

**2009-2010 Development Code Docket
A-7: Amend Development Code to allow
retail sales of agricultural products in
most zoning districts (Title 20).**

Date: May 18, 2011

Public Hearing Date: May 18, 2011

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Proponent/Applicant: Thurston County

Action Requested: Amend Development Code to allow
retail sales of agricultural products.
(Title 20).

Map Changes Text Changes Both Affects Comprehensive Plans/documents
 Affected Jurisdictions

ISSUE:

Thurston County Resource Stewardship's policy is to allow farm stands selling items grown on-site. Washington State law defines farm stands as a standard agricultural activity pursuant to RCW 7.48.310¹. Allowing agricultural sales operations and limited sales of products that were not raised on the property, or to sell products at non-farm locations could assist with the economic viability of local farms. The proposed amendment would allow retail sales of agricultural products raised on-site and allow similar sales in other locations deemed appropriate. The allowance should also include ancillary products and services.

BACKGROUND:

Local farms provide many benefits to the County and its residents. These benefits include preserving open space, creating employment, reducing urban sprawl and producing goods and

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RCW 7.48.310 - Agricultural activities and forest practices — Definitions.

For the purposes of RCW 7.48.305 only:

(1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, **marketed produce at roadside stands** or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers...

services like fresh produce, eggs, dairy products and maintaining an agricultural land base. Currently there are a limited number of zones that specifically allow farm stands. To clarify, a farm stand is generally a temporary structure or location at or near the point of production where farmers are allowed to sell their fresh produce and eggs directly to consumers, exempt from packaging, sizing and labeling regulations.

Farm stands differ from farmers market, and would typically consist of a single producer displaying and selling their own produce. It is common for small scale farm stands to operate on the honor system (unmanned) in order to lower labor and time costs. In this case, the customers simply pick up their produce and leave the payment at the stand in a secured box to minimize theft.

Some zoning districts in Thurston County already allow farm stands, but most zoning codes are silent regarding farm stands as a land use. The reasons for the proposed code amendment are simple. Farm stands selling locally produced agricultural goods and services benefits local citizens and the local agriculture industry. Thurston County has been approached at various times by individuals proposing farm stands. However, the review process and standards for farm stands have not been clear. This is a proposal to amend Thurston County Code, Titles 20. The intention of this amendment is to provide some clear standards for farm stands, reduce barriers to allowing them by creating a specific exemption for them while mitigating likely conflicts with other land uses. Many jurisdictions have instituted similar regulations which clarify and simplify land use and environmental regulations affecting small scale farm stands.

DEPARTMENT ANALYSIS:

Amending Thurston County Code as described herein would provide standards for the review and approval of farm stands in Thurston County. The proposed regulations would help to guide future proponents of farm stands and help to minimize potential traffic, safety, zoning and health issues that may arise from farm stands.

This ordinance should be amended because providing some clear and understandable standards for small scale farm stands will allow for a streamlined review process for applicants. Small scale farm stands provide many benefits including promoting local small scale and organic farms, as well as emphasizing our rural character and supporting the local economy. As long as reasonable standards and size limits are followed and safe vehicular access and parking is provided, there should be few if any negative impacts associated with additional roadside farm stands in the community. The proposed amendment is consistent with both the Nisqually Sub Area Plan and TCC Title 20 (rural zoning code).

ALTERNATIVES:

Option 1) Amend Title 20, including Chapter 20.54.070, and 20.54 - Table 1 to permit farm stands in most zoning districts and provide uniform standards for their placement and operation.

Option 2) Make no change to Title 20 TCC with regard to farm stands.

SEPA:

A SEPA determination has not been made at this time.

NOTIFICATION:

Written notice of the public hearing will be published in The Olympian at least twenty (20) days prior to the public hearing.

DEPARTMENT RECOMMENDATIONS:

Amending TCC 20.54.070, and 20.54 - Table 1 as suggested would be consistent with other Thurston County Development Codes, including Title 21 (Lacey UGA), Title 22 (Tumwater UGA), and Title 23 (Olympia UGA) and the Thurston County Comprehensive Plan.

The Resource Stewardship Department recommends the Planning Commission forward Development Code Docket item A-7, Retail Agricultural Products (farm stands) (Title 20 TCC) with a recommendation of approval to the Board of County Commissioners as follows:

Title 20 Zoning would be amended as follows:

Deleted Text: ~~Strikethrough~~ Proposed Changes: Underlined
Staff Comments: *Italics* Unaffected Omitted Text: (...)

