

Yakima County Planning Commission
Findings of Fact and Recommendation
June 8, 2022

IN THE MATTER OF CONSIDERING) **FINDINGS OF FACT AND
AMENDMENTS TO YAKIMA COUNTY) RECOMMENDATION
DEVELOPMENT REGULATIONS, YCC TITLE) File Nos:
19 UNIFIED LAND DEVELOPMENT CODE,) LRN2019-00010/SEP2022-00003;
AND YCC TITLE 8 PUBLIC PEACE, SAFETY,
AND MORALS**

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the Yakima County Comprehensive Plan – **Horizon 2040**, on June 27, 2017, and adopted development regulations – Yakima County Code Title 19, on May 5, 2015; and

WHEREAS, RCW 36.70A.130 requires that Yakima County as a "fully planning" county; shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

WHEREAS, under RCW 36.70A.130, the plan and development regulations are subject to continuing review and evaluation, but the plan may be amended no more than one time per year; and

WHEREAS, Yakima County Planning Division initiated development regulation text amendments (LRN2019-00010 – Agritourism, to amend portions of YCC Title 19 Unified Land Development Code and YCC Title 8 Public Peace, Safety and Morals); and

WHEREAS, Yakima County Planning Division initiated an Agritourism Advisory Group, consisting of industry members, to provide feedback on the staff proposed development regulation text amendments (YCC Title 19 Unified Land Development Code and YCC Title 8 Public Peace, Safety and Morals); and

WHEREAS, LRN2019-00010 Agritourism text amendments to YCC Title 19 and YCC Title 8, were presented to the Agritourism Advisory Group for their review on April 7, 2021, May 5, 2021, May 19, 2021, June 2, 2021, June 23, 2021, and July 7, 2021; and

WHEREAS, LRN2019-00010 Agritourism text amendments to YCC Title 19 and YCC Title 8, were presented to the Planning Commission for their review on September 9, 2020, October 13, 2021, November 10, 2021, December 8, 2021, and January 12, 2022; and

WHEREAS, on January 26, 2022, Yakima County provided a 60-Day notice to the Department of Commerce, as required by RCW 36.70A.106 on the proposed development regulation amendments; and

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on February 9, 2022, to hear testimony on the proposed text amendments; and

WHEREAS, the Planning Commission held their deliberations on March 9, 2022, April 13, 2022, May 11, 2022, and June 8, 2022; and

WHEREAS, the Planning Commission, having carefully considered the Agritourism Advisory Group recommendation, the staff recommendation, and the written and oral testimony in its deliberations, moved to make the recommendations described below (II. FINDING OF FACT Section 6) to the Board of Yakima County Commissioners concerning the proposed text amendments to YCC Title 19 and Title 8; and

NOW, THEREFORE, the Yakima County Planning Commission hereby makes and enters the following:

I. REASONS FOR ACTION

The amendments before the Planning Commission are as follows:

1. The proposed staff-initiated text amendments to Yakima County Code Title 19 and Title 8 are necessary to better implement development regulations pertaining to Wineries, Breweries, and Distilleries, Agricultural Tourist Operations, and Outdoor Festivals.
2. The Planning Commission must hold an open record public hearing on any Title 19 and Title 8 amendment proposal to provide a recommendation to the Board of Yakima County Commissioners.

II. FINDINGS OF FACT

- 1 -

Yakima County, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the Yakima County Comprehensive Plan – **Horizon 2040**, on June 27, 2017, and adopted development regulations – Title 19, on May 5, 2015; and

-2-

Yakima County staff prepared a SEPA Mitigated Determination of Non-Significance which analyzed the environmental and growth management impacts of all proposed actions and included individual reports on each of the proposed amendments.

-3-

Yakima County staff provided a 60-Day notice to the Department of Commerce on January 26, 2022, for the development regulation text amendments (LRN 2019-00010 Agritourism).

-4-

The Planning Commission accepted oral and written comments at a properly advertised public hearing held February 9, 2022, on the proposed Title 19 and Title 8 Text Amendments (LRN 2019-00010 Agritourism).

