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ORDINANCE NO. 2013-08-11

An ordinance relating to land use and zoning of wineries in the unincorporated area.

WHEREAS, Clark County has experienced an increase in the number of wineries and winery-related businesses locating in urban and rural areas; and

WHEREAS, the Board has previously adopted Ordinances 2010-10-02 and 2013 that created CCC Section 40.260.245 dealing with land use and building issues related to wineries; and

WHEREAS, it is the intention of this ordinance to encourage and support the agricultural and winery economy that is neighbor-friendly; and

WHEREAS, some land use and building issues still remain that the Board is wanting to address; and

WHEREAS, the matter was considered by the Planning Commission during a public hearing on April 18, 2013; and

WHEREAS, the Board has duly advertised this matter in the Columbian newspaper for consideration during public hearings on June 25 and July 23, 2013; and

WHEREAS, the Board adopted Ordinance 2013-07-11 on July 30, 2013 that amended CCC Section 40.260.245 dealing with land use and building issues related to wineries; and

WHEREAS, clarifications of the Board's intent were discussed during Board time on July 31, 2013 resulting in the need to amend Ordinance 2013-07-11; and

WHEREAS, the Board has duly advertised this matter in the Columbian newspaper for consideration during a public hearing on August 27, 2013; and

WHEREAS, the Board of County Commissioners finds that adoption of this ordinance will further the public welfare;



NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

SECTION 1. Amendatory. Section 1 of Ordinance 2010-10-02, and codified as CCC Section 40.260.245, are amended as follows:

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 Section 40.260.245(E).~~

2. A tasting room and/or events under this section are only allowed in conjunction with a licensed winery as defined in Section 40.100.070.

~~3.2.~~ A licensed winery on land zoned for agriculture or forestry wishing to include food service and/or events must:

a. have a minimum of twenty percent (20%) of the winery's land area cultivated in crops used in wine production; and

b. operate with food service and/or events that are clearly accessory to the primary use of the parcel as a winery.

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 Licensed 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.

- ~~d. a. Wineries without tasting rooms or events are be 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.~~
- ~~e. 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

- ~~f. adequately address traffic management issues;~~

~~g. 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;~~

~~h. 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~~

~~i. comply with the standards of WAC 173-60, except that there shall be no more than 50 dB of noise at the property line as measured with a dBC filtering device, to be reduced to 40 dB between 10:00 p.m. and 7:00 a.m. 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.

~~a. Events are allowed in conjunction with a licensed winery with a wine tasting/events permit that includes an event management plan.~~

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

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

- ~~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, a licensed winery wineries will be allowed Level 1 or Level 2 limited food services as an accessory use to the winery within the limits of state law, including the Growth Management Act, on site. This food service is not to include restaurants unless otherwise allowed in the zoning district, but may include the following:
 - ~~1.a. Service of prepackaged food~~
 - ~~2.b. Tasting rooms with food; or~~
 - ~~3.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. Licensed wineries without tasting rooms or events are exempt from land use review.
- 2. A licensed 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 describes how the development and performance standards in this section will be addressed, ~~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 Titles 14 and 15; and
 - d. ~~e.~~ payment of the applicable fee.
- Applications may also include a neighbors agreement per Section 40.260.245(D)(1)(g) ~~(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)(g) ~~(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)(1)(g) ~~(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.~~

SECTION 2. Amendatory. Section 2 of Ordinance 1992-08-12, most recently amended by Section 2 of Ordinance 2010-10-02, and codified as CCC Section 5.32.020, are amended, as follows:

5.32.020 Permit required—Liability for noncompliance.

It is unlawful for any person, persons, corporation, organization, landowner or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement or assembly of persons wherein the primary purpose will be the presentation of outdoor, live or recorded musical entertainment, amusement or assembly which the person, persons, corporation, organization, landowner or lessor believes or has reason to believe will attract five hundred (500) or more persons and where a charge or contribution is required for admission or access to the site is controlled by the use of fencing, gateways, or other demarcations unless a valid county permit has been obtained for the operation of the outdoor public amusement, entertainment or assembly. One such permit shall be required for each outdoor public entertainment, amusement or assembly. Subsequent applications for outdoor public entertainments, amusements or assemblies shall require a conditional use permit, if available within the particular zoning district. If such activity is not a conditional use within the zoning district, subsequent applications for outdoor public entertainments, amusements or assemblies shall be considered under the provisions of this title. Criminal or civil liability, pursuant to Chapter 32.04, for failure to comply with the provisions of this chapter shall rest in all persons, corporations, organizations, landowners or lessors who are responsible for violating the provisions of this chapter. Licensed wineries are exempt from this section, but must meet the requirements of Sections 40.260.245(D)(2)(4) and (E)(2)(b).

SECTION 3. Amendatory. Section 1 of Ordinance 2003-11-01, most recently amended by Section 2 of Ordinance 2012-07-15, and codified as CCC Section 40.100.070, are amended, as follows:

Winery	"Winery" means a <u>licensed</u> facility designed for the crushing, fermentation, and/or barrel aging of wine, and which may include barrel rooms, bottling rooms, tank rooms, laboratories, case goods storage, and offices. In rural zoning and urban holding districts a winery may include a tasting room and/or events. <u>'Licensed' for the purposes of this title means a facility that has met the requirements of RCW 66.24.170 and 27 CFR Chapter 1, Subchapter A, Part 1.</u> (Amended: Ord. 2010-10-02; Ord. 2011-08-08)
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SECTION 4. Effective date. This ordinance shall take effect 30 days from the date of adoption.

SECTION 5. Instructions to Clerk.

The Clerk to the Board shall:

1. Record a copy of this ordinance with the Clark County Auditor.
2. Transmit a copy of this ordinance to the State Department of Commerce within ten days of its adoption.
3. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

Adopted on this 3 day of September, 2013.

BOARD OF COUNTY
COMMISSIONERS
FOR CLARK COUNTY,
WASHINGTON

Attest:

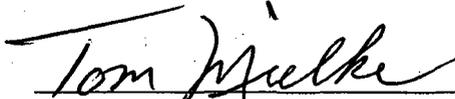


Deputy Clerk of the Board

Steve Stuart, Chair

REVIEWED FOR FORM ONLY:
Anthony F. Golik
Prosecuting Attorney

By: _____
Chris Horne
Chief Civil Prosecuting Attorney



Tom Mielke, Commissioner





David Madore, Commissioner