Clallam County Agricultural Accessory Uses has been scheduled for January 17th, at 6 PM in the Clallam County Courthouse (223 E 4th St. Port Angeles).

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If you have any additional questions or comments, please feel free to reach out me.

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: Fleming, Holden
Sent: Tuesday, January 2, 2024 12:20 PM
To: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>
Subject: Planning Commission Regarding Ag. Accessory Uses 1/3

LETTER OF TRANSMITTAL

To: Clallam County Board of Commissioners

From: Clallam County Planning Commission

Subject: Transmittal to BOCC: Findings and Conclusions regarding proposed Comprehensive Plan and Zoning Map Application REZ2023-00001, Dennis and Karen Yakovich

Dear Commissioners:

The Clallam County Planning Commission has completed its review and public hearing on the proposed Type C Application to amend the Clallam County Comprehensive Plan and Zoning Map and recommends denial of the proposal. The Planning Commission completed its review and approved its final recommendations to forward to the BOCC at its meeting of February 7, 2024. As Chairman of the Clallam County Planning Commission, having first received the authorization of the Commission, I am transmitting herewith the findings and recommendations of the Commission on this Comprehensive Plan and Zoning Map Amendment Application:

FINDINGS OF FACT:

1. The Planning Commission held a public hearing February 7, 2024, on Comprehensive Plan and Zoning Map Amendment Application No. REZ2023-00001, submitted by Steve Wirth on behalf of Dennis and Karen Yakovich, to amend the Clallam County Zoning Code, Title 33 CCC, to change parcel 093132-120000 from the current Commercial Forest (CF) designation to Commercial Forest Mixed-5 (CFM5).
2. The property is an undeveloped 38.19 acre property located west of the Joyce Urban Growth Area, south of Highway 101, identified as parcel number 093132-120000.
3. In 1995, the County adopted final Commercial Forest (CF) comprehensive plan land use and zoning designations. The subject property was owned by a timber company at the time of the CF zoning designation, whereas the surrounding privately owned properties were designated CFM5.
4. The required showing for comprehensive plan and zoning map amendments must demonstrate consistency with all of the criteria contained at CCC 33.35.090 in the Zoning Code, and at CCC 31.08.370 in the Comprehensive Plan.
5. The state Growth Management Act (GMA) enacted in 1990 supports maintaining and enhancing productive timberlands and discouraging incompatible land uses RCW 36.70A.020 (8).
6. The Countywide Comprehensive Plan Policy CCC 31.02.140(23) states that:

"Land designated as Commercial Forest shall remain in this classification unless a strong case can be made that the zoning could be changed without affecting

the commercial viability of the surrounding forest land. Zone change applications shall meet one of the following criteria:

- a. An error was made in application of the criteria establishing the zone; or
- b. The Board of County Commissioners after giving careful consideration to the value of the resource to the community finds that commercial forestry cannot generate a reasonable return on investment when compared to other forested properties and that growth could not be directed to other non-forested rural lands in the same vicinity." CCC 31.02.140(23)

7. The Staff report presented with this case states that the parcel does not meet all criteria for designation of Commercial Forest zone, but was rightfully designated because of the ownership of the property by a timber company at the time the CF and CFM5 zones were designated in the area. Since the timber company sold the parcel to an individual owner the conditions of the original designation have been altered.
8. The subject property borders State lands to the south and west and privately owned properties zoned CFM5 to the east and north. The property to the north is a 33.23 acre parcel with a residential component and the property to the east is an 18.53 acre parcel with a single-family residence. Rezones must be evaluated with respect to application to other similarly situated properties. The subject property borders State lands to the south and west that are zoned CF and CFM5 zoning of the privately owned residentially developed parcels to the north and east.
9. With the large amount of State owned lands west of Joyce, there are limited areas for residential development. The Comprehensive Plan acknowledges that parcels less than 80 acres can realize long-term timber production, but would likely require a residential development component [CCC 31.02.130 (4); CCC 31.02.140 (12)].
10. The Zoning Code is to "direct the future growth and development of the County consistent with the Comprehensive Plan"; and "implement the goals and policies of the Comprehensive Plan in a manner which protects private property rights and is the least intrusive manner possible."
11. An evaluation of the cumulative effects of a decision to approve or deny a particular application must consider whether the rationale for the decision would be sustainable and consistent with adopted policies and standards if applied to similarly situated properties across the County.
12. The Planning Commission voted 3-2 with one abstention to recommend denial of the application. Commissioners on the side of approval deemed the application appropriate and consistent with the surrounding neighborhood. Those who voted for denial did so in the interest of continuing forest land and preserving this property as a transitional land from residential to the larger timber lands also in the CF zone.

Because of the above-described facts and findings, and attachments hereto, the Commission adopts and transmits the following conclusion to the Clallam County Board of Commissioners.

CONCLUSION: The required showing for map amendments to the comprehensive plan and zoning land use and zoning map designations did not meet all of the criteria contained at CCC 33.35.090 in the Zoning Code, and at CCC 31.08.370 in the Comprehensive Plan.

Now therefore in light of the above Findings of Fact, the Clallam County Planning Commission concludes that the proposed revisions to the Clallam County Comprehensive Plan and associated development and zoning regulations, and mapping changes, recommended for denial to the BOCC and as Chair of the Commission, has directed me as its duly authorized agent to transmit this recommendation to the BOCC on the above-inscribed date.

Steve Gale, Chair

Date

LETTER OF TRANSMITTAL

To: Clallam County Board of Commissioners

From: Clallam County Planning Commission

Subject: Transmittal to BOCC: Findings and Conclusions regarding proposed Comprehensive Plan and Zoning Map Application REZ2023-00002, Fire District #3

Dear Commissioners:

The Clallam County Planning Commission has completed its review and public hearing on the proposed Type C Application to amend the Clallam County Comprehensive Plan and Zoning Map and recommends approval of the proposal. The Planning Commission completed its review and approved its final recommendations to forward to the BOCC at its meeting of February 7, 2024. As Chairman of the Clallam County Planning Commission, having first received the authorization of the Commission, I am transmitting herewith the findings and recommendations of the Commission on this Comprehensive Plan and Zoning Map Amendment Application:

FINDINGS OF FACT:

1. The Planning Commission held a public hearing February 7, 2024, on Comprehensive Plan and Zoning Map Amendment Application No. REZ2023-00002, submitted by Fire District #3, to amend the Clallam County Zoning Code, Title 33 CCC, to change parcel 053014-240050 from the current Public (P) designation to Rural Character Conservation-3 (RCC3).
2. The property is an undeveloped 5.19 acres located north of Sieberts Creek, and was designated Public (P) in 2012 when the Fire District purchased the property with the intent of building a Fire Station. The Fire District has changed their plans and intends to sell the property.
3. The required showing for comprehensive plan and zoning map amendments must demonstrate consistency with all of the criteria contained at CCC 33.35.090 in the Zoning Code, and at CCC 31.08.370 in the Comprehensive Plan.
4. The County Comprehensive Plan establishes goals and policies associated with Public Facilities and Rural lands within the Port Angeles Regional Planning Area 31.04, Public Utilities, Facilities, and Services 31.02.285, Rural land-Inventory and analysis 31.04.220, Rural and resource land use designations, purpose and designation criteria 31.04.225, Rural land-Policies 31.04.230, Fairview neighborhood 31.04.400. Rural lands are defined by what they are not, and the subject property is not designated for urban growth, it has not been designated by its resources, and it does not meet the criteria as a public facility once the Fire District sells the property.
5. The Zoning Code is to "direct the future growth and development of the County consistent with the Comprehensive Plan"; and "implement the goals and policies of the Comprehensive Plan in a manner which protects private property rights and is the least intrusive manner possible."

