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Walla Walla County, WA

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

**ORDINANCE NO. 309**

APPROVING A REQUEST BY THE PORT WALLA WALLA FOR A ZONING CODE TEXT AMENDMENT TO WALLA WALLA COUNTY CODE CHAPTER 17.38 AND SECTIONS 3.08.010, 14.03.020C & D (2), 14.03.030B, 14.13.010C, AND 17.37.260, TO ADOPT A PROVISION TO ALLOW FOR THE CREATION OF BINDING SITE PLANS.

**WHEREAS**, application has been made by The Port Walla Walla to request a Zoning Code Text Amendment to Walla Walla County Code Chapter 17.38, and Sections 3.08.010, 14.03.020C & D (2), 14.03.030B, 14.13.010C, and 17.37.260, and

**WHEREAS**, the Planning Commission held a public hearing on December 1, 2004 to consider the request and recommends to the Board of County Commissioners that the Zoning Code Text Amendments be approved based on the following findings of fact and conclusions of law:

Findings of Fact

1. On November 11, 2004 a Notice of Public Hearing was published in the Waitsburg Times, posted at the Walla Walla County Courthouse and Walla Walla County Community Development Department.
2. The proposed amendments will not have a significant adverse influence on public welfare and safety.
3. RCW 58.17.035 allows counties to establish their own procedures for binding site plans by ordinance.
4. A SEPA Determination of Non-Significance was issued on November 11, 2004.
5. Approval of the amendments will result in an expedited method of dividing land in commercial, Industrial, and public zones.
6. The proposed amendments will not permit residential lots to be created via a binding site plan.
7. Most binding site plans are expected to consist of four lots or less.



#### Conclusions of Law

1. The proposed amendments constitute good planning and development regulations.
2. The proposed amendments are consistent with the Comprehensive Plan and development regulations and can be initiated by the Board of County Commissioners or Planning Commission pursuant to Walla Walla County Code Section 14.10.090(1).
3. The development of ordinance procedures for binding site plans is allowed pursuant to RCW 58.17.035.

**WHEREAS**, the Board of County Commissioners held a public hearing on **January 4, 2005** for the purpose of receiving testimony for and/or against said request now therefore,

**BE IT ORDAINED**, by the Walla Walla County Board of County Commissioners that they uphold the Planning Commission recommendation and approve the zoning code test amendment, Docket Number ZCA-04-10 based on the findings of fact and conclusions of law above. The amendment reads as follows:

***Existing Walla Walla County Code Chapter 17.38 "General Provisions – Binding Site Plans:*** Currently Walla Walla County does not have a binding site plan provision.

***Proposed Walla Walla County Code Chapter 17.38 "General Provisions – Binding Site Plans:***

#### Chapter 17.38 GENERAL PROVISIONS – BINDING SITE PLANS

#### Sections:

|           |                                       |
|-----------|---------------------------------------|
| 17.38.010 | Purpose and Applicability             |
| 17.38.020 | Application requirements              |
| 17.38.030 | Contents of Binding Site Plan Drawing |
| 17.38.040 | Dedications                           |
| 17.38.050 | Binding Site Plan Approval            |
| 17.38.060 | Recording of Binding Site Plans       |
| 17.38.070 | Sale or Transfer of Parcels           |
| 17.38.080 | Limitation upon Development           |
| 17.38.090 | Vacation or Alteration                |
| 17.38.100 | Re-division by Binding Site Plan      |
| 17.38.110 | Concurrent Applications               |
| 17.38.120 | Application Fee                       |
| 17.38.130 | Expiration and Extension              |



**17.38.010 Purpose and Applicability**

The owners of property located in any commercial or industrial, and public zone may seek Binding Site Plan approval for all or a portion of their property.

**17.38.020 Application Requirements**

A. General. An applicant shall submit a Binding Site Plan application for review and decision pursuant to section 17.38.050. A Binding Site Plan shall be submitted for recording only after approval by the Planning Commission or at the request of the Director or his/her designee.

B. Binding Site Plan applications shall include:

- (1) A certificate from a title company showing all owners of record and any encumbrances upon the property. The title company certificate shall be current within thirty days;
- (2) A legal description of the property to be subdivided by Binding Site Plan;
- (3) Twelve (12) legible paper copies of the proposed Binding Site Plan which meet the requirements of Section 17.38.030 below.

