

**2009-2010 Development Code Docket  
A-9: Amend Development Code to create  
an Agritourism Overlay District and  
Permit Wineries and Breweries in  
Specified Areas of Rural Thurston  
County (Title 20).**

Date: **January 4, 2012**  
(PC Work Session #8)

Public Hearing Date: November 2, 2011 (*Completed*)

Prepared by: Scott McCormick,  
Associate Planner

Proponent/Applicant: Thurston County

Action Requested: Amend Development Code to  
create an Agritourism Overlay  
District which includes small  
scale wineries and breweries.  
(Title 20).

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

**Note:** If Planning Commission members have early comments or questions you would like staff to address at the upcoming work session on January 4<sup>th</sup>, 2012 you may send them to Scott McCormick at [mccorms@co.thurston.wa.us](mailto:mccorms@co.thurston.wa.us) or call (360) 754-3355 x 6372. However, to avoid conflicts with public meeting rules, please refrain from copying other Planning Commission members with comments and questions. One-on-one communication with staff is permitted.

The BoCC and staff are anxious to move the proposed development code amendments forward to a public hearing and consideration by the BoCC before funding for this project runs out. Thank you very much for your time and assistance. Staff greatly appreciates the work everyone has put into this project.

**Title 20 Zoning would be amended as follows:**

Deleted Text: ~~Strikethrough~~ Proposed Changes: Underlined

Staff Comments: *Italics* Unaffected Omitted Text: (...)

Deleted Draft Text: ~~Strikethrough / Underlined~~

**TCC Title 20**

**Section 20.03.040 Definitions:**

*Note: Please see the following, current definition of “accessory use” located in TCC Title 20, section 20.03.040 - Definitions.*

**1. Accessory Use. Accessory uses as permitted by this title are set forth in [Chapter 20.34](#). An "accessory use" means a use or building which is clearly subordinate to and customarily found in association with a principal use.**

2.8 “Agricultural homestay” means an overnight stay at a farm or farm house that has eight (8) or fewer guestrooms and is restricted to a maximum of fifteen (15) overnight guests. The agricultural homestay must be located on and be a part of a farm that produces agricultural products as its primary source of income. The lodging and meals are incidental to, and not the primary function of, the agricultural homestay. The agricultural homestay provider may serve meals and light foods or snacks to its registered guests at any time.

3. “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, timber and forest products, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.<sup>1</sup>

3.1 “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.

3.2 “Agritourism” means an enterprise located at a working farm, ranch, or other agricultural operation or facility, which is conducted for the enjoyment and education of visitors, guests or clients, and that generates income for the owner / operator. Agritourism is also the act of visiting a working farm / ranch or any agricultural or horticultural operation for the purposes of enjoyment, education or active involvement in the activities of the farm / ranch or agricultural operation that also adds to the economic viability of the agricultural operation. Agriculture or

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<sup>1</sup> Pursuant to RCW 36.70A.030 Definitions.

agricultural production must be the primary use of the land except as otherwise provided, pursuant to the standards and criteria established by Section 20.08G – Agritourism Overlay District (AOD). Uses permitted by this chapter are defined as “agritourism” uses within the AOD.

***Possible definition*** - “Agritourism Overlay District (AOD)” means an overlay zoning district which incorporates the standards of the underlying zoning district. The primary goal of the AOD is to support local agriculture and provide alternatives to the conversion of farm land through sustainable rural economic development and empowering farmers to attempt new, entrepreneurial endeavors which augment, support and emphasize local agriculture.

AOD uses include, but are not limited to agricultural home stays, farm kitchens and bakeries, educational and interpretive seminars, you pick operations (x-mas trees, pumpkin patches, berry picking), day tours, cooking and food preservation classes, petting zoos, horseback riding, photography, nature watching, ~~rental cabins, country inns~~, temporary gatherings, farm weddings and festivals, aerial rope slide courses, horticulture workshops and similar activities occurring on a farm. Boutique wineries, craft distilleries and micro-breweries are also allowed on non-agricultural properties within the AOD. Non-listed agritourism uses within the AOD are subject to the standards of Chapter 20.08G TCC, unless such uses are specifically exempt from Thurston County review and approval.

31.7 “Craft distillery” means a small scale facility which manufactures distilled alcohol for human consumption, limited to a maximum of twenty thousand (20,000) square feet in size.

31.8 “Culinary tourism” means experiencing the food of the country, region or area (cuisine as an expression of culture). Experiencing what is unique and memorable and not necessarily pretentious and exclusive. Wine and beer tourism are regarded as subsets of culinary tourism. Culinary tourism is often an element of agritourism, geotourism and rural tourism.

