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**ORDINANCE NO. 463 AMENDING WALLA WALLA COUNTY CODE
CHAPTER 17.08 AND SECTION 17.16.014 TO ESTABLISH DEFINITIONS
AND DEVELOPMENT STANDARDS FOR AGRITOURISM ENTERPRISES
AND SMALL SCALE VALUE-ADDED AGRICULTURE PROCESSING AND
ESTABLISH THESE AS ALLOWED USES IN MOST OF THE COUNTY'S
RURAL, AGRICULTURE, AND INDUSTRIAL AGRICULTURE ZONING
DISTRICTS.**

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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

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

ORDINANCE NO. 463

AMENDING WALLA WALLA COUNTY CODE CHAPTER 17.08 AND SECTION 17.16.014 TO ESTABLISH DEFINITIONS AND DEVELOPMENT STANDARDS FOR AGRITOURISM ENTERPRISES AND SMALL SCALE VALUE-ADDED AGRICULTURE PROCESSING AND ESTABLISH THESE AS ALLOWED USES IN MOST OF THE COUNTY'S RURAL, AGRICULTURE, AND INDUSTRIAL AGRICULTURE ZONING DISTRICTS.

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 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,

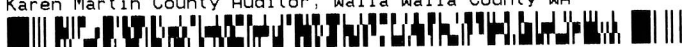
BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

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

1. On March 31, 2016, the County received a zoning code text amendment application (ZCA16-004) from Susan Buchanan that proposed to add new definitions for 'agritourism' and 'value-added agriculture' to Walla Walla County Code (WWCC) Chapter 17.08 and to make these uses permitted outright in the Agriculture Residential 10 (AR-10) zoning district.
2. On May 1, 2016, the Planning Commission held a workshop meeting to discuss the application submitted by Buchanan (ZCA16-004).
3. On May 19, 2016, a Notice of Public Hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin and the Tri-City Herald for a June 1, 2016 Planning Commission preliminary docket public hearing. This notice was also published on the Community Development Department website on May 19, 2016.
4. On June 1, 2016, the Planning Commission held a public hearing and recommended that the proposed amendment application by Buchanan (ZCA16-004) be included on the County's 2016 Final Docket. This recommendation is documented in Planning Commission Resolution 16-03 in which the Commission raised concerns that the definitions proposed in the Buchanan application were too general. The Planning Commission's recommendation stated that if placed on the final docket, consideration should be given to whether development standards for the new use categories should be developed or the proposed definitions should be modified.



5. On September 6, 2016, the Board of County Commissioners (BOCC) placed the Buchanan application on the 2016 Final Docket by Resolution 16-246.
6. On September 7, 2016, the Planning Commission discussed the proposed amendments in a workshop meeting.
7. On September 9, 2016, a copy of the amendments proposed by Buchanan (ZCA16-004) was sent to the Washington State Department of Commerce as required by RCW 36.70A.106. The 60-day review period ended on November 8 (Material ID 22837). No comments from state agencies were submitted during this review period.
8. On October 5, 2016, the Planning Commission discussed the amendments proposed by Buchanan (ZCA16-004) and alternative amendments in a workshop meeting.
9. On November 2, 2016, the Planning Commission discussed the amendments proposed by Buchanan (ZCA16-004) and alternative amendments in a workshop meeting. At this meeting the Planning Commission was presented with a letter from Seth Small, a Walla Walla County farmer, who expressed support for the Buchanan application but recommended that the proposed amendments be extended to allow these uses in the General Agriculture 20 (GA-20) and Primary Agriculture 40 (PA-40) districts.
10. On December 7, 2016, the Planning Commission discussed the amendments proposed by Buchanan (ZCA16-004) and alternative amendments in a workshop meeting.
11. On January 4, 2017, the Planning Commission discussed the amendments proposed by Buchanan (ZCA16-004) and alternative amendments in a workshop meeting.
12. On January 18, 2017 A copy of the proposed County-drafted alternative amendments (ZCA17-001) was sent to the Washington State Department of Commerce as required by RCW 36.70A.106 with an expedited review request. Expedited review (Material ID 23315) was granted and the review period ended on February 2, 2017. No comments from state agencies were submitted on the alternative amendments during this review period.
13. On January 18, 2017, a Notice of Public Hearing and Informational Public Meeting was posted on the Community Development Department website for meetings on February 1, 2017. This notice was published in the Waitsburg Times, Walla Walla Union Bulletin and Tri-City Herald on January 19, 2017. The notice was mailed to the applicant and other parties on January 20, 2017.
14. On February 1, 2017, an Informational Public Meeting was held by Community Development Staff as required by WWCC 14.15.050B.2.
15. On February 1, 2017, a public hearing was held by the Planning Commission. Three members of the public spoke in favor of the proposed alternative amendments (ZCA17-001) at the public hearing. One member of the public said that while he supported the proposed amendments, he recommended that value-added agriculture processing facilities should be allowed to be larger than 12,000 square feet. The Planning Commission was also provided with written comments submitted prior to the hearing which included three public comment letters expressing concerns about locating these uses in the Exclusive Agriculture 120 district (EA-120).



