Date: April 6, 2011

Public Hearing Date: Tentative Date: May, 2011

Prepared by: Scott Longanecker,
Associate Planner

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

New language and discussion in green / aerial added after the February 2, 2011 Planning Commission (PC) meeting.

**Note:** On February 2, 2011 the Planning Commission met regarding the attached Development Code amendment to Thurston County Title 20. Based upon comments from the February 2nd meeting and additional information discovered by staff, some changes were made which were discussed at the February 16th PC meeting.

Prior to the February 16th meeting, staff discovered that tents (membranous structures) may be up to 700 square feet if open on all sides (i.e. a canopy) [International Fire Code, Chapter 24 – Tents and Other Membrane Structures – See Attachment D.]. The 400 square foot limit on tents applies if one or more sides are enclosed. The proposed language has been amended to reflect this allowance. The Planning Commission should discuss and provide direction.

Discussion of comments from the February 16, 2011 Planning Commission meeting.

1. What type of ancillary items should be permitted? Do we need to define? Listening to discussion it seemed conclusion was we don’t need to categorize or define the type of ancillary products that can be sold.
Staff comments: Staff recommends against specifying the type of ancillary products. Limiting the amount (25% of area) should be sufficient. Thurston County has limited enforcement staff and this would be such low priority that it would not be enforceable. As mentioned by the Planning Commission, it is difficult to anticipate the type of products that will help make a particular business successful, so this should be left to the stand operator.

2. Comments on four (4) square foot sign limit on exempt signs.
   Staff comments: This is just the size limit for exempt signs. A larger sign could be permitted with a sign permit. The original intent here was to explain what is possible without a permit, however referencing only part of the sign code could cause some confusion. Options could include:
   a) Keep the language as originally proposed, explaining the exempt sign regulations, but also add a reference to the sign code (TCC 20.40).
   b) Eliminate the reference to sign code (it still applies whether referenced or not).
   c) Just reference the sign code (TCC 20.40) but do not restate any sign code language in this new section. One advantage to this is it may reduce the possibility of future conflicts if and when the sign code is amended.
   d) The P.C. might suggest a signage exemption for farm stands up to 32 square feet. This is the square footage of a standard piece of plywood and would allow for better visibility of farm stand advertising. Even if this allowance is included in the zoning language, it would still require a building permit.

   Staff suggests option a) for all sections referencing exempt farm stands in order to clarify what is possible without a land use permit. For other sections referencing farm stands requiring a permit, staff recommends option c) because in these cases signage would be reviewed for consistency with regulations by County staff through the land use permit.

3. Question about permanent (i.e. wood) structure rather than tent / canopy and whether a wood structure could be there all year?
   Staff comments: Answer – the exemption in the building and fire code only applies to tents and not wood structures. If a new or existing permanent structure meets all applicable building and fire codes, there is no reason it could not operate year-around. The proposed language has been changed to address this and language regarding permanent (wooden) structures has been added as an option. However, based on comments from the County Commercial Plans Examiner (Building Dept.) it is recommended that wooden structures not be mentioned because in her opinion, the building code requirements are so onerous that they make this type of permanent structure cost prohibitive and very difficult for an applicant to get permitted. Please see comments from Chris Edmark in Attachment C. (first comment).

4. Any zones that are not appropriate for farm stands?
   Staff comments: No real discussion on this subject although the issue was brought up briefly at the Feb. 16th P.C. meeting. Staff did make some changes to
the Special Use table at the end of the staff report. All of the commercial zones earlier proposed were removed because they already permit commercial uses, including farm stands, so a Special Use Permit should not be required for a farm stand in these zones. With this change, the amendment only applies to zones that allow agriculture as a primary use and makes no change to commercial zones.

5. Nisqually Sub Area Plan (NSAP - adopted and incorporated into Title 20 in 1992), Staff comments: Staff reviewed this document which was incorporated into Title 20 in 1992 (Chapter 20.08C. – Nisqually Agricultural District). Based on staff review, the proposed amendment is consistent with the NSAP and Title 20, Chapter 20.08C. The intent of the NSAP was to discourage residential uses and other uses not compatible with agriculture. There is no specific mention of farm stands in the NSAP, but if the intention was to preserve farmland, then allowing business activities that help meet this end are consistent with the goals of the Nisqually Agricultural Zone.

6. Questions on co-location of farm stands and whether this means more than one exempt farm stand is permitted. Staff comments: The language has been changed to clarify that up to three exempt farm stands may be co-located with a 20-foot separation pursuant to International Fire Code standards. In the current proposal, three or more co-located farm stands would be reviewed through an Administrative Special Use permit. The P.C. should discuss and make a recommendation.

