

RE: Agritourism Advisory Group Homework

derrick@cowichecreekbrewing.com <derrick@cowichecreekbrewing.com>

Wed 4/7/2021 10:02 PM

To: Olivia Story <olivia.story@co.yakima.wa.us>

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Ok I have a few questions....

You have some examples of Signature events... Sip and Stroll is in that list. I am the Chair of that event and have been for the last 3 years. It is held downtown Yakima with no jurisdiction by Yakima County. Not even YHD has anything to do with that event. Only the city of Yakima and LCB has jurisdiction. The question is, why is that on the list in the first place?

Second of all, why is there even a list of signature events? Those are out of our control. If the Yakima Valley Tourism creates Red Wine and Chocolate how are we supposed to opt out? What is the purpose of even having that list? If there is a national beer day(as in today is actually national beer day) and people come here for it that does it count as one of our signature events?

My first reaction is that "signature events" need to be completely removed from any code. If we can't control them, and we can't control the attendees of them, it is unreasonable to expect us to comply with any type of code associated with them.

My next question is regarding something said on the call. You said that nothing in this new code will affect any existing permits. We have an ATO-Resort, which means we can have as many concerts as we want as long as they do not meet the definition of an outdoor festival:

Outdoor Festival : means an outdoor assembly of persons where the predicted total number of persons on the site is five hundred (500) persons or more, and where the duration of the program is five hours or longer except:

This means that as long as our concert is not over 500 people AND not longer than 5 hours, there is no permit required.

The new suggested code says otherwise. I want to make sure that what I heard you say on the call is the case, that I didn't misunderstand what you said, and that these new event definitions will not affect us. Can you verify that?

This may not be a question for planning, but if we want to make a change to our conditional use permit or ATO-Resort what is the re-review process? If we want to stay open an extra hour on Thursdays by changing our hours of

operation do we have to pay \$865 for the conditional use permit and another \$13,000 to reapply for the ATO-Resort? Do we need to do this before the new code is adopted to be "grandfathered" in?

Feedback on Tiered Events

History:

When we went to our first Early Assistance Meeting for our conditional use permit we were told details such as sign height and size requirements, lights pointing towards the roads, and Jan even went into detail to describe our soil type and depth to hardpan. But one key piece of information was never even mentioned and that was that we could not have live music without a special occasion permit. Fast forward to our grand opening, we had a band play for a couple hours in the back of the brewery. I got an email from Chris Pederson the next week explaining that we broke a number of codes, including but not limited to live music, an unapproved stage, going over our occupancy, the list goes on. I had video proof that we never exceeded occupancy but the "no live music" was a complete shock to me. At what point does a business come to you guys and tell you that they want to build a brewery and you fail to mention certain activities such as an Art Gallery are not allowed without an ATO or a guy playing a guitar in the corner of the tap room requires a special occasion permit? That was obviously a customer education issue with that first conditional use permit meeting. Those things should be the first thing mentioned, not brought up after the fact after the event is held.

We had 5 or six more concerts that year, obtaining a special occasion permit for each one. When we got to Music and Monarchs, we were told by the Director of the Cowiche Canyon Conservancy that based on previous year's attendance we could expect 200-250 attendees. So we planned for 400 just to be safe. We had people directing traffic, 250 marked parking spaces, event security, you name it. The day of the event comes and 500 Adults and 300 children show up. People started parking down our driveway and before we could get control of it they started parking along Thompson Rd. creating a traffic hazard. We were overwhelmed by attendees and were doing the best we could with the information we had been given. I got another email from Chris Pederson after that explaining the codes we broke.

The next year, we made sure we had parking for 1200 attendees, had more parking attendees, placed no parking signs along our drive way and both directions on Thompson Rd and fixed all of our issues. Since then we have hosted a handful of events including Northwest Burger Jam. We have learned how to deal with the surge load and make sure we do not create any safety or environmental issues for Yakima County.

Special Occasion Permits as they exist today:

We have issued I don't know how many special occasion permits. Dozens. They

are \$216 each. Plus two hours of time to go do the intake at public services. Sometimes longer. Every time we go in, we wait sometimes 90 minutes to even get to the intake desk. Then the intake person has to make about 4 trips back to the offices to ask questions to figure out how to enter them into the system. It is EXTREMELY PAINFUL. The process should be a simple web form with electronic payment. It was so expensive, cumbersome, time consuming, and frustrating that we eventually stopped doing concerts because it was not profitable or worth the time and effort. After you get the permit, the fire marshall comes out and checks for extension cords that could be a trip hazard, looks at the "platform" (because it cannot be called a stage) and signs off on the permit. It takes them about 4 minutes to do the inspection. All that for \$216 and 2-3 hours of our time. Now just step out of your Planning Department shoes for a minute and reread this as if you are me. Now tell me that the first thing that doesn't come to mind is, wow that sounds like a broken process. Oh and the lead time for these permits are 7 days.

Proposed Tiered Events:

Without knowing the complaints you are getting and what risk you are trying to avoid I am not sure that I can offer a solution. I can tell you that if these permits resemble anything even close to the current Special Occasion Permit, they are a failure. This is our opportunity to fix all of the issues mentioned above.

While classifying events based on attendance and duration is the easiest thing to do, it is also a failure. The type of event means different types of exposure. Some events like concerts create surge loads of traffic, noise issues, parking issues, etc. while others like corn toss tournaments, yoga on the lawn, paint nights bring much less. If I have a chili cook off and we have 400 people here to eat chili on a Sunday afternoon, that is way different than holding a three band concert for 400 people on a Friday night. We have to get better at classifying the events. Our two biggest events, Music and Monarchs and NW Burger Jam are great examples of events that both saw 1000 attendees, but one was all within 2 hours on Sunday afternoon and one was spread over 10 hours on a Saturday. We had 1000 people here at the same time for monarchs and no more than 400 at a time for burger jam.

Maybe the tiers are based on risk, and tier one includes events with no additional noise or environmental impacts with less than 100 attendees and no permit is required. That would suck up yoga on the lawn, paint night, etc. Then Tier two could be events with added risk like concerts, festivals, etc and they are under 500 people and under 5 hours. Then tier three could be any event over 500 attendees and 5 hours.

I understand the lead time on the outdoor festival/tier three event due to the exposure, but 30 days on tier one and 90 on tier 2 is ridiculous. Even the current 7 day lead time on special occasion permits are ridiculous. You are telling me that you need 7 days' notice for one of the fire Marshalls to come out and do a 5 minute inspection of some electrical cords when I can call the inspection hotline and have them out here the very next day to

inspect our Type one grease hood? You can streamline the process and get things done quicker.

Whatever the permit may be, it needs to be online and easily applied for. Doing the intake in person is not feasible. Why would we wait for 2 hours while you do an intake for the construction of a new home just to turn a permit for a guy playing guitar in the corner of our tap room? Your office also closes too early. You don't even say on the website that you have to make it there by 3:15 to do an intake. It says you close at 4 but nothing about if you show up at 3:16 expecting to do an intake you will be sent out the door. Once again here we go with customer education. You guys do this day in and day out but we do it a couple times a year. Online forms would fix the hours of operation issue. Help us through the process and make it simple and painless.

However you price the event tiers, I can tell you that the current prices are ridiculous. We spent I don't know how many thousands of dollars in special occasion permits. We did it because we had to, but we lost a lot of money on those permits. Do you know who the number one beneficiary of revenue was for Northwest Burger Jam, a non profit event where all proceeds were donated to Urban Kitchen, and 501c3 NPO? Yakima County Public Services. Between the Special Occasion and Itinerant Food Vendor Permits we spent 63% of the profit that was supposed to go to the kids with Public Services. To the kids. That was a pretty crappy thing to do to Urban Kitchen.

Proposed ATO Levels:

I had to drop off the meeting for a few minutes (to unload Barley seed that we actually grow to meet the 5 acre minimum to qualify for our ATO) so I did not hear the narrative for the ATO Levels. Collapsing the tiers really means nothing to us because what it comes down to is, can you have events, can you have overnight stays, and can you serve food? However you tier it out doesn't really matter. It's the hoops you have to go through and the money you have to spend, and the argument you have to have to be able to do each one of those activities.

I can tell you the 8 months, \$13,000 in permit fees, hearing examiner fees, meetings, public hearings, countless hours of work on our application, was overwhelming. The fact that our ATO permit had to go all the way to the commissioners in the first place was perplexing. The fact that we had to spend that money knowing good and well that the permit could be denied and we would lose all of our investment meant 8 months of sleepless nights. The pure stress involved with that permit was crippling. We were told that we had to have a good argument if we want it approved. And we had a great argument. But that still doesn't guarantee it will be approved. There are other issues with the ATO permit than just what is listed on the slide.

When we made the decision to apply for that permit, my wife and I had to spend a year saving every penny we had, forgoing any trips out of town, no eating out, not buying new clothes... The fees aren't published so you have no idea how much it is going to cost. After our early assistance meeting I was told what the actual price was and we had to save for another 6 months.

Then after it was all said and done, and the permit was approved we got a bill from the hearing examiner that we had no idea was coming. There went our vacation for the second year in a row. Why wasn't it mentioned in the assistance meeting that there would be a bill from this attorney? Back to customer education we go.

Also, if you haven't already, I would suggest reading the narrative on our ATO permit. CUP2019-00033 It explains the issues we had before our ATO-Resort permit and before we were able to do food service. I can say that food service has almost completely solved our alcohol consumption problem. We just don't have those weekly issues with overservice/overconsumption any more. It may happen one every couple months but we have so much better control of people now that we get food in their stomach.

Once again I really appreciate you involving my wife and I in this process. We both understand that in this world, if you give an inch, people will take a mile. We need clear and concise code that outlines what is allowed and what isn't as well as what is required to be allowed to do something. We are unique in that our brewery is in our front yard. What happens here affects us just like one of our neighbors. We get first hand experience of the impact the business has to our home.

Thank you again for your time Olivia!!!