**17.38.030 Contents of Binding Site Plan Drawing**

Binding Site Plan drawings shall be prepared in accordance with RCW 58.17 and WAC 332-130 and presented on sheets eighteen by twenty-four inches in size, having a two-inch margin on the left side and a one-half inch margin on the remaining three sides. The following information must appear on the proposed Binding Site Plan drawing and final mylars:

A. A title block for the Binding Site Plan drawing showing:

- (1) The proposed name of the Binding Site Plan;
- (2) The scale of the drawing;
- (3) The date of the drawing;
- (4) The name and address of the engineer, surveyor, or individual responsible for laying out the Binding Site Plan;
- (5) Area reserved for the County's file number (i.e. BSP \_\_\_\_-\_\_\_\_).

B. Signature block including:

- (1) Signature and date lines for certification by a registered land surveyor of the state of Washington that the Binding Site Plan and the legal descriptions required by Section 17.38.020(2) were prepared under his or her direct supervision;
- (2) Signature and date lines for the approval by the Director of the Community Development Department;
- (3) Signature and date lines for the County Auditor.
- (4) Signature and date lines for the approval by the County Engineer.
- (5) Signature and date lines for the approval by the County Health Officer.
- (6) Signature and date line for certification by the county treasurer that real property taxes are current;



- (7) Signature and date lines subscribed by all owners and acknowledgment of all the owners' signatures;
- C. Detailed plan of the proposed Binding Site Plan drawn to a scale of one inch equals 100 feet or larger, showing the following:
- (1) North arrow;
  - (2) The location of all existing and proposed streets, rights-of-way, and easements within and adjacent to the proposal and, where possible, labeling each of the foregoing by width, name and auditor's file number;
  - (3) Layout of the perimeter of the proposal (shown by heavier lines), together with all sub-parcels, including dimensions and square footage;
  - (4) Sub-parcels labeled alphabetically;
  - (5) The name and locations of adjacent subdivisions and Binding Site Plans;
  - (6) The location and use of all existing and proposed structures;
  - (7) The location of all property to be dedicated and a textual declaration of the dedication;
- D. Survey information including a full set of survey notes which clearly show:
- (1) The direction and dimensions of the perimeter and all sub-parcels;
  - (2) Ties to permanent monuments of record;
  - (3) North point and origin of meridian;
  - (4) Controlling reference points or monuments;
  - (5) All corners of the real property to be divided shall be marked by three-quarter-inch galvanized iron pipe or like permanent marker and wooden witness stakes.
- E. A declaration that all development of the property shall conform to that shown on the Binding Site Plan;

#### **17.38.040 Dedications**

In order to meet the public interest, approval of a Binding Site Plan may be conditioned upon dedications for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools, and other needs of the public in accordance with local, state, and federal law. Any dedications required as a condition shall be noted on the Binding Site Plan drawing.

#### **17.38.050 Binding Site Plan Approval**

Upon finding that appropriate provisions are made for the public health, safety, and welfare, including adequate access and utilities, a Binding Site Plan shall be approved as follows:

- A. The Community Development Department Director may approve Binding Site Plans of no more than four lots if the public use and interest will be served by its approval. The Director's decision to approve a Binding Site Plan of no more than four lots or less shall be an administrative decision without notice



pursuant to WWCC Section 14.09.010. Appeals will be processed as required by Chapter 14.11.

- B. The Planning Commission may approve Binding Site Plans of five or more lots pursuant to WWCC Section 14.09.030. Appeals will be processed as required by Chapter 14.11.
- C. The Community Development Director or Planning Commission may authorize sharing of open space, parking, access, and other improvements among contiguous properties subject to conditions of use, maintenance, and restrictions on redevelopment that shall be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.

#### **17.38.060 Recording of Binding Site Plans**

Recording of the Binding Site Plan with the County Auditor requires that two (2) legible copies of the Binding Site Plan drawn on stable-base mylar, polyester film or similar durable material and two (2) legible paper copies which meet the requirements of Section 17.38.030.

#### **17.38.070 Sale or Transfer of Parcels**

Once a Binding Site Plan is approved and filed, the parcels of property thereby created may be sold or transferred without the necessity of obtaining short subdivision or subdivision approval.

#### **17.38.080 Limitation upon Development**

No property within an approved Binding Site Plan shall be used, improved or developed in a fashion contrary to that indicated by the Binding Site Plan. In addition to or as an alternative to any other penalty provided by law, any violation of this chapter shall be subject to enforcement under Chapter 17.60.

#### **17.38.090 Vacation or Alteration**

Vacation or alteration of an approved Binding Site Plan shall be processed pursuant to RCW 58.17.212 and RCW 58.17.215 respectively, unless the Director of the Community Development Department determines that the alteration is minor, and within the scope and intent of the original Binding Site Plan approval. Minor alterations may be approved by the Director as an administrative decision with or without notice. Alterations to a recorded Binding Site Plan must be recorded.

