



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, Community Development Director
Prepared: July 28, 2022
Meeting Date: August 3, 2022
RE: **Public Hearing Agenda Item No. 2** – Application ZCA21-001 by Yellowhawk Resort WW, LLC. to make Winery Type 3 a conditional use in the Rural Residential 5 (RR-5) zoning district.

Background

The application by Yellowhawk Resort WW, LLC. would amend the zoning code (Walla Walla County Code Section 17.16.014 Permitted Uses Table) to make the use ‘Winery, Type 3’ a Conditional Use in the Rural Residential 5 zoning district. This is a use that is currently defined in WWCC Chapter 17.22. All the development standards in Chapter 17.22 for Type 3 Wineries would apply under this amendment proposal, as well as the conditional use permit criteria in WWCC Chapter 17.40.

Staff Recommendation

If the Planning Commission finds that the proposed amendments are consistent with the criteria in WWCC 14.15.070D(3), Staff would recommend that the application submitted, docket number ZCA22-001, be recommended for approval by the Planning Commission to the Board of County Commissioners. If the Planning Commission does not find that the amendments are consistent with those criteria, then the Planning Commission may recommend denial or that the amendment be modified.

Sample Motion 1 – approval

“I move that the Planning Commission concur with the findings of fact and conclusions of law in docket number ZCA22-001 and recommend to the Board of County Commissioners that the application submitted by Yellowhawk Resort WW, LLC. be **approved as presented.**”

Sample Motion 2 - denial

“I move that the Planning Commission concur with the findings of fact and conclusions of law in docket number ZCA22-001 and recommend to the Board of County Commissioners that the application submitted by Yellowhawk Resort WW, LLC. be **denied.**”

Attachments and Documents

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

- A. Walla Walla County Code (WWCC) 14.15.070 - Final docket—Review and recommendation

Public Comments

No new written comments have been received; written comments submitted during the Preliminary Docket process are available online.

Summary of Proposal and Analysis

If approved, the proposed amendments would affect only land in the Rural Residential 5 (RR-5) district.

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.

The Winery, Type 3 use is defined as follows:

WWCC 17.22.030.D. On one or more contiguous legal lots of record, any facility that includes both a winery and a Country Inn providing overnight accommodations. An existing winery or bed and breakfast may be converted into a Type III Winery via the same approval process as a new facility. A Type III Winery may include a restaurant for guests and other visitors and on-site guest amenities including but not limited to a banquet facility, catering service and meeting rooms, and events that may exceed the number of events in Section 17.22.040(B). A Type III Winery must comply with the following conditions:

- 1. Overnight accommodations will be provided in the style of a Country Inn, which, for these purposes, shall mean a facility or facilities designed and managed to provide visitors a rural experience focused on wine, food, and stunning vistas.*
- 2. The minimum size of the project site shall be 20 acres.*
- 3. At least 25 percent of the combined project site must be retained in and protected from development for agricultural/open space/buffering uses.*
- 4. Guest accommodations may be dispersed across the project site or consolidated, in separate cottages or multiple unit structures, or both, in order to preserve the winery and scenic landscapes and to facilitate efficiency and quality services.*
- 5. The total number of guest units cannot exceed 1.5 units per acre of project site.*
- 6. The Type III Winery may combine and/or centralize its management, food and meeting facilities for guests of both the winery and the Country Inn.*
- 7. One off-street parking space must be provided for each guest room in addition to other parking requirements.*
- 8. Construction shall be based upon a development plan submitted to the County demonstrating that these Type III Winery conditions have been met.*

In addition to the standards in the definition, a Type 3 Winery would also have to comply with the rest of the development standards in Chapter 17.22 which regulate access, events, and other ancillary uses and other general standards in WWCC Titles 14 -18 like:

- Chapter 17.18 – Density and Dimensional Standards
- Chapter 17.20 – Parking Standards
- Chapter 17.28 – Signs
- Chapter 18.08 – Critical Areas
- Chapter 18.04 – Environmental Policy
- Chapter 9.20 – Noise Regulations

Since the applicant has proposed that this use be a conditional use, if the amendment is approved, future project applications would also be subject to the following conditional use permit criteria (WWCC 17.40.020). The public would be notified of a conditional use permit application for a Type 3 Winery and be able to participate in the review process and provide public comment to the decision maker (Hearing Examiner).

