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Mary Ellen Winborn, Director

MEMO

DATE: May 10, 2016
TO: Interested Parties
FROM: Greg Ballard, Senior Planner

RE: This Memo addresses the proposed deletion and addition to the Critical Area Exemption for existing and on-going agriculture, a new definition for existing and on-going agriculture, and proposed deletion and addition to the definition of agriculture. The new proposed Critical Area Section (Section 27.12.037 CCC) that would address the standards for existing and on-going agriculture in Critical Areas is a separate document that is available on our website <http://www.clallam.net/LandUse/AGinCA.html>

KEY:

Existing Code section proposed for deletion shown in ~~strikeout~~.
New Code section proposed to be added shown in underscore.

Existing code section for existing and on-going agricultural exemption in Critical Areas Code Section 27.12.035(7) CCC proposed to be deleted:

~~“Existing and ongoing agriculture that was conducted prior to the effective date of this chapter on lands designated as critical areas or their associated buffers; provided, that such lands are classified as farm and agricultural land pursuant to Chapter 84.34 RCW; provided further, that all activities occurring on such lands employ best management practices (BMPs). For the purposes of this exemption, acceptable BMPs shall include: (a) activities carried out consistent with farm plans issued and authorized by the Natural Resources Conservation Service (NRCS); (b) activities that demonstrate consistency with total maximum daily loads (TMDL) established by the Department of Ecology for specific operations; and/or (c) activities that demonstrate consistency with standard BMPs published by the NRCS, as now or hereafter amended. Written confirmation by the administering agency that applicable BMPs are being met will constitute evidence of eligibility for this exemption. (See also CCC 27.12.025(7)).”~~

Proposed code section for existing and on-going agriculture exemption in Critical Area Code Section 27.12.035(7) CCC to be added:

27.12.035(7) Existing and on-going agriculture as defined in Section 27.12.900 CCC, including related development and activities which do not result in expansion into a critical area or its buffer and

which do not result in significant adverse impacts to a critical area or its buffer; provided, that such activities comply with the provisions of Section 27.12.037 CCC.

New agricultural activities, expansion of existing agricultural activities or development not meeting the definition of existing and on-going agriculture (per Section 27.12.900 shall comply with both the substantive and procedural provisions of this Chapter.

Proposed code section to be added of a new definition of Existing and On-going Agriculture under Section 27.12.900 to read as follows:

27.12.900 – “Existing and on-going agriculture shall include those lands that have been used for agriculture since June 16, 1992 and have not ceased use for agriculture for more than 5 consecutive years at any one time. The changing the type of agricultural activities being conducted on lands meeting the definition on existing and agriculture is not considered new or expansion of existing agricultural activities. In addition, the parcels are required to be located within the Agricultural Retention Zoning District or meet the criteria of the Washington State Open Space and Agricultural Current Use Program RCW 84.34.020(2)(b) and (c). Agricultural activities that meet the definition of existing and on-going agricultural activities on farmed wetlands, farmed wetland pastures, and prior-converted wetlands are allowed to continue and shall comply with the Best Management Practices outline below to the maximum extent practicable. Agricultural that meet the definition of existing and on-going agricultural activities shall be subject to the provisions of CCC 27.12.037.

Existing definition of Agriculture proposed to be deleted in Section 27.12.900(2) CCC:

~~“Agriculture” means activities primarily devoted to the production of horticultural, viticultural, floricultural, dairy, apiary, vegetable or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW [84.33.100](#) through [84.33.140](#), livestock, or aquaculture, each having a long-term commercial significance for agriculture; provided, that forest practices regulated under Chapter [76.09](#) RCW and WAC Title [222](#) are not included (CCC [31.02.050](#)(3), County-wide Comprehensive Plan).~~

Proposed new definition of Agriculture to be added to Section 27.12.900(2) CCC:

“Agriculture” or “agricultural activities” means the use of land for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products, or of berries, grain, hay, straw, turf, seed, cottonwood trees, Christmas trees (not subject to excise tax imposed by RCW 84.33.100 through 84.33.140), or livestock, including those activities directly pertaining to the production of crops or livestock including, but not limited to, cultivation, harvest, grazing, on-site animal waste storage and disposal, fertilization, the operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities, or improved areas. Activities (like installing drainage tiles) that allow an area to be utilized for agricultural use are not considered agricultural activities.