

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, February 7, 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: January 3, 2024**
- F. ANNOUNCEMENTS**
- G. PUBLIC COMMENT on AGENDA ITEMS – Please Limit Comments to Three Minutes**
- H. UNFINISHED BUSINESS: None**
- I. PUBLIC HEARING/COMMISSION ACTION: Rezone applications, REZ2023-00001 and REZ2023-00002**
- 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:

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

MINUTES

Clallam County Planning Commission

Meeting of January 3, 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, Vice-Chair Ron Long, Jeff Carter, 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. Election of officers held: Steve Gale was reappointed Chair and Ron Long was reappointed Vice Chair.
- E. APPROVAL OF MINUTES: Ron Long moved to approve, Tom Butler seconded, motioned passed with one abstention.
- F. ANNOUNCEMENTS: Board of Commissioners should be holding a public hearing on the proposed Park Model ordinance on February 13th.
- G. PUBLIC COMMENT PERIOD: Rondi Smith commented regarding camping as an accessory activity. Richard Olsen commented on contiguous ownership and retail stands and that the codes have been lagging behind the needs of farms. Christi Cox commented she would love to diversify her farm to include camping, selling products from off farm, opportunities to share the landscape, and conditional use permits are costly. Would like to County to support preserving food farms. Owner of Joy Floral commented that they utilize their retail stand only 2 months per year and questioned if it should be considered a retail greenhouse which would require a conditional use permit. Need to allow diversity of farming, like a yearly Christmas bazaar, because markets are not available and they are just looking at ways to survive. Kasia Kawczynski provided support to changing the code and the ability of farms to diversify by allowing primitive farm stays, host events, concerts, classes, and retail stands. Conrad commented that he has been farming for 20 years and has watched the beautiful farmland get divided into houses, and that everything is about money and very costly. Jim Weaver commented that the County should be sure to look at the impacts of the uses they allow; there is a big difference between retail stands and camping. Karen Halberg-Weaver commented on the importance of small diverse farms and questioned the differentiation between 1-3 acres and 3-5 acres. Jesse Medlong commented he is trying to propose a small agricultural and environmentally sustainable community and provided written comment that was provided in the packet.
- H. UNFINISHED BUSINESS: None
- I. PUBLIC HEARING ITEM: None
- J. WORK SESSION ITEMS: Presentation by Holden Fleming regarding the meetings and survey conducted that DCD held about Agricultural Accessory Uses. Staff discussed ideas with the Planning Commission and have been directed to provide a code to review and to provide other jurisdiction examples.
- K. PUBLIC COMMENT PERIOD: Richard Olsen commented that the timing of the code changes is critical for the upcoming season. Rondi Smith asked if farmers could advertise now for their summer tours. Bruce McClowsky commented he is impressed at the importance staff has put on these needed changes. Concerned how he and others can be most effective with their input. Issac Anderson noted he has liability insurance to protect them from the public. Conrad

commented his greenhouses are temporary so permits do not seem necessary. Kristy Cox commented that hoop houses should be considered temporary structures and don't believe they should be considered farm stores when the use of the structure is for growing the crops that they then sell. Bill Herman commented that setbacks of the zoning should dictate the location of farm buildings. Warren Billups commented that there has been productive public participation. Sample code is a good start.

Five written comments were received and are attached.

L. GOOD OF THE ORDER: None.

M. ADJOURNMENT: The meeting adjourned at _8:00_ p.m.

Public Comments attached to meeting minutes

22 December 2023

Hon. Planning Commission:

Seasons Greetings! I hope this finds you all in good health and high spirits. My name is Jesse Medlong, and I am a Navy Veteran and a practicing lawyer. My wife and I became proud residents of Port Angeles in March of this year, having purchased 22 wooded acres on Blue Mountain toward the end of 2021. I am writing to you today to seek your guidance and support in overcoming some challenges we have encountered in trying to achieve our vision for our new home and property. I am hopeful we can find a solution that addresses the concerns of all interested stakeholders.

We seek to establish an environmentally sustainable intentional community on our property with two other families. Our ultimate goal is to place the entire property into a community land trust to ensure long-term and sustainable affordable housing in the community. In addition to promoting small-scale agriculture and sustainable forestry management, we also believe that our intention of establishing a community land trust aligns with the County's—and Port Angeles's—goal of promoting affordable housing. We hope you will agree that this is a proposal with multiple benefits for the community, and we are committed to ensuring that its implementation produces those benefits.

The property is zoned at R20, meaning it can have only one residence for every 20 acres. Multiple unimproved parcels beside our lot (including a 160-acre parcel that has been bequeathed to the North Olympic Land Trust) would keep the net contiguous density well within the R20 limits.

In working with staff planners at the Department of Community Development, we have come to understand that we can achieve the outcome we seek if we subdivide and if the owner of the large neighboring property transfers his development rights to us as part of that subdivision process. As explained to us, doing this would not require us to actually subdivide our property but only to use the subdivision process (which is not easy) to formally transfer our neighbor's development rights. This would thus be the same as if we simply obtained those development rights but did not undergo the subdivision process. While doing so without subdivision is theoretically possible, the staff at the DCD have been unable to help us further because of the lack of specific procedure.

We understand and appreciate that the DCD's principal concern with our proposal is avoiding sprawl in our rural area. We share their concern. We believe the best way to avoid excessive sprawl is for the County to adhere strictly to residential density limits within contiguous areas of R20 and similarly restricted rural residential areas. Our proposal allows this without requiring us to undertake the significant effort and expense of a process that was intended to ensure responsible subdivision and not merely facilitate the transfer of development rights from one contiguous parcel to another.

Importantly, our current zoning designation would allow us to add multiple "tiny homes" as accessory units within Clallam County's size exemption for permitting, or to park

multiple RVs on the property if the goal were simply to add more residents at any cost or to find ways around the County's policies. But these approaches serve neither our primary interests nor those of the broader community, and we are committed to finding a solution that aligns all the relevant interests and minimizes any potential negative impacts on the environment, our neighbors, or our new home town and county. We believe that through dialogue and collaboration, we can address both our aspirations for intentional community and the county's goals for responsible development.

We have been grateful to DCD's staff for their support and helpfulness thus far. We also recognize the difficulty of asking them to move past standard operating procedures and into uncharted territory. At this stage, we believe we have exhausted their ability to help us further, and we need higher-level intervention to explore innovative solutions given the absence of a formal procedure. We hope you may be able to help us to navigate this unique situation and find a path forward that harmonizes all relevant interests and that satisfies both the letter and the spirit of Clallam County's community development regulations.

We would be very happy to meet with you in person or by phone, or to consider any suggestions that may help us move the ball forward. In the meantime, thank you for your time, consideration, and dedication to fostering a vibrant and inclusive community in Clallam County. We look forward to being your neighbors for many, many years to come.

Sincerely,



Jesse Medlong
1539 S. McCrorie Rd.
Port Angeles, WA 98362

P.S. Understanding that our project straddles jurisdictions, we are reaching out simultaneously to the Port Angeles City Council and the members of the County Board of Commissioners, as well as to our state and federal representatives. Those messages will be completely consistent with this one, and we are happy to share any or all of that correspondence if helpful in assuring our good faith and transparency.

Fleming, Holden

From: Bill Hermann <Bill@hermannbros.com>
Sent: Tuesday, January 2, 2024 5:10 PM
To: Fleming, Holden
Subject: assoc ag use property

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

I have a neighbor that owns 42 acres.

He originally owned 40 acres with 20 in forest classification and 20 in agricultural designation.

He was informed that since he had a house on the ag portion that he would either have to prove income or pay taxes on the highest and best use which would be residential.

The property was zoned 1 house on 20 acres. The remaining 19 acres did not qualify for ag without the proof of revenue. The property would not "net" him enough to qualify.

He had to buy 2 acres from a neighbor and do boundary line adjustments to maintain a legal position as 20 acres is the smallest parcel to qualify without proof of enough net income.

Please rethink the open space / large lot designations for voluntary changes.

Too many folks are made to feel like law breakers if they want to if they try say farming activity with a farm stand????

Bill Hermann
360 460 0163
360 452 3341

Fleming, Holden

From: Bill Hermann <Bill@hermannbros.com>
Sent: Tuesday, January 2, 2024 4:17 PM
To: Fleming, Holden
Subject: Assoc. ag uses

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

To Whom it may concern.

Re: Associated AG uses for farms

I watch folks who like to work on their property build "hobby" farms into revenue producing activities. Often the property on which they operate is zoned for highest and best use that is residential or large lot open space. Those designations may not allow for agricultural activity on a commercial scale.

I would like to see a process in place that would be in place so that such an operation would feel free to develop and know that they would not be breaking the law.

Most could use a tax break that puts their activity in a legal status and could have the benefit.

To put it simply do away with the proof of income to qualify for agricultural status.

Bill Hermann
360 460 0163
360 452 3341

Fleming, Holden

From: Bill Hermann <Bill@hermannbros.com>
Sent: Tuesday, January 2, 2024 4:35 PM
To: Fleming, Holden
Subject: Ag assessor uses designation

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

Re: open space property.

I would like to see the "large lot" for cluster development either be modified or go away.

The intent was or is to retain a rural Quality of character for property.

In most cases the small parcels (+/- 3 acres) are left unkept. The reason is that unless they are grazed the parcel is too small to cut hay or to mow as a lawn.

Many of these large lots should be allowed to be awarded Ag status or build a house.
While the intent was OK the result is unintended.

Bill Hermann
360 460 0163
360 452 3341

RCW 36.70A.177 Agricultural lands—Innovative zoning techniques—

Accessory uses. (1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

(3) Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

(a) Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties, and shall comply with the requirements of this chapter;

(b) Accessory uses may include:

(i) Agricultural accessory uses and activities, including but 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; and

(ii) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, 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 of agricultural land to nonagricultural uses; and

(c) Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection (3) in areas designated as agricultural lands of long-term commercial significance.

(4) This section shall not be interpreted to limit agricultural production on designated agricultural lands. [2006 c 147 § 1; 2004 c 207 § 1; 1997 c 429 § 23.]

Severability—1997 c 429: See note following RCW 36.70A.3201.

- Wrecking yards
- (4) *Maximum Residential Density.* One dwelling unit per 21,500 square feet.
 - (5) *Minimum Lot Size.* 12,500 square feet.
 - (6) *Minimum Lot Width.* Fifty (50) feet.
 - (7) *Maximum Width to Depth Ratio.* 1:5 (0.20).
 - (8) *Setbacks.*
 - (a) Front yard – forty-five (45) feet from a local access street, fifty (50) feet from an arterial street, sixty (60) feet from a highway.
 - (b) Side yard – eight (8) feet (forty (40) feet from the centerline of the right-of-way of a side street).
 - (c) Rear yard – fifteen (15) feet (forty (40) feet from the centerline of the right-of-way of a rear street).
 - (9) *Open Space Overlay:* When Urban Very Low Density zoning districts contain contiguous critical areas they are identified by an Open Space Overlay/(OS) designation which identifies them as an area from which development rights may be transferred.
 - (10) *Land Divisions.* Divisions of land are subject to the following additional requirements:
 - (a) *Connection to Public Water Supply.* All new lots shall be connected to a public water supply. Land divisions of two (2) lots or less located more than 200 feet from a public water system, as measured along existing public right-of-way or utility easement, are not required to connect to a public water supply, except where necessary to comply with State and County health code requirements for potable water.
 - (b) *Connection to Public Sanitary Sewer.* All new lots shall be connected to public sanitary sewer services, if available within 200 feet of the land division, as measured along existing public right-of-way or utility easement.

33.13.040 Urban Low Density (LD).



The purpose of the Urban Low Density zoning district is to provide areas of low-density urban development consisting of a mix of single-family residences, duplexes and multiple-family residential land uses which are free from encroachment of commercial and industrial activities.

(1) *Allowed Land Uses.* The following land uses should be allowed outright in the Urban Low Density zoning district:

- Agricultural activities
- Bed and breakfast inns
- Child daycare center
- Churches
- Duplexes
- Family daycare providers

(a) *Detached.* Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary residential dwelling unit. ADUs that are connected to a primary residential structure only by a covered breezeway or similar appurtenant structure shall be considered detached.

(b) *Attached.* Those accessory dwelling units that share a common wall or floor/ceiling with the primary dwelling unit and do not meet the definition of detached accessory dwelling unit.

(3) "Accessory housing" means an accessory single-family housing unit, the residential use of which remains a clearly incidental and subordinate use to a legally constructed primary single-family dwelling, commercial, or industrial use. "Accessory housing" includes accessory dwelling units, accessory apartments, caretaker apartments, and temporary medical hardship dwellings.

(4) "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.

(5) "Administrator" means the Director of the Department of Community Development of Clallam County or his/her designee.

(6) "Affected party" means those parties with standing to bring action on appeals of decisions rendered pursuant to this title and is limited to the following parties:

- (a) The applicant or owner of property on which the development is proposed;
- (b) Any person entitled to notice of the application pursuant to CCC 33.37.010; or
- (c) Any person who deems themselves aggrieved by a decision and who will suffer direct and substantial impacts from the proposal.

(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.

(8) "Airport, general aviation" means an area of land or water that is used or intended to be used for the landing and taking off of aircraft. General aviation airports are designated by the Federal Aviation Administration (FAA) and may include ancillary structures and facilities that support the public and/or commercial use of the airport, including boarding terminals, air traffic control towers, cargo decks, baggage and ticketing terminals, parking areas, fueling facilities, aircraft storage (hangars), and aircraft servicing and repair facilities.

(9) "Airport, private use" means an area of land or water that is used or intended to be used for the landing and taking off of aircraft. Private use airports are not designated by the Federal Aviation Administration (FAA) as general aviation airports and may include ancillary structures and facilities that support the private, noncommercial recreational use of the airport, including air traffic control towers, parking areas, fueling facilities, aircraft storage (hangars), and aircraft servicing and repair facilities.

(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.

RE: Agricultural seasonal housing

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

Thu 5/11/2023 8:20 AM

To: CHIQUE ANTIQUES Owner <CHIQUEANTIQUES@msn.com>

Cc: Clark, Donella <donella.clark@clallamcountywa.gov>; Annie Fricker <annie.fricker@clallamcountywa.gov>; Boughton, Dee <dee.boughton@clallamcountywa.gov>

Good morning, Rondi,

Temporary worker housing is administered by the Washington State Department of Health in accordance with RCW 70.114A. Per the Hearing Examiner's Order and Conditional Use Permit (CUP) decisions, you may not allow camping on your property. Any activity or event that is open to the public requires 1) compliance with the Hearing Examiner's Order, and 2) compliance with all conditions set forth in your CUP. It does not hinge on a definition of "public event," just that it involves an invitation to members of the public. It is not up to Clallam County to design your housing proposal, but it is clear from the Hearing Examiner's Order that use of tents, huts, RV's, etc., are strictly prohibited if made available to members of the public. Furthermore, any structure available for occupancy by members of the public will, at a minimum, require a building permit.

Your line of questions dating back to early February are focused specifically on finding ways to do the very things that were found by the Hearings Examiner to be in violation of the Clallam County Code. I highly recommend that you focus your energy and attention on demonstrating full compliance with the Hearing Examiners Order and the conditions of your CUP. That is the apparent, lawful avenue forward on this matter. The Department of Community Development will help you with this effort, but will not assist you in skirting the requirements or intent of the Hearing Examiner's decision or the provisions of the County Code.

Bruce Emery, Director
Clallam County DCD

From: CHIQUE ANTIQUES Owner <CHIQUEANTIQUES@msn.com>

Sent: Thursday, May 11, 2023 7:46 AM

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

Subject: Agricultural seasonal housing

) "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.

Bruce, please tell me exactly how I am able to provide seasonal employee housing on our property. It is an allowed use but I need to know in what form. Since it is allowed can we use tent, hut, yurt, rv? It is an allowed use not requiring a CUP.

So if it is allowed, by code are we allowed to by the above means. My understanding is a use allowed outright doesn't require a Conditional Use permit,/ therefore it was not needed to be included in our CUP.

You stated that housing needs to be approved by the State. Since this is not defined as camping, are we allowed to rv's as long as they meet code for grey water storage and

sewer?

I have read again the definition of RV park and it refers to camping. The rvs will be used as temporary allowed use of employee housing. I read a difference in camping and seasonal housing.

I need to get a better understanding on this because we need to start advertising for "seasonal agricultural labor " especially before shearing if the County is looking at this as an event.

I looked at the forum again from how I advertised the Veterans Day and I think the issues was it was not an "event" but on facebook the definition of the section where we were advertising was an "event section".

I have asked at least 5 times for you to define what a public event is. I have also asked you to read the hearing examiner's order and to read above where it defines a public event in the requested CUP use of festivals and Flea markets. I am getting as frustrated as you for you to clarify what DCD constitutes a "Public Event".

Everything can constitute a public event. The items allowed use by the hearing examiner is considered public events. Until you can clearly define the meaning in his findings of a public event it is impossible for me to not Breach his guidelines. Again, it clearly states the recommended use for the CUP was flea markets and festivals to which we had a violation for. That was the public events which he referenced .

I can not abide by the hearing examiners definition if it can not be clearly defined and the current violations are ambiguously defined to be allowed and also not allowed by both the statements of the hearing examiner that all animal husbandry activities are allowed. It seems clear that having a flea market is not an animal husbandry activity but having a shearing activity is an animal husbandry activity. Having seasonal labor is allowed as an activity but having an rv park is not.

As you stated in your press release, housing is one of your top priorities. We can not find labor to work on our farm because there is not enough housing.

We are asking DCD to allow approved State rv's as seasonal labor housing and Tents or Yurts to be allowed. If they are not allowed please clearly state why.

The code cannot allow and disallow the same thing. I get that in Outdoor Recreational activity is does reference the primitive camping, but the allowance of seasonal housing does not disallow housing, it just states it is allowed.

Thanks.

RONDI

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

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RONDI

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)



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

*Currently
\$120,000*

FINES ASSESSMENT

Invoice 2023-003

August 14, 2023

Hearing Examiner Order No. *CMP-2021-00120*

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

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

<u>Hearing Examiner Order Fines Assessment</u>	Rate	x	Days	Total
Code Compliances Penalty - Advertising of Tours (00100.331.35990.00.0010)	\$500.00		33	\$16,500.00

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

1. Rondi Smith and Greg Winkle have not abated all violations of the Clallam County Code, including CCC 33.13.030, on the property located at 669 N. Lee's Creek Road, in the Port Angeles area of unincorporated Clallam County. Specifically, within 10 days of receipt of the Hearing Examiners order, fines begin assessment on October 15, 2022 and continue to accrue daily, until the following items have been remedied:
 - Remove all advertisements and discontinue allowing use of the property for primitive camping and/or allowing RV camping on-site.
 - Discontinue use of the site for "flea markets" and any other events, including "festivals," until such time as a Conditional Use Permit for any such use is obtained and/or any required special event permits are obtained.
 - Comply with and meet all conditions imposed with any approved conditional use permit.

Total Due **\$90,000.00**
Due 30 days

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

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

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

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

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



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

*Currently
\$120,000*

FINES ASSESSMENT

Invoice 2023-003

August 14, 2023

Hearing Examiner Order No. *CMP-2021-00120*

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

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

<u>Hearing Examiner Order Fines Assessment</u>	Rate	x	Days	Total
Code Compliances Penalty - Advertising of Tours (00100.331.35990.00.0010)	\$500.00		33	\$16,500.00

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

1. Rondi Smith and Greg Winkle have not abated all violations of the Clallam County Code, including CCC 33.13.030, on the property located at 669 N. Lee's Creek Road, in the Port Angeles area of unincorporated Clallam County. Specifically, within 10 days of receipt of the Hearing Examiners order, fines begin assessment on October 15, 2022 and continue to accrue daily, until the following items have been remedied:
 - Remove all advertisements and discontinue allowing use of the property for primitive camping and/or allowing RV camping on-site.
 - Discontinue use of the site for "flea markets" and any other events, including "festivals," until such time as a Conditional Use Permit for any such use is obtained and/or any required special event permits are obtained.
 - Comply with and meet all conditions imposed with any approved conditional use permit.

Total Due **\$90,000.00**
Due 30 days

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

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

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

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Debit and Credit Cards are not accepted at this time.

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over 500 hipcampers
camping in Clallam County alone



[United States](#) > [Washington](#)

Off the Beaten Path

👍 100% · [9 reviews](#) · Port Angeles, Clallam, Washington · 19 acres

Hosted by **Julia & Eric A.**

RV/tent site · 2 guests max



All to yourself

100% of recent Hipcampers say this Hipcamp felt private.



Near Olympic National Park

Within a 30-minute drive from the Olympic National Park.



Julia & Eric is a Star Host

Star Hosts are highly rated, responsive, and committed to providing incredible experiences.

Welcome to our Mountainous space, where we're excited to share our passion for camping while we work on creating our dream home.

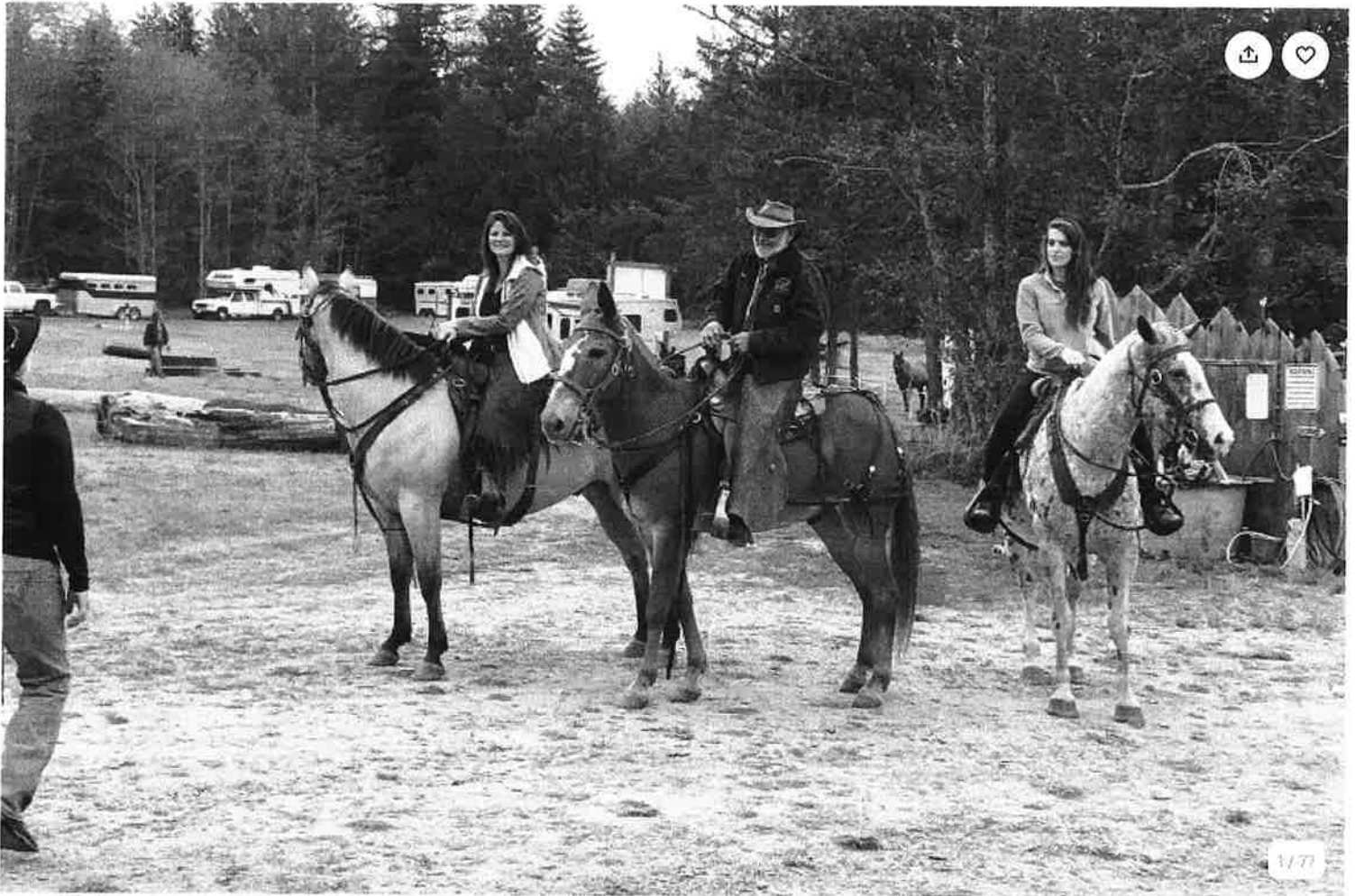
from **\$45** total

Includes taxes and fees

1 guest

Check

Support



[United States](#) > [Washington](#)

Sage Horse Camp.

