

RESOLUTION 2008- 141

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Amending Chapter 14.98 Definitions, Chapter 11.30 Commercial Agricultural Lands, Chapter 11.88 Supplemental Standards, Chapter 11.04 District Use Chart and Chapter 11.98 Conditional Uses to clarify Value Added Operations regarding wineries land uses within the agricultural areas of Chelan County and the creation of a new Agricultural Review Committee with corresponding guidelines.

WHEREAS, Chelan County adopted Title 11, Zoning Resolution per the requirements of RCW 36.70A.390. 040 (4) (d), The Growth Management Act on October 17, 2000, last amended on February 5, 2008; and

WHEREAS, Chelan County adopted Title 14, Development Permit Procedures and Administration October 17, 2000, last amended on December 11, 2007; and

WHEREAS, the Board of County Commissioners has adopted a "Right To Farm Ordinance" protecting agricultural operations stating that all activities and uses allowed in the Commercial Agriculture Zone District shall be in conformance with the Chelan County "Right To Farm Ordinance"; and,

WHEREAS, the Washington State Senate Bill 6237 provided nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands to occur, amending RCW 36.70A.177; and,

WHEREAS, the Board of Chelan County Commissioners have determined that diversification of the agricultural economy of Chelan County is essential to the public health, safety and general welfare; and,

WHEREAS, the RCW 36.70.140 requires Chelan County to provide for early and continuous public participation in the development and amendment of Development regulations; and,

WHEREAS, the Chelan County Community Development Department organized and invited a variety of community contacts to participate in an Advisory Group and held multiple meetings to receive direction and input on proposed changes; and,

WHEREAS, the Chelan County Planning Commission held a duly advertised public hearing on August 25, 2008 where public comment was taken; and,

WHEREAS, the Board of Chelan County Commissioners held a duly advertised public workshop on September 22, 2008 where public comment was taken followed by a duly advertised public hearing on September 29, 2008 where public comment was taken; and,

WHEREAS, Chelan County provided documents to the Department of Community Trade and Economic Development, as required by RCW 36.70A.106, for agency review on August 6, 2008; and,

WHEREAS, all public and agency comments were considered by the Board of Chelan County Commissioners; and,

WHEREAS, the Chelan County Community Development Department issued a Determination of Significance, in conformance with the requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11, on August 15, 2008 with a commenting period ending on September 5, 2008; and,

WHEREAS, the Board of County Commissioners has the right to form and appoint committees as necessary to ensure the public interests, health, safety and welfare; and,

WHEREAS, the proposed amendments will fulfill the requirements of RCW 36.70A.040 to adopt development regulations consistent with and implementing the Chelan County Comprehensive Plan; and,

WHEREAS, the proposed amendments provide and address the protection and conservation of agricultural resource lands and agricultural uses consistent with the Washington State Growth Management Act;

NOW, THEREFORE, BE IT RESOLVED that the Board of Chelan County Commissioners hereby adopts the attached EXHIBIT "A"; and,

BE IT FURTHER RESOLVED that this decision shall take effect and be in force immediately when signed into authentication on the following date.

Dated at Wenatchee, Washington this 7 day of October 2008.

BOARD OF CHELAN COUNTY COMMISSIONERS

Buell Hawkins

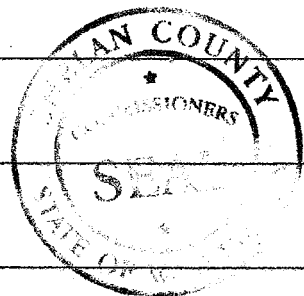
BUELL HAWKINS, CHAIRMAN

Keith W. Goehner

KEITH GOEHNER, COMMISSIONER

Ron Walter

RON WALTER, COMMISSIONER



ATTEST: JANET K. MERZ

Janet K. Merz

Clerk of the Board

Agricultural Tourism Land Use Activities

Clean document resulting from the BOCC workshop September 22nd.

14.98 DEFINITIONS

"Winery" means a facility where fruit or other products are processed (i.e. ~~crushed, fermented, decanted, blended, aged, and/or, stored, bottled and shipped~~) and may include as incidental and/or accessory to the principle use, a tasting room, food and beverage service, places of public/private assembly, and/or retail sales area into wine. This may include a small "tasting room" within ~~or a part of the "retail sales" section.~~

"Place of public/private assembly" means a building or space used in whole or in part for the gathering together of persons for such purposes as deliberation, entertainment, amusement, socializing, or awaiting transportation; such uses include, but are not limited to, meeting halls, clubhouses, grange, cinemas, and theaters.

