

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.

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

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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).

1
2
3 8.10.140 Hours.

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

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

10
11 8.10.150 Penalty.

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

16
17 (Ord. 2-2016 (part), 2016: Ord. 7-2010 § 1, 2010: Ord. 3-1995 §17, 1995: Ord. 8-1976 §1 (part),
18 1976. Formerly 8.10.150).

20
21 8.10.160 Preparations – Completion Requirements.

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

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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>

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	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:

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	<p>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.</p>
...	

(5) "E" Definitions.

...	
<u>Events (Ancillary Entertainment/Special Events)</u>	<p><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.</p>

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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.

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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																			

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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).

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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