👍 98% · [125 reviews](#) · Sequim, Clallam, Washington

50 acres hosted by Bill N.

14 RV/tent sites



Family-friendly

Recent Hipcampers say this Hipcamp is great for families and kids.



Amazing views

Hipcampers say this spot has amazing views.



Near Olympic National Park

Within a 60-minute drive from the Heart o'the Hills.



Bill is a Star Host

Star Hosts are highly rated, responsive, and committed to providing incredible experiences.

Select a site

Support



About

Welcome to our Mountainous space, where we're excited to share our passion for camping while we work on creating our dream home.

Experience the charm of our FOREVER Property! Watch as it transforms over time and revel in the expanding Glamping experience that awaits you.

From this vantage point, you can take in captivating views of Victoria BC. Despite being only 12 minutes from town, our location is nestled away from the hustle and bustle. Whether you prefer off-grid adventures or a more traditional experience, the choice is yours!

Most recently, we got a 4 month old pup named River. She enjoys having a playmate and socializing with others.

Other things to note

Set up your tent or enjoy glamping from your RV amidst our serene surroundings. And if relaxation is your aim, you're in for a treat – we offer massage services on Thursdays and Fridays from 10 AM to 6 PM, if luck is on your side.

Discover the beauty of a year-round creek just a brief stroll away on what we affectionately call the lower park. Immerse yourself in birdwatching, indulge in berry picking, and take to the trails for a satisfying hike.

↔ **Back-in site**

↔ **Accommodates slideouts**



Surface type: Loose Gravel



Surface levelness: Flat

Show more

from **\$45** total

Includes taxes and fees

1 guest

Ch

Support



[United States](#) > [Washington](#)

Red Barn View

👍 100% · [27 reviews](#) · Sequim, Clallam, Washington · 2 acres

Hosted by Valerie W.

Vehicle site · 6 guests max



Near Olympic National Park

Within a 30-minute drive from the Heart o'the Hills.



Valerie is a Star Host

Star Hosts are highly rated, responsive, and committed to providing incredible experiences.

Learn more about this land:

Private home-base for your RV on the North Olympic Peninsula with water and electricity on 2.5 acres. Easy access to Sequim, Olympic Discovery Trail, John Wayne Marina with boat launch, Port Townsend and Port Angeles. Just outside the Olympic National Forest and its trailheads. 35 minutes from Olympic National Park. Great base camp for bicyclists, boaters and backpackers. 7 Cedars Casino, restaurants and markets are short drives away....

from **\$64** total

Includes taxes and fees

1 guest

Ch: Support



About

Each camp site has two horse corrals, fire ring, picnic table, room for an RV/horse trailer, and tent.

Stock water only, no potable water.

Outhouses with hand washing area.

In camp you will find:

40' round pen, 86' X 120' outdoor rough terrain arena, trails, a small obstacle course and a play area for the kido's.

From camp you can ride or hike miles of trails and roads on Department of Natural Resources (DNR) land.

We are only a few miles from the 7 Cedars Casino and 10 miles from beautiful Sequim.

Come relax and enjoy our little bit of heaven on the hill.

SAGE HORSE CAMP AND RV PARK WENT FROM A DREAM TO REALITY ON JULY 5TH, 2014. WE ARE SO EXCITED TO BE OPEN AND AVAILABLE FOR OVERNIGHT CAMPERS AND DAY RIDERS ALIKE.

Filter by

Tent sites

RV sites

Instant book

Picnic table

Pets allowed

Potable water

Toilet

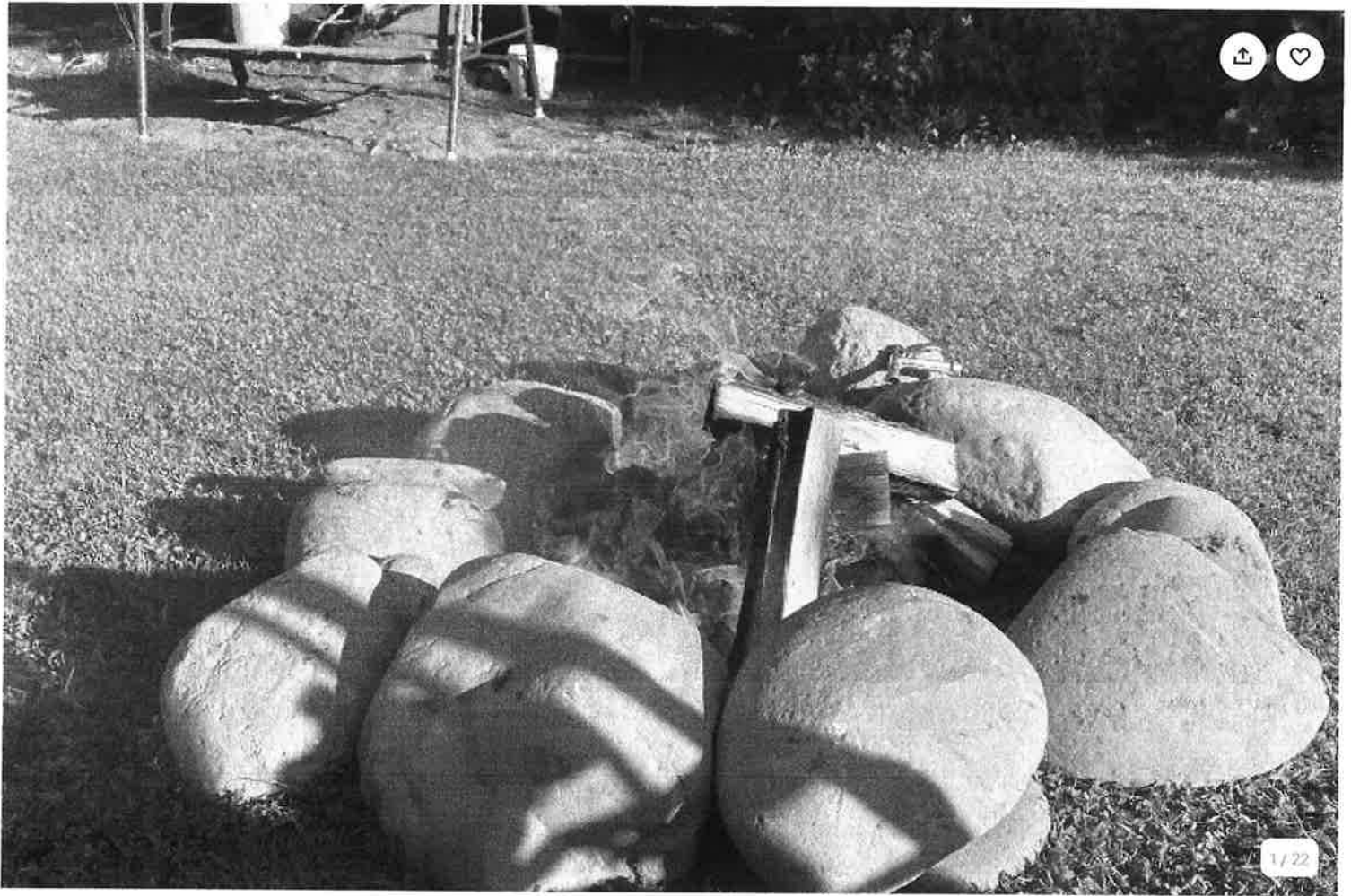
RV/tent sites

14 sites

Select a site

Support





[United States](#) > [Washington](#)

Douglas by Design

👍 94% · [6 reviews](#) · Sequim, Clallam, Washington · 2 acres

Hosted by Ji D.

4 RV/tent sites



Near Olympic National Park

Within a 30-minute drive from the Olympic National Park.



Big rig-friendly

Spacious, level camping well-suited for travel trailers over 40 ft long.

Welcome to our beautiful farm, where you can experience the best of urban farm life surrounded by park-like amenities. Whether you prefer camping under the stars, having a delightful picnic, or parking your RV or trailer, our farm provides the perfect setting for your outdoor adventures.

4 sites

from **\$96** total

Includes taxes and fees

[1 guest](#)

Chri Support



About

Welcome to our beautiful farm, where you can experience the best of urban farm life surrounded by park-like amenities. Whether you prefer camping under the stars, having a delightful picnic, or parking your RV or trailer, our farm provides the perfect setting for your outdoor adventures.

With power and water available, you can enjoy the convenience of modern amenities while immersing yourself in the sights and sounds of farm life. Take in the picturesque surroundings, breathe in the fresh country air, and embrace the tranquility that comes with being in nature.

While we don't offer sewer hookups, our focus is on providing a campground feel where you can reconnect with the simple joys of farm living. Spend your days exploring the farm, observing the animals, or simply relaxing amidst the peaceful ambiance.

Other things to note

Welcome to our beautiful farm, where you can experience the best of nature and farm life. Set up your tent in our forested camping areas or simply drive up and take it easy.

Immerse yourself in the serene surroundings, with farm animals grazing nearby and the sounds of nature filling the air. Our farm offers a peaceful and picturesque setting for your camping adventure.

Conveniently located near the Olympic Discovery Trail, you can embark on scenic hikes or bike



Surface type: Grass or field



Surface levelness: Flat

[Show more](#)

4 sites

from **\$96** total

Includes taxes and fees

1 guest

Ch

Support

 Add dates

 Add guests

- Filter by
- Tent sites
- RV sites**
- Lodging
- Instant book
- Picnic table
- Wifi
- Pets allowed
- Potable water
- Toilet
- Campfires
- Shower
- Cooking equipment

RV/tent sites

1 site



Prairie RV Parking Site South

84% (46)

RV/tent site · Sleeps 6 · Vehicles under 36 ft
East access. Beautiful mountain view. Water and electricity is available.

-  No campfires
-  Pets allowed
-  Toilet
-  Electrical hookup
-  Potable water
-  Water hookup

from **\$40** / night
for 4 guests

Add dates



Location





[United States](#) > [Washington](#)

Red Hawk Stables

👍 93% · [5 reviews](#) · Sequim, Clallam, Washington · 5 acres

Hosted by Elizabeth S.

2 RV/tent sites



Near Olympic National Park

Within a 30-minute drive from the Heart o'the Hills.

Located in Sequim, Washington, Red Hawk Stables is the closest Harvest Hosts location to Olympic National Park. This facility offers guided horseback trail riding at a variety of price points, as well as pony rides for younger children. They also have a petting zoo, complete with chickens, pigs, ducks, horses, rabbits, goats, and geese. They have two pet-friendly spaces for RVs under twenty-nine feet in length, and plenty of tent spots. Don't miss this awesome location when going to or coming from Olympic!

[Show more >](#)

2 sites

from **\$32** total

Includes taxes and fees

[1 guest](#)

Ch Support



About

Located in Sequim, Washington, Red Hawk Stables is the closest Harvest Hosts location to Olympic National Park. This facility offers guided horseback trail riding at a variety of price points, as well as pony rides for younger children. They also have a petting zoo, complete with chickens, pigs, ducks, horses, rabbits, goats, and geese. They have two pet-friendly spaces for RVs under twenty-nine feet in length, and plenty of tent spots. Don't miss this awesome location when going to or coming from Olympic!

August thru September is wild blackberry season, and the campground is surrounded by them. Feel free to pick them!

When you arrive, take the very first left (theres a metal welcome sign with a pink ribbon 🎀, not the driveway that says "no trespassing")

and follow the driveway between the two horse pastures, down and around to the lower grassy parking area where the pigs and goat pen are (sharp left to big barn).

Feel free to pet / feed produce scraps you may have to goats / pigs. You can bring treats such as carrots and apples for the horses too, but mind the teeth on all critters!

Some fences do have hot wire (electric fence) on the inside railing so please BE CAREFUL.

If you have any other questions, let me know.

If parking in the arena, under cover some leveling may be required



Surface levelness: Flat

If parking in the arena, under cover some leveling may be required



No Fifth wheels, Class B RVs, Class C RVs, and Campervans



Generators allowed

2 sites

from **\$32** total

Includes taxes and fees

1 guest

Ch

Support



[United States](#) > [Washington](#)

Rain Shadow Lavender Farm

👍 100% · [16 reviews](#) · Sequim, Clallam, Washington · 5 acres

Hosted by Rex K.

Vehicle site · 4 guests max



Rex is a Star Host

Star Hosts are highly rated, responsive, and committed to providing incredible experiences.



Near Olympic National Park

Within a 30-minute drive from the Olympic National Park.



Farm store

Offers products directly sourced or produced on the farm.

RainShadow Lavender Farm is situated in a beautiful location with a tremendous view of the Olympic Mountains and located within one mile of Hiway 101 and the Dungeness Wildlife Preserve.

from **\$77** total

Includes taxes and fees

[1 guest](#)

Ch

Support

[Show more](#) >

RV details

 **Travel trailers, Fifth wheels, Class A RVs, Class B RVs, and Class C RVs allowed**

 **Vehicles under 36 feet allowed**

 **Pull-through site**

 **Accommodates slideouts**

 **Surface type: Grass or field**

 **Surface levelness: Flat**

[Show more](#)

What to expect

 **Vehicle site**
You'll have this Hipcamp all to yourself.

 **4 guests max**

 **Toilet available**

 **Pets allowed**

 **No campfires**

 **Potable water available**

[Show more](#)

Getting there

Check in: After 4:00 PM

Check out: Before 9:00 AM

On arrival: Meet with Host

Cancellation policy: Flexible

Minimum nights: 1 night

Accepts bookings: 3 months out

 **Park at listing**

 **No wheelchair access**

 **Max 2 vehicles**

 **2WD accessible**

from **\$77** total

Includes taxes and fees



[United States](#) > [Washington](#)

Udaya Ranch

Carlsborg, Clallam, Washington

5 acres hosted by **Kindle B.**

31 RV/tent sites



Near Olympic National Park

Within a 30-minute drive from the Olympic National Park

5 acre farm located midway between Sequim and Port Angeles. The property sits 800 yards from the straight of Juan De Fuca. You will hear the sound of the boats blowing their horn and enjoy the morning mist. Located in the heart of the "Blue Hole" aka "Rain Shadow", we are blessed with 300 days of sunshine annually.

Less than 5 min from the property you will find the Dungeness National Wildlife refuge - access point to the Dungeness Spit, the Olympic Game Farm,...

[Show more](#) >

Select a site

Support



[United States](#) > [Washington](#)

Deer Park Mountain View RV Campsite

👍 89% · [15 reviews](#) · Port Angeles East, Clallam, Washington · 17 acres

Hosted by Susan G.

Vehicle site · 4 guests max



Full RV hookups

Electrical, water, and sewage hookups are available at all sites.



Near Olympic National Park

Within a 30-minute drive from the Olympic National Park.

If you love privacy, nature, wildlife, and fresh air, you will love Deer Park Mountain View RV Campsite.

Our property is 17 acres of mostly unimproved land. There are open meadows, forested areas, and a trail that circles the property. Find the beginning of the wood-chip trail near the campsite and follow it through the trees. The trail comes out near the house. Enjoy the view and take care near the cliff.

[Show more](#) >

from **\$64** total
includes taxes and fees
[1 guest](#)

Ch Support

-  **Vehicles under 50 feet allowed**
No pull through. Vehicles can pull in and back out or vice versa.
-  **Pull-in site**
No pull through. Vehicles can pull in and back out or vice versa.
-  **Accommodates slideouts**
No pull through. Vehicles can pull in and back out or vice versa.

-  **Surface type: Loose Gravel**
-  **Surface levelness: Flat**

[Show more](#)

What to expect

-  **Vehicle site**
You'll have this Hipcamp all to yourself.
-  **4 guests max**
-  **Campfires allowed**
-  **Pets allowed**
-  **No toilet; campers must bring camp toilets**
-  **Potable water available**

[Show more](#)

Getting there

- Check in:** After 2:00 PM
- Check out:** Before 12:00 PM
- On arrival:** Head straight to site
- Cancellation policy:** Flexible
- Minimum nights:** 1 night
- Accepts bookings:** 12 months out

-  **Park at listing**
-  **Wheelchair access**
-  **Max 2 vehicles**
-  **2WD accessible**

Location



from **\$64** total
Includes taxes and fees

DEER PARK RD

ON HIGHWAY

© Mapbox © OpenStreetMap

Port Angeles East, Clallam, Washington, United States

Traditional, ancestral territory of Cayuse, Umatilla and Walla Walla and S'Klallam First Nations according to [Native Land Digital](#).

To respect the Host's privacy, the precise address of this land will be provided after booking

Hosted by Susan G.

Joined in March 2023



Contact host

👍 89%

18 ratings · 15 reviews

🔍 Search reviews

Tj J.

September 26, 2023

Convenient location close to Port Angeles. Appreciated the electrical hookup. Pretty bare bones but a decent place to spend the night at an affordable price.

Marissa D. recommends

September 22, 2023

This site was perfect! Great location, just a short drive to Olympic National Park. We loved seeing several deer every day and we loved using the fire pit. Would definitely stay here again!

Ken N. recommends

September 7, 2023

Quiet and Pleasant

We really enjoyed the site! It was peaceful and quiet yet close enough to town to take in all of Port Angeles's attractions. The septic was a bit of a challenge but workable. It did show as a 30 amp hookup however the pole is a 50 amp connection Glad I had my adapter with me. One over their chickens sounded like it was laughing it had us rolling on the floor. We will not hesitate to visit again.

Eric Z. recommends

September 4, 2023

Fabulous Place with lots of animal

It's relatively close to the national park entrance. The campsite itself is flat and spacious, and you'll see lots of deer roaming around, which is pretty cool. Plus, you'll have plenty of privacy since it is quite far from any other building and there are trees. However, the park issued a fire ban before I got there (what a bummer!). The only downside is that if you have a big trailer, it might be a bit tricky to hook up to the sewer because it's on the left side. My 24-foot trailer managed to pull in, so it's all good. Don't forget to visit the deer park down the road. It has about 30-40 minutes off-road uphill, but the view is worth it.

Glennellen P.

September 2, 2023

Beautiful Site With Some Issues

Much to recommend this site: beautiful meadow with deer visiting morning and evening, quiet, of course, as it is just one site alone and away from the houses, clean almost flat graveled pad, full hookups--wonderful in many ways. However, for a trailer (i.e., an RV pulled by another vehicle) the utilities are on the wrong side--they cannot work if trailer is backed in--and the sewer hookup is so far off the ground (literally up in the air) that it is difficult to drain the tanks. Fortunately we didn't need to drain the

from **\$64** total

Includes taxes and fees



About

I have been informed by the Clallam County Department of Community Development that there was a complaint (I have a neighbor who has nothing better to do. All of my campers were quiet and few were there more than one night. Those I met were lovely people and respectful campers). I have been informed that am in violation of local law for camp hosting here. I am unsure whether there is a remedy for this, so this listing is not currently available.

My understanding is that this occurred for earlier Hipcamp listings a year ago, before my listing went live. A friend told me that the county wanted some of their friends to buy an RV park permit for a lot of money in order to rent a campsite on their property.

What I find curious is that no one will restrict Airbnb listings here because many local officials are making a lot of money that way. If any people in the Department of Community Development (or County Commissioners, etc.) have VRBO, Airbnb or other vacation rentals, I think there's a conflict of interest that should be considered.

Anyway, folks, this is why you might have a challenge finding a site in Clallam County.

Other things to note

This is a fairly level, easy to get to site, right off 101. It's on a cul-de-sac with 3 homes and an apiary. You can park behind the wild roses to screen you from the road or near a madrona tree and blackberry screening. From this spot, you can day trip to hike and see local sights. It's near Port Angeles but only minutes from

Vehicles under 25 feet allowed

The madrona tree site will require pulling in and backing in.

Pull-through site

The madrona tree site will require pulling in and backing in.

Accommodates slideouts

The madrona tree site will require pulling in and backing in.



Surface type: Grass or field

There is a pull-through potential around a wild rosebush that also provides privacy should it be desired. One site backs up to a madrona tree. The other can be more in the open, or just behind the wild rose. However, be mindful of blockin...

[Show more](#)



Surface levelness: Requires leveling

from **\$32** total

Includes taxes and fees

1 guest

Ch

Support

16 acres hosted by Richard K.

2 RV/tent sites



Private sites

98% of recent Hipcampers say the sites felt private.



Family-friendly

Recent Hipcampers say this Hipcamp is great for families and kids.



Near Olympic National Park

Within a 30-minute drive from the Heart o'the Hills.



Off-leash friendly

Pets can be off-leash at this Hipcamp.

"Welcome to Dicks Last Resort on the River. Our 16 acre private riverfront property is located on the Dungeness River just outside the city of Sequim in Clallam County on the Olympic Peninsula. There are just two very large campsites. Each site can accommodate two RV's or just a bunch of tents. You will have full access to the parcel allowing you to explore or just hang out at the river. We are pet friendly. Well behaved dogs can be off leash this vacation

The nearest towns are Port Angeles, Port Townsend, Victoria B.C., and Sequim where you'll find restaurants, wineries, and more....

[Show more](#) >

Select a site



Add dates



Add guests

Filter by

Tent sites

RV sites

Instant book

Picnic table

Wifi

Pets allowed

Potable water

Toilet

Campfires

RV/tent sites

2 sites

Instant book

\$90

Campsite 1

99% (110)

RV/tent site · Sleeps 12 · Vehicles under 45 ft

VOTED BEST CAMPSITE IN WASHINGTON STATE RUNNER UP 2021 and 2022. Two very spacious and private campsites are located on 16 acres of riverfront property. Both campsites are located on the wate...



Campfires allowed



Toilet



Potable water



Pets allowed



Electrical hookup



Water hookup

from **\$90** / night
for 6 guests

Add dates

30 ft

\$90



[United States](#) > [Washington](#)

Frog Creek Meadow

👍 100% · [40 reviews](#) · Port Angeles, Clallam, Washington

10 acres hosted by Elizabeth S.

6 RV/tent sites



Amazing views

Hipcampers say this spot has amazing views.



Near Olympic National Park

Within a 30-minute drive from the Heart o'the Hills.



Elizabeth is a Star Host

Star Hosts are highly rated, responsive, and committed to providing incredible experiences.

