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Walla Walla County, WA

ORD

2006-06631

Page: 1 of 6

06/08/2006 09:53A

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

ORDINANCE NO. 329

APPROVING A REQUEST BY BYERLEY FARMS, INC. FOR A ZONING CODE TEXT AMENDMENT TO WALLA WALLA COUNTY CODE SECTIONS 17.37.170, 17.37.190, AND 17.37.220 FOR ALL PROPERTY WITHIN THE UNINCORPATED AREA OF WALLA WALLA COUNTY.

WHEREAS, application has been made by Byerley Farms, Inc. to request a zoning code text amendment to Walla Walla County Code Sections 17.37.170, 17.37.190, and 17.37.220, and

WHEREAS, the Planning Commission recommended minor changes to Walla Walla County Code Sections 17.37.220, 17.37.230, 17.37.250, and 17.37.260. and

WHEREAS, the Planning Commission held a public hearing on February 1, 2006 to consider the request and recommends to the Board of County Commissioners that the zoning code text amendment approved based on the following findings of fact and conclusions of law:

Findings of Fact:

1. On January 19, 2006 a Notice of Public Hearing was published in the Waitsburg Times. On January 18, 2006 the hearing notice was published in the Walla Walla Union Bulletin.
2. On January 17, 2006 the Washington State Department of Community, Trade, and Economic Development was sent the proposed amendments.
3. A SEPA Determination of Non-Significance was issued on January 17, 2006.
4. Adoption of the proposed amendments is not for a site specific project, the amendments will be applicable to all proposed planned unit development applications.
5. The amendments are applicable to all zoning districts that permit planned unit developments within the unincorporated areas of Walla Walla County.
6. The text of Walla Walla County Code Chapter 17.37 should reflect the change the County made to the Hearing Examiner system.

Conclusions of Law:

1. The proposed amendments constitute good planning and development regulations.
2. The proposed amendments will not have a significant adverse influence on public welfare and safety.
3. The proposed amendments are consistent with the comprehensive plan and development regulations.



WHEREAS, the Board of County Commissioners held a public hearing on April 3, 2006 and continued the hearing to May 1, 2006, and

WHEREAS, the Board of County Commissioners held a public hearing on May 1, 2006 and continued the hearing to June 5, 2006, and

WHEREAS, the Board of County Commissioners held a public hearing on June 5, 2006 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 text amendment, Docket Number ZCA-06-01 based on the findings of fact and conclusions of law above. The amendments read as follows:

Section 1. Amendments to Chapter 17.37

17.37.170 Purpose

- A. The purpose of the Planned Unit Development option is to provide greater flexibility and encourage more design creativity than is generally done under traditional lot by lot development, while insuring substantial compliance with the goals and policies of the comprehensive plan; and permitting more advantageous use sites through the arrangement of structure, circulation, parking, open spaces, and transfer of development rights.
- B. The use of this provision superimposes the regulations of the planned unit development upon the underlying zoning districts without changing the fundamental intent of the underlying district regulations while providing flexibility in the application of those requirements.

17.37.190 Application of regulations

Individual uses and structures in a planned unit development need not comply with the specific building height or locations, building size or bulk, lot size or lot dimensions, road standards, or land coverage of the underlying use district provided the underlying zoning's spirit and intent are consistent with the overall planned development and the County's Comprehensive Plan.

17.37.220 Residential projects

In projects exclusively residential, the land area and characteristics shall be such that:

- A. Residential dwelling unit density shall be determined by the density permitted in the underlying zoning classification. ~~In planned unit developments, residential density may be exceeded by ten percent of the total number of dwelling units permitted, provided the proposal completely fulfills the review criteria and general conditions found in Section 17.37.240.~~
- B. ~~Dwelling unit density is calculated by computing total gross square feet of land area proposed, subtracting from this total land area twenty percent normally allocated for streets to arrive at a net total land area for development. Dividing net total land area by land area requirements of the underlying district determines dwelling unit density. This total may be exceeded by ten percent.~~

