



Walla Walla County Community Development Department

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To: Walla Walla County Planning Commission

From: Lauren Prentice, Director
Don Sims, Associate Planner

Meeting Date: October 6, 2021

RE: **Public Hearing Agenda Item No. 1** – Application by Yellowhawk Resort WW, LLC. to amend WWCC 17.16.014, Permitted Uses Table. The amendment would allow Type III Winery facilities in the Rural Residential-5 (RR-5) zoning district via the conditional use permit process.
Docket No. ZCA21-001

Background

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

This is the second consecutive year an application to allow Type III Wineries in the RR-5 zoning district was submitted. In 2020, the Board of County Commissioners did not place on the Final Docket. Though the applicant is different, much of the application appears similar or the same as the 2020 application.

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 ZCA21-001, 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 ZCA21-001 and recommend to the Board of County Commissioners that the application by Yellowhawk Resort 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 Yellowhawk Resort, 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
- B. Planning Commission Resolution 20-01

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

Analysis and Summary of the 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. For example, here are the purpose statements for these districts from Chapter 17.12. 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.

RRMC-5

WWCC 17.12.040.G. “Rural Residential Mill Creek. The purpose of this district is to recognize and preserve the unique physical and visual characteristics of land and uses in the Mill Creek canyon. Uses should emphasize small scale farming, commercial uses appropriate for the agricultural nature of the area, and other uses consistent with the current rural character of the area. The minimum lot size in this district is five acres.”

RR-5

WWCC 17.12.040.H. “Rural Residential. The purpose of this district is to provide a transition or a buffer between existing rural developments and areas of higher densities and higher or lower densities in the Burbank Rural Activity Center. Land in this district typically is too far from an urban area to enable cost-effective provision of public services at this time. Typical uses include small-scale farms, dispersed single-family homes, recreation, and other uses that do not require urban services. Within the Burbank Rural Activity Center limited recreational and community-oriented cultural uses are allowed.”

The responses in the application to the three preliminary docket criteria, listed below, are the same as the prior application (CPA20-001).

A copy of the Planning Commission resolution documenting the decision on application ZCA20-001 is including as Attachment B; this resolution details the findings and conclusions of the Planning Commission last year, on what was substantially the same proposal.

If moved to the Final Docket, there would be an opportunity to do more detailed analysis and recommend modifications to the proposed amendments.

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.

- Criteria: The amendment is consistent with the comprehensive plan; and
Staff Discussion: The applicant has provided several general explanations for how the application is consistent with and supported by the Comprehensive Plan. In their application, they present that Type III Wineries are an appropriate use to be allowed in the RR-5 zoning district because “The proposed amendment is consistent with other permitted uses in the Rural Residential 5 Rural zone including wedding and event centers, Type I and Type II Bed and Breakfasts, Type I and Type II Wineries. Permitting Type III wineries would create business opportunities and promote and enhance tourism and preserve resource lands for crop production.” According to the applicant, these types of businesses are compatible with other permitted uses in the RR-5 zoning district, “Other permitted uses in the Rural Residential 5 Rural zone including wedding and event centers, Type I and Type II Bed and Breakfasts, Type I and Type II Wineries.”
- Criteria: The amendment is consistent with other development regulations, unless accompanied by amendments to such other development regulations; and
Staff Discussion: The application highlights the purpose statement in the Comprehensive Plan for the Rural land use designation

“One of the purposes of Rural Land Designations is to “allow limited areas of more intensive rural development including the infill, development or redevelopment of existing areas; the intensification of existing areas or development of new small-scale recreation or tourist uses; and the intensification of existing or development of new isolated non-residential development, home-based businesses, and small-scale industries.”

The applicant states in their written statement that “No extension of urban services would be required. Also, the community would be able to incorporate tourism with the rural character of the surrounding lands, creating opportunities for small-scale, rural base employment and self-employment, create recreational and tourist business opportunities that are consistent with the existing and planned land use patterns’ foster the private stewardship of the land, preserve open space, enhance the rural sense of community and quality.”

- Criteria: The amendment is appropriate for consideration at this time.
Staff Discussion: The application states that it is appropriate for consideration at this time because, “local hotels dining establishments typically fill up early throughout the year and are extremely limited during peak travel times and special events, limiting the availability of food and lodging for business related travelers and visiting family members.” The application was submitted prior to the 2021 application submittal deadline established by the Board of County Commissioners.