Beautiful mountain views and open skies, perfect for star gazing. Quiet and close proximity to Deer Park Campground, Olympic National Park, Olympic Discovery Trail, and Hurricane Ridge. Some of the local recreational opportunities include hiking, biking, fishing, whale watching, beach combing, or just plain good ol' relaxing.

We are a great home base for access to:

[Show more](#) >

Select a site

[Support](#)

Jacob M. recommends
August 15, 2023

We loved the sight. Although it is right next to a small gravel road, it was still somewhat private. Only a few cars passed by. The sight was very well maintained, didn't need to use leaving blocks because the pad was very level. It fit our 31' trailer no issue. It was a little hard to find the road but after a few tries we figured it out. Almost a constant visit from deer with our kids loved. We opted not to use the sewer and just dumped on our way home.

Show all 15 reviews

More camping spots nearby



- 👍83% (3)

Cul-de-sac with Olympic view.

1 acre · Port Angeles East, Clallam

from **\$25.00** / night
- 👍100% (4)

Fort Bridger's Hidden Valley

4 acres · Port Angeles, Clallam

from **\$55.00** / night
- 👍99% (86)

Roberts Woods

12 acres · Port Angeles, Clallam

from **\$45.00** / night
- 👍100% (53)

Frog Creek Meadow

10 acres · Port Angeles, Clallam

from **\$40.00** / night



Things to do nearby



- Dungeness National Wildlife Refuge**

8 miles away
- Olympic National Park**

10 miles away
- Olympic National Forest**

10 miles away
- Sequim Bay State Park**

15 miles away

Safety at Hipcamp



from ~~\$64~~ total
Includes taxes and fees

[Learn More](#)

[Learn More](#)

[Learn More](#)

Safety partners

[Learn More](#)

[Learn More](#)

[Learn More](#)

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Hipcamp is created with  and hope for our future



Staff Report

Clallam County Department of Community Development

Date: January 10, 2024
To: Clallam County Planning Commission
From: DCD Planning Division
Re: Rezone and Comprehensive Plan and Zoning Map Amendment
Application 2023-00001 – Yakovich

REQUEST

Dennis and Karen Yakovich submitted an application to request a Comprehensive Plan Land Use and Zoning Map amendment for approximately 38.19 acres, referenced as parcel number 093132-120000. The property is located south of Highway 112, west of the Urban Growth Area of Joyce, near Springhaven Lane. The request is:

- Change the designation of the property from Commercial Forest (CF) to Commercial Forest Mixed-5 (CFM5).

APPLICATION SUMMARY

The full application submitted is provided in Appendix A. The rationale in support of the requested rezone is found in the applicant's "Justification". The rationale is reliant on the opportunity of the landowner to be able to develop at the density of the other surrounding private landowners. The property changed ownership from a large timber company to a private landowner in 2007.

BACKGROUND

Ownership

The property is described as "NW NE 32-31-9" in a Statutory Warranty Deed Auditor File Number 2007-1204994 recorded July 12, 2007 transferring the property from Green Crow Timber LLC to Dennis Yakovich (Exhibit). Green Crow Corporation purchased the property from GC Forest Inc in 1997 through a Bargain and Sale Deed, AFN 762642. The property has historically been owned by timber companies, presumably since the designation of the property as the current Commercial Forest zone implemented in 1995.

Existing Land Use/Land Cover

The property is currently forested and undeveloped. The purpose of CF zone is to "*protect large forest land parcels from encroachment of uses which threaten effective forest management practices*" (CCC 33.07.020). The property was part of a survey conducted in 1982 for L. Baker, Vol 8 Pg 10 for the entire 80 acre section. The subject property is currently described as a quarter quarter section and is just shy of 40 acres. The property is enrolled in, and taxed as, Open Space Timberland through the Assessor's Office and is currently forested.

Residential density in the CF zone is one dwelling unit per 80 acres. Development of a single-family residence on the subject property would require approval of a conditional use permit since the property was part of an ownership with more than 640 acres of other Commercial Forest lands on June 27, 1995, CCC 33.07.

Surrounding Land Use/Land Cover

The property abuts State owned timberlands on the southern and western property boundaries. The surrounding privately owned parcels in the near vicinity are all designated Commercial Forest Mixed-5 (CFM5). These parcels are largely forested with development of single-family residences, and vary in size from 5 to 35 acres.

Access

The property is served by a private easement that travels south from Highway 112 to the subject property.

Utilities

Electricity and telephone services would need to be extended to the subject property, but there is existing services to the residences to the north and east of the subject property. The surrounding properties are served by on-site septic systems and are within the service area of Fire District #4.

Critical Areas

There are no critical areas identified on the subject property. The property sits south of Highway 112 and is over 3800 feet from the Strait of Juan de Fuca.

MAP AMENDMENT CRITERIA OF APPROVAL

When considering an application for rezone, the Planning Commission and Board of County Commissioners (BOCC) are required to evaluate the amendment with regard to six criteria contained under CCC 33.35.090 in the Zoning Code, and at CCC 31.08.370 in the Comprehensive Plan. These six criteria, or "Required Showing for an Amendment," provide the scope of consideration that the Planning Commission and BOCC must respond to in order to determine if a rezone should be approved. The following summarizes staff's preliminary analysis with regard to the required showing for amendment.

Criterion 1. The proposed amendment is consistent with the spirit and intent of the Clallam County Comprehensive Plan.

The goals and policies adopted by the Board of County Commissioners in the Clallam County Comprehensive Plan, the various Regional Plans, and the Clallam County Zoning Code provide the framework for land use decisions in Clallam County. Particularly relevant to this request are the goals and policies that were specifically developed to guide the designation of both Commercial Forest (CF) and Commercial Forest Mixed-5 (CFM5), both resource zones in the Clallam County Code. For your convenience, excerpts of any referenced county code sections are attached as Appendix B. For the full text of the County's Code, go to <https://clallam.county.codes/CCC>

The Comprehensive Plan states that *"It is the task of this plan to provide the policy framework necessary to protect our remaining forest lands from conversion to other uses, through regulations and incentives to landowners,"* at CCC 31.02.130(2), and lists as its very first forest land use goal that *"suitable forest land in the County [be retained] in commercial forest land use, because of general economic benefits to the people of the county derived from forests, including timber production and processing, watershed conservation, recreation, and fish and wildlife*

conservation." CCC 31.02.140(1). Pressure to Forest Lands comes from permanent conversion to uses incompatible with growing trees. Parcels devoted to growing trees have been identified as being economically viable if they remain 20 to 80 acres in size with a residential component necessary to achieve practical use of the property.

Specific criteria is identified for the designation of Commercial Forest Lands and is defined in the Comprehensive Plan as:

"land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered:

- (a) The proximity of the land to urban, suburban, and rural settlements;*
- (b) Surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses;*
- (c) Long-term local economic conditions that affect the ability to manage for timber production;*
- (d) The availability of public facilities and services conducive to conversion of forest land to other uses. (CCC 31.02.050 (18))"*

Designation of Commercial Forest (CF) Land. The Comprehensive Plan contains several key policies that guide designation of Commercial Forest land from both a "county-wide" and "regional" standpoint.

The Comprehensive Plan establishes eight criteria for designating Commercial Forest lands under CCC 31.02.140(8). These criteria apply as follows to the subject property:

- 1. The land is primarily devoted to growing trees (includes clearcuts and plantations).** The property was zoned Commercial Forest in 1995 when it was owned by a timber company. The property was transferred to Dennis and Karen Yakovich on July 12, 2007 through a Quit Claim Deed. County records indicate that the property continues to be enrolled in, and taxed as, Open Space Timberland.
- 2. The "private forest land grade" established in RCW Title 84 is 1 through 4 or the site index for Douglas Fir is greater than 83 feet and for Hemlock is greater than 82 feet (50 year rotation base).** The soil type found on the subject property is identified as "Sadie gravelly loam, 0 to 35 percent slopes" which has a mean index for Douglas fir estimated at 118 for a 50 year period, well above the minimum standard for commercial forest land of 82-feet.
- 3. The land does not have access (hookup rights) to municipal sewers.** The property does not have access to municipal sewer service. The surrounding residential developments are served by on-site septic systems.
- 4. The parcel has a minimum parcel size of 80 acres or 1/8 of a standard section subdivision or contiguous parcels under one ownership can be grouped to total 80 acres or 1/8 of a standard section subdivision.** The subject property is described as "the Northwest Quarter of the Northeast Quarter in Section 32, Township 31 North, Range 9 West, W.M., Clallam County, Washington" and is indicated in the Assessor's Records as being 38.19 acres. The property was surveyed with the northern 40 acres in

1982 for L. Baker under Volume 8 Page 10, but was separately sold over time from the subject property. The northern portion of the 80 acres was divided in 1986, creating an approximate five acre and 35 acre parcels that are currently developed with single-family residences and zoned CFM5. The subject property has historically been owned by timber companies and was acquired by the current owner in 2007 from Green Crow Timber LLC.

5. *The parcel does not meet criteria a) through d) above, but are surrounded on at least three sides by lands meeting the definition of Commercial Forest Resource Lands.*

The subject parcel meets three of the four criteria for designation as commercial forest and is only adjacent to State owned Department of Natural Resources land on the south and western property lines. The residential parcels to the north and east are zoned Commercial Forest Mixed-5 (CFM5) and are developed with single-family residences, but retain large forested areas on those residential lots.

6. *The parcel is not within the city limits of an incorporated city.* The subject property is not within any city limits.

7. *Forest lands are usually found in large contiguous blocks of ownership and are not generally surrounded by residential development (densities do not exceed one dwelling per five acres).* The property is a single privately owned parcel surrounded to the north and east by residential development. When the parcel was owned by Green Crow, a timber company, the commercial forest designation of the 40 acre parcel was understandable. Circumstances changed when the property was sold in 2007 to a private land owner.

8. *While slope is not a primary criteria for determination of commercial forest, steep slopes in excess of 40% slope should generally be included with commercial forest lands due to their unsuitability for development.* The subject property is relatively flat and is not unsuitable for development.

The subject property does not appear to meet the full extent of the criteria for designation in the Commercial Forest land, CCC 31.02.140(8), however, at the time of its designation the intended use and ownership appeared to factor into the decision of its designation.

Conversion of Commercial Forest (CF) land. The Comprehensive Plan at CCC 31.02.130(2) states that "*County forest lands are being permanently and irreversibly lost through conversion to other uses such as residential development.*" The first goal listed under CCC 31.02.140(1) is to "*Retain suitable forest land in the County in commercial forest land use, because of general economic benefits to the people of the County derived from forests, including timber production and processing, watershed conservation, recreation, and fish and wildlife conservation.*"

The Countywide Comprehensive Plan Policy CCC 31.02.140(23) states that "*lands 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*" [emphasis added]. It goes on to state that zone change applications "shall meet one of the following criteria:

- *An error was made in application of the criteria establishing the zone; or*
- *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) [emphasis added].

An analysis of how CCC 31.02.140(23) applies to this request follows:

Point One: The first part of Policy CCC 31.02.140(23) indicates Commercial Forest zoning shall not be changed unless it can be shown that a change will not affect the commercial viability of the surrounding forest land. The property is adjacent to residential development to the north and east and State owned commercial forest lands to the south and west. Conversion to the Commercial Forest Mixed-5 zone will allow continued timber production with a residential component to increase its economic viability. The property is currently only 40 acres in size, which the Comprehensive Plan identifies as being economically viable with a residential component, CCC 31.02.130(4).

The Straits Regional Plan recognizes commercial forestry/residential mixed zoning as a tool to manage commercial forestry by smaller land owners, CCC 31.05.300(4). The intent of the zone is to allow some development while maintaining buffers from commercial forest operations and residences. CFM zones allow for the clustering of residences or development on larger parcels at low densities. Under the proposed rezone, the property would be similarly zoned to the properties adjacent to the subject property and will be zoned to allow residential development and the retention of forested property.

Point Two. Removal of land from Commercial Forest designation may occur if it can be shown that an “error” in designation occurred in the application of the criteria for establishing the zone. As discussed above, an initial review of the Comprehensive Plan polices for designating Commercial Forest lands reveals no evidence that the subject property was designated in error. The property met many of the criteria for designation as a Commercial Forest zone and was owned by timber companies until 2007. The property was designated based on the criteria of commercial forest lands as well as the ownership and intended use of the property during the Comprehensive Planning and Zoning Map of 1995.

Point Three. Excluding evidence that an error in designation was made, CCC 31.02.140(23)(b) does allow the Board of County Commissioners to *“find 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.”*

The property is described as 1/16th of a section of land and is nearly 40 acres in size. The property was formerly owned by Green Crow Timber until 2007 when it became owned by the applicant. Surrounding properties are a mixture of State managed Commercial Forest lands and residentially developed timbered properties. According to the Comprehensive Plan, CCC 31.02.130 (4), *“long-term commercial timber production can be realized on parcels 80 acres and larger. Owners of land between 20 and 80 acres in size can realize long-term timber production, but would likely require a residential development component in order to achieve economic and practical use of the parcel.”* To implement this policy, the Zoning Code at CCC 33.07.020, Commercial Forest, lists “single family dwellings” as an allowed use in Commercial Forest lands *“[o]n lots which were not part of an ownership of more than 640 acres located in the Commercial Forest zoning district, on June 27, 1995,”* and otherwise lists “single family dwellings” as a conditional use. Because the subject property was owned by a large timber company until 2007, construction of a single-family residence would require conditional use approval. Approval of a conditional use permit

would allow standards to be enforced to protect the surrounding commercial forestry lands from intrusion by a non-compatible use.

Under the proposed rezone to CFM5, residential development could be expanded to include up to 7 single family dwellings, plus associated accessory dwelling units. Development of the parcel will be reviewed for protection of the forestry potential and would encourage clustering with a forest reserve. CFM5 is considered a resource zone and the surrounding lots are similarly zoned with the same potential for development on similarly sized lots.

Conclusion: The parcel does not meet all criteria for designation of Commercial Forest Land, but was rightfully designated Commercial Forest Land because of the ownership at the time the zoning was decided. Rezoning of the property would provide the same opportunities for this property as those adjacent with similar characteristics in the near vicinity, and allow for the protection of timber resources by allowing a residential component. The Comprehensive Plan identifies that parcel less than 80 acres should have the ability to add residences to achieve economic and practical use of the parcel.

Criterion 2. The proposed amendment is consistent with the spirit and intent of the Clallam County Zoning Code and with interlocal agreements, transportation, parks and recreation, capital facility, utility, watershed, and other applicable land use and environmental plans and policies adopted by the County.

The spirit and intent of the Clallam County Zoning Code is defined under the purpose statement of CCC 33.01.020. This section identifies a clear link between the Zoning Code and the Comprehensive Plan in that 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 in the least intrusive manner possible."*

The stated purpose of the Commercial Forest (CF) zoning district that currently applies to the subject property is to *"protect large forest parcel from encroachment of uses which threaten effective forest management practices."* CCC 33.07.020. The purpose of the Commercial Forest/Residential Mixed Use 5 zone is to *"maintain and enhance the forest resources of Clallam County through conservation of productive forest lands and discouragement of incompatible land uses. The Commercial Forest/Residential Mixed Use 5 zone provides for a compatible mix of commercial forest and residential land uses. The Commercial Forest/Residential Mixed Use 5 zone is usually found in association with the Commercial Forest zone and the forest reserves provided for under the cluster development option provide a buffer between Commercial Forest zoning and the housing allowed in the CFM zones and adjacent rural residential zones"* CCC 33.07.040. Both zones are intended to protect productive forest lands.

Conclusion: The current zoning designation of CF is meant to *"protect large forest parcel from encroachment of uses which threaten effective forest management practices."* Under the proposed rezone a potential 7 residences could be developed with the designation of a forest reserve, providing a transitional zone between truly productive timber parcels and rural development. The zone is intended to provide a mix of opportunities for parcels that do not meet the specified criteria of Commercial Forest Lands and is consistent with the spirit and intent of the zoning code.

Criterion 3. The proposed amendment will not be detrimental to the public health, safety and welfare.

Development of the subject property, if granted the rezone, would be conditioned to meet all regulations of the subdivision code, environmental health regulations, stormwater requirements, and building regulations which would adequately protect public health, safety and welfare and could provide additional residential opportunities. The subject property does not contain any noted critical areas.

Criterion 4. The proposed amendment is necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a different land use [and zoning] designation.

The northern half of the original surveyed 80 acres was designated CFM5 while the subject property was designated CF because it was privately owned at the time of its designation. The subject property does not meet all the criteria of Commercial Forest land, but was owned by a timber company, so was designated CF. Since the time of its original designation as Commercial Forest, conditions on the subject property have changed in that a timber company no longer owns the subject property, but this is the only condition that has changed. Had a timber company not owned the almost 40 acre parcel it is perceived that the property would have been CFM5 similarly to the surrounding properties.

Criterion 5. The proposed amendment will not result in probable significant adverse impact to the adequacy of public facilities and services including, but not limited to transportation, sewer, water, storm water, utilities, and parks required to meet urban or rural needs, and will not place uncompensated burdens upon existing and planned services.

Approval of the rezone would increase the potential of residential development. Approval of any subsequent land use application would be subject to review under applicable land use and environmental health regulations, including the availability and adequacy of public facilities and services.

Criterion 6. The cumulative effects of all proposed amendments have been assessed and determined to be consistent with the spirit and intent of the Clallam County Comprehensive Plan.

In taking action on an application for rezone and Comprehensive Plan amendment, the Board of County Commissioners makes policy decisions that not only directly impact the subject property owners, but directly and indirectly impact other property owners, both in the immediate area and throughout the County. Zoning designations control what uses are allowed or prohibited on a particular piece of property. While an applicant may have a specific use in mind that he or she is able to achieve through a change in zoning, the applicant is nevertheless under no obligation to limit land use activities to that original plan. The applicant would in fact be eligible for any of the land uses listed as Allowed in the underlying zoning district. For this reason, the applicant's stated intent on their application must not be the sole or primary criteria for a zoning change, and an evaluation of a rezone application must consider all possible uses allowed under the proposed zoning district.

Additionally, a decision on a rezone must be evaluated with respect to its application to other similarly situated properties. The original CF designation was not done in error even though it did not meet all of the criteria to be designated a viable commercial forest land, but was likely

designated due to location and ownership of the property by a timber company. Because of these factors, the CF zone was appropriately assigned. Similar properties adjacent to the subject property that were privately owned were designated the Commercial Forest Mixed 5 (CFM5) zoning designation. The property which is now owned by a private individual is being requested to have this same designation as the surrounding properties with similar circumstances. Rezoning the subject parcel from the CF zone to the CFM5 zone would appear to meet point 3 for a rezone and would not reduce the viability of any surrounding commercial forest lands. Redesignation to CFM5 would allow the land owner to continue timber management with a residential component to make the property more economically viable, which is consistent with the spirit and intent of the Comprehensive Plan.

STAFF RECOMMENDATION

Approval of this proposal would provide the land owner the same opportunities of similarly sized properties within the vicinity of the property. The property would likely have been designated CFM5 if privately owned, but was owned and utilized for timber production by a timber company at the time of the zoning designation in 1995. The property alone does not meet all criteria to qualify as a viable Commercial Forest land within Clallam County, and the Comprehensive Plan suggests a residential component to be more economically viable. Designation of CFM5 maintains characteristics of timber lands with a residential component that helps provide a transition area between residentially zoned lands and commercial forest zones.

Based on the above analysis, Planning Division staff believes that Rezone and Comprehensive Plan Map Amendment Application REZ2023-00001 is supported by existing policies and **recommends approval** of the request.

Reference List:

Map 1 Vicinity Map
Map 2 Critical Area Map
Map 3 Aerial Photo

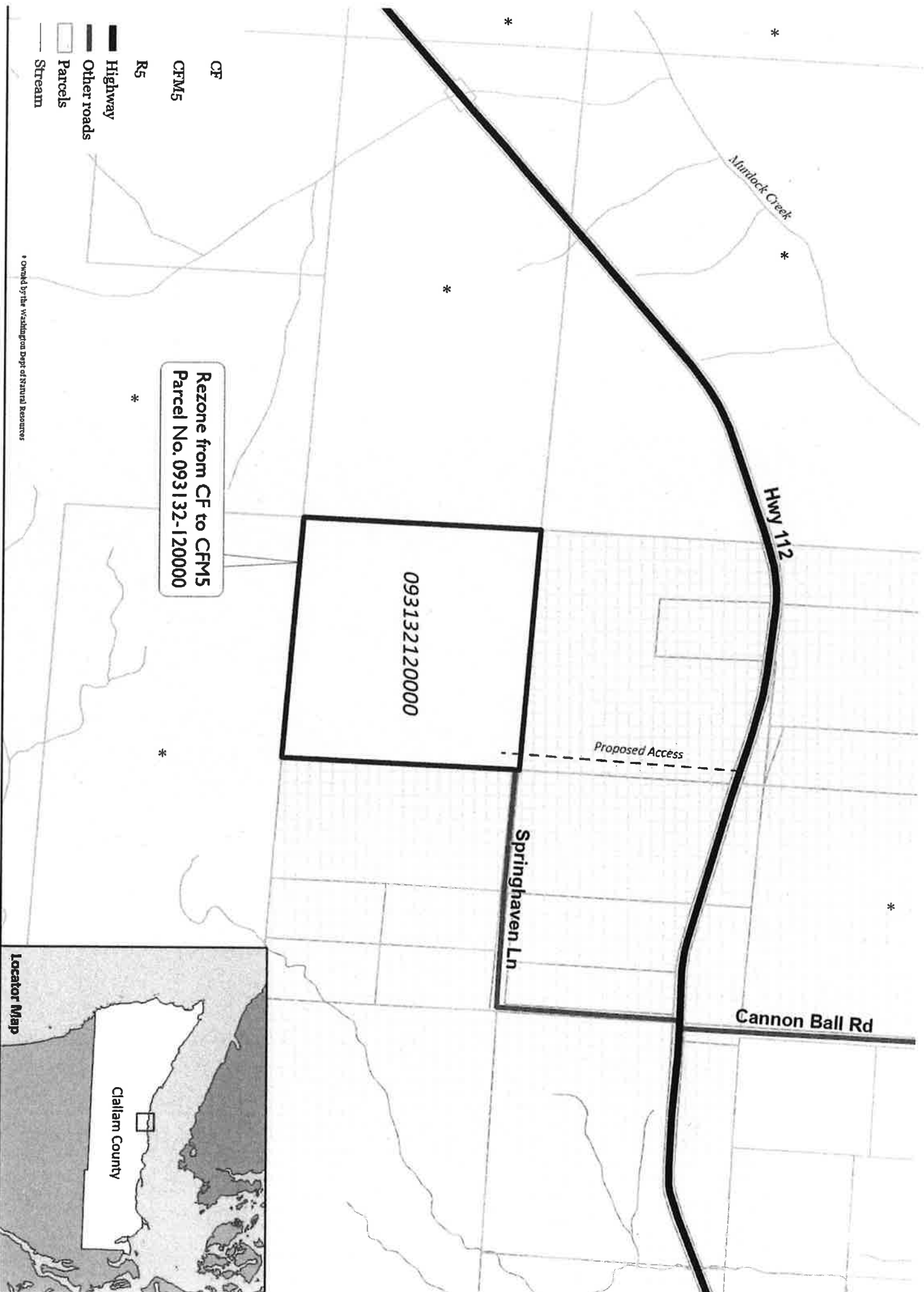
Appendix A: Application and Justification

Exhibit 1 Statutory Warranty Deed AFN2007-1204994
Exhibit 2 Survey Volume 8, Page 10
Exhibit 3 Bargain and Sale Deed GC Forest to Green Crow Corporation Book 1206 Page 581

Relevant code citations, found at: <https://clallam.county.codes/>

Text of Zoning Code
CCC 33.07.020, Commercial Forest (CF)
CCC 33.07.040, Commercial Forest Mixed 5 (CFM5)

Text of Comprehensive Plan
CCC 31.02.130, Forest land issues
CCC 31.02.140, Forest land goals
CCC 31.02.260, Rural growth.
CCC 31.05.290, Resource element from the Straits planning area.
CCC 31.05.300, Forest land use issues.



