

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

Date: June 1, 2011

Public Hearing Date: Tentative Date: August, 2011

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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

ISSUE:

Local farms provide numerous benefits to the citizens of Thurston County. The continued viability of the local agricultural industry is important to the local economy, environmental sustainability, food security and maintaining the areas rural heritage.

Thurston County is considering several regulatory changes to help make local farms more economically viable. These changes include preserving farm land by reducing regulatory barriers, creating economic incentives through a purchase of development rights (PDR) program and creating specific exemptions for small scale farm stands that sell local and regional produce.

This staff report relates to a 2010 Development Code Docket item to allow small scale wineries and breweries in some rural zoning districts (Docket item no. A-9). The focus of this amendment has expanded to include allowing a broader range of land uses that are related to agriculture and more specifically to what is commonly referred to as agritourism. Agritourism, short for “agricultural tourism” can include farm stands or farm stores, U-pick produce, overnight farm stays, tours, on-farm classes, fairs, harvest festivals, pumpkin patches, Christmas tree farms, winery weddings, orchard dinners, youth camps, barn dances, hunting, fishing, guest

ranches, and more. The concept of “agritourism” is relatively new, although many of the activities that fall under the definition of agritourism have been in practice for decades. For most people, agricultural tourism refers to a visit to a working farm or any agricultural, horticultural, or agribusiness operation in order to enjoy, be educated by, or become actively involved in the activities of the farm or operation – in other words, getting a true farm experience. For urbanites, simply visiting a working farm is a rare experience that can help them better understand rural life and the benefits that agriculture brings to a community.

Agritourism can help to sustainably conserve open space while providing additional income to local farmers. It can also help to offset market fluctuations, build a stronger customer base, and help to educate consumers. Many seasonal agritourism operations already occur in the County and do not require any type of land use (zoning permit). You pick operations including many local Christmas tree farms or strawberry and blueberry farms provide public access in order to harvest your own berries or trees for a fee. Just to clarify, these examples of agritourism include practices such as you-pick for-fee operations which do not currently, nor are proposed to require a County land use permit. Staff is unaware of any other local, state or federal permits that would be needed for a ‘you-pick’ produce business on a working farm.

It has been estimated that as much as one-third or more of the value of farm land is directly related to passive tourist related activities¹ including nature and wildlife watching. Farmers and other land owners can charge an entry fee to their property for various recreational activities which could include camping, hunting, fishing, wildlife watching etc. These tourism trends are ever expanding and there is great potential for local farmers who are able to tap into this revenue stream. One of the great positives of agritourism and geotourism is that while the overall economy is growing very slowly, this particular sector continues to grow much more quickly particularly as ‘baby boomers’ get older and become interested in more passive recreational activities².

The proposed amendment would allow increased direct retail sales of agricultural products raised on and off-site and allow other secondary uses to agriculture. The allowances would include ancillary products and services, such as local art, crafts and value added products and more diverse tourism activities, all with goal of improving the local agricultural economy.

BACKGROUND:

Agriculture has been an important part of the Thurston County culture and economy since the area was settled in the 1800’s. Local farms provide many benefits to the County and its residents. Area farms provide goods and services including fresh produce, eggs and dairy products. In addition, farms preserve open space, create employment, reduce urban sprawl and maintain an agricultural land base, all of which contribute to the health and wellbeing of the local economy and county residents.

The County has also gone through a long and sustained period of growth over the past several decades, which has led to farm land conversion and forms of development which conflict with normal agricultural practices. The total acreage of available prime farmland has decreased as

¹ Mississippi State University

² WA Dept. of Fish and Wildlife (WDFW) - <http://wdfw.wa.gov/viewing/tourism/> 04-14-11

development and economic pressures have caused farmland to be sold and converted to its “highest and best uses”³ including residential use.

Threats to agriculture:

- **Conversion of Agriculture Land to Other Uses**
- **Speculative Buying, Taking Land Out of Production**
- **Fragmentation of Agricultural Land Base**
- **Increasing energy costs**

The threats listed above are related in their impacts to the agricultural land base, so they are discussed together. The threats from conversion are obvious – once converted to other uses, including single-family and industrial uses, the land is no longer farmed or available to be farmed. Lands that are designated agriculture under the GMA are not as easily converted to other uses as they were prior to their designation. However, counties are sometimes asked to change agricultural land use and zoning to other land uses. Smaller agriculture parcels are sometimes converted to residential estates and no longer used for agriculture activities. Speculative buying, in hope of influencing land use and zoning changes, can result in land being taken out of active production as the new owner attempts to increase their property value. Both conversion and speculative buying can result in fragmentation of the agricultural land base, causing larger agricultural parcels to be interspersed with smaller residential lots. An impact of fragmentation is the difficulty it poses for farmers wanting to expand their operations by acquiring additional farmland. Adjacent land being used for speculative purposes or that has been converted to residential use is unlikely to be available for farming in the future.

The continued viability of the Thurston Counties agricultural industry, including small farms, is important to the local economy, environmental sustainability and maintaining rural heritage. As the population of Thurston County increases, so do the pressures on local forest and agricultural lands. It is estimated that 2,000 acres of farmland are converted to other uses every year in Thurston County based on studies done by Thurston Regional Planning Council⁴. While farm land has been steadily declining, growth of agritourism and recreation income in Thurston County has grown substantially from approximately \$7,000 in 2002 to \$98,000 in 2007 (14 farms reporting).⁵

Energy costs continue to take an increasing portion of potential farm profits that could be used for other farm improvements and equipment. Increased direct marketing and local marketing have the potential to at least reduce some energy costs associated with getting goods to market. These are just a few of the local and global issues at work affecting the economic viability of local farms.

Finding a balance between economic development, including tourism, vs. preservation of rural character is a challenge. However, an agritourism ordinance tailored to a particular region can be an effective way to manage this growing and evolving trend. The main component in preserving rural character is that tourism activities in general should be subordinate to farming

³ Term borrowed from the real estate industry referring to the most profitable use of a given property.

