

Walla Walla County Community Development Department

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

File No. CUP18-008

NOTICE OF DECISION

Date of Notice: 4/17/2019
Date of Decision: 4/10/2019
Applicant: STRUVE, MORI & IONE
Type of Application: CUP
File Number: CUP18-008

Enclosed is the Hearing Examiner's decision from the March 11, 2019 agenda.

Walla Walla County Code Section 14.11.060 allows for the reconsideration of the final decision. The request must be submitted to the administrator within ten (10) days of the final decision or action; the submittal period ends **April 29, 2019 at 4 PM**. Reconsideration of the final decision must be granted or denied by the Hearing Examiner prior to an appeal being submitted to Walla Walla County Superior Court. Pursuant to Walla Walla County Code Sections 14.11.020 and 14.11.040 the Hearing Examiner's decision may be appealed to the Walla Walla County Superior Court. The appeal must be submitted to the Walla Walla County Superior Court within twenty-one (21) days of the final decision or action date. The Hearing Examiner's decision will be considered final if no appeals are filed within the allowed time frame described in Walla Walla County Code Chapter 14.11.

Please review Chapter 14.11 for the County's appeal requirements.

The complete project file is available for inspection at the Walla Walla County Community Development Department (CDD) office during normal office hours Monday through Friday from 8 AM to 4 PM. Please contact the CDD at the phone number above to arrange for inspection.

Feel free to contact me at 509-524-2620 if you have any further questions.



Lauren Prentice, Principal Planner
Walla Walla County Community Development Department

Enc. CUP18-008 Findings, Conclusions and Decision

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**BEFORE THE HEARING EXAMINER
FOR WALLA WALLA COUNTY**

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)
)
Application for a Conditional Use Permit)
submitted by)
)
**MORI AND IONE STRUVE (FOR COLD)
CREEK RANCH EVENT CENTER),)
Applicant)
)
(Project: to develop a one-acre site for a Type II)
Wedding and Event Center at 2329 Wallula Avenue.))
_____)**

File No. CUP 18-008

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DECISION APPROVING
CONDITIONAL USE PERMIT**

I. SUMMARY OF DECISION.

The requested Conditional Use Permit, for authorization to develop and operate a new Type II Wedding and Event Center on a one-acre site that is part of a larger 10-acre parcel owned by the applicants, meets applicable County development regulations and policies for such facilities and is therefore approved, subject to conditions.

II. BACKGROUND and RELEVANT CODE PROVISIONS.

On or about September 19, 2018, the applicants, Mori and Ione Struve, submitted a conditional use permit application for a new Type II Wedding and Event Center on a one-acre portion of their property located at 2329 Wallula Avenue, a 10-acre parcel of unincorporated Walla Walla County zoned Agriculture Residential 10-acres (AR-10), which is bisected by Cold Creek, south of Old Highway 12, north of Martin Field, generally

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING CONDITIONAL USE
PERMIT FOR NEW TYPE II WEDDING AND EVENT
CENTER – FILE NO. CUP18-008**

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WALLA WALLA, WASHINGTON 99362

1 west of the College Place city limits and about 1/3 of a mile north of the College Place
2 Urban Growth Area. The tax parcel number for the applicant's property is APN
350727310012, and the County's file number for this application is CUP18-008.

3 ***Basis for Conditional Use Permit Requirement.***

4 There is no dispute that the applicants' proposed use falls within the County's
5 definition of a "Type II Wedding and Event Center" found at WWCC 17.21.030(C), which
6 reads as follows: "A Type II Wedding and Event center is one that would have more than
7 twenty-four events per year and/or more than one hundred guests/attendees per event,
8 and/or have expanded hours different than between 10:00 a.m. and 10:00 p.m". The
9 County's "Permitted Uses Table", found at WWCC 17.16.014, provides that a Type II
Wedding and Event Center requires a Conditional Use Permit in the AR-10 zone. Wedding
and Event Centers are also required to comply with specific development standards for such
uses, found in WWCC Chapter 17.21.

10 ***Criteria for Approval of a Conditional Use Permit.***

11 The general criteria for approval of a conditional use permit are found at WWCC
12 17.40.020.

13 ***Jurisdiction of Hearing Examiner:***

14 The County Code vests the Hearing Examiner with authority to hear and issue
15 decisions on applications for Conditional Use Permits. See *WWCC 2.50.070(A)(3);*
14.09.020(C), and 14.09.025, Table 14-1.

16 **III. RECORD.**

17 All exhibits entered into evidence as part of the record, and an audio recording of
18 the public hearing, are maintained by the County, and may be examined or reviewed by
19 contacting the County's public records officer.