Rezoned from CF to CFM5
Parcel No. 093132-120000

HWY 112

Cannon Ball Rd

Springhaven Ln

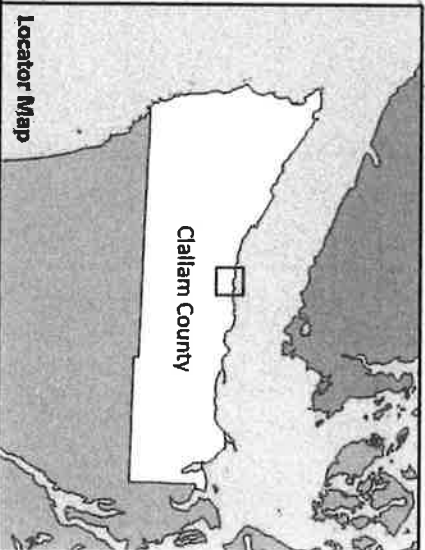
Minlock Creek

093132120000

- Highway
- Other roads
- Parcels
- Stream

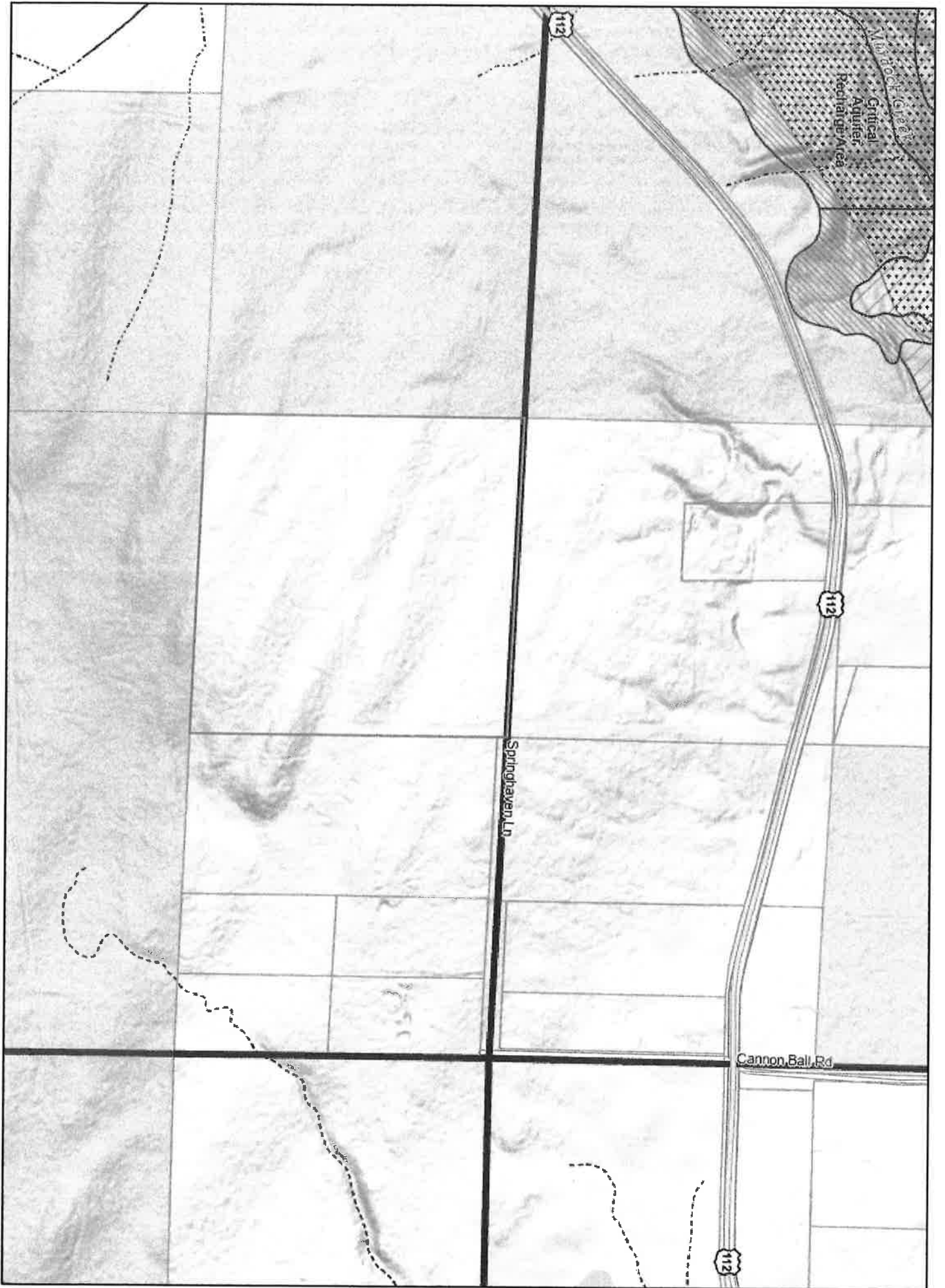


* Owned by the Washington Dept. of Natural Resources



REZ2023-00001: Surrounding Zoning

We are happy to share our maps and hope that you find them helpful. Please be advised, however, that these maps are intended to serve as a guide to the general location of features shown. The accuracy of the individual layers varies and layers may not align with one another. Determination of actual regulatory location of features shown on this map typically requires a field examination by qualified staff. Any person or entity that relies on any information contained herein does so at their own risk. Gallatin County makes no warranty of the accuracy or usefulness of this data.



Critical Area
Recharge Area



We are happy to share our maps and hope that you find them helpful. Please be advised, however, that these maps are intended to serve as a guide to the general location of features shown. The accuracy of the individual layers varies and layers may not align with one another. Determination of actual regulatory location of features shown on this map typically requires a field examination by qualified staff. Any person or entity that relies on any information contained herein does so at their own risk. Callam County makes no warranty of the accuracy or usefulness of this data.

Appendix A: Application



Clallam County
Department of Community Development
223 East 4th Street, Suite 5, Port Angeles, WA 98362
(p) 360-417-2420 ✦ (f) 360-417-2443
email: dcdplan@clallamcountywa.gov

NOTE: ADDITIONAL INFORMATION MAY BE ATTACHED ON SUPPLEMENTAL SHEETS.

PROPERTY OWNER INFORMATION

Name Dennis & Karen Yakovich
Mailing Address P.O. Box 2051
City Port Angeles St. Wa Zip 98362
Phone Number (360) 460-2500 Business Phone Same
Email (optional): _____

AGENT INFORMATION (If applicable)

Name Steve Winth
Mailing Address 333 Crescent Bay Lane
City Port Angeles St. WA Zip 98363
Phone Number 360-928-3069 ³⁶⁰ 888-1254 Contact Person Steve Winth
Email (Optional): whalenwinth@gmail.com

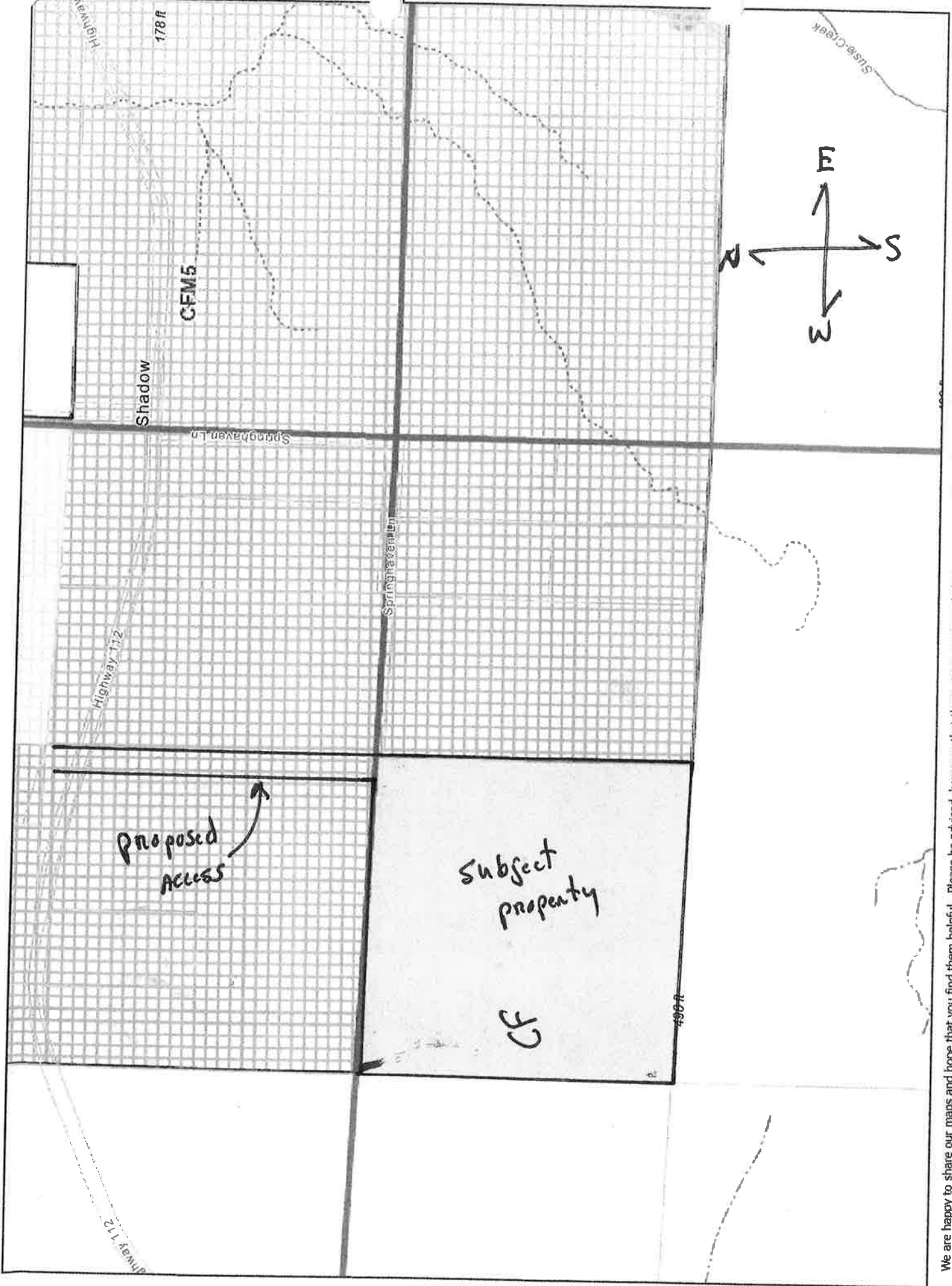
PROJECT INFORMATION

Tax Parcel Number(s) 09-31-32-12-0000
Total Acreage 38.19 acres Current Zoning CF Requested Zoning CFMS
Existing Land Use Timber Proposed Land Use Residential
Location of Critical Areas NONE
Directions to site Hwy 101 west turn on to Hwy 112W, go across Lyon River
turn left on Springhaven, go to the end of road
Compatibility with the existing and allowed uses in the surrounding area Yes - all property along
north side is CFMS, all property along east is CFMS - see attached
maps

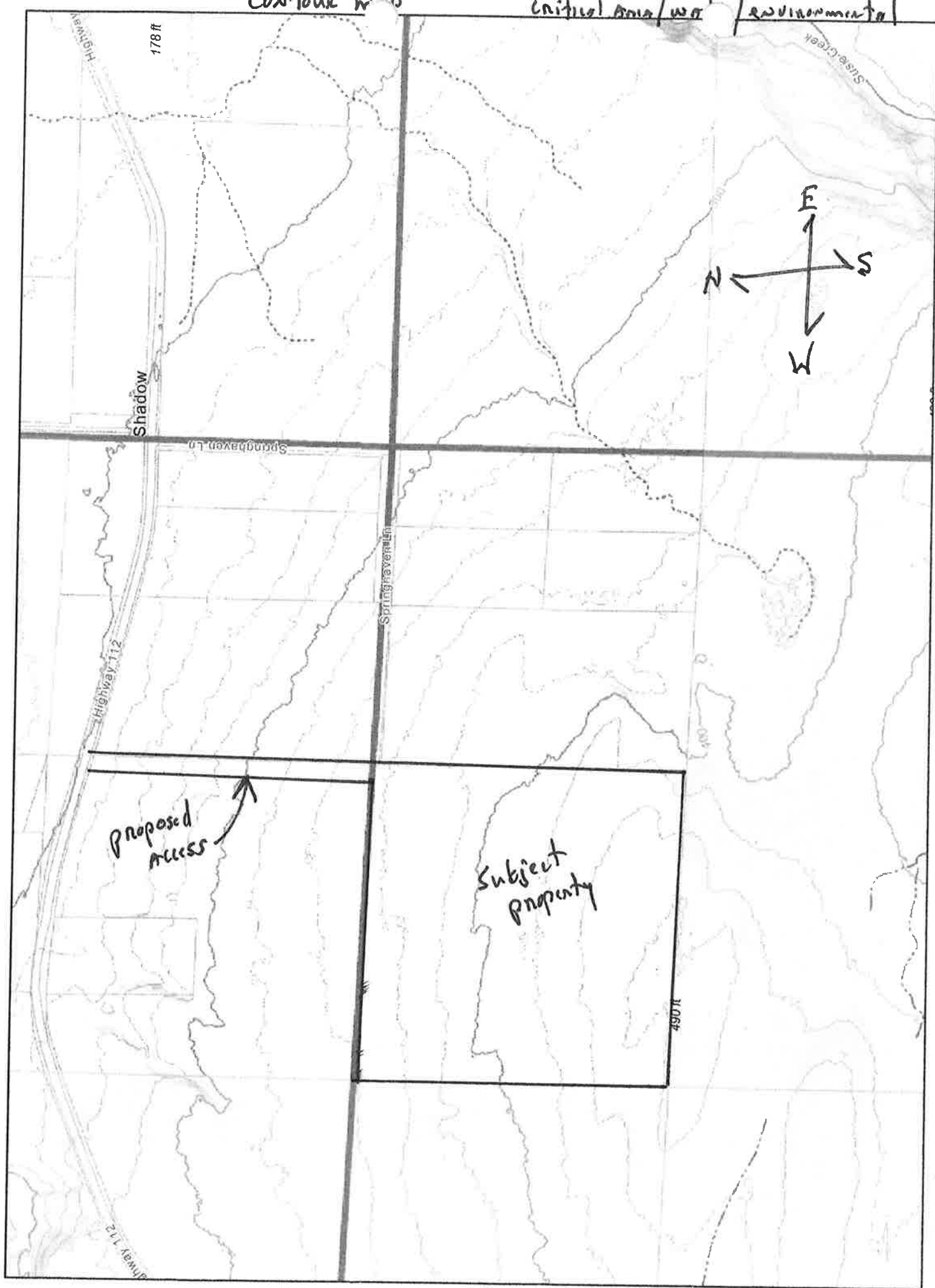
By making this application, you are hereby granting consent to the Clallam County Director of Community Development and his/her designee to enter and inspect the property, structure(s) or geophysical feature related thereto which is the subject of this application, in order that the County may verify actual physical site issues, as well as compliance with proposed conditions or conditions imposed pursuant to the application.
I certify, under penalty of perjury of the Laws of the State of Washington, that I am the owner or authorized owner of the property that is the subject of this application.

Dennis Yakovich 8/9/2023 Steve Winth 8/9/2023
Applicant Date Agent Date

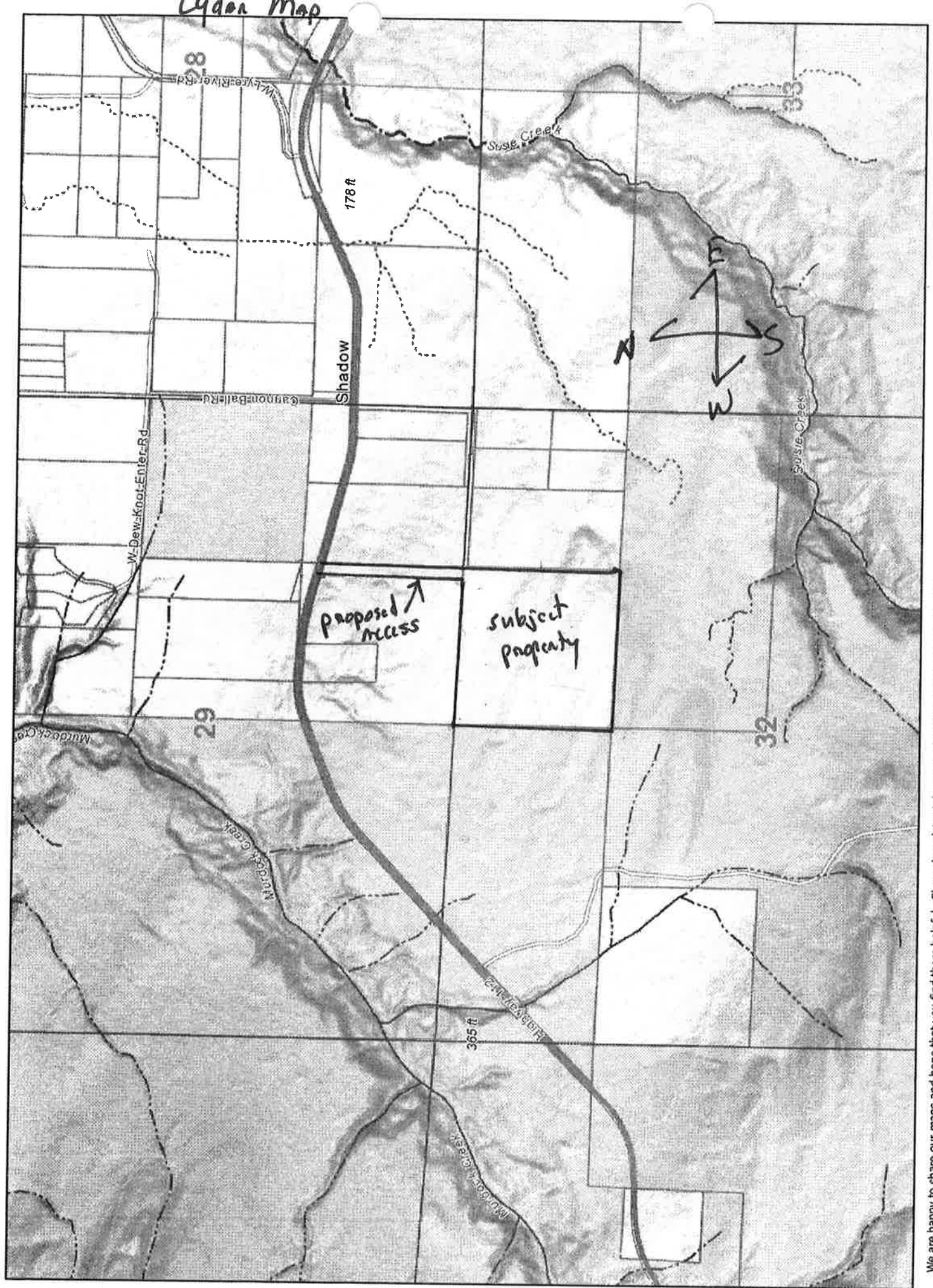
REZ _____ DATE RECEIVED _____ RECEIPT # _____



We are happy to share our maps and hope that you find them helpful. Please be advised, however, that these maps are intended to serve as a guide to the general location of features shown. The accuracy of the individual layers varies and layers may not align with one another. Determination of actual regulatory location of features shown on this map typically requires a field examination by qualified staff. Any person or entity that relies on any information contained herein does so at their own risk. Clallam County makes no warranty of the accuracy or usefulness of this data.



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Justification

Section 33.35.090 Zoning Code

- 1) Proposed Amendment is consistent with Comprehensive Plan in that the amendment will "provide orderly growth and improvements to unincorporated areas in this development"
- 2) Proposed Amendment consistent with interlocal agreements, enhances capital facilities and utilities, does not harm any watershed and the environment, and is identical to neighboring land uses
- 3) Proposed Amendment will not harm, but rather help the public safety, health, and welfare by providing more residential opportunities which should enhance services to the area
- 4) Proposed Amendment is necessary to provide equal opportunity to private land owners due to the change in ownership from a large timber company (CF) to a small private landowner (requesting CFM5)
- 5) Proposed Amendment will not significantly impact ^{the} public except to potentially enhance these facilities & services to help meet outlying and urban needs.

Justification

Section 31.08.370 Comprehensive Plan

- 1) Proposed Amendment is consistent with the spirit and intent of this title.
- 2) Proposed Amendment is consistent with the zoning code as provided in "Justification" of Section 33.35.090 zoning. It will provide identical zoning opportunities to neighboring properties on 2 sides
- 3) Proposed Amendment will not be detrimental, but rather should enhance public health, safety, welfare, facilities, and services to the area
- 4) Proposed Amendment is applicable and necessary due to a change in ownership from a large timber company, to a small private owner. Also fulfilling a need for future residential opportunities.
- 5) Proposed Amendment will not negatively effect any public needs or services or facilities. It will not burden existing services and perhaps enhance future planned services
- 6) Proposed Amendment cumulatively are consistent with the spirit and intent of Comprehensive Plan Title.

2007-1204994

Page 1 of 2

Warranty Deed

Clallam Title Company

Clallam County Washington

07/12/2007 11:27:06 AM



When recorded return to:

Dennis L. Yakovich
PO Box 2439
Port Angeles, WA 98362

STATUTORY WARRANTY DEED

Escrow No.: 1928

Title Order No.: 101358-2

THE GRANTOR(S)

Green Crow Timber LLC, a Washington limited liability company

for and in consideration of mere change in identity or form with no consideration in hand paid, conveys,
and warrants to

Dennis L. Yakovich

the following described real estate, situated in the County of Clallam, State of :

Abbreviated Legal Descriptions:

Parcel A: Parcel 3 of Survey 48/23

Parcel B: NW NE 32-31-9

Parcel C: Parcel 2 of Survey 10/146

Full Legal Descriptions attached here to as Exhibit A

Tax Parcel Number(s): 053035 310000, 093132 120000, 052904 320020

Dated: JULY 11, 2007

Green Crow Timber LLC

BY: Randy Johnson

Randy Johnson

Its: Managing Member

STATE OF WASHINGTON)

COUNTY OF CLALLAM) ss

I certify that I know or have satisfactory evidence that Randy Johnson is the person who appeared before me, and said person acknowledged that he signed this instrument and on oath stated that he is authorized to execute the instrument and acknowledged it as the Managing Member of Green Crow Timber, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument

Dated: JULY 11, 2007

Randall E. Reid

RANDALL E. REID

Notary in and for the state of Washington

Residing at PORT ANGELES

My appointment expires: 2/23/10



Exhibit "A"

Parcel "A"

Parcel 3 of Survey recorded November 15, 2001 in Volume 48 of Surveys, page 23 under Auditor's File No. 2001 1073828, located in the Southwest Quarter of Section 35, Township 30 North, Range 5 West, W.M., Clallam County, Washington;
Except that portion lying West of the center of Siebert Creek conveyed by deed recorded July 14, 2006 under Auditor's File No. 2006 1084050.