Derrick

-----Original Message-----

From: Olivia Story <olivia.story@co.yakima.wa.us>

RE: DRAFT text changes for your review

derrick@cowicheckcreekbrewing.com <derrick@cowicheckcreekbrewing.com>

Wed 6/16/2021 2:39 PM

To: Olivia Story <olivia.story@co.yakima.wa.us>

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Here are my comments... Let me know if I need to clarify anything.

Thanks!!!

(e) Be located on a 3 (three) acre farm consisting of one or more contiguous parcels producing the crops or products sold in the approved ATO;

When we did ours, we were required to have 5 acres of crops actively growing that we use in our finished products. We have 19 acres of barley and about a half acre of hops.

I think clarifying this requirement would be nice. Does this mean you need to be on a 3 acre farm with a little garden growing carrots that you sell in your taproom or does it mean you have to have at least 3 acres planted in grapes if you are a winery?

(f) Locate and design the ATO accessory facilities and permanent parking so they will not interfere with agricultural operations on the site of the proposed use or on nearby properties. Such parking areas shall be constructed to provide parking space for one vehicle for every four people expected or reasonably expected during normal operating activities. Overflow parking for larger events shall be provided for in a way that does not interfere with, and supports the continuation of, the overall agricultural use of the property;

When we did our ATO there was a calculation used to determine the parking spots based on total square footage of seating area both inside and outside combined. For the Conditional use permit it was based on building occupancy(which was basically tables and chairs for 800 sq ft which came to 64 people and 21 spaces) but did not include any outdoor space. I thought that didn't make sense because for 8 months out of the year we have people sitting outside on 15,000 sq feet of grass. Our 21 spaces fill up before our indoor seating even fills up. When we did the ATO, they changed it to 54 spaces or something like that based on the large outdoor area combined with the indoor. But even that number wasn't realistic. On an average weekend day here we need about 90-100 spots. We use a grass area for overflow parking when our official gravel spots fill up. Also, I think that 4 people per a car is a unrealistic number as well. You can use just about any traffic study out there and find that the average number of people in a car is probably closer to 2 people per vehicle when visiting a brewery/winery/etc. I know some days I pull in and see 30-40 cars on a Tuesday at 3 and think wow we are busy! Then I walk in the building and there are literally 30 people here. Not a single person carpooled.

I think having a set number of sq feet of seating area for every parking spot would clarify the phrase "reasonably expected." We ran into that same verbiage with LCB when they gave us the requirements on how big our outdoor seating could be. They said the fence had to be within a reasonable distance to the bar to monitor alcohol consumption. I asked them what that meant, was it 50 feet? 100 feet? They then said you are in the middle of nowhere and we aren't going to limit you on how big your seating area is and we also are not going to require a 42" barrier like they do with businesses in town.

I liked the number we used when we did our ato, I think it was 400 ft sq per spot or something. It was a little conservative, I think maybe it should be 250-300 ft sq per spot, but having that number makes it really simple to see how many spots are required.

(a) Events (Ancillary Entertainment/Special Events). Indoor event facilities shall be no larger than 1,500 square feet. Events are an expected component of an ATO and shall be permissible under these regulations without applying for additional Special Occasion Permits. Events where 500 or more attendees are anticipated, an Outdoor Festival Permit shall be obtained under YCC Title 8.10.

The current code for Outdoor festivals states: five hundred (500) persons or more, and where the duration of the program is five hours or longer. AND being the key word here. Can you include that definition in this section?

Derrick Nordberg
Cowiche Creek Brewing Company
m. 509.388.1747
514 Thompson Rd. BLDG #2
Cowiche, WA 98923

-----Original Message-----

From: Olivia Story <olivia.story@co.yakima.wa.us>
Sent: Friday, June 11, 2021 2:55 PM
To: Noelle Madera <Noelle.Madera@co.yakima.wa.us>
Cc: Thomas Carroll <thomas.carroll@co.yakima.wa.us>; Amanda McKinney <amanda.mckinney@co.yakima.wa.us>
Subject: DRAFT text changes for your review

Good afternoon members of the advisory group,

During our last meeting, we discussed several proposed changes to the DRAFT text amendment. Of these, removal of the Winery, Brewery, and Distillery permits, and including events as part of the ATOs. I have attached the DRAFT for your review and we can go over your thoughts in detail at our next meeting, Wednesday the 16th at 2:00. I will send out the agenda and meeting link on Tuesday. I look forward to your thoughts.

Olivia Story
Project Planner
Long Range Planning Division
Yakima County Public Services
(509) 574-2300 ext: 2391 Phone
(509) 574-2301 Fax
olivia.story@co.yakima.wa.us

This email and replies to it are subject to public disclosure under Washington state statute (RCW 42.56 – Public Records Act).

RE: Agritourism Advisory Group meeting 6

derrick@cowichecreekbrewing.com <derrick@cowichecreekbrewing.com>

Tue 7/6/2021 10:41 PM

To: Olivia Story <olivia.story@co.yakima.wa.us>; Noelle Madera <Noelle.Madera@co.yakima.wa.us>; Thomas Carroll <thomas.carroll@co.yakima.wa.us>

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hi everyone...

It seems these meetings keep catching me at the worst time so I have missed the last two.

I have to cook steak salads for tomorrow's service starting at 3 which takes a few hours of prep. I will try to break away but if I can't here is my vote.

1. 500+ AND 5 hours. I vote to keep it the same as it is. I believe that the word AND is very important. The jump to an outdoor festival permit is basically not feasible for us and we just would not hold events anymore due to all of the requirements of that permit. It would force us to stop hosting Music and Monarchs and the loser will be the Cowiche Canyon Conservancy. We donate 100% of the profits of that event to them and removing the AND in this language would only hurt a non profit that manages a large and important portion of land in your jurisdiction. The secondary reason for us to get our type 4 resort ATO was so that we could funnel more profits to them instead of paying for permits/bonds/wasting time and money doing intakes and unnecessary inspections.

2. Crops Grown. I vote for Option A with the word OR. Last year we planted a brewery garden to supply food for kitchen and menu, and after it was successful the next step was to sell produce directly to the consumer. I think that is a great change that aligns with agritourism. Limiting the requirement to produce that goes into our product only seems short sited.

Thanks!!!

Derrick Nordberg
Cowiche Creek Brewing Company
m. 509.388.1747
514 Thompson Rd. BLDG #2
Cowiche, WA 98923

-----Original Message-----

From: Olivia Story <olivia.story@co.yakima.wa.us>

Sent: Tuesday, July 6, 2021 1:35 PM

To: Noelle Madera <Noelle.Madera@co.yakima.wa.us>; Thomas Carroll <thomas.carroll@co.yakima.wa.us>

Re: Agritourism Advisory Group- Meeting 2

Emily Fergestrom <emily@fortuitycellars.com>

Tue 5/4/2021 7:15 PM

To: Olivia Story <olivia.story@co.yakima.wa.us>

Cc: Noelle Madera <Noelle.Madera@co.yakima.wa.us>; Amanda McKinney <amanda.mckinney@co.yakima.wa.us>

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Olivia,

Thank you so much for sending this table, as well as the existing code and updates in the previous email. Unfortunately I have had something come up during tomorrow's meeting and I'm unsure I'll be able to get on the call. I'd like to share a few of my thoughts below for your consideration.

- As previously shared, it's important to determine if the problem statement and current complaints on non-compliant businesses (those without ATOs) would be better addressed through existing enforcement measures rather than more policy/code. From what I understand there are some complaints for non-compliant businesses, specifically for traffic management and parking. Those of us who have gone through the proper channels to be in compliant with the land use have had to submit traffic management and parking plans to be approved. I believe the existing ATO process and code would likely address the current complaints. New code may not be needed.
- Event definition. I continue to be concerned about how we are defining an "event." In order for me to open up my business and get my construction permit, I had to ensure that my business operations were in alignment with the use of my property. I am allowed to make and sell wine. I believe events associated with the making or selling of wine should be allowed regardless of size. Of course, the infrastructure on my property needs to be able to accommodate winery business traffic (well, septic, parking, ingress/egress, etc). If someone does not have the proper infrastructure to handle larger crowds, then that seems to be an enforcement issue, not a policy issue.
- An ATO does allow me to have large scale events like weddings. However, I still must have the proper infrastructure to support these large scale events. When we, and the previous owners of our property, went through the Hearing Examiner, we received approval to host these larger events, as long as certain conditions were met. Again, if someone is not in compliance, or did not take the steps to get an ATO and conditional use permit, then that appears to be an enforcement issue. Or, if someone did get a conditional use permit and they are not adhering, then that seems to be an enforcement issue. If people go to the effort to get their ATO and fulfil the conditional use conditions, then I'm not sure why an additional permit is necessary. The ATO should cover them to have events.

I am not in favor of Levels 1-3, as I believe the number of attendees is way too low. A winery or brewery could most certainly have 99 people in a day, and even upwards of 100+ on beautiful days or days when they have a particular food truck or band playing. To me, these seems to be covered in their existing land use - making/selling beer or wine, and shouldn't even require an ATO. I would like to see us focus more on infrastructure requirements (temp or permanent) when talking about large-scale events (500-1000+ events), rather than defining and restricting smaller-scale events, less than 300 people.

After reviewing the table you sent, there may be an opportunity to further tighten our code around specific infrastructure, like parking spots (one car per four people like Benton seems reasonable), ingress/egress. I also think tightening it for very large scale events, like 1,000 people may make sense, as that seems to be outside the regular course of business for wineries/breweries. But, I do not think we should regulate anything under 300 people (either all at once or over a course of a day). It seems reasonable (from a public safety standpoint) for Fire Marshall approval for events more than 500. Having the BoCC approve events does not seem like the best use of their time, as it is not a policy issue at that point, more of a compliance, which county staff should be authorized to handle. Timing of the event seems reasonable, although I would make sure that is for the publicized event, and

not for any cleanup/teardown. I believe the county already has a sound ordinance; so I'm inclined to keep with the current code instead of new code on this, unless there is a major problem in the county for non-compliance.

For applications, unless there is a problem with the existing 45 days in advance, I wouldn't change it. 90 days in advance seems a bit onerous. Events are still being developed 90 days out. 30-45 days seems reasonable, especially if we are going to increase attendance to 500 or 1000. Seems like there will be less applications needed to be reviewed/approved.

