



## Community Development Department

Director: Lauren Prentice

310 W. Poplar, Suite 200 | Walla Walla, WA 99362

[commdev@co.walla-walla.wa.us](mailto:commdev@co.walla-walla.wa.us) | 509-524-2610

Submit to: [planning@co.walla-walla.wa.us](mailto:planning@co.walla-walla.wa.us)

[https://www.co.walla-](https://www.co.walla-walla.wa.us/residents/community_development/index.php)

[walla.wa.us/residents/community\\_development/index.php](https://www.co.walla-walla.wa.us/residents/community_development/index.php)

### NOTICE OF DECISION (NOD)

**Date of Notice:** 9/2/2022  
**Applicant:** BOURGMONT VINEYARD HOLDINGS LLC C/O BRAD BERGMAN  
**Type of Application:** Conditional Use Permit/Winery Type II Permit  
**File Number:** CUP22-009/WP22-004  
**Decision:** PUBLIC HEARING

Pursuant to Walla Walla County Code (WWCC) 14.09.090(F), enclosed is the Hearing Examiner's decision. This decision shall be effective on the date of this notice (WWCC 14.09.090(H)).

Affected property owner(s) may request a change in valuation for property tax purposes notwithstanding any program of revaluation (WWCC 14.090.090(F)(6)).

#### APPLICATION FILE

The file is available for inspection electronically or in person; please contact our Planning Technician, Tamara Ross, or the assigned planner, Jennifer Ballard, by phone at 509-524-2610 or by email at [planning@co.walla-walla.wa.us](mailto:planning@co.walla-walla.wa.us) between 10 AM and 3 PM Monday through Friday to make arrangements to access the files.

#### APPEAL

This decision will be considered final if no appeals are filed within the allowed time frame described in [Walla Walla County Code \(WWCC\) Chapter 14.11, Appeals](#). Firstly, WWCC 14.11.060 allows for the applicant or party of record to seek reconsideration of the final decision. A reconsideration request (appeal) must be submitted to the Director within ten (10) days of this notice. If no reconsideration request is submitted by this date, the decision will be final.

#### Submittal Requirements for Reconsideration Requests

The following must be submitted to the Department by the end of business (5 PM) on **September 12, 2022** by email to [planning@co.walla-walla.wa.us](mailto:planning@co.walla-walla.wa.us) or via the Department's drop-box at 310 W. Poplar, Walla Walla, WA.

- A. [Appeal \(reconsideration\) Application](#)
- B. **Written Notice of Appeal** containing a concise statement identifying:
  1. The decision being appealed;
  2. The name and address of the appellant and his or her interest(s) in the matter;
  3. The specific reasons why the appellant believes the decision to be wrong, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The reconsideration request must be based on one of the following grounds: (1) A material error of law was made; (2) a material error or omission of material fact was made; (3) new material information is presented that was not knowable at the time of hearing. The appellant shall bear the burden of proving the decision was wrong; and
  4. The specific desired outcome or changes to the decision.
- C. The **appeal fee (\$745)**, payable by cash, check, or credit card. If you wish to pay by credit card, notify the department and they will help you make arrangements to pay by credit card once the request is entered into the County's tracking system.

Pursuant to WWCC 14.11.020 and 14.11.040, **after/if** a reconsideration request has been considered, the Hearing Examiner's decision may be appealed to the Walla Walla County Superior Court under the Land Use Petition Act (LUPA), RCW 36.70C. A LUPA petition must be submitted to the Walla Walla County Superior Court within twenty one (21) days of issuance of the final decision (on reconsideration) per RCW 36.70C.040(3), unless another time period is established by state law.

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**BEFORE THE HEARING EXAMINER  
FOR WALLA WALLA COUNTY**

)  
)  
Application for a Conditional Use Permit  
and a Winery Permit, for Construction  
and Operation of a new Type 2 Winery,  
known as  
)  
ECHOLANDS WINERY,  
)  
Applicant  
)  
(Location: North side of Mill Creek Road,  
immediately east of Vineyard Lane)

**File Nos. CUP 22-009 and WP22-004**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
DECISION APPROVING  
CONDITIONAL USE PERMIT and  
WINERY PERMIT FOR NEW  
TYPE 2 WINERY**

**I. SUMMARY OF DECISION.**

The requested Conditional Use Permit and Winery Permit to construct and operate a new Type 2 Winery meets all applicable review criteria and is hereby approved, subject to conditions.