20 ***Exhibits entered into evidence by the Examiner:***

21 *Exhibit 1 – Staff Report – Walla Walla County Community Development Department Report and*
Recommendation of Approval to the Hearing Examiner for the Cold Creek Ranch Event Center
Conditional Use Permit application, dated March 7, 2019, prepared by Principal Planner, Lauren Prentice
(seven pages), along with the following Exhibits);

22 *Exhibit 2 – Conditional Use Permit (CUP18-008) application, reflecting last applicant signature on 9-19-*
2018, with attached legal description and Exhibit A, with site photos;

23 *Exhibit 3 – Site Plan;*

24
25
26 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING CONDITIONAL USE
PERMIT FOR NEW TYPE II WEDDING AND EVENT
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1 *Exhibit 3A* – Site Plan, as marked with an “X” placed on the drawing by Mr. Struve to indicate the
2 approximate location where proposed “porta-potties” may be located.

3 *Exhibit 4* – SEPA Environmental Checklist (SEPA18-025) dated 9/7/2018;

4 *Exhibit 5* – Notice of Application (ODNS), with materials confirming publication, posting and mailing;

5 *Exhibit 6* – Walla Walla County Public Works, written comment dated 11/20/2018;

6 *Exhibit 7* – Department of Ecology, Eastern Regional Office, written comment letter dated 11/28/2018;

7 *Exhibit 8* – SEPA Final Determination of Non-Significance issued 2/22/2019;

8 *Exhibit 9* – Notice of Public Hearing, with materials confirming publication, posting and mailing;

9 *Exhibit 10* – Initial written comment letter from neighboring property owner, Richard Bughi, dated
10 3/4/2019, asserting that proposed access point “Entrance 2” is not legal, and that only one access point,
11 marked #1 on the site plan, should be used;

12 *Exhibit 11* – Second written comment letter from Mr. Bughi, withdrawing his objection to one of the two
13 proposed access points for the proposal, confirming that the applicants have a legal right to use what is
14 identified as “Entrance 2” to the project site.

15 **Testimony:** The following persons provided testimony under oath as part of the record
16 during the open-record hearing held on March 11, 2019:

- 17 1. Lauren Prentice, Principal Planner and primary Staff Contact for the pending application,
18 for Walla Walla County;
- 19 2. Mori Struve, one of the project applicants, provided most of the applicants’ hearing
20 presentation and responses to questions and comments;
- 21 3. Ione Struve, one of the project applicants; and
- 22 4. John Rowley, neighboring property owner to the south of the project site, expressed his
23 support for the application, noting that the applicants are hospitable neighbors, and that they
24 are fully aware of his right to farm, including tending cherry trees, harvesting fruit, applying
25 pesticides and the like.

26 **Site Visit:** In recent months before the hearing, the Examiner has visited the area where the
project is proposed, without ever communicating or making contact with anyone in the
area. This provided an opportunity to observe conditions in the vicinity, and the area roads
leading to and from the site.

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IV. FINDINGS OF FACT.

Based on the record, and following consideration of all the evidence, testimony, codes, policies, regulations, and other information included therein, the undersigned issues the following findings of fact:

1. All statements of fact included in previous or following sections of this Decision, including without limitation those included in the Background summary, that are deemed to be findings of fact are incorporated by reference into this section as findings of fact issued by the Hearing Examiner.

2. On or about September 19, 2018, the County received the pending Conditional Use Permit application for a Type II Wedding and Event Center. (*Ex. 1, Staff Report; Ex. 2, application materials*).

3. According to the applicant's narrative provided as part of the permit application (*Exhibit 2, attached Ex. "A"*): "*The Cold Creek Ranch Wedding and Event Center will be themed Agriculture/Old West [and] [t]here will be no buildings used for events. Historic wagons, buggies, farm implements, and the [existing] barn will be used as aesthetic backdrops.*" The application materials (*Ex. 2*) include photos of such items, placed on the applicants' property. The applicants' narrative also states that: "*Event [visitors] will be allowed to use rooms within our [existing] home for dressing and preparation including water and waste water utilities.*"

4. As noted above, there is no dispute that the applicants' proposed use qualifies as a Type II Wedding and Event Center and that a Conditional Use Permit is required for such use in the AR-10 zoning district, where the applicants' property is located.

5. Staff reviewed the application materials and deemed the application complete, resulting in the County's formal Notice of Application. *Exhibit 5*. Ms. Prentice confirmed that proper public notice(s) regarding the pending CUP application was/were published, posted and mailed in accord with applicable County requirements. *Staff Report; Testimony of Ms. Prentice; Exhibit 5*.

6. As noted above, the Hearing Examiner is delegated specific authority to hear, consider, and decide on applications for conditional use permits. See *WWCC 2.50.070(A)(3); 14.09.020(C), and 14.09.025, Table 14-1*.

7. In accord with applicable county project review regulations, Ms. Prentice, the County's designated Staff Contact for this matter, reviewed the application materials, and

1 generated a Staff Report, which was transmitted to the Examiner in the week prior to the
2 public hearing.