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44.5 “Ecotourism” means environmentally responsible travel to fragile, pristine, and usually protected areas that strive to be low impact and often small scale as opposed to mass tourism. Its purpose is to educate the traveler; provide funds for ecological conservation; directly benefit the economic development and political empowerment of local communities; and foster respect for nature, different cultures and human rights.

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46.2.5 “Farm”: A farm is defined as a tract of land cultivated for the purpose of agricultural production devoted to the raising of crops and/or domestic animals and where the farmer or farm family participates in the day-to-day labor and management of the farm, and owns or leases its productive assets.

46.2.7 “Farmers market”: A farmers market consists of individual vendors, primarily farmers, who set up booths, table or other displays outdoors or indoors, selling primarily local produce, meat products, fruits, vegetables, value-added agricultural products and possibly prepared foods and beverages directly to the public.

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57.2 “Geo-tourism” means best practice tourism that sustains or enhances the geographical character of a place, culture, environment, heritage and well-being of its residents. Geotourism often includes many elements of nature tourism / ecotourism.

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84.4 “Microbrewery” means a small scale brewery, including craft breweries and nanobreweries limited to twenty thousand (20,000) square feet in size.

...

86.8 “Nature tourism” (see “ecotourism”).

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97.5 Overnight lodging: means a facility or place offering temporary, overnight lodging units to travelers and guests for periods of 30 days or less per visit, and may include food service operations in accordance with Washington State and local health standards.

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98.5 Pacific Northwest. For the purposes of this Title, “Pacific Northwest” is defined as the US states of Washington, Oregon and Idaho.

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146. 145.5. “Wholesale sales” means the sale of goods, merchandise and commodities in gross, primarily for the purpose of resale.

146. “Winery (small scale)” means a small winery limited to twenty thousand (20,000) square feet in size.

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146.7 Working lands: means lands used for farm and forestry management, that raise food, grow trees, support jobs and the local economy. Also see “Agricultural land”.

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**New Section Below:**

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 Thurston County's 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.
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).

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 least restrictive standard or regulation shall apply as determined by the director. 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.

20.08G.020. General standards. General standards for all AOD uses shall be as follows:

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. Any non-agricultural uses allowed should be limited to lands with poor agricultural soils or lands otherwise not suitable for agricultural purposes.<sup>2</sup>
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 Thurston 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 right-of-ways. 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 downward to minimize light pollution.
7. AOD events allowed pursuant to this chapter 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 Thurston County Title 10, Chapter 10.36 – Public Disturbance Noise.
8. Permitted ~~nonagricultural accessory agritourism~~ 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,

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<sup>2</sup> Growth Management Act, WAC 365-196-815 (3)

parking and residential uses and shall not otherwise convert more than one acre of agricultural or resource land to nonagricultural or non-resource uses.<sup>3</sup>

9. Parcel size standards. Unless otherwise specified, the minimum parcel size for AOD uses is ten (10) acres.
10. Maximum structure size. The maximum size for structures related to an AOD use is twenty thousand (20,000) square feet, **except as otherwise required by this chapter.** Existing buildings may be used for AOD uses regardless of size.

20.08G.030 Permitted exempt uses. Exempt uses are those uses permitted as a matter of right under this chapter, meaning 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, Thurston 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.
    - i. Unlisted accessory uses involving no defined area or structure, which are determined to be non-exempt by the Director may be reviewed through a minor administrative review process.
  - 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 berry picking, pumkin patches.
  - b. Christmas tree sales,
  - c. Hay rides.

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<sup>3</sup> Pursuant to the Growth Management Act (GMA) WAC 365-196-815 (3)(B).

- d. Roadside farm stands of seven-hundred (700) square feet or less and operated in accordance with the requirements contained in TCC 20.54.070(11.7).
- e. Cottage food operations, including, but not limited to jams and preserves that meet the requirements of RCW 69....<sup>4</sup>.
- f. Direct sale of agricultural products grown and/or produced on-site.
- g. Farm tours and agricultural clinics, seminars or classes with no overnight accommodations, organized group activities involving nature watching and star gazing.
- 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 new structure is involved, including, but not limited to 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.

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.

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<sup>4</sup> Washington State Senate Bill 5748 – Title 69 RCW. This bill passed, but has not yet been codified, but will likely be prior to adoption of this amendment. The correct citation will be inserted here once the RCW is codified.

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.<sup>5</sup> 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 new building or structure are also subject to these standards.

a. Unless otherwise specified by this chapter, the accessory commercial use 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 (75%) 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 (25%) of product display area.**

c. ~~Nonagricultural~~ Accessory commercial uses and activities **such as corporate picnics or group events, farm weddings and gatherings, photography and 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 and use standards of this chapter. ~~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.<sup>6</sup>

d. An accessory commercial or retail use involving seven hundred (700) 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.

