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**ORDINANCE NO. 459 - ADOPTING A REQUEST BY TIM ROCKEY (ZCA16-002) TO AMEND WALLA WALLA COUNTY CODE SECTION 17.16.014, CHAPTER 17.08, AND CHAPTER 17.22 TO ALLOW BREWERIES TO BE LOCATED IN THE AGRICULTURE RESIDENTIAL 10 ZONING DISTRICT, ESTABLISH DEFINITIONS FOR TYPE I AND TYPE II BREWERIES, AND APPLY THE WINERY DEVELOPMENT STANDARDS TO BREWERIES.**

Auditor File Number(s) of document being assigned or released:

Grantor

1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Legal description (i.e.: lot and block or section township and range)

n/a

Additional legal is on page \_\_\_\_ of document.

Assessors Parcel Numbers

n/a

Additional parcel number is on page \_\_\_\_ of document.

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**BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON**

**ORDINANCE NO. 459**

**ADOPTING A REQUEST BY TIM ROCKEY (ZCA16-002) TO AMEND WALLA WALLA COUNTY CODE SECTION 17.16.014, CHAPTER 17.08, AND CHAPTER 17.22 TO ALLOW BREWERIES TO BE LOCATED IN THE AGRICULTURE RESIDENTIAL 10 ZONING DISTRICT, ESTABLISH DEFINITIONS FOR TYPE I AND TYPE II BREWERIES, AND APPLY THE WINERY DEVELOPMENT STANDARDS TO BREWERIES.**

**WHEREAS**, it is desirable for Walla Walla County to utilize innovative land use management techniques permitted by RCW 36.70A; and

**WHEREAS**, RCW 36.70A.470 requires that the County include a procedure that for any interested person to suggest amendments to the comprehensive plan or development regulations, and that the amendments must be docketed and considered on at least an annual basis.

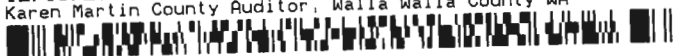
**NOW THEREFORE,**

**BE IT ORDAINED**, by the Walla Walla County Board of County Commissioners that:

**Section I. The Board of County Commissioners Makes the Following Findings of**

**Fact:**

1. On March 1, 2016, the application was submitted to the Community Development Department by Tim Rockey.
2. On May 4, 2016, the Planning Commission reviewed the proposed amendments in a workshop meeting.
3. On May 19, 2016, a Notice of Public Hearing was published in the Waitsburg Times, Walla Walla Union Bulletin and Tri-Herald for a June 1, 2016 public hearing. This notice was also published on the Community Development Department website on the same day.
4. On June 1, 2016, the Planning Commission held a public hearing as required by WWCC 14.15.060D(2). The only public testimony provided at the hearing was from the applicant's representative who spoke in favor of the proposed amendments.
5. On June 1, 2016, after closing the public hearing the Planning Commission voted unanimously to concur with the recommendations of staff and recommend that the Board of County Commissioners place the application on the 2016



Comprehensive Plan and Development Regulations Amendment Final Docket. This recommendation was documented in Planning Commission Resolution 16-03, signed by the Planning Commission Chairman on July 1, 2016.

