



Walla Walla County Community Development Department

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Date: September 7, 2016
To: Walla Walla County Planning Commission
From: Tom Glover, Director
Lauren Prentice, Principal Planner
RE: **Workshop Agenda Item No. 3** – ZCA16-004, Susan Buchanan

Summary of Submitted Application

The applicant is proposing two amendments.

- Amend [WWCC Chapter 17.08](#) to define ‘value-added agriculture’ and ‘Agritourism.’

“Value-added agriculture” means the production, storage, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities. This definition excludes the uses of winery type I and winery type II.

“Agritourism” is short for “agricultural tourism” and refers to agriculturally related experiences provided for the enjoyment, entertainment, or education of visitors and which generates supplemental income for a working farm upon which the principal land use is agriculture, specifically the growing of crops.

- Amend [WWCC 17.16.014](#), Permitted Uses, to allow these two uses outright in the Agriculture Residential 10 (AR-10) zoning district.

Agricultural Lands Policies and the Growth Management Act

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 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.

According to RCW 36.70A.177(3)(c) counties do have the authority ***to limit or exclude accessory uses*** otherwise authorized in agricultural lands of long-term commercial significance (all agricultural zones in unincorporated Walla Walla County are designated as such).

Current Walla Walla County Code definitions:

One issue to consider when reviewing this proposal is that many specific uses that would meet the proposed definitions for ‘value-added agriculture’ and ‘agritourism’ are already defined and addressed in the code. In the definition proposed for ‘value-added agriculture’ the applicant attempted to address this issue by stating that wineries would not be included in this new use classification. However, there are many other uses in the code which could also be classified under the proposed broad definitions, including some that are either not allowed in the AR-10 district or limited by development standards in order to ensure that they will be developed in a way that is compatible with ongoing agricultural operations. This is a potential conflict.

Here is a link to Walla Walla County Code Section 17.16.014, Permitted Uses Table, which shows which uses are currently listed and allowed (or not allowed) in each zoning district in the code:

https://www.municode.com/library/wa/walla_walla_county/codes/code_of_ordinances?nodeId=IT17ZO.CH17.16PEUS.

Regarding the definition of 'agritourism' proposed by the applicant, the code already allows some agricultural tourism uses and activities in the AR-10 zone such as crop mazes, wineries, bed and breakfast guesthouses, and distilleries, though in most cases these operations must adhere to specific development standards. The definition offered by the applicant is very broad. Some activities that might be construed to fall under that definition could include activities that are currently **listed and not allowed** in the AR-10 zone such as private and public recreational facilities, amphitheaters, catering establishments, apparel and other textile products, dairy products processing, art galleries and art studios.

For example, in a code interpretation issued on April 16, 2014 by the Walla Walla Joint Community Development Agency (which at the time was administering the County's Code), it was clear that 'food and kindred products manufacture' and 'food stores' as defined in Sections 17.08.232 and 17.08.235 respectively, are not allowed uses in the AR-10 zone. The definitions provided above by the applicant for 'value-added agriculture' and 'agritourism' do not specifically refer to either of these defined uses.

WWCC 17.08.232: Food and kindred products manufacture "means establishments manufacturing or processing foods and beverages for human consumption, and certain related products, such as manufactured ice, chewing gum, vegetable oils, and prepared feeds for animals and fowls." As stated above, this is not an allowed use in the AR-10 zone. This use appears in the Permitted Uses table under the heading 'Industrial/Manufacturing Land Uses.'

WWCC 17.08.235: Food stores means "retail establishments primarily engaged in selling food for home preparation and consumption."

Some other uses *not* allowed in the AR-10 zone include: eating and drinking establishments, general merchandise stores, retail – miscellaneous (retail not elsewhere classified), and the sale of durable and non-durable goods (includes "groceries and related products, and farm-product raw materials). This is not an exhaustive list.

It is also worth considering whether classifications for a 'produce stand' or a 'produce market', which are allowed under the [Section 17.16.014](#), accomplish the part of the proposed definition that states "marketing, and distribution of value-added agricultural products, including support services that facilitate these activities"? Storage and packing of agricultural products are also allowed activities in the AR-10 zone. Maybe what's missing then is allowing the production of 'food and kindred products manufacture' in the AR-10 zone?

Discussion Topics

Here are a couple of items that should be considered when evaluating whether proposed uses should be allowed or subject to development standards in order to be consistent with the Walla Walla County Comprehensive Plan and our development standards.

- Allowed use or conditional use permit?
- Administrative review only or Hearing Examiner review?
- Allow on properties where there is not an active farm?
- Limit the size of facilities by lot area, type of business, number of employees, number of visitors, building size?
- Limit accessory uses?
- Hours of operation?
- General definitions or list specific uses?

We also included as attachments excerpts from a few other jurisdictions that show different approaches to addressing these types of uses. There is an example from Weber County, Utah that includes development standards as well as taking an approach to list specific agritourism and value-added agriculture uses. The excerpt from Calvert County, Maryland, includes a definition for agritourism and the example from Whatcom County and Thurston County show how they've addressed a few general categories of agritourism and value-added agriculture.

Options

1. Continue processing the application as proposed which would result in these uses being permitted outright, with no public notice (unless required under SEPA), in the Agriculture Residential 10 zoning district. ***(This option is NOT preferred by staff. This will likely put us in conflict with our own code.)***
2. Recommend changes to the proposed amendments to clarify the definitions and/or make the uses conditional instead of permitted outright. ***(This is better in the opinion of staff.)***
3. Develop and propose detailed development standards for agritourism and value-added agriculture to ensure compatibility with agricultural lands, the Comprehensive Plan, and to reduce potential nuisance conditions. ***(This is also better, except we already have some of these types of uses allowed, and many that might be considered agritourism are not allowed).***
4. Develop and propose amendments to Title 17 to address specific value-added agriculture or agritourism uses. This would be an approach similar to what the County has done in the past. As noted above, many specific uses that could be categorized as 'value-added agriculture' or 'agritourism' are already defined and addressed in the County Code (e.g. wineries, produce stands and markets, home occupations, crop maze, meat processing and packing, leather and leather goods manufacture). Some of these uses are currently not allowed in the AR-10 district, or are allowed only via the conditional use permit process. This approach differs greatly than the application submitted by Mrs. Buchanan who has simply proposed general, broadly encompassing definitions that would allow a variety of uses. ***(This is also a better approach because it is less likely to cause conflict with our code, in the opinion of staff, but this will also require a lot of work to review what is allowed now and consider the many possible types of value-added agriculture and agritourism uses).***

Attachments

1. Excerpts from Whatcom County Code, Chapter 20.40, Agriculture (AG) District
2. Weber County, Utah Code, Chapter 21 – Agri-Tourism
3. Excerpt from Calvert County, Maryland, Code
4. Summary of Thurston County Agritourism Overlay District