3 8. The open-record public hearing for the conditional use permit was duly noticed in
4 accord with law. *Exhibit 9*. The hearing occurred on Monday, March 11, 2019, in the
5 County’s designated hearing room. At the hearing, the undersigned Examiner presided,
6 with county staff, the applicants, and one neighboring property owner, Mr. Rowley, in
7 attendance. At the hearing, there was no opposition or challenge to the pending application
8 or the staff’s recommendation of approval.

9 9. The only written comment questioning or opposing the application came from
10 Richard Bughi, a neighboring property owner, who initially asserted that the applicants do
11 not have a legal right to make use of their proposed second access point for the proposed
12 use, depicted as “Entrance 2” on the east side of the hand-drawn site plan that is included in
13 the Record as *Exhibit 3*, and also attached to the Notice of Public Hearing issued for this
14 matter (*Ex. 9*). Two days later, Mr. Bughi submitted a second letter, withdrawing his
15 objection to the project, and confirming that the applicants’ do, in fact, have a legal right to
16 use the access point depicted as “Entrance 2” on the site plan. (*See Exhibits 10 and 11,*
17 *written comment letters from Mr. Bughi, dated March 4th and March 6, 2019*).

18 10. In any event, at the public hearing, the applicant, Mr. Struve, testified that he now
19 wants access for the new event center operation limited to just “Entrance 1” as shown on
20 the project site plan (*See Ex. 3, and attachment to Ex. 9*). Thus, any remaining controversy
21 about the proposed second access point is now mute.

22 11. As with any conditional use, the new event center operation will be required to
23 comply with any applicable county nuisance codes and regulations intended to minimize
24 noise, dust, glare, and vibration, among other things. *See WWCC 17.40.020(B)*. Nothing in
25 this Record serves as a basis to deny the requested permit, because conditions of approval
26 and the applicant’s compliance with county codes should serve to protect the interests of
neighboring property owners and residents. Violators can see their permits revoked. See
WWCC 14.13.110.

12. At the public hearing and in her Staff Report, Ms. Prentice confirmed that all
county notice and comment procedures were satisfied, and that no government agencies
submitted any comments in opposition to or questioning the pending applications. *Staff
Report, at page 4; Testimony of Ms. Prentice*. Comments that were received helped inform
the Staff’s recommendation. Both applicants appeared at the hearing and supported the
Staff Report and its recommendation of approval, raising several questions that were
addressed by Ms. Prentice at the public hearing. *Testimony of Mr. and Mrs. Struve*. Mr.
Rowley was the only neighbor or member of the general public who attended and spoke at
the public hearing, and he expressed support for the pending application, noting that the

1 applicants are hospitable neighbors and that they are fully aware of his right to farm on his
2 adjacent property, which can include tending to cherry trees, harvesting fruit, applying
3 pesticides, and the like.

4 13. The Staff Report summarizes how the proposed type II wedding and event center is
5 not expected to have any adverse impacts on the natural environment. Although Cold
6 Creek flows through the applicants' property and would form the northern border for the
7 event site, the applicant has not proposed any development activity in the creek or its 50-
8 foot buffer. Any activities or operations associated with the new event use must comply
9 with all requirements found in the County's Critical Areas Ordinance, codified at WWCC
10 Chapter 18.08. (*Staff Report, discussion of environment and critical areas at pages 2 and*
11 *3*).

9 **SEPA**

10 14. On November 13, 2018, a Notice of Application (*Exhibit 5*) was issued for the
11 project via the optional SEPA Determination of Non-Significance (ODNS) process with a
12 14-day comment period. On February 22, 2019, a final SEPA Determination of Non-
13 Significance (*Exhibit 8*) was issued by the Director of the Walla Walla County Community
14 Development Department, the County's SEPA Responsible Official. No one indicated they
15 opposed the DNS, and no one commented in a timely manner on any substantive or
16 procedural issues that would give them standing to appeal such threshold determination.
17 No one appealed the County's SEPA threshold determination. (*See Staff Report, SEPA*
18 *discussion on page 3, including list of agencies contacted*).

16 **Comprehensive Plan**

17 15. The Staff Report and exhibits included in the record constitute substantial evidence
18 that demonstrates how the pending application is consistent with the County's
19 Comprehensive Plan, including: Goal RL-22, which provides that the County should
20 "maintain the current quality of life for County residents, while maximizing on the
21 opportunity to make efficient use of resource land and improve the economic base of the
22 County;" and Policy RL-56, which provides that "certain limited recreational and
23 community-oriented cultural land use should be allowed in three of the zones comprising
24 the designated agricultural resource lands," including the AR-10 district, where this
25 proposal is located.

23 **Access**

24 16. The original application materials proposed two access points for the new event
25

1 center, utilizing two existing gravel driveways. The Walla Walla County Public Works
2 Department submitted comments (*Exhibit 6*), which explain that the applicant will need to
3 obtain an access permit and upgrade existing access(es) to comply with the County's Road
Design Standards, meaning that the first 20-feet of any approved access point must be
paved to reduce track-out and damage to the County road.