#### **17.38.100 Re-division by Binding Site Plan**

- A. A binding site plan approved by the director under the authority of this chapter may not be re-divided by binding site plan within one year of the dated recording.
- B. A binding site plan approved by the Planning Commission shall be re-divided by binding site plan at anytime.



**17.38.110 Concurrent Applications**

Applicants may elect to have the County consolidate its application and review processes in accordance with Chapter 14.05, the Consolidated Applications Process.

**17.38.120 Application Fee**

Application fees shall be assessed in accordance with Chapter 14.13.

**17.38.130 Expiration and Extension**

Binding site plan approval shall lapse unless submitted for recording within five (5) years of the date of binding site plan approval.

**Existing Walla Walla County Code Section 3.08.010 "Applicability":**

**3.08.010 Applicability.** The planning department shall require filing fees in the amount established below for the following applications:

| Application  | Fee         |
|--|-------------|
| CUP  | \$200.00    |
| Administrative approvals without notice (including admin. variance, accessory dwelling, designated quarry, minor amendment, development in a floodplain) | 25.00       |
| Administrative approvals with notice (including single-wide mobile home, home occ., temp. hardship, change in non-conforming use, RF-2 review)           | 50.00       |
| Comprehensive Plan Amendment:  |             |
| Preliminary Docket Review  | 300.00      |
| Final Docket Review  | 400.00      |
| Note: If the preliminary review and final review are combined the fee shall be the total of the two review fees.   |             |
| Rezone   | 265.00      |
| Variance   | 180.00      |
| Zoning text amendment  | 265.00      |
| Shoreline management substantial permit  | 225.00      |
| Shoreline exemption  | 50.00       |
| Appeals  | 150.00      |
| Comprehensive plan amendment   | 265.00      |
| Environmental impact statement   | Actual cost |
| SEPA checklist   | 100.00      |
| Critical areas   | 50.00       |
| Short plat   | 250.00      |





|   |   |
|---|---|
| Preliminary plat/planned unit development | 350.00 (<15 lots) 450.00 (16--50 lots)<br>500.00 (50+ lots) |
| Final plat                                | 250.00  |
| Plat amendment/replat                     | 125.00  |
| Plat variance                             | 180.00  |

(Ord. 162 §1, 1981; Ord. 198, 1989; Amd. 205(Exh. B), 1993; Ord. 245, 1998; Ord. 279, 2002

***Proposed Walla Walla County Code Section 3.08.010 "Applicability":***

**3.08.010 Applicability.** The planning department shall require filing fees in the amount established below for the following applications:

| Application   | Fee   |
|---|---|
| CUP   | \$200.00  |
| Administrative approvals without notice<br>(including admin. variance, accessory dwelling,<br>designated quarry, minor amendment,<br>development in a floodplain) | 25.00   |
| Administrative approvals with notice (including<br>single-wide mobile home, home occ., temp.<br>hardship, change in non-conforming use, RF-2<br>review)           | 50.00   |
| Binding Site Plan   | 500.00  |
| Comprehensive Plan Amendment:   |   |
| Preliminary Docket Review   | 300.00  |
| Final Docket Review   | 400.00  |
| Note: If the preliminary review and final review<br>are combined the fee shall be the total of the two<br>review fees.  |   |
| Rezone  | 265.00  |
| Variance  | 180.00  |
| Zoning text amendment   | 265.00  |
| Shoreline management substantial permit   | 225.00  |
| Shoreline exemption   | 50.00   |
| Appeals   | 150.00  |
| Comprehensive plan amendment  | 265.00  |
| Environmental impact statement  | Actual cost   |
| SEPA checklist  | 100.00  |
| Critical areas  | 50.00   |
| Short plat  | 250.00  |
| Preliminary plat/planned unit development   | 350.00 (<15 lots) 450.00 (16--50 lots)<br>500.00 (50+ lots) |
| Final plat  | 250.00  |
| Plat amendment/replat   | 125.00  |
| Plat variance   | 180.00  |





(Ord. 162 §1, 1981; Ord. 198, 1989; Amd. 205(Exh. B), 1993; Ord. 245, 1998; Ord. 279, 2002)

***Existing Walla Walla County Code Section 14.03.020C:***

C. Administrative Decisions without Notice. The director may approve, approve with conditions, or deny the following without notice:

1. Extensions of time for approval;
2. Minor amendments or modifications to approved developments, or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not: (a) affect the overall project character, (b) increase the number of lots, dwelling units or density, or (c) decrease the quality or amount of open space;
3. Variances from the standards and dimensional regulations of the zoning code, Title 17, such as height, width, setback, and yard restrictions in which the requested adjustment is twenty percent or less than the specified requirement;
4. Critical areas permits;
5. Building permits;
6. Accessory dwelling permits;
7. Short plats, except those within the RF-2 zoning district; short plat amendments, and vacations of short plats;
8. Conditions use permits for quarries located on designated mineral lands of long-term commercial significance, as identified in Ordinance No. 233.
9. Shorelines exemptions

***Proposed Walla Walla County Code Section 14.03.020C:***

C. Administrative Decisions without Notice. The director may approve, approve with conditions, or deny the following without notice:

1. Extensions of time for approval;
2. Minor amendments or modifications to approved developments, or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not: (a) affect the overall project character, (b) increase the number of lots, dwelling units or density, or (c) decrease the quality or amount of open space;
3. Variances from the standards and dimensional regulations of the zoning code, Title 17, such as height, width, setback, and yard restrictions in which the requested adjustment is twenty percent or less than the specified requirement;
4. Critical areas permits;
5. Building permits;
6. Accessory dwelling permits;
7. Short plats, except those within the RF-2 zoning district; short plat amendments, and vacations of short plats;



8. Conditions use permits for quarries located on designated mineral lands of long-term commercial significance, as identified in Ordinance No. 233.

9. Shorelines exemptions;

10. Binding Site Plans of no more than four lots.

***Existing Walla Walla County Section 14.03.020D(2):***

2. Class 2 administrative decision.

a. Short Plats of property within the RF-2 zoning district.

***Proposed Walla Walla County Section 14.03.020D(2):***

No changes recommended by Planning Commission.

***Existing Walla Walla County Code Section 14.03.030B:***

B. The Planning Commission shall review, hold public hearings and act on the following applications and subjects:

1. Conditional use permits; except those set forth as administrative decisions in Section 14.03.020;

2. Variances from the standards and dimensional regulations of the zoning code, Title 17, such as height, width, size, setback and yard restrictions; except those set forth as administrative decisions in Section 14.03.020;

3. Appeals of administrative decisions;

4. Appeals of administrative interpretations.

***Proposed Walla Walla County Code Section 14.03.030B:***

B. The Planning Commission shall review, hold public hearings and act on the following applications and subjects:

1. Conditional use permits; except those set forth as administrative decisions in Section 14.03.020;

2. Variances from the standards and dimensional regulations of the zoning code, Title 17, such as height, width, size, setback and yard restrictions; except those set forth as administrative decisions in Section 14.03.020;

3. Appeals of administrative decisions;

4. Appeals of administrative interpretations;

5. Applications for binding site plans of more than four lots.

***Existing Walla Walla County Code Section 14.13.010C:***

C. No action shall be taken on proceedings before the planning commission until fees have been paid in full.

***Proposed Walla Walla County Code Section 14.13.010C:***

C. No action shall be taken on administrative applications or proceedings before the planning commission until fees have been paid in full.



**Existing Walla Walla County Code Section 17.37.260:**

Failure to actively pursue an authorized project shall subject the project to review by the commission to determine whether a time extension should be granted or whether the following actions should be initiated. If no construction permits have been issued within twelve months of authorization by the County Commissioners the commission shall terminate project and cancel all conditional grants. County administrative departments shall void all permits. (Ord. 70 §6.11, 1967; Amd. 1 (part), 4-23-68)

**Proposed Walla Walla County Code Section 17.37.260:**

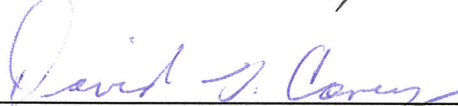
Due to a mistake by staff this section should not have been proposed to be revised. Staff recommends that no changes be made to the existing text.

Approved this \_\_4th\_\_ Day of \_\_January\_\_, 2005



  
\_\_\_\_\_  
Gregory A. Tompkins, Chairman

  
\_\_\_\_\_  
Gregg C. Loney, Commissioner

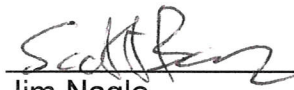
  
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David G. Carey, Commissioner

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

Attest:

  
\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

Approved as to form

  
\_\_\_\_\_  
Jim Nagle  
Prosecuting Attorney



Walla Walla County, WA

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