2006-06631
Page: 3 of 6
06/08/2006 09:53A



ORD
Walla Walla County, WA

~~C. In planned development project areas where streets are already existing, gross land is net land area.~~

4. Residential projects may propose concepts such as:

- a 1. Four unit single-family clusters with party walls, one side and one front yard for each unit;
- b 2. Single-family row houses with party side walls;
- e 3. Single-family double row houses with party side and rear walls;
- d 4. Condominium ownership;
- e 5. Public and private access lanes;
- f 6. Varied, lot size subdivisions;
- g 7. Establishment of green belts or other open areas, or community buildings or recreation facilities.
8. Multiple ownerships may participate in a PUD provided all parcels are contiguous to at least one other parcel in the planned unit development.
9. The transfer of residential dwelling units is permitted throughout the planned unit development provided the transfer does not occur from a higher density zone to a lower density zone.
10. Every parcel must retain one residential dwelling unit excluding open space tracts.

17.37.230 Mixed residential and commercial land use projects

In residential districts immediately abutting and adjoining nonresidential zoned property, mixed land use projects are permitted provided:

- A. The site shall abut, and the major internal street serving the planned unit development shall be functionally connected to, at least one primary or secondary arterial as defined in the comprehensive plan for Walla Walla.
- B. The size and type of nonresidential establishments to be integrated into the project are specifically and selectively authorized by the Hearing Examiner.
- C. Automobile circulation and parking for nonresidential uses are oriented towards the adjoining developed nonresidential district.
- D. Nonresidential uses are limited to ground floor locations, and fifty percent of the total ground floor building area. (Ord. 269 (part), 2002)

17.37.250 Administrative conditions of approval

- A. A project which plats or subdivides land for sale and individual ownership shall properly record the plat with the Walla Walla County auditor prior to the issuance of any building permits or authorization to commence construction.
- B. A project proposing multiple land uses in a residentially zoned area shall complete construction of fifty percent of the residential part of the project prior to the issuance of building permits for any nonresidential constructions.
- C. Prior to the application for a building permit or other authorization to commence work on the project shall be accompanied by:
 1. Any bond required by the County guaranteeing completion of a specific defined portion of the project as authorized and approved, and/or a standard plat bond if subdivision and sale of lots is a part of the project;

2006-06631

Page: 4 of 6

06/08/2006 09:53A



ORD

Walla Walla County, WA

2. Deeds to any land or properties intended for public ownership and use in the completed project;
3. A complete project site plan and construction plans and specifications for the initial buildings. (Ord. 269 (part), 2002)

17.37.260 Termination

Failure to actively pursue an authorized project shall subject the project to review by the Hearing Examiner 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 County shall terminate project and cancel all conditional grants. County administrative departments shall void all permits. (Ord. 269 (part), 2002; Ord. 309 (part), 2005)


Section 2. Effective Date. This ordinance is effective immediately upon adoption.

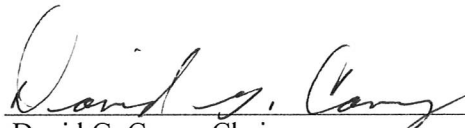
Section 3. Savings and Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4. Publication. This ordinance will be published by an approved summary consisting of the title.

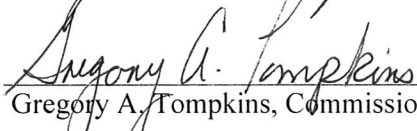
PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, by the following vote, then signed by its membership and attested by its Clerk in authorization of such passage this 5th day of June, 2006.

Approved this 5th Day of June, 2006




David G. Carey, Chairman


Gregg C. Loney, Commissioner


Gregory A. Tompkins, Commissioner

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



Walla Walla County, WA

ORD

2006-06631

Page: 5 of 6

06/08/2006 09:53A

Attest:

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

Approved as to form

Jason M. For
Jim Nagle
Prosecuting Attorney



Walla Walla County, WA

ORD

2006-06631

Page: 6 of 6

06/08/2006 09:53A