6. On September 6, 2016, the Board of County Commissioners (BOCC) concurred with the Planning Commission and placed these applications on the 2016 Final Docket by Resolution 16-246.
7. On September 7, 2016, the Planning Commission reviewed the proposed amendments in a workshop meeting.
8. On September 9, 2016, a copy of the proposed amendments was sent to the Washington State Department of Commerce as required by RCW 36.70A.106 and WWCC 14.15070D. No comments were received from the Department of Commerce or any public agency during the 60-day review period which ended on November 8, 2016.
9. On October 19, 2016, a SEPA Determination of Non-Significance (DNS) was issued for this proposal by the County's SEPA Responsible Official. On October 19, this determination was filed with the Washington State Department of Ecology SEPA Register and sent to consulting agencies for review and comment. The DNS was also published in the Walla Walla Union Bulletin, Waitsburg Times and Tri-City Herald and on the Community Development Department website. No appeals of the threshold determination were filed.
10. On October 23, 2016, a Notice of Public Hearing was published in the Walla Walla Union Bulletin for a Planning Commission public hearing on November 2. This notice was also published in the Waitsburg Times on October 27, 2016 and in the Tri-City Herald on October 24, 2016. The notice was published on the Community Development Department website on October 21, 2016.
11. On October 27, 2016, an Informational Public Meeting was held as required by WWCC 14.15.050B(2). Notice of this meeting was published on the Community Development Department website on October 20, 2016, in the Walla Walla Union Bulletin on October 21, 2016, and in the Tri-City Herald on October 23, 2016. No one attended this meeting.
12. On November 2, 2016, a public hearing was held by the Planning Commission as required by WWCC 14.15.070B(2). At the public hearing staff proposed changes to the proposed amendments. During the public hearing, the only public testimony was from Greg Flowers, a representative of the Applicant, who spoke in favor of the application and the revisions proposed by staff.
13. On November 2, 2016, after closing the public hearing, the Planning Commission voted unanimously to recommend approval of the application by the Board of County Commissioners. This recommendation was documented in Planning Commission Resolution No. 16-05 which was signed by the Chairman of the Planning Commission on November 4, 2016.
14. On November 7, 2016, the Board of County Commissioners adopted Resolution 16-296, setting a public hearing on this application for November 21, 2016.

15. On November 10, 2016, a Notice of Public Hearing for the November 21 public hearing was published in the Walla Walla Union Bulletin and Waitsburg Times. This notice was also mailed to the applicant and published on the Community Development Department website on November 8 and in the Tri-City Herald on November 11.
16. On November 21, 2016, the Board of County Commissioners held a Public Hearing as required by WWCC 14.15.070D(2). Staff presented the Planning Commission's recommendation that the Board of County Commissioners approve the amendments as presented with the revisions proposed by staff. There was no public testimony.
17. On November 21, 2016, after closing the public hearing, the Board of County Commissioners voted unanimously to concur with the Planning Commission's recommendation to approve the amendments as presented and to direct staff to prepare an ordinance for adoption.
18. The proposed amendments are supported by the Walla Walla County Comprehensive Plan as identified in the Conclusions of Law in Section II.

**Section II. The Board of County Commissioners Makes the Following Conclusions of Law:**

1. The proposed amendment is in compliance with Walla Walla County Code Sections 14.15.070B(3) as outlined below.
  1. *The amendment is consistent with the comprehensive plan; and*  
 Discussion: The applicant has presented that the primary ingredients used in beer production are barley, wheat and hops and that the proposed amendment would encourage increased local production of local barley and wheat, thereby supporting the agricultural industry. The amendments would impact the Agriculture Residential 10 (AR-10) zone, which are agricultural lands of long-term commercial significance. As stated on Page 6-31 of the Walla Walla County Comprehensive Plan, in the Agriculture Residential land use designation "a limited amount of commercial-tourism activity will be allowed in this district, while limited commercial businesses that support agriculture will be allowed outright, with those uses having a high nuisance value, safety issues, or environmental implications only allowed by conditional use permit."
  2. *The amendment meets a definable public need; and*  
 Discussion: The proposed amendments will result in amendments to the code that will address a use, breweries, that is not currently considered in the zoning code and provide standards for breweries.
  3. *The amendment is in the long term interest of the County.*  
 Discussion: As presented by the applicant, these amendments are likely to encourage the production of wheat and barley to be used in beer production and will provide an additional business, tourism and employment opportunity

to County residents. Incorporating breweries into Chapter 17.22, will ensure that appropriate development standards are applied to limit potential land use conflicts and promote orderly development that is consistent with the Comprehensive Plan.