<sup>5</sup> Pursuant to RCW 36.70A.177

<sup>6</sup> Pursuant to RCW 36.70A.177

- e. An accessory commercial or retail use involving from seven hundred and one (701) to six thousand (6,000) 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 (6,000) square feet of floor area is permitted with a Special Use Permit for a Home Based Industry.
3. Microbreweries, craft distilleries, small scale boutique wineries, cider mills and similar, small scale, craft beverage producers with associated tasting room and retail space are permitted in accordance with the following:
- a. Wineries, microbreweries, cider mills, craft distilleries and other craft beverage production facilities equal to or less than 8,000 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. Wineries, microbreweries, cider mills, and craft distilleries and other craft beverage production facilities greater than 8,000 square feet and up to a maximum of 20,000 square feet shall be permitted through a Special Use Permit.
  - c. Structures and mechanical appurtenances necessary for the production and storage of 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.
  - d. 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, spirits and other beverages produced on-site and sale of other regionally produced goods and services, (i.e. locally produced wines, cheeses, preserves and similar goods). Sale of ancillary products is permitted, however such products shall not exceed twenty-five percent (25%) of product display area.
    - iii. Tours, seminars, parties, weddings and all other temporary uses allowed under item 10. of this section titled “Short-term Events” are permitted at wineries, microbreweries, cider mills, craft

distilleries and other craft beverage production facilities within the AOD.

4. 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 permits and licenses shall be met/obtained prior to establishing an agricultural homestay, including required Washington State Department of Health licenses. Agricultural home stays shall be subject to the following:
- a. Minimum parcel size is ten (10) acres.
  - b. **The total number of guest rooms / units number of short-term rental units permitted 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 do not need to be deducted from gross acreage in determining the number of permitted guest units.**
  - c. Up to four (4) guest units shall be permitted through a Minor Administrative Action permit process.
  - d. Between five (5) to a maximum of eight (8) guest units shall be permitted through an Administrative Site Plan Review permit process.
  - e. The maximum size of individual guest units is six-hundred (600) square feet of floor area and may contain a kitchen.
  - f. Farming shall be the primary use of the subject parcel.
  - g. Maximum length of stay is 30 days per visit.
  - h. Maximum number of overnight guests is fifteen (15) individuals. Student groups up to thirty (30) individuals visiting for educational purposes and representing an accredited educational facility are exempt from the fifteen (15) overnight guest maximum.
  - i. **Guest units shall be contained within an existing building or home, new building or individual units clustered within a one-acre, non-agricultural area to reduce impacts to agricultural lands.**

5. 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). 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 or other agritourism operation.
  - b. Short-term events up to ten (10) days per year are allowed as a matter of right and are limited to three (3) consecutive days per event. Short-term events in excess of ten (10) days per year may be permitted pursuant to the following:
    - i. Short-term events up to twenty-one (21) days per year may be permitted through a Special Use Permit for a home occupation and shall follow the public notice requirements of 20.60.020(2) TCC.
    - ii. Short-term events exceeding twenty-one (21) days per year may be permitted through a Special Use Permit for a home based industry.
  - c. Short term agritourism events shall be limited to three (3) consecutive days per event, with a minimum of 10 days between events unless otherwise allowed through a Special Use Permit.
  - d. On-site parking shall be provided in accordance with Chapter 20.44 TCC (Parking and Loading).
  - e. All local public health, noise, food handling, building and other applicable regulations shall be followed.
  - f. For short term events lasting two (2) or more days and with an expected daily attendance exceeding two hundred (200) individuals, the on-site manager or owner shall notify the Department and 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 (5) business days prior to the beginning of the event.
  - g. Short-term uses within the AOD are subject to the standards contained in 20.54.070(41.5)(d). (Note: See Attachment B)
  - h. Short-term events not meeting the criteria contained in this section may be allowed subject to the provisions of Chapter 20.54.070(41.5).
6. Activities and uses defined as nature tourism, geo-tourism, culinary tourism or eco-tourism are permitted and are subject to these general standards. 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 and;
- 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.

