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Walla Walla County, WA

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

ORDINANCE NO. 307

APPROVING A REQUEST BY WALLA WALLA COUNTY FOR A ZONING CODE TEXT AMENDMENTS TO WALLA WALLA COUNTY CODE CHAPTERS 17.08 AND 17.16 REGARDING RECREATIONAL AND CULTURAL LAND USES IN THE COUNTY'S RESOURCE ZONES IN RESPONSE TO THE EASTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD REMAND ORDER.

WHEREAS, application has been made by Walla Walla County to request a Zoning Code Text Amendments to Walla Walla County Code Chapters 17.08 and 17.16, and

WHEREAS, the Planning Commission held a public hearing on October 20, 2004 to consider the request and recommends to the Board of County Commissioners that the Code Text Amendments based on the following findings of fact and conclusions of law be approved:

Findings of Fact

1. On December 16, 2003, the Eastern Washington Growth Management Hearings Board directed Walla Walla County to provide standards and criteria within the Walla Walla County Code (WWCC): for proposed conversion of agricultural lands to recreational uses, and to protect agricultural lands from improper conversion to non-agricultural uses.
2. The Planning Commission has held three public workshops on May 12th, June 23rd, and September 22nd of 2004 to consider proposals to enable the County to comply with the Growth Management Hearings Board for Eastern Washington Case No. 02-1-0012c Order on Remand.
3. The oral testimony and correspondence provided by citizens has been considered during the preparation and review of proposed changes to the comprehensive plan and WWCC.
4. The Washington State Growth Management Act (GMA), RCW 36.70A, requires all GMA counties to conserve natural resource lands.
5. The proposed County code amendments were submitted to the Washington State Department of Community, Trade and Economic Development (CTED) on October 23, 2004.
6. The Walla Walla County SEPA responsible official has issued a Determination of Non-Significance on October 18, 2004.



7. Public notice of the hearing was published in the *Waitsburg Times* on October 7, 2004.
8. Public notice of the hearing was posted at the County Courthouse on October 7, 2004.

Conclusions of Law

1. The proposed changes to the County code will add greater predictability to the process of the conversion of agricultural lands to recreational uses, and will protect agricultural lands from improper conversion to non-agricultural uses.
2. The proposed amendments will result in fewer non-agricultural uses on lands designated as agricultural resource land of long-term commercial significance, resulting in the conservation and protection of designated agricultural resource lands.
3. The proposed development code amendments are consistent with the Countywide Planning Policies, Walla Walla County Comprehensive Plan and land use map.
4. The proposed amendments to the County development code are consistent with the following County comprehensive plan land use policies:
 - a. Policy RS-1: Land uses in agricultural areas that are related to farming, ranching, mining, outdoor recreation and other open space activities shall be the preferred uses in areas designated as agricultural.
 - b. Policy RS-3: Existing prime and unique agricultural lands should be protected by allowing only uses that are compatible with the agricultural industry within their limits. Lands of secondary importance, such as the vast stretches of non-irrigated land (primarily in grain production) that dominate most of the County, should also be offered protection, while existing patterns of development will be recognized.
 - c. Policy RS-9: Recreation/tourist and highway oriented commercial/tourist facilities may be located in designated districts within select agricultural districts—primarily rural activity centers. These are intended to be low-intensity uses compatible with the agrarian nature of the townsites they are located around. At a minimum, the following criteria should be met:
 - i. The location of the facility must not adversely impact the natural resource production of the area;
 - ii. The facility is of a size and scale that is compatible with the surrounding area.
 - iii. The use does not require extension of urban services and;
 - iv. The business is dependent on the agrarian atmosphere of the general area.



- d. Policy RS-11: Performance standards and mitigation measures may be developed in order to govern the intensity, siting, and design of any proposed on-site enterprise and support business to conserve resource lands and protect existing agricultural character. Such uses shall be directly related to natural resource enhancement, production or utilization. Such uses shall not require extension of urban or rural services. Performance standards may govern permitted uses regarding their impact on soils, drainage, critical areas, traffic generation, visual impact, noise, and any other relevant criteria.
5. The proposed standards and criteria to be included in the County code are adequate to guide the threshold determination regarding the conversion of agricultural lands to recreational and/or cultural uses.
6. The proposed standards and criteria adequately conserve and protect the County's designated agricultural resource lands of long-term commercial significance.
7. The proposed changes to the County code clearly guide the conversion of agricultural lands to non-agricultural uses with regard to:
 - a. The conversion of only those lands that consist of soils with severe to moderately severe restrictions or soils that are less suitable for agricultural use.
 - b. The protection of designated agricultural lands of long-term commercial value.
 - c. The need for the new land use to be compatible with the agricultural uses on the surrounding properties.
8. The proposed changes to the County's development code criteria and standards give the landowner seeking conversion of designated agricultural lands of long-term commercial significance an understanding of its application and direction as to how a change of use could take place.

