



Walla Walla County Community Development Department

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Date: July 22, 2021
Date Prepared: June 24, 2021
To: Walla Walla County Planning Commission
From: Lauren Prentice, Director
By: Don Sims, Associate Planner
RE: **Public Hearing** – Zoning Code Text Amendment – Dressler/BERRI Application, ZCA18-003, MODIFIED request to amend WWCC 17.16.014, Permitted Uses Table, to make Organic Waste Processing Facility a permitted use in the Light Industrial (LI) zoning district. **Docket No. ZCA18-003**

Background

A zoning code text amendment application was received by the County as an out of cycle application in December 2018. The original application proposed to make Organic Waste Processing Facilities a permitted use in the Agriculture Residential 10 (AR-10) zoning district. The applicant has modified the proposal to make the use a permitted use in the Light Industrial (LI) zoning district. This is an out-of-cycle zoning amendment application, which was approved for Final Docket review by the Board of County Commissioners.

Attachments

Please refer to the staff report packet to review the application materials and documents presented in the past meetings.

- A. Development Regulation Amendment Process – Walla Walla County Section 14.15.070 – Final docket – review and recommendation
- B. March 1, 2021 Staff Report to Board of County Commissioners (BOCC) with documentation on Planning Commission’s Preliminary Docket review and the application materials submitted by David Dressler.

Summary of Proposal

The application includes proposed one amendment to Walla Walla County Code (WWCC) Section 17.16.014, Permitted Uses Table; the amendment will allow organic waste processing facilities a permitted use in the Light Industrial zoning district.

Organic Waste Processing Facility is defined in WWCC 17.08.364. This definition was adopted in 2007 via [Ordinance 339](#), which also made this new land use type permitted outright in three zoning districts: Heavy Industrial, Industrial Agriculture Medium, and Industrial Agriculture Heavy. This amendment was initiated/proposed by a company called Organix, LLC.

"Organic waste processing facility" means a facility that is operated for the purpose of producing marketable compost, other soil amendments, and/or energy recovery from the on-site and/or off-site organic material fraction of the waste stream, provides a direct benefit/link to the agricultural operation on the premises and other agricultural lands in the vicinity, and is permitted, designed in compliance with the applicable regulations contained in the Washington Administrative Code Chapter 173-350. Feedstock may include, but is not limited to agricultural waste, industrial food processing waste, commercial and residential yard waste, biosolids, or food waste from local or regional sources."

Staff Conclusion

If the Planning Commission finds that the proposed amendments are consistent with the criteria in WWCC 14.15.070(D)(3), the Planning Commission should forward a recommendation for approval, or approval with modifications, to the Board of County Commissioners.

A short list of options for Planning Commission consideration has been compiled by staff.

Option 1: Approval as presented

Recommend approval of the application submitted by David Dressler, which would make organic waste processing facilities a permitted use in the Light Industrial zoning district.

Option 2: Denial

Recommend denial of the application submitted by David Dressler.

Option 3: Approval with modifications

Recommend approval of the application submitted by David Dressler, with modifications, which could include one the following.

1. Requirement for a conditional use permit (CUP) in the LI zone (this would require a public hearing and the Hearing Examiner would be the decision maker); or
2. Requirement for an *administrative* conditional use permit in the LI zone (Director is the decision-maker and there is a 14-day written public comment period).

Sample Motions

The following sample motions correspond to the options listed above. Option 3 is incomplete; the Planning Commission would need to identify recommended development conditions, which could be additional conditions of approval prepared by the Planning Commission.

Option 1, Approval as presented

"I move that the Planning Commission concur with the findings of fact and conclusions of law for Option 1 in the July 22, 2021 Staff Report for application ZCA18-003 and recommend to the Board of County Commissioners that the application submitted by David Dressler/BERRI be approved as presented.

Option 2, Denial

"I move that the Planning commission concur with the findings of fact and conclusions of law for Option 2 in the July 22, 2021 Staff Report for application ZCA18-003 and recommend to the Board of County Commissioners that the application submitted by David Dressler/BERRI be denied."

