



Walla Walla Joint Community Development Agency

55 E. Moore Street, Walla Walla, WA 99362
www.wwjcda.org · info@wwjcda.org · (509) 524-4710 Main · (509) 524-4730 Fax



COUNTY LAND USE

ZONING CODE TEXT AMENDMENT APPLICATION

_____ Staff Use Only _____

This application shall be subject to all additions to and changes in the laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Chapter 14.07 WWCC. ***All zoning code text amendment applications shall be submitted on or before March 31st of each year.***

Applicant Information

Name: Walla Walla Board of County Commissioners

Mailing address: Public Health and Legislative Building, 314 West Main, Room 203

City: Walla Walla State: WA Zip: 99362

Phone: 509-524-2505 Email: wwcocommissioners@co.walla-walla.wa.us

Names, addresses, and telephone numbers of additional applicants or applicant's representatives, if any:

Bill Stalzer, Stalzer and Associates, 603 Stewart Street, Suite 512, Seattle, WA 98101 bstalzer@seanet.com

Proposed Amendment

Section(s) of code to be amended: WWCC 17.16.014 Permitted Uses Tables

Description of the proposed amendment, (if additional space is needed, include in the written statement outlined on the following page of this application):

Add recreational marijuana production, processing, warehousing, storage, packing and retail sales facilities as conditional uses in the Heavy Industrial zone subject to Washington State Liquor Control Board approval and a 1,000 foot setback from urban single family and multi-family zoned properties.

Written Statement

Please attach explanations on how the proposal meets the following approval criteria of Walla Walla County Code Sections 14.15.060 and 14.15.070:


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.
4. The amendment meets a definable public need; and
5. The amendment is in the long term interest of the county.

The following *must* be submitted with this completed form for the application to be complete:

- ☐ Application fee of \$950, payable to WWJCDA.
- ☐ A completed SEPA environmental checklist with a fee of \$380, payable to WWJCDA.
- ☐ A written statement that addresses the approval criteria identified on page 1 of this application.

The signature of each applicant or the applicant's representative, and each property owner if different than the applicant(s), is required per 14.07.025 WWCC.

(We) (I) certify that the information furnished within this application, including all submittals and attachments, is true and correct to the best of (my) (our) knowledge.

Applicant Signature:  Date: 8-5-2014

Additional Applicant(s) / Representative _____ Date: _____
Additional Applicant(s) / Representative _____ Date: _____

Application received by: _____ **Date:** _____

Written Statement

Please attach explanations on how the proposal meets the following approval criteria of Walla Walla County Code Sections 14.15.060 and 14.15.070:

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.
4. The amendment meets a definable public need; and
5. The amendment is in the long term interest of the county.

The following *must* be submitted with this completed form for the application to be complete:

- ☐ Application fee of \$950, payable to WWJCDA.
- ☐ A completed SEPA environmental checklist with a fee of \$380, payable to WWJCDA.
- ☐ A written statement that addresses the approval criteria identified on page 1 of this application.

The signature of each applicant or the applicant's representative, and each property owner if different than the applicant(s), is required per 14.07.025 WWCC.

(We) (I) certify that the information furnished within this application, including all submittals and attachments, is true and correct to the best of (my) (our) knowledge.

Applicant Signature: _____ Date: _____

Additional Applicant(s) / Representative

Additional Applicant(s) / Representative

Bill Stalys Date: 8/5/2014

_____ Date: _____

Application received by: _____ Date: _____

Written Statement

Recreational Marijuana Facilities Code Amendments

Approval Criteria #1

WWCC 14.15.060.C.1 and D.1: The amendment is consistent with the comprehensive plan

Response:

General Land Use Policies:

- | | |
|--------------|--|
| Policy LU-2 | Recognize that some areas of the County are unsuitable for residential, commercial, and industrial development due to natural constraints and/or distance from urban services. |
| Policy LU-10 | Designate areas for industrial development in the vicinity of existing industrial development. |
| Policy LU-11 | Require visual screening and landscaped buffers where other barriers are not adequate to minimize the impacts of industrial uses from non-industrial areas. |
| Policy LU-25 | Locate industrial uses where environmental impacts such as noise, odors, and other hazards can be controlled and separated from incompatible land uses. |

Resource Lands Policies:

- | | |
|--------------|---|
| Policy RL-55 | Require that land use activities within or adjacent to resource lands are sited and designed to minimize conflicts with and impacts on resource lands. Minimization of impacts may be accomplished through the use of setbacks, buffers and other requirements. |
|--------------|---|