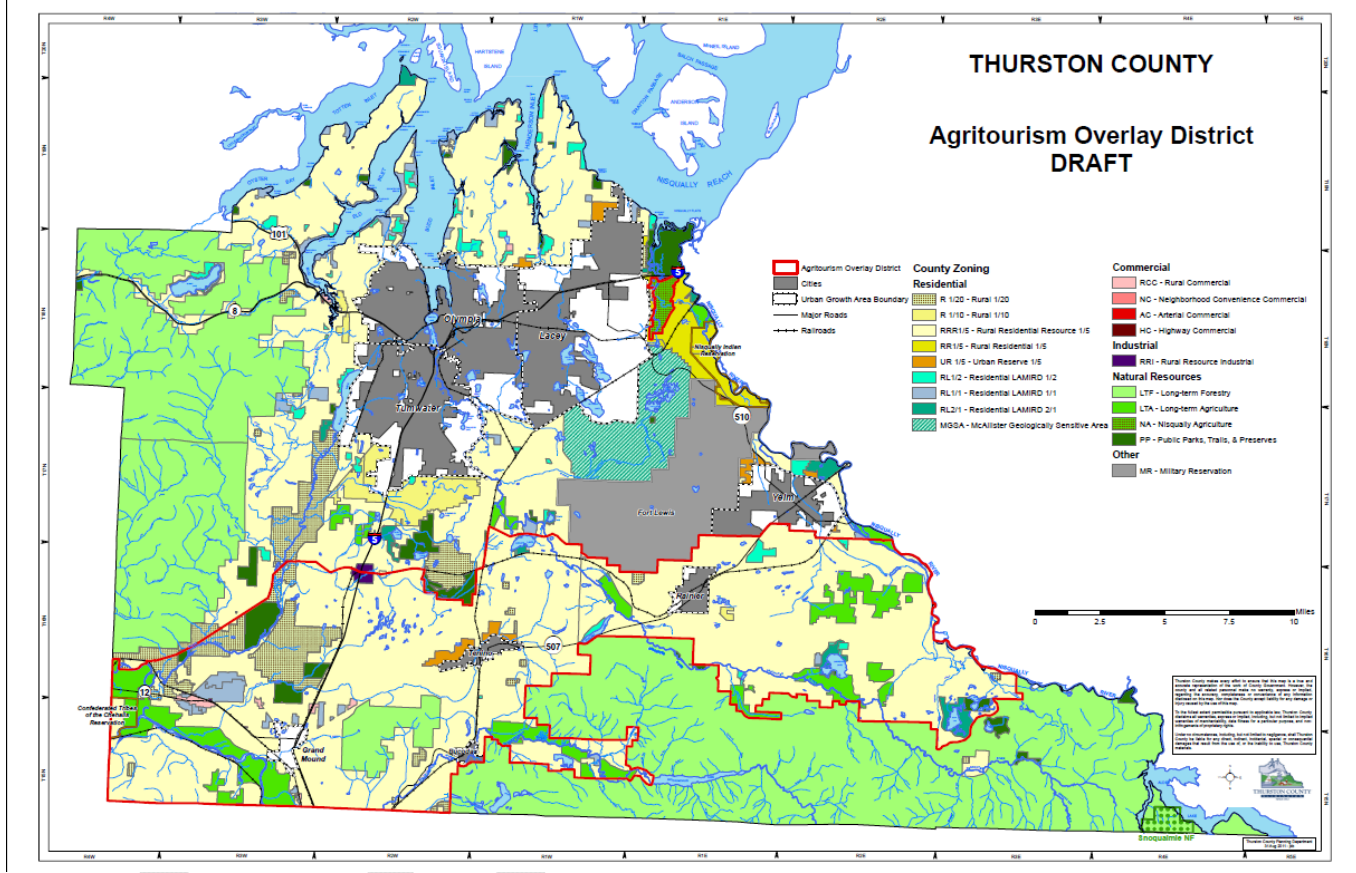
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ATTACHMENT A:

Draft Agri-tourism Overlay District Map



**ATTACHMENT B:**

TCC 20.54.070(41.5)(d).

41.5

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Temporary Uses.

d.

Temporary uses are subject to the following regulations:

i.

No temporary use shall be permitted on public rights-of-way, unless a right-of-way obstruction permit is authorized by the roads and transportation services department.

ii.

Approval of temporary uses is subject to written permission of the property owner on which the use is to be located.

iii.

The applicable approval authority may apply additional conditions to any special use permit for a temporary use in order to:

(A)

Ensure compliance with the intent of the Zoning Ordinance;

(B)

Ensure that such use is not detrimental to neighboring properties and the community as a whole; and

(C)

Ensure compliance with the Uniform Building Code and Uniform Fire Code.

iv.

Within three days after termination of the special use permit for any temporary use, such use shall be abated and all structures, signs and evidence of such use removed. The county may require a cash bond be posted by the applicant upon application to defray the costs of cleanup and repair of the property should the permittee fail to do so.

v.

Temporary use permits not exercised within one hundred eighty days of issuance shall be null and void.

vi.

Violations. In addition to any other remedy provided by this chapter, at any time when such temporary use is operated in violation of required conditions of this section, or otherwise found to constitute a nuisance, the county may revoke the temporary use permit. The permittee shall be given notice of and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the department, the violation poses a life, health or safety threat, the temporary use permit may be revoked immediately, and the permittee shall be given the opportunity to request reconsideration and/or appeal.