⁴ Fisher J. et.al, Thurston County Farmland Inventory, 2009. **Note:** *Interestingly, this study point out that the number of local farms has increased slightly in recent years, however they are generally much smaller operations.*

⁵ WA State Conservation Commission, March 4, 2011

operations. There are some notable exceptions including country inns, wineries and breweries, which are not necessarily linked to a local farm, but which could help local farms by drawing tourists to the rural county and providing food, activities and lodging (the three main components of a successful tourism economy). Increased tourism in rural Thurston County can bring paying customers and dollars that would be spent elsewhere if not for the kinds of activities that draw tourists. Direct sales can also help to reduce farm transportation costs if agricultural products can be sold on site rather than being shipped to distant markets.

Several jurisdictions in Washington State have passed agritourism related ordinances in the past five - seven years and there has been a recent push by the State Department of Commerce to encourage local jurisdictions to look at this as a way of stimulating Washington's rural economies. Snohomish County and Spokane County have passed ordinances allowing additional land uses as accessory uses to agriculture. In both of these cases, the jurisdictions used a Washington State law (RCW 36.70A.177) as the basis for the ordinance, then built onto this existing language to address specific local issues. This RCW (36.70A.177), titled Agricultural lands — Innovative zoning techniques — Accessory uses, states that “a county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy.” These are the same purposes and goals of the proposed Thurston County Agritourism Overlay District (AOD).

One of the biggest issues for farmers interested in pursuing some form of agritourism is liability insurance to cover accidents or injuries to customers while at an agritourism venue. Many farmers have indicated that this is the primary reason they choose not to attempt branching out into agritourism activities such as corn mazes and pumpkin patches. The Washington State Farmers Market Association offers group liability insurance to its members. However, this does require joining the association and complying with all of its bylaws and standards. Some of the standards include ensuring customer safety, eliminating tripping / falling hazards and providing safe vehicular access and parking.

Regional produce vs. grown on-site:

During recent discussions with the Thurston County Planning Commission regarding a separate, but related Development Code item (Item A-7, Farm Stands), the subject of regionally grown produce, vs. grown on-site was debated. One argument is that goods and produce sold at farm stands or farm stores should be limited strictly to those grown and/or produced on-site. This argument is supported by a strong desire to encourage “local” agriculture, reduce competition with cheaper imported produce, reduce the need to transport produce long distances, conserve energy and keep more money in the local economy. These beliefs generally fall in line with the overall “eat locally” movement which has grown in recent years.

There are other arguments for allowing imported produce to be sold at local farm stands and other direct marketing venues. Due to local climate conditions, it is not feasible to grow many commercial crops in the Puget Sound area. Crops such as peaches, cherries, apples, pears and many others are typically shipped from warmer and dryer regions including Yakima and Grant counties⁶. The Puget Sound area also has a shorter growing season than many other growing

⁶ These two counties combined account for over \$1.5 billion of Washington States' agricultural production value WSDA, AGR PUB 126 (R/12/06).

regions which limits when local crops are available. In order for farm stands and other venues to succeed, it may be necessary to supplement local seasonal produce with produce grown elsewhere in the state or Pacific Northwest region. Some flexibility is needed when crops fail or other unforeseen events occur. Without the ability to import and sell off-site products, some local farmers would find it challenging to make it through difficult seasons due to weather or market and price fluctuations. These ideas were discussed with the Planning Commission earlier in relation to Development Code item A-7 – Farm Stands. The Planning Commission came to the conclusion that crops “grown in the Pacific Northwest” should be permitted to be sold at farm stands, rather than limiting it only to those grown or produced on-site. Staff believes that it is natural for this same rationale to be applied to agritourism, which would include farm stands and many other related uses. Another practical issue is enforceability. It would be next to impossible for the County to regulate the source of produce sold at small farm stands. Adopting unenforceable standards is not good policy in general.

Wineries and breweries:

In grape growing and wine making regions of California, it is not uncommon to see a requirement that at least 50% of the grapes to be used in wine making are grown within the local jurisdiction. This limitation would not work for Puget Sound area wineries. Generally speaking, local Puget Sound area wineries and breweries must import most of their raw materials, (i.e. grapes, hops, etc.) due to availability and local growing conditions. For these industries in particular, limiting the source of the raw materials would be infeasible.

Country Inns:

Country inns are currently permitted with a Special Use Permit in the following zones:

- Rural one dwelling unit per twenty acres (R 1/20)
- Rural one dwelling unit per ten acres (R 1/10)
- Rural Residential Resource (RRR 1/5)
- Rural Residential (RR 1/5)
- Residential LAMIRD one dwelling unit per two acres (RL 1/2)
- Residential LAMIRD one dwelling unit per acre (RL 1/1)

Under the proposed amendment, country inns would also be permitted in the Agritourism Overlay District. Country Inns are consistent with and are already permitted in most rural commercial zoning districts, including Rural Commercial Center District (RCC), Highway Commercial (HC), Arterial Commercial (AC) and Neighborhood Convenience (NC) zones. Allowing country inns in primarily residential zones is also consistent with existing rural zoning regulations. Consistency with the Long Term Agricultural (LTA) zoning district is less clear and care should be taken to ensure that potential land use conflicts are mitigated through appropriate layout, design, scale and setbacks. It may be advisable to require larger development setbacks in the LTA zone than in other zones. The goal of the LTA zone is to maintain this zone in agriculture. In order to accomplish this goal, agriculture must remain economically viable. Allowing other revenue generating land uses can help achieve this goal, so long as these additional uses are designed to complement the primary agricultural uses and minimize conflicts with agricultural operations.

DEPARTMENT ANALYSIS:

Conserving agriculture land and maintaining and enhancing the agricultural industry comprise one of the planning goals of the Washington’s Growth Management Act (GMA). These are also some of the main goals of this proposed Agritourism Overlay District. The GMA requires counties and cities to designate “agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products” (RCW 36.70A.170).

Amending the Thurston County Code as described herein would provide standards for the review and approval of agritourism operations, wineries, breweries and distilleries in rural Thurston County. The proposed regulations would help to guide future agritourism operators and help to minimize potential traffic, safety, zoning and health issues that may arise from these uses.

