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

ORDINANCE NO. 364

APPROVING A REQUEST BY WALLA WALLA COUNTY FOR THE ADOPTION OF NEW DEVELOPMENT STANDARDS – FOR WINERIES, SETTING FORTH A NEW DEFINITION OF WINERY, ESTABLISHING A NEW THRESHOLD CRITERIA FOR CONDITIONAL USE PERMIT APPROVAL, SETTING LIMITS ON EVENTS THAT MAY OCCUR AT WINERIES, AND ELIMINATING REDUNDANCY IN THE CODE, AND RESULTING IN AN AMENDMENT OF WALLA WALLA COUNTY CODE CHAPTERS 17.16 (PERMITTED USES), 17.20 (PARKING STANDARDS) AND 17.22 (WINERIES).

WHEREAS, application has been made by Walla Walla County to amend the current winery development standards to streamline the permitting process and to allow for more efficient and timely reviews, while maintaining review criteria, particularly for those wineries having the greatest impact on the County; and

WHEREAS, on April 1, 2008, a Determination of Non-Significance [DNS (File No. EA 08-09)] was issued by the County in accordance with state law; and

WHEREAS, on March 26, 2008 a review of the draft modifications was requested by the County from various state agencies including the State Department of Community, Trade and Economic Development and the Department of Ecology; and

WHEREAS, draft modifications were sent to local agencies for review and comment, including the County Public Works Department, the County Health Department, and local fire departments; and

WHEREAS, the Board of County Commissioners and the Planning Commission held numerous workshops on proposed changes to Walla Walla County Code Chapter 17.22; and

WHEREAS, several alternatives were considered, including a No Change alternative, which was not selected as the recommended alternative; and

WHEREAS, the Planning Commission held a public hearing on May 7, 2008 for the purposes of receiving testimony and to consider the request; and

WHEREAS, the Planning Commission recommended that the revisions to Chapter 17.22 be approved; and



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Walla Walla County, WA

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WHEREAS, the Board of County Commissioners held a public hearing on June 10, 2008, for the purpose of receiving testimony and to consider the request; and

WHEREAS, notice of the Public Hearings was published on April 24, 2008, May 29, 2008 and June 5, 2008 in the Tri-City Herald, Waitsburg Times and Walla Walla Union Bulletin.

WHEREAS, the Board of County Commissioners finds that revising the definition of winery to include the components of a winery that emphasize the production aspect of making wine, and simplifying the permitting process for smaller wineries, and clarifying the development standards for all wineries, will support winery applications that integrate well into the community, while maintaining the opportunity for closer review of winery applications that may have a potentially greater impact on the surrounding community; and

WHEREAS, the following findings of fact and conclusions of law are hereby made:

Findings of Fact:

1. Wineries have become more common in Walla Walla County.
2. Business practices change from time to time. Likewise, development standards are reviewed from time to time to keep in line with best practices, and the public interest.
3. The development standards for wineries in the Walla Walla County Code require additional clarity with respect to the production and marketing components of wineries.
4. The current review process is lengthy, and applicable to all winery applications, regardless of the size of the winery.
5. There is some redundancy in the Code, which could be eliminated without causing substantive changes in meaning.
6. The application of the Chapter 17.20, parking standards, is unclear as it relates to wineries, and requires further clarification.

Conclusions of Law:

1. The proposed amendments to Walla Walla County Code Chapter 17.16, 17.20, and 17.22 meet a public need by streamlining the permitting and review process, and clarifying the standards for development of wineries.
2. The proposed amendments to Walla Walla County Code Chapter 17.22 conform to the policy directives of the Walla Walla County Comprehensive Plan.
3. The proposed amendments to Walla Walla County Code do not require any amendments to the comprehensive plan.



4. With adoption of the proposed amendments, wineries would continue to be allowed in the zones where they are currently allowed.
5. Allowing certain-sized wineries as a land use without a Conditional Use Permit in certain zones is appropriate.
6. The proposed amendments to Walla Walla County Code are consistent with the Walla Walla Comprehensive Plan, constitute good planning, and will not have a significant adverse influence on public welfare or safety.

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that they uphold the Planning Commission recommendation and approve the zoning code text amendments, amending Ordinances 269 and 334 as follows.