2. Members of the general public were notified of the June 1, November 2, and November 21 public hearings and had the opportunity to submit testimony.
3. As proposed, the amendment will not have a significant adverse impact on public welfare and safety.
4. The proposed amendments are in compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code.

**Section III. Adoption of the amendment to Chapter 17.08:**

Based on its review of the requirements of RCW 36.70A and the Washington Administrative Code, the proposed amendments, staff analysis and recommendations, and the recommendation submitted by the Planning Commission, the Board of County Commissioners hereby adopts the following proposed amendments to Walla Walla County Code Chapter 17.08:

The amendments to Walla Walla County Code Chapter 17.08, Definitions, shown in attached Exhibit A. These amendments will result in the establishment of new definitions Brewery, Type I and Brewery, Type II, referencing Chapter 17.22 which will also be amended under Section V.

**Section IV. Adoption of the amendments to Section 17.16.014:**

Based on its review of the requirements of RCW 36.70A and the Washington Administrative Code, the proposed amendments, staff analysis and recommendations, and the recommendation submitted by the Planning Commission, the Board of County Commissioners hereby adopts the following proposed amendments to Walla Walla County Code Section 17.16.014:

The amendments to Walla Walla County Code Section 17.16.014 shown in attached Exhibit B, to modify the Industrial/Manufacturing Land Uses tables to make Brewery, Type I a permitted use in the AR-10 district and Brewery, Type II a conditional use in the AR-10 district. These amendments will also modify Industrial/Manufacturing Land Uses Development Condition D.3 to apply it breweries.

**Section V. Adoption of the amendments to Chapter 17.22:**

Based on its review of the requirements of RCW 36.70A and the Washington Administrative Code, the proposed amendments, staff analysis and recommendations, and the recommendation submitted by the Planning Commission, the Board of County Commissioners hereby adopts the following proposed amendments to Walla Walla County Code Chapter 17.22:

The amendments to Walla Walla County Code Chapter 17.22 to modify the chapter to apply the County's winery standards to breweries and establish definitions for breweries shown in Exhibit C.

**Section VI. Effective Date and Savings.**

This Ordinance is effective upon signing.

**Section VII. Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

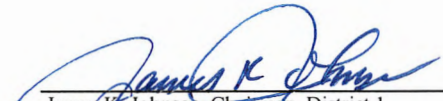
**Section VIII. Publication.**

This Ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 12<sup>th</sup> day of December, 2016.

Attest:

  
\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board


  
\_\_\_\_\_  
James K. Johnson, Chairman, District 1

  
\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

  
\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

Approved as to form

  
\_\_\_\_\_  
Jesse Nolte  
Deputy Prosecuting Attorney

**Exhibit A**  
**Amendments to Chapter 17.08**

17.08.095 – Brewery, Type I.

See the definition in Section 17.22.030.

17.08.096 – Brewery, Type II.

See the definition in Section 17.22.030.



**Exhibit B**  
**Amendments to Section 17.16.014**

17.16.014 - Permitted uses table.

**Industrial/Manufacturing Land Uses**

Key
P = Permitted use
C = Conditional use permit required
AC = Administrative conditional use permit required
* = Definition of this specific land use see Chapter 17.08
PA = Primary Agriculture
EA = Exclusive Agriculture
GA = General Agriculture-20
AR = Agriculture Residential-10
RR = Rural Remote
RA = Rural Agriculture
RRMC-5 = Rural Residential Mill Creek-5
RR = Rural Residential
R-96 = Suburban Residential
R-72 = Single Family Residential
R-60 = Single Family Residential
RM = Multiple Family Residential
RD-R = Rural Development-Residential
RD-CI = Rural Development-Commercial/Industrial
RFC = Rural Farmworker Community
RAC = Rural Activity Center