This ordinance should be amended because allowing farmers to diversify and pursue alternative income generating activities such as agritourism may make a difference in whether or not to sell or convert the family farm for uses other than agriculture. Agri-tourism and direct farm sales provide many benefits including promoting local small-scale and organic farms, as well as emphasizing rural character and supporting the local economy. As long as reasonable standards are followed, safe vehicular access and parking is provided and impacts to neighbors are mitigated, there should be few if any negative impacts associated with additional agritourism operations in the community. The proposed amendment is consistent with both the Thurston County Comprehensive Plan and TCC Title 20 (rural zoning code). Chapter three of the County Comprehensive plan states the following:

I. AGRICULTURE RESOURCES

Community vision: The residents of Thurston County envision a diverse and thriving agricultural industry that is able to respond quickly to changing market conditions. They recognize the essential role of land conservation and local food production in maintaining the quality of life and long-term sustainability of the community. In addition, they recognize the multiple benefits provided by farmland, including wildlife habitat and flood control. The community also recognizes that maintaining viable agricultural resources requires a partnership with the farming community.

The community as a whole takes responsibility for conserving prime farm lands, promoting local markets, minimizing incompatible land uses, and providing other community support. This includes support for regulatory processes that are sensitive to the needs of farmers and that recognize the need to protect the environment. Farmers take responsibility for preserving soil fertility and ground and surface water quality, and for promoting a land stewardship ethic for existing and future generations.

Additionally, the Counties rural zoning Code (Title 20) provides the following guidance:

20.02.010 - Purpose and intent.

Based on the policy expressed in the Thurston County Comprehensive Plan, it is in the best interest of the county to provide for the orderly planned use of land resources. The purpose of the ordinance codified in this title is to maintain, enhance and perpetuate environmental quality and to promote the public health, safety and general welfare by guiding development according to the goals, objectives and policies set forth in the Thurston County Comprehensive Plan and in adopted subarea plans. It is further intended to provide regulations and standards which will lessen congestion on the

streets; encourage high standards of development; prevent the overcrowding of land; provide adequate light and air; and facilitate adequate provisions for transportation, utilities, schools, parks, recreation needs, drainage, open space and other necessary public needs.

Reviewing these purposes and goals, it is clear that agriculture is a highly valued element of the local economy and environment. It is also important to balance rural development between the needs of farmers, rural residents and the environment. The proposed regulatory language attempts to find this balance point between development and preservation in a way that enables local farmers to try new things and diversify their businesses while mitigating potential land use conflicts and preserving farm land for generations to come. As with many new ventures, it is likely that these rules will be revised in the future, once adopted and put into practice for a period of time. This is a starting point of what is likely to become an increasingly important element of the rural and overall economy of Thurston County.

ALTERNATIVES:

Option 1) Amend Title 20, including Chapter 20.54 - Table 1 and adding new section 20.08G to create an Agritourism Overlay District (AOD) and allow for more diverse agritourism related land uses in south Thurston County. These changes would include allowing small scale wineries, breweries, distilleries, country inns and accessory retail uses in some rural areas through both administrative and quasi-judicial review processes (i.e. Special Use Permits).

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 Nisqually Valley News at least twenty (20) days prior to the public hearing.

DEPARTMENT RECOMMENDATIONS:

Amending TCC 20.54 - Table 1 and adding new section 20.08G 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-9, Amend Development Code to create an Agritourism Overlay District and permit wineries, breweries and distilleries in some rural zones (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

Possible language for Title 20:

TCC Title 20

Section 20.03.040 Definitions:

3.2 Agri-tourism: 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 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 agricultural production must be the primary use of the land, pursuant to the standards and criteria established by Section 20.08G – Agri-tourism Overlay District (AOD). The terms nature-tourism, geo-tourism or sustainable tourism can be used interchangeably with the term “agritourism”.

Examples of agritourism uses and activities include, but are not limited to agricultural home stays, educational and interpretive seminars, you pick operations (x-mas trees, pumpkin patches, berry picking etc.), day tours, cooking and food preservation classes, petting zoos, horseback riding, zip lines (aerial rope slide courses), photography, nature watching, temporary gatherings (weddings, festivals etc.), rental cabins, country inns, boutique wineries, craft distilleries and micro-breweries.

Note: May want to define “agricultural homestays”.

...

9.5 “Boutique winery” means a small scale winery producing wine in limited quantity (maximum of 10,000 cases per year). *Note: May eliminate this and keep the definition “winery (boutique)” instead. See below (definition 146.3).*

...

31.5 "Country inn" means a restaurant and / or transient accommodation with a maximum of six (6) guest rooms to be located in a R 1/20, R 1/10, RR-1/5, RRR 1/5, RL 1/2, ~~RL 2/1~~, ~~or~~ RL 1/1, NC, RCC, AC, HC and LTA districts and which may include a lounge not to exceed twenty-five percent of restaurant area and facilities for banquets, conferences, weddings, and similar parties and activities.

31.7 “Craft distillery” means a small scale facility which manufactures distilled alcohol for human consumption, limited to a maximum annual production of ten-thousand gallons of distilled spirits per year.

...

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.

...

84.4 Microbrewery: means a small scale brewery, including craft breweries and nanobreweries which produce no more than 10,000 US beer barrels per year.

...

138.12 Transient accommodations: means a facility or place offering temporary lodging units to travelers and transient guests, i.e. rental cabins, country inn or bed and breakfast.

...

146.3 Winery (boutique) means a small scale winery producing wine in limited quantity (maximum of 10,000 cases per year).

...

20.54.070 – Use-Specific standards.

...

16. Home Occupations.

- a. Home occupations are subordinate to the primary residential use and are permitted in any dwelling unit and include, but are not necessarily limited to, the following:

...

- ix. Bed-and-breakfast with no more than ~~six guests~~ three (3) guest rooms;

Note: Just cleaning this up to be consistent with the new AOD overlay. Six guests is an impossible standard to regulate. However, the number of guest rooms is a standard that can actually be measured.

...

New Section

20.08G – Agri-tourism Overlay District (AOD).

20.08G.010. Purpose statement. The purpose of the Agri-tourism Overlay District (AOD) is:

1. To implement the goals and objectives of the Thurston County Comprehensive Plan, which include the goals of protecting agricultural lands and promoting agriculture as an important component of the County economy.

2. To provide clear authority for agricultural land-owners to develop and expand agri-tourism activities in specified portions of rural Thurston County as a way to supplement farm income, educate visitors about their way of life, and share their agricultural heritage with the public.
3. To protect and promote the continuation of farming in areas where it is already established and in locations where farming has traditionally been a viable component of the local economy.
4. To allow new accessory uses and ease some land use restrictions which pose regulatory barriers to a healthy and sustainable agricultural economy.
5. To enable the development of supplemental sources of on-farm income that support and sustain agricultural operations and production.
6. To permit agricultural land uses and activities and farm-related uses that provide and support infrastructure for farming, or that support, promote or sustain agricultural operations and production including compatible accessory commercial or retail uses within the AOD.
7. To preserve and support the agricultural industry of Thurston County as a viable economic activity in order to preserve remaining agricultural lands and to discourage conversion to other incompatible uses.
8. To promote and build on the inherent strengths of Thurston County with a particular focus on rural, southern Thurston County.

