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Ordinance No. 366

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

ORDINANCE NO. 366

APPROVING A REQUEST BY JAMES K. HAYNER FOR THE ADOPTION OF NEW DEVELOPMENT STANDARDS FOR DISTILLERIES, SETTING FORTH A NEW DEFINITION OF DISTILLERY (PRODUCTION FACILITY), AND RESULTING IN AMENDMENTS OF WALLA WALLA COUNTY CODE CHAPTERS 17.16 (PERMITTED USES) AND 17.08 (DEFINITIONS).

WHEREAS, application has been made by James K. Hayner to amend Walla Walla County Code Chapter 17.16 to permit distilleries in the Agriculture Residential (AR-10) zoning district; and

WHEREAS, on May 15, 2008, a Determination of Non-Significance [DNS (File No. EA 08-01)] was issued by the County in accordance with state law; and

WHEREAS, on February 29, 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, the State Department of Health, 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, local fire departments, and local irrigation districts; and

WHEREAS, the Board of County Commissioners and the Planning Commission held numerous workshops on proposed changes to Walla Walla County Code Chapter 17.16; 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 June 4, 2008 for the purposes of receiving testimony and to consider the request; and

WHEREAS, the Planning Commission recommended that the revisions to Chapter 17.16 be approved; and

WHEREAS, the Planning Commission also recommended that that the amendments proposed by the applicant be approved and expanded to permit distilleries in all the same zoning districts that wineries are allowed and permit them in the same manner; and

WHEREAS, the Board of County Commissioners held a public hearing on October 20, 2008, for the purpose of receiving testimony and to consider the request; and

WHEREAS, notice of the public hearing was published on October 9, 2008 in the Tri-City Herald, Waitsburg Times and Walla Walla Union Bulletin.

WHEREAS, the Board of County Commissioners finds that allowing distilleries in zoning districts outside of the Agricultural Residential zoning district is beyond the scope of the proposed revisions submitted by the Applicant;

WHEREAS, the Board of County Commissioners finds that establishing definition of "Distillery, Production Facility" to include the components of a distillery that emphasize the production aspect of making spirits, and allowing such facilities in the Agriculture Residential zoning district will support distillery operations that integrate well into the community, and

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 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 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													
* Distillery, Production Facility				P									

Section 2. Amendment to Walla Walla County Code Chapter 17.08

Chapter 17.08 of the Walla Walla County Code is amended as follows:

17.08.194 Distillery, Production Facility. A distillery is a facility which produces by distillation spirits for consumption; the sales and distribution of which are subject to regulation by the Washington State Liquor Control Board. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery. On-site retail sales and samples shall not be permitted.

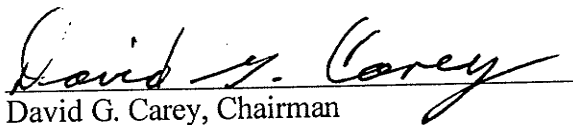
Section 3. Effective Date and Savings. This ordinance is effective on October 20, 2008. Any previous ordinance amended by this Ordinance shall remain in force and effect until the effective date of this ordinance.

Section 4. 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.

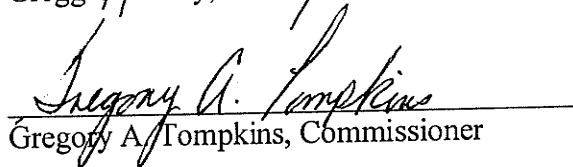
Section 5. Publication. This ordinance will be published by an approved summary consisting of the title.

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 20th day of October, 2008.

Approved this 20th day of October, 2008



David G. Carey, Chairman


Gregg C. Loney, Commissioner

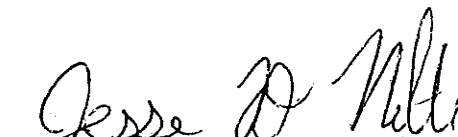

Gregory A. Tompkins, Commissioner

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

Attest:


Connie R. Vinti, Clerk of the Board

Approved as to form


Jesse D. Nolte, Deputy Prosecuting Attorney