Thanks for allowing me to share my thoughts.

Good luck tomorrow and I'll watch for any followup communications, including the recording and next meeting.

Thanks,
Emily

On Tue, May 4, 2021 at 4:33 PM Olivia Story <olivia.story@co.yakima.wa.us> wrote:

Good afternoon Advisory Group,

Our next meeting is scheduled for tomorrow, May 5th at 2:00. Please join from your computer, tablet, or smartphone from this link:

<https://global.gotomeeting.com/join/199435445>

You can also dial in using your phone.

(646) 749-3122, Access Code: 199-435-445

We will be joined by Commissioner McKinney and a new advisory group member, so the first few minutes will be a quick introduction.

In the meantime, for your review is an attached table outlining Walla Walla and Benton Counties regulations for a Winery, Brewery, Distillery, and events. These were requested in the past meeting.

I will go over them in more detail during the meeting, but I wanted to make sure you had the table, as it may be difficult to see on the presentation.

As always, please let me know if you have any questions. See you all tomorrow at 2:00.

Olivia Story
Project Planner
Long Range Planning Division
Yakima County Public Services
(509) 574-2300 ext: 2391 Phone
(509) 574-2301 Fax
olivia.story@co.yakima.wa.us

This email and replies to it are subject to public disclosure under Washington state statute (RCW 42.56 – Public Records Act).

--
Emily Fergestrom
Owner, Chief Brand Officer
Fortuity Cellars

Re: Agritourism Advisory Group meeting 6

Emily Fergestrom <emily@fortuitycellars.com>

Tue 7/6/2021 4:45 PM

To: Olivia Story <olivia.story@co.yakima.wa.us>

Cc: Noelle Madera <Noelle.Madera@co.yakima.wa.us>; Thomas Carroll <thomas.carroll@co.yakima.wa.us>; Amanda McKinney <amanda.mckinney@co.yakima.wa.us>

1 attachments (1 MB)

Agritourism DRAFT text changes.pdf;

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hello Olivia and all,

I apologize, but I again will likely not make the call tomorrow. Wednesdays are generally my travel days to Seattle. I've attached the DRAFT language with my comments. Also, below are some comments, starting with the slides.

- Slide 3. Prefer Option B, as I don't think a time limit is necessary. In fact, what we saw with COVID is that it's better to limit the number of people on--site at one time, so having a full day, with dedicated time slots, is sometimes easier to manage. I strongly prefer removing any restrictions on duration of event. I am happy to have events end at a certain take of day, such as ending by 11p (with music off).
- Slide 3. Indoor facility size. Is there a better way to do this limit than a blanket max? Maybe tiered with acreage size? Also, we need indoor facilities to protect from the weather, both wind and winter weather.
- Slide 4. Definitely option A. Not every parcel makes sense to grow and produce. For example, there is ag land in the lower elevations that are great for production/selling given the proximity to highways, but the land itself is not conducive for growing a particular crop. Our place for example is great for production and tasting room, but if we grew grapes on our parcel they would risk freeze every year!
- Slide 5. ATO Retail at only 1500 square feet for indoor space would pretty much eliminate any winery or brewery, especially small, family owned. For example, we have a 2400 square foot winery (which is extremely small from an industry standard), plus a 1200 bathroom facility and 1300 indoor at the residence. All approved for public use. And we are one of the smallest wineries in the area. I suggest 7500 for the retail space as well.
- Slide 5. Both sections. Remove the five hour limit on both of these.
- Slide 5. ATO Destination indoor square footage should be increased. Once you get cottages, event center, winery, etc. you could easily get over 7500.
- Slide 4 and 6. Do you have reasoning behind why 3 acres is necessary? I think a two acre parcel could easily handle large events, particularly if it is surrounded by Ag land. Our property is 2 1/2 acres and people love how it feels like it's in the center of Ag land.
- Slide 7. This slide is the most concerning slide for me. We purchased our property specifically because the ATO came with it. We wanted/needed a turnkey property to have any chance of people profitable within the 3-5 years (which is very expedited...it takes most wineries 7-10 years to be profitable). Having the county strip us of this would be a tremendous travesty. Yakima County would earn a reputation of non-business friendly and more businesses would move the operations across county lines to Prosser/Red Mtn or continue to look at Walla Walla, Woodinville and Seattle. All four of these areas have stronger tourism than we do and you can instantly have more winery traffic than Yakima County currently does. I really hope that the County Council and staff think very carefully about the implications any of these new regulations may have on new businesses or existing. We want Yakima County to be the center of wine tourism.

And just to confirm, are events meaning 500 onsite for a specific calendar event? Or for regular operations? I believe the answer is yes, based on the definitions included in the draft legislation. For a large destination site, it is possible you could have more than 500 people just with regular operations (event center, brewery/winery, restaurant, lodging).

Please see attached my comments, embedded in the document, but also below.

- Have you considered adding Cideries, Meaderies?
- ECF - Outdoor festival is the only one with the 500+ restrictions. Are the other categories (amusement, entertainment and assemblies also limited to regulations when they reach over 500+?)
- ECF - To confirm, this section 8.10.050 is only relevant if there is 500+ people?
- I am opposed to limiting this to 5. At present, there is no one owning these events. Would if as we grow as a wine tourism region, we want to have six-plus, we are now limited. There is so much uncertainty with the county's tourism marketing that I am hesitant to call out certain events! One thing we have seen is wineries getting together and doing their own events, with just a small group of us. These would require special events under the current draft.
- I do not think it's appropriate to list out signature events in county code/legislation. No one is currently owning these events any more (not Wine Yakima Valley, not Yakima Valley Tourism). I believe we need to give our industries more flexibility. Additionally, some of these events are technically limited to a very small, select businesses who pay a membership to be a part of it (like the Craft District Walk). I don't believe the county should play favorites for specific events or organizations or wineries/breweries willing to pay membership dues.
- Section 19.18.500 (2) (c) only applies to events with 500+, correct?
- As shared above, I'd love to see the rationale for why 3 acres? couldn't you have an ATO on 2 acres, especially if it is surrounded by Ag land?
- As shared above, we must not limit it to crops produced. Must include products. Wineries are a perfect example. The winery may make the strategic business decision to purchase all its grapes from local growers and not grow any themselves. Or, a winery may produce wine on a parcel but grow their grapes on a non-contiguous parcel. If you limit it to just crops produced you will be eliminating a large number of businesses, both existing and potential.
- As shared above, increase the indoor facilities from 1500 to 7500 sq feet.
- As shared above, remove the five hour event restriction.
- Section 19.18.060.(2)(c) only applies to events with 500+ correct?

Thank you for your time.

On Thu, Jul 1, 2021 at 4:09 PM Olivia Story <olivia.story@co.yakima.wa.us> wrote:

Good afternoon Advisory Group members,

Attached are the DRAFT text changes with updates according to the discussion we had at the last meeting. These changes reflect your wishes with a few sections yet to be finalized (highlighted in yellow). Please review the attached documents and provide any comments you may have before the meeting on July 7.

Each of the remaining sections of the text will be voted on by you, the group, at the next meeting. Please remember, the vote does not need to be unanimous. For those who have a different vote than the majority of the group, staff will summarize your wishes and forward them to the Planning Commission for their review. This will be our last Advisory Group meeting, we would like to see everyone attend so their voices can be heard.

Olivia Story
Project Planner
Long Range Planning Division
Yakima County Public Services
(509) 574-2300 ext: 2391 Phone
(509) 574-2301 Fax
olivia.story@co.yakima.wa.us

This email and replies to it are subject to public disclosure under Washington state statute (RCW 42.56 – Public Records Act).

--

Emily Fergestrom

Owner, Chief Brand Officer

Fortuity Cellars

www.fortuitycellars.com

Instagram/Facebook: @fortuitycellars

o: (509) 779-6000

m: (425) 247-6332

Chapter 8.10 OUTDOOR FESTIVAL REGULATIONS

Sections:

- 8.10.010 Legislative Declaration.
- 8.10.020 Definitions.
- 8.10.030 Permit Required.
- 8.10.040 Application for Permit – Contents – Filing.
- 8.10.050 Approval or Denial of Permit – Corrections – Judicial Review.
- 8.10.060 Reserved.
- 8.10.070 Cash Deposit – Surety Bond – Insurance.
- 8.10.080 Revocation of Permits.
- 8.10.090 Reserved.
- 8.10.100 Distance from Habitation.
- 8.10.110 Noise Levels.
- 8.10.120 Age of Patrons.
- 8.10.130 Posting Permits – Non-transferability.
- 8.10.140 Hours.
- 8.10.150 Penalty.
- 8.10.160 Preparations – Completion Requirements.

ECF - Have we defined what an event is (is this in the Definitions section? if so, it appears to be limited to very specific events, which is great? Outside of regular business operations? A one-day occurrence? I would like to see some protections for regular operations.

8.10.010 Legislative Declaration.

23 The board of county commissioners declares it ~~to be~~ the public interest, and for the protection of
24 the health, welfare and property of the residents of ~~the county of~~ Yakima County, to provide for
25 the orderly and lawful conduct of events to include, but not limited to, outdoor festivals,
26 entertainments, amusements, and assemblies catering to the general public, that certain rules and
27 regulations be established, and further that there is a danger to the people attending the gathering
28 if proper sanitary, police, fire and other health and safety measures are not adequately provided
29 for. In addition, the purpose of this section is to provide an effective administrative process for
30 the review and enforcement of these standards to protect the safety and general welfare of the
31 community. Therefore events are subject to the following minimum requirements. ~~to be held~~
32 ~~outdoors by assuring that the proper sanitary, health, fire, safety and police measures are~~
33 ~~provided and maintained. This invocation of the police powers is prompted by and based upon a~~
34 ~~finding of the board of county commissioners that there is danger to both people attending and~~
35 ~~the property in close proximity of such a festival if proper sanitary, health, fire, safety and police~~
36 ~~measures are not adequately provided for.~~

(Ord. 2-2016 (part), 2016: Ord. 3-1995 §1, 1995: Ord. 8-1976 §1(part), 1976).