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.

20.08G.020. Permitted uses. This section places no new restrictions or limitations on legal, existing uses or allowed in the underlying zoning districts within the AOD. The following uses are permitted within the Agritourism Overlay District subject to the development standards contained in section 20.08G.030:

1. Production, sales and marketing of value-added agricultural products derived from regional sources.
2. Farmers markets operating under the guidelines of the Washington State Farmers Market Association.
3. Sales and marketing of predominately regional agricultural products from one or more producers, agriculturally related experiences (i.e. agri-tourism), products derived from regional agricultural production, locally made arts and crafts, and ancillary sales or service activities.

4. Accessory commercial or retail sales are permitted within the AOD subject to the following standards.
 - i. 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.
 - ii. 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 and welfare.
 - iii. An accessory commercial or retail use involving between seven hundred (700) up to a maximum of two thousand (2,000) square feet of floor area is permitted with an Administrative Site Plan Review.
 - iv. An accessory commercial or retail use involving more than two thousand (2,000) with up to a maximum of three thousand (3,000) square feet of floor area is permitted with a Special Use Permit for a Home Based Industry.

5. Small scale boutique wineries, micro / craft breweries and craft distilleries with associated tasting room and retail space. Boutique wineries, micro-breweries and craft distilleries are permitted in accordance with the following:
 - a. Boutique wineries, microbreweries and craft distilleries equal to or less than 6,000 square feet shall be permitted through an Administrative Site Plan Review.
 - b. Boutique wineries, microbreweries and craft distilleries greater than 6,000 square feet shall be permitted through a Special Use Permit.
 - c. Annual production of wine, beer and distilled spirits is limited to the following.
 - i. Wineries within the AOD are limited to ten (10) thousand standard cases per year;
 - ii. Breweries within the AOD are limited to ten (10) thousand US beer barrels per year, and;
 - iii. Distilleries within the AOD are limited to ten (10) thousand US gallons per year.

Note: 10k barrels / cases is towards the upper end of what would be considered a microbrewery or boutique winery and so should leave sufficient room for growth.

- d. Wineries, microbreweries and craft distilleries within the AOD may also include the following accessory uses;
 - i. Product tasting facilities.
 - ii. Retail sales of wine, beer and spirits produced on-site and limited sale of other regionally produced goods and services, (i.e. locally produced wines, cheeses, preserves etc.).
 - iii. On-site bed and breakfast services, with up to three (3) guest rooms.
 - iv. Tours, seminars, parties, weddings and all other temporary uses allowed under item 12. of this section are permitted at wineries, microbreweries and craft distilleries within the AOD.

6. Bed and breakfasts with up to three (3) rooms available for rent. Bed and breakfasts of three (3) rooms or less are permitted through an administrative site plan review.

7. Country inns with or without a restaurant / lounge are permitted in the AOD and are exempt from the design standards of Thurston County Code 20.54.070 (9.5). Within the AOD, country inns are permitted subject to the following standards:

Alternative 1:

- a. Minimum lot size for country inns within the AOD. The minimum lot size is one (1) acre for lots zoned residential LAMIRD, RL 1/2, RL 1/1, RL 2/1 and commercial lots zoned NC, RCC, AC and HC. The minimum lot size is five (5) acres for lots zoned RR 1/5, RRR 1/5, R 1/10, R 1/20. The minimum lot size is ten (10) acres for lots zoned LTA.

Note: Under current zoning, the minimum lot size for a country inn is 10 acres. See alternative language below:

Alternative 2:

- a. Minimum lot size for country inns within the AOD is ten (10) acres, subject to the following provision:
 - i. When a proposed country inn on an existing lot cannot meet the minimum lot size requirement of this section, the Resource Stewardship Department may permit the development subject to the applicant demonstrating compatibility with the rural environment and existing development. For this section, existing lots are defined as lots existing at the time of adoption of this Chapter.
- b. Building height.

- i. The maximum building height is thirty five (35) feet (excluding existing structures).

Note: Under current zoning the max. height is 30 feet. It is not clear why this requirement exists given that the maximum building height for residences is 35 feet.

- c. Parking standards for country inns.

- i. One space per two table settings, one space per employee, one space for each guest room. Parking areas shall be setback a minimum of 30-feet from external property lines and shall be landscaped to soften the visual appearance of parking and loading areas. Parking and loading areas should be located within the side or rear yard to reduce visual impacts. (all other requirements for parking area are located in Section 20.44.030).

Note: The parking and building setback is 100- feet under current zoning. Staff proposes reducing this parking setback to 30-feet with some additional landscaping requirements. Locating parking in the side or rear yard would provide additional visual screening and would allow for more landscaping in the front yard.

- d. Lounge / bar area is limited to 25% floor area of the restaurant, or 10% of total square footage if no restaurant.

- e. Minimum building setback is 50 feet from all property lines, subject to the following provision:

- i. When a proposed country inn for an existing structure cannot meet the required setbacks, the director may adjust setbacks to the lesser standards of TCC Section 20.07.030.1.(a.), subject to the applicant demonstrating compatibility with the rural environment and existing development. For this section, existing structures are defined as structures existing at the time of adoption of this Chapter.

- f. Country inns with six (6) or fewer guest rooms and equal to or less than 6,000 square feet require;

- i. An Administrative Site Plan Review, and;
- ii. Shall follow the public notice standards of 18.10.030.B(4) TCC.

- g. Country inns with between seven (7) and twelve (12) guest rooms and up to a maximum of ten thousand (10,000) square feet require a Special Use Permit process.

Notes:

** If there is a maximum size limit of 10K sq. ft., there may be no need to restrict number of rooms. The point is to ensure they fit into the rural environment and don't detract from it.*

**Should country inns of this scale be allowed in the LTA zone, or should they be limited to six rooms in the LTA zone?*

- h. Landscaping standards.

- i. Landscaping will be required to screen, buffer, and enhance the residential character of the neighborhood. The applicant will be required to provide a landscape plan showing how these requirements will be met.

