

**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: December 7, 2011

Public Hearing Date: November 2, 2011

Prepared by: Scott McCormick,
Associate Planner

Proponent/Applicant: Thurston County

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

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

The **Planning Commission** has held four previous briefings regarding the Agritourism, Wineries & Breweries Ordinance amending Title 20 between June 1, 2011 and September 21, 2011. Several issues were raised by Planning Commission members at these meetings and staff has attempted to answer and address these issues and concerns.

Public Hearing: A public hearing before the Planning Commission was held on Wednesday, November 2, 2011. The PC voted unanimously to set the hearing for the requested date. There will be time prior to the hearing for at least one additional work session if there are outstanding issues needing to be addressed prior to the hearing. Also, if necessary, an additional work session could be held immediately following the public hearing, where findings can be discussed.

PC comments and concerns:

- a) Questions regarding the appropriateness of allowing non-agricultural activities and the overall goals of the project. It is a mix of agricultural tourism and other forms of tourism, but the primary purpose and focus is on agriculture and helping farmers to try new endeavors to keep farms operational.
- b) Exceeding what's on the docket? What are the issues? Discuss with Jeff Fancher.
- c) Country inns – question on whether to allow on working lands.
- d) Concern about “conference” language. OK with “meeting space”. Also something on 37 – hours listed are different from noise ordinance. Maybe not want to even set hours if already spelled out in noise ordinance. Just refer to noise ord.
- e) Concerns about excluding non-agricultural land owners. (whole county issue).
- f) What is the scope. Focused on farms or rural development. **Answer:** It is both.
- g) Jeff to discuss dev code docket intent. Are we exceeding what the GMA authorizes? b/c the ag tourism provisions are specifically for LTA lands. Is that an issue when it comes to other lands? Look at other things allowed through special uses. We are not adding any new uses other than wineries / breweries, rental cabins (based on density). Other than that we are tweaking some of the standards and streamlining the review process. We are following the provisions for protecting working lands as set out by the GMA, with respect to agritourism.
- h) Only thing adding is that overnight accommodations are permitted, which was not clear from existing definition, although generally speaking an inn by definition does include overnight accommodations. To go back in history, under English common law, inns and taverns were declared public houses (pubs) and were responsible for the well being of travelers and were expected to receive all travelers and provide food, drink and lodging to those willing to pay. Some definitions simply refer to a place licensed to sell alcoholic beverages. The Professional Association of Innkeepers Int. lumps B&B's and “country inns” into the same category, which would indicate that country inns would provide similar services to B&B's.

Questions for next time:

Docket question. Is it ok that this has gone beyond the original docket.

New Alternatives to discuss:

- Page 2 discusses potential changes to the definition of “agritourism”. Further discussed on pages 17 and 18.
- Page 19 – Alternatives re: allowance of small lounges in country inns.
- Page 22 – AOD boundary alternatives.

- Page 26 - Accessory uses.
- Page 33 – Max. size for country inns.
- Pages 60 – 61 - Building size and scale comparisons

BoCC briefing: Staff also met with the Board of County Commissioners (BoCC) and County Administrator on July 22, 2011 to brief them on the status of the amendments and provide staff with additional direction. The BoCC generally supports the proposed amendments and wishes to move the project forward towards the two required public hearings prior to adoption.

Rental Cabins: There have been a number of concerns regarding the allowance of rental cabins within the AOD. One of the main concerns was related to Growth Management Act (GMA) compliance and the possibility of exceeding allowed residential density. For example if, a ten acre lot, zoned one unit per five acres were permitted to build 4 - 8 small rental cabins, and if those cabins were considered dwelling units, then the number of housing units would exceed the residential density limit. Under this scenario, there is the possibility of a GMA conflict and potential appeal. Other factors include allowing kitchens and challenges with enforcing the 30 day rental limits and the potential addition of unpermitted kitchens after final building inspections. After a good deal of discussion among staff, it was determined that the solution to these issues was to base the number of possible rental cabins / units on the allowed residential density. This would have the effect of eliminating the GMA residential density problem, and would allow the units to contain full kitchens, the latter of which was the preference of the BoCC.

