

TEXT REVISED JULY 25 2008

Section 2.32 Farmland Preservation Zone

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3.32:1 Purpose

The purpose of the Farmland Preservation Zone is to provide land for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities and operations as the primary use of the zone. Nonfarm development is secondary in nature and will be governed under this zoning provision.

3.32:2 Definitions

1. Farm-
 - a. A parcel or parcels of land and total 20 acres or more that are under one ownership
 - b. Devoted primarily to the production of livestock or agricultural commodities for commercial purposes
 - c. Or lands less than 20 acres but meet the criteria for the definition of a farm under RCW 84.34.020
2. Productive and/or irrigated agricultural lands- Productive farmlands are those lands used for intensive agricultural operations within the last five years- (Ex. hay & wheat crops, orchards, row crops, commercial horticultural operations, all irrigated land, etc. (excluding grazing lands)
3. Farmer- legal owner of the lands which meet the criteria under RCW 84.34.020
4. Conformance form- The Form to be created by the Administrator which shall clearly state if the applicant for a long or short plat has succeeded in proposing development on non productive agricultural lands
5. County Legislative Authority- refers to the Board of County Commissioners

6. Timber land- lands of 5 or more acres that are contiguous and are devoted primarily to the growth and harvest of timber for commercial purposes
7. Unit- is equal to one buildable lot that is to be separated from the farm, the unit shall be a bona fide parcel recognized by the county

3.32:3 Principle Uses Permitted Outright

1. Agriculture- All land use, activities, operations, buildings, structures and other facilities necessary for agriculture, dairying, grazing, horticulture, and the growing and harvesting of all agricultural crops and timber.
2. Agricultural processing facilities.
3. Family day care provider; provided that no conversion of agricultural land is allowed.
4. On-site commercial and/or industrial activity directly serving agricultural operations including the preparation and storage of farm products.
5. Water diversion and storage structures and impoundments related to resource management.
6. Dwellings: Single family dwellings including, but not limited, to mobile homes and seasonal homes.
7. Residence for caretaker, owner, or operator.
8. Home occupation.
9. Conservation Easements & Habitat Easements.
10. Habitat enhancement and/or restoration projects.
11. Forest practices and associated management activities of any forest crop, including but not limited to, timber harvest, harvesting of forest resources (mushrooms, bear grass, boughs, berries, etc), Christmas trees, and nursery stock.
12. Expansion of an existing major or minor utility or public use including development of roads, railroads, canals, ditches, utility services, service and residential structures, mobile and stationary equipment, facilities and structures; provided, that the expansion is designed to utilize the minimum amount of productive farm land

3.32:4 Accessory Uses Permitted

1. Uses customarily incidental to a principal use permitted outright, such as private garages or parking areas, conservatories for plants and flowers, including any business, trade or industry, and utilities and utility infrastructure needed to support the agricultural use.
2. Buildings that fall within the (Klickitat County Code section 3.2)- Farm dwelling not subject to lot provisions.
3. All structures and buildings that fall within the Agricultural Building Permit.
4. The renting of rooms by the resident owner for lodging purposes only and for the accommodation of not more than two (2) roomers in a dwelling unit.
5. Residences provided for farm laborers, not to exceed three (3) dwelling units.
6. Utilities and utility infrastructure needed to support a principal use authorized in the energy overlay zone.
7. The accessory exceptions for the Farmland Preservation Zone which may be authorized by the Board of Adjustment include only those customarily incidental to conditional exceptions allowed.

3.32:5 Conditional Uses

1. Public, private and parochial schools and supporting dormitory facilities.
2. Churches and other charitable organizations.
3. Fire stations.
4. Railroad rights-of-way, but not yards or other similar facilities.
5. Franchised and public utility and communication facilities such as branch telephone, exchanges, static transformers, booster stations, pumping stations; where there is no other viable parcel or non-resource designated land to serve the affected area.
6. Cemeteries, mausoleums, crematoriums
7. Quarries, mines, sand and gravel pits
8. Airports

9. Park, playground, golf courses, country clubs, gun club, riding academies and stables, camping clubs, recreation and conservation clubs, private clubs, lodges, convents or community center so long as no productive or irrigated farmland is converted.
10. Migrant labor and farm-hand housing and facilities of more than three (3) dwellings.
11. Natural resource research and training facility.
12. Trails and primary and secondary trailheads.
13. Communication towers; Personal wireless services towers.
14. Agricultural slaughtering facilities.
15. Public uses related to the provision of emergency services where there is no other viable parcel or non-resource designated land to serve the affected area.
16. Any other uses judged by the Board of Adjustment to be consistent with the purposes and intent of this chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as, the above listed uses.

