

original

BOARD OF COUNTY COMMISSIONERS

WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF AMENDING
THE WALLA WALLA COUNTY
COMPREHENSIVE LAND USE
PLAN AND DEVELOPMENT
REGULATIONS TO COMPLY
WITH THE ORDER OF THE
EASTERN WASHINGTON
GROWTH MANAGEMENT
HEARINGS BOARD

RESOLUTION NO. 03207

WHEREAS, pursuant to the Growth Management Act and after a substantial public participation process, Walla Walla County adopted a Comprehensive Land Use Plan 2001-2021; and

WHEREAS, subsequent to said Comprehensive Plan adoption, petitions regarding said Plan were filed with the Eastern Washington Growth Management Hearings Board by the Citizens for Good Governance, the 1000 Friends of Washington, and the City of Walla Walla; and

WHEREAS, the Eastern Washington Growth Management Hearings Board issued a finding determining that portions of Comprehensive Plan and of the Development Regulations do not comply with certain provisions of the Growth Management Act; and

WHEREAS, the Board of County Commissioners of Walla Walla County, Washington, intends to comply with said findings of the Eastern Washington Growth Management Hearings Board; and

WHEREAS, the Board of County Commissioners has reviewed the findings and orders of the Eastern Washington Growth Management Hearings Board and has considered the advice of counsel and the recommendations of the County Planning Director and her staff; and

WHEREAS, the Board of County Commissioners has the authority and duty pursuant to RCW 36.70A.130(1)(a) and (b) to continually review, evaluate and revise its comprehensive land use plan and development regulations to ensure that the comprehensive land use plan and development regulations comply with the Growth Management Act, RCW Chapter 36.70A, and has the authority, after appropriate public participation, to adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they shall adopt an ordinance amending the Walla Walla County Comprehensive Land Use Plan and Development Regulations.

Done this 8th day of July, 2003

Attest:

Connie R. Vinti, Clerk of the Board

David G. Carey, Chairman

Pam Ray, Commissioner

Gregory A. Tompkins, Commissioner

Constituting the Board of County Commissioners
of Walla Walla County, Washington



Walla Walla County, WA

RES

2003-10814

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07/22/2003 10:35A

Ordinance No. 287

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

An Ordinance relating to the adoption of certain amendments to the Walla Walla County Draft Comprehensive Plan 2001-2021 and to Walla Walla County Code Title 17 to ensure compliance with an Order of the Eastern Washington Growth Management Hearings Board.

Whereas the Walla Walla County Board of County Commissioners adopted the Walla Walla County Draft Comprehensive Plan 2001-2021, on May 15, 2001, pursuant to and consistent with the goals and requirements of the Growth Management Act ("GMA") after a substantial public participation process; and

Whereas the Walla Walla County Board of County Commissioners adopted certain Development Regulations contained in Walla Walla County Code Title 17 pursuant to and consistent with the goals and requirements of the Growth Management Act; and

Whereas subsequent to adoption of said Comprehensive Plan and Development Regulations petitions were filed challenging the certain provisions; and

Whereas the Eastern Washington Growth Management Hearings Board has issued a finding determining that portions of the Comprehensive Plan of the County of Walla Walla do not comply with certain provisions of the Growth Management Act, RCW Chapter 36.70A, and

Whereas the Eastern Washington Growth Management Hearings Board has issued a finding determining that portions of the Development Regulations of the County of Walla Walla (Walla Walla County Code Title 17) do not comply with certain provisions of the Growth Management Act, RCW Chapter 36.70A, and

Whereas the Board of County Commissioners has reviewed the findings and orders of the Eastern Washington Growth Management Hearings Board and has considered the advice of counsel and the recommendations of the Planning Director and her staff, and

Whereas, the Board of County Commissioners has the authority and duty pursuant to RCW 36.70A.130(1)(a) and (b) to continually review, evaluate and revise its



comprehensive land use plan and development regulations to ensure that the comprehensive land use plan and development regulations comply with the Growth Management Act, RCW Chapter 36.70A, and has the authority, after appropriate public participation, to adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court. Now, Therefore,

BE IT HEREBY ORDAINED that the specified provisions of the the Walla Walla County Comprehensive Plan 2001-2021 adopted May 15, 2001, be amended to provide as follows:

PART A: COMPREHENSIVE PLAN AMENDMENTS

Section 1. The Walla Walla County Comprehensive Plan 2001-2021 adopted May 15, 2001, Sub-Element Rural Land, Chapter 7, page 119 and 120, Sub Heading "Rural Residential," as amended by Walla Walla County Ordinance 282 adopted on March 24, 2003, is amended to read as follows:

Rural Residential: 5 acre minimum lot size.

This land use designation is intended to maintain the rural aspects of the county and to provide buffering or transitions between existing rural developments and areas of higher density. The Rural Residential areas are characterized by activities including, but not limited to, small-scale farms, dispersed single-family homes, and some types of recreational uses and open space. Lands are typically too far from the urban area to enable cost-effective provision of public services nor do typical uses require provision of urban services. All of the above will be determined in relation to compliance and intent of GMA.

