WHEREAS, Island County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), which contains fourteen goals intended to guide the development and adoption of comprehensive plans and associated development regulations, which relate to urban growth, rural development, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, open space, recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation; and

WHEREAS, the continued viability of the local agricultural industry is important to the local economy and maintaining the rural heritage of the area; and

WHEREAS, wineries, as an element of the Island County agricultural industry and agritourism economy, can help to conserve farms by providing additional farm income to local farmers, offsetting market fluctuations, building a stronger customer base and educating consumers about local agricultural products and issues; and

WHEREAS, Island County’s existing Comprehensive Plan Land Use Element states “It is important that the County recognize the changing trends of farming in the County and provide for the appropriate land use regulations to allow them to prosper”; and

WHEREAS, these amendments are necessary to remove inconsistencies between the Island County Comprehensive Land Use Element and the Island County Zoning Ordinance and ambiguities in the existing Island County Zoning Ordinance pertaining to wineries; and

WHEREAS, the existing Island County Zoning code ICC 17.03.035A states that wineries are a Type I permitted use in the Commercial Agricultural Zone and a Type II conditional use in the Rural Agricultural zone; and

WHEREAS, Island County’s code ICC 17.03.100.A. lists wineries as a permitted use in the Commercial Agricultural Zone and that such permitted uses are processed as a Type I decisions pursuant to Chapter 16.19 ICC;” and

WHEREAS, Island County’s code ICC 17.03.040.A. defines Permitted uses as “A Use or Structure allowed by right in a Zone subject to the limitations and standards of this Chapter. Permitted Uses are classified as ministerial decisions under Chapter 16.19 ICC.”; and

WHEREAS, Island County’s code ICC 17.03.090, despite the table contained in ICC ICC 17.03.035A does not list wineries as either a permitted or conditional use in the Rural Agricultural Zone; and

WHEREAS, ICC 17.03.180. T.1. and 2, which states that the standards apply to Small Scale Tourist Uses in the Rural zone, lists wineries in the Commercial Agricultural and Rural Agricultural zone as Small Scale Tourist Uses and not Agricultural uses that were identified elsewhere in the zoning code as an agricultural use,
WHEREAS, ICC 17.03 does not contain a definition of winery nor differentiate between a domestic winery where wines are manufactured or produced and a domestic winery that is located on a farm unit as an agricultural processing facility; and

WHEREAS, an Island County Planning Director issued a code interpretation on June 8, 2010 which attempted to clarify the permitting requirements for wineries in the Rural zone but did not address wineries in the Commercial Agricultural or Rural Agricultural zone; and

WHEREAS, these amendments will eliminate regulatory and decision making inconsistencies as well as regulatory barriers to accessory uses on local farm units; and

WHEREAS, the proposed amendments would benefit the general welfare of Island County residents by encouraging the preservation of farm and sustainable agritourism related uses and income generating activities for local farmers. Such activities may serve as alternatives to the conversion of farm land to land uses inconsistent with agricultural practices; and

WHEREAS, the most important reason why farms operate an agritourism business are to employ diversification strategies in order to safeguard income against fluctuations in agricultural markets

WHEREAS, the GMA requires the comprehensive plan and development regulations to demonstrate and uphold the concepts of internal consistency, conformity, and concurrency; and

WHEREAS, the GMA requires a process of early and continuous citizen participation for amending comprehensive plans and development regulations; and

WHEREAS, the development regulations in Island County adopted under the GMA must be consistent with the Island County Comprehensive Plan; and

WHEREAS, the GMA has established a goal to "maintain and enhance natural resource based industries, including productive timber, agricultural and fisheries industries, and to encourage the conservation of productive forest lands and productive agricultural lands and discourage incompatible uses;" and

WHEREAS, the proposed amendments have been determined to be consistent with the GMA; and

WHEREAS, the proposed amendments are consistent with the Island County County-Wide Planning Policies; and

WHEREAS, the proposed amendments are consistent with other sections of the Island County Code; and
WHEREAS, the proposed amendments are consistent with the Island County Comprehensive Plan; and it is a policy of the Island County Comprehensive Plan to develop innovative strategies for the conservation of farmland; and

WHEREAS, the Natural Resource Lands chapter of the Island County Comprehensive Plan affirms that agricultural lands of long-term commercial significance should receive the highest priority for conservation; and

WHEREAS, the Island County adopts these Comprehensive Plan and Zoning code regulations as a basis for encouraging and ensuring a continued and coordinated approach to the preservation of agriculture economic viability; and

WHEREAS, in formulating the amendments adopted by this ordinance, the Board of County Commissioners has considered the goals contained in the GMA; and

WHEREAS, the Board of County Commissioners believes adopting the amendments are necessary for the preservation of the general welfare of Island County residents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, AS FOLLOWS:

SECTION 1. Sections 17.03.035A, 17.03.035D, 17.03.040, 17.03.050, 17.03.0090, 17.03.100, and 17.03.180 Island County Code "Definitions" is hereby amended as shown in Attachment A to this Ordinance.