6. Rezones must be evaluated with respect to its application to other similarly situated properties. The subject property is surrounded by rural residential lots ranging in size from 3 acres to 23 acres that are zoned RCC3.
7. Any further division and development of the property under the resulting NC designation would be conditioned on the proposed project meeting all application regulations, including the County's Critical Areas code, Subdivisions Code, and Environmental Health Regulations, which should adequately protect most aspects of the public health, safety and welfare.
8. The property is currently undeveloped and the Fire District is intending to sell the property, providing a reason to change the zoning for the Public (P) zone and would be consistent with the spirit and intent of the Comprehensive Plan.

Because of the above-described facts and findings, and attachments hereto, the Commission adopts and transmits the following conclusion to the Clallam County Board of Commissioners.

CONCLUSION: The required showing for map amendments to the comprehensive plan and zoning land use and zoning map designations meets all of the criteria contained at CCC 33.35.090 in the Zoning Code, and at CCC 31.08.370 in the Comprehensive Plan.

Now therefore in light of the above Findings of Fact, the Clallam County Planning Commission concludes that the proposed revisions to the Clallam County Comprehensive Plan and associated development and zoning regulations, and mapping changes, recommended for denial to the BOCC and as Chair of the Commission, has directed me as its duly authorized agent to transmit this recommendation to the BOCC on the above-inscribed date.

Steve Gale, Chair Date

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.

To Be Added

- (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) "~~a~~Agricultural pProcessing fFacilities "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.
- (3) Agricultural Work means tasks related to farming, cultivation, and production of agricultural products. These tasks include, but are not limited 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 depend 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 any type of paid accommodation on a working farm where guests partake in agricultural work, operating the farm.
- (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 structure located on a farm which is used 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
- (9) Onsite Retail Stores
- (10) Temporary Onsite Retail Stands
- (11) Tractor Rides
- (12) U-picks

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.

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) Farm stays

(9) Corn mazes, tractor rides, and other farm-dependent outdoor 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, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than ~~one acre~~ 25% of agricultural land to ~~nonagricultural accessory~~ nonagricultural accessory uses.

(5) Signs shall be compliant with CCC 33.57.

(6) *Landscaping.* A landscape buffer consistent with Chapter 33.53, CCC, shall be required along all sides of a designated parking area within 30 lineal feet of a front, side, or rear property boundary. Natural vegetation may be allowed in lieu of a landscape 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 <u>2.99</u> <u>3</u> Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
Temporary onsite retail stand	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright
Onsite retail store	Conditional Use Permit	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
Onsite retail greenhouses	Conditional Use Permit	Conditional Use Permit	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
Ag. Processing Facility	Conditional Use Permit	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
Farmers Market	Conditional Use Permit	Conditional Use Permit	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
U-Pick	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowed Outright
Farm Tours	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowed Outright
Farm Stays	Prohibited	Prohibited	Conditional use permit	Certificate of Compliance	Certificate of Compliance
Corn mazes, tractor rides, etc.	Conditional Use Permit	Conditional Use Permit	Conditional use permit	Certificate of Compliance	Certificate of Compliance

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 subject to the following requirements:

Temporary Onsite Retail Stands					
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	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 200 sq. ft. and 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 shall be subject to the following requirements:

Onsite Retail Stores					
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	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance

(1) Additional Performance Standards

- a. *Structure:* Farms are limited to one Onsite Retail Store that ~~must shall~~ be no larger than 1000 sq. ft. ~~of total space, including all storage areas, and T~~the owner is responsible for obtaining a ~~building permit from n 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~~**Commercial** Code.
- b. *Product:* 75% of all products retailed at an Onsite Retail Store must be agricultural products produced in Clallam and/or Jefferson County.
- c. *Parking:* The owner shall designate parking spaces onsite capable of providing adequate parking for 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.
- d. ~~Environmental Health Services RequirementsSewage Disposal:~~ The owner ~~shall 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. implement a sewage disposal plan meeting the minimum requirements of the Environmental Health Division.
- e. *Hours of Operation:* Operation shall be limited to between 7:00 AM and ~~sunset~~**7:00 PM**.
- e-f. *Length of Operation:* Onsite Retail Stores may only be operated between the months of May and October unless otherwise approved by a conditional use permit.

33.XX.090 Additional standards for onsite retail greenhouses.

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

Onsite Retail Greenhouses					
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	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 7:00 AM and sunset7:00 PM.
- f. *Length of Operation:* Onsite Retail Greenhouses may only be operated between the months of May and October unless otherwise approved by 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:

Onsite Agricultural Processing						
		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	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance

(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 a building permit from 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 sunset~~7:00 PM~~.

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

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

Farmers' Markets					
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
	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.~~
- e. *Hours of Operation:* Operation shall be limited to between 7:00 AM and ~~sunset~~ 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					
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	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.~~
- c. *Hours of Operation:* Operation shall be limited to between 7:00 AM and ~~sunset~~ 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					
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	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowed Outright

(1) Additional Performance Standards

- a. *Size of Groups:* All groups involved in a farm tour must be ~~smaller than 21 individuals and must be~~ guided by a designated farm employee.
- 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. *Hours of Operation:* Operation shall be limited to between the hours of 7:00 AM and ~~sunset~~7:00 PM.

33.XX.140 Additional standards for farm stays.

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

Farm Stays					
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	Prohibited	Prohibited	Conditional Use Permit	Certificate of Compliance	Allowed Outright

- b. Additional Performance Standards
 - a. *Structures:* Permanent structures and/or recreational vehicles shall not be allowed for use as farm stays.
 - 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 5 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 ~~farm 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 activities.

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

Corn Mazes, Tractor Rides, and Other Farm-Related Outdoor 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 Permit	Conditional Use Permit	Conditional Use Permit	Conditional Use Permit	Certificate of Compliance	Certificate of 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. 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 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. *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.~~

Public and Agency Comments

Fleming, Holden

From: Warren, Annette
Sent: Tuesday, February 6, 2024 1:48 PM
To: Fleming, Holden
Cc: Emery, Bruce; Clark, Donella; Garcelon, Jennifer; Pankey, Jessica; Reed, Janine; Owens, Eli; Kindall, Abbey; Bailey, George
Subject: Building Division requirements for Farm Retail Uses

Holden,

I submit the following information to address the Building Division stance on Retail Farm Occupancies.

We need to define the area of the 1000 sf retail space to include the associated storage area of product in the total square footage of the allowed space. Otherwise, we are looking at additional building code requirements for the separate storage space that additionally takes away areas within the building for the actual farm use.

The only way for the Building Department to look at these types of uses is strictly by the building code. As you know, building codes change every three years (sometimes less) and codes are updated with the trends of building uses. I do not want to pidgeon hole the county into a corner with arbitrary decisions on how to address the retail uses as they present themselves. Following the intent of the code will keep decisions consistent.

We have three scenarios that I have identified below that encompass building code requirements for retail stores.

1. Large structures – Buildings with total area over 1600 sf
 - a) The proposed structure must have been originally constructed under a building permit issued and inspected by the county for Risk Category II structures in accordance with building codes in existence at the time of construction. If the structure was built prior to Clallam County Building Department existence (1976) then an engineer licensed in the State of Washington shall perform an analysis of the existing structure for structural integrity as a Risk Category II structure. Any corrections/modifications shall be depicted on a set of construction drawings and a building permit obtained.
 - b) A “Change of Use” must be obtained for the proposed use as a retail store unless the retail store is being built as a new structure.
 - c) To separate the retail space (1000 sf max including retail storage areas) from the remainder of the building will require a two-hour fire separation wall from foundation to roof sheathing or the building shall be provided with an NFPA fire sprinkler system.
 - d) The building designer for the Change of Use shall address building code requirements for a retail store (M Occupancy group) as well as means of egress, accessibility, and energy codes as applicable.
 - e) A Conditional Use Permit shall be required to limit the retail store use to 180 days or less to allow the use of a sani-cans for sewage disposal. If the store is allowed to be used for more than 180 days a permanent restroom facility will be required.
2. Medium Structures – Buildings between 1001 sf and 1600 sf
 - a) The proposed structure must have been originally constructed under a building permit issued and inspected by the county for Risk Category II structures in accordance with building codes in existence at the time of construction. If the structure was built prior to Clallam County Building Department existence (1976) then an engineer licensed in the State of Washington shall perform an analysis of the existing structure for structural integrity as a Risk Category II structure. Any corrections/modifications shall be depicted on a set of construction drawings and a building permit obtained.