Option 3, Approval with modifications

"I move that the Planning Commission concur with the findings of fact and conclusions of law for Option 3 in the July 22, 2021 Staff Report for application ZCA18-003 and recommend to the Board of County Commissioners that the application submitted by David Dressler/BERRI be approved with the following changes: [LIST CHANGES]."

Analysis, Location, and Summary of the Proposal

If approved, the proposed amendment would affect only land in the Light Industrial (LI) land use designation.

Chapter 5 of the Comprehensive Plan describes the Industrial land use designations, includes the goal of the land use, and three implementing policies:

Goal LU 2: *To designate areas for industrial development to serve the long-term needs of the County.*

Policy LU 2.1: *Designate areas for industrial development in the vicinity of existing industrial development.*

Policy LU 2.2: *Require visual screening and landscaped buffers where other barriers are not adequate to minimize the impacts of industrial uses from non-industrial areas.*

WWCC Section 17.12.040.Q, defines the purpose of the Light Industrial zoning district:

“Light Industrial District. This district is exclusively for limited assembly, fabrication, processing and service facilities involving small or portable machinery and regulated with regards to dissemination of atmosphere, pollutants, noise, vibration, odors and the creation of physical hazards to adjacent uses.”

Location of Proposal: Light Industrial zone

The LI zone is in the County’s Urban Growth Areas (UGA) primarily. The County currently has about 79 tax parcels with about 582-acres within the LI district. Currently Mr. Dressler is considering purchasing land within the LI zoning district off Highway 12.

This use is already allowed in three zoning districts. It is an administrative conditional use in the Primary Agriculture 40 zoning district and permitted outright in the Industrial Agriculture Medium (IA-M) and Industrial Agriculture Heavy (IA-H) districts. The PA-40 district alone represents more than 70% of the land area in unincorporated Walla Walla County. The IA-M and IA-H districts are located in the Attalia Industrial UGA in Western Walla Walla County, more than 30 miles from the Walla Walla / College Place urban area. This use is not permitted in any zoning districts located within any of the other UGAs; it is not permitted in the Heavy Industrial (HI) or Industrial Business Park (IBP) district.

[Section 17.16.014, the Permitted Uses Table](#), contains a table with a list of industrial land uses that are allowed in the LI district. Some of these are permitted outright (e.g. Textile Mill Products, Printing and Publishing, Leather and Leather Goods Manufacture) and, and others are conditional uses (e.g. meat processing and packing, food and kindred products manufacture).

The Planning Commission could recommend approval of the amendment proposal with modifications. This could include anything the Planning Commission wants, but two modifications that should be considered are making the use a conditional use or administrative conditional use instead of permitted outright.

The conditional use permit process is designed for “... uses which, because of their unique characteristics, cannot be properly addressed without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location...” ([WWCC 17.40.010](#)).

Zoning Code Text Amendment Review Criteria

For each proposed amendment, the Planning Commission shall recommend that a proposed amendment be **approved**, **approved with modifications**, or **denied** based on the following criteria from WWCC 14.15.070.D(3).

- ***Criteria: The amendment is consistent with the comprehensive plan; and***
Discussion: Per the applicant, “BERRI is planning on distributing the end product from the project as a soil amendment, due to slight contamination from plastic primarily, the product is really compost...” The application material lists numerous benefits of composting soil related to agricultural production and concludes by stating that the compost will benefit all resource property.

- ***Criteria: The amendment meets a definable public need; and***
Discussion: The applicant addressed this in their application by stating the benefits additional fertilizer products will have on the county’s resource land and farm uses generally and may result in an alternative to solid waste treatment at the landfill. This use is already allowed in the PA-40, IA-M and IA-H districts.

- ***Criteria: The amendment is in the long-term interest of the County.***
Discussion: The additional details about the benefits to the soil of agricultural land in the county based on additional fertilizer to be created through the proposed land use.