Parcel "B"

The Northwest Quarter of the Northeast Quarter in Section 32, Township 31 North, Range 9 West, W.M., Clallam County, Washington.
Together with an easement for ingress, egress and utilities, over and across the East 60 feet of the Southwest Quarter of the Southeast Quarter of Section 29, Township 31 North, Range 9 West, W.M., lying Southerly of State Highway 112, and over and across the South 30 feet of the Southwest Quarter of the Southeast Quarter of said Section 29.

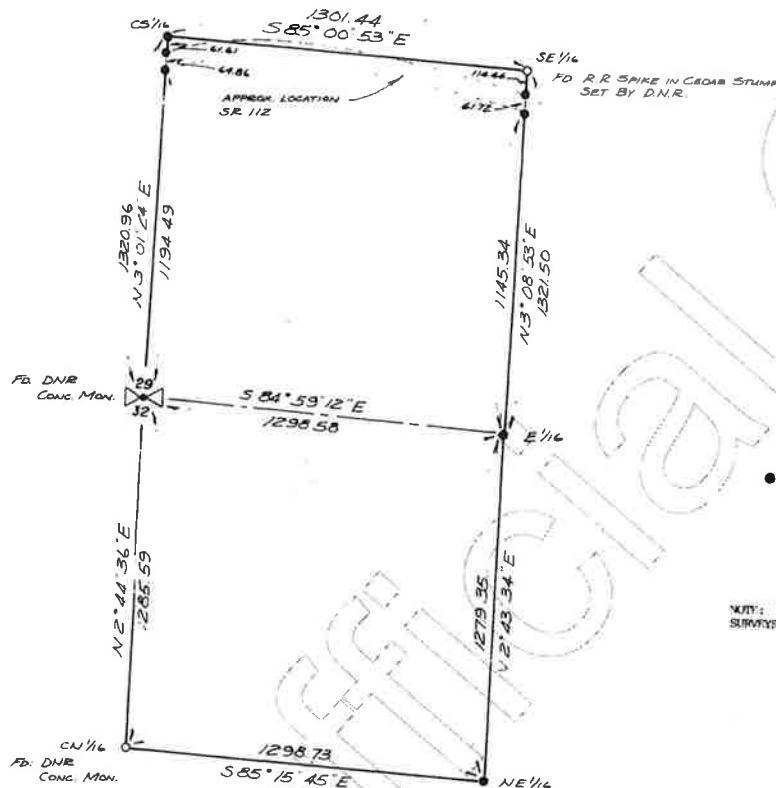
Parcel "C"

Parcel 2 of Survey recorded July 30, 1985 in Volume 10 of Surveys, page 146, under Auditor's File No. 569024, being a portion of the Northwest Quarter of the Southwest Quarter of Section 4, Township 29 North, Range 5 West, W.M., Clallam County, Washington.

Situate in the County of Clallam, State of Washington.

REVISED —
RECORD OF SURVEY

SW 1/4 SE 1/4 SECTION 29 & NW 1/4 NE 1/4 SECTION 32
 TWP. 31 N., RGE. 9 W., W. M.
 CLALLAM CO., WASH.
 for
L. BAKER



NOTE: THIS SURVEY IS TO REVISE THE SURVEY RECORDED IN VOLUME 7, PAGE 79 OF SURVEYS UNDER AUDITOR'S FILE NO. 529798 ON APRIL 15, 1982.

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 1st DAY OF September, 1982 AT 10:45 AM, IN BOOK 8 OF SURVEYS AT PAGE 10 AT THE REQUEST OF R. H. WINTERS CO.,

R. H. Winters
 R. H. WINTERS CO.

SURVYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF LEWIS BAKER IN SEPTEMBER, 1982.



R. H. WINTERS CO.
 SURVEYING & MAPPING

459 W. WASH
 P.O. BOX 1042
 SEQUIM, WASH.
 PH 683-3363

After Recording Return To:
Green Crow Corporation
P.O. Box 2469
805 E. 8th Street
Port Angeles, WA 98362
Attn: Randy Reid

762642

NO. 762642
CLALLAM COUNTY
TRANSACTION EXCISE TAX
PAID OCT 13 1997
AMOUNT 0
COUNTY TREASURER
BY [Signature]

FILED FOR RECORD BY REQUEST
Land Title Company
OCT 15 PM 3:27
BOOK 1206 PAGE 580
CLALLAM COUNTY
BY [Signature]

BARGAIN AND SALE DEED

Grantor(s):

1. G.C. Forest, Inc., a Washington corporation
- ☐ Additional names on page _____ of document

Grantee(s):

1. Green Crow Corporation, a Washington corporation
- ☐ Additional names on page _____ of document

Abbreviated Legal Description (lot, block and plat name, or section-township-range): SE 1/4 of NW 1/4 and NW 1/4 of SE 1/4 of Section 23, Township 31N, Range 15W.

☒ Additional legal description is on Exhibit A attached hereto.

Assessor's Property Tax Parcel Account Number(s): 153123-240200, 053027-430010, 0630000-22455, 143129-240000, and 0830031-30100. See additional Assessor's Property Tax Parcel Account Numbers on Exhibit B attached hereto.

Reference Numbers of Related Documents (if applicable):

☐ Reference numbers of related documents on page _____ of document

LAND TITLE COMPANY
has placed this document of
record as a condition precedent
and accepts no liability for
the accuracy or validity of
this document.

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BOOK 1206 PAGE 580



Staff Report

Clallam County Department of Community Development

Date: January 10, 2024
To: Clallam County Planning Commission
From: DCD Planning Division
Re: Rezone and Comprehensive Plan and Zoning Map Amendment
Application 2023-00002 – Clallam County Fire District #3

REQUEST

Dan Orr on behalf of Fire District #3 submitted an application to request a Comprehensive Plan Land Use and Zoning Map amendment for approximately 5.19 acre property, referenced as parcel number 053014-240050. The subject property is located north of Highway 101, north of Sieberts Creek Road, between Port Angeles and Sequim, being within Section 14, Township 30 N, Range 5 W, W.M., Clallam County, WA. The request is:

- Change the designation of the property from Public (P) to Rural Character Conservation-3 (RCC3).

APPLICATION SUMMARY

The full application submitted is provided in Appendix A. The property was rezoned P in 2012 when the Fire District purchased the property with the intent to replace the existing R-Corner Fire Station with a new fire station to be constructed on this property. Plans for a new fire station have changed and the Fire District intends to sell the property.

BACKGROUND

Ownership

The property is described as a portion of the "W2 SE4 NW4 14-30-5" in a Statutory Warranty Deed Auditor File Number 2011-1270427 recorded September 23, 2011 transferring the property from Mark and Terralyn Dokken to Clallam County Fire Protection District 3 (Exhibit).

Existing Land Use/Land Cover

The property is currently zoned Public (P) because of the ownership of the property by the Fire District. The property is mostly cleared of trees and undeveloped. The purpose of the Public zone is to "identify properties used for the public purposes such as public buildings, schools, cemeteries, parks, playgrounds, and recreational areas" (CCC 33.07.050). The property was intended to be developed with a new fire station, but the property was never developed.

Surrounding Land Use/Land Cover

The area is a mix of rural residential lots ranging in size from 3 acres to 23 acres. A pre-existing non-conforming RV park sits directly to the south of the subject property and to the west is a

County owned mitigation site. The property is completely surrounded by Rural Character Conservation-3 (RCC3) zoned properties.

Access

The property fronts Sieberts Creek along the southern property boundary, a County road. An existing road approach is permitted off Sieberts Creek Road for the subject property.

Utilities

Electricity, water, and telephone services would need to be extended to the subject property for development, and an on-site septic developed for residential development. There are existing services to the surrounding residences and RV park, so it is believed that future development is possible.

Critical Areas

The County Critical Area Map indicates that the property contains a wetland in the northwest corner of the property. A previously submitted wetland delineation indicates that the wetlands are all Class 3 wetlands. Future development of the site will require buffer from the wetlands in accordance with CCC 27.12.215.

MAP AMENDMENT CRITERIA OF APPROVAL

When considering an application for rezone, the Planning Commission and Board of County Commissioners (BOCC) are required to evaluate the amendment with regard to six criteria contained under CCC 33.35.090 in the Zoning Code, and at CCC 31.08.370 in the Comprehensive Plan. These six criteria, or "Required Showing for an Amendment," provide the scope of consideration that the Planning Commission and BOCC must respond to in order to determine if a rezone should be approved. The following summarizes staff's preliminary analysis with regard to the required showing for amendment.

Criterion 1. The proposed amendment is consistent with the spirit and intent of the Clallam County Comprehensive Plan.

The goals and policies adopted by the Board of County Commissioners in the Clallam County Comprehensive Plan, the various Regional Plans, and the Clallam County Zoning Code provide the framework for land use decisions in Clallam County. Particularly relevant to this request are the goals and policies that were specifically developed to guide the designation of both Public (P) and Rural Character Conservation 3 (RCC3). For your convenience, excerpts of any referenced county code sections are attached as Appendix B. For the full text of the County's Code, go to <https://clallam.county.codes>

The Comprehensive Plan provides policies to guide the designation of urban, rural, and resource lands. The request is to revert the property back from the current P zone to the RCC3 zone that was changed in 2012 following the purchase of the property by the Fire District for purposes of an essential public facility. The Fire District has changed their plans to develop the subject property and intends to sell. Designation as a publicly owned parcel is no longer needed since the Fire District does not intend to develop the property. The Comprehensive Plan identifies the scenic patchwork of large open field and woodlots interspersed with rural homesteads, CCC 31.02.260, which this property would provide.

Conclusion: The designation of the subject property back to its original zoning of RCC3 meets the intent of the Comprehensive Plan.

Criterion 2. The proposed amendment is consistent with the spirit and intent of the Clallam County Zoning Code and with interlocal agreements, transportation, parks and recreation, capital facility, utility, watershed, and other applicable land use and environmental plans and policies adopted by the County.

The spirit and intent of the Clallam County Zoning Code is defined under the purpose statement of CCC 33.01.020. This section identifies a clear link between the Zoning Code and the Comprehensive Plan in that 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 in the least intrusive manner possible.*"

The current Public zone was designated on the property in 2012 upon request by the Fire District for the purpose of constructing a fire station. The property was previously designated as RCC3. The stated purpose of the Rural Character Conservation 3 (RCC3) zone is "to conserve and enhance the rural character of Clallam County by providing for the retention of large rural lot sizes allowing productive woodlots, pasture lands and other rural uses typically requiring more than five (5) acres. The RCC3 zone preserves open land, sensitive natural areas, and rural community character that would be lost under conventional development while allowing developers to reduce road and utility costs," CCC 33.10.060. Designation back to what the property was zoned prior to the Fire District ownership would provide an opportunity for residential development in an area surrounded by residences.

Conclusion: Designation of the subject property back to its original zoning prior to the ownership by the Fire District will be consistent with the spirit and intent of the Zoning code and all other policies adopted by the County. Upon development the proposal will be reviewed for consistency of all current County regulations and standards.

Criterion 3. The proposed amendment will not be detrimental to the public health, safety and welfare.

Development of the subject property, if granted the rezone, would be conditioned to meet all regulations of the subdivision code, environmental health regulations, stormwater requirements, and building regulations which would adequately protect public health, safety and welfare and could provide additional residential opportunities. The property contains a delineated wetland that will be protected through the Critical Areas Ordinance.

Criterion 4. The proposed amendment is necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a different land use [and zoning] designation.

The changed plans of the Fire District wanting to sell the property has changed the circumstances surrounding the Public designation of the property. Privately owned property should not be zoned Public and should therefore be rezoned to the previous RCC3 designation before it is sold.

Criterion 5. The proposed amendment will not result in probable significant adverse impact to the adequacy of public facilities and services including, but not limited to transportation, sewer, water, storm water, utilities, and parks

required to meet urban or rural needs, and will not place uncompensated burdens upon existing and planned services.

Approval of the rezone would increase the potential for residential development. Approval of any subsequent land use application would be subject to review under applicable land use and environmental health regulations, including the availability and adequacy of public facilities and services. The property is surrounded by other developed parcels which indicates septic systems, electric, and water are readily available.

Criterion 6. The cumulative effects of all proposed amendments have been assessed and determined to be consistent with the spirit and intent of the Clallam County Comprehensive Plan.

In taking action on an application for rezone and Comprehensive Plan amendment, the Board of County Commissioners makes policy decisions that not only directly impact the subject property owners, but directly and indirectly impact other property owners, both in the immediate area and throughout the County. Zoning designations control what uses are allowed or prohibited on a particular piece of property. While an applicant may have a specific use in mind that he or she is able to achieve through a change in zoning, the applicant is nevertheless under no obligation to limit land use activities to that original plan. The applicant would in fact be eligible for any of the land uses listed as Allowed in the underlying zoning district. For this reason, the applicant's stated intent on their application must not be the sole or primary criteria for a zoning change, and an evaluation of a rezone application must consider all possible uses allowed under the proposed zoning district.

Zoning designations control what uses are allowed or prohibited on a particular piece of property. Reverting the property back to the original zoning prior to the ownership of a public agency is the appropriate action. The cumulative effects of the proposed amendment is consistent with the intention of the Comprehensive Plan since the amendment will revert the property back to the original zone of RCC3.

STAFF RECOMMENDATION

The Planning Commission must evaluate the amendment with regard to six criteria contained at CCC 33.35.090 in the Zoning Code, and at CCC 31.08.370 in the Comprehensive Plan. Based on the above analysis, Planning Division staff believes that Rezone and Comprehensive Plan Map Amendment Application REZ2023-00002 is supported by existing policies and **recommends approval** of the request.

The applicant is requesting to revert the zoning back to the original RCC3 designation of the property prior to the ownership of the Fire District. Since the plans of the Fire District have changed they no longer wish to own the property, therefore rendering the Public zoning designation inappropriate. Private land owner should not own Public zoned property and the matching the surrounding properties designation of RCC3 is appropriate.

Reference List:

Map 1 Vicinity Map
Map 2 Critical Area Map
Map 3 Aerial Photo

Appendix A: Application and Justification

Exhibit 1 Statutory Warranty Deed AFN2011-1270427

Relevant code citations, found at: <https://clallam.county.codes/>

Text of Zoning Code

CCC 33.10.060 Rural Character Conservation 3 (RCC3)

CCC 33.07.050 Public

Text of Comprehensive Plan

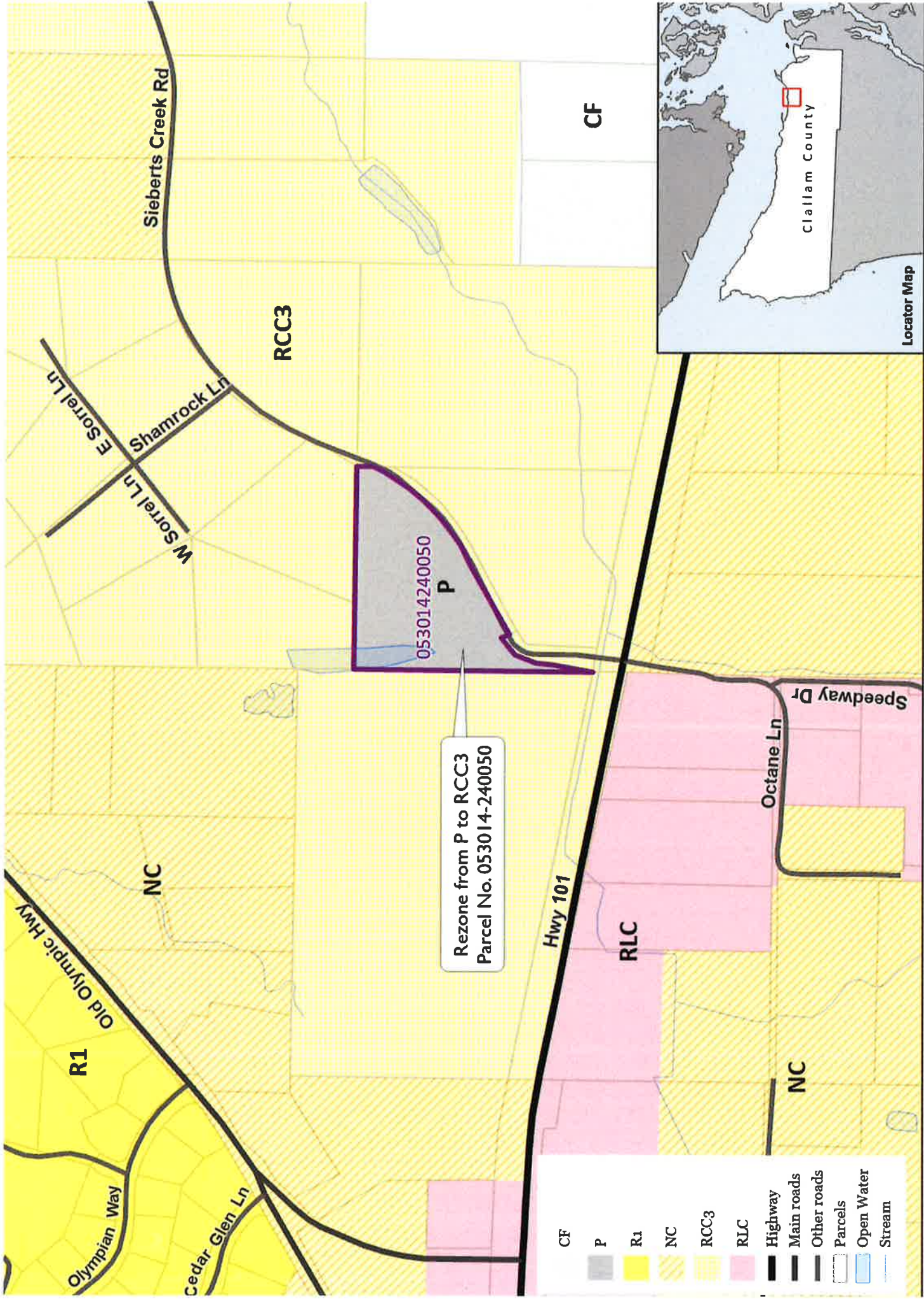
CCC 31.02.130, Forest land issues

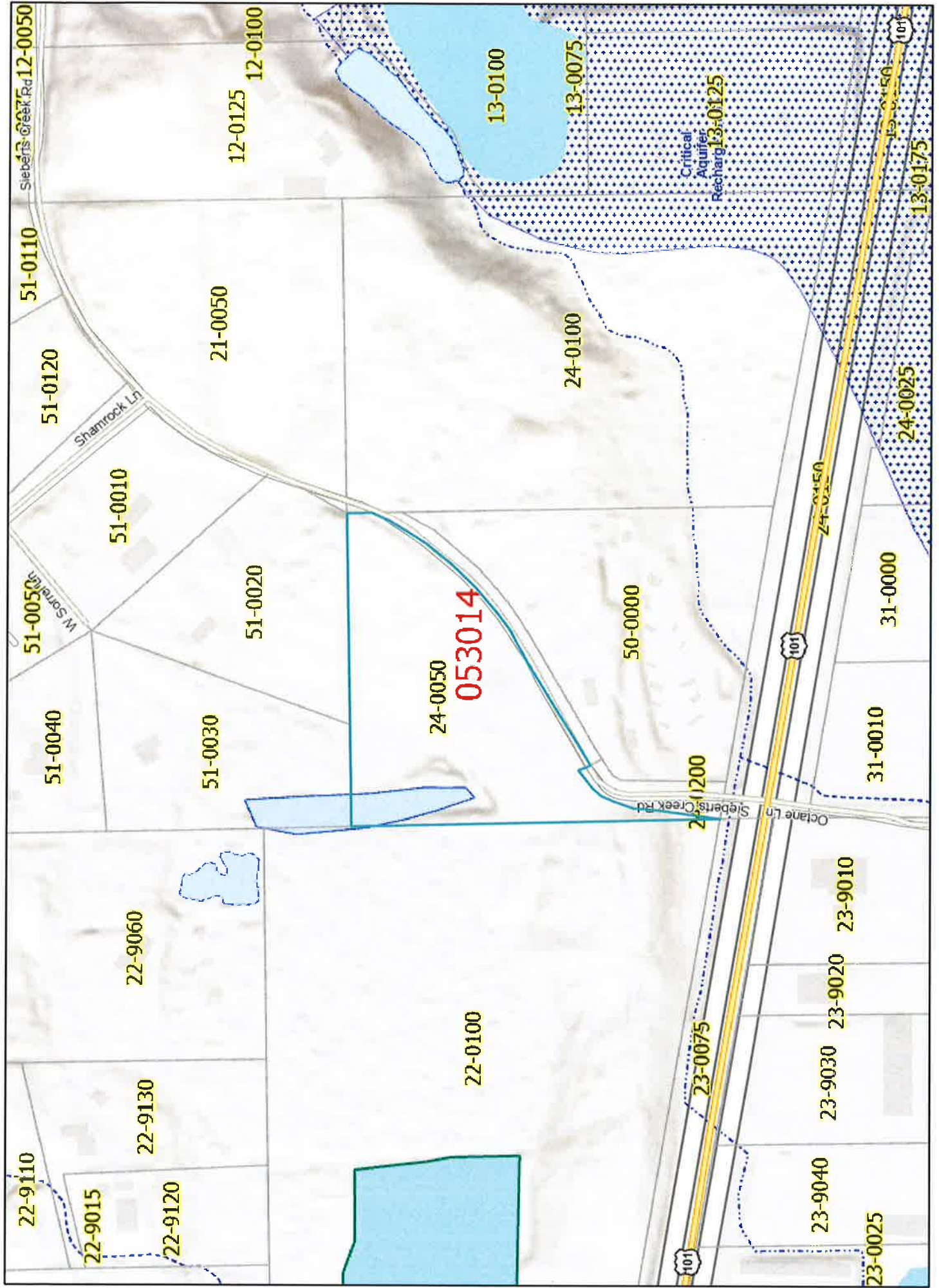
CCC 31.02.140, Forest land goals

CCC 31.02.260, Rural growth.

CCC 31.05.290, Resource element from the Straits planning area.

CCC 31.05.300, Forest land use issues.





We are happy to share our maps and hope that you find them helpful. Please be advised, however, that these maps are intended to serve as a guide to the general location of features shown. The accuracy of the individual layers varies and layers may not align with one another. Determination of actual regulatory location of features shown on this map typically requires a field examination by qualified staff. Any person or entity that relies on any information contained herein does so at their own risk. Clallam County makes no warranty of the accuracy or usefulness of this data.



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Appendix A: Application



Clallam County
Department of Community Development
223 East 4th Street, Suite 5, Port Angeles, WA 98362
(p) 360-417-2420 ♦ (f) 360-417-2443
email: dcdplan@clallamcountywa.gov

NOTE: ADDITIONAL INFORMATION MAY BE ATTACHED ON SUPPLEMENTAL SHEETS.

