

ORDINANCE NO. 2015- 06-20

An Ordinance Amending CCC 40.260.245 D(i) relating to the noise limits for Wineries.

WHEREAS, Clark County encourages the development of wineries; and,

WHEREAS, Clark County wants to mitigate the impact of wineries on neighboring parcels; and,

WHEREAS, current winery noise limits found in CCC 40.260.245D(i) are more restrictive than similar limits in Washington Administrative Code 173-60-040; and,

WHEREAS, the more restrictive noise limits in CCC 40.260.245D(i) are difficult to monitor and arguably excessive; and,

WHEREAS, the limits found in Washington Administrative Code 173-60-040 appear more reasonable; and,

WHEREAS, the Board of County Councilors, upon hearing noticed by publishing, finds that the proposed ordinance amendment is in the interests of the County's health, welfare and safety,

NOW THEREFORE BE IT ORDERED AND RESOLVED by the Board of County Councilors of Clark County, State of Washington, as follows:

Section 1. Amendatory. Ord. 2010-10-02 as most recently amended by Ord. 2013-08-11 and codified as 40.260.245 is each hereby amended to read:

40.260.245 Wineries

A. Purpose.

The purpose of this section is to encourage the development of wineries in the county while mitigating impacts to neighboring parcels.



B. Applicability.

1. A winery as defined in Section 40.100.070 is allowed as an agricultural use.
2. A tasting room and/or events under this section are only allowed in conjunction with a licensed winery as defined in Section 40.100.070.
3. A licensed winery on land zoned for agriculture or forestry wishing to include food service and/or events must:
 - a. Have a minimum of twenty percent (20%) of the winery's land area cultivated in crops used in wine production; and
 - b. Operate with food service and/or events that are clearly accessory to the primary use of the parcel as a winery.

C. Definitions.

For purposes of this section, the following definitions apply:

Events	"Events" means activities such as weddings, receptions, concerts, meetings, retreats, and other similar gatherings of more than one hundred fifty (150) persons.
Tasting room	"Tasting room" means a facility or portion of a facility supporting a winery where the public may sample products produced by the winery and which has ancillary wine-related retail sales.

D. Development Standards.

1. Licensed wineries with tasting rooms and/or events shall:
 - a. Have a minimum twenty-four (24) foot wide approach to the property from a public road or approved private road. If the driveway access is connected to a paved public or private road, the driveway must be paved for a minimum distance of twenty (20) feet from the edge of the connecting road;
 - b. Have off-street parking. Such parking shall comply with Section 40.340.010 with the exception of Section 40.340.010(A)(8). On-street parking is prohibited;
 - c. Have structures and equipment that comply with the requirements of Titles 14 (Buildings and Structures), 15 (Fire Prevention), and 24 (Public Health) if those structures or equipment will be used by or for the public;
 - d. Be exempt from building review, provided they are less than thirty-six hundred (3,600) square feet and are not occupied by non-family employees or the public;
 - e. Limit the cumulative building area for tasting rooms and events, as follows:

Parcel Size	Building Square Footage
Less than five acres	Less than 5,000 square feet
Five to 20 acres	Less than 9,000 square feet
More than 20 acres	Less than 12,000 square

	feet
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- f. Adequately address traffic management issues;
- g. Adequately mitigate for any impacts to the road if access is taken from a private road. Evidence of mitigation may be demonstrated through a neighbor's agreement provided at the time of application. For purposes of the agreement, "neighbors" shall include a majority of all who are entitled to use the private road. Impacts to be addressed include, but are not limited to: dust, smoke, lighting, noise, trip generation and road maintenance;
- h. Have adequate and safe drinking water and domestic wastewater disposal in compliance with Public Health regulations. For events exceeding the permitted capacity of the septic system, a specific management plan for handling on-site sanitary waste shall be approved by Public Health; and
- i. Comply with the standards of Chapter 173-60 WAC, (~~except that there shall be no more than fifty (50) dB of noise at the property line as measured with a dBC filtering device, to be reduced to forty (40) dB between 10:00 p.m. and 7:00 a.m.~~)

2. Events.

- a. Events are allowed in conjunction with a licensed winery with a wine tasting/events permit that includes an event management plan.
- b. The number of events is limited to fifty (50) in a calendar year, with:
 - (1) Forty-two (42) in a calendar year limited to a maximum of five hundred (500) persons; and
 - (2) An additional eight (8) in a calendar year limited to a maximum of fifteen hundred (1,500) persons.

3. Food Service.

In compliance with Public Health regulations, a licensed winery will be allowed Level 1 or Level 2 food services as an accessory use to the winery within the limits of state law, including the Growth Management Act.

4. Retail Sales.

Retail sales directly related to the winery, such as sales of wine and wine-related merchandise, are permitted.

E. Approval Process.

- 1. Licensed wineries without tasting rooms or events are exempt from land use review.
- 2. A licensed winery wishing to have events and/or a tasting room must obtain a wine tasting/events permit. Applications for such permits shall include the following:
 - a. A plot plan;

- b. An event management plan that describes how the development and performance standards in this section will be addressed if events are to be held at the winery;
- c. Obtaining the necessary permits and approvals required by Titles 14 and 15; and
- d. Payment of the applicable fee.


Applications may also include a neighbor's agreement per Section 40.260.245(D)(1)(g).

- 3. A Type I process will be used to review applications for wine tasting/events permits if:
 - a. The winery takes access from a public road; or
 - b. The winery takes access from a private road and a neighbor's agreement pursuant to Section 40.260.245(D)(1)(g) is submitted.
- 4. A Type II process will be used to review applications for wine tasting/events permits if the winery takes access from a private road and no neighbor's agreement pursuant to Section 40.260.245(D)(1)(g) is submitted.
- 5. The Sheriff's Office will be notified by the wine tasting/events permit holder at least ten (10) days in advance of any event.

ADOPTED on this 30th day of June, 2015.

Attest:


BOARD OF COUNTY COUNCILORS
FOR CLARK COUNTY, WASHINGTON


Clerk of the Board


David Madore, Chair

APPROVED AS TO FORM ONLY:
Anthony F. Golik, Prosecuting Attorney

Jeanne E. Stewart, Councilor

By: 
Bill Richardson
Deputy Prosecuting Attorney

Tom Mielke, Councilor