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Walla Walla County, WA

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

ORDINANCE NO. 304

APPROVING A REQUEST BY WALLA WALLA COUNTY FOR A ZONING CODE TEXT AMENDMENT TO WALLA WALLA COUNTY CODE SECTION 17.36.040 (B)(1) FOR RECONSTRUCTION OF NON-CONFORMING STRUCTURES.

WHEREAS, application has been made by Walla Walla County to request a Zoning Code Text Amendment to Walla Walla County Code section 17.36.040 (B)(1), and

WHEREAS, the Planning Commission held a public hearing on August 18, 2004 to consider the request and recommends to the Board of County Commissioners that the Zoning Code Text Amendment be approved, based on the following findings of fact and conclusions of law:

1. The proposed amendment is a public necessity to provide a means for property owners to rebuild structures that are destroyed and created a non-resolvable hardship.
2. Development standards benefit the public health, safety and general welfare of the County. The proposed amendment will be a benefit to owners of non-conforming structures, which are destroyed, since they will have a limited opportunity to be replaced or reconstructed to the previous condition.
3. The proposed amendment constitutes good planning and zoning practices by providing a means to encourage development and newer reconstruction to benefit surrounding property owners and community.
4. Public notice of the hearing posted at the Courthouse on August 3, 2004.
5. Public notice of the hearing published, in the Walla Walla Union Bulletin on August 3, 2004.
6. The proposed amendment is a public necessity to allow a limited opportunity for the replacement and repair of damaged structures.
7. The proposed amendment constitutes good planning and zoning practices because it provides an administrative process for handing the reconstruction of a nonconforming use and not creating a hardship for the structure owner or occupant.
8. The amendment will not affect land use designations or density rules and regulations since an administrative review and approval, via a building permit, would be required for replacement or new construction.
9. Approval of this amendment is consistent with the following goals and polices of the Walla Walla County Comprehensive plan 2001-2021: BSAP 8.2 Promote the maintenance and improvement of housing quality and neighborhood character to preserve value and pride. BSAP 3.2 Ensure adequate standards of design and construction in keeping with the rural character of the community.



WHEREAS, the Board of County Commissioners held a public hearing on September 8, 2004 for the purpose of receiving testimony for and/or against said request now therefore,

BE IT ORDAINED by the Walla Walla County Board of Commissioners that they uphold the Planning Commission and approve the zoning code text amendment, Docket Number, ZCA-04-08 based on the findings of fact and conclusions of law above. The amendment reads as follows:

17.36.040 Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may continue so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, unless an enlargement or structural alteration makes the building more conforming or is required by law.
- B. Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at time of destruction, ~~it shall not be reconstructed except in conformity with the provisions of this title.~~ **it may be reconstructed or replaced if a building permit is obtained within one year of destruction.**

Approved this 8th day of September, 2004

Attest:

Connie R. Vinti

Connie R. Vinti, Clerk of the Board

Gregory A. Tompkins

Gregory A. Tompkins, Chairman

Pam Ray

Pam Ray, Commissioner

David G. Carey

David G. Carey, Commissioner

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

Scott Bunn

Approved as to form
Prosecuting Attorney



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