Fleming, Holden

From: butlert@olypen.com
Sent: Monday, February 12, 2024 11:04 AM
To: Fleming, Holden; Clark, Donella; Emery, Bruce
Subject: Ag Access Uses

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

Good morning Donella, Holden, and Bruce<

I am absolutely in favor of supporting small agriculture. Carefully.

Some of my thoughts on agricultural accessory uses, in no particular order:

In general:

1. **False Sense of Urgency** is a form of the False Dilemma logical fallacy. The farmers are making a lot of noise, but anyone who has parented a toddler knows that volume does not equal crisis. The farmers want us to think this year is something different, that there is a new crisis, but we should not fall prey to this cornerstone of modern marketing. Decisions made here will have far-reaching and lasting consequences, and we should not hurry.
2. **It's pretty obvious we aren't giving the non-farming residents of Clallam County due diligence.** The vast majority of the county's population will not be producing any lavender or small-scale vegetables, but will be living next to or down the road from the expanded array of activities accompanying these operations. The county's obligations are distributed equally among *all* the county residents, and not to be weighted in favor of those with more land, money, or volume.
3. **Five acres and a pair of bib overalls does not a farmer make.** Rural land that has been divided into smaller parcels of one to twenty acres isn't really rural anymore. It's not exactly a suburban neighborhood either, but something in between. Issues of noise, light, traffic, critical area buffers, etc. need to be reconsidered in light of this fact.
4. **Recreating the wheel.** Why the departure from the format followed by the other counties? What is the advantage of our radically different format and having most of the requirements tied to acreage?
5. **Accessory Uses and Density.** We haven't touched on the number of parcels per unit area. What happens to traffic if half the small "farms" in a particular area decide to enter the Ag Accessory/Agrotourism business? What happens to rural character when aggregate traffic densities dictate multiple lanes and traffic lights, etc.? For example: 33.XX.110 states "No more than 2 farmers market events shall be hosted per week." That allows over a hundred events per year. Is that per "farm"? Add in farmstays, and many formerly sleepy roads will become busy thoroughfares.(See item 2) and require significant upgrading. A single traffic signal costs about \$500,000 to install. How many lavender tourists does that require?
6. An over-reliance on the **Conditional Use Permit and Certificate of Compliance**, both of which are much more open to interpretation than the more specific formatting of the other counties.

All the best,

Fleming, Holden

From: warrenbillups@gmail.com
Sent: Tuesday, February 13, 2024 11:31 PM
To: Fleming, Holden; Emery, Bruce; Clark, Donella
Subject: 2-21-24 Planning Commission Public Comment PDF
Attachments: 2-21-24 PC Public Comment from Warren Billups.pdf

Some people who received this message don't often get email from warrenbillups@gmail.com. [Learn why this is important](#)

Hi all,

Please see the attached PDF with my written public comment that should be made available to the commissioners in their agenda packet for the 2-21-24 Planning Commission meeting.

Thanks,
Warren Billups

Hello members of the Planning Commission,

After relistening to the discussions and comments from the previous two Planning Commission (PC) work sessions regarding the agricultural accessory use amendment, I believe there continues to be a many fundamental misunderstandings with respect to the existing Clallam County Code (CCC), Revised Code of Washington (RCW), and the precedence established by the myriad of Washington counties that have already addressed these uses in their zoning code. Unfortunately, the Clallam County Department of Community Development (DCD) has already let over 18 years and 2 Comprehensive Plan (CP) review cycles go by without creating performance standards for these allowed uses. The silver lining of this lingering problem is that there is now no need to ease into creating these performance standards with a relatively limited, short-term solution to “road test” these uses because we already have the benefit of looking at how they have performed in other Washington counties since the state codified its support of agricultural accessory uses decades ago. I hope that the following additional context will help to create a clearer picture of what this amendment can and should include because the CP and the citizens of Clallam County have been quite clear with their intent and desires.

The DCD has chosen to add performance standards for agricultural accessory uses to the zoning code in Title 33 using a Type B amendment. Type B amendments are for clarifying, revising, and adopting new development standards that are consistent with and implement the CP. - (see page 3) Since 2006, the CP has been filled with policies, objectives, and goals for attracting and supporting entrepreneurs throughout the county with a significant amount of attention paid specifically to agricultural activities and their accessory uses. - (see pages 4-11) In addition to acknowledging the environmental, economic, and local food security benefits provided by agriculture and its accessory uses, the CP states the need to adopt Washington’s new (circa 2006) vision of agriculture with a direct quote the agricultural accessory use definition in RCW 36.70A.177(3)(b)(i) and cites agricultural uses as an example in its definition of “rural character” while also explicitly saying they are not considered “rural development.”

At last week’s PC meeting, the DCD said that they consult Black’s Law Dictionary for definitions not included in the CCC when interpreting code. There are 5 titles in the CCC, including the CP and Zoning Titles, that clearly mandate the use of Webster’s New Collegiate Dictionary with no mention of Black’s Law Dictionary in any title. (see page 12) After consulting the appropriate dictionary identified by the CCC, it is important to note the near identical definitions for the terms “accessory” and “ancillary” as well as the difference between the definitions of “associated” and “primarily,” “devote,” or “solely.” I have attached a list of additional key words that are essential to this discussion and/or not defined in the CCC. - (see pages 13-17)

The DCD also expressed doubt about its understanding of its regulatory power when it comes to agricultural accessory uses and the use of language like “allowed outright” in this amendment. In at least 4 separate places, the CP refers to agricultural activities and on-farm enterprises as allowed uses. - (see pages 18-19) Compared to definitions for “commercial,” “industrial,” “retail,” “storage,” and “tourist shop” uses, which use words like “primarily,” “devoted,” and “solely,” there is a distinct change in word choice when defining “agriculture,” which includes both “ancillary activities” and “activities associated with the raising and harvesting of crops and livestock.” - (see pages 20-21) Washington’s Right to Farm statutes label any agricultural activity that occurs on a farm in connection with the commercial production of farm products and that follows all applicable laws addressing public health and safety as reasonable and not a nuisance. This protection is pointedly extended to prohibit restrictions on days and hours of operation for these uses. - (see pages 22-23) I do not recall ever coming across any generally applied restrictions on the hours of operation for agricultural accessory uses in my research. However, Jefferson County goes as far as allowing an exemption for the hours of operation of kennels for working

dogs on farms that otherwise restrict kennels located elsewhere in the county to keep their animals inside between 10:00 p.m. and 7:00 a.m. when without an attendant (JCC 18.20.030(2)(b)(v)(C)).

The categorical exclusion of breweries, distilleries, and wineries from the term “agricultural processing facility” when they are located on farms is not in alignment with the CP and RCW plus contrary to the examples of agricultural accessory use code from other Washington counties supplied to you by the DCD. The DCD has claimed that “breweries and such are not clearly identified in our Comprehensive Plan, and they are of a nature that would require an amendment to the Comprehensive Plan,” however, the CP does include wineries in its 2006 inventory of farms because wine is an agricultural product. This classification is consistent with the Washington State Department of Agriculture which also classifies beer and distilled spirits as agricultural products. There are many examples in the current CP that acknowledge the benefits of agricultural processing uses and express the need for additional support from the county to facilitate growth and stability in Clallam’s agricultural economy. Many years ago, the Washington State Legislature declared that breweries are an important segment of Washington agriculture and improve the tax bases of local communities where agricultural land and processing facilities are located and reduce the need for state and federal funding of local services. - (see pages 24-25) The RCW defines “food” as a substance used for food or drink by a person, and “food processing” as any handling, processing, or preparing food in any manner that will be sold for human consumption. Since the term “agricultural processing” obviously includes the processing of agricultural products sold for human consumption, as well as nonconsumables, when used at both the state and county level in Washington, it must also include breweries, distilleries, and wineries here in Clallam County. - (see page 26)

I appreciate your time and consideration of these issues and look forward to the continued discussion and eventual completion of this amendment. Clallam County deserves an amendment that does not stop short of addressing all the uses typically included in agricultural accessory use code found in other Washington counties and that is scalable to suit the diversity of its regional planning areas.