Possible language for Title 20:

Long Term Ag. District (LTA)

20.08A.020 – Primary uses.

Subject to the provisions of this title, the following uses are permitted within this district:

- 1. Agriculture, including forest practices;
- 2. Single-family dwellings with lots conforming to provisions of Section 20.08A.035(3);
- 3. Greenhouses—wholesale;
- 4. Accessory uses and structures including, but not limited to, a farm residence, barns, garages, storage buildings for crops, feed and equipment sheds, nurseries, shipping, receiving and handling facilities, and retail facilities for the sale of agricultural products primarily produced on the premises and related products;
- 4.5 Farm stands for retail sale of agricultural products grown in the Pacific Northwest are permitted as a matter of right, i.e. no land use approval is required, provided the farm stand is a membranous structure (i.e. tent or canopy), does not exceed 400-square feet if enclosed on one or more sides, or 700 square feet if open on all sides and meets the standards contained in section 20.54.070 11.7(a.), and the stand is in place for no more than six (6) months out of the year.
- 4.6 An on-site advertising sign of no more than four square feet meeting the standards of section 20.40.035 TCC is exempt from Thurston County review and approval. Larger signs are permitted pursuant to TCC 20.40 and may require a building permit.

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Note: Most on Planning Commission agreed that it is preferable if the majority of products come from on-site or near the site. However, the reality is that farm stands selling fruits and

vegetables from Eastern Washington already exist and it impossible to enforce a rule which states that the produce sold must come from on or near the site. Additionally, given the climate of Thurston County, the varieties of fruits that can realistically be grown locally is limited. In order for a farm stand to succeed, it may be necessary to supplement local seasonal produce with produce grown elsewhere in the state. For this reason, the language regarding the source of the produce has been changed to "grown in the Pacific Northwest" in order to provide greater flexibility for these small farms and businesses.

20.08C - Nisqually Agricultural District (NA)

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20.08C.020 – Primary uses.

Subject to the provisions of this title, the following uses are permitted within this district:

1. Agriculture, including forest practices (refer to the definition in Section 20.03.040; does not include wholesale greenhouses);
2. Accessory uses and structures including but not limited to farm residences, barns, garages, storage buildings for crops, feed and equipment sheds, shipping, receiving and handling facilities; and retail facilities for the sale of agricultural products primarily produced on the premises and related products;
- ~~3.~~ Farm stands which sell agricultural products, provided these products are raised on the premises, the stand does not exceed five hundred square feet, and customer parking is provided on the site;
3. Farm stands for retail sale of agricultural products grown in the Pacific Northwest are permitted as a matter of right, i.e. no land use approval is required, provided the farm stand is a membranous structure (i.e. tent or canopy), does not exceed 400-square feet if enclosed on one or more sides, or 700 square feet if open on all sides and meets the standards contained in section 20.54.070 11.7(a.), and the stand is in place for no more than six (6) months out of the year.
- ~~4.~~ An on-site advertising sign of no more than four square feet meeting the standards of section 20.40.035 TCC is exempt from Thurston County review and approval. Larger signs are permitted pursuant to TCC 20.40 and may require a building permit.
- ~~5.~~ 4. Bare root nurseries for the growing and raising of nursery stock and/or Christmas trees, provided that the plants are grown in the ground and not in containers;
- ~~6.~~ 5. Single-family dwellings with lots conforming to provisions of Sections 20.08C.040 and 20.08C.050; and
- ~~7.~~ 6. Farm housing facilities accessory to the main farm residence to accommodate agricultural workers and their families employed on the premises, or housing for family members of the farm owners as provided:
 - a. These housing facilities are only permitted on parcels containing at least twenty acres and shall not exceed two farm housing units for parcels in excess of forty acres,

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20.54.070 – Use Specific Standards.

Subsection 11.7 - Farm stands.