8.10.020 Definitions.

41 For the purposes of this chapter, the following words and phrases shall have the indicated
42 meanings:

(1) “Applicant” means the promoter who has the right of control of the conduct of a festival who applies to the appropriate legislative authority for a license to hold an outdoor festival.

1 (2) "Board" means the board of county commissioners.
2
3

4 (3) "Outdoor festival" means an indoor or outdoor assembly of persons at a given place and
5 time, generally a planned social occasion to bring people together in a group for a public or
6 private performance, entertainment, affair, function, occasion, social function or special occasion
7 where the predicted total number of persons on the site is five hundred persons or more, and
8 where the duration of the program is five hours or longer except:

9
10 ----OR----
11

12 (3) "Outdoor festival" means an indoor or outdoor assembly of persons at a given place and
13 time, generally a planned social occasion to bring people together in a group for a public or
14 private performance, entertainment, affair, function, occasion, social function or special occasion
15 where the predicted total number of persons on the site is five hundred persons or more, except:

16
17 (a) Outdoor festivals at a structure or facility such as a stadium, athletic field, arena,
18 auditorium, coliseum, or other similar permanently established place of assembly that has been
19 permitted for assembly purposes under the land-use, building safety, fire safety and health safety
20 regulations of Yakima County and other applicable state or local regulation;

21
22 (b) Government-sponsored fairs held on regularly established fairgrounds;

23
24 (c) Circuses, traveling amusements, or carnivals, rodeo, animal show or rides, and all other
25 occasional amusements, sporting events, or shows required to be licensed under other county
26 ordinances including YCC 5.16.

27
28 (4) "Person" means any natural individual, partnership, corporation, association, society, or
29 fraternal or social organization. The singular shall include the plural.

30
31 (5) "Promoter" means any person issued a permit to conduct a festival.

32
33 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §2, 1995: Ord. 8-1976 §1(part), 1976).

34
35
36 8.10.030 Permit Required.

37 No person shall knowingly allow, conduct, hold, maintain, cause to be advertised, or permit an
38 outdoor festival in the unincorporated area of the county unless a valid permit has been obtained
39 as required by this chapter. One such permit shall be required for each festival.~~A permit may be~~
40 ~~granted for a period not to exceed sixteen consecutive days, and a festival may be operated~~
41 ~~during any or all of the days within such period.~~

42
43 ~~A person may apply for an outdoor festival permit for an event which would not otherwise be~~
44 ~~required to obtain one due to having a predicted total number of persons on site is below 500 and~~

1 ~~or a program duration less than 5 hours, or both. The application will be processed as an outdoor~~
2 ~~festivals and the permitting requirements will be those required of outdoor festivals.~~

3
4 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §3, 1995: Ord. 8-1976 §1(part), 1976).

5
6
7 8.10.040 Application for Permit – Contents – Filing.

8 Application for an outdoor festival event permit shall be in ~~writing and filed with the clerk of the~~
9 ~~board~~accordance with the provisions set forth below.

10
11 (1) Except as provided herein, a complete application shall be ~~filed submitted in writing to the~~
12 Yakima County Public Services Planning Division at least ninety (90) not less than forty five and
13 ~~not more than three hundred sixty five calendar~~ days prior to the proposed first scheduled day of
14 the festival event and shall be accompanied with a permit fee in the amount ~~of one thousand~~
15 ~~dollars~~identified in the fee schedule listed in YCC Title 20. Application for an outdoor festival
16 permit shall include:

17
18 (a) A completed application form signed by the owner(s) of record and the event promoter (if
19 applicable). The application form shall be provided by the Administrative Official. The name of
20 the person or other legal entity on behalf of whom said application is made; provided, that ~~a~~
21 ~~natural person applying for such permit~~the applicant shall be eighteen years of age or older;

22 (b) The nature of the business organization of the applicant;

23 (c) Names and addresses of all individuals or other entities having a ten-percent or more
24 proprietary interest in the festival;

25 (d) The principal place of business of the applicant;

26 (e) The address or parcel number(s) of the land to be occupied, the name and address of the
27 owner thereof, together with a document showing the consent of said owner to the issuance of a
28 permit, if the land is owned by a person other than the applicant;

29 (f) The scheduled performances and programs;

30 (g) Written confirmation that the Yakima Health District health officer has reviewed and
31 approved plans for the outdoor festival event site in accordance with rules, regulations and
32 standards adopted by the State Board of Health:z.

33
34 (h) Written confirmation from the ~~county~~ sheriff's office that traffic control and crowd
35 protection policing has been contracted for or otherwise provided by the applicant in accordance
36 with the applicable regulations and policies enforced by the ~~county~~ sheriff:z.

37
38 (i) Written confirmation from the county fire marshal's office that the application and site
39 plans for the outdoor festival site have been reviewed and approved as complying with the
40 provisions of the fire code and the rules and policies of the fire marshal's office.

1
2 (j) A written statement of consent from the applicant that all State and Yakima County law
3 enforcement officers, fire-control officers and other necessary governmental personnel shall have
4 free access to the site of the festival;

5
6 ~~(k) A list of the address or parcel number of all residences located within 300 yards of the~~
7 ~~sound source the outdoor festival measured as defined in YCC 8.10 and a copy of a written~~
8 ~~waiver from the owner of the residence as provided in YCC 8.10.100;~~

9
10 (k) A narrative describing the proposed event, including the nature of the event, anticipated
11 number of attendees, proposed days and hours of operation, methods of controlling ingress and
12 egress, and any other measures designed to minimize impacts on surrounding properties and road
13 systems;

14 (l) The Administrative Official may require additional information, such as environmental
15 consideration, if deemed necessary.

16
17 (l) The verification of the applicant warranting the truth of the matters set forth in the
18 application to the best of the applicant's knowledge, under the penalty of perjury.

19
20 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §4, 1995: Ord. 8-1976 §1(part), 1976). ECF - To confirm, this section
21 8.10.050 is
22 only relevant if there is
500+ people?
23 8.10.050 ~~Approval or Denial of Permit Corrections Judicial Review~~.Administrative Official,
24 Decision, Appeal to Hearing Examiner.

25 (1) Within fifteen days after the filing of the complete application for an outdoor festival permit,
26 the ~~board~~Administrative Official shall in writing, schedule a time at the next regular meeting of
27 ~~the board when the board shall~~ approve, deny, or approve with conditions the applicant's permit.
28 Any denial decision by the Administrative Official in conjunction with an event may be appealed
29 to the hearing examiner, unless otherwise specified, within fifteen (15) calendar days of the
30 decision. The appeal must be in writing and must contain a brief statement of the reason why the
31 applicant feels the decision was made in error. The appeal must be accompanied by an appeal fee
32 in accordance with YCC 20.01. The decision of the hearing examiner shall be final and conclusive,
33 with no further administrative appeal process available. shall set forth in detail the specific grounds
34 therefor. The applicant shall have fifteen days after the receipt of such denial, or such additional
35 time as the board of county commissioners shall grant, to correct the deficiencies set forth in the
36 denial. The board of county commissioners shall either approve or deny the permit within fifteen
37 days of receipt of the submitted corrections to the application. Any denial shall set forth in detail
38 the specific grounds therefor.

39
40 ~~(2) After the board of county commissioners has issued a final decision to approve or deny the~~
41 ~~permit, the decision may be appealed as provided in RCW 36.70C.~~

42
43 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §5, 1995: Ord. 8-1976 §1(part), 1976).

44
45 8.10.060 Reserved.

1 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §6, 1995: Ord. 8-1976 §1 (part), 1976).

4 8.10.070 Cash Deposit – Surety Bond – Insurance

5 (1) After an application for an outdoor festival has been approved, the promoter shall deposit
6 with the county treasurer the sum of ten thousand dollars cash, or surety bond in like sum. The
7 bond or deposit shall be used to pay any costs or charges incurred to regulate health or to clean
8 up afterwards outside the festival grounds, or any extraordinary costs or charges incurred for law
9 enforcement or to regulate traffic or parking.

10 (2) Bond or other deposits shall be returned to the promoter when the board is satisfied that no
11 claims for damage or loss will be made against said bond or deposit, or that the loss or damage
12 claimed is less than the amount of the deposit, in which case the uncommitted balance thereof
13 shall be returned; provided, that the bond or cash deposit or the uncommitted portion thereof
14 shall be returned not later than thirty days after the last day of the festival.

15 (3) The promoter shall furnish proof of occurrence basis liability insurance in an amount of not
16 less than five hundred thousand dollars per occurrence and one million dollars in the aggregate
17 property damage and bodily injury coverage covering any officer, employee, volunteer, member,
18 agent or representative of the promoter while acting in the performance of his or her duties. The
19 policy shall name Yakima County as an additional named insured.

20 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §7, 1995: Ord. 8-1976 §1(part), 1976).

21 8.10.080 Revocation of Permits.

22 (1) Revocation of any permit granted pursuant to this chapter shall not preclude the imposition
23 of penalties as provided for in this chapter and the laws of the state of Washington. Any permit
24 granted pursuant to the provisions of this chapter to conduct an outdoor festival shall be
25 summarily revoked by the issuing authority when it finds that by reason of emergency the public
26 peace, health, safety, morals or welfare can only be preserved and protected by such revocation.

27 (2) Any permit granted pursuant to the provisions of this chapter to conduct an outdoor festival
28 may otherwise be revoked for any material violation of this chapter or the laws of the state of
29 Washington after a hearing held upon not less than three days' notice served upon the promoter
30 personally or by certified mail.

31 (Ord. 2-2016 (part), 2016: Ord. 8-1976 §1(part), 1976).

32 8.10.090 Access and parking Reserved.

33 (1) Provide adequate access from a county road. A shared or private road must submit a road
maintenance agreement.

34 (2) Provide a traffic and parking management plan. Occupancy calculation will be based on
building capacity and available outside useable area.

1 [8.10.095 Temporary structures](#)

2 [\(1\) All temporary facilities or structures shall be completed no more than five \(5\) days before the event.](#)
3 [The Administrative Official shall inspect the structures for safety standards prior to the first day](#)
4 [of the event. Should the temporary facility fail to meet the standards approved in the proposed](#)
5 [plans, the event permit approval may be withdrawn.](#)

6
7
8 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §9, 1995: Ord. 8-1976 §1(part), 1976).