- i. Access. New country inns shall be located on a paved road and within one-half mile from a County collector road at minimum.

- j. Design. The outward appearance and design of country inns shall be consistent with the rural character of Thurston County and with the surrounding neighborhood.

8. Agricultural home stays in accordance with TCC section 20.08G.030(8) are permitted within the AOD.

9. Up to three (3) rental cabins for transient accommodations are permitted within the AOD, subject to the following provisions:

- i. Minimum lot size – ten (10) acres.
- ii. Rental cabins are limited to a maximum of six (6) hundred square feet floor area.
- iii. Rental cabins are for temporary use by guests up to a maximum of 30 days and are not to be used for permanent occupancy. Rental cabins may not contain a cook stove or other cooking appliance, with the exception of a microwave oven.

Note: Very difficult to enforce post final building inspection, but it needs to be clear that these are not for full time occupancy (daily / weekly rentals only).

- iv. The minimum building setback is fifty (50) feet from property lines;

10. Short-term uses. Weddings, art shows, food and wine festivals and similar temporary gatherings are permitted in accordance with the following:

Note: 1) Is term “similar temporary gatherings” too broad?

a. The primary use of the property shall be agriculture, with the exception of sites with an approved winery, brewery, distillery or country inn.

Option 1:

b. Temporary uses up to twenty-one (21) days per year are allowed as a matter of right.

or

Option 2:

b. Temporary uses up to ten (10) days per year are allowed as a matter of right. Temporary uses in excess of ten (10) days per year may be permitted pursuant to the following.

i. Temporary uses up to twenty-one (21) days per year may be permitted through a minor administrative review process.

ii. Temporary uses exceeding twenty-one (21) days per year may be permitted through an Administrative Special Use Permit process.

c. On-site parking shall be provided in accordance with Chapter 20.44 TCC (Parking and Loading).

d. All federal, state, public health, noise, building and other applicable regulations shall be followed.

e. For events lasting two (2) or more days and with an expected daily attendance exceeding one hundred (100) individuals, the on-site manager or owner shall notify all adjacent neighbors 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.

f. For events that generate noise detectible off-site, the general hours of operation of such temporary events are limited to 7 AM to 7 PM Monday through Friday and 8 AM to 8 PM Saturday and Sunday.

Note: 1) The number of days / attendees etc. are only suggestions. The Planning Commission may want to discuss and provide additional recommendations. 2) Hours of operation are only suggestions as well. The goal is to minimize impacts to neighbors.

13. Roadside farm stands are permitted in accordance with the requirements contained in TCC 20.54.070(11.7).

20.08G.030. Development standards for the AOD shall be as follows;

1. All agri-tourism, nature-tourism and geotourism uses shall comply with applicable local, state and federal laws and regulations. In this code agri-tourism, nature-tourism, and geotourism are subject to the same standards and regulations.
2. New agri-tourism uses within the AOD shall be compatible with the purposes of the underlying zoning district.
3. The allowed uses shall be located, designed and operated so as not to interfere with normal agricultural practices.
4. The uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of agricultural buildings but shall not otherwise convert agricultural land to non-agricultural uses.
5. The design and scale of the proposed use shall be appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
 - a. Impact. The proposed use shall not result in unmitigated, adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare.
 - b. Design elements. To recognize that aesthetic and functional design considerations are appropriate in order to protect property values of adjacent properties, enhance property values where development occurs and to ensure that developments contribute to desirable neighborhood character, design elements (i.e. color, shape, bulk) of new agri-tourism uses shall be consistent and compatible with the rural environment, nature and scale of unincorporated Thurston County.
6. Prior to and following development of an agritourism use, agriculture shall be the primary use of the property, with the exception of country inns, boutique wineries, micro-breweries and craft distilleries.
7. With the exception of boutique wineries, micro-breweries, craft distilleries and country inns, the land area developed for agri-tourism or geotourism uses shall not occupy more than 10% of the total acreage of the parcel. For the purposes of this section, developed means newly created impervious surfaces or structures devoted to an agri-tourism use, graveled or paved parking areas. The term developed does not apply to areas devoted to growing crops or areas pervious to storm water.

Note: Since wineries, breweries and country inns are not intrinsically tied to a particular on-site agricultural use, this limitation is not necessary to protect farm land. Condition #3 above also addresses potential impacts to

farm land, and the impervious surface limits of the underlying zone would be another control on maximum percentage that can be developed. For these reasons, staff does not believe the 10% limit on total acreage to be developed is needed for these four uses.

8. An agricultural home stay establishment shall be located on an active farm. All applicable local and state permits and licenses shall be obtained prior to establishing an agricultural home stay, including required Washington State Department of Health transient accommodations licenses.
9. Daily, temporary and ongoing agri-tourism uses or activities shall have adequate provisions for sewage disposal and potable water as determined by Thurston County.
10. 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.
11. The property owner or manager shall reside on or adjacent to the parcel on which the agri-tourism use is located. The Director may make exceptions to this requirement on a case by case basis if it can be demonstrated by the agri-tourism operator that customer supervision is not necessary.
12. Any exterior lighting installed related to an agri-tourism use or activity shall be appropriately shielded and directed generally downwards to minimize light pollution. If the agri-tourism use or activity is immediately adjacent to a commercial poultry operation, there shall be no exterior lights for the agri-tourism use or activity (except as minimally necessary for public safety). This standard shall not apply if the agri-tourism operation is established prior to a poultry operation being established on an adjacent property.

...

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	R 1/10	R R 1/5	R R 1/5	U R 1/5	R L 1/2	R L 1/1	R L 2/1	R 3 - 6/1	R 4 - 16/1	L I	R R I	P I	N C	R C C	A C	H C	S L ¹	M G S A ²	L T A	N A	L T F	P P	M R	PROHIB
1. Academic schools*	X	X	X	X	X	X	X	X	X	X									X						
1.5. Agri-tourism (see 20.08G TCC)																									X

Attachment A

Revised Code of Washington (RCW) 36.70A.177

Agricultural lands — Innovative zoning techniques — Accessory uses.

