

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;

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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 Oktoberfest 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>, 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.

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