The hearing and deliberations were closed on June 8, 2022, and the Planning Commission moved to make recommendations on the proposed amendments.

The findings for the proposed amendments are as follows:

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• LRN2019-00010/SEP2022-00003 – Yakima County Public Services. Yakima County Public Services Planning Division is seeking to amend the Unified Land Development Code (YCC Title 19) and the Public Peace, Safety and Morals Code (YCC Title 8) to better implement the code. The proposed amendments will apply to:

1. Outdoor Festivals (YCC 8.10)
(See Exhibit 1 for text changes.)
2. Definitions (YCC 19.01.070)
(See Exhibit 2 for text changes.)
3. Allowable Land Use Table (Table 19.14-1)
(See Exhibit 3 for text changes.)
4. Wineries, Breweries, and Distilleries (YCC 19.18.500)
(See Exhibit 4 for text changes.)
5. Agricultural Tourist Operations (YCC 19.18.060)
(See Exhibit 5 for text changes.)

Exhibit 6 is a table outlining the motions and amended motions to reflect the Planning Commission's deliberations and subsequent votes and recommendations. Five (5) Planning Commissioners voted to recommend as amended, APPROVAL of the County- initiated text amendments.

Therefore, the Commission recommends in a 5 to 1 vote that the proposed County-initiated text amendments to YCC Title 19 and Title 8 should be APPROVED.

III. RECOMMENDATION

- 1) By motion and vote described in II. Findings of Fact, the Planning Commission recommends that the Board of Yakima County Commissioners approve the proposed amendments.

Voting in favor of the findings and recommendation:

Doug Mayo, Chair _____

Kyle Curtis, Vice Chair

Jerry Craig

Holly Castle

ROSEN TEC

Vacant Position

Voting against the findings and recommendation:

Michael Shuttleworth

N. Maden

Noelle Madera,
Secretary

Dated: June 8,2022

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Yakima County Code
Chapter 8.10 Event Regulations

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 Administrative Official, Decision.~~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 Access and parking~~Reserved.~~

8.10.095 Temporary structures

8.10.100 Distance from Habitation.

8.10.110 Noise Levels.

8.10.115 Vibration

8.10.116 Exterior lighting

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.

8.10.010 Legislative Declaration.

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

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

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

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

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

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

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

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

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

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

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

8.10.030 Permit Required.

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

37 A person may apply for an outdoor festival permit for an event which would not otherwise be
38 required to obtain one due to having a predicted total number of persons on site is below 500 and
39 or a program duration less than 5 hours, or both. The application will be processed as an outdoor
40 festival and the permitting requirements will be those required of outdoor festivals.

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

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3 8.10.040 Application for Permit – Contents – Filing.

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

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7 (1) Except as provided herein, a complete application shall be ~~filed submitted in writing to the~~
8 Yakima County Public Services Planning Division at least forty five (45) not less than forty five
9 ~~and not more than three hundred sixty five calendar~~ days prior to the proposed first scheduled day
10 of the festival and shall be accompanied with a permit fee in the amount ~~of one thousand~~
11 ~~dollars~~identified in the fee schedule listed in YCC Title 20. Application for an outdoor festival
12 permit shall include:

13
14 (a) A completed application form signed by the owner(s) of record and the festival promoter (if
15 applicable). The application form shall be provided by the Administrative Official. The name of
16 the person or other legal entity on behalf of whom said application is made; provided, that ~~a natural~~
17 ~~person applying for such permit~~the applicant shall be eighteen years of age or older;

18
19 (b) The nature of the business organization of the applicant;

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

23
24 (d) The principal place of business of the applicant;

25
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
30 (f) The scheduled performances and programs;

31
32 (g) Written confirmation that the Yakima Health District health officer has reviewed and
33 approved plans for the outdoor festival site in accordance with rules, regulations and standards
34 adopted by the State Board of Health:¹⁷