Zone																			
Resource			Rural								Urban Residential			Misc.					
P	E	G	A	R	R	R	R	RRM	R	R	R	R	R	R	R	R	RF	RA	
A-40	A-120	A-20	R-10	R-40	R-20	A-10	A-5	C-5	R-2	R-5	-96	-72	-60	R	D-R	D-CI	C	C	
Specific Use																			
* Brewery Type I																			
			P3																
* Brewery Type II																			
			C3																

**Industrial/Manufacturing Land Uses**

Key
P = Permitted use
C = Conditional use permit required
AC = Administrative conditional use permit required
* = Definition of this specific land use see Chapter 17.08
IA-M = Industrial Agriculture Mixed
IA-H = Industrial Agriculture Heavy
HI = Heavy Industrial
LI = Light Industrial
I/BP = Industrial/Business Park
NC = Neighborhood Commercial
CG = General Commercial
BC = Burbank Commercial
BR = Burbank Residential



PR = Public Reserve
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	Zone									
	Industrial and Commercial									Misc.
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
SPECIFIC USE										
* Brewery Type I										
* Brewery Type II										

- D. Industrial/Manufacturing Land Uses—Development Conditions.
1. An accessory use, structure or activity clearly incidental to a permitted use and which will not create a nuisance or hazard is permitted.
  2. Industrial Uses Limits. Industrial uses shall be subject to the following conditions:
    - a. The noise emanating from industrial activities shall be controlled so as not to become objectionable due to intermittent beat, frequency, volume and duration.
    - b. Industrial and exterior lighting shall not produce glare on public highways and neighboring property. Arc welding, acetylene torch cutting or similar processes shall be screened from any point outside of the property.
    - c. The storage and handling of inflammable liquids, liquefied petroleum gases, and explosives shall comply with rules and regulations of the state and other county regulations, the Uniform Building Code, and the Uniform Fire Code.
    - d. Provisions shall be made for shielding or other preventive measures against electromagnetic interferences occasioned by mechanical, electrical and nuclear equipment, uses, or processes.
    - e. The emission of odors shall be minimized and the emission of any toxic or corrosive fumes or gases shall be prohibited. Dust, smoke and other types of air pollution shall be minimized.
    - f. Liquid and solid wastes, and storage of animal or vegetable waste which attracts insects or rodents or otherwise creates a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line in an industrial district.
    - g. All storage shall be located within an area not closer than twenty feet from the street right-of-way line and shall be enclosed with a heavy wire fence or of a similar type, with the top of said fence not to be less than eight feet above the adjoining street level, or by an attractive hedge or board fence at least eight feet high. In the case of the open storage of lumber, coal, or other combustible material, a roadway shall be provided, graded, surfaced and maintained from the street to the rear of the property to permit access of fire trucks.
  3. See Chapter 17.22 for winery and brewery development standards.
  4. The primary building not to exceed thirty thousand square feet per establishment.

**Exhibit C**  
**Amendments to Chapter 17.22**

CHAPTER 17.22 - DEVELOPMENT STANDARDS—WINERIES AND BREWERIES

17.22.010 - Purpose.

The regulations set out in this chapter set forth guidelines for winery and brewery development.

17.22.020 - Applicability.

All wineries and breweries shall be governed by this chapter unless the standards of this chapter are more restrictive than a permit issued prior to the effective date of the ordinance codified in this chapter. In such case, the previously issued permit shall govern.

17.22.030 - Definition.