Respectfully,
Warren Billups

Port Angeles, WA

Clallam County Zoning Code Amendments

CCC 33.35.015: ZONING - AMENDMENTS - Types of Amendments.

(2) Type B revisions to the development standards or other provisions of this title that do not require a change to the comprehensive plan, including the official comprehensive plan and zoning map, shall be considered a Type B amendment. Type B amendments include correcting errors, clarifying or revising development standards, and adopting new development standards that are consistent with and implement the comprehensive plan. Type B amendments may be initiated at any time and by only the Board of Clallam County Commissioners, Clallam County Planning Commission, or the Administrator.

CCC 33.03.010: ZONING – Definitions.

(32) “Development standards” means a set of requirements establishing parameters to be followed in site and/or building design and development.

A Selection of Applicable Clallam Comprehensive Plan Policies, Objectives, Goals, and Definitions

CCC 31.01.300: COMPREHENSIVE PLAN OVERVIEW - Overview of Plan objective.

“.... The County will support business and **industrial** development which strengthens and diversifies the economic base, creates family wage jobs, develops and operates in a manner that promotes and protects the environment and efficiently uses our natural resources. Efforts **should** be focused on small- to medium-sized industries. The County **should** continue to be **marketed** for tourism and retirement. **Infrastructure should** be in place in order to attract **industrial** and **commercial operations**. **Regulations should** be **consistent**, fair, and timely.”

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

(1) **Agriculture** in Clallam County has played a vital role in the heritage, culture, and economy of the area. The County’s temperate climate, good soils, and irrigation system provide a strong basis for **commercial agriculture**. Clallam County was once a major **producer** of a wide variety of **agricultural products** such as milk and butter, potatoes, apples, and vegetables. At its peak in 1950, Clallam County had over 75,000 acres in **agricultural production**; the current acreage is much lower.

In the 2002 USDA Census of **Agriculture**, Clallam County’s **agricultural production** was valued at \$17.8 million. This **production** value was based on 455 **farms** including 22,372 acres. (The USDA definition of **farm** being “any place from which \$1,000 or more of **agricultural products** were **produced** and sold, or normally would have been sold during the census year” (USDA 2002).) These **farms** employed 1,190 persons with a payroll of \$4.6 million.

During the period of March to September 2006, the Clallam Conservation District partnered with the County to perform an inventory of **farms** throughout the County. Conservation District personnel drove all County roads to visually inventory and characterize **farms**, using aerial photographs and parcel maps to determine parcel size. For the purpose of this inventory, land was classified as a **farm** not by value of **products produced** or sold as defined by the USDA but whether horses or livestock were present (even if at limited numbers) or whether an **agricultural product** was **produced** (hay, grain crops, wineries, **produce**, **nursery** crops, etc.). Small backyard **operations** were not inventoried unless there was evidence that they were **selling an agricultural product**. A total of 1,252 **farms** were inventoried, totaling approximately 22,224 acres: 805 **farms** had horses; 404 **farms** had livestock such as cattle, goats, pigs, sheep, and llamas; and 232 **farms produced** an **agricultural product**.

This latest inventory shows the continued decline of **farms** in Clallam County. Factors contributing to this decline include, but are not limited to:

- (a) Regions of larger scale **agriculture** with lower unit costs have developed, such as in Eastern Washington, against which Clallam County is not competitive;
- (b) Developments in transportation, storage, refrigeration, and **processing** technology **allow** remote **producers** to **service** local **markets** that small local **farms** used to dominate;

(c) Changes in USDA regulations and policies have favored large-scale industrial agriculture to the detriment of small-scale agriculture commonly found in Clallam County. For example, there is no USDA-approved slaughter and processing facility near enough to Clallam County to make marketing local beef viable;

(d) As farming has declined, so too have agricultural suppliers, processors, and other agricultural infrastructure needed to maintain a healthy agricultural industry;

(e) Global agricultural corporations have dominated agriculture and the food industry to the exclusion of areas like Clallam County;

(f) Clallam County has become a highly desirable place to retire, vacation and live, and the residential real estate market has driven farm land prices beyond the point of financial viability for most farming activities; and

(g) Effective public policies needed to support the significant change in local agricultural industry from large commercial farms to more high-value, unique agricultural products and services on smaller farms.

(4) *Family Farms, Local Food Systems, and Food Security.* The ability of an area to maintain access to enough healthy food to sustain its population through economic upheavals, natural disasters, wars, and other emergencies is referred to as food security. The concept of food security is based on sound, sustainable farms and local food systems, which have ecological, social and economic components that are in balance and that are self-renewing. Systems based on local, family farms, with access to local or regional processing and marketing of food are far more resilient to large-scale disruptions that could paralyze the international flow of food, fuel, and other resources. Maintaining at least a modicum of local family farms and agricultural infrastructure for locally produced food is critical to enhancing local food security. Additionally, locally produced and processed food can be sold to local schools and other institutions, which would further enhance the future of agriculture and food security in Clallam County.

(5)(b) *Agritourism.* Clallam County's lavender industry is another example of the market niches farmers can identify and develop to make their farms profitable and sustainable. Our lavender farmers produce a wide array of value-added lavender products and have developed an agritourism industry to complement the sales of lavender products by selling the experience of visiting lavender farms and the region through festivals, farm tours, and other events. Other types of farming can also benefit by cultivating tourists on the farm such as U-pick berry farms and corn mazes that are popular with locals as well as tourists, farm stays in which visitors pay to work on farms, and farm educational events. Agritourism also benefits other local businesses such as lodging and food service, thus multiplying its economic impact.

(6) *Changes in Local Agricultural Industry.* For farming to survive and thrive in Clallam County, how we view agriculture and how we develop local land use policies and implement development regulations needs to be continuously evaluated and updated. In the past our County policies have been driven by a view of agriculture as largely a producer of farm commodities such as milk, beef cattle, barley, hay, potatoes, or apples. These commodities were either processed locally or shipped out of the County as raw commodities. Clallam County can no longer compete in most of these markets. For farmers to succeed here they need to be innovative and entrepreneurial and to find markets that are not satisfied by the industrial agricultural and food industry. Products such as organic baby salad greens, gourmet lavender

barbecue sauce, or farmstead gouda cheese are the high-value, niche **products** that many small **farmers** are turning to in order to make a profit.

This will require enhanced capacity to perform local **processing** and increased efforts to effectively brand and **market** Clallam County **farm products**. These and other new **agricultural** opportunities can continue and expand in the County if supported by local land use policies and **regulations** that **allow farm** entrepreneurs to explore and exploit these types of **farming** niches. There are a few large, **commercial farms** left in Clallam County that have adapted to changing economic conditions, but the future of **agriculture** in Clallam County will largely be determined by operators who **produce** high-value, unique **products** and **agricultural services** on relatively small **farms**.

The need to redefine and broaden what we mean by the term “**farm**,” and in so doing develop policies and programs that support this new vision of **agriculture**, exists in many places, not just in Clallam County. 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). The State of Washington now recognizes that the needs of many **farmers** are much broader than in the past, and that small, innovative, entrepreneurial **farmers** require the ability to **sell** everything from high-dollar, value-added **products** to **farm experiences** on agritourism-oriented **farms**.

CCC 31.02.120: COUNTY-WIDE COMPREHENSIVE PLAN - Agricultural Resource Land Goals.