35
36 (h) Written confirmation from the ~~county~~ sheriff's office that traffic control and crowd protection
37 policing has been contracted for or otherwise provided by the applicant in accordance with the
38 applicable regulations and policies enforced by the ~~county~~ sheriff:¹⁷

39
40 (i) Written confirmation from the county fire marshal's office that the application and site plans
41 for the outdoor festival site have been reviewed and approved as complying with the provisions of
42 the fire code and the rules and policies of the fire marshal's office:¹⁷

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

4
5 ~~(k) A list of the address or parcel number of all residences located within 300 yards of the sound~~
6 ~~source the outdoor festival measured as defined in YCC 8.10 and a copy of a written waiver from~~
7 ~~the owner of the residence as provided in YCC 8.10.100;~~

8
9 (k) A narrative describing the proposed festival, including the nature of the festival, anticipated
10 number of attendees, proposed days and hours of operation, methods of controlling ingress and
11 egress, and any other measures designed to minimize impacts on surrounding properties and road
12 systems;

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

15
16 (m) The verification of the applicant warranting the truth of the matters set forth in the
17 application to the best of the applicant's knowledge, under the penalty of perjury.

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

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21 8.10.050 ~~Approval or Denial of Permit – Corrections – Judicial Review~~ Administrative Official, Decision.

22
23 (1) Within fifteen days after the filing of the complete application for an outdoor festival permit,
24 the ~~board~~ Administrative Official shall in writing, schedule a time at the next regular meeting of
25 ~~the board when the board shall~~ approve, deny, or approve with conditions the applicant's permit.
26 Any denial decision shall set forth in detail the specific grounds for denial ~~therefor~~. The applicant
27 shall have fifteen days after the receipt of such denial, or such additional time as the ~~board of~~
28 ~~county commissioners~~ Administrative Official shall grant, to correct the deficiencies set forth in
29 the denial. The ~~board of county commissioners~~ Administrative Official shall either approve or deny
30 the permit within fifteen days of receipt of the submitted corrections to the application. Any denial
31 shall set forth in detail the specific grounds therefor.

32
33 (2) ~~After the board of county commissioners has issued a final decision to approve or deny the~~
34 ~~permit, the decision may be appealed as provided in RCW 36.70C.~~

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

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38 8.10.060 Reserved.

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

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42 8.10.070 Cash Deposit – Surety Bond – Insurance.

43 (1) After an application for an outdoor festival has been approved, the promoter shall deposit
44 with the county treasurer the sum of ten thousand dollars cash, or surety bond in like sum. The

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1 bond or deposit shall be used to pay any costs or charges incurred to regulate health or to clean up
2 afterwards outside the festival grounds, or any extraordinary costs or charges incurred for law
3 enforcement or to regulate traffic or parking.

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

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

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

15 8.10.080 Revocation of Permits.

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

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

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

26 8.10.090 Access and parking Reserved.

27 (1) Provide adequate access from a county road and have a traffic and parking management plan.

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

29 8.10.095 Temporary structures

30 (1) All temporary facilities or structures shall not be started more than 14 days prior to the
31 beginning of the event. The Administrative Official shall inspect the structures for safety
32 standards prior to the first day of the event. Should the temporary facility fail to meet the
33 standards approved in the proposed plans, the event permit approval may be withdrawn. All

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1 temporary facilities or structures shall be completely removed within 10 days of the
2 completion of the event.

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4 8.10.100 Distance from Habitation.

5 No outdoor festival shall be operated in a location which is closer than three hundred ~~yards~~feet
6 from any house, residence or other human habitation as measured from the sound source; provided,
7 however, that this section shall not apply if the owner of each residence within said distance waives
8 this requirement in writing. Applicant shall provide such waivers at time of application submittal.
9 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §10, 1995: Ord. 8-1976 §1(part), 1976).

10 8.10.110 Noise Levels.

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

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

14 8.10.115 Vibration

15 Any vibration generated by the event, other than that caused by vehicles or equipment as part of
16 the approved permit, which is discernible without instruments at the property line, is prohibited.