Rural Lands Policies:

- | | |
|--------------|---|
| Policy RL-1 | Give preference to land uses in rural areas that are related to agriculture, mining, rural residential development, tourism, outdoor recreation, and other open space activities. |
| Policy RL-13 | Ensure that public spending priorities for facilities, services, and utilities within rural areas are primarily to maintain or upgrade existing facilities, services, and utilities to serve existing development at rural service level standards. New facilities, services, roads, and utilities that support planned rural growth shall be allowed at rural service level standards and shall be borne by the developer consistent with the requirements and impacts of development. |

Industrial Land Use Designation:

“Industrial lands are those lands in UGA’s that are designated for a variety of industrial uses and agricultural, commercial and non-residential uses compatible with industrial uses.”
[County Comprehensive Plan, Chapter 5, UGA Land Use Designations, Industrial]

Growth Management Act Goal

“Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.” (County Comprehensive Plan, Chapter 5, Section 5.1.1, and RCW 36.70A.020(1)).

Recreational marijuana production, processing, warehousing, storage, packing and retail sales facilities are required by the Liquor Control Board to have extensive security requirements. Due to the potential for Law Enforcement services to have to respond to security-related issues, recreational marijuana facilities should be located in close proximity to county Law Enforcement facilities. The proposed code amendments also require that the facilities be located in an indoor facility set back at least 1,000 feet from an urban residential use and that a conditional use permit be issued. Finally, the heavy industrial zones in the county that are not affected by the Liquor Control Board 1,000 foot restricted area rule are located in the vicinity of existing industrial development. All of these conditions are consistent with the above policies in the county’s Comprehensive Plan.

Approval Criteria #2

WWCC 14.15.060.C.2 and D.3: The amendment is consistent with other development regulations, unless accompanied by amendments to such other development regulations

Response:

Industrial Areas

The county zoning code contains the following purpose statement for the Heavy Industrial zoning district:

“This district is primarily for manufacturing, processing, fabrication and assembling of products or materials, warehousing and storage, and transportation facilities.” [WWCC 17.12.040.S]

The production, processing, warehousing, storage, and packing of recreational marijuana is consistent with the primary purpose of the Heavy Industrial zone. Recreational marijuana retail sales are also appropriate in this district given the extensive security requirements.

Approval Criteria #3

WWCC 14.15.060.C.3 and D.3: The amendment is appropriate for consideration at this time.

Response:

Ordinance 415 which established a moratorium on the siting, establishing and operating of any structures or uses relating to recreational marijuana production, processing, or retailing expires on September 15, 2015. WWCC 14.15.030 provides that the board of county commissioners may amend development regulations more often than once a year if, by a majority vote, the board determines that it is in the long term interests of the county to do so.

Approval Criteria #4

WWCC 14.15.070(B)(3)(a): The amendment is consistent with the comprehensive plan.

Response:

See the response to approval criteria #1 above.

Approval Criteria #5

WWCC 14.15.070(B)(3)(b): The amendment meets a definable public need

Response:

Adopting zoning code amendments for the production, processing, warehousing, storage, packing and retail sale of recreational marijuana meets a definable public need by enacting standards that implement Initiative 502 and also protect nearby properties and uses.

Approval Criteria #6

WWCC 14.15.070(B)(3)(c): The amendment is in the long term interest of the county.

Response:

Developing land use regulations that regulate this new land use – recreational marijuana, is in the long term interest of the County.

Recreational Marijuana Facilities Walla Walla County Code Amendments

Below are amendments to WWCC 17.16.014 to allow recreational marijuana production, processing, warehousing, storage, packing, and retail sales indoor facilities as conditional uses in the Heavy Industrial zoning district subject to approval of the Washington State Liquor Control Board and a 1,000 foot setback from urban residential zones.

Background

The heavy industrial zone only exists in the City of Walla Walla's Urban Growth Area (UGA) and in the Burbank UGA on Port of Walla Walla property. However, Port tenants are prohibited from operating marijuana facilities by Port of Walla Walla Resolution 01-10-13-A which states in part:

"Based on current federal law, no Port tenant shall cultivate, store, distribute, sell or use marijuana on Port property. Port tenants cannot operate on Port property as a marijuana producer, marijuana processor, or marijuana retailer as those terms are defined by Initiative 502."

In the City of Walla Walla's UGA one of the heavy industrial zones lies entirely within a WSLCB 1,000 restricted area, the implication of which is that no recreational marijuana facilities can be located in that zone. The remaining heavy industrial zone areas are located along the east side of North 13th Avenue across from the penitentiary and along Dell and West Rees Avenues between US Highway 12 and the penitentiary.