PROPERTY OWNER INFORMATION

Name Clallam County Fire District 3
Mailing Address 323. N. Fifth Ave.
City Sequim St. WA. Zip 98382
Phone Number (360) 582-2044 Business Phone SAME.
Email (optional): dorr@ccfd3.org

AGENT INFORMATION (If applicable)

Name Don Orr
Mailing Address 323. N. Fifth Ave
City Sequim St. WA. Zip 98382
Phone Number (360) 582-2044 Contact Person Dan Orr
Email (Optional): dorr@ccfd3.org

PROJECT INFORMATION

Tax Parcel Number(s) #053014240050
Total Acreage 5.19 Acres Current Zoning Public Requested Zoning RCC3
Existing Land Use Public-Fire House Proposed Land Use Rural Character Construction 3 Zoning.
Location of Critical Areas _____
Directions to site Heading West on 101 take the Siebert Creek Rd Exit.
Property is on the north side of Siebert Creek as you Exit.
Compatibility with the existing and allowed uses in the surrounding area All of the properties that border said property are zoned RCC3.

By making this application, you are hereby granting consent to the Clallam County Director of Community Development and his/her designee to enter and inspect the property, structure(s) or geophysical feature related thereto which is the subject of this application, in order that the County may verify actual physical site issues, as well as compliance with proposed conditions or conditions imposed pursuant to the application.

I certify, under penalty of perjury of the Laws of the State of Washington, that I am the owner or authorized owner of the property that is the subject of this application.

[Signature]
Applicant

9/5/2023
Date

[Signature]
Agent

9/5/2023
Date

REZ _____ DATE RECEIVED _____ RECEIPT # _____

THE SURVEY COMPLIES WITH W.A.C. 332-130-100 AND WAS ACCOMPLISHED BY FIELD TRAVERSE METHODS USING A 5-SECOND THEODOLITE AND AN INFERRED DISTANCE MEASURING DEVICE WITH SOME DISTANCES MEASURED WITH A STEEL TAPE.

THE SURVEYED PARCEL MAY BE SUBJECT TO EASEMENTS OR OTHER ENCUMBRANCES EITHER RECORDED OR UNRECORDED NOT SHOWN HEREON. THIS SURVEY HAS NOT DETERMINED THE EXISTENCE OF ALL SUCH EASEMENTS OR ENCUMBRANCES OR THEIR EFFECT ON THE SURVEYED PARCEL EXCEPT AS SPECIFICALLY SHOWN HEREON.





Escrow Number: 97165-DF

Statutory Warranty Deed

NO. 93236
CLALLAM COUNTY
TRANSACTION EXCISE TAX

DATE PAID SEP 23 2011

AMOUNT \$ 110,000 -
COUNTY TREASURER

BY [Signature]

THE GRANTORS Mark Dokken and Terralyn Dokken, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Clallam County Fire Protection District 3 the following described real estate, situated in the County of Clallam, State of Washington

Abbreviated Legal:

PTN W2 SE4 NW4 S14 T30N R05WWM

For Full Legal See Attached Exhibit "A"

Tax Parcel Number(s): 05-30-14-240050/50785

Dated August 31, 2011

[Signature]
Mark Dokken

[Signature]
Terralyn Dokken

STATE OF WASHINGTON
COUNTY OF CLALLAM } SS:

I certify that I know or have satisfactory evidence that Mark Dokken and Terralyn Dokken

are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledge it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 9.22.2011



DAWN L. FLEMING
Notary Public in and for the State of WASHINGTON
Residing at SEQUIM
My appointment expires: 4-9-2014

18.10.010 A definitions.

“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.

“Agritourism” means agriculturally related accessory uses designed to bring the public to the farm on a temporary or continuous basis, such as U-Pick farm sales, retail sales of farm products, farm mazes, pumpkin patch sales, farm animal viewing and petting, wagon rides, farm tours, horticultural nurseries and associated display gardens, cider pressing, wine or cheese tasting, etc.

Chapter 18.20

PERFORMANCE AND USE-SPECIFIC STANDARDS

Excerpts:

18.20.020 Accessory uses and structures.

18.20.030 Agricultural activities and accessory uses.

18.20.020 Accessory uses and structures.

Accessory uses are customarily incidental and subordinate to the principal use of a structure or site. They must be:

- Clearly secondary to, supportive of, and compatible to the principal or permissibly principal uses;
- Consistent with the purpose of the land use district; and
- In compliance with the provisions of this code. The land use category of an accessory use shall be the same as that of the principal use(s) listed in Table 3-1 or Chapter 18.18 JCC, unless otherwise specified.

(1) Limitations on Accessory Uses and Structures. Accessory uses and structures are permitted in any district, except as limited or prohibited in this section, in Table 3-1, or in the sections covering the various land use districts in Chapter 18.15 JCC, or in Chapter 18.18 JCC.

(2) Accessory Dwelling Units. One accessory dwelling unit is permitted per legal lot of record as an accessory to an existing single-family dwelling or on a legal lot of record as an accessory to an existing industrial use in LI or LI/C zones; provided, that the following requirements are met:

(a) **Maximum Size.** An accessory dwelling unit shall have a maximum size of 1,250 square feet of gross floor area.

(b) **Owner Occupied.** To obtain an accessory dwelling unit (ADU) designation, the owner of the subject property shall reside on the premises, either in the main or accessory dwelling. An employee of the property owner or tenant business shall occupy an ADU in place of the owner within LI or LI/C zones.

(c) **Certificate of Occupancy.** A certificate of occupancy is required pursuant to the International Building Code and shall be obtained from the building official and posted within the ADU. The code inspection and compliance required to obtain a certificate of occupancy in an existing building shall be restricted to the portion of the building to be occupied by an ADU and shall apply only to new construction, rather than existing components.

(d) **Outbuildings.** Outbuildings may be constructed or expanded to accommodate an ADU within the structure. ADUs established in these outbuildings shall not be larger than 1,250 square feet in floor area. ADUs in LI and LI/C zones are exempt from the special setback requirements for residential uses abutting light industrial uses or zones specified in Chapter 18.30 JCC.

(e) **Exterior Entrance.** In order to preserve the outward appearance of single-family neighborhoods, the front of the house shall have only one exterior entrance. A separate exit doorway to the outside is required for each dwelling unit.

(f) **Water and Wastewater Disposal Service.** Prior to obtaining a permit to construct or place an ADU, the applicant shall provide proof of an adequate potable water supply as provided in RCW 19.27.097 and applicable regulations and policies established by the Jefferson County board of health or the Jefferson County board of commissioners, and proof of on-site septic system approval from the Jefferson County department of environmental health.

(g) **Travel Trailer/Recreational Vehicles.** For the purpose of this chapter, accessory dwelling units shall not be travel trailers, recreational vehicles, recreational park trailers, buses, truck storage containers, or similar manufactured units which are not originally intended to be used for

residences and built to the International Building Code adopted by Jefferson County.

(3) Outdoor Residential Storage. This subsection shall apply only to outdoor storage accessory to residential uses in residential districts. Outdoor storage other than accessory uses subordinate to a primary residential use may be permitted only in those districts where specified as a permitted use in Table 3-1 or Chapter 18.18 JCC, and shall meet other applicable requirements of JCC 18.20.280 relative to outdoor storage yards.

(a) Outdoor residential storage shall be maintained in an orderly manner and shall create no fire, safety, health or sanitary hazard;

(b) Not more than two unlicensed or inoperable vehicles shall be stored on any lot unless totally screened from view of neighboring dwellings and rights-of-way. Such screening shall meet all applicable performance and development standards specific to the district in which the storage is kept, and shall be in keeping with the character of the area. Screening shall meet the requirements of Chapter 18.30 JCC. Outdoor storage of three or more junk motor vehicles is prohibited except in those districts where specified as an automobile wrecking yard or junk (or salvage) yard and allowed as a permitted use in Table 3-1 or Chapter 18.18 JCC, and such storage shall meet the requirements of JCC 18.20.100, Automobile wrecking yards and junk (or salvage) yards. In no case, shall any such junk motor vehicles be stored in a critical area.

(4) Junk Yards. Junk yards shall be prohibited, except where permitted as specified in Table 3-1 or Chapter 18.18 JCC and in accordance with the requirements of JCC 18.20.100, Automobile wrecking yards and junk (or salvage) yards.

(5) Minor Public Facility Accessory Structures. Minor accessory additions to existing public facilities will be considered as accessory uses not requiring discretionary use review or a conditional use permit. Such minor accessory structures include, for example, a water tower or small shed at a fire station, or construction of a cover over an existing playfield at a school or park, but not, for example, construction of a new wing to a public building or construction of a major new building or structure on the site. [Ord. 8-06 § 1]

18.20.030 Agricultural activities and accessory uses.

(1) Definitions. For the purposes of this section, the definitions in Chapter 18.10 JCC shall apply.

(2) Agricultural Activities.

(a) Where Allowed. Agricultural activities, as defined above and excepting those related to recreational marijuana/cannabis, are an allowed use under any of the Comprehensive Plan land use designations, subject to the provisions of this subsection, except that “processing,” “packing,” and “sales” are regulated under subsection (3) of this section (Accessory Uses). Agricultural activities related to marijuana producing, processing and retail are subject to this section and JCC 18.20.295 for recreational marijuana/cannabis. Where conflicts occur, the more restrictive performance standards shall apply.

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

(i) Other Applicable Laws and Rules. This section does not exempt the producer from acquiring any other required approvals from county, state, or federal agencies, including, but not limited to, approvals related to matters of public health, safety, and welfare.

(ii) Critical Areas Ordinance. If there is any conflict between this chapter and Chapter 18.22 JCC, the most protective requirement applies.

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

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

(B) According to the manual, “commercial agriculture” is defined as:

Those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is

proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

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

(D) This exemption does not apply to new development that is secondarily related to agriculture and that involves the construction of new structures, such as buildings for agricultural processing and retail sales, and the addition of impervious surfaces, such as compacted areas designed to accommodate parking.

(E) This exemption does not apply to the initial clearing of forested land. Conversion of forested land to some other use incompatible with commercial forestry, as defined in the Forest Practices Act, Chapter 76.09 RCW, requires review under JCC 18.20.160, 18.30.060 and 18.30.070. The Washington Department of Natural Resources may also require a Class IV general forest practices application.

(iv) Farm Ponds and Irrigation Infrastructure.

(A) Construction or expansion of farm and stock ponds and irrigation ditches and infrastructure in association with commercial agriculture as defined above is exempt from meeting stormwater management minimum standards and from obtaining approval; provided, these activities are not conducted in critical areas or critical area buffers as defined in Chapter 18.22 JCC. Landowners/producers are encouraged to document the creation of new exempt ponds through photographs (before, during, and after construction) in order to facilitate any future development review on the property.

(B) Generally, pursuant to JCC 18.30.060(5)(b), drainage improvements constructed in accordance with JCC 18.30.060(2) and 18.30.070 and construction of a pond of one-half acre or less

which is not in a regulated wetland are exempt from the stormwater management permit requirement outlined in JCC 18.30.070(5).

(v) Livestock Management.

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

(I) Any operation that meets the state or federal definition for an animal feeding operation (AFO) requires a consistency review land use permit (i.e., "Yes" or Type I).

(II) Any activity that meets the state or federal definition for a custom slaughtering establishment, custom meat facility, or medium concentrated animal feeding operation (medium CAFO) requires a conditional administrative (C(a)) land use permit.

(III) Any operation that meets the state or federal definition for a large concentrated animal feeding operation (CAFO), certified feed lot, public livestock market, stockyard, warehouse, or grain elevator requires a conditional use (C) land use permit.

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

(I) The slaughter and preparation of between 100 and 1,000 chickens or other fowl in a calendar year by the agricultural producer of the chickens for the sale of whole raw chickens by the producer directly to the ultimate consumer at the producer's farm requires a conditional administrative (C(a)) land use permit; over 1,000 shall be prohibited.

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

(III) Any operation that meets the state or federal definition for a custom slaughtering establishment, custom meat facility, certified feed lot, public livestock market, stockyard,

warehouse, grain elevator, or medium or large concentrated animal feeding operation (CAFO) shall be prohibited, except in the heavy industrial land use designation, where a conditional use (C) land use permit shall be required.

(C) Facilities for breeding and maintaining working dogs raised for livestock management purposes are exempt from performance of JCC 18.20.060(2), Animal kennels, catteries, and shelters, in order to allow livestock guardian dogs to work during nighttime hours. Facilities for breeding and raising dogs for show or sale must be incidental and accessory to the principal farm activities and meet all of the performance standards for animal kennels and shelters at JCC 18.20.060(2).

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

(A) No county building permit is required for buildings or structures erected exclusively for the storage of livestock, feed, or farm implements; provided, these structures are: freestanding, located at least 10 feet from the nearest structure and not attached to any structure, unless attached to another agricultural building; do not contain plumbing, except as necessary to maintain farm animals; do not contain a heat source, such as a wood stove or electric heat, unless specifically permitted.

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

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

(D) Agricultural buildings used for the storage of private automobiles, trucks, etc., which are not licensed as farm equipment, are considered garages or carports, and must obtain a building permit.

(E) Agricultural buildings used for the purpose of hosting members of the public for the purpose of retail sales of agricultural products or machinery constructed on site shall require a building permit to ensure life safety and structural integrity. If an older agricultural building constructed under the building permit exemption for agricultural buildings is proposed for hosting members of the public, the building shall be brought into compliance with the building code, as determined by the building official.

(F) The building official shall judge whether a proposed structure, a structure under construction, or a completed structure violates this building permit exemption. A structure determined to be in violation will be considered a structure subject to the building code.

(G) Temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits are not considered structures subject to the State Building Code, Chapter 19.27 RCW, pursuant to RCW 19.27.065.

(3) Accessory Uses.

(a) General Provisions. Pursuant to RCW 36.70A.177:

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

(A) Accessory uses shall be located, designed, and operated so as not to interfere with natural resource land uses and shall be accessory to the growing of crops or raising of animals;

(B) Accessory commercial or retail uses shall predominantly produce, store, or sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on site. Accessory commercial and retail uses shall offer for sale predominantly products or services produced on site; and

(C) Accessory uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of existing agricultural buildings on the site but shall not otherwise convert agricultural land to nonagricultural uses.

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

(A) Storage and refrigeration of regional agricultural products;

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

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

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

(E) Off-farm and on-farm sales and marketing of predominantly regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities.

(b) Where Allowed. Accessory uses to agriculture are allowed exclusively in agricultural lands, except those for recreational marijuana. All recreational marijuana activities are subject to specific process approval allowances and prohibitions per JCC 18.15.040, Table 3-1, for recreational marijuana and the performance standards in JCC 18.20.295.

(c) Where Prohibited. Accessory uses to agriculture, as defined, and regulated in this section, are prohibited in all land use districts except agricultural lands. Proposals that would be classified accessory uses in agricultural lands, such as processing, packing, and sales of agricultural products, may be considered and approved in other land use districts under different and appropriate land use classifications, such as commercial use, light industrial use, home business, cottage industry, or small-scale recreation and tourist use, subject to allowed and prohibited uses per land use district and the associated permit processes and approval criteria.

(d) When Exempt from Permit Process. Accessory uses on agricultural lands, except those for recreational marijuana, are considered a matter of

right and not subject to land use permits or approval from the administrator, subject to the following limitations and provisions in association with these various use categories:

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

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

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

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

(iii) Processing and packing agricultural products if at least 50 percent of the product was raised or produced on the site or on other Jefferson County parcels, including but not limited to prepared foods, cheese, wine, beer, decorative materials, compost, etc., including cooperative processing and packing involving more than one local producer.

(iv) Retail and wholesale sales of agricultural products from existing or new farm stands and farm buildings, including cooperative sales involving more than one local producer, subject to the following provisions:

(A) At least 50 percent of the square footage of the undercover, retail display area is comprised of products from the farm on which the stand is located or from land owned by the owner of the stand.

(B) If less than 50 percent of the products sold come from the farm on which the sale occurs, all the products sold must primarily supply local agricultural activities and the sales must be

accessory to the prime function of the land as a farm. Examples are sale of hay, specialized livestock materials, farm equipment, livestock fencing, horticultural supplies, etc.

(v) Farm Equipment. Commercial repair and maintenance of farm equipment and sales of equipment, structures, or machinery manufactured on site for use in agricultural operations subject to the following provisions:

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

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

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

(vi) Agritourism. Agriculturally related activities designed to bring the public to the farm on a temporary or continuous basis, such as U-Pick farm sales, retail sales of farm products, farm mazes, pumpkin patch sales, farm animal viewing and petting, wagon rides, farm tours, horticultural nurseries and associated display gardens, cider pressing, wine or cheese tasting, etc., subject to the following provisions:

(A) All activities must be closely related to normal agricultural activities. Activities which simply adopt an agricultural theme or setting but which are not otherwise a normal extension of agricultural activities are not permitted as a matter of right; however, they may be considered under JCC 18.20.350, Small-scale recreation and tourist uses. The following list of uses not permitted as a matter of right is illustrative but not exhaustive: mechanical rides such as Ferris wheels and carousels, arcade type games and activities, dance halls, stage performances, drinking establishments that serve alcohol which is not wine produced on site, fireworks, sporting events, caged wild animals, exhibits, etc.

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

(vii) Classes. Subject to the following provisions:

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

(B) Classes must not exceed four weeks in length for any single course of instruction. Schools with classes that exceed four weeks must meet the provisions of subsection (3)(e)(ii)(B) of this section, addressing agricultural schools.

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

(viii) Lumber Mills and Associated Forestry Processing Activities and Uses. Harvesting, sawing, processing, assembling and selling lumber is limited to timber from the designated agricultural lands property on which the activity is located and is subject to the regulations of JCC 18.20.230, Lumber mills (portable and stationary).

(e) When Permit Process Is Required.

(i) Proposal Exceeds Terms or Limitations. Accessory uses on agricultural lands that are best described as one of the uses listed in subsection (3)(d) of this section and yet exceed or lie outside of the terms and limitations in subsection (3)(d) of this section are considered discretionary uses (i.e., “D” uses), as defined at JCC 18.15.040(2), and subject to a Type II administrative review as specified in Chapter 18.40 JCC. The administrator may classify the proposed use as an allowed “yes” use, conditional administrative use, conditional use, or prohibited use. The permit process is subsequently conducted pursuant to Chapter 18.40 JCC according to the use classification.

(ii) Other Accessory Uses. The following accessory uses may be permitted on designated agricultural lands subject to a discretionary determination by the administrator (i.e., a Type II administrative review process for a “D” use); provided, they are located, designed and operated so as not to interfere with natural resource land uses

and subject to the following provisions in association with these various use categories:

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

(I) The housing is used exclusively for agricultural workers on the farm and their families or members of the family of the farm owner with at least one member of each household actively working on the farm.

(II) The housing for farm labor is not sold, leased or rented to the general public unless the owner applies for and receives a permit for an agriculture-related recreational or tourist use as specified in JCC 18.20.350.

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

(IV) A covenant is recorded with the title of the parcel on which the housing is located in a form satisfactory to the county that specifies that the units are exclusively for use by farm laborers and their families employed on the property by the owner. The use of the farm labor dwelling units may be converted to nonagricultural uses and the covenant removed subject to approval by the administrator and issuance of any required land use permits.

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

(B) Agricultural schools which offer a program that lasts for more than 30 days per year per student and which may be the primary function of the land, subject to the following provisions:

(I) The predominant focus of the curriculum and activities of the school is closely tied to and dependent upon agricultural activities and facilities on the farm. If the school has a conventional curriculum and is merely utilizing an agrarian setting, it does not qualify for location on designated agricultural land.

(II) Agricultural schools under this section which also house students or faculty for the duration of the course of study must meet the requirements of JCC 18.40.490 for a conditional use permit.

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

(C) Veterinary clinics or hospitals which have at least a portion of their business serving large domestic animals necessitating holding pens, paddocks, etc., subject to the provisions of JCC 18.20.420(1). Veterinary clinics and hospitals that do not include an on-site, large animal practice are not permitted on land designated agricultural land.

(D) Farm restaurant when it is a component of the agritourism activities of a farm subject to the restrictions in JCC 18.20.350(10).

(E) Farm campground for fishing or hunting on or near farm property subject to the regulations in JCC 18.20.350(6)(a)(i) through (ix).

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

(G) Rural recreational tourist lodging subject to the provisions of JCC 18.20.350(9).

(H) Commercial display gardens subject to the requirements of JCC 18.20.350(3). [Ord. 5-20 § 3 (Appx. A); Ord. 14-18 § 4 (Exh. B); Ord. 4-15 § 4 (Att. C)]

18.20.330 Seasonal roadside stands.

The following standards apply to all seasonal roadside stands which are not located on designated agricultural lands:

(1) The stand shall be not more than 1,000 square feet in size;

(2) Sales are limited to agricultural, aquacultural, and silvicultural related products;

(3) Off-street parking shall be required, and shall have a sufficient area to allow automobiles to park safely off the road right-of-way and to re-enter the traffic in a forward direction. All parking spaces shall meet the standards of Chapter 18.30 JCC;

(4) Roadside stands shall be limited to one per legal lot of record;

(5) Roadside stands shall be limited to a maximum of six months' site occupation and operation per legal lot of record in any given year;

(6) Roadside stands shall require a temporary outdoor use permit (Type I) subject to the requirements of JCC 18.20.380(4);

(7) Retail sales on designated agricultural lands is subject to the provisions of JCC 18.20.030, agricultural activities and accessory uses. [Ord. 8-06 § 1]

Chapter 20.40 AGRICULTURE (AG) DISTRICT

Excerpts:

20.40.050 Permitted uses.

20.40.100 Accessory uses.

20.40.130 Administrative approval uses.

20.40.150 Conditional uses.

20.40.200 Prohibited uses.

20.40.050 Permitted uses.*

Unless otherwise provided herein, permitted, accessory, and conditional uses shall be administered pursuant to the applicable provisions of Chapters 16.08 WCC (SEPA), 20.80 WCC (Supplementary Requirements), and 22.05 WCC (Project Permit Procedures), and WCC Titles 21 (Land Division Regulations), and 23 (Shoreline Management Program). The following are permitted uses:

.051 Dairying, raising of livestock, husbandry of small animals, raising of crops, horticulture, apiculture, and temporary portable equipment used for processing of locally harvested crops.

.052 Small wood-lot management, tree farming, commercial forestry and reforestation, including the temporary use of portable harvesting or processing equipment, excluding chemical processing such as lumber treatment.

.053 One single-family dwelling per legal lot of record.

.054 Gravel bar scalping projects within the jurisdiction of the Shoreline Management Program.

.055 One one-story detached accessory storage building per lot; provided, that the floor area shall not exceed 200 square feet and shall only be used for personal storage and not for habitation or business; and provided further, that the storage building shall contain no indoor plumbing but may be served with electrical power for lighting.

.057 *Repealed by Ord. 2022-012.*

.058 Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

.059 *Repealed by Ord. 2022-011.*

.088 Adult family homes as defined in Chapter 70.128 RCW.

.089 Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.090 Mental health facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.091 Substance abuse facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2022-011 § 1 (Exh. A), 2022; Ord. 2017-038 § 1 (Exh. A), 2017; Ord. 2015-006 Exh. A, 2015; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 97-069, 1997; Ord. 92-079, 1992; Ord. 88-29, 1988; Ord. 88-13, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987).

*Code reviser's note: The amendments of Ordinance 2005-039 concerning mushroom composting, extending amendments from Ords. 2004-053, 2004-027, 2003-050, 2003-027, 2002-068, 2002-061 and 2002-033, expired October 24, 2005. Refer to Chapter 20.15 WCC for current provisions concerning mushroom substrate production facilities.

20.40.100 Accessory uses.*

.101 Any use on the farm which is ancillary to the normal operation of the primary permitted uses.

.102 (1) Wholesale marketing activities provided the activity is accessory to the provisions of WCC 20.40.051.