**II. BACKGROUND and RELEVANT CODE PROVISIONS.**

Bourgmont Vineyard Holdings, LLC, submitted applications for a conditional use permit and a winery permit for the proposed construction and operation of a new Type 2 Winery, to be known as the “Echolands Winery”, which will include a tasting room, significant production facilities, case good warehouse, and equipment storage shed space, totaling over 31,000 square feet of proposed building area. (Staff Report, page 1, Summary of Proposal).

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
DECISION – APPROVING CONDITIONAL USE AND  
WINERY PERMITS FOR NEW ECHOLANDS  
WINERY – FILE NOS. CUP22-009, WP22-004**

**WALLA WALLA COUNTY HEARING EXAMINER**  
310 W. POPLAR STREET, SUITE 200  
WALLA WALLA, WASHINGTON 99362

1 ***Basis and Criteria for approval of Conditional Use Permit.***

2 The proposed Echolands Winery is on land zoned Primary Agriculture 40-Acres (PA-  
3 40) and has been designed or can be conditioned to assure consistency with applicable goals  
4 and policies found in the Rural and Resource Lands Element found in Chapter 6 of the  
5 County’s Comprehensive Plan. (*Staff Report, pages 4 and 5*). Type 2 wineries are identified  
6 as a “conditional use” in the PA-40 zoning district. (*see WWCC 17.16.014*). The criteria for  
7 approval of a conditional use permit are found at WWCC 17.40.020.

8 ***Critical Areas.***

9 There is no dispute that the applicant’s property is hilly and includes steep slopes,  
10 with the steepest between 33-50%, and that it is within a Critical Aquifer Recharge Area.  
11 Thus, County Critical Areas regulations found in WWCC Ch. 18.08 apply to this project.  
12 The applicant submitted a separate Critical Areas permit application, assigned file no.  
13 CAP22-010, and a Geotechnical Report (*Ex. 6*). Given the size and scale of this project, and  
14 the need to design and locate septic systems on the site (one for domestic wastewater,  
15 regulated by the County’s Department of Community Health, and another for industrial waste  
16 generated by wine production, regulated by the state Department of Ecology), the applicant  
17 chose to await final design work associated with its septic systems and critical areas permit  
18 review until after this Conditional Use Permit Decision is issued. (*Testimony of applicant  
19 witnesses; Staff Report, page 2*). A Condition of Approval is included as part of this Decision,  
20 mandating that the applicant must complete the Critical Areas Permit review process,  
21 including submittal of new, updated, or additional consultant reports as determined by the  
22 Director, and receive approval of their pending Critical Areas Permit application prior to  
23 building permit issuance.

24 ***Winery Permits.***

25 The County’s development standards for Wineries and Breweries are found in  
26 Chapter 17.22 of the County’s Code.

***Jurisdiction of Hearing Examiner.***

The County Code vests the Hearing Examiner with authority to hear and issue  
decisions on applications for Conditional Use Permits. See *WWCC 2.50.070(A)(3);  
14.09.020(C), and 14.09.025*. Because the other requested (winery) permit might otherwise  
be subject to a different type of review, all of the project permit applications have been  
consolidated and reviewed under the highest level of review which applies to any of the  
project permits. See *WWCC 14.09.035(B), mandating Consolidated Review of related permit  
applications*.

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### III. RECORD.

All exhibits entered into evidence as part of the record, and an audio recording of the public hearing, are maintained by the County, and may be examined or reviewed by contacting the County’s public records officer.