SECTION 2. In accordance with the provisions of this Ordinance, the Comprehensive Plan Land Use Element, Island County, Washington, is hereby amended as shown in Attachment B to this Ordinance.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared to be 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.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption.
ICC 17.03.040 Definitions

Agritourism: means an enterprise generally located on a working farm 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 farm owner/operator. Agritourism is also the act of visiting a working farm or any agricultural or horticultural operation for the purposes of enjoyment, education, or active involvement in the activities of the farm 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 except as otherwise provided pursuant to the standards applicable to the specific agricultural activity.

Agricultural Processing: A facility located on a farm unit for the processing of farm crops grown in Island County the Pacific Northwest. The building established for the processing facility shall not exceed:

a) In the Commercial Agriculture Zone - 40,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 40,000 square feet to the processing activities within another building supporting farm uses; or

b) In the Rural Agriculture Zone - 5,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 5,000 square feet to the processing activities within another building supporting farm uses.

A commercial activity in conjunction with farm use includes, but is not limited to the onsite retail selling farm produce, tasting rooms, and goods related to the farm produce and certain food service products, processing facilities which convert harvested agricultural crops from their natural state into new products, i.e., drying, freezing, canning, etc. In addition, the preparation and storage of a product which includes significant amounts of agricultural crops not raised by the operator of the storage facility shall also be considered an agricultural processing facility.

Culinary Tourism: means experiencing the food of the country, region or area where the focus is on locally grown produce and local specialty foods.

Farm Use: The current employment of land for the purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

"Farm use" also includes;

a) the current employment of land for the purpose of stabiling or training equines including but not limited to providing riding lessons, training clinics and schooling shows;
b) the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use;

c) the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission; and

d) the onsite retail selling farm produce and related goods and certain food service products; and

e) farm use includes the on-site construction and maintenance of equipment and facilities used for the activities described in the subsection.

Pacific Northwest: For the purposes of this Title. "Pacific Northwest" is defined as the US states of Washington, Oregon, and Idaho.

Tasting room: means a facility or portion of a facility supporting a winery where the public may sample products produced by the winery and which has ancillary wine-related retail sales.

Wholesale sales: means the sale of goods, merchandise and commodities in gross, primarily for the purpose of resale.

Winery: means a place licensed by the State of Washington where wines are manufactured or produced. For the purposes of this code wineries utilize fruit and berries grown in the Pacific Northwest in the production of wine. A winery may include a tasting room.

Winery I: A Winery I conforms to the definition of Winery and may include, but are not limited to, the following: bottling, retail and/or wholesale sales of wine, tours, ancillary retail sales, public display of art related to wine items, picnic areas, farm stay lodging, events, and food service consistent with the requirements of Section 17.03.180.BB. Food service is not to include restaurants, unless otherwise allowed and permitted in the zoning district. The total cumulative building area of structure or structures housing a Type I winery must be less than 8,001 square feet and be served by fewer than forty parking spaces. A Winery I must have a minimum of 2 acres, or 15 percent (15%) of the winery’s land area cultivated in crops used in wine production, or farm plan to achieve either goal within a 5 year period.

Winery II: A Winery II conforms to the definition of Winery and may include, but are not limited to, the following: bottling, retail and/or wholesale sales of wine, tours, ancillary retail sales, public display of art related to wine items, picnic areas, farm stay lodging, events, and food consistent with the requirements of Section 17.03.180.BB. Food service is not to include restaurants, unless otherwise allowed and permitted in the zoning district. The total cumulative building area of structure or structures housing a Type II winery must be less than 12,001 square feet and be served by fewer than sixty parking spaces. A Winery II must have a
minimum of 4 acres, or 30 percent (30%) of the winery’s land area cultivated in crops used in wine production, or farm plan to achieve either goal within a 5 year period.