- A. A winery is a facility specifically designed, at a minimum, for one or more of the following: crushing, fermentation, and barrel aging of wine. Facilities located on land zoned industrial, commercial, or airport development shall be considered wineries as long as such facilities comply with state licensing requirements for wineries. A winery may include any of the following: a tasting room, 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, tours, ancillary retail sales, public display of art to wine related items, picnic areas, and food service. Food service is not to include restaurants, unless otherwise allowed in the zoning district.
- B. Winery, Type I. On a legal lot of record, the total cumulative building area of structure or structures housing a winery must be less than twelve thousand square feet and be served by fewer than forty parking spaces.
- C. Winery, Type II. Any winery on a legal lot of record exceeding the size requirements of a Type I winery, or that exceeds the number of events in Section 17.22.040(B), or that is located on a legal lot of record with another winery.
- D. A brewery is a facility specifically designed for brewing beer which includes a combination of any the following activities: lautering, boiling, fermenting, conditioning, filtering, and packaging beer. Facilities located on land zoned industrial, commercial, or airport development shall be considered breweries as long as such facilities comply with state licensing requirements for breweries. A brewery may include any of the following: a tasting room, milling facility, mashing facility, malting facility, brewing facility, bottling facility, laboratory and offices. Uses that are clearly incidental to the production of beer are allowed accessory uses to a brewery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of beer, employee day care, tours, ancillary retail sales, public display of art or beer related items, picnic areas, and



food service. Food service is not to include restaurants, unless otherwise allowed in the zoning district.

- E. Brewery, Type I. On a legal lot of record, the total cumulative building area of structure or structures housing a brewery must be less than twelve thousand square feet and be served by fewer than forty parking spaces.
- F. Brewery, Type II. Any brewery on a legal lot of record exceeding the size requirements of a Type I brewery, or that exceeds the number of events in Section 17.22.040(B), or that is located on a legal lot of record with another brewery or winery.

#### 17.22.040 - Events.

- A. For all wineries and breweries, Walla Walla Wine Alliance functions, trade-related functions, wine or beer club events, winemaker or brewmaster dinners and regional promotional events such as Holiday Barrel Tasting Weekend, Spring Release Weekend, and Walla Walla Balloon Stampede Weekend are part of the normal operations of a winery or brewery, as is the daily traffic associated with a tasting room. Capacity is limited by building occupancy and parking limitations.
- B. Events not related to the operational and marketing aspects of the winery or brewery, such as weddings, receptions, and meetings/retreats, shall be limited to not more than three large (two hundred fifty guests maximum) and twenty-four small (seventy-five guests maximum) events per year per legal lot of record. Capacity is limited by building occupancy and parking limitations.
- C. For Type II wineries and breweries, the hearing examiner may place a limit on the number of or size of events allowed. This is to be based on findings of fact which specify the need to mitigate impacts via these limitations.

#### 17.22.050 - Access.

The winery or brewery shall have adequate access from a public road or approved private road. Driveway access shall be twenty feet in width with an all-weather surface at a minimum, and constructed to current public works department standards. If the driveway access is connected to a paved public or private road, the driveway must be paved for a minimum distance of twenty feet from the edge of the connecting road. Wineries or breweries that share a private road must submit a road maintenance agreement at the time of permit application, signed by all legal property owners or their legal designee(s). Without the road maintenance agreement included as part of the application, the application will be determined as incomplete and will not be considered for approval until the agreement is submitted. All legal property owners must sign for the permit to be approved. Upon approval of the permit application, the road maintenance agreement will be legally recorded.

#### 17.22.060 - Food service.

- A. Wineries and breweries will be allowed limited food services on-site. This food service is not to include restaurants, unless otherwise allowed in the zoning district, but may include the following:
  - 1. Deli-service of prepackaged food;



2. Winemaker or brewmaster dinners;
  3. Food service for events.
- B. The following criteria must be met unless otherwise allowed in the zoning district:
1. No interior seating will be dedicated solely to the purpose of meal service.
  2. No food will be cooked to order, although a list of prepackaged foods may be posted.

17.22.070 - Ancillary retail sales.

Ancillary retail sales must be clearly accessory to the primary use. These sales may include, but will not be limited to, items such as: trademark items, items which promote the region or the wine or beer industries, other regional value-added agricultural products, art, prepackaged foods and cheese.

17.22.080 - Permit application.

A permit is required for all wineries and breweries. A permit may be revisited by the Walla Walla County community development department if any of the above activities are deemed outside of the scope, purpose and/or use of a winery or brewery.