

Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

Date: February 28, 2022
Prepared: February 23, 2022
To: Board of County Commissioners
From: Lauren Prentice, Director
RE: Public Hearing to consider inclusion/exclusion of Yellowhawk Resort WW, LLC. zoning code amendment application on Final Docket (ZCA21-001); proposal to amend WWCC Title 17, Zoning, to make Type 3 Winery and Country Inn a conditional use in the Rural Residential 5 zoning district.

Docketing Process for Annual Amendments

The purpose of the Preliminary Docket is to review the amendments based on initial criteria (shown below), staff does not complete a thorough technical analysis of the merits for each of the applications until the Final Docket.

Once the Final Docket is established by the Board of County Commissioners, the development regulations amendments on the Final Docket will be reviewed pursuant to Walla Walla County Code (WWCC) Sections 14.15.070, including environmental analysis under the State Environmental Policy Act (SEPA). Later a public information meeting will be held as required by Section 14.15.050B(2), followed by possible workshops and required public hearings with the Planning Commission and the Board of County Commissioners.

Review Criteria

WWCC Section 14.15.060D(3) – Development Regulation Amendment Criteria

- a. The amendment is consistent with the comprehensive plan;
- 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.

Attachments and background materials

Items below with asterisks have been provided to the Board at past meetings or electronically but are listed here for the record; these documents are available upon request or via the County website.

- A. Public Comments from Connie Vinti dated February 14, 2022
- B. Public Comments from Dorothy Knudson dated February 18, 2022 (two emails)
- C. Notice of Public Hearing and Certificate of Notification
- D. Planning Commission Resolution 21-02*
- E. Planning Commission Meeting Minutes - October 6, 2021*
- F. Staff Report to BOCC for February 14, 2022, Meeting*
- G. Staff Report for October 6, 2021, Preliminary Docket Planning Commission Public Hearing*
- H. ZCA21-001 Application*
- I. SEPA21-004 Environmental Checklist*

Summary of Proposal

The application includes one proposed amendment to Title 17.

1. Amend Section 17.16.014, Permitted Uses Table, to allow for Type III Wineries to be located in the Rural Residential 5-acre (RR-5) zoning district via the conditional use permit process.

The proposal would amend Section 17.16.014 – Permitted Uses Table to make Type III Winery an allowed use in the Rural Residential 5-acre (RR-5) district via the conditional use permit process. Currently this use is only allowed in the Rural Residential Mill Creek 5-acre (RRMC-5) zoning district. Although they are both rural residential zoning districts with a 5-acre minimum lot size, there are differences in rural character and policy between the RR-5 and RRMC-5 districts. The RRMC-5 district purpose statement specifically states that “commercial uses appropriate for the agricultural nature of the area” may be allowed, whereas the RR-5 purpose statement does not explicitly state this. The “typical uses” listed for RR-5 in the purpose statement prioritizes small-scale farms, dispersed single-family homes, and recreation. Of course, “other uses” are allowed in the RR-5 district as well, including Type 1 and 2 Wineries and Type 1 and Type 2 Bed and Breakfasts.

Staff Recommendation

At the October 6, 2021, Planning Commission meeting, staff recommended to the Planning Commission that this application be considered for inclusion on the Final Docket.

Planning Commission Recommendation

The Planning Commission voted unanimously, with one member absent, to recommend that the Board of County Commissioners not include the application in the Final Docket.

Public Comments

During the October 6 Planning Commission Preliminary Docket public hearing 5 people, including three project representatives, spoke in favor of the application. Six members of the public, who own property near the Yellowhawk Resort on Old Milton Highway, spoke in opposition.

No written public comments were submitted prior to the Planning Commission recommendation, but a few comment letters have been recently submitted and are attached.

Lauren Prentice

From: Walla Walla County Commissioners
Sent: Monday, February 14, 2022 7:58 AM
To: Connie Vinti
Cc: Lauren Prentice
Subject: RE: Planning Commission recommendation(s) re: ZCA21-001 (Preliminary Docket for 2021)

Thank you for your email.