- (1) Clallam County **shall** work to promote a strong, economically viable and ecologically responsible **agricultural** economy.
- (2) Clallam County **should** provide incentives to encourage continued **agriculture operations** by providing property tax incentives, education and technical assistance, and the **permitting** of compatible **on-farm** enterprises subject to applicable **performance standards**.
- (3) Clallam County **shall** incorporate **right-to-farm** provisions in its **regulations**.
- (4) Clallam County **should** ensure that public actions are managed to minimize disruption of **agricultural** activity. When permanent conservation of a parcel of **farmland** is assured, utilities and transportation **should** be designed to minimize conflicts with **farming**.
- (8) Clallam County **shall** enhance the **food** security of its citizens and develop the local **farm** economy by actively supporting **producers of food** and other **agricultural products** for local consumption and supporting policies that encourage local institutions to purchase local **food**.

CCC 31.02.620: COUNTY-WIDE COMPREHENSIVE PLAN - Economic Development Goals.

- (1) Goal 1. Provide for sustainable economic growth, diversity and vitality throughout the County while maintaining a high quality of life and a healthy environment.
 - (a) Policy 1. Make continuous, concerted efforts to retain industries and to facilitate expansion of our existing **industrial** and business base.

- (b) Policy 2. Pursue strategies to attract businesses and emerging industries paying wages which diversify the economic base, exceed the County average annual wage, provide health care benefits, and offer employees upward career mobility.
- (f) Policy 6. Establish standards for home-based businesses and farm sales, which address impacts related, but not limited to air and water quality, aesthetics, noise, lighting and traffic, in order to assure compatibility with neighboring properties.
- (h) Policy 8. Advocate solutions to local industry issues in order to expand employment opportunities and revenue generation.

(5) Goal 5. Regulatory Framework. Implement Clallam County development regulation in a consistent, fair, predictable, and expeditious manner, and coordinated between governmental, business and other organizational entities.

- (a) Policy 1. Enact regulations and standards which encourage development of appropriate commercial, business and residential areas, and regularly review such regulations to enhance their consistency, predictability, timeliness and to decrease business costs.
- (c) Policy 3. Work with real estate and development interests toward common goals that are beneficial to the developer and the community.
- (i) Policy 9. Provide for administrative review of small scale and low impact commercial project where feasible, through the adoption of specific performance standards and ongoing review and updates to the use tables in each respective zoning district.

CCC 31.03.180: SEQUIM-DUNGENESS REGIONAL PLAN - Economic development – Policies.

- (8) Resource-based industries should continue to be supported, including conservation of forest and agricultural lands, and processing of raw materials.
- (9) Clallam County should ensure that land use plans and regulations provide an environment conducive to business development, consistent with economic goals and objectives and protection of the public health, safety and welfare.

CCC 31.03.220: SEQUIM-DUNGENESS REGIONAL PLAN - Agricultural land – Inventory and analysis.

- (6) Public Interest. During the regional planning process, citizens of the Sequim-Dungeness region have indicated a strong interest in conserving agricultural lands, open space and the quality of the environment. This issue has, and will continue to be, a very emotional discussion between property owners and the general public. It is unquestionable that the remaining agricultural lands in the area play a vital component in maintaining the rural character of the Valley. However, the interest of the general public over the interest of the private property owner must be carefully considered. This plan cannot diminish the goal to protect property rights.
- (7) Conservation Alternatives. Conservation of agricultural lands could be accomplished through several alternatives:
 - Public acquisition or transfer of development rights; and/or

- Regulation of property, restricting land to agricultural uses or cluster developments; and/or
- Incentives, such as taxes, flexible zoning techniques, technical assistance.

CCC 31.04.135: PORT ANGELES REGIONAL PLAN - Economic development – Policies.

(14) Resource-based industries should continue to be supported, including conservation of forest and agricultural lands, and processing of raw materials.

(15) Clallam County should ensure that land use plans and regulations provide an environment conducive to business development, consistent with economic goals and objectives and protection of the public health, safety and welfare.

CCC 31.04.200: PORT ANGELES REGIONAL PLAN - Agricultural land – Inventory and analysis.

(5) Public Interest. During the regional planning process, citizens of the Port Angeles region have indicated a strong interest in conserving agricultural lands, open space and the quality of the environment. This issue has and will continue to be a very emotional discussion between property owners and the general public. It is unquestionable that the remaining agricultural lands in the area play a vital component in maintaining rural character. However, the interest of the general public over the interest of the private property owner must be carefully considered. This plan cannot diminish the goal to protect property rights.

(6) Conservation Alternatives. Conservation of agricultural lands could be accomplished through several alternatives:

- Public acquisition or transfer of development rights; and/or
- Incentives, such as taxes, flexible zoning techniques, technical assistance.

CCC 31.04.205: PORT ANGELES REGIONAL PLAN - Agricultural land conservation – Policies.

(1) Findings. [Policy No. 1] Based solely on growing capacity, productivity, and soil composition of the land within the Port Angeles planning area, there are not any agricultural lands of long-term commercial significance. Agricultural land uses which are found in this region, although not of long-term commercial significance, should be preserved to maintain productive agricultural use of land, to maintain economic benefit to residents of the region, to reduce reliance on food sources which originate outside the County and to maintain the rural character of the planning region.

CCC 31.05.050: STRAITS REGIONAL PLAN - Economic development element.

(2) The Vision for Economic Development. The Comprehensive Plan has enhanced economic diversity while protecting the quality of the environment and private property rights. The comprehensive plan serves as a foundation for land use regulation that is simple, minimally intrusive and inexpensive to apply. The comprehensive plan has facilitated economic development by focusing local strategies on solutions to local problems. Efforts have also been directed towards improving the economy in economically distressed areas of the County.

CCC 31.05.070: STRAITS REGIONAL PLAN - Economic development goals and policies.

(15) Resource-based industries **should** continue to be supported, including reasonable conservation of forest and **agricultural lands**, and **processing** of raw materials.

(29) Permitting **processes** for economic development projects **shall** be streamlined.

CCC 31.06.020: WESTERN REGIONAL COMPREHENSIVE PLAN - RPC belief statements.

(1) Independence, private property rights and freedom from government intrusion are strongly valued within the RPC planning area. Land use **regulation should** incorporate these values and only compromise them when: (a) highly significant objectives essential to the public health, safety or welfare cannot be attained in any other manner, or (b) the other beliefs expressed herein cannot be furthered in any other manner.

(2) **Development should** be encouraged and facilitated by land use **regulation** that is simple, user friendly, and inexpensive in application for both government and property owners.

(4) **Regulations** that reduce the value or use of private property **shall** be minimized. All land owners **shall** be fully compensated for any such regulation.

CCC 31.06.100: WESTERN REGIONAL COMPREHENSIVE PLAN - Rural land – Principles.

The following principles guide the designation of **rural lands** and the **permitted uses** within the Western regional planning area:

(1) Tourist-**related** businesses **should** be supported throughout **rural areas**, including such uses as bed and breakfast inns, **tourist shops**, recreational activities and convenience **services**;

(7) **Commercial uses** which are normally **associated** with **rural areas** **should** be **permitted**, such as horse arenas, **commercial greenhouses**, kennels and veterinarian clinics;

(9) **Accessory uses** to the principal uses **should** be **permitted** in all zones;

CCC 31.02.050: COUNTY-WIDE COMPREHENSIVE PLAN - Definitions.

(3) "Agricultural land" means land **primarily devoted** to the **commercial production** of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal **products** or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has **long-term commercial significance** for agricultural **production**.

(15) "Development regulations" means any controls placed on development or land use activities by the County, including, but not limited to, zoning ordinances, land division ordinances, critical or sensitive area ordinances, and binding site plan ordinances.

(24) "Long-term **commercial** significance" includes (or signals) the growing capacity, **productivity**, and soil composition of the land for sustained **commercial production**, in consideration of the land's proximity to population areas, and the possibility of more intense uses of the land. Long-term **commercial** significance means the land is capable of **producing** the specified natural resources at commercially sustainable levels for at least the 20-year planning

period if adequately conserved. Designated mineral resource lands of long-term commercial significance may have alternative post-mining land uses, as provided by the Surface Mining Reclamation Act, Comprehensive Plan and development regulations, or other laws.

(31) "Rural areas" or "rural land" means land located outside of designated urban growth areas and outside of designated agricultural, forest, and mineral resource lands of long-term significance under this Comprehensive Plan.