- a. Farm stands for retail sale of agricultural products are permitted as a matter of right, i.e.no land use approval is required, provided the farm stands meet the following standards;
- i. The roofed area or associated structure does not exceed 400 square feet if enclosed on one or more sides, or 700 square feet if open on all sides and the structure is a tent or similar membranous structure, or licensed as a vehicle and the stand is in place for no more than six (6) months out of the year. Wood or metal framed structures meeting all applicable Building Code requirements and the standards contained in this section may operate year around.
 - ii. Product display area does not exceed 1,000 square feet.
 - iii. Safe vehicular access and customer parking is provided on site, such that vehicles are not required to back onto County roads.
 - iv. Farm stand and associated parking shall be located outside of public right-of-ways. Structures and canopies associated with a farm stands must be set back a minimum of 10-feet from public right of ways.
 - v. The agricultural products sold are grown or produced in the Pacific Northwest.
 - vi. Ancillary products and services are permitted, however they shall not exceed twenty five (25)% of product display area.

Notes: Since a percentage of gross sales would be extremely difficult to measure or prove, staff suggests using a different standard common in other jurisdictions farm stand ordinances. Staff initially proposed 50%, but BoCC initially indicated a preference for 25% gross sales limit on ancillary items. On Jan. 27, 2011 staff met with the County Agriculture Committee who suggested and all agreed to the proposed limit of 25% of product display area. The Planning Commission also agreed with this option. This would also be an easy standard to understand, explain and enforce, in contrast to a percentage of gross sales.

- vii. Farm stands operated by separately owned farms are encouraged to be collocated in the same area, using shared vehicular access and parking, or they shall be separated by a minimum of 1,000 feet between access points. The Director of Resource Stewardship may consider exceptions to this separation standard on a case by case basis. Up to three (3) separately operated, exempt farm stands meeting the standards of subsection 11.7(a.) of this section are permitted on one site, but must be separated by twenty (20) feet minimum pursuant to International Fire Code requirements.
- viii. All other applicable state and local regulations related to public health, safety, including food safety and general welfare shall be met.
- ix. Unless a twenty (20) foot wide, existing, legal vehicular access is used, a new farm stand requires a Thurston County Public Works encroachment permit to provide access, or to improve an existing access from a County road.
- x. An on-site advertising sign of no more than four square feet meeting the standards of section 20.40.035 TCC is exempt from Thurston County review and approval. Larger signs are permitted pursuant to TCC 20.40 and may require a building permit.

- b. Farm stands for retail sale of agricultural products shall be reviewed through an administrative special use permit if the following standards are met:
- i. The roofed area or associated structure does not exceed 1,000 square feet.
 - ii. The total product display area of each farm stand does not exceed 1,500 square feet.
 - iii. Safe vehicular access and customer parking is provided on site , such that vehicles are not required to back onto County roads.
 - iv. Farm stand and associated parking shall be located outside of public right-of-ways.
 - v. The agricultural products sold are grown or produced in the Pacific Northwest.
 - vi. Ancillary products and services are permitted, however they shall not exceed twenty five (25)% of product display area.
 - vii. Farm stands operated by separately owned farms are encouraged to be collocated, using shared vehicular access and parking, or they shall be separated by a minimum of 1,000 feet between access points. The Director of Resource Stewardship may consider exceptions to this separation standard on a case by case basis.
 - viii. All applicable state and local regulations related to public health, safety, including food safety and general welfare shall be met.
 - ix. Unless a twenty (20) foot wide, existing, legal vehicular access is used, a new farm stand requires a Thurston County Public Works encroachment permit to provide access, or to improve an existing access from a County road.
 - x. Four (4) or more separately operated, co-located farm stands meeting the standards of subsection 11.7(a.) of this section are permitted through an Administrative Special Use Permit and must be separated by a minimum of twenty (20) feet pursuant to International fire and building codes.
 - xi. Advertising signage shall comply with TCC 20.40.
- c. Farm stands for retail sale of agricultural products meeting the following standards shall be reviewed and approved by the Thurston County Hearings Examiner through a special use permit when the roofed area or associated structure is greater than 1,000 square feet and less than 2,000 square feet in size, and the total product display area, covered and uncovered, does not exceed 2,500 square feet in area. Such farm stands shall meet the following standards:
- i. Safe vehicular access and customer parking shall be provided on site, such that vehicles are not required to back onto County roads.
 - ii. Farm stand and associated parking shall be located outside of public right-of-ways.
 - iii. Ancillary products and services are permitted, however they shall not exceed twenty five (25)% of product display area.
 - iv. The agricultural products sold are grown or produced in the Pacific Northwest.
 - v. Farm stands operated by separately owned farms are encouraged to be collocated, using shared vehicular access and parking, or they shall be separated by a minimum of 1,000 feet between access points. The Director of Resource Stewardship may consider exceptions to this separation standard on a case by case basis.