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

WALLA WALLA COUNTY PLANNING COMMISSION

RESOLUTION NUMBER 20-01

Proposal(s): 2020 Preliminary Docket – ZCA20-001

WHEREAS, the following applications were made by members of the public and other jurisdictions to request amendments to the Walla Walla County Development Regulations during the 2020 amendment cycle:

1. ZCA20-001 – J.B. George LLC Zoning Code Amendments

Application by J.B. George to amend *Section 17.16.014 – Permitted Uses Table* to make Type III Winery an allowed use in the Rural Residential 5-acre (RR-5) zoning district.

WHEREAS, on December 2, 2020, the Planning Commission reviewed ZCA20-001 and background materials in a workshop meeting; and

WHEREAS, on December 14, 2020, the Planning Commission held a public hearing to consider ZCA20-001 and whether it should be recommended for inclusion on the 2020 Final Docket; and

WHEREAS, members of the general public were notified of the public hearing and had the opportunity to provide written and verbal testimony; and

WHEREAS, one written public comment in opposition of the application was received and reviewed by the Planning Commission; and

WHEREAS, one verbal public comment in opposition and three verbal comments, including from the applicant and a representative, were provided in support of ZCA20-001 by members of the public; and

WHEREAS, the Planning Commission considered the application based on the applicable criteria listed in Title 14 of Walla Walla County Code:

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.

WHEREAS, the Planning Commission voted 4-3, to recommend that the Board of County Commissioners not include the application submitted by J B George, LLC (ZCA20-001) on the 2020 Development Regulations Amendments Final Docket, based on the criteria contained in Walla Walla County Code Section 14.15.060D.3. During deliberations at the December 14 meeting the following were points were discussed; these were not voted on by the Planning Commission but recorded by Community Development Department staff to illustrate points by members who voted not to recommend placement of the application on the Final Docket.

1. As submitted, the application would make Type 3 Wineries an allowed use in the RR-5 zoning district. A Type 3 Winery is a newer land use classification; a Type 3 Winery facility includes a production winery as well as a 'Country Inn.' The number of lodging units allowed in a Type 3 Winery is calculated at the rate of 1.5 units per acre. The minimum project size is 20 acres. More lodging units would be allowed at a Type 3 Winery than allowed at the lodging uses which are currently allowed in the RR-5 zone (10 at a B&B).

2. Currently this use is only allowed in the Rural Residential Mill Creek 5-acre (RRMC-5) zoning district. The general rural character of the RR-5 and RRMC-5 districts do differ in some important ways. The RRMC-5 district is located in the Mill Creek canyon, east of Walla Walla. It is situated generally between Mill Creek Road and Mill Creek. The RRMC district along Mill Creek is surrounded by agricultural uses. The purpose of the RRMC-5 district is established in WWCC 17.12.040G: "The purpose of this district is to recognize and preserve the unique physical and visual characteristics of land and uses in the Mill Creek canyon. Uses should emphasize small scale farming, commercial uses appropriate for the agricultural nature of the area, and other uses consistent with the current rural character of the area."
3. Per WWCC 17.12.040H, "The purpose of this district is to provide a transition or a buffer between existing rural developments and areas of higher densities and higher or lower densities in the Burbank Rural Activity Center. Land in this district typically is too far from an urban area to enable cost-effective provision of public services at this time. Typical uses include small-scale farms, dispersed single-family homes, recreation, and other uses that do not require urban services..."
4. Whereas the RRMC district is situated within an agricultural area, the RR-5 district serves as a transitional area between urban areas and agricultural areas. Uses within the RR-5 district are primarily dispersed rural residences and small farms. There are five general areas in the County where RR-5 zoning is used: south of Walla Walla and College Place along Old Milton Highway; on the eastern outskirts of the Walla Walla urban area; in the Blalock area northwest of College Place; directly surrounding the Touchet Rural Activity Center (RAC) to the west, east, and north, east of the Touchet River; and in the Burbank Heights on Lake Road, north of Highway 124.
5. The applicant's representatives presented a set of four maps at the Planning Commission public hearing. These maps show where vineyards/wineries are located in the County with respect to the RR-5 district. This map shows that there are currently vineyards/wineries in the RR-5 district south of Walla Walla/College Place but in none of the other areas where the RR-5 zoning is used.
6. Over the past 10+ years the County has reviewed a series of individual non-County amendment applications for lodging, recreational, and value-added agriculture uses in rural and agricultural zoning districts as follows.
 - I. Ordinance 334 (2006) – approval of amendments to Chapter 17.22, the County's winery standards. This was initiated by the County.
 - II. Ordinance 343 (2007) – approval of amendments proposed by Deanne and J. Alan Fielding to expand the number of lodging units allowed at B&B's from 5 to 10 and adopt provisions to allow additional food service (i.e. not just breakfast) for overnight guests.
 - III. Ordinance 347 (2007) – approval of amendments proposed by Michael and Lavonne Filan to establish a new land use type, Wedding and Event Centers, and make this a conditional use in the RRMC-5 district.
 - IV. Ordinance 364 (2008) – approval of amendments to Chapter 17.22, the County's winery standards to streamline winery permitting and establish two types of wineries. This was initiated by the County.
 - V. Ordinance 366 (2008) – approval of an amendment to establish a new land use category for production distilleries. This was a non-County request.
 - VI. Ordinance 367 (2008) – approval of an application by Mike White to adopt new development standards for Wedding and Event Centers and make this an allowed use in the RR-2 (Burbank) zoning district.
 - VII. Ordinance 397 (2011) – approval of an application by Deanne and J. Alan Fielding to create a new classification for B&B's and make this an allowed use in the PA-40 district. Type 3 B&B's were established as the having the same character and number of units (10) as a Type 1 B&B, but permitted to have a restaurant open to the general public.