4 17. At the public hearing, Mr. Struve modified the application, and expressly testified
5 that he would like the permit to limit access to just a single access point, identified as
6 "Entrance 1", which provides direct access onto/from Wallula Road. (*Testimony of Mr.*
7 *Struve; Site Plan, shown in Ex. 3 and Ex. 9*). Mr. Struve's request to reduce the number of
8 access points appeared partly motivated by his desire to minimize costs, meaning he would
9 only have to pave the first 20-foot portion for the single approved access point to be used
by event center visitors.

10 ***Hours of Operation***

11 18. At the public hearing, Mr. Struve modified the application to request approval of
12 hours starting earlier than the 10:00 a.m. to 10:00 p.m. time frame proposed in the
13 applicant's SEPA Checklist (*Ex. 4, at page 8*). Instead, Mr. Struve requested an 8:00 a.m.
14 start time, retaining the 10:00 p.m. closing time, to allow time for event-organizers to set-
15 up, deliver equipment, and make on-site preparations on the day of a scheduled event. Ms.
Prentice did not object to this request. The Examiner finds that the applicants' request is
reasonable, and that WWCC 17.21.030 allows Type II Wedding and Event Centers to have
expanded hours different than 10:00 a.m. to 10:00 p.m. Accordingly, the conditions of
approval have been modified to allow for hours of operation beginning no earlier than 8:00
a.m. and closing no later than 10:00 p.m.

16 ***Number of events per year***

17 19. At the public hearing, the applicant, Mr. Struve, explained that he and his wife hope
18 to host at least 24 events and no more than 40 events per year. Because the application
19 materials and hearing testimony was not sufficiently specific on the topic, and as requested
20 by Ms. Prentice at the public hearing, the conditions of approval have been modified to
limit the total number of events held under this permit to no more than 40 per year.

21 ***The proposed Event Center activities and associated facilities must be limited to no more 22 than one-acre of total space***

23 20. There is no dispute that the proposed wedding and event center is a non-agricultural
24 use that would be placed on a portion of property that is zoned agricultural (AR-10).
25 Accordingly, the applicants' proposed use must comply with additional agricultural
26 protection standards found in WWCC 17.21.050. In this matter, the relevant standards are

1 found in WWCC 17.21.050(B), which allow a wedding and event center as a non-
2 agricultural accessory use on properties larger than 5 acres in an Agricultural zone if it
3 meets the following requirements:

- 3 1) *The facility shall support, promote, or sustain agricultural operations and*
4 *production and meet the requirements of WAC 365-196-815(3)(c)(iii)(B).*
- 4 2) *The facility must have no adverse effect upon the continued and compatible use*
5 *of agricultural land either within or adjacent to the site.*
- 5 3) *The wedding and event center must be accessory to agricultural activities*
6 *occurring on site.*

7 21. The Staff Report explains that the applicants did not directly respond to each of
8 these criteria in their application materials, but that their written narrative included as part
9 of *Exhibit 2* notes how they intend to develop the facility with an “Agriculture/Old West”
10 theme. As noted elsewhere in this Decision, the applicants’ narrative further explains that
11 “historic wagons, buggies, farm implements, and the barn will be used as aesthetic
12 backdrops” and seems to show that the outdoor event and parking area will be limited to no
13 more than one-acre of space on the owner/applicant’s property, which is consistent with
14 size and scale limitations mandated by WAC 365-196-815(3)(c)(iii)(B) [noted below] and
15 WWCC 17.21.050(B)(1) [noted above].

13 22. WAC 365-196-815(3)(c)(iii)(B) reads in relevant part as follows: “[...] *Nonagricultural accessory uses and activities, including new buildings, parking, or*
14 *supportive uses, shall not be located outside the general area already developed for*
15 *buildings and residential uses and shall not otherwise convert more than one acre of*
agricultural land to nonagricultural uses”.

16 23. To comply with WAC 365-196-815(3)(c)(iii)(B) and WWCC 17.21.050(B)(1), all
17 event center activities and associated facilities, including without limitation supportive
18 activities, parking space, portable restroom space, stages, tables, seating, canopies/tents,
19 and the like, must be limited to no more than one-acre of total space on the applicants’
20 property. The existing house and driveway area should not be included in this calculation.
21 The applicants’ proposed site plan appears to satisfy this one-acre limitation, provided that
22 the space for porta-potties appears to have been omitted from the applicants’ consideration
23 in the original application materials. Staff should have discretion to review and approve a
24 final site plan that demonstrates compliance with this one-acre total space limitation, to be
25 prepared and submitted by the applicant, before any events are scheduled to occur on the
26 applicants’ property. An additional condition of approval has been included to address this
issue.