Section 1. Amendment to Walla Walla County Code Chapter 17.16

Chapter 17.16 of the Walla Walla County Code is amended as follows:

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 Agreement-Agriculture
GA	= General Agriculture-20
AR	= Agriculture Residential-10
RR	= Rural Remote
RA	= Rural Agriculture
RMC	= Residential Mill Creek
RR	= Rural Residential
RT	= Rural Transition
RAC	= Rural Activity Center

	Zone												
	Resource							Rural					
	PA-40	EA-120	GA-20	AR-10	RR-40	RR-20	RA-10	RA-5	RMC-5	RR-2	RR-5	RT-1/2	RAC
SPECIFIC USE													
* Winery	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3



* Winery Type I	P3	P3	P3	P3	C3	P3	P3	P3	P3	P3	P3	P3	P3
* Winery Type II	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3

Industrial/Manufacturing Land Uses--Development Conditions

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 Industrial Mixed
IA-H = Industrial Agriculture Heavy
HI = Heavy Industrial
LI = Light Industrial
I/BP = Industrial/Business Park
GC = General Commercial
NC = Neighborhood Commercial
BC = Burbank Commercial
BR = Burbank Residential
PR = Public Reserve

SPECIFIC USE	Zone									
	Industrial & Commercial								Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	BC	GC	BR	PR
* Winery	P3	P3	P3		P3					
* Winery Type I	P3	P3	P3	P3	P3	P3	P3	P3		
* Winery Type II	P3	P3	P3	P3	P3	P3	P3	P3		

Industrial/Manufacturing Land Uses--Development Conditions

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
R-96 = Suburban Residential
R-72 = Single Family Residential
R-60 = Single Family Residential
MFR = Multiple Family Residential
UPC = Urban Planned Community
RD = Rural Development
RFC = Rural Farmworker Community



	<u>Zone</u>						
	<u>Residential</u>						
	<u>R-96</u>	<u>R-72</u>	<u>R-60</u>	<u>MFR</u>	<u>UPC</u>	<u>RD</u>	<u>RFC</u>
SPECIFIC USE							
* Winery							
* Winery Type I						P3	
* Winery Type II						C3	

Section 2. Amendment to Walla Walla County Code Chapter 17.20

Chapter 17.20 of the Walla Walla County Code is amended as follows:

Section 17.20.100 Table of Minimum Standards

<u>Use</u>	<u>Spaces Required</u>
Food and beverage places with sale and consumption on premises, <u>tasting rooms</u>	1 per 100 square feet of gross floor area
a. If less than or equal to 5,000 square ft. of gross floor area	1 per 75 square feet of gross floor area
b. If over 5,000 square feet of floor area	20 plus 1 per 100 square feet of gross floor area in excess of 5,000 square feet

Section 3. Amendment to Walla Walla County Code Chapter 17.22

Chapter 17.22 of the Walla Walla County Code is amended as follows:

Chapter 17.22

DEVELOPMENT STANDARDS--WINERIES*

Sections:

- 17.22.010 Purpose.
- 17.22.020 Applicability
- 17.22.0230 Definition.
- ~~17.22.030~~ Accessory uses.
- ~~17.22.040~~ Parking
- ~~17.22.050~~ Building occupancy.
- 17.22.0640 Events.
- 17.22.0750 Access.
- ~~17.22.080~~ Landscaping.
- ~~17.22.090~~ Tasting rooms.
- 17.22.100060 Food service.



17.22.110070 Ancillary retail sales.
17.22.08130 Conditional-use p Permit application.

* Prior ordinance history: Ord. 260.

17.22.010 Purpose.

The regulations set out in this chapter set forth guidelines for winery development. (Ord. 334 §1(part), 2006)

17.22.020 Applicability

All wineries 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 this ordinance. In such case, the previously issued permit shall govern.

17.22.020030 Definition.

A. A winery is a facility specifically designed, at a minimum, for one or more of the following: the crushing, fermentation, and barrel aging of wine, bottling, case goods storage and retail and/or wholesale sales 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 12,000 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 17.22.040 (B), or that is located on a legal lot of record with another winery.

17.22.030 Accessory uses.

~~Uses that are clearly related to and incidental to the production of wine are allowed accessory uses to a winery. These uses may include, but are not limited to, the following: administrative offices, laboratories, employee day care, tours and tasting, retail/wholesale wine sales, ancillary retail sales (see WWCC Section 17.22.110), public display of art or wine related items, picnic areas, recreation areas, and food preparation (see WWCC Section 17.22.100). (Ord. 334 §1(part), 2006)~~



~~17.22.040~~ ~~————~~ Parking.

~~————~~ The applicant must provide a copy of the parking site plan and also an overflow parking site plan at the time of conditional use permit application. No event may cause the parking to exceed that which is permitted via the parking site plan(s). The only exception in which the number of people allowed at an event may exceed the number allowed by available parking is if alternative transportation to the event is arranged. (Ord. 334 §1(part), 2006)

~~17.22.050~~ ~~————~~ Building occupancy.

~~————~~ The applicant must provide detailed information about expected building occupancy at the time of conditional use permit application. (Ord. 334 §1(part), 2006)

17.22.060040 Events.

A. ~~Public Event.~~ A publicly advertised indoor or outdoor gathering of people wherein individuals remain on-site for a consecutive period of two or more hours. For all wineries, Walla Walla Wine Alliance functions, trade-related functions, wine club events, winemaker 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, as is the daily traffic associated with a tasting room. Capacity at events will be limited by building occupancy limitations and/or parking limitations, whichever is more appropriate to the setting of the event.