17.03.035A Permitted and Conditional Uses in the Rural Agriculture and Commercial Agriculture Zones

How to use this chart: This chart is intended to assist you in learning what uses may be established in the Rural Agriculture (RA) and Commercial Agriculture (CA) Zones and the type of permit that may be required. Within the columns that are labeled “Permitted” and “Conditional” you will see a I, II, III or IV. These numbers indicate the type of land use decision that is required in order to establish the use on a parcel zoned RA and CA. These land use decisions have the following meaning:

A. I = Type I Permitted Use – 120 day permit review – Ministerial Decision

B. II = Type II Conditional Use – 120 day permit review – Administrative Decision

C. III = Type III Conditional Use – 120 day permit review – Hearing Examiner Decision

D. IV = Type IV Conditional Use – Requires Board of County Commissioner approval

If you would like more information on the land use decision process please refer to Chapter 16.19 ICC. Just because a use is not listed on this chart does not mean that it cannot be permitted. If a use is not listed please consult with the Planning Department.

You will notice that some uses are both Permitted and Conditional and still other uses are listed as both a Type II and a Type III decision. This means that land use standards other than zoning will dictate if and how the use may be established in the RA and CA Zones. For example, a use may be Permitted if it is to be located on a parcel that is greater than 2.5 acres but it is Conditional on a parcel that is smaller than 2.5 acres. If you find that a use is listed as both Permitted and Conditional or that a Conditional Use is listed as both a Type II and a Type III you should refer to the following sections of code:

The definition of the use which is found in ICC 17.03.040.

The use requirements of the Rural Agriculture and Commercial Agriculture Zone which is found in ICC 17.03.090 and 17.03.100.

The land use standards that may govern the siting of the specific use which is found in ICC 17.03.180. These three sections of code should be used in concert when determining if a use may be established, what standards will apply and the permitting process that will be required.
<table>
<thead>
<tr>
<th>USE</th>
<th>Permitted</th>
<th>Conditional</th>
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<tbody>
<tr>
<td>Accessory Living Quarters</td>
<td>I</td>
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<tr>
<td>Accessory Uses</td>
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<tr>
<td>Agriculture Products Processing</td>
<td>I</td>
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<tr>
<td>Agricultural Products – Growing, Harvesting, Managing and Selling</td>
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<tr>
<td>Agritourism</td>
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<td>II*</td>
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<td>Animal Shelter</td>
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<tr>
<td>Bed and Breakfast Room (No more than 2 rooms)</td>
<td>I</td>
<td></td>
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<tr>
<td>Bed and Breakfast Inn (3 to 6 rooms)</td>
<td>II</td>
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<tr>
<td>Church</td>
<td>III (RA Zone)</td>
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<td>Communication Tower</td>
<td>II</td>
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<tr>
<td>Day Care Nursery (6 or fewer persons)</td>
<td>I</td>
<td></td>
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<tr>
<td>Small Day Care Center (7 to 12 persons)</td>
<td>II</td>
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<td>Dwelling Units for Farm Workers</td>
<td>I</td>
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<td>Earned Development Units</td>
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<td>Seasonal Farmer’s Market</td>
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<td>Farm Produce Stand and Forest Product Stand</td>
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<td>Forest Products – Growing, Harvesting, Managing and Selling</td>
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<tr>
<td>Group Home</td>
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<td>II</td>
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<tr>
<td>Guest Cottage</td>
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<tr>
<td>Gun Club and Shooting Range</td>
<td>III (RA Zone)</td>
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<tr>
<td>Home Industry</td>
<td>II/III</td>
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<tr>
<td>Home Occupation</td>
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<td>Kennel</td>
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<td>Schools, Public and Private</td>
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<td>II/III</td>
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<td>Seasonal Sale of Farm Produce</td>
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<td>Recreational Aerial Activities</td>
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<td>Surface Mine</td>
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<td>Veterinarian Clinic</td>
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<td>I (CA Zone)</td>
<td>I (RA Zone)</td>
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<tr>
<td>Winery II</td>
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</tbody>
</table>
ICC 17.03.035D Permitted and Conditional Uses in the Rural Zone

How to use this chart: This chart is intended to assist you in learning what uses may be established in the Rural Zone and the type of permit that may be required. Within the columns that are labeled “Permitted” and “Conditional” you will see a I, II, or III. These numbers indicate the type of land use decision that is required in order to establish the use on a parcel zoned Rural. These land use decisions have the following meaning:

- **I** = Type I Permitted Use – 120 day permit review – Ministerial Decision
- **II** = Type II Conditional Use – 120 day permit review – Administrative Decision
- **III** = Type III Conditional Use – 120 day permit review – Hearing Examiner Decision

If you would like more information on the land use decision process please refer to Chapter 16.19 ICC. Just because a use is not listed on this chart does not mean that it cannot be permitted. If a use is not listed please consult with the Planning Department.

