



Walla Walla County Community Development Department

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

To: Walla Walla County Planning Commission
From: Lauren Prentice, Director
Meeting Date: October 6, 2021
RE: **Public Hearing Agenda Item No. 2** – Application by Martin Airport, LLC. to amend Title 17 to establish an airport overlay district at Martin Airfield. **Docket No. CPA21-001**

Background

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

The proposal would place an airport compatibility land use zone surrounding the Martin Airfield runway. Building construction density and height would be limited within said zone. 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* to make *Airport and Aircraft Landing Field – Agricultural* a use permitted outright in the Light Industrial zoning district. Currently the airport is a nonconforming use, which would limit expansion of the facility.

Staff Conclusion

Community Development Department (CDD) staff concludes 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.*

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.

Motion Option 1

“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 Airfield, LLC. be included in the Final Docket.”

Motion Option 2

“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 Airfield, LLC. *NOT* be included in the Final Docket.”

Attachments

- A. Development Regulations Amendment Process – Walla Walla County (WWCC) Code Section 14.15.060 – Preliminary docket – Adoption of final docket

Application materials and other documents available online and in prior meeting packets.

Analysis and Summary of the Proposal

There are some procedural and record issues with the application that have been identified by staff that would likely need to be addressed if the application is moved forward for Final Docket review, but they don't necessarily have to preclude the application from moving forward at this time.

1. The applicant has proposed a number of amendments to the County's development regulations which are described herein, but no specific Comprehensive Plan amendments were submitted. Although the application may be generally consistent with general Comprehensive Plan goals, it is the opinion of staff that the Comprehensive Plan would need to be amended in order to implement an overlay zone.
2. The proposed overlay zone extends into incorporated areas which are not within County zoning jurisdiction (in Zone 4), like the landfill and much of the City of College Place.
3. As discussed at the workshop, the proposed maps are simplistic.
4. Changes may need to be made to ensure that it is consistent with other sections of the code. For example, under regulated activities, the first section of the proposed overlay district, it states in (2) that only permits required by Chapters 18.04 and 18.08 are subject to these requirements. These are the SEPA and critical areas chapters. So, it implies that other building permits don't have to be reviewed under this overlay. But then there's a list of uses in (3) that doesn't directly correspond to permit or use types, so it's unclear how this review would be implemented/administered within the existing framework.
5. The application packet and SEPA Environmental Checklist does not provide any information or analysis on what the practical impact of these regulations would be. For example, 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 conflicts which cause hazards?
6. The SEPA Environmental Checklist should be revised to include area/site information. Too many questions were answered Not Applicable or answered incompletely. For example, the following states that the overlay would not affect (i.e. restrict) land use, but it is assumed that it would limit uses or development in the future, since it is a proposed new development regulation.
 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed zoning overlay will not affect land or shoreline use, nor will it allow or encourage land or shoreline uses incompatible with existing plans.

7. In several places, like on Page 6 in the Zone 4 description (4) the proposed language states that the purpose is to "inform... residents, business, and landowners..." of noise and aviation related disturbances and to "avoid" uses that would create hazards. This type of language is not generally used in development regulations, unless a specific notice requirement is included, like a plat note.

8. 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.

When considering whether to recommend this move on to the Final Docket, the Planning Commission can consider both the details of the application as well as the purpose of the proposed amendments. A decision to move it the Final Docket is not a decision to approve it as presented. More analysis will be done. Revisions can be made. However, the Planning Commission may find that there are too many issues with the proposal as written making it not appropriate for consideration at this time. This would not preclude the applicant from submitting a similar application during another amendment cycle.

Development Regulations Review Criteria for Preliminary Docket

Below is WWCC Sections 14.15.060C and 14.15.060D(3) which lists the criteria the Community Development Department and Planning Commission shall base their recommendations. The

- Criteria: The amendment is consistent with the comprehensive plan; and
Staff Discussion: The applicant has explained that the proposal will result in increasing safety for the area surrounding Martin Airfield. The application also explains that the overlay district is required for State of Washington Grant programs. It is somewhat unclear from the applicant’s analysis (application Exhibit B) whether the proposed zoning overlay is consistent with the Comprehensive Plan or whether a Comprehensive Plan amendment application would be required. It is the opinion of staff that some amendment to the Comprehensive Plan would be needed since there is no mention of an overlay district and the proposed regulations may restrict uses more than the existing zoning and land use designations.
- Criteria: The amendment is consistent with other development regulations, unless accompanied by amendments to such other development regulations; and
Staff Discussion: In Exhibit B, the applicant highlighted two areas of the comprehensive plan in response to this criteria: these are policies that encourage efficient multimodal transportation systems (Section 8.1.1) and ensure economic vitality and employment opportunities (Section 11.1.2). The Comprehensive Plan is not a development regulation. In determining whether the proposal meets this criterion, the County should be considering whether the proposed zoning amendments are consistent with other development regulations (County Code).
- Criteria: The amendment is appropriate for consideration at this time.
Staff Discussion: The application states in general terms that Martin Airfield is a part of the state’s airport system, an established member of the community, and that it will increase the safety surrounding the area. The application also mentions future uses that will advertise to aviation “enthusiasts” to live near to the airport. The overlay zone has been requested by Washington State Department of Transportation’s Aviation Division; it is a “prerequisite for applying for state grants to help fund the repair and maintenance of runway and safety projects at the airport.”

ATTACHMENT A
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