***Exhibits entered into evidence by the Examiner:***

*Exhibit 1 – Staff Report – Walla Walla County Community Development Department Report and Recommendation of Approval to the Hearing Examiner for the Echolands Winery project application, prepared by Jennifer Ballard, Senior Planner in the Community Development Department, dated August 11, 2022 (eight pages, with the following Exhibits);*

*Exhibit 2 – Conditional Use Permit application;*

*Exhibit 3 – Winery Permit application;*

*Exhibit 4 – SEPA Checklist dated 4/15/2022;*

*Exhibit 5 – SEPA Checklist Staff Evaluation Report dated 7/19/2022;*

*Exhibit 6 – Geotechnical Report by PBS Engineering dated 4/15/2022;*

*Exhibit 7 – Revised Site Plan submitted 7/19/2022;*

*Exhibit 8 – Floor Plans submitted for Preapplication Meeting PRE22-006;*

*Exhibit 9 – Trip Generation Letter/Tier 1 Traffic Impact Analysis dated 7/1/2022;*

*Exhibit 10 – Letter from the Department of Ecology dated 5/25/2022;*

*Exhibit 11 – SEPA Determination of Non-Significance dated 7/22/2022;*

*Exhibit 12 – Notice of Public Hearing and confirmation documentation;*

*Exhibit 13 – Memo from Walla Walla County Public Works Department dated 5/26/2022; and*

*Exhibit 14 – Notice of Application ODNs and Certificate confirming same.*

*Testimony:* Given the ongoing Covid-19 public health emergency, the public hearing for this matter was conducted using a “hybrid” in-person and online audio/video platform coordinated by County staff, accessible to parties and members of the public using sign-in details provided in public notices. Participants who chose to appear in person gathered in the County’s Board Room. The following persons provided testimony under oath as part of the record during the open-record hearing held on August 18, 2022:

1. Jennifer Ballard, Senior Planner and primary Staff Contact for the pending application, for Walla Walla County, appeared in person;
2. Taylor Oswald, Echolands' winemaker, appeared in person and served as the applicant's lead representative during the hearing;
3. Michael Melder, with PBS, applicant's project engineer, appeared in person;
4. Doug Frost, one of the applicants/partners invested in the project; appeared online;
5. John Iennaccaro, listed as the applicant representative on the application form, appeared online; and
6. Brad Bergman, one of the applicants/owners listed on the application form, appeared online.

#### IV. FINDINGS OF FACT.

Based on the record, and following consideration of all the evidence, testimony, codes, policies, regulations, and other information included therein, the undersigned issues the following findings of fact:

1. All statements of fact included in previous or following sections of this Decision, including without limitation those included in the Background summary, that are deemed to be findings of fact are incorporated by reference into this section as findings of fact issued by the Hearing Examiner.

2. This application for a Conditional Use Permit and Winery Permit is for the purposes of authorizing construction and operation of a new Type 2 Winery, known as the Echolands Winery, on a 340-acre site located on the north side of Mill Creek Road, immediately east of Vineyard Lane (the roadway winding uphill north of Mill Creek Road to access the Walla Walla Vintners winery and the Maurice Winery, which are situated to the west of the proposed Echolands Winery), and adjacent to (just west of) the Figgins Winery, all in unincorporated Walla Walla County. Construction is proposed on tax parcel no. 370716120002. (*Staff Report; Application Materials; Site visit*).

3. In April of this year, the County received Conditional Use Permit and Winery Permit application materials for a new Echolands Winery facility, deemed complete for purposes of vesting and review on May 9, 2022. (*Staff Report, page 1; Exs. 2, 3*). The applications were filed with various supporting materials, including without limitation a SEPA Checklist, a Geotech Report, Site Plan, floor plans, and a Type 1 Traffic Impact Analysis (TIA), for review and consideration by County staff. (*See Exhibits 4, 6, 7, 8, and 9*).

1 4. The applications would authorize construction and operation of a new Type 2 winery,  
2 with more than 31,000 square feet of proposed building space. The project includes  
3 substantial wine production facility space, a tasting room, case goods warehouse, and an  
equipment storage shed. *(Staff Report, Summary of Proposal on page 1).*