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW [36.70A.170](#). The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

(3) Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

(a) Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties, and shall comply with the requirements of this chapter;

(b) Accessory uses may include:

(i) Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

(ii) Nonagricultural accessory uses and activities 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. 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; and

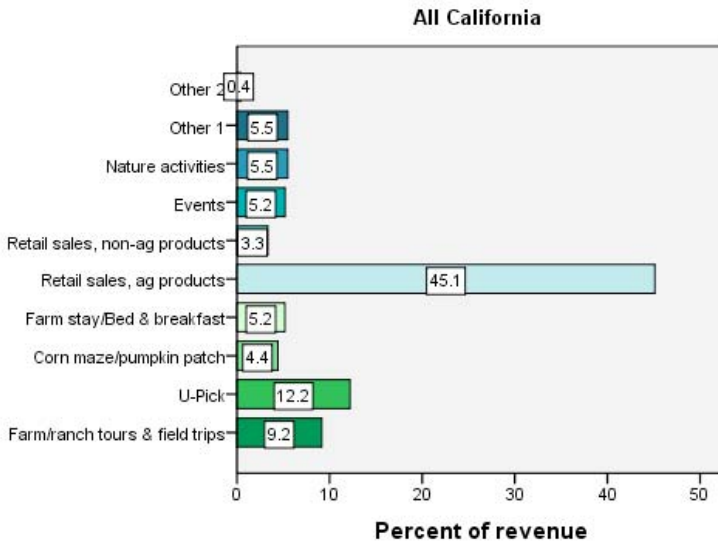
(c) Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection (3) in areas designated as agricultural lands of long-term commercial significance.

(4) This section shall not be interpreted to limit agricultural production on designated agricultural lands.

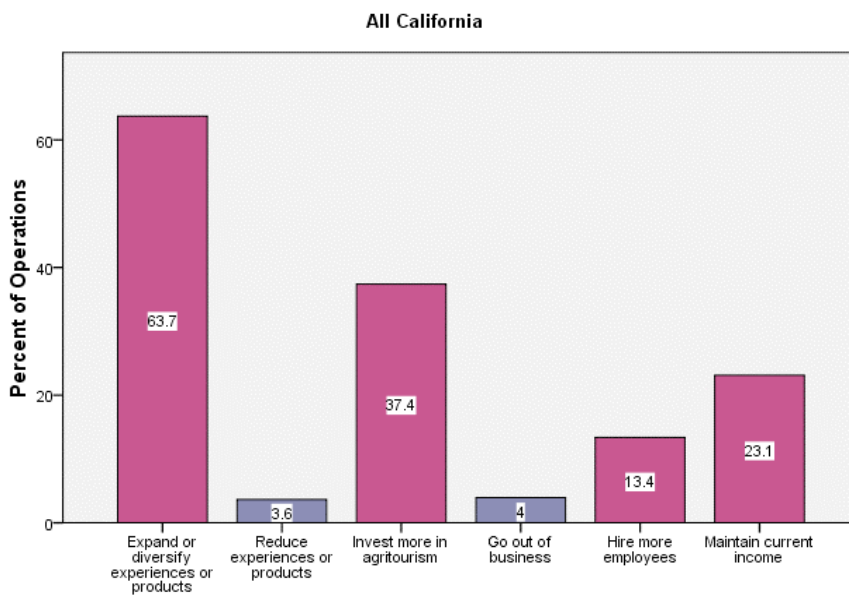
[2006 c 147 § 1; 2004 c 207 § 1; 1997 c 429 § 23.]

Attachment B - 2009 Agri-tourism survey of California farmers by University of California Cooperative Extension

Average percent of agritourism revenue by activity



What plans do you have for your agritourism operation over the next five years?



<http://sfp.ucdavis.edu/agritourism/survey09.pdf>

ATTACHMENT C: (Note: As of this date there has been no State funding to implement these recommendations, per staff conversations with the report author.)

Agri-tourism “Homestay” Project
Final Report
2/15/2008

Prepared by:

Michele Vazquez, Governor’s Office of Regulatory Assistance
In conjunction with the Agri-tourism Workgroup



Introduction

In the fall of 2007 Mary Selecky, Secretary of Health supported convening a group of agri-tourism interests for the purpose of gaining an understanding of regulatory opportunities and obstacles around tourism related home visits to small farms. The Office of Regulatory Assistance brought together the agri-tourism workgroup. Participants included:

- Governor’s Office
- Department of Health (DOH)
- Department of Ecology (Ecology)
- Department of Agriculture (WSDA)
- Community Trade and Economic Development (CTED)
- Stevens County Planning
- Northeast Tri County Health District
- Washington State University – Stevens County Extension
- Community Agricultural Development Center
- Quilliascut Cheese Company

The workgroup discussed the framework for the project (Next Washington, Working Lands Initiative and the *homestay* focus), local and state regulatory perspectives. Regulatory perspectives that were discussed included: drinking water, wastewater, food preparation, transient accommodations, building code/land use, and ADA accommodation. Participants were tasked with conducting follow-up research. The workgroup also identified the need to get a clearer picture of the demand for this project.

In order to gain a better understanding of the regulatory opportunities and obstacles of homestay permitting at the ground level, this report:

- Provides the general regulatory structure around homestay visit requirements,
- Identifies the most straightforward path through those requirements, and
- Provides a recommendation to proceed with a state sponsored pilot project.

Homestay Regulatory Structure

The workgroup defines a *homestay* as:

Overnight lodging with food preparation (dinner, etc.).

A *homestay* is an element of larger tourism package (i.e. accommodation, experience of farm life, etc). It focuses on a small farm setting, serves a very limited number of customers and is intermittent in nature. A *homestay* differs from a Bed and Breakfast in that a Bed and Breakfast provides breakfast service only.

The following is the *homestay* regulatory framework. The list includes: food preparation, drinking water, wastewater, transient accommodations, and building and land use codes.⁷ This list is general and there may be additional requirements for specific sites or specific situations.

Food Preparation

Food preparation for a *homestay* will usually be regulated by the local health jurisdiction and through the Department of Health, Transient Accommodations Program. The following regulatory structure applies⁸.

Number of Lodging Units ⁹	Regulation	Regulatory Agency	Notes
1 through 8	WAC 246-215-141	Local Health Jurisdiction	WAC 246-215-141 (3)(c) allows only for the preparation of breakfast, but the Food Code allows the local health jurisdiction to grant a variance that could allow for the provision of other meals. See http://www.doh.wa.gov/ehp/sf/Pubs/FoodRule/chapter8.pdf for more information.