You will notice that some uses are both Permitted and Conditional and still other uses are listed as both a Type II and a Type III decision. This means that land use standards other than zoning will dictate if and how the use may be established in the Rural Zone. For example, a use may be Permitted if it is to be located on a parcel that is greater than 2.5 acres but it is Conditional on a parcel that is smaller than 2.5 acres. If you find that a use is listed as both Permitted and Conditional or that a Conditional Use is listed as both a Type II and a Type III you should refer to the following sections of code:

The definition of the use which is found in ICC 17.03.040.

The use requirements of the Rural Zone which is found in ICC 17.03.060.

The land use standards that may govern the citing of the specific use which is found in ICC 17.03.180.

These three sections of code should be used in concert when determining if a use may be established, what standards will apply and the permitting process that will be required.
<table>
<thead>
<tr>
<th>USE</th>
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<th>Conditional</th>
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<td>Accessory Living Quarters</td>
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<td>Accessory Uses</td>
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<td>Agricultural Products – Growing, Harvesting, Managing and Selling</td>
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<td>Animal Shelter</td>
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<td>Bed and Breakfast Room (No more than 2)</td>
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<td>Bed and Breakfast Inn (3 to 6 rooms)</td>
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<td>II</td>
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<td>Public/Community Boat Launch</td>
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<td>Campground and Recreation Vehicle Park</td>
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<td>Country Inn (7 to 40 rooms)</td>
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<td>Gun Club and Shooting Range</td>
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<td>Small Scale Tourist Use</td>
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<tr>
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</tbody>
</table>
17.03.060 Rural (R) Zone

The Rural Zone is the principal land Use classification for Island County. Limitations on density and uses are designed to provide for a variety of rural lifestyles and to ensure Compatible uses.

A. Permitted Uses. Processed as Type I decisions pursuant to Chapter 16.19 ICC:
   1. Accessory Uses and Buildings on Lots with Existing Permitted Uses;
   2. Accessory Uses in uninhabitable Buildings less than eight hundred (800) square feet in size on Lots less than two and one-half (2.5) acres in size that do not have Existing permitting uses;
   3. All Accessory Uses in uninhabitable Buildings on Lots two and one-half (2.5) acres in size or larger that do not have Existing Permitted Uses;
   4. Bed and Breakfast Room;
   5. Farm or Forest Products Stand;
   6. Fire Station (two (2) bays or smaller or less than four thousand (4,000) square feet) of Gross Floor Area;
   7. Home Occupation;
   8. The growing, harvesting, sale and managing of agricultural products including horticulture and Livestock, provided raising of Large Livestock on Lots less than two and one-half (2.5) acres in size requires approval of an Animal Management Plan;
   9. The growing, harvesting, sale and managing of forest products or any forest crop, in accordance with the Washington Forest Practices Act and regulations adopted pursuant thereto, including, but not limited to, timber, Christmas trees, nursery stock, and floral vegetation;
   10. Group Home (no more than six (6) persons);
   11. Day Care Nursery (no more than six (6) persons);
   12. Guest Cottage;
   13. Minor Utilities;
   14. Temporary Uses;
   15. The processing of agricultural or forest products in Structures that are less than four thousand (4,000) square feet of Gross Floor Area;
   16. Seasonal sale of farm produce, with any associated Structures subject to the accessory building requirements stated herein and Signage requirements set pursuant to ICC 17.03.180;
   17. Single Family Dwelling Unit;
   18. Accessory Living Quarters; and
19. Water Tanks (thirty-two (32) feet or smaller in diameter or height and if not cylindrical in shape, then the surface area shall not exceed the ground area encompassed by a tank thirty-two (32) feet in diameter).

