

# **STAFF REPORT AND RECOMMENDATION TO THE CLARK COUNTY PLANNING COMMISSION**

**TO:** Clark County Planning Commission

**FROM:** Marty Snell, Community Development Director

**PREPARED BY:** Jan Bazala, Planner II, extension 4499

**SUBJECT:** Amendments to the County's Winery code

**PC HEARING**

**DATE:** May 21, 2015

**REPORT  
PREPARATION**

**DATE:** April 21, 2015

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## **I. SUMMARY**

An amendment is proposed to CCC Section 40.260.245.D to defer to the state noise standards when measuring noise associated with winery events. Currently, noise associated with wineries is measured using the dBC weighting system instead of the state standard which uses dBA.

## **II. BACKGROUND**

Under the original wineries ordinance noise was addressed by a somewhat arcane reference in the public disturbance code, CCC 9.14.010. The original ordinance was updated in 2013. Currently, noise is limited by the state noise standards, except that noise is measured using the dBC weighting system instead of the state standard dBA weighting system, and the permissible levels are reduced by 5 dB from the state standard.

A-weighted decibels, abbreviated dBA, measure the relative loudness of sounds in air as perceived by the human ear. In the A-weighted system, the decibel values of sounds at low frequencies are reduced, compared to using the dBC weighted system, which captures low frequency sound. In very general terms, noise levels will register higher when using dBC versus dBA.

Use of the dBC scale (and having maximum levels 5 dB less than state standards) may be overly restrictive in regards to the level of noise allowed for outdoor events at wineries.

Although the language that reduces the allowable noise levels between the hours of 10:00 pm and 7:00 am are being struck in the proposed text change, the state standards do include a 10 dB reduction between those hours.

### **III. PROCESS**

The Board requested that staff prepare code language to change the way noise is measured for events for noise given that the current levels appear to be more restrictive than anticipated.

### **IV. COMMUNITY OUTREACH**

A legal notice of the May 21, 2015 Planning Commission public hearing was published in the "Reflector" newspaper on May 6, 2015.

### **IV. RECOMMENDATION**

Staff requests the Planning Commission consider this proposal and forward a recommendation to the Board of County Councilors.

***Note: text proposed to be removed is ~~struck through~~***

#### **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:

<b>Parcel Size</b>	<b>Building Square Footage</b>
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

- 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.

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## ATTACHMENTS

State noise code, Chapter 173-60 WAC