



Walla Walla County Community Development Department

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Date: May 27, 2016
To: Walla Walla County Planning Commission
From: Tom Glover, Director
Lauren Prentice, Principal Planner
RE: **Public Hearing Agenda Item No. 1A** – A Zoning Code Text Amendment Application by Tim Rockey to amend WWCC 17.16.014 to make breweries an allowed use in the AR-10 zoning district and establish development standards for these uses by incorporating them into the County’s winery standards in Chapter 17.22. Proposal would also amend Chapter 17.08 to define ‘brewery.’ Docket No. ZCA16-002

Background

The application to amend Walla Walla County Code (WWCC) Section 17.16.014 and Chapters 17.08 and 17.22 was received by the Community Development Department on March 1, 2016. Please refer to Item 1 in the notebook to review the material submitted by the Applicant.

Staff Conclusion

Community Development Department (CDD) staff has reviewed the application submitted by Tim Rockey, and concludes that the proposed amendments meet the Community Development Department’s review criteria in WWCC 14.15.060(C) and the Planning Commission’s review criteria in WWCC 14.15.060(D)(3).

Staff Recommendation

Staff recommends that the application submitted by Tim Rockey, docket number ZCA16-002, be considered for inclusion into the County’s final 2016 amendment docket.

Recommended Motion

“I move that the Planning Commission concur with the findings of fact and conclusion of law in docket number ZCA16-002 and recommend to the Board of County Commissioners that the application by Tim Rockey be included in the County’s final 2016 amendment docket.”

Attachments

1. Development Regulations Amendment Process – Walla Walla County Code Section 14.15.060 – Preliminary docket – Adoption of final docket
2. Notice of Public Hearing
3. Certificate of Notification

Analysis

The applicant is proposing three amendments relating to breweries.

- *Amend WWCC Chapter 17.08 to define ‘brewery’ as follows: “A brewery or brewing company is a business that makes and sells beer.”*
The proposed amendment would establish a definition for ‘brewery’ which is currently undefined in the code.
- *Amend WWCC 17.16.014, Permitted Uses, to add ‘Brewery, Type 1’ and ‘Brewery, Type 2’ and make Type 1 breweries an allowed use in the AR-10 district and Type 3 breweries a conditional use in the AR-10 district.*
- *Amend WWCC Chapter 17.22, Wineries, to incorporate breweries and apply the same development standards.*
The proposed amendments to Chapter 17.22 would establish a more detailed definition of breweries, which could include tasting and other ancillary uses similar to what the County

currently permits at wineries. The amendments would also establish definitions for Type 1 and Type 2 breweries with the same thresholds as Type 1 and Type 2 wineries (12,000 square feet, 40 parking spaces).

Currently breweries are not specifically addressed in the code and thus are not permitted in most of unincorporated Walla Walla County. One exception is the Airport Development district, where the Port of Walla Walla has the authority to allow most uses they choose under WWCC 17.16.015. The other exceptions would be the County's industrial districts where food and kindred products manufacture is allowed. Type 1 wineries are allowed as a permitted use in the AR-10 district and Type 2 wineries are a conditional use. "Distillery, production facility" is also permitted outright in the AR-10 district and defined as follows: "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."

Agricultural Lands

Approval of the proposed text amendment would affect all land zoned Agriculture Residential 10-acres.

What does the law allow in agricultural lands?

The Growth Management Act, under RCW 36.70A.177 allows innovative zoning techniques and accessory uses on lands designated as agricultural lands of long-term commercial significance:

- 1) *A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.*
- 2) *Innovative zoning techniques a county or city may consider include, but are not limited to:*
 - a. *Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;*
 - b. *Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;*
 - c. *Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;*
 - d. *Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and*
 - e. *Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.*
- 3) *Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:*
 - a. *Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties, and shall comply with the requirements of this chapter;*
 - b. *Accessory uses may include:*
 - i. *Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and*

- ii. *Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses; and*
- c. *Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection (3) in areas designated as agricultural lands of long-term commercial significance.*

In summary, accessory uses, including uses unrelated to farming, are allowed in agricultural resource zones. Accessory uses are those that support the agricultural industry, which could include marketing of regional agricultural products from one or more producers, or could provide an “agricultural related experience, or could include the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities.” Accessory uses unrelated to the agricultural industry are allowed by farming operations, provided they are compatible with the continued use of agricultural land of resource production.