B. Conditional Uses

1. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:

   a) Accessory Uses and uninhabitable Buildings eight-hundred (800) square feet of Gross Floor Area or greater in size on Lots less than two and one-half (2.5) acres in size that do not have Existing Permitted Uses;

   b) Bed and Breakfast Inn;

   c) Public/Community Boat Launch;

   d) Campground and Recreation Vehicle Park which do not exceed three (3) sites per gross acre of the Parcel;

   e) Communication Tower;

   f) Equestrian Center as specified in ICC 17.03.180;

   g) Group Home and Small Day Care Center (greater than six (6) but less than twelve (12) children or adults);

   h) Fire Station (larger than two (2) bays or four thousand (4,000) square feet or larger of Gross Floor Area);

   i) Home Industries as specified in ICC 17.03.180;

   j) Kennel;

   k) Major Utilities;

   l) The processing of agricultural or forest products in Structures that are four thousand (4,000) square feet or larger of Gross Floor Area;

   m) Small-scale Recreation Uses as specified in ICC 17.03.180;

   n) Small-scale Tourist Use as specified in ICC 17.03.180;

   o) Water Tanks (larger than a permitted use); and

   p) Animal Shelters;

   q) Winery (5 acre minimum contiguous ownership required) or Winery I (10 acre minimum contiguous ownership required) - Variations of ten (10) percent in the ten (10) acre Lot size may be allowed to account for special site features, unusual topography, right of way deeded to the public, or similar factors that make strict adherence to minimum lot size impractical.
2. Uses allowed upon Site Plan approved pursuant to Chapter 16.15 ICC processed as Type III decisions and requiring a community meeting pursuant to Chapter 16.19 ICC, unless otherwise specified:

a) Church except that a community meeting is not required if seating capacity is no more than 150 or fewer persons or a 2,000 square foot assembly area is proposed;

b) Country Inn, except that a community meeting is not required if twenty (20) or less rooms are proposed;

c) Covered Equestrian Center as specified in ICC 17.03.180;

d) Essential Public Facilities;

e) Gun Club and Shooting Range;

f) Mobile/Manufactured Home Park;

g) Private or Public School;

h) Surface Mine;

i) Home Industries as specified in ICC 17.03.180, except that a community meeting is not required;

j) Small-scale Recreation Uses as specified in ICC 17.03.180;

k) Small-scale Tourist Use as specified in ICC 17.03.180; and

l) Mini Storage Facility.

m) Winery II - (20 acre minimum contiguous ownership required) variations of ten (10) percent in the twenty (20) acre Lot size may be allowed to account for special site features, unusual topography, right of way deeded to the public or similar factors that make strict adherence to minimum lot size impractical.
17.03.090 Rural Agriculture (RA) Zone

The primary purpose of the Rural Agriculture (RA) zone is to protect and encourage the long term productive Use of Island County’s agricultural land resources of local importance. It is established to identify geographic areas where Commercial farming practices can be conducted in an efficient and effective manner; and to help maximize the productivity of the lands so classified. Secondarily, lands classified RA provide scenic Open Space, wildlife habitat and watershed management to the extent such Use is consistent with the primary purposes of the Zone.

A. Permitted Uses Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Accessory Uses;
2. All uses which are necessary to the production, harvesting, sale or processing of agricultural products or have the principal purpose of carrying out or facilitating the practice of farming;
3. Bed and Breakfast Room;
4. Dwelling Units for farm workers employed by the farm operator;
5. Farm Produce Stand and Forest Products Stand;
6. The growing, harvesting, sale and managing of agricultural products including horticulture and Livestock;
7. The growing, harvesting, sale (including seasonal sales) and managing of forest products or any forest crop, in accordance with the Washington Forest Practices Act and regulations adopted pursuant thereto, including, but not limited to, timber, Christmas trees, nursery stock, and floral vegetation;
8. Guest Cottage;
9. Home Occupation;
10. Minor Utilities;
11. Single Family Dwelling Unit;
12. Temporary Uses;
13. Water Tanks;
14. Day Care Nursery (no more than six (6) persons);
15. Group Home (no more than six (6) persons); and
16. Accessory Living Quarters.
17. Winery

Provided that any Permitted Use shall be disapproved upon finding that it will interfere with efficient management or productivity of Agricultural Uses.
B. **Conditional Uses**

1. Uses allowed upon Site Plan approval pursuant to this Chapter 16.15 ICC processed as Type II decisions, pursuant to Chapter 16.19 ICC:
   a. Communication Towers;
   b. Equestrian Center as specified in ICC 17.03.180;
   c. Home Industry as specified in ICC 17.03.180;
   d. Kennels;
   e. Bed and Breakfast Inn;
   f. Small Day Care Center;
   g. Recreational Aerial Activities as specified in ICC 17.03.180; and
   h. Rural Event Center as specified in ICC 17.03.180.T.8(a) as a Type II Decision; and
   i. **Winery I**