Conclusion: Whether to allow the Organic Waste Processing Facility in the Light Industrial district as proposed is a policy decision for the Planning Commission and ultimately the Board of County Commissioners. The above Final Docket criteria should each be discussed by the Planning Commission during deliberations and incorporated into conditions of approval to be included in Planning Commission resolution.

Findings of Fact (modify based on recommendation/public hearing)

In making a recommendation regarding this application, the Planning Commission should be prepared to make findings of fact which would be included in the Planning Commission Resolution.

1. On December 18, 2018, a zoning code text amendment application by BERRI was submitted to the Community Development Department proposing that Title 17 be amended to make Organic Waste Processing Facility a permitted use in the Agriculture Residential 10 (AR-10) district.
2. On February 6, 2019, the Planning Commission held a public workshop to review and discuss the proposal.
3. On March 20, 2019, the Planning Commission held a public workshop to review and discuss the proposal.
4. On July 23, 2020, a revised application by BERRI was submitted to the Community Development Department, proposing that Organic Waster Processing Facilities be allowed in the Light Industrial district, instead of the Agriculture Residential 10-acre zoning district as originally proposed.
5. On December 14, 2020, the Planning Commission held a Preliminary Docket public workshop to review and discuss the revised proposal.
6. On July 14, 2021 Community Development Department staff held a virtual Informational Public Meeting; no members of the public attended this meeting.
7. On July 22, 2021 the Planning Commission held a Final Docket public hearing.

Conclusions of Law (modify based on recommendation)

1. The proposed amendment has been reviewed pursuant to Walla Walla County Code Sections 14.15.070.D(3).
2. The proposed amendment is consistent with the Walla Walla County Comprehensive Plan.
3. The amendment meets a definable public need; and
4. The amendment is in the long-term interest of the county.

ATTACHMENT A

Development Regulations Amendment Process

17.15.070 – Final Docket – Review and recommendation.

- A. Community Development Department Review. The final docket as adopted by the board of county commissioners shall first be reviewed and assessed by the community development department, and the director shall prepare a staff report and recommendation on each proposed amendment based on the criteria in [Section 14.15.070](#) (B)(3). The Community Development Department shall also be responsible for conducting the environmental review of all items on the final docket. The director shall provide notice and opportunity for comment from the public and/or other agencies.
- B. Planning Commission Review. All proposed amendments on the final docket shall be reviewed and assessed by the planning commission, which shall make recommendations 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 as set forth in Sections [14.09.065](#) and [14.09.070](#) of this title.
 3. Recommendations. For each proposed amendment, the planning commission shall recommend that a proposed amendment be approved, approved with modifications, or denied based on the following criteria:
 - a. The amendment is consistent with the comprehensive plan; and
 - b. The amendment meets a definable public need; and
 - c. The amendment is in the long term interest of the county.
- C. Board of County Commissioners Decision.
 1. Workshop Meeting. The board of county commissioners may first review the recommendations of the planning commission in a workshop meeting(s).
 2. Public Hearing. The board of county commissioners shall consider the proposed amendments to the development regulations at a regularly scheduled meeting and conduct a public hearing, as set forth in Sections [14.09.065](#) and [14.09.070](#) of this title.
 3. Criteria for Evaluation of Proposed Amendments. The board of county commissioners shall apply the criteria set forth in Section 14.15.070B.3.
 4. Adoption by Ordinance. The board of county commissioners shall adopt any amendments to the development regulations by ordinance.
- D. Transmittal to State. The director shall transmit a copy of any proposed amendment of the development regulations to the appropriate Washington State agency at least sixty days prior to the expected date of final action by the board of county commissioners, consistent with Chapter 36.70A RCW. The director shall transmit a copy of any adopted development regulation amendment to the appropriate Washington State agency within ten days after adoption by the board.
- E. Appeals. All appeals to the adoption of an amendment to the development regulations shall be filed with and processed by the Eastern Washington Growth Management Hearings Board in accordance with the provisions of Chapter 36.70A RCW. (Res. 02118 (part), 2002)