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CLARK COUNTY
WASHINGTON

STAFF REPORT

TO: Clark County Planning Commission

FROM: Oliver Orjiako, Director

DATE: April 18, 2013

SUBJECT: Updates to the wineries ordinance, CCC Section 40.260.245

BACKGROUND

In order to address a number of code enforcement issues, Clark County adopted an ordinance in 2010 (Ord. 2010-10-02) allowing wineries to have tasting rooms and events. Tasting rooms and/or events are allowed at wineries with a tasting room/events permit per the requirements of CCC Section 40.260.245. Since the ordinance was adopted one winery has gotten land use approval as well as meeting the necessary building and health department requirements. Others are in various stages of compliance.

In response to some ongoing issues, county staff met with vintners in June 2012 in a meeting chaired by Commissioner Stuart. At a subsequent work session with the Board, staff was directed to look at three issues:

- the definition of 'event';
- noise standards; and
- on-site food service.

PROPOSED ACTION

With regard to the three items above, the following changes to Section 40.260.245 are proposed:

Definition of 'event'. The proposal is to delete the definition. The result would be no limit on the number of events or on the size of events, although the Sheriff's Office would have to be notified of any gathering of more than 500 people. Staff had proposed defining an event as something that was advertised (a public event) or for which a winery facility was rented (a private event), but this definition does not work well.

Noise standards. The current ordinance exempts amplified music from noise standards up until 10:00 p.m. The proposal is to remove this exemption, so that noise standards apply to wineries the same as for any other activity or facility.

On-site food service. The proposal is to allow food service establishments in conjunction with a winery and as approved by Clark County Public Health. Current code does not allow restaurants in Rural or resource zones.

Staff is also proposing to re-organize the ordinance to consolidate the development standards into a single section, as per Attachment A.

Proposed Changes to the Clark County Wineries Ordinance

March 25, 2013

40.260.245 WINERIES

A. Purpose.

The purpose of this section is to encourage the development of wineries in the county while mitigating impacts to ~~protecting the uses of~~ neighboring parcels.

B. Applicability.

1. A winery as defined in Section 40.100.070 is allowed as an agricultural use, subject to the requirements of this section. ~~Section 40.260.245(E).~~
2. A tasting room and/or events under this section are only allowed in conjunction with a winery.
- ~~3.~~ 2. A winery on land zoned for agriculture or forestry wishing to include events must have a minimum of twenty percent (20%) of the winery's land area cultivated in crops used in wine production.

C. Definitions.

For purposes of this section, the following definitions apply:

Events	"Events" means activities such as weddings, receptions, concerts, meetings, retreats, and other similar gatherings of more than one hundred fifty (150) persons.
Tasting room	"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.

D. Development Standards.

1. ~~All~~ Wineries with tasting rooms and/or events shall:
 - a. have a minimum twenty-four (24) foot wide approach to the property from a public road or approved private road. If the driveway access is connected to a paved public or private road, the driveway must be paved for a minimum distance of twenty (20) feet from the edge of the connecting road;
 - b. have off-street parking. Such parking shall comply with Section 40.340.010 with the exception of Section 40.340.010(A)(8). On-street parking is prohibited; ~~and~~
 - c. have structures and equipment that comply with the requirements of Titles 14 (Buildings and Structures), 15 (Fire Prevention), and 24 (Public Health) if those structures or equipment will be used by or for the public;
2. Building Size.
 - a. ~~Wineries without tasting rooms or events are exempt from building review, provided they are less than thirty-six hundred (3,600) square feet and are not occupied by non-family employees or the public.~~
 - d. limit b- the cumulative building area for tasting rooms and events ~~is limited~~ as follows:

Parcel Size	Building Square Footage
Less than five acres	Less than 5,000 square feet
Five to 20 acres	Less than 9,000 square feet
More than 20 acres	Less than 12,000 square feet

e. adequately address traffic management issues:

f. 3. Private Roads. A winery with events and/or a tasting room on a private road shall adequately mitigate for any impacts to the road if access is taken from a private road. Evidence of mitigation may be demonstrated through a neighbor's agreement provided at the time of application. For purposes of the agreement, "neighbors" shall include a majority of all who are entitled to use the private road. Impacts to be addressed include, but are not limited to: dust, smoke, lighting, noise, trip generation and road maintenance;

g. have adequate and safe drinking water and domestic wastewater disposal must be in compliance with Public Health regulations. For events exceeding the permitted capacity of the septic system, a specific management plan for handling on-site sanitary waste shall be approved by Public Health; and

h. comply with the provisions of WAC Chapter 173-60 and Chapter 9.14 relating to public disturbance. The provisions of Section 9.14.010(6) relating to public disturbance shall not apply to events except between 10:00 p.m. and 7:00 a.m. Other provisions of Chapter 9.14 apply.

2. Events. Events are allowed in conjunction with a winery with a wine tasting/events permit that includes an event management plan that addresses the standards in Section 40.260.245(D)(1).

4. Events. Events are allowed at wineries, as follows:

a. The winery obtains a winery tasting room/events permit.

b. b. The number of events is limited to fifty (50) in a calendar year, with:

(1) Forty two (42) in a calendar year limited to a maximum of five hundred (500) persons; and

(2) An additional eight (8) in a calendar year limited to a maximum of fifteen hundred (1,500) persons.

c. The Sheriff's Office will be notified by the winery tasting room/events permit holder at least ten (10) days in advance of any event that has more than five hundred (500) persons.

5. Noise Limits.

The provisions of Section 9.14.010(6) relating to public disturbance shall not apply to events except between 10:00 p.m. and 7:00 a.m. Other provisions of Chapter 9.14 apply.

3.6. Food Service.

In compliance with Public Health regulations, food service establishments are allowed in conjunction with wineries that have tasting rooms. wineries will be allowed limited food services on site. This food service is not to include restaurants unless otherwise allowed in the zoning district, but may include the following:

a. Service of prepackaged food

b. Tasting rooms with food; or

c. Food service for events.

4.7. Retail Sales.

Retail sales directly related to the winery, such as sales of wine and wine-related merchandise, are permitted.

5.8. Ancillary Retail Sales.

Ancillary retail sales accessory to the primary use are permitted. These sales may include, but will not be limited to, items such as trademark items, items which promote the region or the wine industry, other regional value-added agricultural products, art, prepackaged foods, and cheese.

9. Drinking Water and On-Site Septic.

Adequate and safe drinking water and domestic wastewater disposal must be in compliance with Public Health regulations.

E. Approval Process.

1. Wineries without tasting rooms or events are exempt from land use review.
2. A winery wishing to have events and/or a tasting room must obtain a wine tasting/events permit. Applications for such permits shall include the following:
 - a. a plot plan;
 - b. an event management plan that addresses the standards in Section 40.260.245(D)(1): that addresses the issues in Section 5.32.040, if events are to be held at the winery; and
 - c. obtaining the necessary permits and approvals required by proof of compliance with Titles 14 and 15; and
 - d. payment of the applicable fee.

Applications may also include a neighbors agreement per Section 40.260.245(D)(1)(f). ~~(3).~~
3. A Type I process will be used to review applications for wine tasting/events permits if:
 - a. the winery takes access from a public road; or
 - b. the winery takes access from a private road and a neighbors agreement pursuant to Section 40.260.245(D)(1)(f) ~~(3)~~ is submitted.
4. A Type II process will be used to review applications for wine tasting/events permits if the winery takes access from a private road and no neighbors agreement pursuant to Section 40.260.245(D)(3) is submitted.
5. The Sheriff's Office will be notified by the wine tasting/events permit holder at least ten (10) days in advance of any event that has more than five hundred (500) persons.

40.100.070 DEFINITIONS

<u>Food service establishment</u>	<u>"Food service establishment" means an operation that stores, prepares, serves, vends, or otherwise provides food for human consumption (WAC 246-215-011).I</u>
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