Definition of Agritourism and relationship to agriculture: Members of the Planning Commission discussed making changes to the proposed definition of agritourism. Some members suggested removing the reference to farms and agriculture from agritourism in order to open up opportunities for other rural residents who are not farmers. However, this change is not necessary because the ordinance contains multiple land uses including country inns, wineries & breweries which are not required to be on a farm. In addition, language in the general standards section further points out that tourist activities that fall under other categories like nature tourism, culinary tourism are also allowed and do not need to be located on a farm as long as they meet the other general standards.

One of the goals of the AOD is to help farmers be more economically viable and create alternatives to residential conversion of farm land. Weakening the link between agriculture and agritourism does not help to achieve this goal. The Growth Management Act supports the concept of farmers trying agritourism as an accessory or subordinate land use, not as a primary use¹. Removing or weakening the link between agritourism and agriculture could result in agritourism uses becoming the primary use rather than an accessory use on otherwise rural residential properties. Alternative language and staff recommendations are provided for further discussion.

¹ WAC 365-196-815

New Section.

20.08G – Agritourism Overlay District (AOD).

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

1. To preserve working lands and support the agricultural industry of Thurston County as a viable economic activity in order to preserve remaining working lands and discourage conversion to other incompatible uses.
2. To provide clear legislative authority for agricultural land-owners to launch agritourism activities in specific rural areas of Thurston County as a way to supplement their income, educate visitors about their way of life, and share their agricultural heritage with others.
3. To protect and promote agriculture as an important component of Thurston County's economy.
4. To implement the goals and objectives of the Thurston County Comprehensive Plan, which recognizes the economic, environmental, and cultural benefits of our agricultural and working lands.
5. To empower farmers and other rural land owners to start new, entrepreneurial endeavors that augment, and highlight the importance of local agriculture.
6. To entice visitors to rural Thurston County and to see and experience the value of local agricultural lands to our culture, economy, landscape and local food supply.
7. To boost agricultural commerce in rural Thurston County by establishing a broad overlay district that reduces barriers and inconsistencies among the base zoning districts.
8. This chapter places no new restrictions or limitations on legal, existing or allowed uses within the AOD. The intent of this section is only to add new allowed uses and to ease some land use restrictions which pose regulatory barriers to a healthy and sustainable agricultural economy. Additionally, this section is meant to promote and build on the inherent strengths of Thurston County with a particular focus on rural, southern Thurston County. The provisions of this chapter do not apply to lands zoned as Public Parks, Trails and Preserves (PP) or Rural Resource Industrial (RRI).

20.08G.015 Conflicts with other regulations. If a specific AOD standard or regulation conflicts with other specific development standards in the Thurston County Zoning Ordinance (Title 20 TCC), the least restrictive standard or regulation shall apply as determined by the director. Additionally, if any section, subsection, sentence, clause, phrase or other portion of this ordinance or its application to any person is, for any reason declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Alternatives: The Planning Commission requested that staff include an alternative to permit the attached agritourism uses in all of rural Thurston County rather than establishing a specific Agritourism Overlay District (AOD) in the southern part of the County as shown in Attachment A. Staff recommends establishing the AOD as shown in Attachment A, which is consistent with recommendations of the Board of County Commissioners and Agritourism Committee. See Alternatives A & B below:

ALTERNATIVE A

Establish the Agritourism Overlay District as shown in Attachment A.

ALTERNATIVE B

Allow the agritourism activities contained in this new section to occur in all portions of rural Thurston County.

Note: Staff recommends Alternative A, which provides for a relative advantage to southern Thurston County. The South County area, particularly the southeastern portion is generally further from urban markets and the I-5 corridor than the North County. The North County is dominated by the urban growth areas of Olympia, Tumwater and Lacey, all of which are bisected by Interstate 5. Expanding the Agritourism Overlay zone to all of rural Thurston County would eliminate any relative advantage given to the south County area under Alternative A (above) and Attachment A of this staff report.