3.32:6 Temporary Uses

1. Temporary asphalt/concrete batching per (Klickitat County Code section 5.1).
2. Temporary use of a mobile home per (Klickitat County Code section 3.7).
3. Temporary signs in connection with political and civic campaigns, provided that such signs are removed within 15 days following the conclusion of the campaign.
4. Temporary signs identifying proposed or existing construction.
5. Festivals, fairs, charity or promotional events in connection with the principle farming activities.

3.32:7 Density Provisions

1. Maximum number of dwelling structures for permanent living per lot: 1
1. The minimum lot size shall be 2 acres, If Public Water and/or sewer is available the minimum lot size shall be that necessary for the protection of public health, as determined by the Planning Director and the District Health Officer.
2. The maximum lot size shall be 5 acres
 - a. Exempt- when a 20 acre parcel is divided there may be one lot larger than 5 acres.
 - i. It is to be encouraged by the planning department to keep the productive agricultural lands within the largest lot created.
3. No buildable lot shall be created which has a depth to width ration of greater than four-to-one.
4. Minimum yard requirements: Front, side and rear yards, twenty-five (25) feet.
5. Maximum building height: Not to exceed 40 feet.
6. Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers. barns, granaries, or other crop storage facilities.

3.32:8 Sighting Criteria-

In addition to the density provisions described in subsection 3.32:7 of this section, new non-agricultural structures shall be required to comply with the following provisions:

1. When subdividing or short platting parcels within the Farmland Preservation zone, lot configuration and access shall be designed to minimize conflicts with adjoining farm, timber lands, and mineral extraction operations.
2. Short plat sighting is encouraged away from productive and/or irrigated Agricultural lands
 - a. Sighting on non productive agricultural lands shall result in a 1 unit development bonus (see Section 3.32:9 Subdivisions- subdivision bonus).
3. Clustering of new parcels is encouraged to limit new road & infrastructure development.
4. Shared sewer & septic facilities are also encouraged within this zone.

3.32:9 Subdivisions-

The farmland preservation zone is intended to protect the productive Agricultural lands and to develop only the lands which are not in current agricultural & timber lands. Retaining the landowner's rights to develop is essential to maintaining the economic sustainability of the farm. The goal is to retain those rights with the least amount of impacts on the farming operation.

1. Divisions and the development schedule of land will be as follows;
 - a. On a farm of over 5000 acres- 3 units shall be capable of being divided from the farm per year.
 - b. On a farm of over 2000 acres and less than 5000 acres- 2 units shall be capable of being divided from the farm per year.
 - c. On a farm of over 1000 acres and less than 2000 acres- 2 units shall be capable of being divided from the farm once every 2 years.
 - d. On a farm of over 300 acres and less than 1000 acres- 1 unit shall be capable of being divided from the farm once every 2 years.
 - e. On a farm of over 80 acres and less than 300 acres- 1 unit shall be capable of being divided from the farm once every 4 years.
 - f. On a farm of over 20 acres and less than 80 acres- one unit shall be capable of being divided from the farm once every 8 years.
 - g. On a farm or parcel of 20 acres or less- One division of land will be allowed, resulting in no more than 4 total lots. No subdivision bonus shall be granted on lots of 20 acres or less.
 - i. Lots will be divided based on a 5 acre minimum per lot though the lots created may actually be 2 acres (Ex. a 15 acre parcel may be broken up into 3 lots. With two, 2 acre lots and one 11 acre lot. The Division will be recorded on the titles of the lots to not be allowed for further development).
2. All subdivisions of land shall go through the Klickitat County Subdivision and Short Plat Ordinance # 122082
 - a. Exemption from (section 8.80 Resubdivision)-
 - i. Resubdivision is covered within this section and shall be the prevailing ordinance.
 - b. Subdivision and Short Plat Ordinance section 3.02-shall not apply to this zone. Divisions of 80 acres or more shall not be allowed.
 - c. One long plat application may be submitted once every 40 years.
 - i. The maximum number of new lots created through the long plat application shall be equal to the number of units available in the development schedule for that farm for 10 years (Ex. on a 1000 acre farm the maximum number of new lots created through the long plat would be 10).
 - ii. No long plat application may site new lots on productive and/or irrigated Agricultural lands.