9
10 8.10.100 Distance from Habitation.

11
12 No outdoor festival shall be operated in a location which is closer than three hundred ~~yards~~feet
13 from any house, residence or other human habitation as measured from the sound source;
14 provided, however, that this section shall not apply if the owner of each residence within said
15 distance waives this requirement in writing. [Applicant shall provide such waivers at time of](#)
16 [application submittal.](#)

17
18 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §10, 1995: Ord. 8-1976 §1(part), 1976).

19 8.10.110 Noise Levels.

20
21 Sounds created by an outdoor festival permitted by this chapter shall be exempt from the
22 provisions of YCC 6.28 from 6:00 a.m. to 12:01 a.m.

23
24 [8.10.115 Vibration](#)

25 [Any vibration generated by the event, other than that caused by vehicles or equipment as part of](#)
26 [the approved permit, which is discernible without instruments at the property line, is prohibited.](#)

27
28 [8.10.116 Exterior lighting](#)

29 [Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and](#)
30 [glare.](#)

31
32 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §11, 1995: Ord. 8-1976 §1(part), 1976).

33
34 8.10.120 Age of Patrons.

35
36 No person under the age of eighteen years shall be admitted to any outdoor festival without the
37 escort of his or her parents or legal guardian and proof of age shall be provided upon request.

38
39 (Ord. 2-2016 (part), 2016: Ord. 3-1995 § 12, 1995: Ord. 8-1976 §1(part), 1976).

40
41 8.10.130 Posting Permits – Non-transferability.

42
43 Any permit granted pursuant to this chapter shall be posted in a conspicuous place on the site of
44 the festival. A permit issued pursuant to this chapter shall not be transferable or assignable.

45
46 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §13, 1995: Ord. 8-1976 §1(part), 1976).

8.10.140 Hours.

Outdoor festivals may be conducted between the hours of 6 a.m. and 12:01 a.m. Monday through Sunday. The hours and days may be adjusted as determined by the Administrative Official review of the application, public and agency comments based upon the public health, safety, and welfare.

(Ord. 2-2016 (part), 2016: Ord. 8-1976 §1(part), 1976).

8.10.150 Penalty.

(1) Any person, firm, or corporation violating any of the provisions of this Title, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be subject to a civil infraction as provided for by Chapter 7.80 RCW in the amount of not less than \$500.00.

(Ord. 2-2016 (part), 2016: Ord. 7-2010 § 1, 2010: Ord. 3-1995 §17, 1995: Ord. 8-1976 §1 (part), 1976. Formerly 8.10.150).

8.10.160 Preparations – Completion Requirements.

All event preparations required to be made by the provisions of this chapter on the outdoor festival site shall be completed prior to the first day scheduled for the festival. If a material violation exists, the board shall move to revoke the festival permit in the manner provided by Section 8.10.080.

DRAFT

Chapter 19.01 GENERAL PROVISIONS

(1) "A" Definitions.

...	
Agricultural tourist operation, (ATO)	<p>"Agricultural tourist operation" refers to a working farm, including an approved winery, distillery or brewery, <ins>or</ins> distillery (domestic or micro) or any agricultural, horticultural, or agribusiness operation that is open to the public for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. These activities must be related to the agricultural products grown or produced on-site and incidental to the primary operation on the site. This term includes farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party <ins>event</ins> facilities offered in conjunction with the above and similar uses. The retail sales of agricultural related products is<ins>are</ins> considered accessory and subordinate to the agricultural operation when the products sold are grown or produced on-site.</p> <p>(1) Retail Agricultural Tourist Operation: is one that may include eating and food preparation facilities with event facilities for seminars or other social gatherings.</p> <p>(2) Destination Agricultural Tourist Operation: is one that consists of an assortment of uses over and above any uses associated with retail level operation but may include overnight lodging facilities up to 12-6 (six) guest rooms, <ins>and a restaurant serving meals to the public, including a commercial kitchen</ins> with event facilities for seminars, weddings and other social gatherings.</p> <p>(3) Resort Agricultural Tourist Operation: is one that consists of an assortment of uses over and above any uses associated with retail or destination level operation. These accessory uses can be anything related to the agricultural operation that enhances the tourist related experience, with a dedicated area for seminars, weddings and other social gatherings, and RV park accommodations.</p>
...	
brewery, Domestic	"Brewery, domestic" means a facility where 60,000 <ins>sixty</ins>

DRAFT

DRAFT

	thousand] barrels or more of beer are processed and manufactured per year. A domestic brewery can include hop fields, grain fields, tasting and sales rooms, <u>and limited food service necessary to meet the requirements of the brewery's liquor license</u> . (Definition based on RCW 66.24.240(1).)
brewery, Micro	"Brewery, micro" means a facility where less than <u>60,000</u> <u>(sixty thousand barrels)</u> of beer are processed and manufactured per year. A microbrewery can include hop fields, grain fields, tasting and sales rooms, <u>and limited food service necessary to meet the requirements of the brewery's liquor license</u> . (Based on RCW 66.24.244(1).)
...	
Distillery	"Distillery" means a facility where more than 60,000 <u>(sixty thousand)</u> gallons of spirits are processed and manufactured per year. A distillery can include fields, tasting and sales rooms, <u>and limited food service necessary to meet the requirements of the distillery's liquor license</u> . (Based on RCW 66.24.140(1).)
Distillery, craft	"Distillery, craft" means a facility where 60,000 <u>(sixty thousand)</u> gallons or less of spirits are processed and manufactured per year. A craft distillery can include fields, tasting and sales rooms, <u>and limited food service necessary to meet the requirements of the distillery's liquor license</u> . (Based on RCW 66.24.140(1).)
...	
Overnight lodging facility	"Overnight lodging facility" means a commercial establishment consisting of motel and hotel units, cabins, that are permanently established on-site and in which there are <u>up to 6</u> <u>(six)</u> or more guest rooms for transient lodging accommodations on a daily rate, <u>but not to exceed 30 (thirty) consecutive days</u> , to the general public. Such establishments may include additional services such as restaurants, meeting rooms, spas, concierge services, and recreational facilities. This definition is inclusive of "glamping," but does not include mobile homes, camping or recreational vehicles. Overnight lodging facilities are licensed under the Department of Health's transient accommodation license.
...	
Winery	"Winery" means a facility where wine is processed and manufactured. A winery is specifically designed to include, at a minimum, two or more of the following:

DRAFT

DRAFT

	vineyards, crushing, fermentation, and barrel aging of wine. A winery may also include any of the following: barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of wine, employee day care <ins>daycare</ins> , tours, tasting and sales rooms when they are accessory to the on-site production facility and, ancillary retail sales, picnic areas, <ins>event facilities</ins> , and food service. Food service is limited by the type of Yakima Health District License, Agricultural Tourist Operation, or commercial zoning district where the winery is located.
...	

(5) "E" Definitions.

...	
<u>Events (Ancillary Entertainment/Special Events)</u>	<u>"Events"</u> means something that happens at a given place and time, generally a planned social occasion to bring people together in a group for a public or private performance, entertainment, affair, function, occasion, social function or special occasion. Such events may include, but not limited to weddings, receptions, meetings, retreats, and outdoor festivals.

DRAFT

Chapter 19.14

ALLOWABLE LAND USE TABLE

19.14.010 Allowable Land Use Table.

(1) The following Table 19.14-1 indicates those uses which may be permitted through Type 1, 2, 3 or 4 review in the various zoning districts defined in this title. In addition to Table 19.14-1, reference to the individual zoning districts and, where indicated, the notes following the table and definitions of 19.01.070, is necessary in order to determine if any specific requirements apply to the listed use.

(2) Uses. The uses set out in Table 19.14-1 are examples of uses allowed in the various zoning districts defined in this title. The appropriate review authority is mandatory. See YCC Title [16B](#) for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

“Type 1” Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

“Type 2” Uses allowed upon Type 2 administrative review and approval as set forth in Section [19.30.030](#) uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.

“Type 3” Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section [19.30.030](#). Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section [19.30.100](#) and YCC Subsection [16B.03.030\(1\)\(c\)](#).

“Type 4” Uses which may be allowed subject to the approval of a project permit as set forth in Section [19.30.030](#). Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections [19.30.080](#), [19.36.030](#), and YCC 16B Subsection [16B.03.030\(1\)\(d\)](#).

“Blank” Uses specifically prohibited.

DRAFT

DRAFT

A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter [19.17](#), or where circumstances merit a higher level of review as described in Section [19.30.030](#). Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter [19.31](#).

Table 19.14-1 Allowable Land Uses

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
AGRICULTURE & FORESTY (COMMERCIAL)																			
...																			
Agricultural tourist operation*† (ATO):																			
(1) Retail ATO*	2				2	2	<u>3</u>												
(2) Destination ATO*	3				3	3	<u>3</u>												
(3) Resort ATO*	4	4			4	4													
...																			
Brewery, domestic*																2	1	1	
Brewery, micro*	1				3	2		2	2							1	1	1	
...																			
Distillery*	1				3			2	2										
Distillery*, craft*	1				3	2		2	2							2	1	1	
...																			
Winery*	1				3	2		2								2	1	1	
...																			
MANUFACTURING																			

DRAFT

DRAFT

Table 19.14-1 Allowable Land Uses

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
...																			
Beverage industry*, not including wineries							2										2	1	1
...																			

Notes:

* References to a definition in Section [19.01.070](#)

†Refers to a special use and standard in Section 19.18

- (1) The type of review of towers and associated structures varies depending on height, diameter and other factors listed in Section [19.18.490](#).
- (2) Allowed as an accessory uses to an existing detached, single-family residence.
- (3) Seasonal-duration temporary worker housing, located on a rural worksite, is limited to review only for height, setback and access requirements under RCW [70.114A.050](#).
- (4) In the Agricultural district, boarding/lodging houses and overnight lodging facilities are allowed only where accessory to an agricultural tourist operation.