B. ~~Private Event.~~ An event which is not advertised to the public at large, but which may be advertised to persons on a private mailing list. A winemaker dinner is an example of such an event. Events not related to the operational and marketing aspects of the winery, such as weddings, receptions, and meetings/retreats, shall be limited to not more than 3 large (250 guests maximum) and 24 small (75 guests maximum) events per year per legal lot of record. Capacity is limited by building occupancy and parking limitations.

C. ~~Exemptions.~~ The following are considered exempt from the above definitions as they are part of the everyday operation of the winery and/or are regional events.

~~————~~ D. Daily traffic related to the function of the winery and tasting room.

~~————~~ E. ~~Walla Walla Wine Alliance functions such as Holiday Barrel Tasting Weekend, Spring Release Weekend and Walla Walla Balloon Stampede Weekend.~~

~~————~~ F. For Type II wineries, 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. (Ord. 334 §1(part), 2006)

17.22.070050 Access.

The winery ~~will~~ shall have adequate access from a public road or approved private road. If an on-site driveway is utilized, it must access shall be twenty feet in width with an gravel 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. The radius return of the road must be asphalt surfaced. Emergency vehicle turnarounds must be provided if the driveway is more than one hundred fifty feet in length. Wineries that share a private road

must submit a road maintenance agreement at the time of CUP-permit application, signed by all legal property owners or their legal designee(s). Without theis 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 (~~those with legal access to the private road in question~~) must sign for the conditional use permit to be approved. Upon approval of the conditional use permit application, the road maintenance agreement will be legally recorded. (Ord. 334 §1(part), 2006)

~~17.22.080~~ ——— Landscaping.

~~The applicant may utilize grapevines as a part of the landscaping requirements in proportionate share to the landscaping requirement per the Walla Walla County Code requirements. (Ord. 334 §1(part), 2006)~~

~~17.22.090~~ ——— Tasting rooms.

~~Tasting rooms, as an ancillary use to a winery, will be allowed in most zones unless prohibited via the conditional use permit based on findings of fact identifying the specific impacts that cannot be satisfactorily mitigated. Due to the unique zoning within the exclusive agriculture zone, tasting rooms will be restricted in operation. For example, strict limitations on operating hours and number of events will be imposed as a condition of the conditional use permit. Tasting rooms may also not be allowed as an ancillary use within the exclusive agriculture zone. (Ord. 334 §1(part), 2006)~~

~~17.22.100060~~ Food service.

A. Wineries will be allowed limited food services on-site. This food service is not to include restaurants, unless otherwise allowed in the zōnezoning district, but may include the following:

1. Deli-service of prepackaged food;
2. Winemaker dinners;
3. ~~Tasting room events with food;~~
4. ~~On-site catering~~ 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. (Ord. 334 §1(part), 2006)

~~17.22.110070~~ Ancillary retail sales.

~~Ancillary retail sales will be confined to the tasting room area must be clearly accessory to the primary use. If there is not a tasting room, retail sales of merchandise other than wine and winery related equipment will not be allowed. Retail sales must be clearly accessory to the purpose of the winery and be detailed within the supplemental information sheet. These sales may include, but will not be limited to, items such as: trademark items, items which promote the valley region or the wine industry, other regional value-added agricultural products, art, prepackaged foods and cheese. (Ord. 334 §1(part), 2006)~~



17.22.130080 Conditional use permit application.

A supplemental information sheet will be required for all winery conditional use permit is required for all wineries. A conditional use permit application may be revisited by the Walla Walla County hearing examiner Community Development Department if any of the above activities are deemed outside of the scope, purpose and/or use of a winery. (Ord. 334 §1(part), 2006)

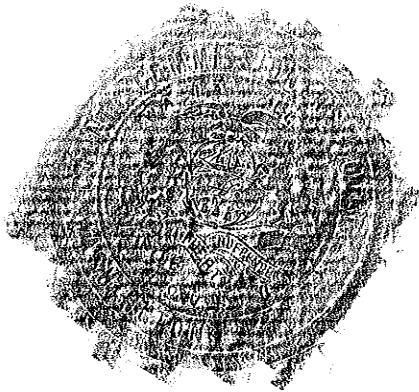
Section 4. Effective Date and Savings. This ordinance is effective on August 1, 2008. Any previous ordinance amended by this Ordinance shall remain in force and effect until the effective date of this ordinance.

Section 5. 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 6. 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 23rd day of June, 2008.

Approved this 23rd day of June, 2008



David G. Carey
David G. Carey, Chairman

Gregg C. Loney
Gregg C. Loney, Commissioner

Gregory A. Tompkins
Gregory A. Tompkins, Commissioner

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

Attest:

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

Approved as to form

Jesse D. Nolte
Jesse D. Nolte, Deputy Prosecuting Attorney