20.08G.020. General standards. General standards for agritourism uses within the AOD shall be as follows:

1. Agritourism uses within the AOD shall incorporate a rural theme in terms of building style and design. This means that new agritourism uses involving new structures shall complement or enhance, rather than detract from the rural environment.
2. New agritourism uses shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site, or to convert agricultural lands to a non-agricultural use. Any non-agricultural uses allowed

should be limited to lands with poor agricultural soils or lands otherwise not suitable for agricultural purposes.²

3. Impervious surface limits, signage and parking standards are the same as the underlying zoning district for agritourism related uses.
4. Agritourism activities shall comply with all applicable Thurston County Health, Resource Stewardship and Public Works Department requirements and standards.
5. Safe vehicular access and customer parking shall be provided on site, such that vehicles are not required to back onto public roads. Structures and parking shall be located outside of public right-of-ways. Also refer to parking and loading standards, Title 20, Chapter 20.44.
6. Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed generally downwards to minimize light pollution.
7. Agritourism events allowed pursuant to this section shall not involve motorized off-road vehicle (ORV) racing or similar motor vehicle activities unless otherwise allowed by this Title. All activities generating noise detectible off-site shall observe Thurston County Title 10, Chapter 10.36 – Public Disturbance Noise.

Note: This was added in response to Planning Commission comments regarding similar unpermitted activities occurring recently in rural Thurston County.

8. Allowed nonagricultural accessory agritourism uses and activities located on land with an agricultural use, or land zoned Long-term Agriculture (LTA) shall be consistent with the size, scale, and intensity of the existing agricultural or resource use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural or resource land to nonagricultural or non-resource uses.³
9. Parcel size standards. Unless otherwise specified, the minimum parcel size for agritourism uses within the AOD is ten (10) acres.
10. Maximum structure size. The maximum size for structures related to an agritourism use within the AOD is twenty thousand (20,000) square feet. Existing buildings may be used for agritourism uses regardless of size.

² Growth Management Act, WAC 365-196-815 (3)

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

11. Non-agritourism uses and activities defined as nature tourism, geo-tourism, culinary tourism or eco-tourism are also subject to these general standards but are not required to be sited on a farm. These uses include boutique wineries, microbreweries, cider mills, craft distilleries and other craft beverage production facilities and country inns as provided for in this chapter. Nature tourism, geo-tourism, culinary tourism or eco-tourism uses and activities must be designed and operated so as to enhance the economic viability of farming and maintain the rural character of the AOD.

20.08G.030 Exempt uses. Exempt uses are those uses permitted as a matter of right under this chapter, i.e. no land use permit is required under this chapter. However, other local, state or federal requirements may have standards that need to be met or approvals/permits that need to be received. This includes, but is not limited to, Thurston County Health Department and Public Works Department requirements.

1. Exempt uses in this section are not subject to the minimum lot size requirements of TCC section 20.08G.020 (9). All other applicable requirements of TCC section 20.08G.020 must be met.

Note: What the above standard (1.) does is to allow smaller farms (under 10 acres) to participate in these low-impact, exempt uses. Based on recent studies, the average size of farms in Thurston County is now just five acres and the number of such small farms is growing, as the number of larger farms decrease.⁴

2. Exempt uses include, but are not limited to the following; manned and unmanned you-pick operations i.e. berry picking, Christmas tree sales, hay rides, pumpkin patches, roadside farm stands operated in accordance with the requirements contained in TCC 20.54.070(11.7), cottage food operations, i.e. jams and preserves as defined by RCW 69...⁵, direct sale of agricultural products grown and/or produced on-site, farm tours and agricultural clinics, seminars or classes with no overnight accommodations, organized group activities involving nature watching and star gazing, and other agricultural activities specifically exempted from local review by state law.
3. Farmers markets operating under the guidelines of the Washington State Farmers Market Association as amended, where no permanent structures are involved.
4. Agritourism activities and agriculturally related experiences **occurring on a farm** where no new structure is involved, i.e. corn / crop mazes, hay bale sculptures and similar crop art installations, animal feeding, petting zoos, archery ranges, fee fishing and similar low intensity activities in conformance with all standards contained in this chapter and other applicable Thurston County Codes.

⁴ Thurston County Farmland Inventory, South of the Sound Community Farm Land Trust, 03/30/09.

⁵ Washington State Senate Bill 5748 – Title 69 RCW. This bill passed, but has not yet been codified, but will likely be prior to adoption of this amendment. The correct citation will be inserted here once the RCW is codified.