"Food and beverage service" means on-site preparation, service and consumption of food and beverages for activities and uses that are *accessory* to places of public and private assembly, wineries and other similar uses ~~including but not limited to the following activities: catered functions, wedding/reception services, musical events, meetings, social events and other similar activities and uses.~~

"Value added operation" means any activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value added operations may include bagging, packaging, bundling, precutting, food and beverage service, etc.

"Agricultural theme market" means a building, structure, or land area used for the sale of fresh fruit or vegetables, grown either on- or off-site, and may include, as incidental and accessory to the principle use, ~~the sale of food items and nonfeed items in a setting centered on an agricultural theme~~ wineries, places of public/private assembly, and food and beverage service. An agricultural market is distinguished from a home fruit stand by a larger scale of activity and a greater range of products offered. This definition does not include the sale of livestock, gasoline or fuels.

11.04 District Use Chart (partial)

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	PVC	RC	RI	RP	AC
Winery Less Than 1,500 sq. ft. of retail space	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	P	P	A(1)		
Winery Greater Than 1,500 sq. ft. of retail space	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	CUP		CUP

CONTINUED...

USE/ACTIVITY	FC	MC	UWR	UR1	UR2	UR3	CP	CT	CG	I	UP
Winery Less Than 1,500 sq. ft. of retail space											
Winery Greater Than 1,500 sq. ft. of retail space	CUP							CUP	CUP		

11.30 COMMERCIAL AGRICULTURAL LANDS (AC)

11.30.020 Standards

All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:

(12) All applications related to the following types of land uses shall meet with the Agricultural Review Committee (ARC) to review proposed projects, identify possible impacts, outline possible mitigation measures, and make a formal recommendation to Chelan County Staff prior to rendering a decision on the application or setting a public hearing. ARC review and recommendation shall be based on the "Agricultural Good Neighbor Practices" adopted by the Chelan County Board of County Commissioners. All recommendations are for the consideration and final determination of the decision making body.

A. Food service associated with a use or activity allowed pursuant to this chapter are is limited to 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.

(13)-B. 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).

(14)-C. Ancillary entertainment/special events, including weddings/receptions, catered functions and musical events shall be consistent with the character of permitted activities and uses.

(15)-D. Accessory uses 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 agricultural production, agriculturally related experiences, or products produced on-

site. Accessory commercial retail uses shall offer for sale products or services produced on-site.

11.88 SUPPLEMENTAL STANDARDS

11.88.260 Roadside stand/winery/nursery/value-added operation less than one thousand five hundred square feet of retail space.

(1) Wineries less than one thousand five hundred square feet of retail space are limited to the small-scale processing and sale of wine or spirits, wine tasting, incidental and/or accessory food and beverage service, and limited sale of ancillary items related to the winery and its products, subject to the following conditions:

(A) The applicant shall submit a site design plan which addresses and mitigates, if necessary, the impacts of the facility. Such issues may include, but are not limited to, parking, noise, lighting, odor, drainage, and traffic impacts.

(B) The use shall adhere to all applicable building, fire safety and health codes, and all zoning restrictions of the district in which it is located.

(C) The administrator may impose other conditions, such as additional parking, noise, increased setbacks, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site of the facility.

11.93 CONDITIONAL USES

11.93.320 Roadside stands/wineries/nursery/ value-added operation retail component of nursery greater than one thousand five hundred square feet

The following minimum conditions shall apply to roadside stands/wineries/nurseries/value-added retail components of nurseries greater than one thousand five hundred square feet:

(1) Roadside stands, nurseries, and value-added operations with a retail component greater than one thousand square feet shall meet the requirements established in Section 11.93.420.

(2) Wineries as a conditional use, in addition to wine production and sales, may include an entertainment component such as, but not limited to, catered functions, wedding services and musical events. The conditions set forth in Section 11.93.420 shall be adhered to.

(3) Wineries as a conditional use, may include incidental or accessory uses, including but not limited to, a tasting room, food and beverage service, agricultural theme market, place of public/private assembly, and other value added operations. When criteria are found within the Chapter 11.88 or Chapter 11.93 for these uses the applicant shall address each criteria as part of the conditional use permit.