4 5. The application materials expressly request approval for a total of two large events  
5 and just six small events that are not trade related. *(Staff Report, page 1; Ex. 3).* County  
6 codes expressly allow for up to 3 large and 24 small non-trade related events, so conditions  
7 of approval will allow the new winery to operate within the higher limits allowed in current  
8 county codes. As a brand-new winery in the region, seeking to establish their place in the  
9 market, the winery may appreciate the flexibility and opportunities to host non-trade events  
10 beyond those they envisioned in the application materials. *(See WWCC 17.22.40.B, which  
reads in relevant part as follows: “Events not related to the operational and marketing  
aspects of the winery or brewery, such as weddings, receptions, and meetings/retreats, shall  
be limited to not more than three large (two hundred fifty guests maximum) and twenty-  
four small (seventy-five guests maximum) events per year per legal lot of record. Capacity  
is limited by building occupancy and parking limitations.”).*

11 6. Staff reviewed the application materials, including the SEPA Checklist *(Ex. 4)* and  
12 relevant environmental information, resulting in the County’s formal SEPA threshold  
13 Determination of Non-Significance for the project, issued on July 22, 2022. *(Exhibit 11).* No  
one appealed the DNS. *(Staff Report, page 4; Testimony of Ms. Ballard).*

14 7. As noted above, a Conditional Use Permit is required for Type 2 Wineries located in  
15 a PA-40 zone, and the Hearing Examiner is delegated specific authority to hear, consider,  
16 and decide on applications for conditional use permits. See *WWCC 17.16.014 and  
2.50.070(A)(3).*

17 8. In accord with applicable county project review regulations, Ms. Ballard, the  
18 County’s designated Staff Contact for this matter, reviewed the application materials, and  
19 generated a Staff Report, which was issued to the Examiner before the public hearing.

20 9. The open-record public hearing for the conditional use permit was duly noticed in  
21 accord with law. *Exhibit 12.* The hearing occurred on August 18, 2022, with the Examiner,  
22 County staff representatives, and several applicant witnesses, all appearing in-person in the  
23 Board’s public meeting room, and with several applicant witnesses and observers  
participating using an online communication platform coordinated by County Staff. There  
was no opposition or challenge to the pending applications or the staff’s recommendation of  
approval, during the hearing or in writing, before or after the hearing.

24 10. The Staff Report and public noticing exhibits verify that all county notice and  
25

1 comment procedures were satisfied, and that no one, including members of the general public,  
2 government agencies, and tribal officials, submitted any comments in opposition to or  
3 questioning aspects of the project that would serve as a basis to deny the pending applications.  
4 Applicant witnesses fully supported the Staff Report analysis and its recommendation of  
5 approval and proposed conditions, noting that questions about parking requirements, critical  
6 areas permit review, septic designs and the like would be resolved at the time building permits  
7 are reviewed. During the hearing, the Examiner had several questions for the applicant  
8 witnesses, regarding timelines, anticipated production, and background details. All witnesses  
9 offered credible testimony.

10 11. Before the hearing, the Examiner conducted a site visit to the project location, walking  
11 along the route the access road will follow, observing existing conditions on and around the  
12 proposed new winery, road conditions, site lines and the like. After the hearing, the Examiner  
13 visited the new tasting room for the Echolands Winery in downtown Walla Walla, where a  
14 large image of the proposed new winery building is on the wall. No one sought to influence  
15 the Examiner on either site visit, and there were no improper ex parte contacts where anyone  
16 sought to influence the Examiner's decision or conditions of approval.

17 12. The applicant has already created a robust website, available for review by the public,  
18 which includes the following background information about the winery team, hints at  
19 inspiration for the winery's name, and their vision for the winery, with an "About" page that  
20 reads as follows:

21 "IN TRUTH, ALL WINE IS AN ECHO OF THE LANDSCAPE, OF THE VINES  
22 PLANTED THERE AND THE SOUND THAT THEY MAKE IN THE FORM OF  
23 THEIR FRUITS."

24 Echolands Winery was created in 2018 by Brad Bergman and Doug Frost, two Kansas  
25 City residents who believed in the Walla Walla Valley AVA's ability to offer a distinct  
26 style of wine, one that would benefit from aging. Paired with Taylor Oswald, an eleven-  
year veteran of Walla Walla winemaking, the three partnered to craft responsibly  
produced wines that reflect the potential for elegant and balanced wines from this singular  
place.

As we care for our young vineyards, we seek to amplify that echo from the land and the  
grapevines in every bottle we make. Winemaking can't be anything more than a subtle  
(at best) shaping of that sound; we cannot create qualities that are not there in the grapes.