17 8.10.116 Exterior lighting

18 Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and
19 glare.

20 8.10.120 Reserved Age of Patrons.

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

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

24 8.10.130 Posting Permits – Non-transferability.

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

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

28 8.10.140 Hours.

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

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

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1 8.10.150 Penalty.

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

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

8
9 8.10.160 Preparations – Completion Requirements.

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

13 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §18, 1995: Ord. 8-1976 §1(part), 1976. Formerly 8.10.180).

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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 <ins>party</ins> event 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/<ins>Resort</ins> 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 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>
...	

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brewery, Domestic	"Brewery, domestic" means a facility where <u>60,000</u> <u>(sixty thousand)</u> 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 <u>60,000</u> <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 <u>60,000</u> <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 12</u> <u>six or more</u> guest rooms for transient lodging accommodations on a daily rate, <u>but not to exceed 30</u> <u>(thirty)</u> <u>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.
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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: 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.
...	
<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.
...	
Especially sensitive land uses (ESLU)	"Especially sensitive land uses" means those that are, by their nature, especially sensitive to farm, forest or mineral resource, linear transmission facilities and management practices. These land uses include dwellings (excluding caretaker dwellings), schools, day care facilities, churches or other places of worship or assembly, <u>Agricultural Tourist Operations (ATO's)</u> , medical facilities such as hospitals, clinics and convalescent care facilities, outdoor recreational facilities and similar uses.

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Exhibit 3
LRN2019-00010/SEP2022-00003
Allowable Land Use Table (Table 19.14-1)

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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\(1\)\(d\)](#).

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"Blank" = Uses specifically prohibited.

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/ <u>Resort</u> ATO*	3				3	3	<u>3</u>												
(3) <u>Resort</u> ATO*	4	4			4	4													
...																			
Brewery, domestic*	<u>3</u>				<u>3</u>	<u>3</u>	<u>2</u>	<u>2</u>								2	1	1	
Brewery, micro*	1				3	2	2	2								1	1	1	
...																			
Distillery*	<u>4</u> <u>3</u>				3	<u>3</u>		2	2							<u>2</u>	<u>1</u>	<u>1</u>	
Distillery*, craft*	1				3	2	2	2								2	1	1	
...																			
Winery*	1				3	2	2									2	1	1	

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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	
...																				
MANUFACTURING																				
...																				
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.

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(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

1 Chapter 19.18

2 SPECIAL USES AND STANDARDS

3 ...

4 **19.18.500 Wineries, Breweries, and Distilleries.**

5 **(1) Legislative Intent.** Wineries, Breweries (micro), and Distilleries (micro) (WB&Ds), as
6 defined in Section 19.01.070 and allowed under RCW 36.70A.177, and accessory sales of
7 items promoting the WB&D operation, are considered to be agricultural accessory uses and
8 a component of a strong agricultural economy. This Section is intended to provide standards
9 to ensure that the physical development of WB&D and public education in farming areas
10 enables business diversification that supports, promotes and sustains agricultural operations
11 and production. Therefore, WB&D are defined as retail destination operations and are
12 subject to the following minimum requirements to protect agricultural land of long-term
13 commercial significance, ensure the operation is accessory to a principal agricultural use,
14 and location, design, and operation that does not interfere with, and supports the
15 continuation of, the overall agricultural use of the property and neighboring properties.

16
17 **(2) The WB&D may include the following:**

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

20 **(b) Food Service (Offerings).** Limited Food Service is allowed pursuant to this Section,
21 and may include sales of ancillary prepackaged foods or beverages that are not prepared on
22 the premises for on-site consumption. Food may include a combination of small serving
23 food items such as a mix of hors d'oeuvre type foods, cheeses, fruits, vegetables, deli-style
24 meats, chips, pretzels, nuts, popcorn, crackers, or similar items. Full meal Food service
25 associated with a Special event shall only be served by licensed food vendors and shall be
26 restricted to the events. Food handling is subject to a License from the Yakima Health
27 District, YCC Title 13.