Specific Design Standards for Wedding and Event Centers

1 24. As explained in the Staff Report, proposed Wedding and Event Centers must
2 comply with specific Design Standards found in WWCC 17.21.040, which addresses five
3 topics, numbered A through E, as set forth below:

4 A. *Occupancy. Occupancy at events is subject to parking and building occupancy limitations.*

5 B. *Noise. Noise originating from the site shall be buffered to the maximum extent possible and be
6 minimized to serve the needs of the facility while limiting impacts to adjacent parcels. Noise levels
7 must also comply with Chapter 9.20, Noise Regulations.*

8 C. *Lighting. Exterior lighting shall be directed and shielded in a manner which minimizes its visibility
9 at the site's boundaries. Exterior lighting shall not be used in such a manner that it produces glare
10 on public streets and neighboring residential properties. Any temporary lighting associated with a
11 specific event shall comply with these standards and shall be removed within twenty-four hours of
12 the end of the event.*

13 D. *Exterior Screening. A site-obscuring fence or wall shall be provided around the perimeter of either
14 the entire parcel or the area proposed to accommodate outdoor events, parking areas and driveways.
15 This requirement may be waived by the decision maker if adjoining parcels are at least one hundred
16 yards from the proposed area, or where topography or other conditions eliminate light impacts to
17 other properties.*

18 E. *Setbacks. All outdoor developed event areas, including stages, buildings, parking areas, and tents,
19 shall maintain a minimum fifty-foot setback from property lines.*

20 25. Conditions of Approval have been included to mandate compliance with the design
21 standards found in WWCC 17.21.040(A) –(E).

22 ***Stormwater***

23 26. The Staff Report explains that the applicant must comply with Walla Walla
24 County's stormwater regulations as applicable. Because the proposal will not result in any
25 new buildings, additional impervious surfaces associated with the event center, including
26 new pavement at access point(s), occasional tents or canopies, additional "Old West"
objects used as aesthetic backdrops, and the like, should be very few. The Public Works
Department did not submit specific comments relating to stormwater but reviewed the CUP
application, and SEPA materials, and recommended approval. (*Staff Report, at page 3*).

27 ***Wastewater Disposal***

28 27. As noted elsewhere, the applicants' SEPA Checklist indicates that "Porta Potties"
29 (understood to mean portable bathrooms) will be brought onto the site (*Exhibit 4, Page 4,*
30 *applicant's handwritten response to item 3(b)(2)*). As noted in the Staff Report, these were
31 not shown on the site plan. At the public hearing, Mr. Struve placed an "X" on the site plan
32 where they may be located. The marked-up site plan is now included in the Record as

1 *Exhibit 3A.* The applicant also states in the CUP application (*Exhibit 2: Written narrative,*
2 *Page 2*) that they will allow attendees to use “rooms” in the house, which presumably
3 would include restrooms. The house is served by an on-site septic system. The Health
4 Department did not submit specific comments but reviewed the CUP application and SEPA
5 materials, and recommended approval of the requested CUP. (*Staff Report, at page 3*).

4 ***Water***

5 28. The Staff Report explains that there is an on-site well that currently provides potable
6 and irrigation water for the applicants’ property. The application materials indicate that the
7 applicants will “submit to Walla Walla County Health Department for well capacity
8 review.” The Staff Report notes that the Health Department did not submit specific
9 comments, but reviewed the CUP application and SEPA materials, and recommended
10 approval of the CUP.

9 ***Site conditions, surrounding area***

10 29. Properties in the vicinity of the proposed event center are a mix of rural residences
11 and agricultural uses. The nearest homes are about 800-1,000 feet from the proposed event
12 area. The Struve’s property is zoned AR-10, and is developed with a single-family
13 residence, built in the 1990’s, and detached accessory buildings. The property is about 10-
14 acres and is bisected by Cold Creek. The north property line is Wallula Avenue, a public
15 road. The existing residence and accessory buildings are all located south of Cold Creek, as
16 is the proposed event area. Access to the residence and property south of the creek includes
17 a culvert, which was recently replaced. There is no alternative to accessing the existing
18 home or proposed event center that would not require crossing Cold Creek.

16 30. The applicant explains (*Exhibit 2, written narrative, on page 1*) that the current use of
17 the property is primarily residential, which would continue, as well as some small-scale
18 agricultural uses. The Struve’s grow grapes, have chickens, lease pasture for horses, and
19 maintain a 5,000 square foot food plot on their property.

19 ***Traffic Impacts***

20 31. The Walla Walla County Public Works Department did not submit comments related to
21 traffic impacts or request a traffic impact analysis (TIA). The applicant did not state in
22 their application how many events they will host per year or how many attendees there will
23 be so it is not known exactly how much traffic will be generated. At the public hearing,
24 Mr. Struve estimated that events would not be larger than 200 people. Based on the
25 applicant’s representation, and lack of any study to rebut the assumption that larger events
26 could generate traffic impacts, this permit should be conditioned to allow for no more than
40 events per year, and no more than 200 attendees at any event. Larger events will require

1 separate special-event approval by the Director, who shall have discretion to require a
2 traffic-control plan, and potentially a traffic impact analysis, in connection with any request
3 to host events with more than 200 attendees.