LIKE THE CREATURE OF MYTHOLOGY KNOWN AS ECHO, WE CAN ONLY  
EXPRESS WHAT IS GIVEN TO US.

13. Throughout the review process, no written comments were received from the general  
public. As of the close of the public hearing, there was no opposition to the pending  
applications. No one presented any written correspondence, or testimony at the public

1 hearing, that would question or rebut the findings provided in the Staff Report, to the effect  
2 that the applicant has complied with all applicable requirements for approval of the requested  
3 permits. Upon consideration of all evidence and comments included in the Record, the  
4 Examiner finds and concludes that there is no evidence that would serve as a basis to deny  
5 the requested permits.

6 14. The Staff Report credibly explains how Staff's review and the application materials  
7 demonstrate how the proposed new winery, as conditioned, will comply with all applicable  
8 development codes, including without limitation those pertaining to the following subjects:  
9 Critical Areas, Road Access and Circulation, Traffic generation, Park and Wastewater. *Staff*  
10 *Report, pages 1-3.* During the public hearing, applicant witnesses confirmed that they plan  
11 to use a Group B water system to serve the facility. (*Testimony of Mr. Melder*).

12 15. The Staff Report and exhibits included in the record constitute substantial evidence  
13 that demonstrates how the pending winery applications are consistent with the County's  
14 Comprehensive Plan. *Staff Report, at pages 4 and 5, citing relevant portions of the Comp.*  
15 *Plan*).

16 ***As Conditioned, the pending application satisfies the approval criteria for a Conditional***  
17 ***Use Permit.***

18 16. Based on evidence in the record, the Examiner finds and concludes that, as  
19 conditioned, the proposed Echolands Winery satisfies all of the approval criteria for a  
20 Conditional Use Permit set forth in WWCC 17.40.020(A – F). The Staff Report's summary  
21 of how the pending application complies with such criteria is provided below:

22 A. That the use will not endanger the public health or safety;  
23 *Staff Conclusion:* *The proposal will have to meet all applicable health, access,*  
24 *stormwater, building, and fire codes. The Walla Walla County Public Works and*  
25 *Environmental Health Departments and the Fire Marshal/Building Official have*  
26 *reviewed the project and they did not respond with any concerns.*

27 B. That the use will not generate significant nuisance conditions such as noise,  
28 dust, glare, vibration;  
29 *Staff Conclusion:* *The project will not generate significant nuisance conditions.*  
30 *Conditions are not expected to be significant or different than other commercial and*  
31 *agricultural uses in the Mill Creek Road corridor, which includes wineries, rural*  
32 *residences, and agricultural uses. Operations will be subject to compliance with*  
33 *Chapter 9.20, the County's noise ordinance. A recommended condition of approval*  
34 *would require outdoor lighting to be down-shielded to prevent spillage onto adjacent*  
35 *properties, roads, and the night sky. It is unlikely that the completed project will*  
36 *generate significant amounts of dust. The parking area and driveway will be asphalt.*



1 C. That the use meets all required conditions and standards set forth in the district  
2 where it proposes to locate;

3 Staff Conclusion: *A Conditional Use Permit (CUP) is required in the PA-40 zone for*  
4 *all Type 2 Wineries per WWCC 17.16.014. The proposed configuration shown in the*  
5 *submitted development plans is consistent with applicable development standards*  
6 *including setbacks and building height limits.*

7 D. That the location and character of the use is compatible and consistent with  
8 the character of the area in which it is to be located;

9 Staff Conclusion: *The proposal is consistent and in character with its surrounding*  
10 *area. The proposed use is within an area that includes rural residential properties,*  
11 *and rural commercial/tourism-oriented, and agricultural uses.*

12 E. That the use is in conformance with the Comprehensive Plan; and  
13 Staff Conclusion: *There is no credible dispute that the proposed winery facility is in*  
14 *conformance with the Comprehensive Plan. As described the Staff Report, the*  
15 *proposal is consistent with Goals ED-4 and RL-18, in addition to Policies RL-18.3,*  
16 *and ED-3.2 of the Comprehensive Plan.*