Existing legally established parcels in this designation that do not meet the minimum 5-acre lot size should be recognized as legal nonconforming lots. Nonconforming lots in common ownership are subject to lot aggregation.

The current examples of lands designated Rural Residential is are the Landon Road-Hill Road neighborhood and Blalock Orchards.

Rural Residential: 2-5 (Burbank Rural Activity Center)

Lands designated Rural Residential on the Land Use Map are intended to maintain the rural aspects of the county and to provide buffering or transitions



between existing rural developments and areas of higher or lower densities and have 2-5 acre minimum lot sizes.

Section 2. The Walla Walla County Comprehensive Plan 2001-2021 adopted May 15, 2001, Sub-Element Rural Land, Chapter 7, page 120 and 121, Sub-heading “Rural Transition” is amended to read as follows:

Rural Transition: ½ acre to 1 acre minimum lot size.

This land use designation is intended to recognize that there are areas where some platting to smaller lots already exists in subdivisions and along arterials and where some services and infrastructure may be located. These are previously platted neighborhoods where the development patterns are not consistent with a resource lands designation, yet the lands do not fit within the definition of “urban”, even though ~~these areas may be adjacent to urban growth areas or~~ there may be components of urban level services available to these lands, most frequently public water systems with fire hydrants.

The Rural Transition areas are characterized by land uses which include small-scale farms, single-family homes, limited commercial uses and open space. Lands with his designation fall under the statutory definition of “Limited areas of more intensive development” and meet the requirements of ~~36.70A.070.5.(a)-(d)~~ 36.70A.070(5)(a)-(d) and all subsections therein. These areas shall hereafter be referred to as Rural Areas of more Intensive Development (RAIDs).²²

The current examples of a Rural Transition areas ~~are Blalock Orchards (See Map LU-3) and~~ is Sun Harbor Estates (See Map LU-4).

Section 3. The Walla Walla County Comprehensive Plan 2001-2021 adopted May 15, 2001, Sub-Element Rural Land, Chapter 7, page 118 and 119, Sub Heading “Rural Floating” is amended to read as follows:

Rural Residential Mill Creek: ~~2-3~~ 5 acre minimum lot size.

This land use designation is intended to recognize those areas with geographically distinct boundaries and topographic challenges to development.

The designation of a Rural Residential Mill Creek zoning category requires a review process and the floating zone designation will be approved only if the review criteria ~~established in Walla Walla County Ordinance #205 (referenced in~~



Policy ~~RL-22~~) are is met; otherwise the underlying designation of Rural Remote (20 acre minimum lot size) shall apply.

Lands designated as Rural Residential Mill Creek are characterized by unique topographical constraints. These lands fall ~~with-in~~ within corridors defined by steep slopes. Creeks and streams are present and the flood plain and soil types affect available buildable area. Existing lot sizes are generally 1-10 acres in size, although larger parcels in agricultural use are not uncommon. Existing development is served by on-site sewage disposal and individual domestic wells. Public roads are improved and provide easy access to cities.

The current example of a Rural Residential Mill Creek area is the Mill Creek Canyon area.

Section 4. The Walla Walla County Comprehensive Plan 2001-2021 adopted May 15, 2001, Sub-Element Rural Land, Chapter 7, page 136, Sub heading "Rural Floating Goals" is amended to read Rural Residential Mill Creek 5 Goals, and page 137, Sub Heading "Rural Floating Policies," is amended to have a title of Rural Residential Mill Creek 5 Policies, and Policy RL-22 is amended to read as follows:

Policy RL-22

Creation of new lots in the Rural Residential Mill Creek designation should be based on a "floating" lot size. Lots must be at least 5 acres. ~~should be at least 2 acres, not including area within flood plain, or slopes over 15%. When flood plain and slopes over 15% are present, lots should be at least 3 acres. (Per Ordinance #205)~~

Section 5. The Walla Walla County Comprehensive Plan 2001-2021 adopted May 15, 2001, Sub-Element Rural Land, Chapter 7, page 137, Sub Heading "Rural Floating Policies," is amended to have a title of Rural Residential Mill Creek 5 Policies and Policy RL-24 is amended to read as follows:

Policy RL-24

In order to avoid a congested appearance, lots ~~which are 5 acres or less in size should be at least 200' wide,~~ lots over 5 acres should be at least 330' wide.

Section 6. The Walla Walla County Comprehensive Plan 2001-2021 adopted May 15, 2001, Chapter 7 Map Land Use-2 is amended to the form attached as exhibit 1 hereto.



(Change color of Blalock to Rural Residential-5 green)

Section 7. The Walla Walla County Comprehensive Plan 2001-2021 adopted May 15, 2001, Chapter 7 Map Land Use-3 is amended to the form attached as exhibit 2 hereto.