4 ***Parking***

5 32. The applicants site plan (*Exhibit 3*) shows that parking will be contained, along with
6 the outdoor event area, within a one-acre pasture area, generally located in the lower left
7 (southwest) corner of the parcel. They did not explain how much of this space will be used
8 for parking, and how much will be used for other event activities.

9 33. The Staff Report explains that Walla Walla County does not have a specific
10 minimum-parking requirement established for this type of facility. In the absence of a
11 specific minimum parking standard, the one-acre total area limitation addressed elsewhere
12 in this Decision should serve as a self-limiting measure, requiring the permit-holder to
13 balance potential parking area needs with space-requirements for specific events. In other
14 words, events with potential high parking needs will reduce space available for the event
15 itself, and events with low parking needs will be able to use more space for actual event
16 activities. The 200-person limit on event attendees will also serve to minimize parking-
17 space demand on the site.

18 34. Off-site parking on neighboring properties and along adjacent county roadways by
19 event-visitors/attendees is not a viable option, and could generate complaints, like littering,
20 traffic problems, and conflicts between pedestrians and vehicles on public roadways,
21 among other things, any of which could result in revocation of this permit. Thus, it is the
22 permit-holder's responsibility to ensure that event-visitors/attendees park in an on-site
23 designated area, which must be included as part of the one-acre total event space on the
24 parcel.

25 ***As Conditioned, the pending application satisfies the approval criteria for a Conditional
26 Use Permit.***

35. Based on evidence in the record, the Examiner finds and concludes that, as
conditioned, the Struve's proposed Cold Creek Ranch Type II Wedding and Event Center
satisfies all of the approval criteria for a Conditional Use Permit set forth in WWCC
17.40.020(A – F). Findings regarding each of the specific criteria are provided below, in
italics:

A. That the use will not endanger the public health or safety;

The proposal will have to meet all applicable health, access, stormwater, building,

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and fire codes. The Walla Walla County Public Works and Environmental Health Departments, as well as the County Fire Marshal/Building Official, all received copies of the application materials, with a request for comments. None of these officials or agencies submitted any comments or questions opposing the project or noting issues that would serve as a basis to deny the pending application.

B. That the use will not generate significant nuisance conditions such as noise, dust, glare, vibration;

Staff is of the opinion of that this project will is not likely to generate significant nuisance conditions if the applicant complies with the screening, lighting, setback, and noise standards in WWCC Chapter 17.21 and the hours of operation are limited. The Examiner concurs, adding that nuisances should not be a problem if the permit-holder complies with all Conditions of Approval.

C. That the use meets all required conditions and standards set forth in the district where it proposes to locate;

The proposed use is subject to applicable building and zoning regulations. It appears from the application that the proposal will be consistent with the standards for wedding and event centers. The applicant will have to comply with applicable conditions of WWCC Chapter 18.08 – Critical Area Protection. As conditioned, the application satisfies this requirement.

D. That the location and character of the use is compatible and consistent with the character of the area in which it is to be located;

The applicant generally explained that the proposal is consistent and in character with the surrounding agricultural area because of its “Agriculture/Old West” theme for the event center. No new buildings are proposed or authorized by this permit. Appropriate conditions limiting the number of events to no more than 40 per year, with no more than 200 attendees per event, are reasonable and appropriate conditions imposed to ensure that the new event center will be operated in a manner that is not harmful to, and should be compatible and consistent with, the character of the surrounding area where it will be located.

E. That the use is in conformance with the Comprehensive Plan;

See Finding No. 15, above. Further, if developed and operated in accord with the requirements contained in WWCC Chapter 17.21 and WAC 365-

196-815(3)(c)(iii)(B), including without limitation the one-acre total space limitation for non-agricultural accessory uses and activities on Agricultural-zoned properties larger than 5-acres in size, the new event center should conform with the County's Comprehensive Plan.

F. That the use will be supported by adequate public facilities or services.

The site does need much in the way of public facilities or services. Again, no local or state agency submitted any comments objecting to the application. No major or unusual expansions or extensions of public facilities or services will be required to service the proposed use.

36. Again, no one submitted any comments or questions that would rebut or challenge the Staff Report's recommendation of approval, subject to conditions. Conditions of approval have been included to limit the number of events per year, hours of operation, and the number of attendees per event, among other things.

37. Except as modified in this Decision, all Findings, and statements of fact contained in the Staff Report, are incorporated herein by reference as Findings of the undersigned hearing examiner.

38. As summarized above in previous findings, and in the unrebutted, credible Staff Report, the record contains substantial evidence to demonstrate that the pending application, as conditioned, meets all of the required criteria for approval, including without limitation those found in WWCC 17.40.020(Conditional Use Criteria). (See Staff Report, particularly pages 5 and 6 and all Conditions of Approval, set forth below).

V. CONCLUSIONS OF LAW.

1. As explained above, the record, particularly the County Staff's recommendation of approval, includes substantial evidence that the pending permit application satisfies all applicable decision criteria specified in the County's code.