2. Uses allowed upon Site Plan approval pursuant to this Chapter 16.15 ICC processed as Type III decisions, pursuant to Chapter 16.19 ICC:
   a. Gun Club and Shooting Range;
   b. Surface Mine;
   c. Church, except that a community meeting is not required if seating capacity is no more than 150 or fewer persons or a 2,000 square foot assembly area is proposed;
   d. Regional Covered Equestrian Center as specified in ICC 17.03.180;
   e. Essential Public Facilities;
   f. Home Industries as specified in ICC 17.03.180, except that a community meeting is not required; and
   g. Rural Event Center as specified in ICC 17.03.180.T.8(a) as a Type III Decision; and
   h. **Winery II**
17.03.100 Commercial Agriculture (CA) Zone

The primary purpose of the Commercial Agriculture (CA) zone is to protect and encourage the long term Commercially productive Use of Island County’s agricultural resource lands of long term Commercial significance that have been designated pursuant to RCW 36.70A.170. It is established to identify geographic areas where a combination of soil and topography allow Commercial farming practices to be conducted in an efficient and effective manner; to help maximize the productivity of the lands so classified; to protect farming operations from Interference by non-farmers; and to maintain agricultural land areas for Agriculture Use free from conflicting non-farm uses. Otherwise, the purposes of the zoning classification are the same as the RA zone.

C. Permitted Uses. Processed as Type I decisions pursuant to Chapter 16.19 ICC:
   1. Accessory Uses;
   2. All uses which are necessary to the production, harvesting, sale or processing of agricultural products or have the principal purpose of carrying out or facilitating the practice of farming and farm activities;
   3. Bed and Breakfast Room;
   4. Dwelling Units for farm workers employed by the farm operator;
   5. Farm Produce Stand and Forest Products Stand;
   6. The growing, harvesting, sale and managing of agricultural products including horticulture and Livestock;
   7. The growing, harvesting, sale (including seasonal sales) and managing of forest products or any forest crop, in accordance with the Washington Forest Practices Act and regulations adopted pursuant thereto, including, but not limited to, timber, Christmas trees, nursery stock, and floral vegetation;
   8. Guest Cottage;
   9. Home Occupation;
   10. Minor Utilities;
   11. Single Family Dwelling Unit;
   12. Temporary Uses;
   13. Water Tank;
   14. Winery;
   14. Winery I;
   15. Farm equipment storage and repair facilities;
   16. Veterinarian Clinic;
   17. Day Care Nursery and Small Day Care Center (no more than six (6) persons); and
18. **Accessory Living Quarters.**

Provided that any Permitted Use shall be disapproved upon finding that it will interfere with efficient management or productivity of commercial agricultural Uses.

D. **Conditional Uses**

1. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:
   a. Communication Towers;
   b. Home Industry as specified in ICC 17.03.180;
   c. Equestrian Center as specified in ICC 17.03.180;
   d. Small Day Care Center;
   e. Bed and Breakfast Inn; and
   f. Recreational Aerial Activities as specified in ICC 17.03.180; and
   g. Winery II

2. Uses allowed upon Site Plan approval processed as Type III decisions and requiring a community meeting pursuant to Chapter 16.19 ICC:
   a. Covered Equestrian as specified in ICC 17.03.180; and
   b. Home Industries as specified in ICC 17.03.180, except that a community meeting is not required.
17.03.180 Land Use Standards
The Land Use Standards contained in this section supplement the general land Use regulations of this Chapter and the specific development standards contained in other Chapters of the Island County Code.

T. Small-Scale Recreation and Tourist Uses. Small-scale Recreational and Tourist Uses may be conducted in the Rural and Rural Forest Zones upon approval of a Site Plan pursuant to Chapter 16.15 ICC, processed as Type II or Type III decision pursuant to Chapter 16.19 ICC. See Subsection 17.03.180.BB. for standards and permitting requirements Domestic Wineries in the Rural, Rural Agricultural, and Commercial Agricultural Zones to include ancillary Uses.

1. The following uses illustrate Small-Scale Recreation or Tourist Uses
   a. Golf courses including clubhouses and other support facilities not exceeding eighteen (18) holes, Provided that any associated Residential development shall comply with the requirements of the Rural Zone.
   b. Equestrian Centers.
   c. Restaurants with indoor dining facilities that do not exceed a total of forty (40) seats, including outdoor seating, and not greater than five-thousand (5,000) square feet of gross floor area. A fast food restaurant or drive-through food service is prohibited.
   d. Winery or distilleries on Parcels ten (10) acres or larger in size with tasting rooms on Parcels that are zoned Commercial Agriculture or Rural Agriculture. Winery I or Winery II are conditional uses on qualifying parcels and not small scale tourist uses.
   e. Model hobby parks and sites on Parcels ten (10) acres or larger in size that are zoned Rural.
   f. Recreational Aerial Activities such as balloon rides, glider and parachute events.