17 F. That the use will be supported by adequate public facilities or services.  
18 Staff Conclusion: *The review of this proposal by all agencies potentially affected has*  
19 *and lack of comments received by Staff indicates that the proposed use will not require*  
20 *additional public facilities or services.*

21 ***Critical Areas considerations.***

22 17. Critical areas in Walla Walla County are regulated under WWCC Chapter 18.08. As  
23 provided in WWCC 18.08.060.B, if a project requires another permitting action by the county  
24 that requires a public hearing (like the Conditional Use Permit addressed in this Decision),  
25 consideration of critical areas is typically integrated with the underlying permitting process.

26 18. In this matter, the applicant elected to pursue Critical Areas Permit approval *after*  
their Conditional Use Permit process is concluded, given complex details and designs that  
will be associated with the septic systems needed for the facility. So, a Condition of Approval  
for this Conditional Use Permit mandates that a separate critical areas permit must be issued  
by the Director before issuance of any building permit associated with this project.

***Development Standards – Wineries and Breweries.***

19. Winery Permits must be evaluated under the winery development standards, found in  
WWCC Ch. 17.22, which regulate the operations and accessory uses for wineries. The

1 Conditions of approval are written to ensure that the proposed winery operations as described  
2 in the underlying winery permit application will be consistent with these standards.

3 20. Based on the record, the Examiner finds that the underlying project has been reviewed  
4 in substantial compliance with applicable SEPA procedures, and that no one submitted any  
5 comments opposing or questioning the Staff Report's recommendation to approve the  
6 requested conditional use permit.

7 21. Again, no one submitted any comments or questions that would rebut or challenge  
8 the Staff Report's recommendation of approval, subject to conditions.

9 22. Except as modified in this Decision, all Findings, and statements of fact contained in  
10 the Staff Report, are incorporated herein by reference as Findings of the undersigned hearing  
11 examiner.

12 23. As summarized above in previous findings, and in the unrebutted, credible Staff Report,  
13 the record contains substantial evidence to demonstrate that the Echolands Winery  
14 consolidated applications meet all of the required criteria for approval, including without  
15 limitation those found in WWCC 17.40.020(Conditional Use Criteria), and 17.22 (Winery  
16 development standards) of the County Code. *(See Staff Report)*.

## 17 **V. CONCLUSIONS OF LAW.**

18 1. As explained above, the record, particularly the County Staff's recommendation of  
19 approval, includes substantial evidence that the pending permit applications satisfy all  
20 applicable decision criteria specified in the County's code.

21 2. Any finding or other statement contained in this Decision that is deemed to be a  
22 Conclusion of Law is hereby adopted as such and incorporated by reference.

## 23 **VI. DECISION.**

24 Based upon the preceding Findings of Fact and Conclusions of Law, evidence  
25 presented through the course of the open record hearing, all materials contained in the  
26 contents of the record, and the examiner's site visit to the project location, the undersigned  
Examiner APPROVES the Conditional Use Permit, and the Type 2 Winery Permit for the  
Echolands Winery, subject to the following Conditions of Approval:

### **CONDITIONS OF APPROVAL**

1. As provided in Walla Walla County Code Section 17.40.025, the action for which the  
conditional use permit is required shall begin within one year of approval unless extended

1 for up to one year by the Director. Failure to begin such action within the time limits  
2 specified shall void approval of the conditional use.

3 2. Before construction, the applicant must first obtain any and all associated permit(s) or  
4 approvals required by the County or any other governmental agency or regulatory  
5 authority with jurisdiction over a particular aspect of the project. Any conditions of  
6 approval or requirements imposed as part of such permits or approvals shall be are hereby  
7 incorporated as Conditions of Approval for this permit.

8 3. Pursuant to Walla Walla County Code Section 14.13.110, at any time during the life  
9 of the permit, the Community Development Department Director may ask the Hearing  
10 Examiner to revoke the permit if the project is not in compliance with any of the  
11 conditions of approval and/or required permits.

12 4. Future changes in operations, plans, or additions will require an amendment, approved  
13 by the County's Hearing Examiner, to the conditional use permit pursuant to Walla Walla  
14 County Code Section 14.03.050.