(4) The hearing examiner may impose other conditions, such as additional parking, noise, increased setbacks, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site of the facility.

A new separate document:

Agricultural Good Neighbor Practices

INTRODUCTION

Washington State adopted the right-to-farm bill in 2005 (ESB5962) to ensure that existing agricultural activities, consistent with good agricultural practices, are presumed to be reasonable and therefore do not constitute "nuisances." Surrounding activities that support and sustain agricultural operations may conflict with agricultural practices; therefore, Chelan County has determined it necessary to develop a policy guideline to review non-agricultural activities and establish recommended mitigation measures.

Chelan County represents a large agricultural industry within Washington State. Established farms have been faced with economic and environmental challenges resulting in the conversion of land. While some land owners have opted to remove agricultural activities and sub-divide land others have chosen to develop agricultural support commercial activities, such as, wineries, theme markets, petting "zoos" with farm animals, agricultural education activities, and "you-pick" farms.

Challenges between typical agricultural activities and commercial support activities and the visitors they attract can occur. To address these challenges Chelan County has spent several years reviewing, discussing and revising agriculture regulations. It was determined that those within the agricultural industry represent a knowledge of what impacts and possible mitigation measures will best address a proposed land use. Therefore, Chelan County as appointed an Agricultural Review Committee (ARC) to review related land use applications and make a recommendation to the decision making body (CCC10.30.020).

The ARC would consist of seven people: one member of the Planning Commission and two members from each Commissioner District – one from the agricultural/orchard industrial and one from the value added industry. Meetings would be organized and managed by Chelan County Planning Staff. The primary goal of the ARC would be to review proposed development, identify potential affects on surrounding agriculture (impacts), and make recommendations for mitigation of impacts. The following questions are meant to guide the ARC through the project review, the potential impacts, and drafting of recommended mitigation measures.

MEETINGS

Chelan County staff shall contact members of the ARC to establish a meeting time and distribute application materials. Applicants or applicant agents shall be included in all meetings. Meeting shall be held at Chelan County Offices. It is the duty of the applicant to address how they can mitigate impacts on the right to farm, farm activities, and surrounding neighbors. The ARC will provide a dialogue and understanding of the potential issues and possible mitigation.

EXISTING LAND USES

1. What are the surrounding lands uses?
2. How are the existing roads? What is the road classification?
3. What is the topography? Are there any known critical areas? Existing landscaping?
4. From which direction does the wind blow during the spray season?
5. What is the proposal?

TYPES OF IMPACTS & MITIGATION RECOMMENDATIONS

1. Noise: Does the proposal include the amplification of music or voice?
If so, what is are the times of amplification?

MITIGATION OPTIONS:

Times of amplification
Location and/or direction of amplification
Times of operation
Buffer or berms

2. Farm Activities (spray, harvest, watering, other site/product activities): Is the proposed location within a potential spray buffer?
If so, what is the potential spray drift area boundary?

MITIGATION OPTIONS:

Landscaping or other buffers
Moving the proposed activity
Buffer or berms

3. Traffic: Will the proposal increase the amount of traffic?
If so, will traffic result in limiting agricultural activities?

MITIGATION OPTIONS:

Road widening or improvement
Shuttling visitors to site
Times of operation
Access road location
Circulation pattern

4. Parking: Does the proposal include a parking lot?
If so, is it outside the spray drift area? Is it large enough to accommodate the proposed activities? Is it located outside of the setback?

MITIGATION OPTIONS:

Review of the application after one, three and five years of operation or at the time of a revised application for adequate parking

5. Light: Does the proposal include out door lighting?
If so, what is the location, light intensity and times of operation?

MITIGATION OPTIONS:

Types of lighting
Location of lighting
Times of use

6. Odor: Does the proposal include activities that could result in offensive odor?
If so, what are these activities? Can they be conducted within a structure?

MITIGATION OPTIONS:

Location of activities within a ventilated structure

7. Existing Land Uses: Does the proposal represent a negative impact on the existing land use activities?

If so, what are those activities?

MITIGATION OPTIONS:

- Times of operation
- Location of structures
- Access road location
- Circulation pattern
- Size of events/structures/activities