Drinking Water¹⁰

⁷Labor and Industries regulations related to guests who pay to be involved in agricultural activities were researched and it was determined that these types of workers (paying guests) are not considered "labor" (i.e. are not regulated by Labor and Industries and would not be covered under an industrial insurance claim in the event that a guest worker was injured). General liability issues should be addressed by the facility.

⁸ See also information under "Other Pertinent Codes/Rules" relating to the sale of on-site, processed, packaged food items (regulated by the Department of Agriculture).

⁹"Lodging Units" is defined under RCW 70.62.210 (6) as one self-contained unit designated by number, letter or some other method of identification. A bedroom (that has some sort of individual identification) within a home would be considered "one self-contained unit" under this definition.

Drinking water regulations are based on the type of service provided, number of connections (i.e. buildings) and/or number of people served. Assuming a *homestay* is characterized by a “very limited number of customers” and is “intermittent in nature” the issue of type of service does not arise. Within these parameters the following apply.

Number of Connections/Customers	Regulation	Regulatory Agency	Notes
1 connection	Not regulated under drinking water regulations.	None	Depending upon other services provided (i.e. milk/dairy product production or other food processors) source approval per WAC 16-165-130 (12) could be required by WSDA. WSDA works with local health jurisdictions to determine source approval requirements
Between 2 and 14 ¹¹ connections and less than 25 people per day OR 25 or more people per day during fewer than 60 days per year ¹²	Group B Drinking Water Regulations (WAC 246-291 ¹³) http://www.doh.wa.gov/ehp/dw/Publications/group_b_regulations.htm	DOH ¹⁴ OR In some areas, new Group B water systems are reviewed and approved at the local health jurisdiction level.	source approval per WAC 16-165-130 (12) could be required by WSDA. WSDA works with local health jurisdictions to determine source approval requirements http://apps.leg.wa.gov/WAC/default.aspx?cite=16-165-130 New and replacement wells must be approved by the local health jurisdiction or Department of Health as a drinking water supply before use.

Figure 1: Drinking Water Regulations for Very Small Water Suppliers

¹⁰ DOH Office of Drinking Water is currently working on changes in the Group B water system rules, and in program direction for Group B systems. Regulatory changes adopted by the State Board of Health in the next year may result in different information than the information provided here.

¹¹ Water systems serving four or fewer connections, all of which serve residences on the same farm are not public water systems. This will not usually apply to *homestays* – if people are housed in a structure that is not a home.

¹² Those serving drinking water to 1,000 or more people for two or more consecutive days are Group A water systems and have much more strict requirements.

¹³ Group B documents required per WAC 246-291 and submitted to DOH for review must be prepared by a professional engineer. The regulations allow an exception to this requirement when minor improvements are made or when DOH and Local Health enter into an agreement to review or approve design reports (per WAC 246-291-040 (2)). Bottled water does not meet quantity/quality requirements of WAC 246-291 and does not meet source requirements for a public water system. Bottled water may be used temporarily in place of an approved source (s), when directed by DOH.

¹⁴ In certain counties where DOH has the lead for Group B water systems, DOH has deregulated systems with 2 connections. Some local health jurisdictions have done the same for their county or counties.

Drinking water regulations reflect water system 1) approval and 2) ongoing monitoring/maintenance. In addition to approval requirements Group B water systems must conduct:¹⁵

- A coli form bacteria test from the distribution system: at least once a year
- A nitrate test from the source: at least every three years

Water Rights

Water rights are regulated by the Department of Ecology – Water Resources Program and are case dependent. Water right availability is determined on a case-by-case basis because of the many situational variables.

If the *homestay* facility will be supplied water by a groundwater source (well), service can probably be provided under a groundwater exemption (which includes 5,000 gallons per day for domestic use, along with provision for other uses).

Provision of water by a surface water supply requires a surface water right (permit, certificate, claim, etc.).

Wastewater (On-site Sewage System)

On-site sewage systems with design discharge below 3500 gallons per day are regulated by the local health jurisdiction. Any requirements for enlarging or replacing an existing on-site sewage system will depend on:

- Design standards used for the existing system,
- Type of operation of the new activity,
- Amount of sewage produced, and
- Sewage characteristics (such as strength and chemicals).

This too will be determined on a case-by-case basis.

Transient Accommodations

Transient accommodations are regulated by the Department of Health. One and two lodging units are not regulated.

Number of Lodging Units ¹⁶	Regulation	Regulatory Agency	Notes
1 and 2	Not Regulated		
3 or more	Transient as Accommodation laws and rules (RCW 70.62, WAC 246-360)	DOH	

¹⁵ If the water system treats its water, or there is a bad sample, there are additional requirements. In some areas of special concern, other tests such as for arsenic may be required.

¹⁶“Lodging Units” is defined under RCW 70.62.210 (6) as one self-contained unit designated by number, letter or some other method of identification. A bedroom (that has some sort of individual identification) within a home would be considered “one self-contained unit” under this definition.

Other Pertinent Codes/Rules:

Topic	Regulation	Regulatory Agency	Notes
Building Permits (Including ADA requirements)	RCW 19.27 requires that all jurisdictions utilize the International Building Codes. While each jurisdiction may adopt requirements more stringent than the IBC, the foundation for building permit requirements is universal in Washington State.	Local Building Department	Required to be addressed if use of property changes (i.e. from residential to commercial).
Zoning/Planning		Local Planning Department	Type of use would need to be allowed within zoning code (or modification made through planning process to modify zoning code). <i>Homestay</i> is likely a new term. Existing similar definitions may be Bed & Breakfast, small inn, large inn, resort, etc.
Well Construction	WAC 173-160	Department of Ecology	All new wells must meet well construction standards.
Sale of on-site, processed, packaged food items	RCW 69.04 RCW 69.07 RCW 15.36	Department of Agriculture, Local Health Jurisdiction	In some areas of the state regulatory oversight of the sale of the on-site sale of processed, packaged food items is provided by the local health jurisdiction and in some areas the licensing for this activity falls under the jurisdiction of the Department of Agriculture's Food Safety Program. ¹⁷

Direct Path to Homestay Approval

A primary purpose of this report is to identify steps forward in the support of the *homestay* effort. To this end, the following characterizes the rules/laws that apply to two very small homestay facilities.