(Change color of Blalock to Rural Residential-5 green)

BE IT FURTHER ORDAINED that the following provisions of Walla Walla County Code Title 17 be amended to provide as follows:

PART B: ZONING CODE AMENDMENTS

Section 1. Walla Walla County Code subsection 17.12.040(I) is amended to read as follows:

I. Rural Transition. The purpose of this zoning district is to recognize that there are areas where some platting to smaller lots already exists in subdivisions and along arterials and where some services and infrastructure may be located. These are previously platted neighborhoods where the development patterns are not consistent with a resource lands designation, yet the lands do not fit within the definition of "urban", even though ~~these areas may be adjacent to urban growth areas or~~ there may be components of urban level services available to these lands, most frequently public water systems with fire hydrants. This zone includes areas characterized by land uses which include small-scale farms, single-family homes, limited commercial uses and open spaces.

Section 2. Walla Walla County Code subsection 17.12.040(G) is amended in its sub title to read Rural Residential Mill Creek.

Section 3. Walla Walla County Code section 17.16.014 (Permitted Uses Table) shall be amended to change all references from RF-2 to RRMC-5.

Section 4. Walla Walla County Code section 18.10.220 shall be amended to read as follows:

E. Lots in the Rural Residential Mill Creek designation shall include sufficient buildable area outside of the floodway and floodplain for the proposed structure(s) and ancillary structures. Land divisions containing lots without



sufficient buildable area pursuant to the above limitations shall only be allowed by the variance procedure.

Section 5. Walla Walla County Code section 18.10.230 shall be amended to read as follows:

B. Construction of any structure within the Rural Residential Mill Creek 5 zoning district requiring a building permit shall only take place in those areas outside of the designated floodway and floodplain. Construction within these areas shall only be allowed pursuant to the approval of a variance.

Section 6. Walla Walla County Code subsection 17.36.020 is amended to read as follows:

17.36.020 Nonconforming lots of record.

A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory buildings may be erected, rebuilt or enlarged on any single lot of record at the effective date of adoption or amendment of the ordinance codified in this title. Such lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained as required in Chapter 17.44 and Title 14 WWCC.

B. If two or more vacant lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this title, and if all or part of the lots do not meet the requirements for lot width and area as established by this title, the lands involved shall be considered to be an undivided parcel for the purpose of this title, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this title nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this title. Provided, however, that no vested subdivision or short subdivision will be subject to this subsection during the five (5) year period following its approval unless the County Commissioners find that a change in conditions creates a serious threat to public health or safety.



Section 7. The density and dimensional requirements for the Rural Residential Mill Creek zone in Walla Walla County Code section 17.18.020, Table of Density and Dimensional Requirements, is amended to read as follows:

Rural Residential 1 Mill Creek - 2 5	2(3) 5	2-5 acres: 200' >5 acres: 300' 330'	30	10	(7)	35	35(1)
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3. ~~If the proposed lot contains areas within a floodway and/or 100 year floodplain and/or slopes over 15%, area equal to that must be included in the lot up to a total of 3 acres.~~

Section 8. Walla Walla County Code section 17.16.020 is amended to read as follows:

17.16.020 General requirements and procedure--Rural Residential Mill Creek - 2 5 district.

A. Upon receipt of a completed application for the creation of a lot within the RRMC-2 5 district, the planning director shall, within fourteen days approve or deny the proposal. All property owners within one thousand feet of the exterior boundaries of the lot to be created shall be notified of staff's action at the time of approval or denial. Such decision by the planning department shall be final and conclusive unless an appeal is filed within ten days from the date of mailing of the notices. If an appeal is received, a date for public hearing shall be set before the county planning commission after which their decision may also be appealed to the board of county commissioners.

B. Application and appeal fees shall be the same as those established in Ordinance 198.

C. All land divisions, within the RRMC-2 5 district shall comply with Walla Walla County Code, Title 16.

D. Joint driveways shall be required wherever feasible.

The area to be rezoned RRMC-2 5 is described in Exhibit "A" attached hereto and incorporated by reference herein.

Section 9. Walla Walla County Code section 14.03.020(C)(7) shall be amended to read as follows:



7. Short plats, short plat amendments, and vacations or short plats.

Section 10. Walla Walla County Code section 14.03.020(D)(2)(a) is hereby repealed.

Section 11. The countywide “Walla Walla County Zoning” map adopted by Walla Walla County Ordinance 269 on March 5, 2002 and Walla Walla County Resolution 02118 on April 1, 2002 is amended to the form attached as exhibit 3 hereto.

(Change color of Blalock to Rural Residential 5 green)

Section 12. The “City of Walla Walla/City of College Place & Surrounding Area” zoning map for the adopted by Walla Walla County Ordinance 269 on March 5, 2002 and Walla Walla County Resolution 02118 on April 1, 2002 is amended to the form attached as exhibit 4 hereto.