5. The following standards shall apply to exempt agritourism uses:

a. The director shall determine if an unlisted use is exempt, permitted or prohibited based on similarity to a listed use and likely impacts of such unlisted use.

b. Exempt uses shall meet applicable vehicular access, signage, lighting and parking standards.

20.08G.040 Nonexempt uses and exclusions. The following uses are permitted within the AOD subject to the development standards contained in section 20.08G.020 and the requirements provided herein.

1. Farmers markets operating under the guidelines of the Washington State Farmers Market Association as amended, where one or more permanent structures are involved is permitted through an Administrative Site Plan Review, subject to the following standards.

a. Farmers markets pursuant to this section are not subject to the minimum lot size requirements of TCC section 20.08G.020 (9).

b. All applicable local, state and federal laws, including, but not limited to, environmental health, site access, lighting and parking standards shall be met.

c. Temporary and permanent structures and parking areas shall be located where impacts to adjacent residential uses will be minimized.

Note: Earlier versions called for a minimum 100-foot setback for structures and parking. The above language in 1.b. was added to address potential impacts while also being flexible. It was pointed out by some farmers market managers that it would be difficult for farmers markets on smaller lots to meet a 100-foot setback and provide adequate parking.

2. Accessory commercial or retail sales in conformance with standards contained in this chapter and other applicable Thurston County Codes are permitted within the AOD subject to the following standards and approval processes. Accessory agritourism activities and agriculturally related experiences involving a new building or structure are also subject to these standards.

Alternative 1.

a. The accessory commercial use is located on an active farm, and agriculture is the primary use of the property.

Alternative 2.

- ~~a. The accessory commercial use is located on an active farm, and agriculture is the primary use of the property.~~

Note: Staff recommends Alternative 1. Alternative 2 (above) was suggested by the Planning Commission in order to create more opportunities for non-farmers. This particular section was specifically written for farmers and to ensure compliance with the Growth Management Act (see Attachment E.). As this section makes clear, these are meant to be “accessory commercial or retail sales...” (emphasis on “accessory”). If these activities are not accessory to agriculture, then the question is what are they accessory to? A residential use?

Alternative 2, further separates and dilutes the ordinance from its intended focus, which is “agriculture”. Agriculture is the nexus which helps to ensure GMA compliance for new commercial uses and helps to define development that is consistent with the rural character of Thurston County.

- b. The accessory commercial or retail use shall offer for sale products or services produced on-site, but which may also be supplemented by goods and services produced in the Pacific Northwest.
- c. Agricultural accessory uses and activities, including but not limited to the production, storage, distribution, and marketing of regional agricultural products, including value-added products from one or more producers, agriculturally related experiences and support services that facilitate these activities.⁶
- d. Nonagricultural accessory uses and activities are permitted as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. 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.⁷
- e. An accessory commercial or retail use involving seven hundred (700) or less square feet of floor area is allowed by right (no land use permit required), but is subject to all other applicable local, state and federal requirements related to public health, building / construction standards, safety, health and welfare. Such exempt accessory commercial or retail uses are not subject to the lot size requirements of section 20.08G.020 (9) TCC, titled General standards.

⁶ Pursuant to RCW 36.70A.177

⁷ Pursuant to RCW 36.70A.177

- f. An accessory commercial or retail use involving from seven hundred and one (701) to six thousand (6,000) square feet of floor area is permitted with an Administrative Site Plan Review and shall follow the public notice standards of 18.10.030.B(4)-B(5) TCC.
- g. An accessory commercial or retail use involving more than six thousand (6,000) square feet of floor area is permitted with a Special Use Permit for a Home Based Industry.

3. Small scale boutique wineries, microbreweries, cider mills, craft distilleries and similar, small scale, craft beverage producers with associated tasting room and retail space are permitted in accordance with the following:

Note: The intent of adding the above language "and similar, small scale beverage producers" was to allow production of local juices, specialty sodas and other soft drink production in addition to alcoholic beverages.