Facility 1: 1 house (owner's primary residence) with 1 or 2 bedrooms (less than 25 people served)

Regulatory Framework

Food Preparation	Regulated by local health jurisdiction, may be possible to obtain variance for food service.
Drinking Water	Not regulated
Water Rights	Can likely be served by existing approved water system, or fall under domestic groundwater exemption (which generally allows for the use of

¹⁷ Examples of food items: smoked fish, cheeses and other dairy products, acidified foods (salsas, pasta sauces, BBQ sauces), low acid canned foods (home canned vegetables), dressings, jams, jellies, and butters.

	5000 gallons per day). Water rights are case dependent and project proponent should check directly with the Department of Ecology.
Wastewater	Regulated by local health jurisdiction.
Transient Accommodations	Not regulated
Building Codes	May need to be addressed if use of property changes type of use. Check directly with local building department.
Zoning/Planning	Type of use would need to be allowed within zoning code. Check directly with local planning department. <i>Homestay</i> is likely a new term. Existing similar definitions may be Bed & Breakfast, small inn, large inn, resort, etc.
Well Construction	All new wells must meet well construction standards.
Sale of on-site, processed, packaged food items	In some areas of the state regulatory oversight of the sale of the on-site sale of processed, packaged food items is provided by the local health jurisdiction and in some areas the licensing for this activity falls under the jurisdiction of the Department of Agriculture's Food Safety Program.

Facility 2: 1 house (owner's primary residence), 1 additional residential type building with 3 to 8 bedrooms total (less than 25 people served)

Regulatory Framework

Food Preparation	Regulated by local health jurisdiction and transient accommodations rules (WAC 246-360 and WAC 246-215), may be possible to obtain variance for food service from local health jurisdiction.
Drinking Water	In counties where DOH is lead for Group B systems, public water systems supplying two connections (where both connections are single family residences) are not regulated. Two connections may be regulated by some local health jurisdictions where the local health jurisdiction has regulatory lead for Group B systems. In this situation, the facility would need to meet the requirements of WAC 246-291.
Water Rights	Can likely be served by existing approved water system, or fall under domestic groundwater exemption (which generally allows for the use of 5000 gallons per day). Water rights are case dependent and project proponent should check directly with the Department of Ecology.
Wastewater	Regulated by local health jurisdiction.
Transient Accommodations	Regulated by DOH under transient accommodations rules (WAC 246-360).
Building Codes	May need to be addressed if use of property changes type of use. Check directly with local building department.

(table continued on next page)

Zoning/Planning	Type of use would need to be allowed within zoning code. Check directly with local planning department.
Well Construction	All new wells must meet well construction standards.
Sale of on-site, processed, packaged food items	In some areas of the state regulatory oversight of the sale of the on-site sale of processed, packaged food items is provided by the local health jurisdiction and in some areas the licensing for this activity falls under the jurisdiction of the Department of Agriculture's Food Safety Program.

Conclusion

The regulatory structure for a *homestay* exists within a matrix of local and state rules and laws. It includes local building and planning, local health jurisdiction (food service,

wastewater and drinking water), the Department of Ecology (well construction and water rights), and the Department of Health (drinking water and transient accommodations). In certain instances it may also include the Department of Agriculture. Local health jurisdictions as well as local building and planning departments operate under local, state and federal laws.

The nature of a *homestay* facility approval is also dependent upon existing facilities (and current approvals for those facilities) as well as facility needs (i.e. size and scope of the project).

The suggestion of this workgroup is to gain additional information on the development of *homestay* facilities within Washington State through implementation of a *homestay* pilot project (see Attachment A). The *homestay* pilot project would offer technical assistance to a defined number of *homestay* proponents in a cross section of areas across the state. The outcome of this effort would be twofold:

- To Provide technical assistance to the identified proponents to achieve compliance with local and state regulations affecting *homestay* activities, and
- To document the process for achieving compliance (including identification of local and state applicable rules) and identify and document policy and regulatory barriers to achieving compliance.

Upon completion of the *homestay* pilot project (June, 2008), the Office of Regulatory Assistance will re-convene the agri-tourism workgroup to discuss the outcomes of the *homestay* pilot project and explore potential steps forward.

attachment A

Agri-Tourism Pilot Project Proposal

2/15/2008

The regulatory structure for a *homestay* exists within a matrix of local and state rules and laws. It includes local building and planning departments, the Department of Ecology (well construction and water rights), the Department of Health (drinking water and transient accommodations) and the local health jurisdiction (food service, wastewater and drinking water). In certain instances it may also include the Department of Agriculture. Local health jurisdictions as well as local building and planning departments operate under local, state and federal laws.

The nature of a *homestay* facility approval is also dependent upon existing facilities (and current approvals for those facilities) as well as facility needs (i.e. size and scope of the project).

The following is a proposed structure for the *homestay* pilot project:

Goals

Goal 1: Provide technical assistance to six small facilities in three areas across the state working to achieve compliance with local and state regulations affecting *homestay* activities.

Goal 2: Within the framework of Goal 1, document the process for achieving compliance (including identification of local and state applicable rules) and identify and document policy and regulatory barriers to achieving compliance.

Facilities

Technical assistance efforts within the *homestay* pilot project will be focused on facilities meeting the following criteria:

- 1 or 2 buildings
- 1 to 3 bedrooms (Note: "bedroom" is considered a "lodging unit")
- 1 to 8 bedrooms for existing Bed & Breakfasts

Facilities for the *homestay* pilot project are to include two facilities in each of three counties. *Note: Initial contact has been made with contacts from Stevens, Clallam and Skagit Counties. Additional follow-up (and formalization) with these contacts will be needed in order to further develop the pilot project.*

Following the identification of the project proponents, DOH will meet with proponents, regulatory agencies and WSU extension agents to discuss the *homestay* pilot project and process for moving forward. These meetings are expected to occur in March, 2008.

Upon completion of the *homestay* pilot project (June, 2008), the Office of Regulatory Assistance will re-convene the agri-tourism workgroup to discuss the outcomes of the *homestay* pilot project and explore potential steps forward.

Administration

The *homestay* pilot project will be administered by the Department of Health (DOH), Environmental Health Division. The primary contact is Nancy Napolilli.

Attachment A

DOH will determine, on a case by case basis, how technical assistance will be provided (directly through departmental staff, third party contractor, etc.).

Schedule

The *homestay* pilot project will begin the middle of February, 2008 and be completed (including documentation) by June, 2008.