(Change color of Blalock to Rural Residential 5 green)

BE IT FURTHER ORDAINED that the following general provisions for this ordinance provide as follows:

PART C: CONTROLLING LANGUAGE, SAVINGS AND SEVERABILITY, AND EFFECTIVE DATE.

Section 1. 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 2. 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 this ordinance is found invalid, the corresponding provisions of the repealed ordinances shall be reinstated and shall be fully enforceable as if never repealed until the Board of County Commissioners may take corrective action.

Section 3. The foregoing amendments are made to resolve an appeal of a comprehensive plan filed with a growth management hearings board and shall take effect immediately.

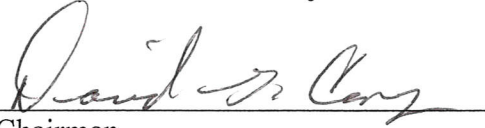
Passed by the Board of Commissioners in and for Walla Walla County in regular session at Walla Walla, Washington, by the following vote, then signed by its membership and

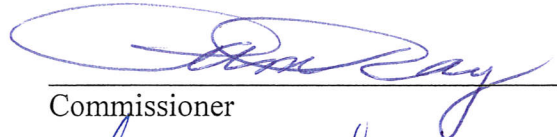


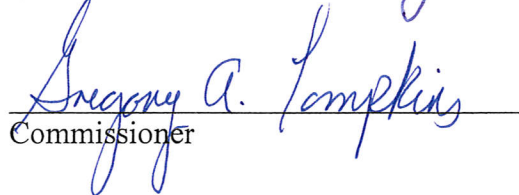
attested by its Clerk in authorization of such passage this 8th day of July, 2003.

3 (three) YEA; 0 (NONE) NAY; 0 (NONE) ABSTAIN; and
0 (NONE) ABSENT.

**Board of County Commissioners
Walla Walla County**


Chairman


Commissioner


Commissioner

Attest:


Clerk of the Board



Exhibit "A"
(Rural Residential Mill Creek - 5)

A parcel of land lying in portions of Section 13, Township 7 North, Range 36 East of the Willamette Meridian, Sections 15, 16, 17, 18, 21, 22, 23, 26, & 35 of Township 7, Range 37 East W. M., and Sections 1, 2, & 12 of Township 6 North, Range 37 East W. M., Walla Walla County, State of Washington and being more particularly described as follows:

All those portions of the above said Sections lying between the center line of County Road No. 9733, now known as Mill Creek Road, and the following described line. Beginning at the intersection of the West line of said Section 13 and line parallel with and 2000 feet Southerly of said Mill Creek Road and running thence along said parallel line to the West line said Section 18; thence along said West line of Section 18 to a point in a line parallel with and 1500 feet Southerly of said Mill Creek Road; thence Easterly on said parallel line across said Sections 18 & 17 to its intersection with the West line of said Section 16; thence Northerly along the West line of said Section 16 to a point in a line parallel with and 1000 feet Southerly of said Mill Creek Road; thence Southeasterly along said parallel line across said Sections 16 & 21 to a point in the West line of said Section 22; thence in a straight line to the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 22; thence in a straight line across said Section 22 to the Southwest corner of said Section 23; thence Easterly along the South line of said Section 23 to a point which intersections a line parallel with and 500 feet Southerly and Westerly from said Mill Creek Road; thence along said parallel line across said Sections 26, 35, & 2 to a point opposite the Northerly end of Mill Creek Bridge, said point being designated as Engineer's Station 211+54.3 on those plans for County Road Project 58-14, file 1, drawer P, drawing 37, office of the County Engineer.

Also, all those portions of said Sections 26 & 35, T. 7 N., R. 37 E. and Sections 1, 2, & 12 T. 6 N., R. 37 E., lying between the centerline of said Mill Creek Road and the following described line. Beginning at the intersection of the center line of said Mill Creek Road with the centerline of Blue Creek, said intersection being at Engineer's Station 105+00 as shown on those plans for County Road Project No. 123, file 1, drawer F, drawing 38 office of the County Engineer, and running thence along the center line of Blue Creek to a point which intersects a line parallel with and 500 feet Northerly and Easterly of said Mill Creek Road; thence Southerly and Easterly along said parallel line to a point in the Northwest Boundary line of Greg and Laura Ewert, husband and wife, said Boundary line being the Northwest line of Parcel one of that Short Plat filed in Volume 4 of Short Plats, at page 100, in the office of the Auditor of Walla Walla County; thence Southwesterly along said Northwest Boundary line to the center line of said Mill Creek Road.