2. A Small-Scale Recreation or Tourist Use shall meet the land Use standards of this Chapter and the following requirements:
   a. A Site Plan is approved pursuant to Chapter 16.15 ICC;
   b. Unless a larger Tract size is specified above, minimum lot size shall be five (5) acres, except for Rural Event Centers as specified in subsection 8 below; except smaller Existing legally established lots with direct access to a State highway may also be used for Tourist or Recreation Uses;
   c. Only those Buildings or areas specifically approved by the County may be used in the conduct of the business;
   d. Parking shall be contained on-site and provided in conformance with this section;
e. All activities shall be screened for the view of adjacent residential Uses and setback from all property lines at least fifty (50) feet;

f. All Small-Scale Recreation or Tourist Uses shall take primary access, in order of priority, off a County arterial, County Collector Road, or County local County Access Road, Highway, or State Highway;

g. Structures shall comply with the landscape, lighting, signage, site coverage, and Non-Residential design, landscape and screening guidelines set forth in this section; and

h. For any Small-Scale Recreation or Tourist Use, the County shall impose such reasonable conditions as are found necessary to ensure that the activity or Use does not disrupt the character of any surrounding Permitted Uses.

**New Subsection 17.03.180.BB**

Winery Development - The regulations set out in this subsection set forth the standards for Winery development and operation within the Rural, Rural Agriculture, and Commercial Agriculture Zoning Districts. If a specific standard conflicts with other specific development standards in the Island County Zoning Ordinance these standards shall apply. Any Winery licensed under this section may also act as a retailer of wine of its own production. Any Winery licensed under this section may act as a distributor of its own production.

Winery I is Type I permitted uses in the Commercial Agricultural zone and Type II Conditional Uses in the Rural Agricultural zone. Winery II is Type II Conditional uses in the Commercial Agricultural zone and Type III Conditional uses in the Rural Agricultural zone. Winery I and II in the Rural zone are Type II and III use respectively and regulated based upon parcel size or the total size of a contiguous ownership.

1. General standard

   a. Wineries use shall incorporate a rural theme in terms of building style and design. This means that new buildings shall complement or enhance rather than detract from the rural environment.

   b. Wineries use shall be located, designed and operated so as not to interfere with normal agricultural practices onsite. Non-agricultural uses should be limited to lands with poor agricultural soils or lands otherwise not suitable for agricultural purposes when possible. Permitted nonagricultural accessory uses and activities located on land zoned Commercial Agriculture or Rural Agriculture shall not otherwise convert more than two acres of agricultural land to nonagricultural or non-resource uses.
c. **Impervious surface limits, signage and parking standards** are the same as the underlying zoning district for related uses.

d. **Activities shall comply with all applicable Island County Health and Public Works Department requirements and standards.**

e. **Safe vehicular access and customer parking shall be provided on site.** Structures and parking shall be located outside of public right-of-ways. A Winery shall have adequate access from a public road or approved private road. Driveways accessing a Winery shall be eighteen to twenty feet in width for two-way roads or 12 feet in width for a one-way looped road. Driveways will have an all-weather surface, and constructed to current public works department standards. If the driveway access is connected to a paved public or private road, the driveway must be paved for a minimum distance of twenty feet from the edge of the connecting road. A Winery that proposes to utilize a private road must submit a road maintenance agreement at the time of permit application, signed by all legal property owners or their legal designee(s). Without the road maintenance agreement included as part of the application, the application will be determined as incomplete and will not be considered for approval until the agreement is submitted. All legal property owners must sign for the permit to be approved. Upon approval of the permit application, the road maintenance agreement will be legally recorded. Also refer to parking and loading standards in this Section.

f. **Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed generally downwards to minimize traffic safety impacts and light pollution.**

g. **All activities generating noise detectible off-site shall observe Island County Chapter with Chapter 9.60 - Public Disturbance Noise Control.**

h. **Parcel size standards.** Unless otherwise specified the minimum lot size for new Wineries is ten (10) acres, **Except** for Wineries on lots zoned Commercial Agriculture, the minimum lot size is 5 acres. Lot size as used in this Subsection shall include both a standard section subdivision and also the corresponding equivalent fractional part of a section, for example, 1/128 of a section shall also mean the standard number of acres and regardless of the legal description include the area of the adjacent public road right-of-way associated with the Lot.

i. **Maximum structure size.** The maximum size for any single structure related to a Winery use is twelve thousand (12,000) square feet, except as otherwise stated by this chapter. Existing buildings may be used for Winery uses regardless of size.