15 5A. Winery Permit Condition: Winery operations and events shall comply with WWCC  
16 Chapter 17.22, re: Development Standards – Wineries and Breweries.

17 5B. Winery Permit Condition: Under authority provided to the Examiner in WWCC  
18 17.22.040.C, a total of 24 (twenty-four) small and 3 (three) large events that are not  
19 related to the operational and marketing aspects of the winery are expressly authorized at  
20 the Echolands Winery site by this permit per year.

21 6. The Applicant and all successors shall comply with Chapter 17.20, Parking  
22 Requirements. No parking is allowed off-site or on a County right-of-way.

23 7. Access and the private road proposed in this application to serve the winery shall  
24 comply with all applicable Walla Walla County Public Works Department and Fire Code  
25 standards.

26 8. Consistent with County standards for similar uses, outdoor lighting should be shielded  
to minimize spillage of glare to adjacent properties, roadways, and the night sky. Exterior  
lighting shall be directed and shielded in a manner which minimizes its visibility at the  
site's boundaries. Exterior lighting shall not be used in such a manner that it produces  
glare on public streets and neighboring residential properties.

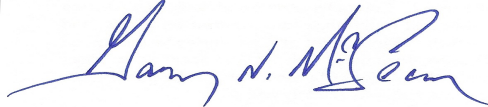
9. Tasting Room hours and days of operation shall be limited to those proposed in the  
winery permit application materials (WP22-004): Thursday through Monday, 10:00 am  
to 6:00 pm.

10. The applicant must comply with all requirements of WWCC Chapter 18.08, Critical  
Area Protection, for any portion of the project within a critical area or a critical area  
buffer. Prior to building permit issuance, the applicant must obtain a critical areas permit,  
subject to review and approval by the Director, who has full discretion and authority to  
require the applicant to submit new, updated, or additional reports from qualified

1 professionals as part of such process. Any reviewing consultant written  
2 recommendations provided in connection with review of critical areas issues for this  
proposal that are accepted by the Director shall be and are hereby included as conditions  
of approval for this Conditional Use Permit and its associated Winery Permit.

3 11. The applicant shall comply with all professional report conclusions and  
4 recommendations submitted in connection with this permit application review process,  
including without limitation all geotechnical engineering reviews and reports, as  
5 approved and/or amended by the County.

6 ISSUED this 2<sup>nd</sup> Day of September, 2022

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8  
9 Gary N. McLean  
Hearing Examiner

10  
11 **FINALITY OF DECISION AND NOTICE OF RIGHTS OF APPEAL**

12 As provided in WWCC 2.50.070(B), *the decision of the hearing examiner on all matters is final and*  
13 *conclusive, unless appealed pursuant to Chapter 14.11 of the Walla Walla County Code.*

14 WWCC 2.50.120, captioned “Reconsideration”, provides that: *An applicant or party of record to a*  
15 *hearing examiner’s public hearing may seek reconsideration only of a final decision by filing a written request*  
16 *for reconsideration with the community development director within ten days of the final decision. The request*  
17 *shall comply with Section 14.11.030 of this code. The hearing examiner shall consider the request at the next*  
18 *regularly scheduled meeting, without public comment or argument by the party filing the request. If the request*  
*is denied, the previous action shall become final as of the date of the decision on the request for*  
*reconsideration. If the request is granted, the hearing examiner may immediately revise and reissue its decision*  
*or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should*  
*be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that*  
*would change the previous decision.*

19 Finally, WWCC 2.50.130 addresses appeals of a hearing examiner decision, and reads as follows:  
20 *The final decision by the hearing examiner on any matter within his or her jurisdiction may be appealed in*  
*accordance with Chapter 14.11 of the Walla Walla County Code.*

21 **NOTE:** The Notice provided on this page is only a short summary, and is not a complete  
22 explanation of fees, deadlines, and other filing requirements applicable to appeals.  
23 Individuals should confer with advisors of their choosing and review all relevant codes,  
24 including without limitation the code provision referenced above and state law, particularly  
25 the Land Use Petition Act (Chapter 36.70C RCW), for additional information and details that  
26 may apply.