28 **(c) Special events.** Events not related to the operational and marketing aspects of a
29 WB&D such as weddings, receptions, meetings, and retreats, and are anticipated to have
30 over 150 attendees at one point in time, will require a one-time special occasion permit (per
31 event) as set forth in YCC Title 8.10. These special events shall be sized and conditioned
32 consistent with the character of permitted activities and uses. The Reviewing Official shall
33 place a limit on the number of occupants or size of indoor and outdoor events allowed.
34 Capacity is limited by building occupancy and parking limitations.

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

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- 1 (a) Be consistent with the intent of this Section;
- 2 (b) Comply with specific provisions applicable to the type of winery, brewery or
3 distillery in this Section;
- 4 (c) Be subject to, and limited by the appropriate licensing standards of State's Liquor
5 Control Board and the Yakima Health District when limited food service and handling is
6 required; and
- 7 (d) Have adequate access from a county road consistent with the standards under Chapter
8 19.23. WB&Ds that share a private road must submit a road maintenance agreement at the
9 time of application signed by all legal property owners or their designees. Without the road
10 maintenance agreement, the application will be considered incomplete; and
- 11 (e) Provide sufficient detail with applications proposing phased development of an
12 WB&D to enable the County, agencies, and adjoining property owners to consider all
13 aspects of the project at full build-out. Changes to an approved WB&D that result in new
14 uses that were not considered in the original approval are subject to the level of review for
15 the requested change.

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Chapter 19.18

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SPECIAL USES AND STANDARDS

3 19.18.060 Agricultural Tourist Operations.

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

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

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

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

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

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

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

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

- 6 (a) Be consistent with the intent of this Section;
- 7 (b) Be operated by the owner, operator, or occupant of the farming use;
- 8 (c) Comply with specific provisions applicable to the type of agricultural tourist operation
9 in this Section;
- 10 (d) Be subject to, and limited by the appropriate licensing standards of the Yakima Health
11 District where food handling is required; and
- 12 (e) Be located on a at least a 3 (three) acre farm consisting of one or more contiguous parcels
13 ~~with at least 5 (five) producing acres in~~ the crops or products sold used in the ~~retail~~
14 ~~product~~approved ATO;
- 15 (f) All ATO structures and exterior spaces open to the visiting public must meet the
16 agricultural resource setback requirements found under YCC Title 19.18.205. Locate and
17 design the ATO accessory facilities or structures, not open to the visiting public, and
18 permanent or overflow parking, so they will not interfere with agricultural operations on the
19 site of the proposed use or on nearby properties;
- 20 (g) Not locate nonagricultural accessory uses and activities, including new buildings,
21 parking or supportive uses, outside the general area already developed for buildings and
22 residential uses and shall not otherwise convert more than one acre of agricultural land to
23 nonagricultural uses;
- 24 (h) Have adequate access from a county road consistent with the standards under Chapter
25 19.23. ATOS that share a private road must submit a road maintenance agreement at the time
26 of application signed by all legal property owners or their designees. Without the road
27 maintenance agreement, the application will be considered incomplete; and
- 28 (i) Provide sufficient detail with applications proposing phased development of an ATO to
29 enable the County, agencies, and adjoining property owners to consider all aspects of the
30 project at full build-out. Changes to an approved ATO that result in new uses that were not
31 considered in the original approval are subject to the level of review for the requested change.

32 (4) Agricultural Tourist Operation – Retail.

- 33 (a) Events (Ancillary Entertainment/Special Events). Indoor event facilities shall be no
34 larger than 1,500 square feet. Events are an expected component of an ATO and shall be

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1 permissible under these regulations without applying for additional Special Occasion Permits.
2 Events where the predicted total number of persons on the site is five hundred persons or more
3 at any point in time, an Outdoor Festival Permit shall be obtained under YCC Title 8.10.