(Ord. 6-2018 §§ 2(F)(ii), (G)(i)(1), (2) (Exhs. 5, 6(1), (2)(c)), 2018; Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 4-2016 § 2 (Exh. 1), 2016; Res. 80-2016 (Exh. A) (part), 2016; Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

DRAFT

Chapter 19.18

SPECIAL USES AND STANDARDS

I am opposed to limiting this to 5. At present, there is no one owning these events. Would if as we grow as a wine tourism region, we want to have six, we are now limited!

19.18.500 Wineries, Breweries, and Distilleries.

(1) Legislative Intent. Wineries, Breweries (micro), and Distilleries (micro) (WB&Ds), as defined in Section 19.01.070 and allowed under RCW 36.70A.177, and accessory sales of items promoting the WB&D operation. Therefore, WB&D are subject to the following minimum requirements.

(2) Events (Ancillary Entertainment/Special Events). The WB&D may include the following:

(a) Tasting rooms. Tasting rooms located on a farm shall be a subordinate element of the operation of an ongoing agricultural activity as defined by RCW 84.34.020(2).

(b) Industry events. There are 5 (five) industry events that are held each year that contribute to the economic development of the County. These industry/signature events are considered a regular part of business practice for a WB&D and will not require an additional event permit. These industry/signature events are Red Wine and Chocolate, Spring Barrel Wine Tasting, Catch the Crush, Craft Beverage Walk, and Thanksgiving in Wine Country.

(c) Special events. Events not related to the operational and marketing aspects of a WB&D such as weddings, receptions, meetings, retreats, and outdoor festivals, will require a one-time special event permit (per event) as set forth in YCC Title 8.10. These special events shall be sized and conditioned consistent with the character of permitted activities and uses. The Reviewing Official shall place a limit on the number of occupants or size of indoor and outdoor events allowed. Capacity is limited by building occupancy and parking limitations.

(3) General Requirements. All types of WB&D shall:

(a) Be consistent with the intent of this Section;

(b) Comply with specific provisions applicable to the type of winery, brewery, or distillery in this Section;

(c) Be subject to, and limited by the appropriate licensing standards of State's Liquor Control Board and the Yakima Health District when limited food service and handling is required; and

(d) Have adequate access from a county road consistent with the standards under Chapter 19.23. WB&Ds that share a private road must submit a road maintenance agreement at the time of application signed by all legal property owners or their designees. Without the road maintenance agreement, the application will be considered incomplete; and

(e) Provide sufficient detail with applications proposing phased development of a WB&D to enable the County, agencies, and adjoining property owners to consider all aspects of the

1 project at full build-out. Changes to an approved WB&D that result in new uses that were
2 not considered in the original approval are subject to the level of review for the requested
3 change.

16 <\\nt2\Planning\Long Range\Projects\Plan Amendments\2019 Plan Amendments\LRN19-010>
17 <WB&D\ProposedTextAmendments\PC Study Session>
18 [Drafts\19.18_SpecialUsesAndStandards_OS \(002\)_tc_nm_tc2.docx](Drafts\19.18_SpecialUsesAndStandards_OS (002)_tc_nm_tc2.docx)

Chapter 19.18

SPECIAL USES AND STANDARDS

19.18.060 Agricultural Tourist Operations.

(1) Legislative Intent. Agricultural Tourist Operations (ATOs), as defined in Section 19.01.070 and allowed under RCW 36.70A.177, and accessory sales of items promoting the agricultural tourist operation, are considered to be agricultural accessory uses and a component of a strong agricultural economy. This Section is intended to provide standards to ensure that the physical development of tourist operations and public education in farming areas enables business diversification that supports, promotes and sustains agricultural operations and production. Therefore, Agricultural Tourist Operations are defined as retail or destination, ~~or resort~~ operations and are subject to the following minimum requirements to protect agricultural land of long-term commercial significance, ensure the operation is accessory to a principal agricultural use, and location, design, and operation that does not interfere with, and supports the continuation of, the overall agricultural use of the property and neighboring properties.

(2) Additional Accessory Uses. The ATO may include the following:

(a) Food Service. Food services associated with a use or activity allowed pursuant to this Section are those services which are incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant's farm and may include sales of ancillary prepackaged foods or beverages that are not prepared on the premises for on-site consumption. Food handling is subject to a License from the Yakima Health District and may require a commercial kitchen meeting YCC Title 13 standards, depending on the specific conditions of the development authorization and the food service offered.

(b) Educational Services. Education services located on a farm shall be a subordinate element of the operation of an ongoing agricultural activity as defined by RCW 84.34.020(2).

(c) Events (Ancillary Entertainment/Special Events). Events (Ancillary entertainment/special events), including but not limited to ~~weddings/receptions, catered functions and small musical events~~ ~~weddings, receptions, meetings, and retreats~~ shall be sized and conditioned consistent with the character of permitted activities and uses. ~~The Reviewing Official shall place a limit on the number of occupants or size of indoor and outdoor events allowed.~~ Capacity is limited by building occupancy and parking limitations.

(d) Commercial Uses. Accessory uses include those which support, promote, or sustain agricultural operations and production as a secondary, subordinate, and/or supplemental element of the operation of an ongoing agricultural activity as defined by RCW 84.34.020(2). Accessory commercial or retail uses shall predominantly sell regionally produced agricultural products from one or more producers, products derived from regional

1 agricultural production, agriculturally related experiences, or products produced on-site.
2 Accessory commercial retail uses shall offer for sale products or services produced on-site
3 and/or limited items promoting the ATO.

4 (3) General Requirements. All types of Agricultural Tourist Operations shall:

5 (a) Be consistent with the intent of this Section;
6 (b) Be operated by the owner, operator, or occupant of the farming use;
7 (c) Comply with specific provisions applicable to the type of agricultural tourist operation
8 in this Section;
9 (d) Be subject to, and limited by the appropriate licensing standards of the Yakima Health
10 District where food handling is required; and

11 (e) Be located on a 3 (three) acre farm consisting of one or more contiguous parcels ~~with~~
12 ~~at least 5 (five)~~ producing ~~aeres in~~ the crops or products sold used in the ~~retail~~
13 ~~product~~approved ATO;

14 -----OR-----

15 (e) Be located on a 3 (three) acre farm consisting of one or more contiguous parcels
16 producing the crops or products used in the approved ATO;

18 (f) Locate and design the ATO accessory facilities and permanent parking so they will not
19 interfere with agricultural operations on the site of the proposed use or on nearby properties.
20 Overflow parking for larger events shall be provided for in a way that does not interfere
21 with, and supports the continuation of, the overall agricultural use of the property;

23 (g) Not locate nonagricultural accessory uses and activities, including new buildings,
24 parking or supportive uses, outside the general area already developed for buildings and
25 residential uses and shall not otherwise convert more than one acre of agricultural land to
26 nonagricultural uses;

27 (h) Have adequate access from a county road consistent with the standards under Chapter
28 19.23. ATOs that share a private road must submit a road maintenance agreement at the time
29 of application signed by all legal property owners or their designees. Without the road
30 maintenance agreement, the application will be considered incomplete; and

31 (i) Provide sufficient detail with applications proposing phased development of an ATO to
32 enable the County, agencies, and adjoining property owners to consider all aspects of the
33 project at full build-out. Changes to an approved ATO that result in new uses that were not
34 considered in the original approval are subject to the level of review for the requested
35 change.

36 (4) Agricultural Tourist Operation – Retail.

1 (a) Events (Ancillary Entertainment/Special Events). Indoor event facilities shall be no
2 larger than 1,500 square feet. Events are an expected component of an ATO and shall be
3 permissible under these regulations without applying for additional Special Occasion
4 Permits. Events where the predicted total number of persons on the site is five hundred
5 persons or more, and where the duration of the program is five hours or longer, an Outdoor
6 Festival Permit shall be obtained under YCC Title 8.10.

7 (b) Food Service. The sale of food that is incidental or accessory to a permitted use or
8 value-added food items produced from agricultural products grown on the applicant's farm
9 may be provided. Food service may include sales of ancillary prepackaged foods or
10 beverages that are not prepared on the premises for on-site consumption. Food service in the
11 Retail ATO is subject to Yakima Health District licensing requirements and no permanent
12 commercial kitchen is permitted. Food service shall only be served by licensed food vendors
13 and shall be restricted to the events.

14 (c) Commercial Uses. Accessory commercial retail uses may sell products or services
15 produced on-site and/or limited items promoting the ATO.

16 (5) Agricultural Tourist Operation – Destination. A Destination ATO is one that consists of an
17 assortment of uses over and above any uses associated with Retail ATO, but may include:

18 (a) Events (Ancillary Entertainment/Special Events). Indoor event facilities shall be no
19 larger than 7,500 square feet. Events are an expected component of an ATO and shall be
20 permissible under these regulations without applying for additional Special Occasion
21 Permits. For events where the predicted total number of persons on the site is five hundred
22 persons or more, and where the duration of the program is five hours or longer, an Outdoor
23 Festival Permit shall be obtained under YCC Title 8.10.

24 -----OR-----

25 (a) Events (Ancillary Entertainment/Special Events). Indoor event facilities shall be no
26 larger than 7,500 square feet. Events are an expected component of an ATO and shall be
27 permissible under these regulations without applying for additional Special Occasion
28 Permits. For events where the predicted total number of persons on the site is five hundred
29 persons or more, an Outdoor Festival Permit shall be obtained under YCC Title 8.10.

30
31 (b) ~~Food Service. Food may also be served to registered guests staying at overnight~~
32 ~~lodging facilities or boarding houses approved under subsection (7) below, or as provided as~~
33 ~~part of a specific event or class (e.g. wedding or seminar) subject to Yakima Health District~~
34 ~~licensing requirements, including a commercial kitchen meeting YCC Title 13 standards if~~
35 ~~required. Food Service. A restaurant developed as an accessory use to the Destination ATO~~
36 ~~may serve meals to the general public, subject to Yakima Health District licensing~~
37 ~~requirements, including a commercial kitchen meeting the Building and Fire, Life and Safety~~
38 ~~requirements of YCC Title 13.~~

(c) Commercial Uses. Other commercial uses directly related to the ATO may be allowed, such as gift stores, art galleries or the like.