Walla Walla County, WA

RES

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07/22/2003 10:35A

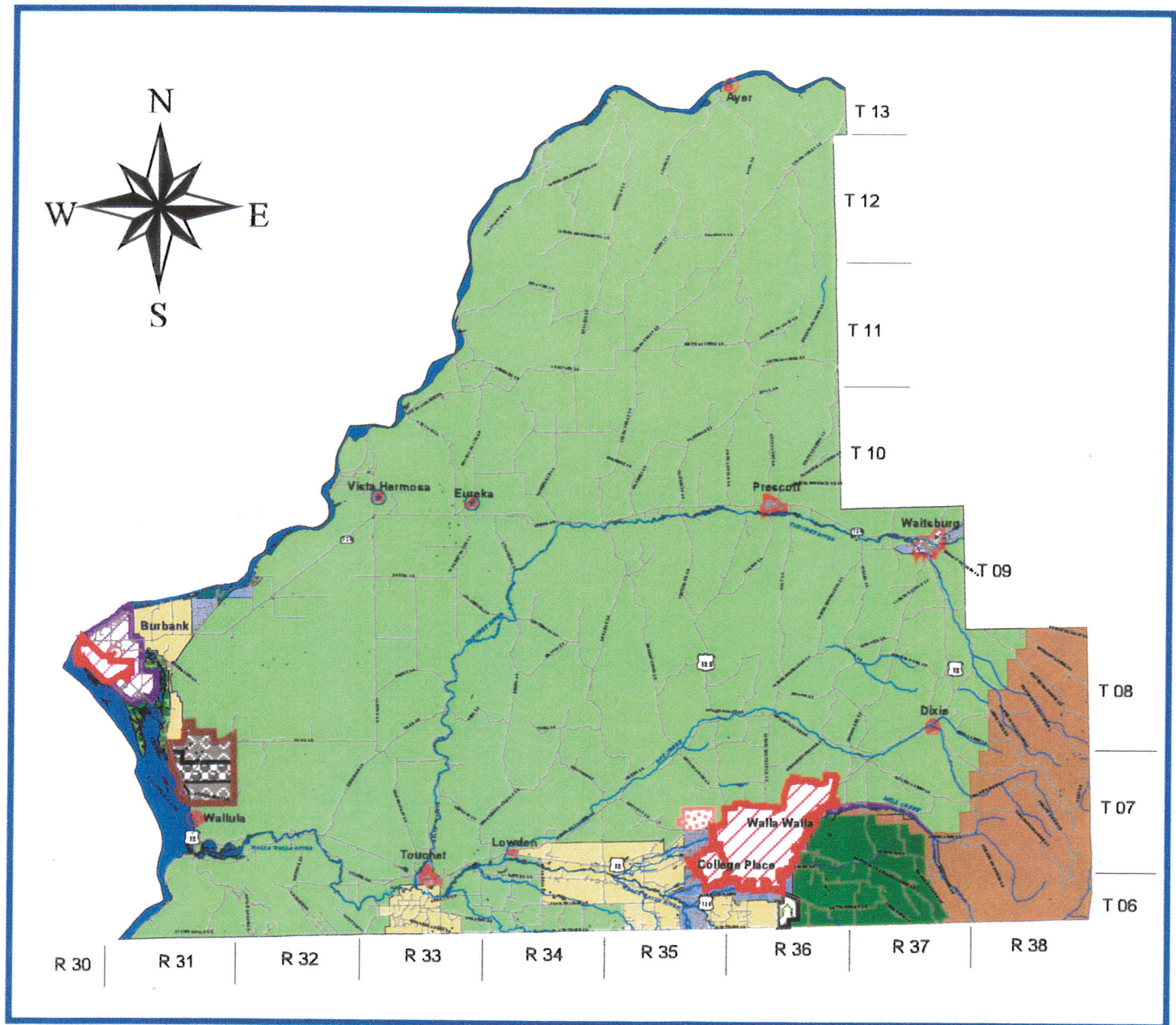


Exhibit 1



Comprehensive Plan 2001-2021: Chapter 7 Map Land Use - 2

County Wide Land Use



Land Use			
 Rural Farm Worker Community Rural Activity Center Urban Growth Area Industrial UGA Boundary Burbank RAC	Land Use Districts		
	 Agriculture Industrial Heavy Agriculture Industrial Light Burbank/Port Light Industrial Public Reserve Landfill	 Primary Agriculture 40 Acres General Agriculture 20 Acres Exclusive Agriculture 120 Acres Rural Agriculture 5 - 10 Acres Agriculture Residential 10 Acres	 Rural Agriculture 5-10 Acres Rural Residential 5 Acres Rural Residential Mill Creek 5 Acres Rural Transition RAID 1/2 - 1 Acre Rural Remote 20 - 40 Acres