16. On February 1, 2017, after the close of the public hearing the Planning Commission voted unanimously, with one member absent, to recommend that the Board of County Commissioners replace the application submitted by Buchanan (ZCA16-004) with the proposed code amendments prepared by the County and presented in the February 1 staff report (ZCA17-001). On March 1, 2017, the Planning Commission Chairman issued Resolution 17-01 documenting this recommendation.
17. On February 2, 2017, a SEPA threshold determination of non-significance (DNS) was issued by the Community Development Department Director for the proposed County-drafted alternative amendments (file SEPA17-001). The DNS was mailed to parties who had previously submitted comments, filed with the Department of Ecology SEPA Register and distributed to consulting agencies. No public or agency comments were submitted on the SEPA DNS and no appeals were filed.
18. On February 21, 2017, the Board of County Commissioners discussed the amendments proposed by Buchanan (ZCA16-004) and County-drafted alternative amendments in a workshop meeting. At this meeting, staff provided the Board with the Planning Commission's recommendation and a copy of received written public comments. The Board indicated that they would like to consider modifying the County-drafted amendment proposal (ZCA17-001) to exclude the EA-120 district and directed staff to schedule a public hearing to hear public testimony on the Planning Commission's recommendation and this alternative.
19. On March 6, 2017, the Board of County Commissioners adopted Resolution 17-054 setting a public hearing on these proposed amendments for March 27, 2017.
20. On March 9, 2017, a Notice of Public Hearing for the March 27 public hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin and the Tri-City Herald. This notice was also published on the Walla Walla County website and distributed to members of the public who provided written or oral testimony on the amendment proposals.
21. On March 27, 2017, the Board of County Commissioners held a public hearing. Staff presented the Planning Commission's recommendation that the Board of County Commissioners approve the proposed alternative amendments (ZCA17-001). Eleven members of the public spoke during the public hearing including three who had previously submitted written comments. Eight of them expressed concerns about allowing these uses being allowed in the Exclusive Agriculture 120 district. Aside from concerns about the EA-120 zone, no one else spoke in opposition to the amendments.
22. On March 27, 2017, after closing the public hearing, the Board of County Commissioners voted unanimously to substitute and replace the application submitted by Susan Buchanan (ZCA16-004) with the proposed amendments (ZCA17-001) set forth in Attachment 1 to the March 27 staff report and modified to exclude the Exclusive Agriculture 120 zoning district, and direct staff to prepare an ordinance for adoption. The motion passed unanimously.
23. 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 proposed amendments relate to lands in the County's rural, industrial agriculture, and resource zoning districts. The proposed amendments will provide an additional business opportunity for rural property owners who are agriculture producers. The proposed amendments are consistent with the following goals and policies of the Comprehensive Plan: Economic Development Goals ED-4 and ED-6; Rural Lands Goals RL-2 and RL-5 and Policy RL-1; and Resource Lands Goals RL-21 and RL-22 and Policies RL-44, RL-47, and RL-55.

These amendments will provide an opportunity for additional agritourism and small-scale value-added agriculture processing uses to be allowed in resource zones and promote commercially viable agricultural uses. RCW 36.70.177(3) states in subsection (a) that "accessory uses shall be located, designed, and operated so as to not interfere with, and support, the continuation of, the overall agricultural use of the property and neighboring properties." This section defines agricultural accessory uses as uses and activities related to the 'storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing or distribution of value-added agricultural products, including support services that facility these activities." This section also grants counties and cities the authority to limit or exclude any accessory uses. The two proposed categories of uses clearly meet the definition of 'agricultural accessory uses' which should be priority uses in agricultural zones because they help conserve agricultural lands and encourage the agricultural economy.

2. *The amendment meets a definable public need; and*

Discussion: Specific agritourism and value-added agriculture processing uses have been included in the code (e.g. wineries, crop mazes, produce markets, event centers), but the code does not address other uses. The County-drafted amendments would add new definitions that would expand the types of agritourism and value-added agriculture processing that are permitted in Walla Walla County. This will provide an opportunity for agriculture producers to diversify their business and expand the accessory uses on their farms.

3. *The amendment is in the long term interest of the County.*

Discussion: These amendments are in the long term interest of the County because they will support the agricultural economy.

2. Members of the general public were notified of the June 1, 2016, February 1, 2017, and March 27, 2017 public hearings and had the opportunity to submit testimony.
3. As proposed, the amendments 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 for 'small scale value-added agriculture processing' and 'agritourism enterprise.'

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. These amendments will modify the Resource Land Uses tables to add 'small scale value-added agriculture processing' and 'agritourism' to the table; amend the table to include a new footnote; and make these two uses allowed uses in three of the County's agriculture zoning districts, most of the rural districts, and both of the industrial agriculture districts.

Section V. Effective Date and Savings.

This Ordinance is effective upon signing.

Section VI. 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 VII. 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 1st day of May, 2017.