(d) Overnight Lodging Facilities and ~~Boarding or Lodging~~ Houses. Overnight lodging facilities and ~~boarding or lodging houses~~ shall be limited to 12 6 (six) overnight accommodations, as provided in subsection (76) below.

(6) Agricultural Tourist Operation – Resort. A Resort ATO is one that consists of an assortment of uses over and above any uses associated with Retail or Destination ATO but may include:

(a) Ancillary Entertainment/Special Events. Indoor and outdoor event facilities are not limited in size; provided the proposed facility conforms to the requirements set forth in subsection (3)(g) above.

(b) ~~Food Service. A restaurant developed as an accessory use to the Resort ATO may serve meals to the general public, subject to Yakima Health District licensing requirements, including a commercial kitchen meeting YCC Title 13 standards.~~

(c) ~~Commercial Uses. Other commercial uses directly related to the ATO may be allowed, such as gift stores, art galleries or the like.~~

(d) Overnight Lodging Facilities and Boarding or Lodging Houses. Overnight lodging facilities and boarding or lodging houses may include more than 12 overnight accommodations, as provided in subsection (7) below.

(76) Accessory Overnight Lodging Facilities and. Overnight lodging facilities, to include stick built units, recreational vehicles, and membrane structures (teepees, yurts, or tents) and boarding or lodging houses are subject to additional requirements when proposed within an Agricultural Tourist Operation:

(a) Overnight Lodging Facilities and ~~Boarding or Lodging Houses~~. Overnight lodging facilities and ~~boarding or lodging houses~~ as defined in Section 19.01.070 shall be subject to the following conditions:

(i) Facilities proposed within the Agriculture (AG) zone shall only be considered when being proposed as an accessory use to a Destination or Resort Agricultural Tourist Operation.

(ii) In all allowed zones, such facilities being proposed as an accessory use to a Destination Agricultural Tourist Operation shall be limited to 126 (six) overnight accommodations.

(iii) The facilities and permanent parking shall be located and designed so they will not interfere with agricultural operations on the site of the proposed use or on nearby properties.

1 (ii*) The facilities and permanent parking shall be located within the general area
2 already developed for buildings and residential uses and shall not convert more than one
3 acre of agricultural land to nonagricultural uses.

4 (vi) If the facility is a membrane structure, it shall meet the current building code and
5 Yakima Health Department requirements for transient accommodations.

6 (vii) If the facility is a membrane structure, it does not contain indoor cooking
7 facilities.

8
9 (Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).
10

Draft Amendments to Special Uses and Standards

Paul Beveridge <paul@wilridgewinery.com>

Wed 6/23/2021 9:44 AM

To: Olivia Story <olivia.story@co.yakima.wa.us>; Amanda McKinney <amanda.mckinney@co.yakima.wa.us>

Cc: Laurie Kirkland <laurie@wilridgewinery.com>

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Hi Olivia and Amanda,

I am not going to be able to attend the meeting this afternoon so I want to give you my thoughts on the proposed changes to the Special Uses and Standards section of the Yakima County Code. I wish I had time to make specific suggestions for revising the code, but I do not.

I am at a loss to understand how the proposed changes will help small family farms or craft beverage producers survive in the ag zone. The proposed changes further restrict and limit what can happen at an ATO, rather than expand what ATOs or craft producers can do. Unless I am missing something, as drafted, all craft producers would have to obtain either a retail or destination ATO permit (and resort ATOs would no longer be allowed) if they want to hold any sort of event or serve any food at all. That's not helpful. If it was easy or inexpensive, or even possible, for many wineries, breweries and distilleries to obtain ATO permits, many would have already done so. These changes will make it harder to get an ATO permit and limit what ATOs can do. Therefore, unless someone can explain what I am missing, I want to be clear that I strongly oppose these proposed changes. The current ATO code language is much better than this proposed language.

Instead I thought we had all agreed that the purpose of our efforts together was to expand what craft producers can do in the ag zone, not restrict them. Rather than further limiting what ATOs can do, we should be expanding what wineries, breweries and distilleries and other small farm businesses can do as permitted uses in the ag zone. We should be revising the permitted use section of the code to specifically state that anyone with a permitted retail use, such as a craft producer, can hold events, play music, serve and sell food (in compliance with Health Department rules), have lodging, teach classes, hold seminars, have retreats, etc. without having to apply for an ATO. This is the successful model that has worked in Europe and kept small family farms alive there.

Therefore, I think the current proposal should be shelved, and staff should be redirected to draft proposed amendments to the code to increase, not decrease, what wineries, breweries, distilleries and other similar ag-related small businesses can do as permitted uses in the ag zone. Such new amendments are all the more important as I recently learned that some county staff interpret the code to define an event as any time two or more people gather for any purpose. See 3103.3. If that's really the case, we urgently need to specifically delineate all the activities that small family farms are permitted to do in the ag zone. Or we need to change the definition of "event."

Please forward these comments to the entire group. Thanks.

Paul

--

Fwd: Agritourism Advisory Group meeting 6

Paul Beveridge <paul@wilridgewinery.com>

Tue 7/6/2021 7:52 AM

To: Olivia Story <olivia.story@co.yakima.wa.us>

Cc: Amanda McKinney <amanda.mckinney@co.yakima.wa.us>; Laurie Kirkland <laurie@wilridgewinery.com>

3 attachments (2 MB)

Presentation Slides.pdf; Agritourism DRAFT text changes.pdf; Agritourism Advisory Group Meeting 6 Agenda.docx;

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Dear Olivia,

I thought the advisory group had clearly indicated to County staff that our mutually agreed upon goal was to make it easier for agritourism businesses such as wineries, breweries and distilleries to succeed in the Ag zone in Yakima County. I do not understand how the current proposal furthers this mutually agreed goal. The proposal does not expand what agritourism businesses can do, instead it adds new limitations, requirements and restrictions . Please forward these comments to all members of the group.

I base my conclusions not on what county staff have said verbally during the advisory group meetings, but what county staff have put in writing in the proposal. In the final analysis, it's the actual code language that is binding, not what the county says the language means during meetings. Ninety-nine percent of the actual language proposed by the county will be bad for ag tourism and family farms in Yakima County. The remaining meager one percent that might help small farmers only proves the rule.

My biggest concerns are as follows:

Events are defined as virtually any activity where more than one person is present.

Any business in the ag zone that wants to be open to the public (more than one person) will have to get an ATO permit. This will be impossible for many small family farms.

Special event permits are required for any activity involving more than one person unless the facility can get an ATO permit. The existing code language limiting facilities to five special events per year is not expanded.

The proposal makes it harder, not easier to get an ATO permit.

Rather than make it easier for small businesses to operate in the ag zone, the proposal adds many more restrictions and limitations. Wineries, breweries and distilleries are singled out for particularly harsh treatment. The proposal ignores the express directions from the group and does nothing to expand what wineries, breweries, distilleries and other ag-related businesses can do under their existing permits without needing to qualify for and obtain ATO permits.

Existing businesses are not grandfathered. They will have to get ATO permits if they want to remain open to the public or do anything other than limited manufacturing of ag products.

Resort ATOs are eliminated and lodging in the ag zone is limited to six rooms.

New limitations and requirements are placed on outdoor festivals with no input from Yakima County citizens who actually put on festivals.

In short, the proposal does almost nothing to meet the group's stated goal of promoting agricultural tourism in Yakima County. The proposal will result in more complaints to the county, not fewer. The county will have to increase staff to manage all the new requirements and permits. If the proposal is enacted, many small farms will go out of business. Yakima County will be the worst county in the State of Washington for ag tourism. Rather than be moved forward to a vote, the proposal should be scrapped and rewritten in its entirety. If a vote is forced, Wilridge urges all group members to vote no.

My specific concerns are as follows:

19.01(1) The definition of an Agricultural Tourist Operation (ATO) is changed so that to hold any kind of "event" the ag related business must obtain an ATO permit for their facility. Obtaining an ATO permit is an expensive and time consuming process and the permit may not be issued even after the applicant spends all the time and money to apply. Many businesses will simply decide to close their doors or choose another county instead.

Further, as discussed below in detail, the definition of an event in the proposal is so broad that virtually anything a business might want to do with more than one person will be considered an event and therefore require an ATO permit. Small businesses cannot thrive under such burdens.

19.01(1)(2) The proposal limits Destination ATOs to six guest room accommodations. This is a new limitation as the current code allows 12 guest rooms for Destination ATOs and contains no limit for Resort ATOs. The group never recommended reducing the number of guest rooms an ATO may have.

Under the proposal, event facilities are allowed at ATOs only for "seminars and other social gatherings." Small businesses without ATO permits will not be allowed to hold "events" or "social gatherings" of any kind without special occasion permits. No mention is made of existing county policy that limits facilities to just five special events per year.

Also, under the proposal, weddings are deleted from what a Destination ATO can do.

19.01(1)(3) The proposal eliminates Resort ATOs. Resorts will no longer be allowed in the ag zone. This is a major change from the existing code. The current code allows a Resort ATO to do "anything related to the agricultural operation that enhances the tourist related experience." The proposal deletes this broad language. Under the proposal, resort type ag tourism will go to other counties.

The proposal deletes weddings.

The proposal deletes RV park accommodations.

19.01(1) The proposal limits food service by breweries and distilleries to the limited food service required by the Liquor Control Board. This means that breweries and distilleries are authorized only to serve prepackaged foods such as pretzels.

19.01(1) The proposal changes the definition of "overnight lodging facility" from "six or more guest rooms" to "up to six guest rooms." This limitation was never recommended by the group and will hurt businesses in the ag zone who want to offer more lodging for tourists. It is a major reduction from the current code which allows

Resort ATOS to have as many guest rooms as they want and allows Destination ATOS to have up to twelve guest rooms.

The proposal includes a completely new restriction on the number of days a guest may stay at an ATO: no more than 30 days. This limitation was never recommended by the group. It means, for instance, that ag related businesses will no longer be able to host artists or writers for more than 30 days.

19.01(1) The proposal allows wineries to have "event facilities," but breweries and distilleries get no similar express authorizations.

