



Walla Walla County Community Development Department

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To: Walla Walla County Planning Commission
From: Lauren Prentice, Director
Jennifer Ballard, Senior Planner
Meeting Date: October 20, 2021
Prepared: October 14, 2021
RE: **Continued Meeting: Planning Commission deliberations on Preliminary Docket proposal CPA21-001**, Application by Martin Airport, LLC. to amend Title 17 to establish an airport overlay district surrounding Martin Airfield.

Background

The application was received by the Community Development Department on March 31, 2021, during the 2021 application period.

The proposal would add an airport compatibility land use zone surrounding the Martin Airport, with four zones. Land uses and building height would be limited within these zones. The purpose of the Airport Overlay according to the application is to “reduce hazards that may endanger the lives and property of the public and aviation users as well as discourage siting of incompatible land uses that may impair the future development and operation of the airport.” The proposal would also create a new chapter in *Title 17 - Zoning* and amend *WWCC Section 17.16.014 – Permitted uses table*. Currently the airport is a nonconforming use, which would limit expansion of the facility.

On October 14, 2021 the County received a packet of information from the applicant which is included as Attachment D. This packet included a response memo and a few maps. This staff report was already drafted and about to be finalized and distributed when this was received, but staff has conducted a cursory review of these materials. These materials, in particular the Applicant’s Response Memo, (1) show that the applicant is willing to work with the County to address questions and comments and refine the proposal; and (2) provide additional general information showing why it is important that this issue be considered at this time.

Attachments

- A. Planning Commission and Staff Comments which should be addressed prior to Final Docket Review, the application is moved forward by the BOCC.
- B. Development Regulations Amendment Process – Walla Walla County (WWCC) Code Section 14.15.060 – Preliminary docket – Adoption of final docket
- C. Airports and Airport Compatible Use Guidebook by WSDOT Aviation Division, January 2011
- D. Submittal by Applicant, received October 14, 2021
 - a. Email
 - b. Cover Letter
 - c. Response Memo
 - d. Maps (5)

Staff Conclusion

As stated in the October 6, 2021 Staff Report, Community Development Department (CDD) staff concluded that the proposed amendments meet the Community Development Department’s review

criteria in Walla Walla County Code (WWCC) 14.15.060C(1-3) and can be considered for inclusion on the Final Docket.

This memo provides a more detailed recommendation based on deliberations by the Planning Commission at the October 6, 2021 meeting, and the public and Applicant's testimony. Several Planning Commission members asked whether there was an option to pause the process and "workshop" the application more, to address general concerns and specific identified application deficiencies. After discussing this further internally, consulting with the Prosecuting Attorney's Office, and considering the Preliminary Docket criteria, staff concluded that the best thing would be to move this application to the Final Docket so this additional review can be done. If the Planning Commission concludes that it is appropriate to consider making amendments to the County's development regulations, this application should be moved forward. Although there is a lot to be learned about this issue, and valid concerns about the specifics of the proposal, the applicant has brought an important issue to the County and shown that they are willing to work with the County to refine the proposal through the planning process.

Staff Recommendation

Staff recommends that if the Planning Commission finds that the application, docket number CPA21-001, is consistent with WWCC 14.15.060D(3), it should be recommended to the Board of County Commissioners for inclusion into the Final Docket.

A decision to move it the Final Docket is not a decision to approve it as presented. More analysis will be done, public and agency involvement will be sought, and revisions can be made. Attachment A contains a list of questions and comments compiled by Community Development Department staff, based on our own review, Planning Commission comments, and public testimony.

Staff recommends that the Planning Commission recommend to the Board of County Commissioners that this application be moved to the Final Docket under the condition that the applicant prepare a revised application packet addressing the items listed in Attachment A.

