MEMORANDUM

TO: Thurston County Planning Commission
FROM: Jeremy Davis, Senior Planner
DATE: April 18, 2012
SUBJECT: Critical Areas Ordinance (CAO) Update – Agricultural Use Definition in Chapter 17.15 TCC

The current draft Title 24 will only apply to nonagricultural uses, and the lesser standards in Chapter 17.15 of the Thurston County Code (TCC) will apply to agricultural uses. There are several outstanding issues in the transition to the proposed dual agricultural and nonagricultural CAO’s. Two of these are very similar and must be addressed prior to adoption. These are the applicability of each chapter, and the definitions for agricultural uses. These are important because of the differing standards between the two, and the possibility of redevelopment in the future to another nonagricultural use.

Attached are the current definitions for agricultural uses and buildings from Title 20 Zoning TCC, Chapter 17.15 TCC, the Growth Management Act (Chapter 36.70A RCW), and the Shoreline Management Act (Chapter 90.58 RCW). Please review the definitions in preparation for the discussion on Wednesday April 18, 2012.

Please review draft Section 24.01.025 in Chapter 24.01 of the proposed Title 24 and draft Section 17.15.110 Applicability in Chapter 17.15 from the November 18, 2011 draft.

Staff is currently working on language for agricultural uses to resolve the issue regarding the applicability of Title 24 and Chapter 17.15 after final adoption. If the definition is completed prior to Wednesday, it will be sent by email. Staff will also bring hard copies to the meeting of any recommendation.

Attachments:
Existing Definitions Attachment
Attachment 1 - Existing Definitions for Agriculture:
The following are existing definitions for agricultural uses and activities in Title 20 Zoning TCC, Chapter 17.15 TCC, the Growth Management Act (Chapter 36.70A RCW), and the Shoreline Management Act (Chapter 90.58 RCW).

Title 20 Zoning
3. "Agriculture" means the use of a tract of land for (a) the tilling of the soil; (b) the raising, harvesting and processing of crops or plant growth of any kind, including forest practices; (c) pasturage; (d) horticulture including wholesale greenhouses; (e) dairying; (f) raising of poultry and livestock; (g) shellfish or fish farming, including finfish in upland hatcheries; or (h) raising, harvesting and processing of clams, oysters and mussels.

46.3 "Farm housing" means residential structures which are required for farm operators, employees, or family members of the operator or owner who are employed on the farm. These structures may be mobile homes, bunkhouses, or single-family dwellings. One of the adults living in the home must make over fifty percent of his or her gross income from the farming operation or be a caretaker of the farm.

46.6 "Farm residence" means a single-family dwelling which is the primary dwelling for a farm.

47. "Feed lot" means any commercial establishment or facility commonly used for the express purpose of feeding cattle or other livestock for immediate slaughter.

89. Nurseries or Greenhouses, Retail. "Retail nurseries or greenhouses" means establishments conducting retail sales of plants and related items.

113. "Residential development" means any development designed and intended for residential use regardless of the type of building in which such residence is located; i.e., conventional single-family dwellings, single-family attached, townhouses, duplexes, fourplexes or apartment houses.

114. "Retail sales" means the sale of goods, merchandise and commodities for use or consumption by the immediate purchaser. "Retail sales" includes the selling of goods and services which may include convenience goods, such as food and drugs, personal services, such as tailoring, shoe repairing and barbershops, and general merchandise, such as apparel, furniture and home furnishings.
Section 17.15.200
"Agricultural building" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged; nor shall it be a place used by the public.

"Agricultural ditch maintenance" means the cleaning of a previously existing drainage system where the outlet, size or elevation will not be changed. This shall also include the replacement of sections of previously existing tile drainage systems.

"Agricultural, wetland conversion" means the introduction of agricultural activities into a critical area or their buffer where such activity did not previously occur. For example, land which was not devoted to agricultural use at the date of the adoption of this chapter and is subsequently cleared and prepared for pasture, growing of blueberries, or a wetland nursery.

"Agriculture" means use of a tract of land for the following:

1. The tilling of the soil;

2. The raising, harvesting and processing of crops or plant growth of any kind, including forestry;

3. Pasturage;

4. Horticulture;

5. Dairying;

6. Raising of poultry and livestock;

7. Shellfish or fish farming, including finfish in upland hatcheries; or

8. Raising, harvesting and processing of clams, oysters, and mussels.

"Agriculture, existing and ongoing" means those activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds or drainage ditches, operation and maintenance of ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas.
Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing 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. Forest practices are not included in this definition.

"Animal unit" is defined as one thousand pounds of live weight of any given livestock species or any combination of livestock species. Animal equivalents are calculated for each livestock and poultry sector according to estimated rates of manure production for each species. Common examples of livestock species include, but are not limited to, cattle (beef and dairy), horses, goats, pigs, and llamas. For additional information, refer to the U.S. Department of Agriculture Natural Resource Conservation Service Animal Waste Field Handbook.

"Prior converted croplands" means wetlands that before December 23, 1985, were drained, dredged, filled, leveled, or otherwise manipulated including the removal of woody vegetation, for the purpose, or to have the effect, of making the production of an agricultural commodity possible and an agricultural commodity has been produced at least once before December 23, 1985. This determination is made by the Natural Resources Conservation Service.

"Use area" means the portion of property physically occupied or used by the land use activity.

RCW 36.70A.030 Definitions
Applies to Agricultural Lands of Long Term Commercial Significance:
(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by *RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

RCW 36.70A.703 Definitions. (Voluntary Stewardship Program)
Applies to Voluntary Stewardship Program:

(1) "Agricultural activities" means all agricultural uses and practices as defined in RCW 90.58.065.

Chapter 90.58 RCW Shoreline management act of 1971
RCW 90.58.065 Application of guidelines and master programs to agricultural activities.

(1) The guidelines adopted by the department and master programs developed or amended by local governments according to RCW 90.58.080 shall not require modification of or limit agricultural activities occurring on agricultural lands. In jurisdictions where agricultural activities occur, master programs developed or amended after June 13, 2002, shall
include provisions addressing new agricultural activities on land not meeting the definition of agricultural land, conversion of agricultural lands to other uses, and development not meeting the definition of agricultural activities. Nothing in this section limits or changes the terms of the current exception to the definition of substantial development in RCW 90.58.030(3)(e)(iv). This section applies only to this chapter, and shall not affect any other authority of local governments.

(2) For the purposes of this section:

(a) "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

(b) "Agricultural products" includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;

(c) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to:
   (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains;
   (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
   (iii) farm residences and associated equipment, lands, and facilities; and
(iv) roadside stands and on-farm markets for marketing fruit or vegetables; and

(d) "Agricultural land" means those specific land areas on which agriculture activities are conducted.

(3) The department and local governments shall assure that local shoreline master programs use definitions consistent with the definitions in this section.

[2002 c 298 § 1.]