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

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

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

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

21 (b) ~~Food Service. Food may also be served to registered guests staying at overnight lodging~~
22 ~~facilities or boarding houses approved under subsection (7) below, or as provided as part of a~~
23 ~~specific event or class (e.g. wedding or seminar) subject to Yakima Health District licensing~~
24 ~~requirements, including a commercial kitchen meeting YCC Title 13 standards if required.~~
25 Food Service. A restaurant developed as an accessory use to the Destination/Resort ATO may
26 serve meals to the general public, subject to Yakima Health District licensing requirements,
27 including a commercial kitchen meeting the Building and Fire, Life and Safety requirements
28 of YCC Title 13.

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

31 (d) Overnight Lodging Facilities and ~~Short-term Rentals~~ ~~Boarding or Lodging Houses~~.
32 Overnight lodging facilities and ~~Short-term Rentals~~ ~~boarding or lodging houses~~ shall be
33 limited to 12 overnight accommodations, as provided in subsection (76) below.

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

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

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

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

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

12 (76) Accessory Overnight Lodging Facilities and Boarding or Lodging Houses Short-term
13 Rentals. Overnight lodging facilities, to include stick built units, recreational vehicles, and
14 membrane structures (teepees, yurts, or tents) and boarding or lodging houses are subject to
15 additional requirements when proposed within an Agricultural Tourist Operation:

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

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

22 (ii) In all allowed zones, such facilities being proposed as an accessory use to a
23 Destination/Resort Agricultural Tourist Operation shall be limited to 12 overnight
24 accommodations.

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

28 (iv) The facilities and permanent parking shall be located within the general area
29 already developed for buildings and residential uses and shall not convert more than one
30 acre of agricultural land to nonagricultural uses.

31 (b) Membrane Structures. The use of a membrane structure, such as a tepee or yurt that
32 meets the following criteria may be allowed in conjunction with approval of an overnight
33 lodging facility or boarding or lodging house. The membrane structure:

34 (i) Shall be placed on a permanent foundation or pad;

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- 1 (ii) ~~Is not a camping unit or recreational vehicle as defined in Section 19.01.070;~~
- 2 (iii) If the facility is a membrane structure, it shall Meets meet the current building
3 code and Yakima Health Department requirements for transient accommodations; and
- 4 (iv) If the facility is a membrane structure, it Does does not contain indoor cooking
5 facilities.

6 ~~(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015)~~

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Exhibit 6
LRN2019-00010/SEP2022-00003
Table of Planning Commissions amendments and motions

Agritourism Planning Commission Deliberations Results

According to the Yakima County Planning Commission *“Rules of Procedure,”* Section IX: Voting, 9.3, a majority vote (4 of 7) of the total Planning Commission members must be obtained to make an official recommendation to the Board. In the absence of obtaining this majority, the recommendation of the Planning Commission is a NO RECOMMENDATION.

	Date	Area of Focus	Motion	Vote	Result
Main Motion	3/9/22	Overall draft	Main Motion: Approve the draft text as presented. Mike motioned, Doug 2 nd		
WB&D					
Amended Motion 1	3/9/22	19.18.500 (2)(b) WB&D Food Service	Amended Motion 1: Move that we allow full service kitchens subject to Department of Health or whoever has jurisdiction. Doug motioned, Jerry 2 nd	Yes: 3 Doug, Kyle, Jerry No: 1 Mike	No recommendation due to an absence of a majority.
	4/13/22	19.18.500 (2)(b) WB&D Food Service	Amended Motion to Amended Motion 1: Move that we allow full service kitchens subject to Department of Health or whoever has jurisdiction. Doug motioned, Kyle 2 nd	Yes: 4 Doug, Kyle, Jerry, Robert No: 2 Holly, Mike	Motion passes. Add text to allow full service kitchen to WB&D
	5/11/22	19.18.500 (2)(b) WB&D Food Service	Amended Motion to Amended Motion to Amended Motion 1: Keep restaurants open to the public at the original staff suggested level 3. Doug motioned, Mike 2 nd	Yes: 4 Mike, Holly, Jerry, Doug No: 0	Motion passes. Restaurants will remain only in the ATO Destination/Resort level.