Exhibit 2

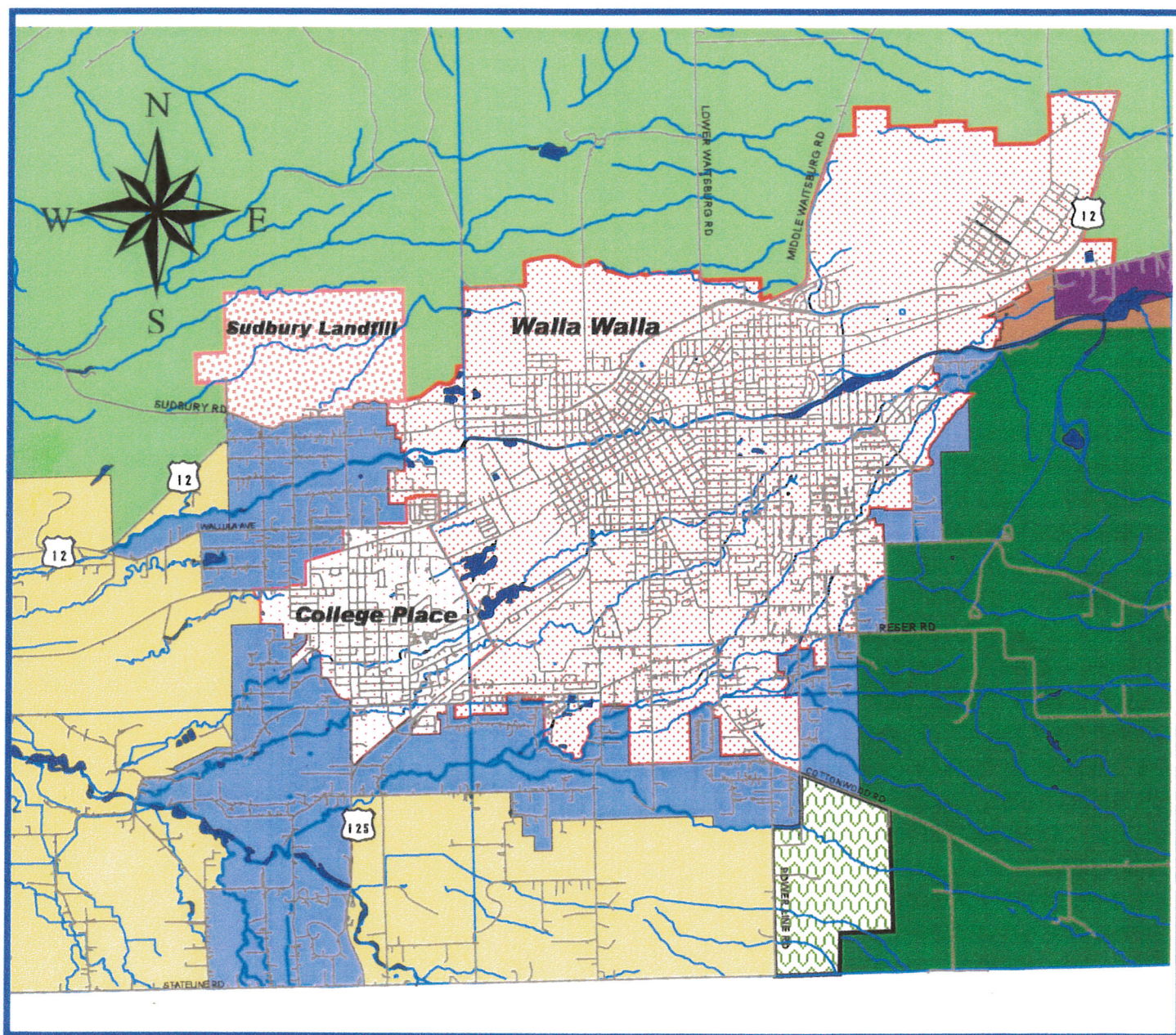
Walla Walla County, WA

RES

Comprehensive Plan 2001-2021: Chapter 7 Map Land Use - 3



Walla Walla/College Place & Surrounding Area Land Use



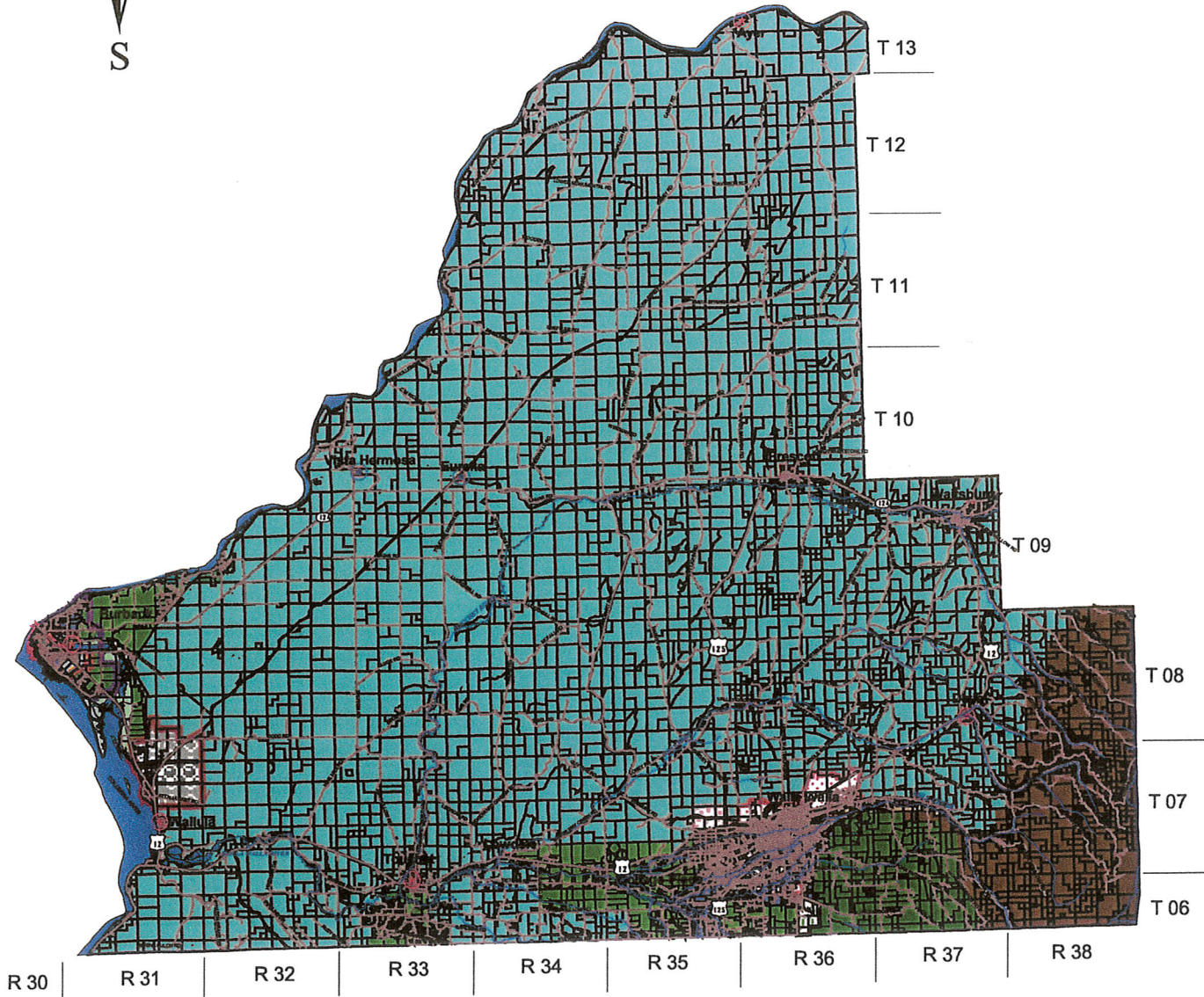
Land Use

Land Use Districts

	College Place UGA		Primary Agriculture 40 Acres		Agriculture Residential 10 Acres
	Walla Walla UGA		Exclusive Agriculture 120 Acres		Rural Residential 5 Acres
	Sudbury Landfill		General Agriculture 20 Acres		Rural Residential Mill Creek 5 Acres
					Rural Remote 20 - 40 Acres

Walla Walla County Zoning

Exhibit 3



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Walla Walla County, WA

RES

Ordinance No.
289 (Resolution No. 2-118)
Date
6/10/03 6/04/02 3/05/02 & (4/01/02)
Amended: Ord. 274
Ord. 286
David J. Carr
Chair,
Walla Walla County Board of Commissioners