7. The Planning Commission discussed differences in the regulatory language between the Long Term Agricultural (LTA) zoning district and the Nisqually Agricultural (NA) zoning district. Staff comments: The NA zone contains language stating that farm stands must only sell products grown on or near the site. The LTA zone is only slightly less restrictive, and lists retail facilities for the sale of agricultural products primarily produced on the premises and related products as an allowed use.

The difference in the language prior to this proposed amendment appears to be related to the two sections being adopted and subsequently amended at different times in the early 1990's. Twenty years later it is appropriate to review and update this language given changes in building codes, fire codes and others. Staff has made proposed changes to the LTA and NA district regulations on pages 5 and 6 of this staff report to make the language related to farm stands consistent between the two zones and with the proposed language for the rest of the rural county. If approved, both zones would allow retail facilities selling "agricultural products primarily produced on the premises and related products". In addition to temporary farm stands, both zones would also allow stick built, permanent farm stands up to 500 square feet without a land use (zoning) permit. However, such stands would have to meet International building and fire codes, which means they would in all likelihood require a building permit.
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 7.48.310. 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 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.

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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...
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 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 A stick or metal framed farm stand structure meeting International Building and Fire Codes up to 500 square feet may operate year-around, however a County approved building permit is required.

(Note: Building Dept. staff recommend eliminating the language in 4.6 (above) due to the difficulty in meeting the applicable building code requirements including water, septic, handicap access etc. See Building Dept. comments in Attachment C. One suggestion made was to try to get the state legislature to pass an exemption to the building code for farm stands. This may be something to pursue at some point in the future, but is not within the parameters of this code amendment. P.C. should decide whether to recommend keeping this language or not.)

4.7 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, otherwise signs shall comply with TCC 20.40.

Note: Language in green / aerial has been added since the Feb. 2 and Feb. 16 Planning Commission meetings. There was much discussion about attempting to regulate the source of the agricultural products sold at these farm stands. Most 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)

... 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;
4. 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.
5. A stick or metal framed farm stand structure meeting International Building and Fire Codes up to 500 square feet meeting the other requirements of section 20.54.070 11.7(a) may operate year-around, however a County approved building permit is required.
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, otherwise signs shall comply with TCC 20.40.
7. 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;
8. Single-family dwellings with lots conforming to provisions of Sections 20.08C.040 and 20.08C.050; and
9. 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,
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.

(Note: Please see Attachment B: regarding farm stand size limits.

ii. A stick or metal framed farm stand structure meeting International Building and Fire Codes up to 500 square feet meeting the other requirements of section 20.54.070 11.7(a) may operate year-around, however a building permit is required.

iii. Product display area does not exceed 1,000 square feet.

iv. Safe vehicular access and customer parking is provided on site, such that vehicles are not required to back onto County roads.

v. 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.

vi. The agricultural products sold are grown or produced in the Pacific Northwest.

vii. 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.

viii. 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.
ix. All other applicable state and local regulations related to public health, safety, including food safety and general welfare shall be met.

x. 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.

xi. 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, otherwise signs shall comply with TCC 20.40.

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.

vi. All applicable state and local regulations related to public health, safety, including
    food safety and general welfare shall be met.

vii. 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.

viii. Advertising signage shall comply with TCC 20.40.

Conclusions:

This ordinance should be amended to provide clear and understandable standards for small scale
farm stands. Farm stands can provide many benefits including promoting local small scale and
organic farms, emphasizing Thurston County’s rural character, supporting the local and regional
economy and increasing access to healthy foods in rural areas. 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.

Staff recommends moving the proposed amendments on to a public hearing before the Thurston
County Planning Commission.
### Table 1

**Special Uses—Distribution in County Zoning Districts**

Uses listed below are prohibited unless specifically identified as allowable through special use review, or unless listed as a permitted or primary use within an individual zoning district chapter.

| USE                                                                 | R 1/20 | R 10 | R 1/5 | R 1/5 | U 1/2 | L 1/2 | R 1/2 | L 1/2 | R 4/16 | L 1 | R 1 | P | I | N | C | R | C | A | C | H | C | S | L | M | G | S | L | T | A | N | A | L | T | F | P | P | M | R |
| 1. Academic schools*                                                   | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 3. Animal/bone black, rendering, bone distillations                   |        |      |       |       |       |       |       |       | X      |     |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 3.5 Athletic facilities                                               | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 4. Boat launch                                                        | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 5. Camp or recreation ground                                          | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 6. Cemeteries                                                         | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 7. Churches                                                           | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 8. Community center/community club                                   | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 9.3 Composting facilities                                             | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 9.5 Country inns                                                      | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 10. Day-care center                                                   | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 11. Drive-in theaters                                                  | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 11.4 Family day care provider                                         | A      | A    | A     | A     | A     | A     | A     | A     | A      | A   | A   | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 11.5 Farm housing (five or more units)                                | X      | X    | X     | X     | X     | X     | X     | X     | X      | X   | X   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 11.7 Farm stands (retail)                                             | A/X    | A/X  | A/X   | A/X   | A/X   | A/X   | A/X   | A/X   | A/X    | A/X | A/X | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |

**Notes:** The **highlighted** portion is new.

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ATTACHMENT A: Photos of small vs. larger scale farm stands:

Honor System: A buyer gets her own change at a 1948 vegetable stand run by H.A. Schonle near Huntington Beach. (UCLA Library)

Small, unmanned farm stand today
Modern day unmanned farm stands. Not much has changed with the exception of land use and zoning regulations.
Farm stand design can vary greatly.

Road side stands sell a variety of home made products. To date, the proposed amendment only addresses farm stands, however sale of other ‘home made’ products could be addressed as well. The amended term “grown or produced in the Pacific Northwest” may address this sufficiently.
Examples of larger scale farm stands that would trigger a Special Use Permit under the proposed amendment.
ATTACHMENT B:

Seattle Times article, 2004

Area farmers hope to harvest more 'agritourism' benefits. They say county regulations on the size of farm stands and other rules hinder their ability to market themselves to the public.

Byline: Jane Hodges; Times Snohomish County bureau

Keith Stocker's Snohomish-area farm has sold corn, pumpkins and beef cattle on a wholesale level for four generations, but during the past decade, the farm has worked more directly with consumers, selling at farmers markets and a farm stand, and hosting corn mazes, pumpkin patches and other attractions.

Though Stocker and many other county farmers have moved increasingly toward "agritourism" to bolster revenue, they say county regulations over their use of farm property have not changed to reflect those new realities.

Stocker pointed to county codes that restrict farm stands to a maximum of 400 square feet. He said he knows of only one farm stand among a dozen that conforms to those standards, noting that many farmers operate larger stands in order to draw customers.

Stocker and other members of the Snohomish County Agricultural Advisory Board recently presented the County Council with a list of suggestions for how the county could amend its code governing the use of farmland. The council will review these recommendations, three years in the making, in the spring.

The farmers' activism comes at a time when agricultural interests have gained more prominence on the county's agenda.

Snohomish County Executive Aaron Reardon announced yesterday that John Roney, formerly a special-projects coordinator in the planning department, had been appointed the county's agriculture coordinator. Roney will be a liaison between farmers and the county.

Reardon has also named two farm representatives to his transition team, and Washington State University also recently assigned Michael Hackett, a professor and liaison to the school's agricultural extension program, to work with Snohomish County farmers.

Reardon also is scheduled to join King County Executive Ron Sims on Monday to petition grocery representatives on behalf of Puget Sound Fresh, a marketing program for local growers, about buying more locally farmed products. Some grocers have abandoned the practice because of corporate consolidation.

Even as Reardon and Sims appeal to grocers on behalf of local growers, the producers acknowledge that they will have to take a more direct role selling to consumers. Some who attended the agricultural advisory-board meeting last week in Everett said a county-appointed agriculture advocate could help them sell through different channels, including institutional buyers such as hospitals, schools and prisons.

In the meantime, they've asked the county to consider amending codes to allow:

Farmers markets on farm property.

Larger farm stands and other accessory buildings.

More food processing on farm property so farmers can create "value-added" food products from crops.

Some types of light food processing without requiring that agricultural land be rezoned to commercial or manufacturing use.

Farms to provide more parking, event space or the ability to add overnight stays, such as at bed-and-breakfast inns, in conjunction with agritourism.

Stocker said that, thus far, the county hasn't penalized farms whose agritourism activities violate its codes. But as more farms plan ways to sell direct to consumers, he and others want to make sure county codes allow them to operate ancillary businesses, especially as the county's population spreads farther into once-rural areas.

"As you have population density filling in (the land), some rural farming starts to become suburban or even urban farming," Stocker said. "While urban growth restricts some of the things that farms can do, agritourism is still viable."

Tristan Klesick said he is not planning to introduce on-farm activities at the 23-acre Klesick Family Farm near Stanwood but said his farm would still benefit by code changes.

He, for one, would like to handle more food processing. That way, he said, he and his family could make soap from his goats' milk or honey from bees and add it to the organic-food baskets they sell to subscribers.

"These are farmer-friendly codes," Klesick said. "This will allow us to meet the needs of our customers."