19.01(5) The proposal creates a definition of "event" not found in the current code. An event is defined as "something that happens..." and anything that "brings people together." An event is any "affair, function or occasion." Any "entertainment" is an event -- presumably even playing the radio. The proposal expands the code to private events, not just public events. The definition in the proposal is so broad that any time two people talk to each other they are holding an event. It would make virtually every sales activity businesses currently perform in the ag zone an event. For instance, wine tasting would be an event. The group never recommended such a broad definition of events. Instead the group recommended that all businesses in the ag zone be allowed to hold events, not just those fortunate enough to be able to obtain an ATO permit.

19.14.010 Resort ATOS are no longer allowed in the ag zone.

19.18 The proposal adds a new section to the code limiting and restricting wineries, breweries and distilleries. The group never recommended these new limitations and restrictions. Other ag-related businesses such as fruit stands and corn mazes are not saddled with similar business-specific restrictions.

19.18.500(1) Under the proposal, wineries, breweries and distilleries are subjected to new "minimum requirements" not previously included in the code.

19.18.500(2) Under the proposal, wineries, breweries and distilleries are only allowed to hold three kinds of "events." Everything else falling under the extremely broad proposed definition of an "event" would be illegal.

19.18.500(2)(a) Tasting rooms are defined as "events." The group never suggested that tasting rooms should be considered events.

19.18.500(2)(b) The proposal lists five specific regional marketing programs and defines them as events. Everything else requires an "additional event permit." This goes directly against the express conclusion of the group that these marketing programs are not events. They are promotions, not events. As the group explained very clearly, an individual winery, brewery or distillery could hold an actual event at its own facility during these promotional weekends, but the promotions are not events themselves.

Requiring an "additional event permit" for every activity other than these five industry promotions is the opposite of what the group recommended, especially considering that an "event" is defined so broadly.

Further, it sets a dangerous precedent to call out specific industry promotions by name in the County code. If the proposal were adopted, no other promotional activities other than the five listed in the code would be allowed without an amendment to the code. For instance, breweries could not hold Octoberfest without amending the county code. In fact, even the names of the promotions could not be changed without amending the county code.

Also, four of the five industry promotions listed in the proposal only apply to wineries (and the fifth is held in the City of Yakima, not Yakima County). Breweries and distilleries are excluded and therefore cannot conduct similar promotions as they have no express permission to do so.

19.18.500(2)(c) Directly contrary to the expressed recommendation of the group, the proposal requires wineries, breweries and distilleries to obtain separate special event permits, per event, every time they want to hold any activities "such as weddings, receptions, meeting, retreats, and outdoor festivals." If the proposal is enacted, the County will be flooded with special event permit applications -- or the wineries, breweries and distilleries will be forced to go out of business because they can no longer attract customers. Yakima County will lose ag tourism dollars.

The proposal also gives county staff new authority to further limit special events, including the size of both indoor and outdoor events.

19.18.500(3) The proposal adds a multitude of additional "general requirements" applicable to all wineries, breweries and distilleries in the County. Like the other new restrictions in the proposal, these additional requirements will place the wineries, breweries and distilleries in Yakima County at a competitive disadvantage to similar business in other counties. The group never recommended any of these additional requirements.

Several of the proposed "general requirements" were previously applicable only to ATOs. These expensive and time consuming requirements are one of the reasons many wineries, breweries and distilleries have not been able to obtain ATO permits in the past. If these ATO requirements are applied to wineries, breweries and distilleries, many will have to go out of business or locate in other counties.

19.18.060(1) The proposal eliminates Resort ATOs.

19.18.060(2)(c) Under the proposal, only ATOs can have "events" without special permits for each "event." As discussed previously, the word "event" is defined extremely broadly, so virtually every ag-related business in the County that is open to the public will have to obtain an ATO permit or close their doors. This goes directly against the recommendation of the group that the code should be amended to make it easier, not harder, for ag-related businesses such as wineries, breweries and distilleries to conduct their businesses and sell their products through events.

19.18.060(3)(e) In one of the only rare examples of the proposal actually helping, not hurting, ag-related businesses, the proposal reduces the minimum size of the farm that may obtain an ATO permit from five acres to three acres. However, by deleting the words "at least" from the code, under the proposal only three acre farms can get ATO permits. Presumably limiting ATOs to three acres is not what county staff intended, but that's what the proposal says.

The existing code language of this provision is better for ag-related businesses than either of the alternatives proposed by county staff.

19.18.060(3)(f) The proposal includes new parking restrictions for undefined "larger" events that were not suggested or recommended by the group.

19.18.060(5)(b) The proposal deletes existing code language that allows Destination ATOs to serve food to guests staying overnight. A Destination ATO must install a commercial kitchen if it wants to operate a restaurant. It appears that bed and breakfasts would be illegal in Yakima County unless the bed and breakfast can meet the many requirements for obtaining a Destination ATO permit and meet the requirements for a commercial kitchen and restaurant.

19.18.060(5)(d) The proposal reduces the number of overnight lodging accommodations a Destination ATO can operate from twelve to six. The existing code language allowing a Destination ATO to have a boarding or lodging house is deleted.

19.18.060(6) The existing code language allowing Resort ATOs to operate in the ag zone is deleted in its entirety by the proposal. Large events are no longer allowed without a special permit -- even if the Resort ATO is designed to accommodate large events.

In addition it will now be illegal to operate a "gift store, art gallery or the like" in the ag zone under any circumstance.

Overnight lodging facilities with more than six accommodations are made illegal.

19.18.060(6) The proposal applies "additional requirements" to "stick built units, recreational vehicles, and membrane structures (teepees, yurts or tents)" not previously required by the code. Each such temporary structure will not account against the facilities limit of six lodging accommodations. These changes were never suggested by the group and will make it harder for small farms to host visitors through ag tourism.

For the first time, membrane structures are required to comply with the county code for transient accommodations (e.g. cabins). This will be very difficult or impossible for tents, teepees and yurts to comply with -- so the proposal effectively bans membrane structures. This goes against recent changes in the county code designed to encourage "glamping" in the ag zone.

Cooking in membrane structures is banned. This is another change that was never suggested by the group.

8.10.010 The proposal takes the current code section applicable to major outdoor festivals and applies it to all events. It defines events extremely broadly to include all public assemblies of any kind. It says that all events are as dangerous to the public as big festivals. It creates a whole new administrative process that applies to all events, not just major festivals. None of these changes were suggested by the group. Changing the regulations for festivals is not within the mandate of the group.

8.10.020(3) The proposal expands the existing definition of Outdoor Festival to include indoor festivals. It dramatically expands the definition of a festival as any assembly of persons over 500 people for more than five hours for virtually any purpose, public or private. The group never suggested that the rules for festivals should be changed. The county has not reached out to entities that actually want to hold festivals in order to get their input prior to proposing such sweeping changes.

8.10.030 The proposal removes the allowance for festivals to be up to 16 days under one permit. No one in the group made this suggestion. Presumably this means that if someone wants to hold a sixteen day festival they will have to apply for 16 permits.

8.10.040(1) The proposal requires the applicant to apply 90 days before the festival instead of 45 days. The proposal also appears to change the permit fee. Again, not member of the group suggested these changes.

8.10.040(1)(a) The proposal requires both the owners and the "event" promoter (note that it does not say "festival" promoter) to sign the application. The proposal appears to make it illegal for corporations or LLCs to apply for festival permits.

8.10.040(k) The proposal gives the administrative official broad discretion to require "any other measures" to reduce impacts from the festival.

8.10.040(l) The proposal allows the administrative official to require whatever additional information he or she might want from the applicant while providing no guidance or limitations on the discretion of the administrative official.

8.10.050 The proposal allows the administrative official to deny a permit for a festival without having to state the reasons for the denial. The right to appeal to the Board of County Commissioners is eliminated. The applicant must pay a new fee in order to appeal to the hearing examiner. The right to judicial review is deleted.

8.10.090 The proposal creates new access and parking requirements and limitations. No criteria are provided to guide applicants or county staff.

8.10.095 The proposal creates new requirements and limitations for membrane structures (e.g. tents or teepees). The membrane structures must be installed at least five days before the festival, but the County does not inspect until the day before the event. If the county does not like the membrane structures, the festival will be cancelled at the last minute. The proposal goes directly against the strongly expressed input of the group that approvals be made in advance so that owners and promoters have time to plan and sell tickets without having to worry that their event or festival will be cancelled by the county at the last minute.

8.10.100 The proposal requires applicants to obtain waivers from neighbors before the application is submitted.

8.10.115 The proposal adds new vibration restrictions.

8.10.116 The proposal adds new lighting restrictions.

8.10.140 The proposal places potential new limits on the hours of festivals. County staff are given the authority to shorten the hours of a festival based on vague criteria such as "public health."

----- Forwarded message -----

From: **Olivia Story** <olivia.story@co.yakima.wa.us>

Date: Thu, Jul 1, 2021 at 4:09 PM

Subject: Agritourism Advisory Group meeting 6

To: Noelle Madera <[Noelle.Madera@co.yakima.wa.us](mailto>Noelle.Madera@co.yakima.wa.us)>, Thomas Carroll <thomas.carroll@co.yakima.wa.us>

Good afternoon Advisory Group members,

Attached are the DRAFT text changes with updates according to the discussion we had at the last meeting. These changes reflect your wishes with a few sections yet to be finalized (highlighted in yellow). Please review the attached documents and provide any comments you may have before the meeting on July 7.

Each of the remaining sections of the text will be voted on by you, the group, at the next meeting. Please remember, the vote does not need to be unanimous. For those who have a different vote than the majority of the group, staff will summarize your wishes and forward them to the Planning Commission for their review. This will be our last Advisory Group meeting, we would like to see everyone attend so their voices can be heard.

Olivia Story
Project Planner
Long Range Planning Division
Yakima County Public Services
(509) 574-2300 ext: 2391 Phone
(509) 574-2301 Fax
olivia.story@co.yakima.wa.us

This email and replies to it are subject to public disclosure under Washington state statute (RCW 42.56 – Public Records Act).