- c. Boutique wineries, microbreweries, cider mills, craft distilleries and other craft beverage production facilities equal to or less than 6,000 square feet shall be permitted through an Administrative Site Plan Review and shall follow the public notice standards of 18.10.030.B(4)-B(5) TCC.
- d. Boutique wineries, microbreweries, cider mills, and craft distilleries and other craft beverage production facilities greater than 6,000 square feet and up to a maximum of 20,000 square feet shall be permitted through a Special Use Permit.

Note: 20,000 square feet is a suggestion, which should allow room for future expansion, while maintaining a scale consistent with other rural structures, i.e. private and public horse riding arenas and other agricultural structures. Such a structure over 8,000 square feet in a rural area would also require additional environmental review through the State Environmental Policy Act (SEPA) process, which also requires public notice to nearby property owners and public and private agencies.

- e. Structures and mechanical appurtenances necessary for the production and storage of boutique wine, microbrews, cider, distilled spirits and other craft beverages shall be exempt from maximum height limits pursuant to section 20.07.080 TCC – Structures excluded from maximum height regulations.

Note: Regarding item c. (above); similar structures are already exempt from height limits i.e. barns, silos, towers and mechanical appurtenances. This section was added to address these new agritourism related uses. In the past, some permitted wineries had substantial difficulty meeting the standard 35-foot height limit. Storage tanks are often quite tall to conserve floor space.⁸

- f. Boutique wineries, microbreweries, cider mills, craft distilleries and other small-scale, craft beverage producers within the AOD may also include the following accessory uses:
 - i. Product tasting facilities.
 - ii. Retail sales of wine, beer 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 guest rooms for temporary occupancy (up to 30 days maximum per stay) are permitted in accordance with the following:
 - A. Boutique wineries, microbreweries, cider mills and craft distilleries of six thousand (6,000) square feet or less pursuant to section 20.08G.020(3)(a) may also include bed and breakfast accommodations of up to three (3) guest rooms.
 - B. Boutique wineries, microbreweries, cider mills and craft distilleries between six thousand and one (6,001) and twenty thousand (20,000) square feet or less pursuant to section 20.08G.020(3)(b) may also include bed and breakfast accommodations of up to eight (8) guest rooms.
 - iv. Tours, seminars, parties, weddings and all other temporary uses allowed under item 10. of this section titled “short-term events” are permitted at wineries, microbreweries, cider mills, craft distilleries and other craft beverage production facilities within the AOD.
- 5. Country inns with or without a restaurant / lounge, overnight accommodations and meeting space are permitted in the AOD and are exempt from the design standards of Thurston County Code 20.54.070 (9.5), and replaced with the following. Within the AOD, country inns are permitted subject to the following standards:

⁸ Doug McCrea, owner of McCrea Winery. Personal communication 03/11/11.

Note: The following language was drafted after the public hearing and discussion with the Planning Commission on November 2, 2011.

Alternative 1 is recommended by Dept. legal counsel and Alternative 2 is staff recommendation. Alternative 2 would prohibit country inns on working lands and set a max. size of 8K s.f. Up to 4,500 s.f. would be permitted administratively. Up to 8K s.f. would be permitted through a Special Use Permit, which is the current process.

Alternative 1:

Legal counsel recommends striking entire country inn section and keeping standards as they are under the Special Use Chapter 20.54. This would maintain a max. 6,000 s.f. size and provide no expedited review process.

Alternative 2:

a. Country inns are permitted in the following zoning districts within the AOD, residential LAMIRD, RL 1/2, RL 1/1 and RL 2/1, RR 1/5, RRR 1/5, R 1/10 and R 1/20. Country inns are prohibited within the NA, LTA or LTF zoning districts.

b. Minimum lot size for country inns within the AOD is ten (10) acres, subject to the following provision:

i. When a proposed country inn within an existing, nonconforming structure does not meet the minimum lot size or setback requirements 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. This change to 35' would be consistent with the rest of rural Thurston County.

c. Parking standards for country inns. The following minimum number and design of parking spaces shall be provided:

i. One space per employee, one space for each guest room and one space per two table settings if a restaurant and/or lounge is included.