Code Amendments

WWCC 17.16.014 Permitted Uses Tables

Key
P = Permitted use
C = Conditional use permit required
AC = Administrative conditional use permit required
* = Definition of this specific land use see Chapter 17.08
IA-M = Industrial Agriculture Mixed
IA-H = Industrial Agriculture Heavy
HI = Heavy Industrial
LI = Light Industrial
I/BP = Industrial/Business Park
NC = Neighborhood Commercial
CG = General Commercial
BC = Burbank Commercial
BR = Burbank Residential
PR = Public Reserve

Resource Land Uses

	Zone									
	Industrial and Commercial								Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
SPECIFIC USE										
AGRICULTURE										
* Growing of Crops ²	P	P	P,C3,4	P	P	P	P	P	P	P
Raising Livestock, Large Scale Commercial	P	P								
Processor for Animal Killing and Dressing (large scale processing greater than 1,500 square feet of gross floor area)	C	C	C							
Processor for Animal Killing and Dressing (equal to or less than 1,500 square feet of gross floor area)	P	P	P	P						
FISH/WILDLIFE										
Hatcheries	P	P								
MINERAL										
Rock Crushers										
Quarries, gravel/rock extractions (designated mineral lands)	AC	AC								
Quarries, gravel/rock extractions (nondesignated mineral lands)	C	C								
Timber harvesting										
ACCESSORY USES										
* Accessory Use	P1	P1	P1	P1	P1	P1	P1	P1	P1	P1

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. Recreational marijuana production facilities permitted only in the Heavy Industrial (HI) zoning district. A conditional use permit is required and approval by the Liquor Control Board is required.
3. Recreational marijuana production permitted only within a fully enclosed secure indoor facility. The size of the indoor facility shall be limited to that necessary to produce up to one thousand four hundred square feet of plant canopy.
4. A recreational marijuana production facility is not permitted within 1,000 feet of property zoned for urban single family (R-96, R-72, R-60) or multiple family (RM) residential use. The distance shall be measured as the shortest straight line between the production facility and the property line of property zoned for single family (R-96, R-72, R-60) or multiple family (RM) residential use.

Industrial/Manufacturing Land Uses

SPECIFIC USE	Zone									
	Industrial and Commercial								Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
* Apparel and Other Textile Products	P	P	P	P4	P					
Acid, manufacture of sulphurous, sulfuric, nitric, hydrochloric, and other similar acids	C	C	C							
Arsenals	C	C								
Asphalt Plant	P	P	P							
* Chemicals and Allied Products	C	P	P							
* Computer and Office Equipment	P	P	P	P4	P					
Concrete Batch Plant	P	P	P							
* Dairy Products Processing	P	P	P	P4	P					
* Electronic and Other Electric Equipment	P	P	P	P4	P					
Explosives, Manufacture and Storage	C	C								
* Fabricated Metal Products	P	P	P	P						
Fat rendering	C	C								
* Food and Kindred Products ⁵	P	P	<u>P,C6,7</u>		P					
* Furniture and Fixtures	P	P	P	P4						
* Industrial Machinery and Equipment	C	P	P							
* Instruments and Related Products	P	P		P4						
* Leather and Leather Goods	P	P	P	P4	P					
* Lumber and Wood Products, Except Furniture	C	P	P	P	P					
* Meat Processing and Packing	C	P	P							
Offal and Animal Reduction or Processing	C	C								
* Paper and Allied Products	P	P	P	P4						
* Petroleum Refining Related Industries	C	P	P							
Petroleum Refining	C	C	P							
* Primary Metal Industries	C	P	P							
* Printing and Publishing	P	P	P	P4	P	P				
* Rubber and Miscellaneous Plastics	C	P	P		P					
* Stone, Clay, Glass and Concrete Products	P	P	P	P4						
Smelting or Refining Aluminum, Copper, Tin or Zinc	C	C								
Storage/Packing Agricultural Produce ⁵	P	P	<u>P,C6,7</u>	P4	P					

Industrial/Manufacturing Land Uses (continued)

	Zone									
	Industrial and Commercial								Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
SPECIFIC USE										
* Textile Mill Products	P	P	P	P4	P					
* Transportation Equipment	C	P	P							
* Truck Stop	P	P	P	P			P	P		
* Winery Type I	P3	P3	P3	P3	P3	P3	P3	P3		
* Winery Type II	P3	P3	P3	P3	P3	P3	P3	P3		
Miscellaneous Light Manufacturing	P	P	P	P	P		C	C		
ACCESSORY USES	P	P								
* Accessory Use	P1	P1	P1	P1, 4	P1	P1	P1	P1		