Motion Option 3 (NEW)

"I move that the Planning Commission concur with the findings of fact and conclusion of law in docket number CPA21-001 and recommend to the Board of County Commissioners that the application by Martin Airport, LLC. be included in the Final Docket WITH ONE CONDITION:

1. The applicant must prepare and submit a revised proposal and a complete revised application packet addressing, at a minimum, the items listed in Attachment A of the October 20, 2021 Staff Report. The revised application materials should be submitted to Community Development staff for Final Docket review and processing."

Recommended Findings of Fact

In making a recommendation regarding application placement on the Final Docket, the Planning Commission should be prepared to make findings of fact which would be included in the Planning Commission Resolution.

1. On March 16, 2021, Tarragon NW, representing Martin Airport, LLC. notified Community Development Department staff that they wished to discuss the possibility of amending the County Code or Comprehensive Plan to establish an airport overlay zone. They proposed that

this discussion occur at a preapplication meeting for runway capital improvements which was scheduled for March 31, 2021.

2. Recognizing that the 2021 deadline was the same day as the proposed meeting, Community Development staff immediately scheduled a call with the applicant to discuss the proposal. Following this communication, on March 18, 2021, Community Development staff sent Tarragon NW the following application forms by email: Comprehensive Plan Amendment, Zoning Code Text Amendment, and Rezone.
3. On March 31, 2021, application CPA21-001 by Martin Airport, LLC. was submitted to the Community Development Department. This was one of two applications submitted for the 2021 non-County Preliminary Docket. Due to other Department priorities, including two out-of-cycle amendment proposals, the review process for the 2021 applications did not proceed until later in the summer.
4. On September 1, 2021, the Planning Commission held a public workshop to review and discuss the proposal. The applicant's representatives were allowed to speak during the workshop.
5. On September 23, 2021, a Notice of Public Hearing was posted on the Community Development Department website.
6. On September 24, 2021, a Notice of Public Hearing was published in the Walla Walla Union Bulletin.
7. On September 24, 2021, a Notice of Public Hearing was emailed to the applicant, College Place staff, and other interested parties.
8. On October 6, 2021, the Planning Commission held a Preliminary Docket public hearing on the application, hearing testimony from several members of the public and the applicant. After much discussion, the Planning Commission decided to continue the meeting (deliberations) for two weeks to allow additional time to consider the proposal before making a recommendation to the Board of County Commissioners.
9. On October 20, 2021, the Planning Commission held a Special Meeting to continue the deliberations on Preliminary Docket application CPA21-001.
10. Martin Field Airport is a privately-owned, public-use General Aviation airport, which has been operation since the 1940's.
11. The Washington State Department of Transportation (WSDOT), Aviation Division, submitted a letter on October 6, 2021, supporting the Martin Airport application.
12. In the October 6, 2021 letter, WSDOT referenced a 2018 letter sent to the County during the County's Comprehensive Plan Update. The 2018 letter stated that 'WSDOT feels that the current impacts of residential development in close proximately to the [airport]... could have detrimental effects on a vital component of the region and state's transportation system...' The 2018 letter included two maps and a figure showing the area of concern.
13. As stated by WSDOT in their 2018 and 2021 letters, "The Growth Management Act (GMA) recognizes public use general aviation airports as essential public facilities and requires cities and counties to discourage incompatible land uses adjacent to them through their comprehensive plan policies and development regulations (RCW 36.70.547 and RCW 36.70A.200)..."

Recommended Conclusions of Law

In making a recommendation for inclusion on the Final Docket, the Planning Commission should be prepared to make conclusions of law, specifically related to WWCC 14.15.060E (see Attachment B) which would be included in the Planning Commission Resolution.