2. WWCC 17.40.020 mandates that a conditional use *shall be approved or approved with conditions* if the application meets the approval criteria set forth in WWCC 17.40.020(A) through (F). As explained in the Findings of Fact, including without limitation Finding No. 38, the applicant has satisfied its burden of proof, to demonstrate that its proposal complies with, or can be conditioned to comply with, all applicable approval criteria.

1 3. Any finding or other statement contained in this Decision that is deemed to be a
2 Conclusion of Law is hereby adopted as such and incorporated by reference.
3

4 **VI. DECISION.**

5 Based upon the preceding Findings of Fact and Conclusions of Law, evidence
6 presented through the course of the open record hearing, all materials contained in the
7 contents of the record, and the examiner's site visit, the undersigned Examiner APPROVES
8 the Conditional Use Permit, for the Struve's proposed Cold Creek Ranch Type II Wedding
9 and Event Center, all as described and depicted in the application materials and site plan
[Note: the term "applicant" and "permit-holder" mean the same thing as use herein]:

10 **CONDITIONS OF APPROVAL**

11 1. Consistent with WWCC 17.40.025, the action for which the conditional use permit
12 (CUP) is required shall commence within one year of approval unless extended for up to
one year by the Director. Failure to proceed with the approved use within such timeframe
shall void approval of the conditional use.

13 2. Before operation of the Event Center, the applicant must first obtain any Building or
14 other associated permit(s) or approval required by the County of any other government
15 agency or regulatory authority with jurisdiction over a particular aspect of the project. Any
16 conditions of approval or requirements imposed as part of such permits or approvals shall be
and are hereby incorporated as Conditions of Approval for this CUP. Given the event
17 center's location near Cold Creek, the applicant must comply with and ensure that all event
center activities are in compliance with applicable provisions of WWCC Chapter 18.08 –
the County's Critical Area Protection code.

18 3. Pursuant to Walla Walla County Code Section 14.13.110, at any time during the life of
19 the permit, the Walla Walla County Community Development Department Director may ask
the Hearing Examiner to revoke the permit if the project is not in compliance with any of
the conditions of approval and/or required permits.

20 4. Future changes in operations, plans, or additions will require an amendment to the CUP
21 issued herein, which shall be processed as a Type 3 quasi-judicial review before the
22 County's hearing examiner, consistent with applicable county codes and requirements for a
new conditional use permit, as currently written or as may be subsequently amended by the
23 Walla Walla County Board of County Commissioners and in effect as of the date of filing a
complete application for an amendment to the CUP issued herein. (See WWCC 14.03.050
and Ch. 14.09 WWCC).

24 5. To comply with WAC 365-196-815(3)(c)(iii)(B) and WWCC 17.21.050(B)(1), all event
25 center activities and associated facilities, including without limitation supportive activities,

1 parking space, portable restroom space, stages, tables, seating, canopies/tents, and the like,
2 must be limited to no more than one-acre of total space on the applicants' property. The
3 existing house and driveway area should not be included in this calculation. The applicants'
4 proposed site plan appears to satisfy this one-acre limitation, provided that the space for
5 porta-potties appears to have been omitted from the applicants' consideration in the original
6 application materials. Accordingly, before operation of the Event Center, the permit-holder
7 must submit a proposed final site plan for the new event center to the Director, who shall
8 have discretion to review, approve, and/or modify such site plan, in a manner that ensure
9 substantial compliance with applicable county codes and policies, the one-acre total space
10 limitation.

6. Access to the event center will be limited to the driveway labeled as "Entrance 1" on the
7 proposed Site Plan, included in the Record as Exhibit 3. The applicant must obtain an
8 access permit and upgrade the "Entrance 1" access to comply with Walla Walla County
9 Road Design Standards (Road Design Standards) R-05 and R-06. The first 20 feet of the
10 access route ("Entrance 1") used for the new event center shall be paved with hot mix
11 asphalt (HMA) to reduce track-out and damage to Wallula Avenue, a county road.

7. Exterior lighting must comply with requirements found in WWCC 17.21.040(C) and
12 shall be directed and shielded in a manner which minimizes its visibility at the site's
13 boundaries. Exterior lighting shall not be used in such a manner that it produces glare on
14 public streets and neighboring residential properties. Any temporary lighting associated with
15 a specific event shall comply with these standards and shall be removed within twenty-four
16 hours of the end of the event.

8. Screening must be provided as required by WWCC 17.21.040(D). Before operation of
17 the Event Center, the permit-holder must submit a proposed screening plan to the Director,
18 who shall have discretion to review, approve, and/or modify such screening plan, in a
19 manner that ensure substantial compliance with applicable county codes and policies.