D. Industrial/Manufacturing 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. Industrial Uses Limits. Industrial uses shall be subject to the following conditions:
 - a. The noise emanating from industrial activities shall be controlled so as not to become objectionable due to intermittent beat, frequency, volume and duration.
 - b. Industrial and exterior lighting shall not produce glare on public highways and neighboring property. Arc welding, acetylene torch cutting or similar processes shall be screened from any point outside of the property.
 - c. The storage and handling of inflammable liquids, liquefied petroleum gases, and explosives shall comply with rules and regulations of the state and other county regulations, the Uniform Building Code, and the Uniform Fire Code.
 - d. Provisions shall be made for shielding or other preventive measures against electromagnetic interferences occasioned by mechanical, electrical and nuclear equipment, uses, or processes.
 - e. The emission of odors shall be minimized and the emission of any toxic or corrosive fumes or gases shall be prohibited. Dust, smoke and other types of air pollution shall be minimized.
 - f. Liquid and solid wastes, and storage of animal or vegetable waste which attracts insects or rodents or otherwise creates a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line in an industrial district.
 - g. All storage shall be located within an area not closer than twenty feet from the street right-of-way line and shall be enclosed with a heavy wire fence or of a similar type, with the top of said fence not to be less than eight feet above the adjoining street level, or by an attractive hedge or board fence at least eight feet high. In the case of the open storage of lumber, coal, or other combustible material, a roadway shall be provided, graded, surfaced and maintained from the street to the rear of the property to permit access of fire trucks.
3. See [Chapter 17.22](#) for winery development standards.
4. The primary building not to exceed thirty thousand square feet per establishment
5. Recreational marijuana processing, storage, or packing facilities permitted only in the Heavy Industrial (HI) zoning district. A conditional use permit is required and approval by the Liquor Control Board is required.
6. Recreational marijuana processing, storage, or packing permitted only within a fully enclosed secure indoor facility.
7. A recreational marijuana processing, storage, or packing facility is not permitted within 1,000 feet of property zoned for urban single family (R-96, R-72, R-60) or multiple family (RM) residential use. The distance shall be measured as the shortest straight line between the processing storage, or packing facility and the property line of property zoned for single family (R-96, R-72, R-60) or multiple family (RM) residential use.

Government/General Services Land Uses

	Zone									
	Industrial and Commercial								Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
SPECIFIC USE										
EDUCATION SERVICES										
* Schools, public and private							P	P	P	P
GOVERNMENT SERVICES										
Fire Station	C	C	P	P	P	P	P	P	C	P
GENERAL SERVICES										
* Animal Hospital					P	P1	P1	P1		
Animal Shelter			P	C1			P	P		
* Automotive Repair and Services	P	P	P	P1	P		P1	P1		
* Automotive Parking					P		P	P		
Automobile Wrecking Yard	C	C	C	C						
* Business Services			P	P	P	P1	P	P		
Catering Establishments					P	P1	P1	P1		
Cemeteries, Mausoleums										C
Churches and Places of Worship				C		P1	P	P	C	
* Clinic					P	P1	P	P		
* Day Care, Family									P	
* Day Care Center					P	P1	P	P		
* Finance, Insurance, Real Estate					P	P1	P1	P1		
* Funeral Services and Crematories							C	C		
* Hospitals					P	C1	C	C		
* Kennel, Commercial	C4			C1, 4		C1, 4				
Laboratories, Research and Testing	P	P	P	P1	P					
* Offices			P	P	P	P1	P	P		
Orphanage/Charitable Institutions					P	P1	P	P		
* Personal Services					P	P1	P	P		
* Repair Shops and related services	P	P	P	P1	P		P	P		
Storage, Self Service	P		P	P1			P	P		
* Utility Facilities	C	C	C	C	C	C	C	C	C	C
* Warehousing and Storage ⁶	P	P	P, C7, 8	P1	P					

Government/General Services Land Use (continued)

	Zone									
	Industrial and Commercial								Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
SPECIFIC USE										
* Wedding and Event Center							P	P		
ACCESSORY USE										
* Accessory Use	P3	P3	P3	P3	P3	P3	P3	P3	P3	P3