1. The proposed amendments have been reviewed pursuant to Sections 14.15.060C-D and the Planning Commission concludes that the application can be conditionally recommended for placement on the Final Docket pursuant to WWCC 14.15.060D.3 (a-c).
 - a. The amendment is consistent with the comprehensive plan. In their October 14, 2021 submittal the applicant proposed some amendments to the Comprehensive Plan. It is possible that an amendment to the Comprehensive Plan should accompany the proposed zoning amendments, but that can be explored during Final Docket review. The proposed amendments are generally consistent with the Comprehensive Plan, and importantly the Countywide Planning Policies (CPP) which state in Policy 7.13 K that “The Countywide Transportation Plan should... protect airports and their associated clear zones and flight paths from encroachment of incompatible land uses and densities.”
 - b. The amendment is consistent with other development regulations, unless accompanied by amendments to such other development regulations.
The proposed amendments are an overlay district, intended to supplement existing regulations.
 - c. The amendment is appropriate for consideration at this time. The overlay zone has been requested by Washington State Department of Transportation’s Aviation Division. Recently new residential development, permitted under current regulations, occurred northeast of the runway; according to the applicant, this structure was built in the Safety Zone and is an obstruction. The applicant submitted proposal prior to the 2021 application deadline, bringing an important issue to the County, that the County is required by State law to address.

ATTACHMENT A

October 14, 2021

Staff and Planning Commission Preliminary Docket questions and comments that should be addressed by the applicant prior to Final Docket review (if application is placed on the Final Docket).

STAFF NOTE: These are general comments. Answers or responses may overlap. Staff would recommend that the applicant provide a new application packet, replacing the original submittals. Providing a response document referencing these questions may be helpful, but it will also be critically important (and required) that the applicant submit a complete revised proposal showing just the new proposal in its entirety so that the full extent of the revised amendments can be understood.

1. The application packet does not provide sufficient information or analysis on what the practical impact of these regulations would be. How does this compare to existing regulations? What is the need to do this, what types of development is occurring or allowed under current zoning that could cause hazards? In their public hearing testimony and their additional memorandum, the applicant provided some clarification. For example, in their October 14, 2021 submittal the applicant appears to state that the only obstructions that would be a concern within Zone 4 would be those that penetrate the imaginary horizontal surface at 150-feet. There are not very many uses allowed in the County's rural and agricultural zoning districts that allow those types of uses (e.g. cell towers). If the existing regulations don't allow most of the uses that would be a concern, maybe the proposed amendments can be simplified?
2. The applicant has repeatedly referenced the WSDOT Airports and Compatible Land Use Guidebook which provides detailed, step-by-step instructions for analyzing an airfield's use patterns, needs, encroachment risks, etc. to create overlay zones and it appears from the application that none of that analysis was undertaken by the applicant. The applicant's representatives also told the Planning Commission that they based their proposal on regulations from Sequim. Was there a plan developed in accordance with the guidebook or did the applicant rely on the Sequim standards? If this planning has not been done, should it be completed prior to Final Docket review? If not, why?
3. The applicant has stated that they have been working on this proposal for two years, please provide information on this planning process, which will presumably support the proposal and provide clarification.
4. Prior to submittal of this application, did the applicant engage in any outreach to inform surrounding property owners of the risks associated with living close to the runway and ways to decrease risk?
5. Would the proposed overlay regulations result in any existing residential lots being rendered completely undevelopable? If so, what are the legal ramifications of enacting these restrictions?
6. How does the applicant propose to address nonconforming situations that will be created if the overlays are adopted? What happens to properties with existing residences that want to expand or replace old/outdated/damaged residential structures? Information on how the proposed overlay would impact existing uses should be provided. The proposal does include an Exemptions section which states that existing nonconforming uses would be limited pursuant to WWCC 17.36. But it also has an exception. The proposed amendments state that existing uses, structures, and activities are exempt, "except as may be compelled by State or federal regulations." What State or Federal regulations is this referring to? Would this exception apply to residential uses?
7. How were the boundaries of proposed Zone 3 established, seems that it is arbitrary to the function of the airport/safety and appears to just follows property/zoning lines?