From: Connie Vinti <connie.vinti@gmail.com>
Sent: Friday, February 11, 2022 1:36 PM
To: Walla Walla County Commissioners <wwcocommissioners@co.walla-walla.wa.us>
Cc: Lauren Prentice <lprentice@co.walla-walla.wa.us>
Subject: Planning Commission recommendation(s) re: ZCA21-001 (Preliminary Docket for 2021)

Please again uphold your appointed county planning commission and do NOT allow the newest application (ZCA21-01 by Yellowhawk Resort LLC) under a different name but with the same information, to move forward to amend Walla Walla County Code 17.16.014 regarding Type III wineries.

As submitted in 2020 the request (ZCA20-001 by J. B. George LLC) was denied with much good reasoning, and virtually the same application, this time submitted by Yellowhawk Resort LLC for the same property, was also turned down by the planning commission, which body discussed it and had many concerns over inconsistencies, etc. The staff report also brought up several points where the proposal did not exactly conform to adopted planning policies. Additionally, it appears information provided by the applicant was somewhat disingenuous.

I will not belabor the point; you have the information. I sincerely hope you will not overturn the planning commission recommendation by allowing this concerning proposal to move forward. Thank you.

Lauren Prentice

From: Dorothy Knudson <dpknud@hotmail.com>
Sent: Friday, February 18, 2022 6:45 AM
To: Lauren Prentice
Subject: Yellowhawk Resort

The planning commission is not in favor of their becoming a Type 3 winery. That seems a good decision to me. As I recall the reason the status was granted to Abeja is because of their specific geography. Traffic on Old Milton Highway is heavy enough already. I think changing status on Yellowhawk could be the cause of more accidents, possibly deaths.

Sent from my iPad

Lauren Prentice

From: Dorothy Knudson <dpknud@hotmail.com>
Sent: Friday, February 18, 2022 4:02 PM
To: Lauren Prentice
Subject: Yellow hawk Resort

I want to add a little detail to my earlier email. Abeja is in the unique narrow configuration of the Mill Creek and Mill Creek road. That area does not lend itself to regular farming as well.

Sent from my iPad



Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

Certificate of Notification

File Number: ZCA21-001

Site Address: Unincorporated County

Type of Notice: Notice of Public Hearing BOCC (Preliminary Docket) – 2/28/2022

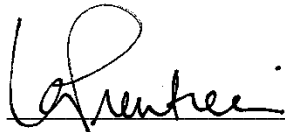
Proof of Publishing

I certify under penalty of perjury under the laws of the State of Washington that the content of the above form of notice was

Published in the official gazette (Union Bulletin) on: 2/18/2022

Published on the CDD website on the following date: 2/16/2022

Lauren Prentice
Printed Name


Signature

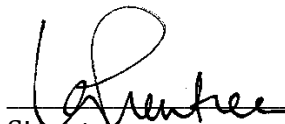
2/23/2022
Date

Proof of Mailing

I certify under penalty of perjury under the laws of the State of Washington that the content of the above form of notice was

Mailed to parties of record (see attached list) on the following date: 2/16/2022

Lauren Prentice
Printed Name


Signature

2/23/2022
Date

OWNER NAME	ADDRESS1	CITY	STATE	ZIPCODE
LON FERGUSON	2553 OLD MILTON HIGHWAY	WALLA WALLA	WA	99362
ARLINE FERGUSON	2553 OLD MILTON HIGHWAY	WALLA WALLA	WA	99362
LINDA FORY	2725 OLD MILTON HIGHWAY	WALLA WALLA	WA	99362
JAIR FORY	2725 OLD MILTON HIGHWAY	WALLA WALLA	WA	99362
DAVID KEMPER	2541 OLD MILTON HIGHWAY	WALLA WALLA	WA	99362
JIM WOOD	2753 OLD MILTON HIGHWAY	WALLA WALLA	WA	99362
SCOTT CLARK	2901 OLD MILTON HIGHWAY	WALLA WALLA	WA	99362
DAN THIESSEN	2901 OLD MILTON HIGHWAY	WALLA WALLA	WA	99362
MARTY CLUBB	584 ETHEL ROAD	WALLA WALLA	WA	99362
ERIK MCLAUGHLIN	1875 CREST LINE DRIVE	WALLA WALLA	WA	99362
PHILLIP CHRISTOFIDES	2901 OLD MILTON HIGHWAY	WALLA WALLA	WA	99362
LON & ARLINE FERGUSON	PO BOX 1706	WALLA WALLA	WA	99362