- VIII. Ordinance 402 (2011) – approval of an application by J and J Golf to make Wedding and Event Centers an allowed use in the AR-10 district.
 - IX. Ordinance 438 (2015) – approval of an application by J. Alan and Deanne Fielding to expand the size of restaurant allowed at Type 3 B&B's.
 - X. Ordinance 445 (2016) – amendments to restrict the number of buildings of Type 2 B&B's in agricultural zones. This was initiated by the Planning Commission.
 - XI. Ordinance 446 (2016) – amendments adopted to add a new chapter with development standards for two types of Wedding and Event Centers. These amendments were prepared by the County after 3 applications were submitted for the 2016 Preliminary Docket relating to Wedding and Event Centers, affecting three separate zoning districts.
 - XII. Ordinance 459 (2016) – approved amendments proposed by Tim Rockey to add breweries to Chapter 17.22, the winery standards and make breweries allowed uses in the AR-10 district.
 - XIII. Ordinance 463 (2017) – approved amendments to establish new land use categories 'Agritourism Enterprises' and 'Small-Scale Value-Added Agricultural Processing' and make these uses allowed in most rural, agricultural, and industrial agriculture zoning districts. In 2016 the County received an application for the Preliminary Docket from a member of the public that would add definitions for these uses and make them allowed uses in the AR-10 district only. This application was placed on the Final Docket and then the County Planning Commission prepared an alternative set of amendments after looking at the issue more broadly, instead of just the limited amendments proposed by the applicant. Due to the additional scope, this project extended into 2017.
 - XIV. Ordinance 473 (2019) – approved amendments proposed by Abeja, LLC. to establish the Type 3 Winery (and Country Inn) land use classification and make this an allowed use in RRM-5 district.
7. Continuing a series of individual amendments like proposed by J B George, LLC. for one use in one rural zoning district to accommodate a limited number of property owners may not be the most efficient way to consider planning policy decisions. It may not be an appropriate time to consider the application.

BE IT RESOLVED, by the Walla Walla County Planning Commission that it makes the following conclusions:

1. The application by J B George, LLC (ZCA20-001) should not be included on the 2020 Final Docket because the proposed amendment is not consistent with the requirements of WWCC 14.15.969D.3 for placement on the Final Docket.

BE IT FURTHER RESOLVED, by the Walla Walla County Planning Commission that the Commission recommends to the Board of County Commissioners the following:

1. Do not include application ZCA20-001 (J B George, LLC.) on the 2020 Development Regulations and Comprehensive Plan Amendment Final Docket based on the criteria contained in Walla Walla County Code Section 14.15.060. There were no additional applications submitted for the 2020 Preliminary Docket, so the Planning Commission's recommended Final Docket includes no applications.

Signed:


Bryce Buckley, Chairman
Walla Walla County Planning Commission

12/31/2020
Date