2. **Winery I Standards**
a. **Building Size and Height:**
   i. The cumulative building area for tasting rooms, retail space, catering kitchens, and indoor events shall be 8,000 square feet or less:
   ii. Structures and mechanical appurtenances necessary for the production and storage of locally produced wine shall not be included in maximum cumulative building area.
   iii. Farm stay rooms shall not be included in the maximum cumulative building area.
   iv. Building heights shall conform to the requirements of the zoning district.

b. **Permitted Uses:**
   i. Wine tasting;
   ii. Limited retail sales:
      a. Wine and the sale of other Pacific Northwest produced goods, (i.e. cheeses, preserves, meats, clothing, other regional value-added agricultural products, etc.) is limited to seven hundred (700) or less square feet of the above cumulative floor area subject to all other applicable local, state, and federal requirements related to public health, building/ construction. Retail sales not associated with regionally produced goods is limited to one-hundred (100) square feet.
   iii. Food Service
      a. Deli-service of prepackaged food;
      b. Winemaker dinners limited to Fifty (50) people. Dinners may be catered; and
      c. Catered food service for events and wine maker dinners. See standards and permit requirements under "short-term events" below.
      d. The following criteria must be met unless otherwise approved:
         a. No interior seating will be dedicated solely to the purpose of meal service.
         b. No food will be cooked to order, although a list of prepackaged foods may be posted.
c. Ancillary uses:
   i. On-site farm stay guest rooms with bed and breakfast services for temporary occupancy (up to thirty (30) days maximum per stay) are permitted consistent with ICC 17.03 180.B. and the following:
      a) Up to two (2) guest rooms which may be established outright and rooms may be located in accessory structures on the property or collocated within winery structures.
      b) On lots that are five (5) acres or greater in size, between three (3) to six (6) guest rooms permitted through a Type II Administrative Site Plan Review.

3. Wineries II Standards
   a. Building Size and Height:
      i. The cumulative building area for tasting rooms, catering kitchens, retail space, and indoor events shall be 12,000 square feet or less:
      ii. Structures and mechanical appurtenances necessary for the production and storage of locally produced wine shall not be included in maximum cumulative building area.
      iii. Farm stay rooms shall not be included in the maximum cumulative building area.
      iv. Building heights shall conform to the requirements of the zoning district.
   b. Permitted Uses – Same as Winery I.
   c. Ancillary uses – Same as Winery I.

4. Short-term events which included food and wine festivals, art shows, culinary tourism events, reunions, weddings and similar temporary gatherings as determined by the Planning Director are permitted uses in accordance with the following:
   a. The primary use of the property to include property in contiguous ownership shall be agriculture.
   b. Short-term events:
      a. up to twelve (12) events per year involving seventy-five (75) or fewer attendees and which include outside activities are allowed as a matter of right; and
      b. up to five (5) events per year involving up to one hundred-fifty (150) attendees and which include outside activities are allowed as a matter of right.
c. **Short-term events** that are restricted to indoors are allowed as a matter of right without number or size restrictions except for building occupancy limitations. For short-term events which include outside amplified music and or voice lasting no more than two hours and that end before 7 PM shall be considered indoor events.

d. Short-term events in excess of the number of events and/or number of attendees as allowed above may be authorized pursuant to the following:

   i. Additional short-term events which include outside activities and involve 75 or fewer attendees may be increased by a Type II Administrative Site Plan approval.

   ii. Additional short-term events exceeding 75 attendees which include outside activities may be increased by a Type III Site Plan approval.

e. **Exception** - Short-term events which are within the occupancy permit limitations of the building area used for the event are allowed provided that the activities of the event are totally contained within the Domestic Winery building.

f. For those short term events authorized by Site Plan approval shall be limited to three (3) consecutive days per event, with the minimum days between events specified by the Site Plan approval.

g. For those short term events authorized by Site Plan approval the on-site parking and loading shall be determined by the Site Plan approval. For those events not requiring Site Plan approval, parking shall be provided as follows:

   i. parking space for one (1) vehicle per every four (4) persons expected or reasonably to be expected to attend.

h. **Short Term Events** shall comply with Chapter 9.60 - Public Disturbance Noise Control.

i. All local public health, food handling, building and other applicable regulations shall be followed.