8. The proposed overlay zone extends into incorporated areas which are not within County zoning jurisdiction (in Zone 4). The proposed amendments to the County's plan and development regulations must be modified to exclude those areas and the applicant should communicate with the City of College Place. For example, in their October 14, 2021 memo, they talk about the Homestead PUD and incorrectly state that the County imposed a notice requirement. This would have been the City of College Place, not the County. In proposed Zone 4, the area within Walla Walla County jurisdiction is zoned agricultural and rural. In the future, more intensive uses in proposed Zone 4 are more likely to occur within City jurisdiction than unincorporated Walla Walla County.
9. The applicant's representative stated that there was an airport layout plan drafted two years ago. A copy of this plan should be submitted to the County. Also, Stephens mentioned future use of the airport by commercial jets larger than the typical hobbyist planes currently using Martin Field. Would accommodating larger aircraft require the runway to be lengthened? Or increase the proposed restrictions in the proposed overlay zones? Or increase the proposed overlay zones? The consultant also stated that the runway has been/will be shifted southwest. If the runway must undergo a "complete reconstruction" why can it not be shifted southwest to remove/reduce the danger that that the present runway location puts the residents of Whitman Drive and the surrounding area in?
10. Revised application packet should include:
 - a. Sample of the title restrictions/language to be recorded on properties in select proposed overlay zones.
 - b. Scaled maps with road names, north arrow, legend, etc. for overlay zones and height zones. Height maps should incorporate the 3D topography of the area of concern.
 - c. Rendering of the area using FAAs FAR Part 77.
 - d. Maps that show the existing obstructions/endangering elements in their respective zones: existing residences, towers, surface water greater than ½ acre.
 - e. Maps must delineate the jurisdictional boundaries. The maps that should be presented to the County should only include the areas over which Walla Walla County has jurisdiction.
11. The submitted SEPA Environmental Checklist is incomplete; the response to most questions is 'Not Applicable.' Once a revised proposal is developed, a new SEPA Environmental Checklist should be prepared.
12. It is the opinion of staff that the Comprehensive Plan would need to be amended in order to implement an overlay zone. Although none were included in the application, the applicant did propose minor amendments to the Comprehensive Plan in their October 14, 2021 submittal which may be appropriate.
13. Changes may need to be made to ensure that it is consistent with other sections of the code and can be implemented/administered by County staff.
14. Zone 4, the Airport Influence Area, is the largest area, but the proposed Zone 4 protection standards are not very specific. No use restrictions are proposed, but a number of general impacts, rather than specific uses or activities, are prohibited. For example, in (b)(ii) it appears to state that "no land use, building, or structure shall emit emissions of... Dust... within the Airport Influence Area that may conflict with any current and planned operations of the airport." Without more detail, this would be very difficult for Community Development Department staff to implement. There should be specific criteria so that we know what to look for when we're reviewing development proposals.
15. The proposed amendments to WWCC 17.16.014, Permitted Uses Table, to make three uses permitted in the LI district: (1) *Airport and Aircraft Landing Field – Agricultural*, (2) *Aircraft Landing Field – Private*, and (3) *Airports*. To make Martin Airport a conforming use, it may be necessary only

to make 'Airports' an allowed use. Airport is defined in WWCC 17.08.022 as "a place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers." The applicant states in their October 14, 2021 that "allowed future expansion should include landing fields, accessory uses of a general airport including a business office, restaurant, airport-related housing, hangers, and maintenance operations which are considered accessory uses as well as agricultural aircraft landing." Agricultural aircraft can take off at an 'Airport.' The separate Agricultural Airport use classification is a separate provision for agricultural-only airports allowed in agricultural zones.

16. The fact that Runway 23 is mere feet from Whitman Drive looks quite dangerous. What has the airport done in the past to increase the safety of the people traveling on Whitman Drive or living on across Whitman Drive that are at risk if an aircraft does not take off/overshoots the end of runway 23? Aside from the zoning amendments, what is being done to address this safety issue?



ATTACHMENT B

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