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Ordinance No. 305

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Walla Walla County, WA

ORD

2004-12170

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10/21/2004 09:10A

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

ORDINANCE NO. 305

IN A MATTER OF A REQUEST BY WALLA WALLA COUNTY FOR A TEXT AMENDMENT TO WALLA WALLA COUNTY CODE TITLE 12 TO ALLOW FOR VARIANCES TO PUBLIC WORKS STANDARDS TO BE GRANTED BY THE COUNTY ENGINEER.

WHEREAS, application has been made by Walla Walla County to request a Text Amendment to Walla Walla County Code section 12.09 and

WHEREAS, the Board of County Commissioners held a public hearing on October 19, 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 approve the County Code text amendment. The amendment reads as follows:

Section 12.09.00 Variance

A. **Submittal Requirements**: A request for a variance from the Walla Walla County Public Works Standards (standards) must be submitted in writing to the County Engineer/Director of Public Works. A complete application for a variance shall consist of:

1. Variance Application
2. Two sets of the site plan
3. A letter describing the variance requested, explaining the reasons for the requested variance, and addressing each of the criteria for approval.
4. A filing fee as established by the County.

B. **Processing**: The Director of Public Works will review the variance, render a decision and forward same to the Director of Community Development for further action. The review shall include submittal of the variance request to the City Engineer prior to issuance of a decision for development within an Urban Growth Area. A variance from the standards shall not be subject to any deadlines for issuance of a final decision although every attempt will be made to expedite the matter as quickly as possible.

C. **Criteria for Approval**: Variances from the standards may be granted by the Public Works Director if the applicant presents substantial evidence to demonstrate that all of the following criteria for approval are satisfied:

1. Strict compliance with the public works standards is not appropriate because of impracticality, undesirable or unusual conditions.



2. The proposed variation(s) are functionally equivalent to and are consistent with the intent of the Public Works Standards, and/or provide compensating benefits to the County and the public.
3. The proposed variation(s) are based on sound engineering judgment.
4. The proposed variations have not been made necessary by actions of the applicant, property owner or agent(s) thereof.
5. Safety, function, appearance and economical maintenance requirements are met with the proposed variation(s).

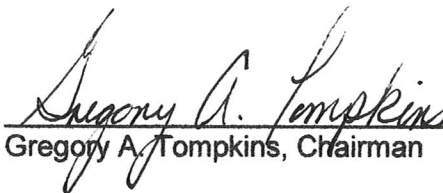
D. Final Decision: The Public Works Director shall issue his/her findings and conclusions on the variance in writing, and shall immediately provide a copy to the Director of Community Development. If the application does not satisfy all of the above criteria, the Public Works Director shall deny the application. A variance may be conditioned to the extent necessary to address any engineering, public health, safety or welfare concerns, and as allowed by applicable law.

E. Appeals: Appeals of a variance shall be filed with the Director of Community Development and it shall be processed in accordance with the approved method at the time of filing.

12.09.10 Severability: If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence clause or phrase of this ordinance.

12.09.20 Effective Date: This ordinance shall take effect and be in full force five (5) days after publication of the attached approved summary thereof, consisting of the title of same ordinance.

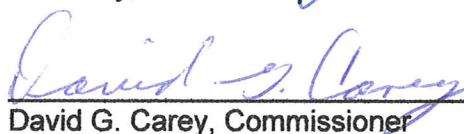
Approved this 19th day of October, 2004



Gregory A. Tompkins, Chairman



Pam Ray, Commissioner



David G. Carey, Commissioner

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

Attest:



Connie R Vinti

Connie R. Vinti, Clerk of the Board

Scott B...

Approved as to form
Prosecuting Attorney