(2) Retail marketing, by the operator, of Whatcom County products which originate from the permitted uses stated in WCC 20.40.050 provided:

(a) Only one retail sales facility containing not more than 1,000 square feet of floor area shall be permitted.

(b) Such retail sales facility shall be subject to the setback requirements of WCC 20.80.200.

(c) Such retail sales facility shall be provided with a sufficient area to permit at least five automobiles to park safely off the road right-of-way and to re-enter the traffic in a forward direction.

Whatcom County – Agriculture District

.103 Noncommercial extraction of up to 500 cubic yards per year of sand, gravel or both for farm enhancement purposes; provided all materials extracted remain on land owned or leased by the farmer for agricultural purposes.

.104 Private noncommercial boat docks, launches, ramps, floats, moorages and boathouses pursuant to the Whatcom County Shoreline Management Program.

.105 Temporary dwelling units which have full living accommodations including sleeping, self-contained cooking, bathing, and toilet facilities where the plumbing is connected to permanent site sewage and water systems, including those travel trailers and recreational vehicles that meet the above description, for use by owners during the period of construction of a permanent dwelling while building permit is valid, not to exceed two years.

.106 Utilization of biosolids on land when regulated by a utilization permit issued by the Washington State Department of Ecology in accordance with Chapter 173-308 WAC, Management of Biosolids. This would apply to any land owned or leased by the same operator.

.107 On-site storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses subject to the most current siting criteria under Chapter 173-303 WAC.

.108 Composting and mulching facilities other than commercial mushroom substrate production facilities, if the use is ancillary to the primary agriculture use, when in compliance with federal and state water quality standards. When the primary purpose of the mushroom composting is to service off-site locations, it shall not be considered a farm operation for the purposes of Chapter 14.02 WCC, Right to Farm Ordinance.

.109 On-farm mushroom substrate production (WCC 20.15.020(9)), when substrate is used solely on-site for the growing and harvesting of mushrooms, and in compliance with best management practices and in compliance with Chapter 24.12 WCC, Mushroom Substrate Production Facility Rules. Limited off-site shipment may be allowed if:

(1) Sample-sized quantities, in less than one cubic yard quantities, that may be shipped off-site for analytical purposes; and

(2) Equal exchanges of limited quantities of finished substrate, solely between facilities owned by the same operator, for substrate quality testing purposes. Such exchanges will be conducted only following prior notification of the public by the health department, with prior approval of the director of public health and will be substantiated by proper shipping documentation.

.110 Home occupations pursuant to WCC 20.80.970.

.111 The processing of agricultural products that originate from the permitted uses in WCC 20.40.050, provided the following criteria are met:

- (1) The facility is not a slaughterhouse or mushroom substrate production facility.
- (2) The facility is supplemental and related to the primary permitted use.
- (3) The facility processes at least 50 percent agricultural goods produced in Whatcom County and that originate from permitted uses.
- (4) The facility employs no more than 20 permanent employees.

.112 Family day care homes.

.113 Bed and breakfast establishments.

.114 Vacation rental units.

.115 *Repealed by Ord. 2022-011.* (Ord. 2023-041 § 1 (Exh. A), 2023; Ord. 2022-011 § 1 (Exh. A), 2022; Ord. 2017-038 § 1 (Exh. A), 2017; Ord. 2016-011 § 1 (Exh. D), 2016; Ord. 2015-006 Exh. A, 2015; Ord. 2014-041 Exh. A, 2014; Ord. 2013-051 Exh. A, 2013; Ord. 2010-030 § 1 (Exh. A), 2010; Ord. 2009-034 § 1 (Att. A), 2009; Ord. 2009-033 § 1 (Att. A), 2009; Ord. 2006-048 § 1 (Exh. A), 2006; Ord. 2006-031 § 1 (Exh. A), 2006; Ord. 2003-029 § 1 (Att. A § 14), 2003; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 2001-012 § 1, 2001; Ord. 98-018 § 1, 1998; Ord. 96-056 Att. A § 11, 1996; Ord. 92-079, 1992; Ord. 89-10, 1989; Ord. 88-93, 1988; Ord. 88-29, 1988; Ord. 88-13, 1988; Ord. 87-23, 1987; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 86-42, 1986).

*Code reviser's note: The amendments of Ordinance 2005-039 concerning mushroom composting, extending amendments from Ords. 2004-053, 2004-027, 2003-050, 2003-027, 2002-068, 2002-061 and 2002-033, expired October 24, 2005. Refer to Chapter 20.15 WCC for current provisions concerning mushroom substrate production facilities.

20.40.130 Administrative approval uses.

The following uses are permitted subject to administrative approval pursuant to WCC 22.05.028:

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Whatcom County – Agriculture District

(1) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders, or risks of such disorders, require supervision and care where such care is provided by members of the family who reside on the property; or

(2) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs supervision and care as described in (1) above.

Approval Requirements:

Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:

(1) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.

(2) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards set forth in (1) above.

(3) The temporary home shall be connected to an approved water supply and adequate capacity sewage disposal system approved by the Whatcom County health department.

(4) When care is no longer necessary, the temporary home shall be removed within 60 days.

(5) The permit shall be valid for one year. The permit may be extended on a yearly basis; provided, that an affidavit is furnished by the permittee affirming that the circumstances allowing the original permit remain in effect.

(6) A covenant shall be filed that restricts sale of the property while the temporary dwelling is in place.

(7) The use will not be hazardous or disturbing to existing or future neighboring uses.

(8) Evidence of adequate off-street parking space shall be provided.

(9) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.

(10) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with current Washington Administrative Code (WAC).

Penalties: False statements on supporting documentation submitted with the application or failure to comply with any of the approval requirements may be cause for revocation of the permit and prosecution.

.132 Temporary single-family detached dwellings not larger than 1,248 square feet in floor area, in the form of manufactured homes, fully serviced travel trailers or mobile homes, shall be permitted as accessory uses provided:

- (1) All dwellings on the property will be occupied by persons and families engaged in the ownership and/or operation of the farm;
- (2) A deed restriction recorded with the Whatcom County auditor is attached to the dwelling at the time of building permit issuance, stating that the dwelling units are temporary and must be removed when no longer required for farm use; except as provided for in WCC 20.40.250, or in the event the zone is changed to another zone district that would permit the land division. Placement of temporary dwellings does not constitute in any way a division of land for sale or lease purposes;
- (3) All land not occupied in homesites shall be kept in primary permitted uses;
- (4) The total number of additional temporary detached single-family dwellings on a parcel shall not exceed the number of families who derive at least 50 percent of their annual household income from ownership and/or operation of the farm. Whatcom County planning and development services will request from the landowner or tenant tax records verifying the proportion of farm income;
- (5) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with current Washington Administrative Code (WAC);
- (6) Temporary second dwelling units, as permitted pursuant to this section, shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements;
- (7) The temporary home shall be connected to an approved water supply and adequate capacity sewage disposal system approved by the Whatcom County health department;
- (8) The use will not be hazardous or disturbing to existing neighboring uses;
- (9) An affidavit sworn before a notary public is filed with the application for a building permit to verify compliance with all of the above conditions;

(10) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section; RVs shall be for seasonal use only (not more than 120 days per year);

(11) Temporary second dwelling units are valid for four years and are renewable by application to the planning and development services department;

(12) When the basis for approval of the temporary farmworker dwelling is no longer in evidence the structure shall be removed.

.133 Accessory dwelling units, when consistent with WCC 20.80.910.

.134 Retail marketing, by the operator, of Whatcom County products that originate from the permitted uses stated in WCC 20.40.050. One retail sales facility greater than 1,000 square feet but less than 4,500 square feet of floor area is allowed; provided, that the proposal can satisfy all applicable regulations.

.135 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 22.05.026 and 20.80.980:

(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

(2) The parcel size shall not be less than one acre.

(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.

(4) One nonilluminated sign, not to exceed 16 square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.

(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.

.136 *Repealed by Ord. 2015-016.*

.137 The processing of agricultural products that originate from the permitted uses in WCC 20.40.050, provided the following criteria are met:

- (1) The facility is not a slaughterhouse or mushroom substrate production facility.
- (2) The facility is supplemental and related to the primary permitted use.
- (3) The facility processes at least 50 percent agricultural goods produced in Whatcom County and that originate from permitted uses.
- (4) The facility employs over 20 permanent employees.
- (5) In addition to the criteria listed above, the administrator shall ensure that only the following criteria from Chapter 22.05 WCC, Project Permit Procedures, are applied to on-farm processing application reviews:

- (a) The proposed location will be serviced adequately by necessary public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- (b) The proposed location will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community; and
- (c) The proposal will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

.138 Mini-day care homes.

.139 Packinghouses and slaughterhouses, as defined in Chapter 20.97 WCC, which shall be located, designed, and operated so as to not interfere with the overall agricultural character of the area, provided the following criteria are met:

- (1) "Administrative approval use" approval criteria located in WCC 22.05.028 shall be satisfied.
- (2) The facility is an accessory use, as identified in Chapter 20.97 WCC, "Accessory use."
- (3) The total allowable building area is no larger than 2,000 square feet.

Whatcom County – Agriculture District

(4) Holding pens associated with packinghouses and slaughterhouses shall be limited to those necessary to accommodate animals intended for processing within 24 hours.

(5) The facility shall comply with solid waste handling standards as set forth in Chapter 173-350 WAC, as administered by the Whatcom County health department as adopted by reference in Chapter 24.06 WCC.

(6) If required by the Washington State Department of Ecology, the following permits shall be obtained:

(a) State waste discharge permit (Chapter 173-216 WAC).

(b) Industrial stormwater permit – general permit (Chapter 173-226 WAC).

(c) An NPDES permit (Chapter 90.48 RCW and Chapter 173-220 WAC).

(7) The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:

(a) Are sized to be as small as feasible; and

(b) Located to maximize the agricultural use of the remaining area; and

(c) Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.

(8) The packinghouse or slaughterhouse shall emit no noxious emissions that are detectable, at or beyond the property line for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use of adjacent property.

(9) Packinghouses and slaughterhouses, approved under this section, within the Agricultural (AG) District shall not be located in critical aquifer recharge areas of a high susceptibility, as identified by the Critical Areas Ordinance map, or frequently flooded areas, as identified and regulated by Whatcom County public works river and flood division through WCC Title 17.

.140 Type 1 cannabis production facilities, subject to WCC 20.80.690.

.141 Cannabis processing facilities, subject to WCC 20.80.690. (Ord. 2023-042 § 1 (Exh. A), 2023; Ord. 2023-018 § 1 (Exh. A), 2023; Ord. 2022-011 § 1 (Exh. A), 2022; Ord. 2019-013 § 1 (Exh. A), 2019; Ord. 2016-011 § 1 (Exh. D), 2016; Ord. 2015-016 Exh. A, 2015; Ord. 2014-041 Exh. A, 2014; Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 2010-016 § 1 (Exh. A), 2010; Ord. 2009-034 § 1 (Att. A), 2009; Ord. 2006-061

§ 1 (Att. A)(7), 2006; Ord. 2006-048 § 1 (Exh. A), 2006; Ord. 2005-079 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 2001-012 § 1, 2001; Ord. 99-068, 1999; Ord. 98-018 § 1, 1998; Ord. 97-069, 1997; Ord. 95-031, 1995; Ord. 91-009, 1991).

20.40.150 Conditional uses.*

.151 Public facilities for emergency-related health and safety purposes, such as fire halls and Washington State Department of Transportation satellite road safety facilities.

.152 Duplex and multifamily dwellings or clustered housing or camping facilities to accommodate farm workers provided:

- (1) In addition to any other setback requirements contained herein, such duplex and multifamily dwelling facilities shall be located at least 150 feet from any existing dwelling not on the same property and 50 feet from any property line; and
- (2) Such facilities shall conform with applicable building and health regulations; and
- (3) Such facilities shall be occupied only by agricultural employees and their immediate families; and
- (4) Such facilities must be ancillary and/or accessory to an agricultural use.

.153 Aircraft landing areas when solely for personal (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any limitations deemed necessary by the hearing examiner) or agriculture (aerial application of agricultural chemicals) uses; provided the centerline of any such landing area shall not be located within 500 feet of any property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a conditional use permit application, shall be acceptable. The surface of any such landing areas shall be grass or sod and not longer than 2,500 feet. It shall be unlighted and for daytime use only. Handling and storage of fuel and bulk chemicals, associated with agricultural application, on or near the landing area must comply with pertinent state and county codes.

Fuels and lubricants associated with the operation of personal use aircraft will be stored and handled in accordance with pertinent state and county codes. All aircraft and pilots must comply with all current Federal Aviation Regulations for the maintenance and operation of aircraft. Notification of conditional use permit application hearing shall go, by first class mail, to residents within 1,000 feet from any point on a proposed aircraft landing area; the applicant shall pay the cost of such mailings.

.154 Aquaculture.

.155 A cottage industry employing no more than four persons on site, other than family members residing on the premises, and which may be conducted in structures other than the dwelling unit; provided, that in addition to the criteria set forth in WCC 22.05.026 and 20.80.980, the hearing examiner shall find that the cottage industry satisfies the criteria of WCC 20.36.161(1) through (5).

.156 *Repealed by Ord. 2023-018.*

.157 Rendering plants.

.158 *Deleted by Ord. 2006-048.*

.159 Transitory solid waste facilities for treatment, storage, or collection, including but not limited to: recycle centers and drop boxes for household materials excluding large items such as automobiles or major appliances; noncommercial or commercial composting and mulching facilities; and including but not limited to the types of facilities operated by neighborhood or public service organizations.

.160 Restaurants, when located on the same property and subordinate to a permanent facility for the processing of agricultural products into food or beverage for human consumption; provided, that the size, scale and character of the restaurant facility are compatible with the agricultural/rural character of the surrounding area and are consistent with the general purpose of the zone district.

.161 Surface mining for farm enhancement purposes and accessory sorting; provided, that:

(1) The activity is not subject to Washington State's Surface Mining Act (Chapter 78.44 RCW) and conforms to the following criteria and those of WCC 22.05.026.

(2) The activity will not result in excavation or equipment within 50 feet of county road rights-of-way.

(3) The activity will not result in excavation or equipment within 50 feet of the exterior property lines of the site, except in the case of two contiguous surface mining operations in which case by mutual consent this setback can be zero.

(4) The activity will only remove sand or gravel knolls or ridges and will not excavate below the minimum land elevation of the knoll or ridge being removed. In addition, a cumulative maximum of 15 percent of the parcel area, not to exceed six acres in total, may be mined.

(5) No reclaimed side slopes are steeper than eight percent. An exception to this requirement may be approved under the following circumstances:

(a) The knoll or ridge to be removed extends onto an adjacent parcel; and

Whatcom County – Agriculture District

- (b) The neighboring property owner is not removing their portion of the knoll or ridge; and
 - (c) A steeper side slope is necessary to enhance farm use adjacent to the slope; and
 - (d) Reclaimed side slopes shall not exceed 33 percent.
- (6) No excavation shall occur within the five-year zone of contribution for designated wellhead protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. Wellhead protection boundaries may be adjusted in accordance with WCC 20.73.153(2).
- (7) Excavations will not occur within five feet of the seasonal high water table level.
- (8) At minimum, the operations shall adhere to the development and performance standards of WCC 20.73.650 and 20.73.700.
- (9) No soil erosion or sedimentation will occur beyond the exterior property lines of the site.
- (10) Excavation activity will commence and conclude within four years.
- (11) The conditional use permit application includes proposed days-of-the-week operation and hours-of-the-day operations. The hearing examiner may limit any operation as to days and hours of operation.
- (12) Owners shall submit a reclamation plan with their application to the county providing for:
- (a) Stockpiling all topsoil for subsequent use during reclamation.
 - (b) Topsoil protection by seeding with a cover-crop immediately after it is stockpiled.
 - (c) Time limits on topsoil storage not to exceed four years.
 - (d) Limitations on handling topsoil in wet conditions.
 - (e) Sequential reclamation in less than three-acre increments per parcel.
 - (f) Measures for restoring soil texture, structure, and organic matter by sub-soiling, fertilization, crop scheduling, and weed control.
 - (g) Review and approval by the Whatcom County Conservation District.
 - (h) Protection of ground water during preparation of the soils for post-agricultural use.

(i) Pertinent use of best management practices or guidelines. As a minimum, this should include "Agriculture and the Aggregate Industry," by Mackintosh, E.E. and E.J. Mozuraitus, from the Ontario Ministry of Natural Resources, 1982.

(13) Performance bonds or other monetary security as approved by the prosecuting attorney equal to the costs of completing the proposed reclamation plan, subsection (12) of this section, are submitted to the county, which shall be released within two years after completion of surface mining; provided, that reclamation has been completed according to the reclamation plan.

(14) When mining operations are proposed within or adjacent to the 100-year floodplain, the applicant must also obtain a flood permit from the county.

.162 Commercial operations, except for mushroom composting operations, that directly provide agricultural goods or services to farmers. Examples of primary agricultural commercial operations include, but are not limited to: livestock auction facilities, hay sales and storage, sawdust sales and storage, farm equipment service and repair, and farm chemical applicator establishments and secondary nonagricultural services if they are the same in type and function as the primary business and serve to complement the primary business. The purpose of allowing secondary nonfarm businesses in conjunction with agricultural goods and services businesses is to augment the viability of agricultural goods and services businesses as a means of ensuring that agricultural businesses continue to provide goods and services to farmers.

Applicants must satisfy the following criteria:

(1) Agricultural Goods and Services (Primary) Business.

- (a) That locating the prospective commercial operation within the Agriculture District better serves the agricultural operator than if the commercial operation is located in another land use designation;
- (b) The site is better used for agricultural services than the permitted uses in WCC 20.40.051; and
- (c) The prospective commercial operation is limited to directly serving agricultural operators and does not include the manufacture of farm-related implements.

(2) Nonagricultural (Secondary) Business.

- (a) Goods and services provided are the same in type and function as those provided to the agricultural sector and serve to complement the primary business;

(b) The secondary business remains subordinate to the primary business in respect to gross sales as evidenced by an affidavit of intent, signed by the owner, to be provided by owner at the time of application. The county reserves the right to require the submission of subsequent affidavits, signed by both the business owner and the owner's certified public accountant, not more than annually thereafter;

(c) The secondary business does not require additional area beyond that necessary for the primary business;

(d) The addition of a secondary business shall be conditionally approved if the hearing examiner determines that the secondary business is consistent with applicable zoning regulations, and complies with WCC 22.05.026, providing such change does not require the provision of water and sewer utility services at a level greater than that currently available to the subject property, and that the new use does not result in greater impacts upon surrounding properties than did the original use.

.163 Rock crushing and asphalt and concrete batch plants when within a Mineral Resource Land Special District. No off-site dust shall be generated from the operation.

.164 Packinghouses and slaughterhouses as defined in Chapter 20.97 WCC, which shall be located, designed, and operated so as to not interfere with the overall agricultural character of the area, provided the following criteria are met:

(1) "Conditional use" approval criteria located in WCC 22.05.026 shall be satisfied.

(2) The total allowable building area is larger than 2,000 square feet and no larger than 7,000 square feet.

(3) The facility is an accessory use, as identified in Chapter 20.97 WCC, "Accessory use."

(4) Holding pens associated with packinghouses and slaughterhouses shall be limited to those necessary to accommodate animals intended for processing within 24 hours.

(5) The facility shall comply with solid waste handling standards as set forth in Chapter 173-350 WAC, as administered by the Whatcom County health department as adopted by reference in Chapter 24.06 WCC.

(6) If required by the Washington State Department of Ecology, the following permits shall be obtained:

(a) State waste discharge permit (Chapter 173-216 WAC).

(b) Industrial stormwater permit – general permit (Chapter 173-226 WAC).

(c) An NPDES permit (Chapter 90.48 RCW and Chapter 173-220 WAC).

(7) The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:

(a) Are sized to be as small as feasible; and

(b) Located to maximize the agricultural use of the remaining area; and

(c) Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.

(8) The packinghouse or slaughterhouse shall emit no noxious emissions that are detectable, at or beyond the property line for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use of adjacent property.

(9) Packinghouses and slaughterhouses approved under this section within the Agricultural (AG) District shall not be located in critical aquifer recharge areas of a high susceptibility, as identified by the Critical Areas Ordinance map, or frequently flooded areas, as identified and regulated by Whatcom County public works river and flood division through WCC Title 17.

.165 Kennels, which shall be located, designed, and operated so as not to interfere with the overall agricultural character of the area, provided the following criteria are met:

(1) The use shall be on a parcel five acres or less in size but not less than one acre in size.

(2) No kennel building or outdoor animal space shall be located within 50 feet of any property line and/or within 300 feet of any existing dwelling other than those on the property. The distance to a dwelling shall be measured as the shortest straight line distance from the closest point of a dwelling to any structure or fence used for a kennel.

(3) All facilities associated with the kennel use, including but not limited to parking and on-site septic systems, shall be contained on the same parcel.

(4) The building(s) and associated facilities shall, to the extent feasible, be located to avoid interference with the agricultural use of the property and surrounding properties.

(5) In addition to the requirements of WCC 22.05.026, the hearing examiner shall consider the following when reviewing a conditional use permit application in order to reduce negative impacts to surrounding residents, and set conditions if warranted:

- (a) Hours when animals are to be kept indoors;
- (b) Sound abating building or screening materials;
- (c) Maximum number of animals; and
- (d) Visual screening or buffering, including but not limited to landscaping and fencing.

.166 Regional parks that offer interpretive, historical, or educational experiences related to agriculture and subject to the following approval requirements:

To assure maintenance of the agricultural resource and compatibility with agricultural operations, regional parks that offer interpretive, historical, or educational experiences related to agriculture may only be approved if it is determined that the proposal meets the following approval requirements:

- (1) The size, scale and character of the facility are compatible with the agricultural/rural character of the surrounding area.
- (2) The educational or interpretive component, open space, and trails of a park must comprise at least 70 percent of the physical area of the park.
- (3) The applicant shall provide proof that new permanent structures and soil alterations are generally located on predominantly nonagricultural soils or on the least productive portion of the property.
- (4) The proposal will not preclude present and future agricultural use of the property nor substantially detract from agricultural production on-site or in the area.
- (5) The proposal will not adversely impact or interfere with accepted farm practices on adjacent or nearby agricultural operations, given the type of agriculture that is in the area and its relative susceptibility to nuisance complaints due to accepted farm operations and management practices.
- (6) The proposal must comply with the requirements of WCC 20.40.662 and WCC Title 14, Use of Natural Resources.

Whatcom County – Agriculture District

(7) Mitigation measures (such as landscape buffers; special setbacks; screening; site design and using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas) shall be used to effectively reduce the potential for land use conflicts.

(8) Lighting must be shielded and directed away from residential areas.

(9) Adequate provision of refuse collection and disposal.

(10) The following uses are not permitted:

(a) Golf courses or driving ranges.

(b) Campgrounds.

(c) Recreational vehicle parks.

(d) Private concessions.

(e) Sports fields or courts.

(f) Permanently constructed playground equipment, stadiums or bleachers.

.183 State education facilities that are related to agricultural operation training.

.185 Type I solid waste handling facilities.

.190 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district; provided, that the primary use of the parcel remains agriculture and the patients are working the land on the operating farm.

.191 Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district; provided, that the primary use of the parcel remains agriculture and the patients are working the land on the operating farm.

.192 Mitigation banks as a form of compensatory mitigation for wetland and habitat conservation area impacts when permitted in accordance with the provisions of Chapter 16.16 WCC; provided, applications for mitigation banks shall be processed as a major development project pursuant to Chapter 20.88 WCC.