Civil Boundaries

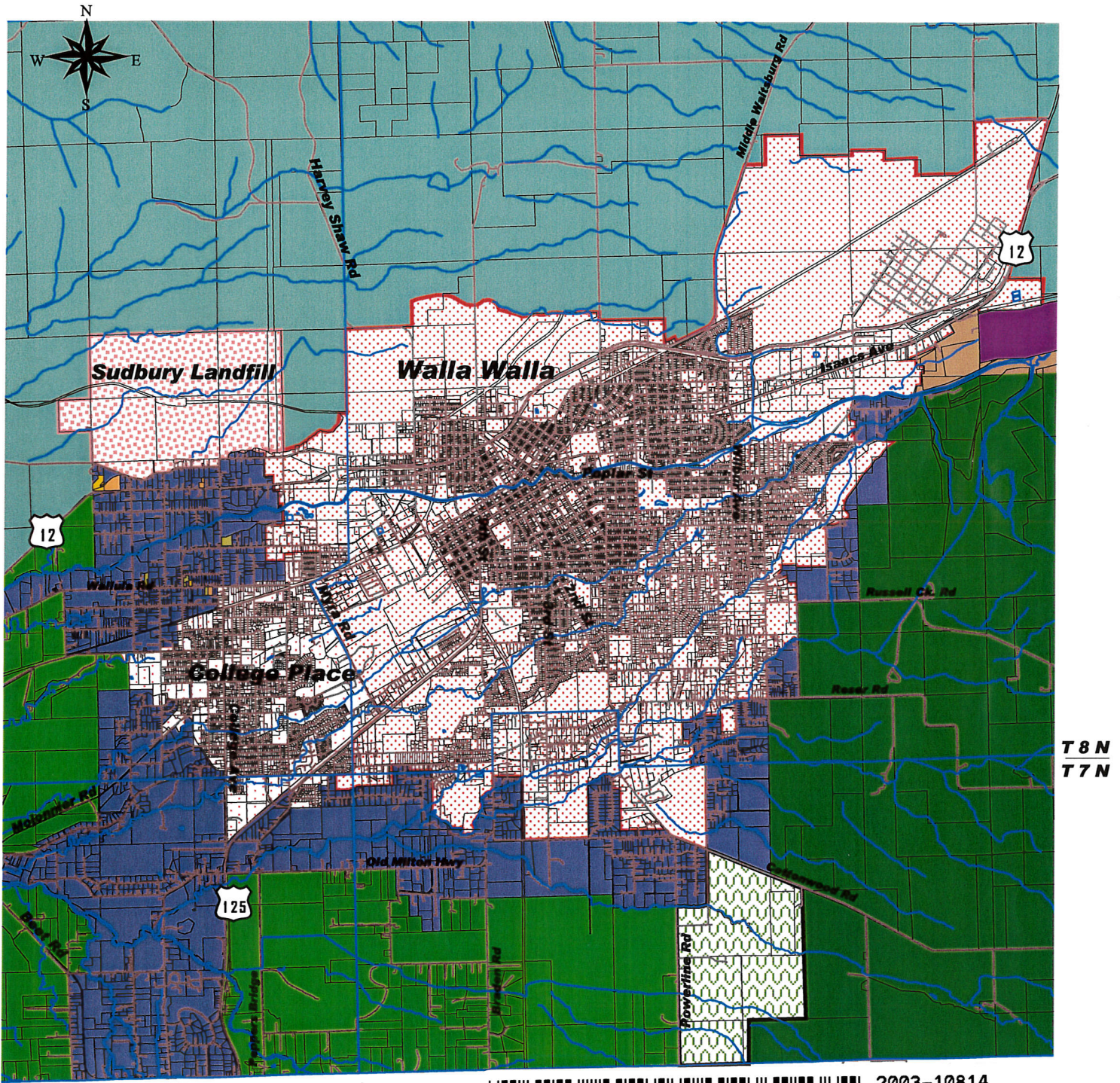
- Civil Boundary
- Sudbury Landfill
- Attalia Industrial UGA
- Rural Farm Worker Community
- Rural Activity Center
- Burbank Provisional UGA
- Burbank RAC

Zoning

- | | | | |
|-------------------------------|---------------------------------|--------------------------------|----------------------------------|
| Agriculture Industrial Heavy | Primary Agriculture 40 Acres | Burbank Residential | Agriculture Residential 10 Acres |
| Agriculture Industrial Light | General Agriculture 20 Acres | Rural Residential 2 Acres | Rural Remote 20 Acres |
| Burbank/Port Light Industrial | Exclusive Agriculture 120 Acres | Rural Residential 5 Acres | Rural Remote 40 Acres |
| Burbank Commercial | Rural Agriculture 5 Acres | Rural Residential Mill Creek 5 | Public Reserve |
| Public Reserve | Rural Agriculture 10 Acres | Rural Transition RAID 1/2 Acre | |

exhibit 4

City of Walla Walla/City of College Place & Surrounding Area



R 35 E | R 36 E



2003-10814

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07/22/2003 10:35A

Walla Walla County, WA

RES

Ordinance No. 269 (Resolution No. 2-118)

Date: 7/08/03 6/10/03 6/04/02 3/05/02 & (4/01/02)

Amended: Ordn. 274
Ordn. 286
Ordn. 287

Handwritten signature of Chair, Walla Walla County Board of Commissioners

Chair,
Walla Walla County Board of Commissioners

Civil Boundaries

- College Place UGA
- Walla Walla UGA
- Sudbury Landfill

Zoning

- Light Industrial
- Neighborhood Commercial
- Public Reserve
- Primary Agriculture 40 Acres
- Exclusive Agriculture 120 Acres
- General Agriculture 20 Acres
- Agriculture Residential 10 Acres
- Rural Residential 5 Acres
- Rural Residential Mill Creek 5 Acres
- Rural Remote 20 Acres



COUNTY OF WALLA WALLA
Board of County Commissioners

P.O. Box 1506
315 West Main
Walla Walla, Washington 99362
509/527-3200
509/527-3235 (Fax)
509/527-3244 (TDD)

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FAX: _____ PHONE: _____
DATE: _____ PAGES (including cover page): 16
RE: per our conversation
COMMENTS:

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COUNTY OF WALLA WALLA
Board of County Commissioners

P.O. Box 1506
315 West Main
Walla Walla, Washington 99362
509/527-3200
509/527-3235 (Fax)
509/527-3244 (TDD)

FACSIMILE COVER SHEET

TO: Jon Malan FROM: Connie R. Vinti, Clerk of the Board

DEPT: _____ FAXED BY: _____

FAX: _____ PHONE: _____

DATE: 4-15-04 PAGES (including cover page): 16

RE: Ord 287 - In your request

COMMENTS:

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