Jane Hodges: 425-745-7813 or jhodges@seattletimes.com

CAPTION(S):

Mark Harrison / The Seattle Times : Keith Stocker is pushing for the Snohomish County Council to amend its code governing the use of farmland. (0393969658)
ATTACHMENT C:

Staff Comments on Draft Staff Report:

Re: Farm stand language / Wooden Structures - 03/02/11

Hi Scott,

One of the reasons to stay away from a building permit is to avoid complying with the IBC requirement that a restroom be provided. With the restroom comes public water and a septic. If it were a Spooner structure (100 square feet or so and there were no outside employees, in other words the owner can close down the doors and go to the house to use the rest room, I may waive the requirement. Or if there were employees with the same limitation on the structure then an accessible porta pottie.

Accessibility is also an issue. They would need to make the structure accessible via ramps and provide accessible parking and a route into the structure.

It doesn't make sense to offer this stick built carrot, if they cannot get to it. I cannot make the code any less stringent even by an ordinance without going to the building code council and having a reason unique to Thurston County. You may want to pursue this at the state level though.

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The building code does not address this. The 100 square feet would be a space not accessible by the public which defeats the purpose of a 'family farm stand'. Sorry Scott. I am serious that if it is what planning wants, then I suggest that they contact a senator and do an exemption similar to WAC 51-50-007. Go for it! The County commissioners may even ask K. Fraser or someone like her to sponsor such a bill.

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>>> Scott Longanecker 03/02/2011 8:38:55 AM >>>
Well that's too bad. I'll pass this along to the Planning Commission and see what they think. Would it be safe to say that a 100 square foot stand is exempt if no outside employees? There's probably nothing in the building code that directly speaks to this huh? Thanks Chris.

Scott

This draft looks very good to me. I have to agree with the comment late in the report about other home made products and would highly recommend that these be included rather than just produce. I'm not sure about the use of the phrase "safe parking". It seems a bit broad and subject to interpretation (but then I don't usually review these types of things so maybe that's how they are generally written). I like the clarification of it being off the public right of way which may be adequate.

If two farms that are close are collocated would they need to have ONE stand of 400 s.f. or can there be two. Or an even broader question: Is the farm limited to one structure or could they potentially have several at the same location to get around the concern of having adequate square footage. Just a few thoughts...

Katie Henry,

Scott,

Looks fine. The only comment I want to make is not about what you wrote but is about what I read from the Snohomish comments. They stated that the 400 square feet was too small. The fire code will allow multiple tents provided that they are spaced 20 feet apart. They can come in and get a tent permit for a tent at a reasonable cost that would allow larger temporary structures.

Would it be possible to base the size on the acreage? Someone who has twenty acres may have more produce, but a person who only has five acres would not need a huge structure. Smaller farms maybe looking to bring in produce from other farms to supplement their income.

400 square feet for the first five acres and 200 square feet for every additional five acres if the structure is temporary. A twenty acre parcel would have 1000 square feet.

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Re: Request for review: Farm stand ordinance update - Dev Code Docket item A-7
Hey Scott,

Here are our comments:

- 20.54.070 (a)(ix) should read "Unless a 20' wide existing, legal vehicular access..."
- 20.54.070 (a)(iii) should read "...provided on site so that no vehicles shall be permitted to back out onto County roads."

- 20.54.070 (b)(viii) should read "Unless a 20' wide existing, legal vehicular access..."
- 20.54.070 (b)(iii) should read "...provided on site so that no vehicles shall be permitted to back out onto County roads."

- 20.54.070 (c)(vi) should read "Unless a 20' wide existing, legal vehicular access..."
- 20.54.070 (c)(i) should read "...provided on site so that no vehicles shall be permitted to back out onto County roads."

- You'll need to add a condition that talks about grading/clearing and drainage requirements. Grading over 50 cubic yards, clearing more than 7,000 sf or either within critical areas or buffers requires a permit. And the new drainage standards require a drainage plan review if the total new impervious (building/driveway/parking) exceeds 2,000 sf.

Kevin Hughes, PE
Development Review Manager
Thurston County Public Works
Phone: (360) 867-2042
ATTACHMENT D:

2009 International Fire Code, Chapter 24 – Tents and Other Membrane Structures

2403.2 Approval required. Tents and membrane structures having an area in excess of 400 square feet (37 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides which comply with all of the following:
   2.1. Individual tents having a maximum size of 700 square feet (65 m²).
   2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet (3658 mm), not exceeding 700 square feet (65 m²) total.
   2.3. A minimum clearance of 12 feet (3658 mm) to all structures and other tents.