- A. That the use will not endanger the public health or safety; and*
- B. That the use will not generate significant nuisance conditions such as noise, dust, glare, vibration; and*

- C. That the use meets all required conditions and standards set forth in the district where it proposes to locate; and
- 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; and
- E. That the use is in conformance with the comprehensive plan; and
- F. That the use will be supported by adequate public facilities or services.

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 14.15.070D(3).

- **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.”
- **Criteria: The amendment meets a definable public need; and**
Staff Discussion: According to the application, “allowing Type III wineries in the RR-5 zone would provide additional food and lodging opportunities for wine enthusiast (sic) or travelers that wish to enjoy the rural amenities of the area. The addition of additional food and lodging choices located away from the central business area would also alleviate traffic congestion and parking congestion during peak hours.”
- **Criteria: The amendment is in the long-term interest of the County.**
Staff Discussion: The applicant presented in the application that this amendment would benefit the County economically by increasing tourism, and capturing revenue that would otherwise go to the cities, as well as preserve the County’s natural resources. They have also pointed out that similar tourism and winery uses are allowed in the RR-5 zone that would accommodate the type of development that would be allowed under the Winery, Type 3 standards, but that allowing this use, subject to the development standards that are already in place, would be more orderly development.

The purpose of the Rural Residential Zoning District, as stated in Walla Walla County Code 17.12.040, is:

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 Washington State Growth Management Act, at RCW 36.70A.011 contains the following provisions related to Rural lands:

The legislature finds that this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences. Rural lands and rural-based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life.

The legislature finds that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Further, the legislature finds that rural counties must have the flexibility to retain existing businesses and allow them to expand. The legislature recognizes that not all business developments in rural counties require an urban level of services; and that many businesses in rural areas fit within the definition of rural character identified by the local planning unit.

Finally, the legislature finds that in defining its rural element under RCW [36.70A.070](#)(5), a county should foster land use patterns and develop a local vision of rural character that will: Help preserve rural-based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; be compatible with the use of the land by wildlife and for fish and wildlife habitat; foster the private stewardship of the land and preservation of open space; and enhance the rural sense of community and quality of life.

Mandatory requirements, which the County must follow, for Comprehensive Plans and Development Regulations for Rural lands are at RCW 36.70A.070. Among those requirements are:

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;*
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;*
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;*
- (iv) Protecting critical areas, as provided in RCW [36.70A.060](#), and surface water and groundwater resources; and*
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW [36.70A.170](#).*

Conclusion: Whether to allow the Type III Winery use in the Rural Residential 5-acre zone via the conditional use permit process is a policy decision for the Planning Commission and ultimately the Board of County Commissioners. There are policy reasons that support such a use, but there may also be policy reasons against it. Tourism industries are allowed uses in rural areas, but they also need to be compatible with other rural uses allowed in the zone and the rural character.

Findings of Fact

1. On June 1, 2022, the Planning Commission reviewed the application materials in workshop at their regular public meeting.
2. On June 9, 2022, an Informational Public Meeting was held by Community Development Department staff.
3. On July 6, 2022, the Planning Commission reviewed the application materials in workshop at their regular public meeting.
4. On July 22, 2022, a Notice of Public Hearing was posted on the Community Development Department website.
5. On July 22, 2022, the notice was distributed to parties of record and property owners within 500-feet of the site.
6. On July 24, 2022, the notice was published in the Walla Walla Union Bulletin and Tri-City Herald.
7. On July 28, 2022, the notice was published in The Times (Waitsburg).

Conclusions of Law (Option 1)

1. The proposed amendments have been reviewed pursuant to Walla Walla County Code Sections 14.15.070D(3).
2. The proposed amendments are 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.

Conclusions of Law (Option 2)

1. The proposed amendments have been reviewed pursuant to Walla Walla County Code Sections 14.15.070D(3).
2. The proposed amendments are not consistent with the Walla Walla County Comprehensive Plan.
3. The amendment does not meet a definable public need; and
4. The amendment is not in the long-term interest of the county.

ATTACHMENT A

Development Regulations Amendment Process

14.15.070 - Final docket—Review and recommendation.

- 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.