- iii. The long plat application shall conform to sections within this zone as well as the Klickitat County Subdivision and Short Plat Ordinance #122082 Section 7.
 - iv. Along with the Long Plat application, a letter from the applicant to the planning department stating why the short plat development schedule would make the project uneconomical and cause a significant financial long term burden on the farm is required. The letter will be submitted to the Planning Commissioners during their deliberations of the Long Plat.
3. Development Schedule- It is the goal of this zone to develop only non productive agricultural and timber lands. The development schedule above is to allow the slow gradual development of the area and act to diversify the farms product and income mix.
 - a. If a farmer misses a development cycle, he/she may at the next development cycle make up one previous cycle. (Ex. if a 1000 acre farm misses their 2 year development schedule after 4 years they may split off up to 4 lots with 2 bonus lots. If they wait 6 years they will still only be allowed 4 lots with 2 bonus lots).
 - b. If a long plat division is granted the short plat development schedule shall not be allowed until the # of lots in the long plat has been exhausted through the schedule.
 - c. No more than 20% of the farm may be developed through this zone and the development schedule.
4. Subdivision Bonus- On all lands being divided greater than 20 acres, if all of the lots created are outside of the productive and/or irrigated Agricultural lands a unit bonus of 1 unit shall be rewarded for that division cycle.
 - a. During the Short plat application process the planning director will write a conformance form to be submitted to the Applicant and Treasurer's Office in regards of the unit reward bonus, This letter may be used by the applicant and planning director for the verification of the lots being created on non-productive agricultural lands.

3.32:10 Parking Space Required

1. At least one permanently maintained off-street parking or a private garage for one car shall be on the same lot as a dwelling or be attached thereto or made a part of the building. Adequate parking shall be provided for accessory or conditional uses and may be established by the Board of Adjustment

3.32:11 Signs

1. Non-flashing residential name plates not exceeding 64 square inches bearing only the name and address of the occupant; non-flashing bulletin boards or signs not exceeding 30 square feet for quasi-public institutional or other buildings.

3.32:12 Other Standards

1. When lands are removed from a conservation program, (Ex. CRP Conservation Reserve Program) those lands are deemed non-productive agricultural lands for the purposes of this zone until they are returned to productive Agricultural use or reenrolled in the conservation program or a program of the same nature.
2. If any Federal, State, or local laws, ordinances, policies or rules are passed that prohibit development on the non productive Agricultural lands within this zone, the unit bonus shall be awarded to the productive Agricultural lands. The applicant shall submit a formal request to the Planning Director stating how the changes in the laws, ordinances, polices & or rules have eliminated the farmers development rights on those areas where development is encouraged within this zone. The Planning director shall write findings of fact and submit those findings to the Planning Commission who shall make a recommendation to the County Commissioners to award the unit development on productive Agricultural lands.
3. If any Federal, State, or Local laws, ordinances, polices, or rules are passed that prohibit or severely limit the principle uses permitted outright in this zone, this zone shall, at the cost to the county be opened up by the County Legislative Authority for the purpose of a Comprehensive Plan Amendment to make the zone comply with the new uses now available on these lands created by the law, ordinance, policy, or rule.
4. At the time lands are included into the Farmland Preservation Zone, any current nonconforming use shall be expressly allowed. At the time of inclusion in the zone the farmer in which the non-conforming use is present shall send a formal letter to the Planning Director stating the non-conforming use and how long the use has been present on the lands. The planning director shall keep a record of the letter in case complaints are filed against the non conforming use in the future. The non-conforming use shall be granted all of the privileges of this zone including but not limited to, Permitted Outright Uses, Accessory Uses, as well as Temporary uses.
5. This zone shall create no precedent for surrounding lands included in other zones. If 2 acres lots are allowed in this zone and those lots boarder another zone, this zone shall not create precedence for the rezone of the neighboring lands to 2 acre zoning.
6. In order to amend the text of the Farmland Preservation Zone, either through individual legislative action or the action of the County Legislative Authority, The proposed amendment must be ratified by 80% of the Farms within the zone. Each Farmer will have one vote, the amendments and voting ballot shall be sent out to all farmers within the zone by the planning director. The farmers will have 2 weeks (14 Days) to return their ballot to the planning department. Not returning the ballot will qualify as a yes vote. 80% of the farmers must ratify the proposed amendment before the amendment shall be presented to the Planning Commission. The Planning Director will during his report to the Planning and County Commissioners, state how many farms voted in favor of the amendment as well as how many voted to oppose it.

7. This zone severely limits the market value upon the lands within it. For that reason this zone shall be of a strictly voluntary basis. For lands to be included within this zone the Farmer must submit a letter to the planning director and County Legislative Authority authorizing his/her farm to be included within this zone.
 - a. Farmers are encouraged to apply for this zone through the Comprehensive Plan Amendment Process for changing the zoning map (also known as a rezone).
 - b. Farmers may also apply through the Sub-Area Comprehensive Plan Update Process. For this Zone to be placed over the farmers lands, the farmer will still be required to submit a letter to planning director.
 - c. No parcel, parcels, or farm may be included within the zone without the expressed permission of the owner of those lands.
 - d. The planning director and County Legislative Authority shall be tasked with ensuring that the lands to be included within this zone have been given the express permission of the owner of those lands.