9. Before operation of the Event Center, the permit-holder must submit a proposed parking
20 plan to the Director, that illustrates compliance with these conditions of approval and
21 general consistency with guidelines set forth in WWCC 17.20.110. The Director shall have
22 discretion to review, approve, and/or modify such parking plan, in a manner to ensure
23 substantial compliance with these conditions of approval for this event center and with
24 applicable county codes and policies. Where there is a conflict between a specific
25 requirement found in these conditions and County parking codes, the conditions shall
26 control, for example, the driveway pavement is only required on the first 20-foot abutting
27 Wallula Avenue, instead of 50-feet normally required.

10. No parking by event-guests, vendors, employees or residents of the subject property
will be allowed off-site on adjacent properties or on county roads/rights-of-way.

11. The event center shall comply with all applicable ADA parking requirements for the
size and type of venue authorized by this permit.

12. It is the permit-holder's responsibility to ensure that event-visitors/attendees park in an
on-site designated area, which must be included as part of the one-acre total event space on
the parcel.

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13. The event center authorized by this permit is limited to 40 (forty) events per year, in the Spring, Summer and Fall. The Director has authority to require the permit-holder to submit a calendar of proposed event dates, and to require notice of scheduled events, so as to remain informed and share such information with County offices, for planning, health, and public safety purposes. Given that this permit only authorizes events during the Spring, Summer and Fall, in January of each year, the permit-holder shall submit to the Director a written report/log of events held at the event center during the previous year, with the estimated number of attendees at each event.

14. The maximum number of attendees (including vendors, caterers, performers, hosts, and all other event participants or service-providers) for any single event is 200 (two-hundred). For events that may involve more than 200 attendees, the permit holder may submit a written request to the Director for review and approval of such special event. The Director shall full discretion and authority to require a traffic impact analysis at the applicant’s cost, to make an informed decision and impose additional requirements on such special event, to ensure compliance with applicable county codes and policies, including without limitation those that prohibit nuisances and adverse impacts on surrounding residents and agricultural operations.

15. Hours of Operation – to allow sufficient time for event-organizers to set-up, deliver equipment, make on-site preparations, and clean-up on the day of a scheduled event, the hours of operation for any event may begin no earlier than 8:00 a.m. and must close/conclude no later than 10:00 p.m. All event-related activities must be limited to these hours of operation – there shall be no exceptions for early-deliveries, early set-up, or late clean-up, break-down activities.

16. The permit-holder shall comply with all applicable Building and Fire Code provisions, including more restrictive occupancy/attendance limitations that may apply to various types of events hosted at the event center.

17. The permit-holder shall comply with all applicable Health Department regulations and requirements for particular aspects of Event Center operations and activities, including without limitation those pertaining to water availability, food service permitting, sewage disposal, among other things.

18. Noise originating from the site shall be buffered to the maximum extent possible and be minimized to serve the needs of the facility while limiting impacts to adjacent parcels. Noise levels must also comply with Chapter 9.20, Noise Regulations.

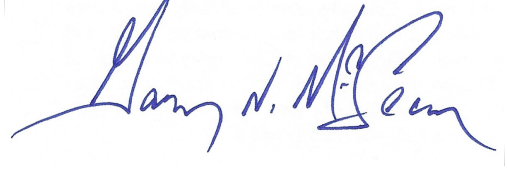
19. The event center must be operated in a manner that complies with the standards for all Type II Wedding and Event Centers, found in WWCC Chapter 17.21, including without limitation those found in WWCC 17.21.040(A) –(E).

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20. Prior to operation of the event center, the permit-holder shall provide the Director with written confirmation that all conditions of approval applying to this permit have been satisfied, and the Director shall review such submittal to determine if all conditions are met, or if the permit-holder must first take additional steps to demonstrate compliance with all conditions. If and when conditions are satisfied, the Director shall issue a written notice to proceed, authorizing the permit-holder to begin operating the Event Center as approved and conditioned herein.

ISSUED this 10th Day of April, 2019



Gary N. McLean
Hearing Examiner

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FINALITY OF DECISION AND NOTICE OF RIGHTS OF APPEAL

As provided in WWCC 2.50.070(B), *the decision of the hearing examiner on all matters is final and conclusive, unless appealed pursuant to Chapter 14.11 of the Walla Walla County Code.*

WWCC 2.50.120, captioned “Reconsideration”, provides that: *An applicant or party of record to a hearing examiner's public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the community development director within ten days of the final decision. The request shall comply with Section 14.11.030 of this code. The hearing examiner shall consider the request at the next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final as of the date of the decision on the request for reconsideration. If the request is granted, the hearing examiner may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.*

Finally, WWCC 2.50.130 addresses appeals of a hearing examiner decision, and reads as follows: *The final decision by the hearing examiner on any matter within his or her jurisdiction may be appealed in accordance with Chapter 14.11 of the Walla Walla County Code.*

NOTE: *The Notice provided on this page is only a short summary, and is not a complete explanation of fees, deadlines, and other filing requirements applicable to appeals. Individuals should confer with advisors of their choosing and review all relevant codes, including without limitation the code provision referenced above and state law, particularly the Land Use Petition Act (Chapter 36.70C RCW), for additional information and details that may apply.*