Attest:

Connie R Vinti

Connie R. Vinti, Clerk of the Board



James L. Duncan
James L. Duncan, Chairman, District 3

James K. Johnson
James K. Johnson, Commissioner, District 1

Todd L. Kimball
Todd L. Kimball, Commissioner, District 2

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

Approved as to form

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



Exhibit A

Amendments to Chapter 17.08

17.08.020 – Agritourism enterprise.

“Agritourism enterprise” refers to agriculturally related experiences provided on a working farm or ranch for the enjoyment, entertainment, or education of the public or invited groups. The agritourism enterprise shall support, promote, or sustain agricultural operations and production. The following activities marketed to the general public or invited groups constitute agritourism enterprises: farm or ranch tours, hayrides, u-pick operations, classes, on-site retail sales, or picnic facilities. An agritourism enterprise does not include produce stands or produce markets as defined in Chapter 17.08. The enterprise shall meet the following conditions:

- a. An agritourism enterprise shall not provide any lodging for guests or employees, or include a restaurant or event facilities, unless otherwise allowed in the code.
- b. The agritourism enterprise may conduct on-site retail sales of products grown by the farm or ranch in a market area that is not larger than 400 square feet.
- c. Ancillary retail sales of products not grown or produced by the farm or ranch must be confined to fifteen percent of the total gross floor space of the retail market area (maximum of 60 square feet), and must be clearly accessory to retail sales and marketing of the farm or ranch.
- d. A permit is required for all agritourism enterprises except as listed under (e). Permit review shall be limited to determining that the proposed enterprise meets the conditions listed above, provides adequate parking, and is compliant with other applicable development regulations. A permit may be revisited by the Walla Walla County Community Development Department if any of the activities are determined to be outside of the scope, purpose, and/or use of the agritourism enterprise.
- e. The following activities are exempt from the agritourism enterprise permit because they are considered to be part of the regular operation of a farm or ranch, provided that adequate off-street parking is available and specific ingresses and egresses are designated and permitted.
 1. Farm or ranch tours offered no more than four times per year.
 2. Stand-alone u-pick operations not conducted on the same farm or ranch that offers other agritourism experiences.

17.08.02022 - Airport.

"Airport" means a place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.



17.08.475 – Small scale value-added agriculture processing.

“Small scale value-added agriculture processing” means the production, storage, marketing, and distribution of regional agricultural products from one or more producers, including support services that facilitate these activities. Value-added agricultural products may be defined as any agricultural commodity that meets at least one of the following categories:

- a. Has undergone a change in physical state;
- b. Was produced in a manner that enhances the value of the agricultural commodity; or
- c. Is aggregated and marketed as a locally-produced agricultural food product.

The processing facility shall meet the following conditions:

- a. The facility is not a slaughterhouse or mushroom substrate production facility.
- b. The facility is not a source of farm- or ranch-based renewable energy, including E-85 fuel (except for own use).
- c. The facility is supplemental and related to the primary permitted use;
- d. The facility processes at least 50 percent agricultural goods produced in Walla Walla County.
- e. The facility may conduct on-site retail sales of value-added products produced by the processing facility, or farm or ranch, in a market area that is not larger than 400 square feet.
- f. Ancillary retail sales of products not grown or produced by the processing facility, or farm or ranch, must be confined to fifteen percent of the total gross floor space of the retail area (maximum of 60 square feet), and must be clearly accessory to retail sales and marketing of the processing facility.
- g. The total gross floor area of the facility shall not exceed 12,000 square feet.
- h. A permit is required for all small scale value-added agriculture processing facilities. Permit review shall be limited to determining that the proposed facility meets the conditions listed above, provides adequate parking, and is compliant with other applicable development regulations. A permit may be revisited by the Walla Walla County Community Development Department if any of the activities are determined to be outside of the scope, purpose, and/or use of the processing facility.

Exhibit B

Amendments to Section 17.16.014

17.16.014 - Permitted uses table.

Resource Land Uses

	Zone																		
	Resource				Rural								Urban Residential				Misc.		
	PA - 40	EA - 12 0	GA - 20	AR - 10	RR - 40	RR - 20	RA - 10	RA - 5	RRM C- 5	RR - 2	RR - 5	R - 9 6	R - 7 2	R - 6 0	R M	RD - R	RD - CI	RF C	RA C
Specific Use																			
AGRICULTURE																			
<u>*Agritourism enterprise</u>	<u>P2</u>		<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>AC2</u>	<u>AC 2</u>	<u>AC 2</u>								<u>P2</u>
<u>*Small scale value-added agriculture processing</u>	<u>P2</u>		<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>AC2</u>	<u>AC 2</u>	<u>AC 2</u>								<u>P2</u>

	Zone										
	Industrial and Commercial									Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR	
SPECIFIC USE											
AGRICULTURE											
<u>*Agritourism enterprise</u>	P2	P2									
<u>*Small scale value-added agriculture processing</u>	P2	P2									

F. Resource 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. A permit is required for all agritourism enterprises and small scale value-added agriculture processing facilities.