(32) "Rural character" means the existing and preferred patterns of land use and development established for lands designated as rural areas or lands under this Comprehensive Plan. Rural characteristics include, but are not limited to:

- (a) Open fields and woodlots interspersed with homesteads and served by small rural commercial clusters; and
- (b) Low residential densities, small-scale agriculture, woodlot forestry, wildlife habitat, clean water, clean air, outdoor recreation, and low traffic volumes; and
- (c) Areas in which open space, the natural landscape, and vegetation predominate over the built environment; and
- (d) Lifestyles and economies common to areas designated as rural areas and lands under this Plan; and
- (e) Visual landscapes that are traditionally found in areas designated rural areas and lands under this Plan; and
- (f) Areas that are compatible with the use of the land by wildlife and for fish and wildlife habitat; and
- (g) Areas that reduce the inappropriate conversion of undeveloped land into sprawling, low-density development; and
- (h) Areas that generally do not require the extension of urban governmental services; and
- (i) Areas that are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

(33) "Rural development" means development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW [36.70A.170](#). Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. "Rural development" does not refer to agriculture or forestry activities that may be conducted in rural areas.

(35) "Shall" means the statement is mandatory, and the action so stated is required to be done without discretion by decision-makers. The use of "shall" in a statement indicates that the action is imperative and ministerial.

(36) "Should," when used in a statement, indicates a preference, recommendation or exhortation rather than a mandate or requirement and is a synonym for "may."

CCC 31.06.120: WESTERN REGIONAL COMPREHENSIVE PLAN - Rural land – Definitions.

(3) "Accessory uses" means a use which is normally subordinate to or incidental to the main use on the lot.

(4) "Agriculture" means improvements and activities associated with the raising and harvesting of crops and livestock.

(8) "Commercial use" means any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income.

(14) "Greenhouse or nursery" means a structure or land devoted to the cultivation and sale of plants.

(21) "Industrial use" means any premises devoted primarily to the manufacturing of semi-finished products, finished products and the processing of materials, to a degree that exceeds the definitions of home-based industries and home enterprises. This definition includes accessory facilities such as, but not limited to, storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage and sorting.

(32) "Permitted use" means an activity or structure which is allowed in a zone pursuant to this chapter without conditions or formal action by the County, except as required by other chapters of the Clallam County Code. A permitted use includes uses and improvements which are customarily accessory to the use.

(38) "Retail use" means a land use devoted primarily to the sale of a product or service to the general public.

(43) "Storage facility" means a building or fenced open yard used solely for the storage of goods and materials; provided, that automobile wrecking or salvage facilities are excluded from this definition.

(47) "Tourist shop" means a facility devoted primarily to the sale of a product or service to the traveling public, including antique or curio shops, crafts, memorabilia.

Clallam County Code States the Webster New Collegiate Dictionary to be Used for Code Interpretations

CCC 19.60.030: HEALTH AND GENERAL WELFARE – JUNK VEHICLE PUBLIC NUISANCE - Definitions.

Specific words and terms used in this chapter shall have the meanings defined below. All other words or terms shall have the meanings defined by the latest edition of Webster’s New Collegiate Dictionary. Terms, phrases, and words used in the singular shall also apply to the plural. Terms, phrases, and words used in the plural shall also apply to the singular.

CCC 27.12.900: ENVIRONMENT – CRITICAL AREAS - Definitions.

Whenever the following words and phrases appear in this chapter, they shall be given the meaning attributed to them by this section. “Shall” is always mandatory, and the word “may” or “should” indicates a use of discretion in making a decision. All other words in this chapter shall carry the meanings as specified in the latest edition of Webster’s New Collegiate Dictionary.

CCC 29.03.100: SUBDIVISIONS - Definitions.

Whenever the following words and phrases appear in this title, they shall be given the meaning attributed to them by this section. “Shall” is always mandatory, and the word “may” indicates a use of discretion in making a decision. Words not specifically defined herein shall be defined in the most recent edition of Webster’s New Collegiate Dictionary.

CCC 31.06.120: WESTERN REGIONAL COMPREHENSIVE PLAN - Rural land - Definitions.

For the purpose of this chapter, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this chapter shall carry the meanings as specified in Webster’s New Collegiate Dictionary of 1980.

CCC 33.03.010: ZONING - Definitions.

For the purpose of this title, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this title shall carry the meanings as specified in the latest edition of Webster’s New Collegiate Dictionary. Words or phrases not listed here have neither been amended or repealed by the ordinance codified in this section and remain as currently enacted.

Definitions and Synonyms from the Online Merriam-Webster Dictionary

“Accessory” (adjective)

- 1: assisting under the orders of another
- 2: aiding or contributing in a secondary way: supplementary
- 3: present in a minor amount and not essential as a constituent

Synonyms of “accessory”

Added, additional, assisting, auxiliary, **complementary**, contributory, peripheral, secondary, **subordinate**, subsidiary, supplemental, supportive

“Allow” (verb)

- 1: a: **permit**
b: to fail to restrain or prevent
- 3: admit, concede
- 5: intend, plan

Synonyms of “allow”

Authorize, condone, empower, endorse, grant, green-light, license, sanction, support, warrant

“Ancillary” (adjective)

- 1: **subordinate**, subsidiary
- 2: auxiliary, supplementary

Synonyms of “ancillary”

Accessory, added, additional, appurtenant, assisting, **complementary**, contributory, marginal, peripheral, secondary, subservient, supplemental, supportive

“Associated” (adjective)

- 1: joined together often in a working relationship
- 2: **related**, connected, or combined together

Synonyms of “associated”

Affiliated, similar

“Complement” (noun)

- 1: a: something that fills up, completes, or makes better or perfect
b: (1): the full quantity, number, or assortment needed or included
c: one of two mutually completing parts: counterpart

Synonyms of “complement”

Better, complete, enhance, enrich, improve

“Connection” (noun)

- 1: the act of connecting: the state of being connected: such as
 - a: causal or logical relation or sequence
 - b: (1): contextual relation or association
 - (2): relationship in fact
- d: coherence, continuity
- 2: a: something that connects: link
- 4: a political, social, professional, or **commercial** relationship
- 5: a set of persons **associated** together

Synonyms of “connection”

Affiliation, agreement, likeness, alliance, association, bond, congruity, correlation, interrelation, partnership, relationship, relation, sameness, tie, union

“Consistent” (adjective)

- 1: a: marked by harmony, regularity, or steady continuity: free from variation or contradiction
 - b: marked by agreement: compatible —usually used with with
 - c: showing steady conformity to character, profession, belief, or custom
- 2: tending to be arbitrarily close to the true value of the parameter estimated as the sample becomes large
- 3: (archaic) : possessing firmness or coherence

Synonyms of “consistent”

Accordant, appropriate, concordant, conformable (to), congruent, congruous, consonant, correspondent (with or to), fitting, nonconflicting, suitable

“Customarily” (adverb)

- 1: by or according to custom or established practice
- 2: in accordance with what is customary or usual

Synonyms of “customarily”

Commonly, conventionally, familiarly, generally, habitually, normally, ordinarily, regularly, routinely, traditionally, typically, usually

“Devote” (verb)

- 1: to commit by a solemn act
- 2: to give over or direct (time, money, effort, etc.) to a cause, enterprise, or activity

Synonyms of “devote”

Allocate, dedicate, earmark, reserve, save, set apart, use

“Experience” (noun)

- 1: a: direct observation of or participation in events as a basis of knowledge
b: the fact or state of having been affected by or gained knowledge through direct observation
or participation
- 2: a: practical knowledge, skill, or practice derived from direct observation of or participation in
events or in a particular activity
b: the length of such participation
- 3: something personally encountered, undergone, or lived through
- 4: a: the conscious events that make up an individual life
b: the events that make up the conscious past of a community or nation or humankind generally
- 5: the act or **process** of directly perceiving events or reality

Synonyms for “experience”

Act, emprise, happening, occasion, performance, time

“Implement” (verb)

- 1: to carry out effectively

Synonyms of “implement”