Agritourism Planning Commission Deliberations Results

Amended Motion 2	3/9/22	19.18.500 (2)(c) WB&D Events “at one point in time”	Amended Motion 2: Move to “add at one point in time”. Doug motioned, Mike 2 nd	Yes: 4 No: 0	Motion passes. Add the text “at one point in time” referring to events and attendees.
Amended Motion 3	3/9/22	19.18.500 (2)(c) WB&D Events “100 vs. 150”	Amended Motion 3: Motion to change the limit to 150 people. Kyle motioned, Doug 2 nd	Yes: 2 Doug, Kyle No: 2 Mike, Jerry	No recommendation due to an absence of a majority.
	4/13/22	19.18.500 (2)(c) WB&D Events “100 vs. 150”	Amended Motion to Amended Motion 3: Motion to change the limit to 150 people. Kyle motioned, Robert 2 nd	Yes: 4 Doug, Kyle Jerry, Robert No: 2 Holly, Mike	Motion passes. Change the limit to 150 people.
ATO					
Amended Motion 4	3/9/22	19.14-1 ATO Destination/ <u>Resort</u>	Amended Motion 4: Add “Resort” to the ATO destination Doug motioned, Kyle 2 nd	Yes: 4 No: 0	Motion passes. Add the text “Resort” to ATO Destination
Amended Motion 5	3/9/22	19.18.060 (5)(d) ATO Overnight units “6 vs. 12”	Amended Motion 5: Keep overnight units at 12 Doug motioned, Kyle 2 nd	Yes: 3 Doug, Kyle, Jerry No: 1 Mike	No recommendation due to an absence of a majority.

Agritourism Planning Commission Deliberations Results

	4/13/22	19.18.060 (5)(d) ATO Overnight units "6 vs. 12"	Amended Motion to Amended Motion 5: Moved to change overnight units from 6 to 12. Kyle motioned, Holly 2 nd	Yes: 4 Doug, Kyle, Jerry, Robert No: 1 Holly, Mike	Motion passes. Change overnight units from 6 to 12.
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Allowable Land Use Table

Amended Motion 6	4/13/22	19.14-1 Domestic Brewery	Amended Motion 6: Motioned to have Brewery, Domestic mirror Brewery, Micro, giving it the same classification.	Yes: 6 Doug, Kyle, Jerry, Robert, Holly, Mike No: 0	Motion passes.
	5/11/22	19.14-1 Domestic Brewery	Amended Motion to Amended Motion 6: Change review level for Brewery, domestic in the Ag and R 10/5 zones from a 1 to a 3. Doug motioned, Mike 2 nd	Yes: 4 Mike, Holly, Jerry, Doug No: 0	Motion passes.
Amended Motion 9	5/11/22	19.14-1 Distillery	Amended Motion 9: Change review level for Distillery as follows: Ag - 3 R 10/5 - 3 GC - 2 M1 and M2 - 1 Doug motioned, Mike 2 nd	Yes: 4 Mike, Holly, Jerry, Doug No: 0	Motion passes.

Agritourism Planning Commission Deliberations Results

Outdoor Festivals					
Amended Motion 7	5/11/22	8.10.95 Temporary Structures	<p>Amended Motion 7: Motioned to alter the text to add the text “not be started more than 14 days prior to the beginning of the event”</p> <p>And add the text: All temporary facilities or structures shall be completely removed within 10 days of the completion of the event.</p> <p>Doug motioned, Jerry 2nd</p>	Yes: 4 Mike, Holly, Jerry, Doug No: 0	Motion passes.
Amended Motion 8	4/13/22	8.10.120 Age of Patrons	<p>Amended Motion 8: Motioned to remove this section.</p> <p>Kyle motioned, Doug 2nd</p>	Yes: 6 Doug, Kyle, Jerry, Robert, Holly, Mike No: 0	Motion passes. Removed section 8.10.120 Age of Patrons
Definitions					
No Planning commission edits to this section.					