Zoning Code Text Amendment Review Criteria

Below is WWC C Sections 14.15.060(C) and 14.15.060(D)(3) which lists the criteria the Community Development Department and Planning Commission shall base their recommendations:

- Criteria: The amendment is consistent with the comprehensive plan; and
Staff 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 AR-10 zone, which are agricultural lands of long-term commercial significance.
- Criteria: The amendment is consistent with other development regulations, unless accompanied by amendments to such other development regulations; and
Staff Discussion: There is nothing in the proposed amendments that would specifically conflict with other development regulations.
- Criteria: The amendment is appropriate for consideration at this time.
Staff Discussion: Consideration of the proposed amendment is appropriate at this time due to the fact that it has met the review schedule and application deadline required in WWC Section 14.15.015. Breweries specifically are not addressed in the code in the way that distilleries and wineries are, and the Community Development Department does receive regular inquiries from property owners interested in this type of use.

Findings of Fact

1. The application was submitted to the Community Development Department on March 1, 2016.
2. The Planning Commission held a public workshop on May 4, 2016.
3. A Notice of Public Hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin and the Tri-City Herald on May 19, 2016.
4. A Notice of Public Hearing was posted on the Community Development Department website on May 19, 2016.

Conclusion of Law

1. The proposed amendments have been reviewed pursuant to Walla Walla County Code Sections 14.15.060.

ATTACHMENT 1

Development Regulations Amendment Process

14.15.060 - Preliminary docket—Adoption of final docket.

- A. Required Information. The community development department shall compile a preliminary docket of proposed amendments. The preliminary docket shall include at least the following information for each proposed amendment:
 - 1. Docket number; and
 - 2. Name and address of the person or agency proposing the amendment; and
 - 3. Summary of the proposed amendment; and
 - 4. Date of application; and
 - 5. Address or section, township and range of the location of the amendment, if applicable.
- B. Available for Public Review. The community development department shall keep the preliminary docket available for public review during normal business hours.
- C. Community Development Department Review. After compiling the preliminary docket, the director shall review the suggested amendments and prepare a staff report to the planning commission recommending which proposed amendments should be placed on the final docket. The staff report shall address the following criteria:
 - 1. The amendment is consistent with the comprehensive plan; and
 - 2. The amendment is consistent with other development regulations, unless accompanied by amendments to such other development regulations; and
 - 3. The amendment is appropriate for consideration at this time.
- D. Planning Commission Review. All proposed amendments shall be reviewed and assessed by the planning commission, which shall make a recommendation to the board of county commissioners after considering the staff report prepared by the director.
 - 1. Workshop Meeting. The planning commission may first review the recommendations of the director in a workshop meeting(s)
 - 2. Public Hearing. The planning commission shall conduct a public hearing on the proposed amendments on the preliminary docket as set forth in Sections 14.09.065 and 14.09.070 of this title.
 - 3. Recommendations. Following the hearing, the planning commission shall make a recommendation to the board of county commissioners on each proposed amendment as to whether or not the amendment should be placed on the final docket. The planning commission's recommendation shall be based upon the following criteria:
 - a. The amendment is consistent with the comprehensive plan; and
 - b. The amendment is consistent with other development regulations, unless accompanied by amendments to such other development regulations; and
 - c. The amendment is appropriate for consideration at this time.
- E. Board of County Commissioner's Decision—Adoption of Final Docket.
 - 1. Review and Decision Process. The board of county commissioners shall review and consider the planning commission's report and recommended final docket at a regularly scheduled commissioner's meeting. The board of county commissioners may adopt the planning commission's recommended final docket without a public hearing; however, in the event that a majority of the board of county commissioners decides to add or subtract proposed amendments, it shall first conduct a public hearing as set forth in Sections 14.09.065 and 14.09.070 of this title.
 - 2. Effect of Final Adopted Docket. The decision of the board of county commissioners to adopt the final docket does not constitute a decision or recommendation that the substance of any recommended amendment should be adopted. No additional amendments shall be considered after adoption of the final docket for that year except for exceptions as set forth in Section 14.15.030