C. Government/General Services Land Uses—Development Conditions.

- The primary building cannot exceed twenty thousand square feet per establishment.
- Permitted if conducted within an enclosure not less than eight feet in height with a solidity of not less than sixty percent and setback fifty feet from any public street.
- An accessory use, structure or activity clearly incidental to a permitted use and which will not create a nuisance or hazard is permitted.
- All cages, runs, pens or kennels used for holding animals shall be at least twenty-five feet from property lines and be kept in a clean and sanitary condition, and must be disinfected on a routine basis. All waste material must be disposed of daily in a sanitary method in accordance with regulations of the city/county health department. Cages and kennels must be of sufficient size to allow for exercise and maintenance of sanitary conditions.
 - Animals must be provided with adequate shelter to protect them from extremes of temperature and from rain and snow.
 - Fencing shall be adequate to contain all animals and to restrict the entry of animals not under the control of the kennel operator.
 - The kennel may be inspected during any reasonable hour by the director, the health officer or by the animal control officer, for compliance with these regulations, and/or the provisions of [Title 6](#) of the Walla Walla County Code.
 - The following shall be considered when a conditional use permit is reviewed for a commercial kennel:
 - Noise;
 - Proximity to and compatibility with adjacent uses;
 - Lot size and isolation;
 - Location of kennel on the lot;
 - Screening and buffering;
 - Number of animal accommodations.
- Wedding and Event Centers are permitted only at golf courses located within county land zoned Agriculture Residential-10 acre where the golf course has both facilities and parking to accommodate the use.
- Recreational marijuana warehousing and storage facilities permitted only in the Heavy Industrial (HI) zoning district. A conditional use permit is required and approval by the Liquor Control Board is required.
- Recreational marijuana warehousing and storage permitted only within a fully enclosed secure indoor facility.
- A recreational marijuana warehousing and storage facility is not permitted within 1,000 feet of property zoned for urban single family (R-96, R-72, R-60) or multiple family (RM) residential use. The distance shall be measured as the shortest straight line between the warehousing and storage facility and the property line of property zoned for single family (R-96, R-72, R-60) or multiple family (RM) residential use.

Retail/Wholesale Land Uses

	Zone									
	Industrial and Commercial								Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
SPECIFIC USE										
RETAIL										
* Apparel and Accessory Stores						P1	P	P		
Auction Houses, except livestock						P1	P	P		
Auction Houses/Yards, Livestock	P									
* Automobile Service Station and Convenience Market			P	P		P1	P2	P2		
* Automotive Dealers			P	P1	P	P1	P	P		
Automobile Leasing/Rental			P	P1	P	P1		P		
* Building Material, Hardware, and Garden Supply			P	P1	P	P1	P	P		
* Eating and Drinking Establishments					P	P1	P	P		
* Food Stores					P	P1	P	P		
* General Merchandise Stores					P	P1	P	P		
Heavy Equipment Sales and Rental			P	P1	P					
* Home Furniture, Furnishings, and Equipment Stores					P	P1	P	P		
Horticultural Nurseries, Retail			P	P1	P	P1	P	P		
Irrigation Systems/Equipment, Sales Service & Storage	P	P	P	P1	P		P	P		
<u>Marijuana, Retail Sales⁴</u>			<u>C5,6</u>							
* Produce Stand					P	P				
* Produce Market					P	P1	P	P		
* Retail, Miscellaneous					P		P	P		
WHOLESALE										
* Durable Goods	P	P	P	P1	P					
* Non Durable Goods	P	P	P	P1	P					
Commercial Greenhouses	P	P	P	P1	P	P1	P	P		
ACCESSORY USES										
* Accessory Use	P3	P3	P3	P3	P3	P3	P3	P3		

B. Retail/Wholesale Land Uses—Development Conditions.

1. The primary building cannot exceed twenty thousand square feet per establishment.
2. No gasoline or oil pump or appliance may be located within twelve feet of any street or property line unless within a building.
3. Any accessory use, structure or activity clearly incidental to a permitted use and which will not create a nuisance or hazard is permitted.

4. Recreational retail sales facilities permitted only in the Heavy Industrial (HI) zoning district. A conditional use permit is required and approval by the Liquor Control Board is required.
5. Recreational retail sales permitted only within a fully enclosed secure indoor facility.
6. Recreational retail sales facilities not permitted within 1,000 feet of a property zoned for urban single family (R-96, R-72, R-60) or multiple family (RM) residential use. The distance shall be measured as the shortest straight line between the retail sales facility and the property line of property zoned for single family (R-96, R-72, R-60) or multiple family (RM) residential use.