Administer, apply, bring about, effectuate, enact, enforce, execute, fulfill, legislate

“Infrastructure” (noun)

- 1: the system of public works of a country, state, or region
also: the resources (such as personnel, buildings, or equipment) required for an activity
- 2: the underlying foundation or basic framework (as of a system or organization)
- 3: the permanent installations required for military purposes

Synonyms of “infrastructure”

Architecture, configuration, fabric, framework, network, structure

“Marketing” (noun)

- 1: a: the act or **process** of **selling** or purchasing in a market
b: the **process** or technique of promoting, **selling**, and distributing a **product** or **service**
- 2: an aggregate (see aggregate entry 3 sense 1) of functions involved in moving goods from
producer to consumer

Synonyms of “marketing”

Advertising, dealing (in), distributing, exchanging, exporting, merchandising, promoting, providing, **retailing**, **selling**, supplying, vending, wholesaling

“Operation” (noun)

- 1: performance of a practical work or of something involving the practical application of principles or **processes**
- 2: a: an exertion of power or influence
 - b: the quality or state of being functional or operative
 - c: a method or manner of functioning
- 7: a business transaction especially when speculative
- 9: a usually small business or establishment

Synonyms of “operation”

Activity, enterprise, procedure, **process**, use

“Premise” (noun)

- 3: a: a tract of land with the buildings thereon (plural: premises)
 - b: a building or part of a building usually with its appurtenances (such as grounds)

Synonyms of “premise”

Acres, estate, ground, land, lot, parcel, plot, property, real estate

“Primarily” (adverb)

- 1: for the most part: chiefly
- 2: in the first place: originally

Synonyms of “primarily”

Largely, mainly, mostly, predominantly, principally, substantially

“Processed” (adjective)

- 1: having been subjected to a special process or treatment (as in the course of manufacture)

Synonyms of “processed”

clarified, cleaned, cultivated, distilled, extracted, fabricated, filtered, fined, prepared, purged, purified, refined, sanitized, sifted

“Production” (noun)

- 1: a: something produced: product
- 2: a: the act or **process** of producing
 - b: the creation of utility
 - especially: the making of goods available for use
- 3: total output especially of a commodity or an industry
- 4: often attributive: something not specially designed or customized and usually mass-produced

Synonyms of “production”

Affair, commodity, **development**, effect, goods, labor, merchandise, outcome, output, produce, product, result, sequence, wares, work, yield

“service” (noun)

- 1: a: the occupation or function of serving
b: employment as a servant
- 2: a: the work performed by one that serves
b: help, use, benefit
c: contribution to the welfare of others
- 4: the act of serving: such as
a: a helpful act
b: useful labor that does not produce a tangible commodity —usually used in plural
c: serve
- 5: a set of articles for a particular use
- 6: a: an administrative division (as of a government or business)
- 7: a: a facility supplying some public demand
b: a facility providing maintenance and repair

Synonyms of “service”

Assistance, utility, value

“Solely” (adverb)

- 1: to the exclusion of all else
- 2: without another: singly

Synonyms of “solely”

Alone, chiefly, exclusively, largely, mainly, mostly, only, predominantly, primarily, principally, purely, substantially

“Subordinate” (adjective)

- 1: placed in or occupying a lower class, rank, or position: inferior
- 2: submissive to or controlled by authority
- 3: a: of, relating to, or constituting a clause that functions as a noun, adjective, or adverb

Synonyms of “subordinate”

Associate, auxiliary, inferior, lesser, lower, minor, secondary, second-class, second-rate, smaller, subsidiary

“Related” (adjective)

- 1: connected by reason of an established or discoverable relation
- 2: connected by common ancestry or sometimes by marriage

Synonyms of “related”

Affiliated, akin, analogous, associated, cogent, cognate, connate, connected, corresponding, germane, interconnected, interrelated, joined, kindred, like, relevant, resembling, similar

Clallam Comprehensive Plan States Agriculture is an Allowed Use

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

(2)(b) Rural Zoning. Outside of designated and zoned agricultural retention lands, exist numerous small to moderate size farms scattered throughout the County that are involved in raising livestock, crops, and/or other agricultural activities. These farms are an important part of the County's rural character and economy. Clallam County supports agriculture as an allowed land use within rural designated and zoned lands. It is estimated that approximately six percent of the County's 103,000 acres of designated rural lands is associated with agricultural land uses.

CCC 31.02.620: COUNTY-WIDE COMPREHENSIVE PLAN - Economic Development Goals

- (1)(j)(i) Forestry, agriculture and mineral resources:
- Work to promote a strong, economically viable and ecologically responsible agricultural economy;
 - Amend zoning standards to allow for small-scale, on-farm enterprises in rural areas, subject to standards addressing public health, safe vehicular access, available parking, rural character, and impacts to properties in the vicinity;

CCC 31.03.230: SEQUIM-DUNGENESS REGIONAL PLAN - Agricultural land conservation – Policies.

- (2) Conservation Strategy. [Policy No. 2] Maintain, enhance and conserve productive agricultural lands through the following means:
- Allow and encourage small-scale agricultural uses within both rural and urban areas;

CCC 31.04.205: PORT ANGELES REGIONAL PLAN - Agricultural land conservation – Policies.

- (2) Conservation Strategy. [Policy No. 2] Maintain, enhance and conserve productive agricultural lands through the following means:
- Allow and encourage small-scale agricultural uses within both rural and urban areas;

CCC 31.06.100: WESTERN REGIONAL COMPREHENSIVE PLAN - Rural land – Principles.

The following principles guide the designation of rural lands and the permitted uses within the Western regional planning area:

- (4) Recognize the limited amount of private land for development and allow for greater flexibility in development regulations while still protecting adjacent landowners from impacts caused by land uses which may be objectionable;

CCC 31.06.120: WESTERN REGIONAL COMPREHENSIVE PLAN - Rural land – Definitions.

- (4) "Agriculture" means improvements and activities associated with the raising and harvesting of crops and livestock.

CCC 33.03.010: ZONING– Definitions.

(7) "Agriculture" means improvements and activities associated with the raising and harvesting of crops and livestock. "Agriculture" includes ancillary activities, including equipment storage and repair, seasonal employee housing, and temporary on-site retail stands for the sale of agricultural goods.

(10) "Allowed use" means a use or structure which is allowed outright by this chapter in one or more zones without issuance of a conditional use permit but remains subject to all other development regulations applicable to the proposal.

Clallam County Code Title 31 and Title 33 Land Use Definitions

“Accessory uses” means a use which is normally **subordinate** to or incidental to the main use on the lot.
- CCC 31.06.120(3)

“Accessory use or improvement” means a use or improvement which is necessary for the full use and enjoyment of the main use of the property, is typically **associated** with the main use, and is **subordinate** to or incidental to the main use of a parcel and which includes the utilities necessary to serve the **accessory** use. **Accessory** uses and improvements are **allowed** in all zoning districts. - CCC 33.03.010(4)

“Agricultural land” means land **primarily devoted** to the **commercial production** of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal **products** or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has **long-term commercial significance** for **agricultural production**. - CCC 31.02.050(3)

“Agriculture” means improvements and **activities associated** with the raising and harvesting of crops and livestock. - CCC 31.06.120(4)

“Agriculture” means improvements and **activities associated with the raising and harvesting of crops and livestock**. **“Agriculture”** includes **ancillary activities**, including equipment **storage** and repair, seasonal employee housing, and temporary on-site **retail** stands for the **sale** of **agricultural goods**. - CCC 33.03.010(7)

“Commercial use” means any **premises devoted primarily** to the wholesaling or retailing of a **product** or **service** for the purpose of generating an income. - CCC 31.06.120(8) & CCC 33.03.010(22)

“Industrial use” means any **premises devoted primarily** to the manufacturing of semi-finished **products**, finished **products** and the **processing** of materials, to a degree that exceeds the definitions of home-based industries and home enterprises. This definition includes **accessory** facilities such as, but not limited to, **storage facilities**, transfer facilities, warehousing, heavy vehicular **storage** and repair, log **storage** and sorting. - CCC 31.06.120(21)