.193 Wildlife animal rescue hospitals and/or rehabilitation facilities including accessory enclosures thereto, such as kennels, cages, stables, aviaries, runs, and fenced pastures, to provide for the care of and management of sick, injured, displaced or orphaned wildlife provided:

Whatcom County – Agriculture District

In order to assure maintenance of the agricultural resource and compatibility with agricultural operations, applications made to operate wildlife rescue rehabilitation facilities in the Agriculture Zoning District may only be approved if it is determined that the proposal meets the following approval requirements:

- (1) Wildlife species that are held, treated or cared for at the facility shall be native to the region.
- (2) Such facilities must at all times be properly authorized and permitted under applicable state and federal law to hold and treat wildlife.
- (3) Pursuant to WAC 232-12-275, there shall be at least one person in possession of a valid wildlife rehabilitation permit on the facility staff.
- (4) No building or animal enclosure shall be located closer than 50 feet from the external property lines.
- (5) The applicant shall provide proof that new permanent structures and soil alterations are generally located on predominantly nonagricultural soils or on the least productive portion of the property.
- (6) Such facilities must have a waste disposal program approved by the county health department.
- (7) Such facilities shall be operated at all times in a manner specifically designed to prevent the use of the facilities from becoming a nuisance, either public or private; and the hearing examiner shall require of the applicant a detailed program to minimize potential annoying effects; said program to be recorded as one of the conditions attached to the permit.
- (8) The facility shall not adversely impact or interfere with accepted farm practices on adjacent or nearby agricultural operations, and the provisions of Chapter 14.02 WCC, Right to Farm, shall apply.
- (9) The proposal must comply with the requirements of WCC 20.40.662 and WCC Title 14, Use of Natural Resources.
- (10) Mitigation measures (such as landscape buffers; special setbacks; screening; site design and using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas) shall be used to effectively reduce the potential for land use conflicts.

.194 Bed and breakfast inns.**

.197 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the

operation. (Ord. 2023-042 § 1 (Exh. A), 2023; Ord. 2023-018 § 1 (Exh. A), 2023; Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2017-030 § 1 (Exh. F), 2017; Ord. 2017-001 § 1 (Exh. A), 2017; Ord. 2016-011 § 1 (Exh. D), 2016; Ord. 2015-016 Exh. A, 2015; amended during 8/14 supplement; Ord. 2014-041 Exh. A, 2014; Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 2013-051 Exh. A, 2013; Ord. 2009-033 § 1 (Att. A), 2009; Ord. 2008-059 § 1, 2008; Ord. 2006-048 § 1 (Exh. A), 2006; Ord. 2005-068 § 2, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2003-026 § 1 (Exh. 1), 2003; Ord. 2001-047 § 1, 2001; Ord. 2001-024 § 1, 2001; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 2001-012 § 1, 2001; Ord. 98-018 § 1, 1998; Ord. 97-069, 1997; Ord. 96-056 Att. A § 12, 1996; Ord. 93-076, 1993; Ord. 93-035, 1993; Ord. 92-079, 1992; Ord. 91-013, 1991; Ord. 88-13, 1988; Ord. 87-84, 1987; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 86-42, 1986; Ord. 83-32, 1983).

*Code reviser's note: The amendments of Ordinance 2005-039 concerning mushroom composting, extending amendments from Ords. 2004-053, 2004-027, 2003-050, 2003-027, 2002-068, 2002-061 and 2002-033, expired October 24, 2005. Refer to Chapter 20.15 WCC for current provisions concerning mushroom substrate production facilities.

**Code reviser's note: Ord. 2009-033 added this subsection as 20.40.161. It has been renumbered to 20.40.194 to prevent duplication of numbering.

20.40.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved.

.202 Adult businesses.

.203 Aerial application of chemicals, including but not limited to pesticides and insecticides, previously regulated by the DNR as Class I, II, III or IV-Special forest practices, when located within an urban growth area.

.204 Slash burning, when located within an urban growth area. (Ord. 2022-035 Exh. A, 2022; Ord. 2016-011 § 1 (Exh. L), 2016; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 99-070 § 2, 1999).

Chapter 20.08G AGRITOURISM OVERLAY DISTRICT (AOD)

20.08G.010 Purpose statement.

The purpose of the agritourism overlay district (AOD) is:

1. To preserve working lands and support the agricultural industry of Thurston County as a viable economic activity and discourage conversion to other incompatible uses.
2. To provide clear legislative authority for agricultural land-owners to launch agritourism activities in specific rural areas of Thurston County as a way to supplement their income, educate visitors about their way of life, and share their agricultural heritage with others.
3. To protect and promote agriculture as an important component of the Thurston County economy.
4. To implement the goals and objectives of the Thurston County Comprehensive Plan, which recognizes the economic, environmental, and cultural benefits of our agricultural and working lands.
5. To empower farmers and other rural land owners to start new, entrepreneurial endeavors that augment, and highlight the importance of local agriculture.
6. To entice visitors to rural Thurston County to see and experience the value of local agricultural lands to our culture, economy, landscape and local food supply.
7. To boost agricultural commerce in rural Thurston County by establishing a broad overlay district that reduces barriers and inconsistencies among the base zoning districts, while maintaining and promoting the high quality of the environment and the economy in rural Thurston County.
8. This chapter places no new restrictions or limitations on legal, existing or allowed uses within the AOD. The intent of this section is only to add new allowed uses and to ease some land use restrictions which pose regulatory barriers to a healthy and sustainable agricultural economy. Additionally, this section is meant to promote and build on the inherent strengths of Thurston County with a particular focus on rural, southern Thurston County. The provisions of this chapter do not apply to lands zoned as public parks, trails and preserves (PP) or rural resource industrial (RRI).

(Ord. No. 14725, § 2(Att. B), 3-13-2012)

20.08G.015 Conflicts with other regulations.

If a specific AOD standard or regulation conflicts with other specific development standards in the Thurston County Zoning Ordinance (Title 20 TCC), the AOD rules and standards shall apply. Additionally, if any section, subsection, sentence, clause, phrase or other portion of this ordinance or its application to any person is, for any reason declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

(Ord. No. 14725, § 2(Att. B), 3-13-2012)

20.08G.020 General standards.

General standards for all agritourism uses within the AOD shall be as follows:

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1. AOD uses shall incorporate a rural theme in terms of building style and design. This means that new agritourism uses involving new structures shall complement or enhance, rather than detract from the rural environment.
 2. New AOD uses shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site. Non-agricultural uses should be limited to lands with poor agricultural soils or lands otherwise not suitable for agricultural purposes.
 3. Impervious surface limits, signage and parking standards are the same as the underlying zoning district for agritourism related uses.
 4. AOD activities shall comply with all applicable county health, resource stewardship and public works department requirements and standards.
 5. Safe vehicular access and customer parking shall be provided on site, such that vehicles are not required to back onto public roads. Structures and parking shall be located outside of public rights-of-way. Also refer to parking and loading standards, Title 20, Chapter 20.44.
 6. Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed generally downwards to minimize traffic safety impacts and light pollution.
 7. Agritourism events allowed pursuant to this section shall not involve motorized off-road vehicle (ORV) racing or similar motor vehicle activities unless otherwise allowed by this title. All activities generating noise detectible off-site shall observe Title 10, Chapter 10.36, Public Disturbance Noise.
 8. Permitted nonagricultural accessory uses and activities located on land with an agricultural use, or land zoned long-term agriculture (LTA), Nisqually agricultural district (NA) or long-term forestry (LTF) shall be consistent with the size, scale, and intensity of the existing agricultural or resource use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings, parking and residential uses and shall not otherwise convert more than one acre of agricultural or resource land to nonagricultural or non-resource uses.
 9. Parcel size standards. Unless otherwise specified, the minimum parcel size for new agritourism uses within the AOD is ten acres. Exceptions to the ten-acre minimum parcel size may be considered through a variance process in accordance with Chapter 20.52 TCC.
 10. Maximum structure size. The maximum size for structures related to an agritourism use within the AOD is twenty thousand square feet, except as otherwise stated by this chapter. Existing buildings may be used for agritourism uses regardless of size.

(Ord. No. 14725, § 2(Att. B), 3-13-2012)

20.08G.030 Exempt AOD uses.

Exempt AOD uses are those uses permitted as a matter of right under this chapter, i.e. no land use permit is required under this chapter. However, other local, state or federal requirements may have standards that need to be met or approvals/permits that need to be received. This includes, but is not limited to, county health department and public works department requirements.

1. The following standards shall apply to all exempt agritourism uses permitted by this chapter:
 - a. Exempt uses shall meet applicable vehicular access, signage, lighting and parking standards.
 - b. The director shall determine if an unlisted use is exempt, permitted or prohibited based on similarity to a listed use and likely impacts of such unlisted use.

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- c. Exempt uses in this section are not subject to the minimum lot size requirements of TCC Section 20.08G.020(9). All other applicable requirements of TCC Section 20.08G.020 must be met.
 2. Exempt uses include, but are not limited to the following:
 - a. Manned and unmanned you-pick operations, including, but not limited to vegetable and berry picking, pumpkin patches and similar uses.
 - b. Christmas tree sales.
 - c. Hay rides/sleigh rides.
 - d. Roadside farm stands of seven hundred square feet or less and operated in accordance with the requirements contained in TCC 20.54.070(11.7).
 - e. Cottage food operations, including sale of jams and preserves meeting the standards of Chapter 69.22 RCW as amended.
 - f. Direct sale of agricultural products grown and/or produced on-site.
 - g. Farm tours and agricultural clinics, seminars or classes, organized group activities involving nature watching or star gazing with no overnight accommodations.
 - h. Agricultural activities specifically exempted from local review by state law.
 - i. Farmers markets operating under the guidelines of the Washington State Farmers Market Association as amended, where no permanent structures are involved.
 - j. Agritourism activities and agriculturally related experiences occurring on a farm where no structure is involved, i.e. corn/crop mazes, hay bale sculptures and similar crop art installations, animal feeding, petting zoos, archery ranges, fee fishing and similar low intensity activities in conformance with all standards contained in this chapter and all other applicable Thurston County Codes.

(Ord. No. 14725, § 2(Att. B), 3-13-2012)

20.08G.040 Permitted uses and exclusions.

The following uses are permitted within the AOD subject to the development standards contained in Section 20.08G.020 and the requirements provided herein.

1. Farmers markets operating under the guidelines of the Washington State Farmers Market Association as amended, where one or more permanent structures are involved is permitted through an administrative site plan review, subject to the following standards.
 - a. Farmers markets pursuant to this section are not subject to the minimum lot size requirements of TCC Section 20.08G.020(9).
 - b. All applicable local, state and federal laws, including, but not limited to, environmental health, site access, lighting and parking standards shall be met.
 - c. Temporary and permanent structures and parking areas shall be located where impacts to adjacent residential uses will be minimized.
2. Permitted agricultural accessory uses and activities, include, but are not limited to the production, storage, distribution, and marketing of regional agricultural products, including value-added products from one or more producers, agriculturally related experiences and support services that facilitate these activities. Accessory commercial or retail sales in conformance with standards contained in this chapter and other applicable Thurston County Codes are permitted within the AOD subject to the

following standards and approval processes. Accessory agritourism activities and agriculturally related experiences involving a building or structure are also subject to these standards.

- a. Unless otherwise specified by this chapter, accessory commercial or retail uses shall be located on an active farm where agriculture is the primary use of the property.
 - b. The accessory commercial or retail use shall offer for sale products or services produced on-site, but which may also be supplemented by goods and services produced in the Pacific Northwest. At least seventy-five percent of the agricultural produce displayed shall be grown or produced in the Pacific Northwest. Sale of ancillary products is permitted, however such products shall not exceed twenty-five percent of product display area.
 - c. Nonagricultural accessory uses and activities such as corporate or group events, reunions, photography/art classes, art exhibits, archery ranges, group camping and similar accessory uses as determined by the director are permitted as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, 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 of agricultural land to nonagricultural uses or non-resource use.
 - d. An accessory commercial or retail use involving seven hundred or less square feet of floor area is allowed by right (no land use permit required), but is subject to all other applicable local, state and federal requirements related to public health, building/construction standards, safety, health and welfare. Such exempt accessory commercial or retail uses are not subject to the lot size requirements of Section 20.08G.020(9) TCC, titled General standards.
 - e. An accessory commercial or retail use involving from seven hundred one to six thousand square feet of floor area is permitted with an Administrative Site Plan Review and shall follow the public notice standards of 18.10.030.B(4)—B(5) TCC.
 - f. An accessory commercial or retail use involving more than six thousand square feet of floor area is permitted with a special use permit for a home based industry.
 - g. Unlisted accessory commercial or retail uses involving no defined area or structure, which are determined to be non-exempt by the director may be reviewed through an administrative site plan review process, subject to the standards of this chapter and all other applicable Thurston County Codes.
3. Small scale wineries, microbreweries, cider mills, craft distilleries, and similar small scale, craft beverage producers with associated tasting room and retail space are permitted in accordance with the following:
- a. Small scale wineries, microbreweries, cider mills, craft distilleries and other craft beverage production facilities equal to or less than eight thousand square feet shall be permitted through an administrative site plan review and shall follow the public notice standards of 18.10.030.B(4)—B(5) TCC.
 - b. Small scale wineries, microbreweries, cider mills, and craft distilleries and other craft beverage production facilities greater than eight thousand square feet and up to a maximum of twenty thousand square feet shall be permitted through a special use permit.
 - c. Structures and mechanical appurtenances necessary for the production and storage of locally produced wine, microbrews, cider, distilled spirits and other craft beverages shall be exempt from maximum height limits pursuant to Section 20.07.080 TCC, Structures excluded from maximum height regulations.

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- d. Small scale wineries, microbreweries, cider mills, craft distilleries and other small-scale, craft beverage producers within the AOD may also include the following accessory uses:
 - i. Product tasting facilities.
 - ii. Retail sales of wine, beer and spirits produced on-site and limited sale of other regionally produced goods and services, (i.e., locally produced wines, cheeses, preserves etc.).
 - iii. On-site bed and breakfast services, with guest rooms for temporary occupancy (up to thirty days maximum per stay) are permitted in accordance with the following:
 - A. Small scale wineries, microbreweries, cider mills and craft distilleries of eight thousand square feet or less pursuant to Section 20.08G.020(3)(a) may also include bed and breakfast accommodations of up to three guest rooms.
 - B. Small scale wineries, microbreweries, cider mills and craft distilleries between eight thousand one and twenty thousand square feet or less pursuant to Section 20.08G.020(3)(b) may also include bed and breakfast accommodations of up to eight guest rooms.
 - iv. Tours, seminars, parties, weddings and all other temporary uses allowed under item 7. of this section titled "short-term events" are permitted at small scale wineries, microbreweries, cider mills, craft distilleries and other craft beverage production facilities within the AOD.
 - 4. Country inns with or without a restaurant/lounge, overnight accommodations and meeting space are permitted in the AOD and are exempt from the design standards of Thurston County Code Section 20.54.070(9.5), and replaced with the following in addition to the general standards contained in this chapter. Within the AOD, country inns are permitted subject to the following standards:
 - a. Country inns within the AOD are permitted in the following zoning districts, residential LAMIRD, RL 1/2, RL 1/1 and RL 2/1, RR 1/5, RRR 1/5, R 1/10 and R 1/20. Country inns are prohibited within the NA, LTA and LTF zoning districts.
 - b. Minimum lot size for country inns within the AOD is ten (10) acres, subject to the following provision:
 - i. When a proposed country inn within an existing, nonconforming structure does not meet the minimum lot size or setback requirements of this section, the resource stewardship department may permit the development subject to the applicant demonstrating compatibility with the rural environment and existing development. For this section, existing lots are defined as lots existing at the time of adoption of this chapter.
 - c. Building height.
 - i. The maximum building height is thirty-five feet (excluding existing structures).
 - d. Parking standards for country inns. The following minimum number and design of parking spaces shall be provided:
 - i. One space per two hundred square feet of country inn and lounge.
 - ii. Parking areas shall be set back a minimum of twenty-five feet from external property lines and shall be landscaped to soften the visual appearance of parking and loading areas. Parking and loading areas should be located within the side or rear yard to reduce visual impacts (all other requirements for parking area are located in Chapter 20.44 TCC).
 - e. Lounge/bar area is limited to twenty-five percent floor area of the restaurant, or ten percent of total square footage if no restaurant.

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- f. Minimum distance of one county inn from another shall be one air mile. Separation of country inns from a neighborhood convenience use shall be one air mile.
 - g. Minimum building setback is one hundred feet from all property lines, subject to the following provision:
 - i. When a proposed country inn for an existing structure cannot meet the required setbacks, the director may adjust setbacks to the lesser standards of TCC Section 20.07.030.1.(a.), subject to the applicant demonstrating compatibility with the rural environment and existing development. For this section, existing structures are defined as structures existing at the time of adoption of this chapter.
 - h. Proposed country inns within the AOD equal to or less than four thousand five hundred square feet require:
 - i. An administrative special use permit; and
 - ii. Shall follow the public notice standards of Section 18.10.030.B(4)—B(5) TCC.
 - i. Proposed country inns within the AOD between four thousand five hundred and a maximum of eight thousand square feet require a special use permit by hearing examiner.
 - j. Landscaping standards. Landscaping will be required to screen, buffer, and enhance the character of the neighborhood. The applicant will be required to provide a landscape plan showing how these requirements will be met.
 - k. Access. New country inns shall be located on a paved road and within one-half mile from a county arterial or collector road at minimum.
 - l. Design. The outward appearance and design of country inns shall be consistent with the rural character of Thurston County.
5. Agricultural home stay establishments for the purpose of providing temporary accommodations to visitors and tourists shall only be located on an active farm that produces agricultural products as its primary source of income. All applicable local, state and federal law, permits and licenses shall be met/obtained prior to establishing an agricultural home stay, including required Washington State Department of Health licenses. Agricultural home stays shall be subject to the following:
- a. Minimum parcel size is ten acres.
 - b. Farming shall be the primary use of the subject parcel.
 - c. The total number of guest rooms permitted for short-term rental on an individual parcel is determined by parcel size and the permitted residential density of the underlying zoning district. To determine the number of short-term rental units per parcel, divide the total parcel acreage by the minimum lot size allowed in the particular zoning district, then subtract any existing residential units on the subject parcel. Critical areas and approved farm housing are not counted in determining the number of permitted guest units.
 - d. Up to four guest units shall be reviewed through a minor administrative action permit process.
 - e. Between five to a maximum of eight guest units shall be reviewed through an administrative site plan review permit process.
 - f. The maximum size of individual guest units is six hundred square feet of floor area and each unit may contain a kitchen.
 - g. Maximum length of stay is thirty days per visit.
 - h. Maximum number of guests is sixteen overnight guests per day.

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- i. Guest units shall be contained within an existing building or home, one new building or in more than one building clustered within a one-acre, non-agricultural area to reduce impacts to agricultural lands.
6. Activities and uses defined as nature tourism, geo-tourism, culinary tourism, art tourism or eco-tourism may be permitted on all legal lots subject to Sections 20.08G.020, 20.08G.040(2), and all other applicable standards contained in this chapter and Thurston County Code. When a use pursuant to this section is proposed within an existing, nonconforming structure or lot, the Resource Stewardship Department may permit the development subject to the applicant demonstrating compatibility with the rural environment, existing development and all other Thurston County Codes. In addition, such uses shall be designed and operated so as to enhance the economic viability of farming and maintain the rural character of the AOD by:
- a. Promoting locally grown and produced agricultural products, goods and services;
 - b. Emphasizing local rural and agricultural attributes such as local specialty crops, farming and rural culture, native and natural resources, local history, local food networks and relationships, and other elements which highlight the importance of local agriculture; and
 - c. Enticing visitors who will see and experience the value of local agricultural lands to the culture and economy of rural Thurston County and who may purchase locally grown and produced agricultural products, goods and services.
7. Short-term, agritourism events meeting the following standards are exempt from the requirements of TCC Section 20.54.070, subsections 41.5(a), (b) and (c). However, the requirements of Section 20.54.070 41.5(d) shall be met. Food and wine festivals, art shows, weddings and similar temporary gatherings as determined by the director are permitted in accordance with the following:
- a. The primary use of the property shall be agriculture, with the exception of sites with an approved winery, brewery, distillery, country inn or approved agritourism operation.
 - b. Short-term events up to ten days per year involving fewer than one hundred individuals daily or otherwise listed as exempt under Section 20.54.070(41.5) are allowed as a matter of right.
 - c. Short-term events in excess of ten days per year may be permitted pursuant to the following:
 - i. Short-term events up to twenty-one days per year may be permitted through a special use permit for a home occupation and shall follow the public notice requirements of Section 18.10.030.B(4) TCC.
 - ii. Short-term events exceeding twenty-one days per year may be permitted through a Special Use Permit for a home based industry.
 - d. Short term events shall be limited to three consecutive days per event, with a minimum of ten days between events unless otherwise approved by the department.
 - e. On-site parking shall be provided in accordance with Chapter 20.44 TCC (Parking and Loading).
 - f. All local public health, noise, food handling, building and other applicable regulations shall be followed.
 - g. For temporary events lasting two or more days and with an expected daily attendance exceeding two hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.
 - h. Short-term uses within the AOD are subject to the standards contained in Section 20.54.070(41.5)(d).

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- i. Short-term events not meeting the criteria contained in this section may be allowed subject to the provisions of Section 20.54.070(41.5).

(Ord. No. 14725, § 2(Att. B), 3-13-2012; Ord. No. 14985, §§ 2—4(Att. A), 1-28-2014)

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 Additional standards for agricultural processing facilities.**
- 33.XX.110 Additional standards for farmers' markets.**
- 33.XX.120 Additional standards for U-picks.**
- 33.XX.130 Additional standards for farm tours.**
- 33.XX.140 Additional standards for farm stays.**
- 33.XX.150 Additional standards for corn mazes, tractor rides, and other farm dependent outdoor activities.**

33.XX.010 Definitions.

To Be Added

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 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 of agricultural land to nonagricultural 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.

33.XX.060 Use Review Table.

Agricultural Accessory Use Review Chart					
	Size of Parcel				
	Less than 2.99 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					
Level of Review	Size of Parcel				
	Less than 2.99 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright

(1) Additional Performance Standards

- a. *Structure*: Temporary Onsite Retail Stands shall be no larger than 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					
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	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 shall be no larger than 1000 sq. ft. and 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:* 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. *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 7:00 PM.

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 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 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. *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 7:00 PM.

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

(1) Additional Performance Standards

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

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

In addition to the general requirements of CCC 33.XX.030, Farmers' markets 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 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 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. *Frequency*: No more than 2 farmers' market events shall be hosted per week.
- 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 7:00 PM.

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

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

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

(1) Additional Performance Standards

- a. *Parking*: The owner shall designate parking spaces onsite capable of providing adequate parking for the retail store. At least 1 ADA accessible parking space shall be provided, but additional ADA parking may be required conforming to applicable parking standards.
- 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 7:00 PM.

33.XX.130 Additional standards for farm tours.

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

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

(1) Additional Performance Standards

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

b. **Additional Performance Standards**

- a. *Structures:* Permanent structures 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 shall be limited to no longer than two weeks and a group shall be 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 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. *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	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 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. *Sewage Disposal:* The owner shall implement a sewage disposal plan meeting the minimum requirements of the Environmental Health Division.