WHEREAS, the Board of County Commissioners held a public hearing on November 2, 2004, and continued said hearing to November 9, 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 Amendments, Docket Number ZCA-04-04 based on the findings of fact and conclusions of law, above. The amendments read as follows:

See Attachment 1

Walla Walla County Code, Chapter 17.16: Recreational/Cultural Land Uses matrix



See Attachment 2
Walla Walla County Code, Chapter 17.16: Recreational/Cultural Land Uses
Development Conditions

Add the following underlined text to Chapter 17.08 Definitions:

17.08.030 All-terrain vehicle areas or parks. "All-terrain vehicle areas or parks" means an area or park where a minimum level of permanent improvements are required, designed for use by all-terrain vehicles, including motorcycles, minibikes, dunebuggies, snowmobiles, ~~and~~ four-wheel drive vehicles and mountain bicycles. (Ord. 70 53.04.1, 1967; Amd. 129 (part), 8-5-80)

17.08.168 Crop maze. "Corn maze" means a recreational accessory use to an existing farm open to the public, such as in a cornfield.

17.08.213A Equestrian park. "Equestrian park" means a recreational facility, open to the public, for training, education and competition in equestrian sports such as dressage, show jumping, driving, reining, vaulting, cross country, endurance and eventing. Such facility may consist of an indoor and/or outdoor riding ring, bleachers, lighting, horse stalls or stables, and watering stations.

17.08.252 Golf facility. "Golf facility" means a recreational facility ~~designed and developed for golf activities such as golf courses, driving ranges and putting greens.~~ consisting of a large landscaped area of land laid out with a series of 9 or 18 holes each including tees, fairways, putting greens and often one or more natural or artificial hazards, and may include a driving practice range and putting practice greens. Such a facility usually includes a clubhouse or main building that usually contains a pro shop where golfers check in to pay for their golf, and where golf clubs, clothing, and other golf-related equipment are for sale, and usually includes food and drink service consisting of a restaurant, snack bar, or drinks in a refrigerator. The clubhouse or main building may also contain a meeting room and/or a bar.

17.08.282 Hunting/fishing lodge. "Hunting/fishing lodge" means an accessory recreational use to an existing farm or a hunting club, open to the public, consisting of temporary transient quarters and may include a separate food service, or the ancillary sale of vehicle fuel, fishing tackle, hunting and fishing equipment, or ammunition, or the rental of any wheeled motor vehicle or boat.

17.08.420 Riding academy. "Riding academy" means a recreational facility open to the public for instruction and lessons in horsemanship and/or stock riding, including the conducting of day camps. Such facility may include an indoor and/or outdoor arena, trails, horse stalls or stables for the boarding of horses, horse grooming, medication, and rental, tack sales, and the holding of public events related to the instruction and lessons in horsemanship and/or stock riding.

17.08.480 Stable, private. "Stable, private" means an accessory building in which horses or beasts of burden owned by the occupants of the premises are kept, and in which no such animals are kept for hire, remuneration or sale.

17.08.481 Stable, public. "Stable, public" means an accessory building in which horses or beasts of burden owned by persons other than the occupants of the premises are kept, and in which such animals are kept for hire, remuneration or sale.



Approved this 9th day of November, 2004



Gregory A. Tompkins, Chairman



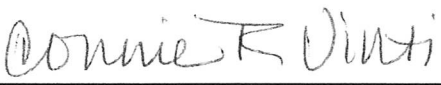
Pam Ray, Commissioner



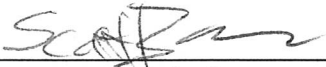
David G. Carey, Commissioner

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

Attest:



Connie R. Vinti, Clerk of the Board



Approved as to form
Prosecuting Attorney



Walla Walla County, WA

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Chapter 17.16: RECREATIONAL/CULTURAL LAND USES

| KEY | RESOURCE | | | |
|--|------------------------|---------------------------|------------------------|----------------------------|
| | Primary Agriculture-40 | Exclusive Agriculture-120 | General Agriculture-20 | Agriculture Residential-10 |
| P = Permitted Use C = Conditional Use permit required AC = Administrative Conditional Use permit required * = Definition of this specific land use see WWCC 17.08 | | | | |

| SPECIFIC USE | | | | |
|--|---------------|-----------|--------------|--------------|
| PARKS/RECREATION | | | | |
| * Crop maze [NEW] | <u>P</u> | | <u>P</u> | <u>P</u> |
| * Equestrian Park [NEW] | <u>P5</u> | | <u>P5</u> | <u>P5</u> |
| * Golf facility | <u>CP5,7</u> | | <u>CP5,7</u> | <u>CP7</u> |
| Gun/Archery Ranges (Outdoor) | <u>CP5,8</u> | <u>C5</u> | <u>C5</u> | <u>CP8</u> |
| Gun/Archery Ranges (Indoor) | <u>C5</u> | | <u>C5</u> | <u>C</u> |
| * Hunting/Fishing Lodges [NEW] | <u>P9</u> | <u>P9</u> | <u>P9</u> | <u>P9</u> |
| * Park | <u>P5</u> | <u>P5</u> | <u>P5</u> | <u>P</u> |
| * Recreational Facility (Public) | <u>P5</u> | | <u>P5</u> | |
| Recreation Facility (Private when 50% or less is owned/partnered by a public agency) | <u>C5</u> | | <u>C5</u> | <u>C</u> |
| Recreational Vehicle Park & Campgrounds | <u>C1,5</u> | | <u>C1,5</u> | <u>C1</u> |
| * Riding academy [NEW] | <u>P5</u> | | <u>P5</u> | <u>P5</u> |
| * Stables, private | <u>P4</u> | <u>P4</u> | <u>P4</u> | <u>P4</u> |
| * Stables, public [NEW] | <u>P4</u> | | <u>P4</u> | <u>P4</u> |
| * All-terrain Vehicle Park | <u>CP5,10</u> | | <u>C5</u> | <u>C</u> |
| ENTERTAINMENT | | | | |
| Drive-in Theaters | | | | |
| Theaters | | | | |
| CULTURAL | | | | |
| Art Galleries | | | | |
| Art Studio | | | | |
| * Assembly Halls | <u>ACP11</u> | | <u>ACP11</u> | <u>ACP11</u> |
| Outdoor Concert Amphitheaters, Coliseums, Stadiums | | | | |
| Libraries | | | | |
| Museums | | | | |
| ACCESSORY USES | | | | |
| * Accessory Use | <u>P2</u> | <u>P2</u> | <u>P2</u> | <u>P2</u> |

NOTE: Land uses with a ~~strike through~~ will be deleted. Land uses underlined are new.



Chapter 17.16: RECREATIONAL/CULTURAL LAND USES – Development Conditions

1. See section 17.32 WWCC for RV Park and Campground development regulations.
2. An accessory use, structure or activity clearly incidental to a permitted use and which will not create a nuisance or hazard is permitted.
3. Up to 20,000 sq. ft. per establishment.
4. See section 17.26 WWCC for Animal Standards.
5. This land use type shall not be permitted on lands identified as Primary Significance or Unique farmlands per the adopted maps of the Agricultural Lands Advisory Committee.
6. The primary building not to exceed 12,000 sq. ft. per establishment.
7. **Golf facility**
 - A. Applicant must meet two of the following criteria:
 - Located on lands with slopes in excess of 5% on at least one-third of the development parcel or parcels.
 - Located on lands with an adequate water supply for irrigation.
 - On those lands receiving less than 18 inches average annual rainfall, as shown on the map in Exhibit 7, a property owner may substitute a certification of rainfall contrary to the map in Exhibit 7 when supported with historical documentation.
 - Located entirely within two miles of Urban Growth Area (UGA) or Rural Activity Center (RAC).
 - B. Tees, fairways, greens, cart paths, driving ranges and tees, practice greens, parking, and clubhouse must be set back a minimum of 75 feet from any abutting farmland property line.
 - C. The County will permit a maximum of three (3) new golf facilities, as defined in WWCC Chapter 17.08.
8. **Gun/Archery Ranges (Outdoor)**
 - A. Permitted only as a private use not open commercially to the public.
 - B. Club-type ranges are allowed as part of this permitted use.
9. **Hunting/Fishing Lodges**
 - A. Must be accessory to an existing farm.
 - B. May include a shooting range for lodge guests.
 - D. Lodging is permitted as an accessory use to a hunting club and the lodging is limited to 12 persons at one time.
 - E. Each guest will be allowed to stay a maximum of thirty (30) days per year.
 - F. Ten (10) recreational vehicle spaces are allowed in conjunction with a lodge.
10. **All-terrain Vehicle Park**
 - A. Shall be located on lands with slopes in excess of 5% on at least one-third of the development parcel or parcels.
 - B. Shall be located on lands receiving less than 18 inches average annual rainfall.
 - C. May include mountain bicycles.
 - D. Shall not include grandstands or any other temporary or permanent structures.
 - E. Shall not include any permanent vendors or concession stands, temporary or permanent.
11. All existing assembly halls established before May 15, 2001 will remain as nonconforming uses.



BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF APPROVAL
OF AN AMENDMENT TO WALLA
WALLA COUNTY ORDINANCE NO.
307, TO CORRECT A
TYPOGRAPHICAL ERROR

RESOLUTION NO. **05044**

WHEREAS, on November 9, 2004 this Board of County Commissioners of Walla Walla County, Washington held a properly advertised public hearing as continued to said date, said hearing to consider proposed amendments to the County's Comprehensive Land Use Plan and Zoning Codes regarding cultural and recreational uses in agricultural lands, to comply with an Eastern Washington Growth Management Hearings Board Order; and

WHEREAS, upon consideration of public testimony, public input, and the recommendation of the Walla Walla County Planning Commission, on the above referenced date the Board of County Commissioners approved and adopted two ordinances, further identified as Walla Walla County Ordinance No. 306 and Walla Walla County Ordinance No. 307; and

WHEREAS, County Community Development Director Scott Revell and County special land use counsel have advised the Board of County Commissioners that a typographical error was discovered in Ordinance No. 307, Attachment 2, Chapter 17.16: RECREATIONAL/CULTURAL LAND USES – Development Conditions, 7. Golf Facility; and

WHEREAS, as adopted, the ordinance section, in part, states: "A. Applicant must meet *two* of the following criteria"; and

WHEREAS, the intent of the County, and information publicly presented and available, and legislative history are clear in confirming that the enumeration in the above partial extract of the ordinance *two* should have been *three*, to correctly read and be resolved as follows in Chapter 17.16:

7. Golf facility

- A. Applicant must meet three of the following criteria:
- Located on lands with slopes in excess of 5% on at least one-third of the development parcel or parcels.
 - Located on lands with an adequate water supply for irrigation.
 - On those lands receiving less than 18 inches average annual rainfall, as shown on the map in Exhibit 7, a property owner may substitute a certification of rainfall contrary to the map in Exhibit 7 when supported with historical documentation.
 - Located entirely within two miles of Urban Growth Area (UGA) or Rural Activity Center (RAC).
- B. Tees, fairways, greens, cart paths, driving ranges and tees, practice greens, parking, and clubhouse must be set back a minimum of 75 feet from any abutting farmland property line.
- C. The County will permit a maximum of three (3) new golf facilities, as defined in Walla Walla County Code Chapter 17.08.

NOW THEREFORE, BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that the typographical enumeration error shall be corrected as outlined above, and that said Walla Walla County Ordinance No. 307 shall be corrected by this action of the Board.

BE IT FURTHER RESOLVED that this corrective resolution shall by this reference officially be made a part of the record and said Ordinance No. 307.

Done this 15th day of February, 2005

Attest:

Connie R Vinti

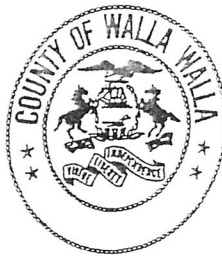
Connie R. Vinti, Clerk of the Board

Gregory A. Tompkins
Gregory A. Tompkins, Chairman

Gregg C. Loney
Gregg C. Loney, Commissioner

absent
David G. Carey, Commissioner

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



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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TO: Scott Bauer FROM: Connie R. Vinti, Clerk of the Board

DEPT: _____ FAXED BY: _____

FAX: _____ PHONE: _____

DATE: 4-1-05 PAGES (including cover page): 3

RE: Ord 307 correction / Res 05044

COMMENTS:

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