- ii. Parking areas shall be setback a minimum of 50-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: 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 distance of one county inn from another shall be one (1) air mile. Separation of country inns from a neighborhood convenience use shall be one (1) air mile.⁹

Note: The GMA requires separation of more intensive rural development. The current standard is three air miles which can be reduced income cases to one mile. Staff suggests reducing to one mile. The GMA does not specify any minimum distance to achieve "separation".

- e. Minimum building setback is one hundred (100) 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 equal to or less than **four thousand and five hundred (4,500)** ~~hundred eight thousand (8,000)~~ square feet require:
 - i. An Administrative Special Use Permit, and;
 - ii. Shall follow the public notice standards of 18.10.030.B(4)-B(5) TCC.

⁹ WAC 365-196-425.5(b)(iv)

Notes: The maximum size of 4,500 s.f. is suggested for administrative review. This is consistent with other non-residential uses in the rural county, including golf club houses (TCC 20.54).

Also: See alternatives below. Earlier the Planning Commission agreed upon a maximum size of 8,000 square feet to be reviewed administratively (without a public hearing). There was also general agreement that the maximum size should be 8,000 square feet within the Long-term Agriculture (LTA) district. However, based upon subsequent discussions with legal counsel, staff suggests the following provisions.

g. Country inns ~~over~~ up to eight (8) thousand square feet require a Special Use Permit by Hearing Examiner subject to the following:

~~i. With the exception of existing buildings, country inns within the Long-term Agriculture (LTA) and Long-term Forestry (LTF) districts shall not exceed eight (8) thousand square feet.~~

Note: After additional legal review and Planning Commission comments it was determined that allowing country inns on working lands (LTF and LTA) is likely not in conformance with Growth Management Act (GMA) related protections on these particular zoning types. The primary reason for these zoning types is to protect working lands. Commercial development of this type and scale are more likely to negatively impact working lands than other, more agriculturally focused activities.

ii. The maximum size of country inns within the Agritourism Overlay District (AOD) shall be ~~twelve (12)~~ **eight thousand (8,000)** square feet.

Note: Staff recommends Alternative 1.

Alternative 1
*set a max. size of 8k square feet through a Special Use Permit (SUP).

Alternative 2
*set a max. size of 20k square feet through a (SUP).

Country inn maximum size – twenty thousand (20,000) square feet through a Special Use Permit. (Maximum size for any structure in rural Thurston County).

Notes:

h. Landscaping standards. 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.

- j. Access. New country inns shall be located on a paved road and within one-half mile from a County arterial or collector road at minimum.
 - k. Design. The outward appearance and design of country inns shall be consistent with the rural character of Thurston County.
8. Agricultural home stay establishments shall be located on an active farm that produces agricultural products as its primary source of income. All applicable local and state permits and licenses shall be obtained prior to establishing an agricultural homestay, including required Washington State Department of Health licenses. Agricultural home stays shall be subject to the following:
- a. Minimum parcel size is ten (10) acres.
 - b. Up to four (4) guest units shall be permitted through a Minor Administrative Action permit process.
 - c. Between five (5) to a maximum of eight guest units shall be permitted through an Administrative Site Plan Review permit process.
 - d. The maximum size of individual guest units is six-hundred (600) square feet of floor area and may not contain a kitchen.
 - e. Farming shall be the primary use of the subject parcel.
 - f. Maximum length of stay is 30 days per visit.

Note: Initially the suggested review process was Admin. Site Plan Review for up to 4 units and a Special Use Permit for up to 8 units. In order to ease the application requirements and assist farmers, this was scaled back to a minor administrative action for up to 4 units and admin. site plan review for up to 8 units which significantly reduces cost and time for permitting.

- g. ***Legal counsel recommends a max. number of fifteen overnight guests. Since this would be a virtually un-enforceable standard, staff recommends against this provision.***
9. Rental cabins and other short-term, overnight lodging units in which temporary overnight accommodations are provided in dwelling units or accessory structures to guests for compensation. Such short-term rental housing may contain a kitchen and are subject to the following standards:
- a. Rental cabins and other short-term, overnight lodging pursuant to this section shall be reviewed through an Administrative Site Plan Review

permit process. Multiple rental units may be reviewed under one Administrative Site Plan Review application.