“Industrial use” means any **premises devoted primarily** to the manufacturing of finished or semi-finished **products**, and the **processing** of materials. This definition includes **accessory** facilities such as but not limited to **storage facilities**, transfer facilities, warehousing, heavy vehicular **storage** and repair, log **storage** milling and sorting. - CCC 33.03.010(47)

“Retail use” means a land use **devoted primarily** to the **sale** of a **product** or **service** to the general public.
- CCC 31.06.120(38)

“Retail use” means a land use **devoted primarily** to the **wholesale** and retail **sale** of a **product** or **service** to the general public. - CCC 33.03.010(92)

“Storage facility” means a building or fenced open yard used **solely** for the storage of goods and materials; provided, that automobile wrecking or salvage facilities are excluded from this definition. - CCC 31.06.120(43)

“Tourist shop” means a facility devoted primarily to the sale of a product or service to the traveling public, including antique or curio shops, crafts, and memorabilia. - CCC 31.06.120(47) & CCC 33.03.010(108)

“Wholesale commercial use” means establishments or places of business primarily engaged in selling merchandise or services to retailers, industrial customers, institutional agencies, professional business users or to other wholesalers. - CCC 33.03.010(118)

Revised Code of Washington Special Proceedings and Actions**RCW 7.48.300: NUISANCES - Agricultural activities and forest practices—Legislative finding and purpose.**

The legislature finds that agricultural activities conducted on farmland and forest practices in urbanizing areas are often subjected to nuisance lawsuits, and that such suits encourage and even force the premature removal of the lands from agricultural uses and timber production. It is therefore the purpose of RCW 7.48.300 through 7.48.310 and 7.48.905 to provide that agricultural activities conducted on farmland and forest practices be protected from nuisance lawsuits. [1992 c 52 § 2; 1979 c 122 § 1.]

RCW 7.48.305: NUISANCES - Agricultural activities and forest practices—Presumed reasonable and not a nuisance—Exception—Damages.

- (1) Notwithstanding any other provision of this chapter, agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity or practice has a substantial adverse effect on public health and safety.
- (2) 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.
- (3) The act of owning land upon which a growing crop of trees is located, even if the tree growth is being managed passively and even if the owner does not indicate the land's status as a working forest, is considered to be a forest practice occurring on the land if the crop of trees is located on land that is capable of supporting a merchantable stand of timber that is not being actively used for a use that is incompatible with timber growing. If the growing of trees has been established prior to surrounding nonforestry activities, then the act of tree growth is considered a necessary part of any other subsequent stages of forest practices necessary to bring a crop of trees from its planting to final harvest and is included in the provisions of this section.
- (4) Nothing in this section shall affect or impair any right to sue for damages. [2009 c 200 § 2; 2007 c 331 § 2. Prior: 1992 c 151 § 1; 1992 c 52 § 3; 1979 c 122 § 2.]

RCW 7.48.310: NUISANCES - Agricultural activities and forest practices—Definitions.

For the purposes of RCW 7.48.305 only:

"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; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; keeping of bees for production of

agricultural or apicultural **products**; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of stream banks and watercourses; and conversion from one agricultural activity to another, including a change in the type of **plant-related farm product** being **produced**. The term includes use of new practices and equipment **consistent** with technological development within the agricultural industry.

"Farm" means the land, buildings, freshwater ponds, freshwater culturing and growing facilities, and machinery used in the **commercial production of farm products**.

"Farmland" means land or freshwater ponds **devoted primarily** to the **production**, for **commercial** purposes, of livestock, freshwater aquacultural, or other **farm products**.

"**Farm product**" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy **products**, poultry and poultry **products**, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish **products**, apiaries and apiary **products**, equine and other similar **products**, or any other **product** which incorporates the use of **food**, feed, fiber, or fur.

"Forest practice" means any activity conducted on or directly pertaining to forestland, as that term is defined in RCW 76.09.020, and relating to growing, harvesting, or **processing** timber. The term "forest practices" includes, but is not limited to, road and trail construction, final and intermediate harvesting, precommercial thinning, reforestation, fertilization, prevention and suppression of diseases and insects, salvage of trees, brush control, and owning land where trees may passively grow until one of the preceding activities is deemed timely by the owner. [2009 c 200 § 3; 2007 c 331 § 3; 1992 c 52 § 4; 1991 c 317 § 2; 1979 c 122 § 3.]

Revised Code of Washington Beer Commission and ABC Definitions**RCW 15.89.010: WASHINGTON BEER COMMISSION - Legislative declaration.**

The legislature declares that:

- (1) **Marketing** is a dynamic and changing part of Washington **agriculture** and a vital element in expanding the state economy;
- (2) The **sale** in this state and export to other states and abroad of **beer** made in this state contribute substantial benefits to the economy of the state and provide a large number of jobs and sizeable tax revenues;
- (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; and
- (4) The general welfare of the people of this state will be served by continued development of the **activities** of the **production of beer**, that will improve the tax bases of local communities where **agricultural land** and **processing** facilities are located, and reduce the need for state and federal funding of local **services**. The industries are therefore affected with the public interest. [2006 c 330 § 1.]

RCW 66.04.010: ALCOHOLIC BEVERAGE CONTROL - Definitions.

- (3) "Beer" means any **malt beverage, flavored malt beverage, or malt liquor** as these terms are defined in this chapter.
- (7) "Brewer" or "brewery" means any person engaged in the business of manufacturing **beer** and **malt liquor**. Brewer includes a brand owner of **malt beverages** who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose **malt beverage** is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a **domestic brewery** license, only the privileges of storing, **selling** to licensed **beer** distributors, and exporting **beer** from the state.
- (12) "Craft distillery" means a distillery that pays the reduced licensing fee under RCW 66.24.140.
- (15) "Distiller" means a person engaged in the business of distilling **spirits**.
- (16) "Domestic brewery" means a place where **beer** and **malt liquor** are manufactured or **produced** by a **brewer** within the state.
- (21) "Flavored malt beverage" means:
 - (a) A **malt beverage** containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled **spirits** of not more than forty-nine percent of the beverage's overall alcohol content; or
 - (b) A **malt beverage** containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled **spirits** of not more than one and one-half percent of the beverage's overall alcohol content.

(26) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine, or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(27) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(28) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(40) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his or her agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

(44) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

Revised Code of Washington Food Processing Act Definitions**RCW 69.07.010: WASHINGTON FOOD PROCESSING ACT - Definitions.**

(8) "Food" means any substance used for food or drink by any person, including ice, bottled water, and any ingredient used for components of any such substance regardless of the quantity of such component.

(9) "**Food processing**" means the handling or **processing** of any **food** in any manner in preparation for **sale** for human consumption: PROVIDED, That it **shall** not include fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for **sale** in their natural state.

(10) "**Food processing** plant" includes but is not limited to any **premises**, plant, establishment, building, room, area, facilities and the appurtenances thereto, in whole or in part, where **food** is prepared, handled or **processed** in any manner for distribution or **sale** for **resale** by **retail outlets**, restaurants, and any such other facility **selling** or distributing to the ultimate consumer: PROVIDED, That, as set forth herein, establishments **processing foods** in any manner for **resale** **shall** be considered a **food processing** plant as to such **processing**.

(11) "**Food service** establishment" **shall** mean any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, **retail grocery**, **retail food market**, **retail meat market**, **retail bakery**, private, public, or nonprofit organization routinely serving **food**, catering kitchen, commissary or similar place in which **food** or drink is prepared for sale or for **service** on the **premises** or elsewhere, and any other eating or drinking establishment or **operation** where **food** is served or provided for the public with or without charge.

For the purpose of this chapter any custom cannery or **processing** plant where raw **food products**, **food**, or **food products** are **processed** for the owner thereof, or the **food processing** facilities are made available to the owners or persons in control of raw **food products** or **food** or **food products** for **processing** in any manner, **shall** be considered to be **food processing** plants.