

Ordinance No. 263

**BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON**

An Ordinance Relating to the Vesting of Property Rights for Land Owners Who  
Had Commenced the Process to Divide Land Before the January 29, 2001,  
Adoption of Interim Zoning Controls .

WHEREAS, on January 29, 2001, the Board of County Commissioners of Walla Walla County, Washington, adopted Ordinance No. 259, declaring an emergency and immediately implementing interim zoning controls; and

WHEREAS, the Board of County Commissioners finds that, previous to the adoption of these interim zoning controls, certain land owners within the County had already made substantial investment and expenditures and, up to that time, had taken steps toward the division of their land in good faith reliance on the County's then-existing zoning and density regulations; and

WHEREAS, under the State of Washington's vested rights doctrine, a land owner is entitled to develop his property under the codes, rules and regulations in effect at the time a complete application is filed with the local government; and

WHEREAS, but for this Board's immediate emergency adoption of Interim Zoning Controls, certain land owners who had already contacted the County in an effort to begin the development approval process may have been able to timely file complete applications and vest their projects under the County's then-existing land use regulations; and

WHEREAS, this Board's accelerated actions to adopt the Interim Zoning Controls may have frustrated these certain land owners' good faith plans to develop their land under existing law; and

WHEREAS, the Board of County Commissioners finds that if it does not now take remedial action to offer a limited opportunity for these land owners to vest their development plans under the previously existing laws and regulations, these certain land owners will be forced to comply with the current Interim Zoning Controls and face undue hardship; and

WHEREAS, the Board of County Commissioners may, under Chapter 36.70 RCW, *Planning Enabling Act*, adopt official controls which further the objectives of the County's land use planning goals and policies; and

WHEREAS, the Board of County Commissioners finds that, in the interests of equity and fairness to those land owners who had already invested substantial amounts of money in

preparation for the development of their land under the County's previously existing land use regulations, it is necessary to allow a limited opportunity for such land owners to demonstrate their efforts made prior to the adoption of the Interim Zoning Controls and vest those projects under the County's pre-existing code and regulations;

Now Therefore, the Walla Walla County Board of County Commissioners do hereby ordain as follows:

**Section 1. Vesting of Projects in Existence Before Interim Zoning Controls.** Any land owner who can demonstrate the existence of both of the following factors on or before January 29, 2001, shall be vested to those land use regulations in effect prior to the adoption of Ordinance 259, *Interim Zoning Controls*:

A. Substantial investment and expenditure of funds toward a proposed division of land;

and

B. Formal communication with Walla Walla County Planning Department staff regarding said proposed division of land.

For purposes of this requirement, "formal communication" shall include an open public meeting held with the Board of County Commissioners or a documented meeting with the staff of the Planning Department regarding a proposed project, review of draft plat maps, or similar substantial communications of a substantive nature regarding the proposed development.

**Section 2. Duration.** Those land owners desirous of vesting their projects under those land use regulations previously in effect and able to meet the terms of this ordinance must actually file applications for the division of their land on or before June 1, 2001. Said applications must be actually deemed complete by the Planning Department on or before June 30, 2001.

**Section 3. Controlling Language.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance conflicts with any existing provision of the Walla Walla County Code or previously enacted ordinances, the terms and provisions of this ordinance shall be controlling.

**Section 4. Savings and Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance. If any portion of the ordinance is found invalid, the corresponding provisions of the repealed ordinances shall be reinstated and shall be fully enforceable as if never repealed until corrective action may be taken by the Board of County Commissioners.

**Section 5. Sunset Provision.** This ordinance is enacted in order to provide County land owners with a limited opportunity to vest development projects that were already in the process of being

approved before the emergency adoption of Ordinance 259, *Interim Zoning Controls*.  
Accordingly, unless otherwise extended by act of the Walla Walla County Board of County Commissioners, this ordinance shall by its own terms expire and become void on July 1, 2001, said date being the same date listed in Section 2, above, for the Planning Department to deem complete all applications submitted under the terms of this Ordinance.

**Section 6. Effective Date.** This ordinance shall take effect five (5) days after its passage and publication of an approved summary thereof consisting of the title.

PASSED by the Walla Walla Board of County Commissioners in regular session at Walla Walla, Washington, by the following vote, then signed by its membership and attested by its Clerk in authorization of such passage this 7th day of May, 2001.

Three <sup>Ray</sup> ~~Maiden~~ <sup>Carey</sup> YEA; None NAY; None ABSTAIN; and  
None ABSENT.

BOARD OF WALLA WALLA COUNTY COMMISSIONERS,  
WALLA WALLA COUNTY, WASHINGTON

Charles A. Maiden  
Chairman

David S. Carey  
Commissioner

David S. Carey  
Commissioner

Attest:

Donnie R. Vinti  
Clerk of the Board

FILED FOR RECORD  
IN WALLA WALLA CO WASH  
BY Walla Walla Commissioners

MAY 9 10 27 AM '01

KAREN MARTIN  
COUNTY AUDITOR

Original to  
Recording  
-  
copy to  
Planning

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WALLA WALLA COUNTY, WASHINGTON

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WHEREAS, this Board's accelerated actions to adopt the Interim Zoning Controls may have frustrated these certain land owners' good faith plans to develop their land under existing law; and

WHEREAS, the Board of County Commissioners finds that if it does not now take remedial action to offer a limited opportunity for these land owners to vest their development plans under the previously existing laws and regulations, these certain land owners will be forced to comply with the current Interim Zoning Controls and face undue hardship; and

WHEREAS, the Board of County Commissioners may, under Chapter 36.70 RCW, *Planning Enabling Act*, adopt official controls which further the objectives of the County's land use planning goals and policies; and

WHEREAS, the Board of County Commissioners finds that, in the interests of equity and fairness to those land owners who had already invested substantial amounts of money in



preparation for the development of their land under the County's previously existing land use regulations, it is necessary to allow a limited opportunity for such land owners to demonstrate their efforts made prior to the adoption of the Interim Zoning Controls and vest those projects under the County's pre-existing code and regulations;

Now Therefore, the Walla Walla County Board of County Commissioners do hereby ordain as follows:

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A. Substantial investment and expenditure of funds toward a proposed division of land;  
and

B. Formal communication with Walla Walla County Planning Department staff regarding said proposed division of land.

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Three <sup>Ray</sup> ~~Maiden~~ YEA; None NAY; None ABSTAIN; and  
None ABSENT.

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WALLA WALLA COUNTY, WASHINGTON

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Chairman

Don Ray  
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Attest:

Donnie R. Vinti  
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