- b. Minimum parcel size – ten (10) acres.
- c. **Farming shall be the primary use of the property.**
- d. **Legal counsel recommends the following: Rental cabins shall be clustered to reduce impacts to agricultural lands.**

Note: The Planning Commission requested that provision 9.c. (above) be removed to open up opportunities for more rural land owners. Staff and legal counsel recommend keeping 9.c. as is in order to maintain connection with agriculture. One of the primary purposes is to create economic opportunities for farmers.

- e. The number of short-term rental units permitted on an individual parcel is determined by parcel size and the permitted residential density of the underlying zoning district. To determine the number of short-term rental units per parcel, divide the total parcel acreage by the minimum lot size allowed in the particular zoning district, then subtract any existing residential units on the subject parcel.

i. Example: To determine the allowed number of rental units on a twenty (20) acre parcel, zoned one unit per five acres and with one existing residence use the following formula; twenty (20) acres divided by five (5) equals four (4). Then subtract the one (1) existing residence for a total of three (3) allowed rental units.

Note: Section c.i. above may not be necessary. The Planning Commission can decide whether or not to keep.

ii. The potential to subdivide a parcel may be limited by the number of rental units and other residential structures in existence on the parcel.

- f. Short-term rental units are limited to a maximum of six (6) hundred square feet of floor area.
- g. Rental units are for temporary use by guests up to a maximum of 30 days per stay 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: BoCC requested eliminating the struck out language above. If the number of rental units is based on available residential

density, this eliminates most concerns with allowing kitchens. Also, legal counsel suggested considering a limit of 10 days rather than 30, in order to stress that these are for temporary use only. This is another option to consider. Wa State transient accommodations law administered by the State Department of Health allows stays of up to 30 days per visit. Staff recommends consistency with existing state laws (30 days).

- h. The minimum building setback is one-hundred (100) feet from property lines.

Legal counsel recommends eliminating the following section and keeping existing temporary use standards from TCC 20.54.

- 10. Short-term events. Food and wine festivals, art shows, weddings and similar temporary gatherings are permitted in accordance with the following:

Option 1:

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

Option 2:

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

Note: The PC recommended Option 2 to eliminate this specific requirement in order to open this provision up to non-agricultural lands. Staff recommends Option 1, which helps to maintain the connection to agriculture. There are tradeoffs. Option 1 targets agriculture, while the Option 2

Option 1:

- b. Short-term events up to twenty-one (21) days per year are allowed as a matter of right and are limited to three (3) consecutive days per event.

or

Option 2:

- b. Short-term events up to ten (10) days per year are allowed as a matter of right and are limited to three (3) consecutive days per event. Short-term events in excess of ten (10) days per year may be permitted pursuant to the following.
 - i. Short-term events up to twenty-one (21) days per year may be permitted through an Administrative Site Plan Review and shall follow the public notice requirements of 18.10.030.B(4) TCC.
 - ii. Short-term events exceeding twenty-one (21) days per year may be permitted through a Special Use Permit.

Option 3:

Some members of the Agritourism Committee suggested allowing up to 30 days with no land use permit required. This could be a third option to consider. Staff recommends Option no. 2.

Option 4:

No change to temporary use standards for the AOD.

Note: Options 1 – 3 are all more relaxed than existing standards for temporary uses.

- c. Short term events shall be limited to three (3) consecutive days unless otherwise allowed through a Special Use Permit.
- d. On-site parking shall be provided in accordance with Chapter 20.44 TCC (Parking and Loading).
- e. All local public health, noise, food handling, building and other applicable regulations shall be followed.

Note: The County Environmental Health Dept. specifically requested that the note regarding public health and noise be included in the text. The other language could be removed as it applies whether stated or not.

- f. For exempt temporary 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 bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five (5) business days prior to the beginning of the event.
- g. ~~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 Thursday and 10 AM to midnight Friday through Saturday and 10 AM to 6 PM on Sunday.~~

Note: Refer instead to noise ordinance in general standards section.

- h. Short-term uses within the AOD are subject to the standards contained in 20.54.070(41.5)(d). (Note: See attachment D)
- i. Short-term events not meeting the criteria contained in this section may be allowed subject to the provisions of Chapter 20.54.070(41.5).

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.

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