

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

ORDINANCE NO. 386

APPROVING A REQUEST BY WALLA WALLA COUNTY TO AMEND WALLA WALLA COUNTY CODE TITLE 17 – ZONING, IN ORDER TO ENSURE COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND PROVIDE CLARITY TO LAND USE REQUIREMENTS.

Whereas, it is desirable for the County to have zoning regulations written in a manner that provides clarity for staff and the general public; and

Whereas, the current version of Walla Walla County Code Title 17 is in need of reorganization and has procedural processes that are out of date;

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. Notices of a Planning Commission Workshop, open to the public, were published in the Waitsburg Times on February 25, 2010, the Walla Walla Union Bulletin on February 22, 2010 and the Tri-City Herald on February 23, 2010.
2. The Planning Commission held a workshop on March 10, 2010.
3. Notices of a Board of County Commissioners' Public Information Workshop, open to the public, were published in the Waitsburg Times on March 18, 2010, the Walla Walla Union Bulletin on March 16, 2010 and the Tri-City Herald on March 18, 2010.
4. The Board of County Commissioners held a workshop on March 30, 2010.
5. Notices of the Informational Public Meeting were published in the Waitsburg Times on April 8, 2010, the Walla Walla Union Bulletin on April 8, 2010 and Tri-City Herald on April 9, 2010.

6. The Walla Walla County Community Development Staff held an Informational Public Meeting on April 21, 2010.
7. Notices of a Planning Commission Public Hearing, open to the public, were published in the Waitsburg Times on June 24, 2010, the Walla Walla Union Bulletin on June 27, 2010 and the Tri-City Herald on June 26, 2010.
8. The Planning Commission held the public hearing on July 7, 2010.
9. Notices of a Board of County Commissioners' Public Hearing, open to the public, were published in the Waitsburg Times on July 22, 2010, the Walla Walla Union Bulletin on July 18, 2010 and the Tri-City Herald on July 19, 2010.
10. The Board of County Commissioners held the public hearing on August 2, 2010.

Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The proposed amendments are in compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code.
2. The proposal meets a definable public need.
3. The defined need conforms to policy directives of the comprehensive plan and countywide planning policies.
4. The proposed revisions are consistent with the County Comprehensive Plan and Growth Management Act.
5. The proposed revisions are in the long term interest of the County.

Section III. Adoption of Amended Title 17:

Based on its review to ensure compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code, the analysis and proposed amendments prepared by County staff, the Board of County Commissioners hereby adopts the following proposed code amendments:

The amendments to the Walla Walla County Code Title 17 – Zoning, as presented to the Board of County Commissioners on this date, are adopted as shown in Exhibit A.

Section IV. Effective Date and Savings:

This ordinance is effective as of the date of signing

Section V:

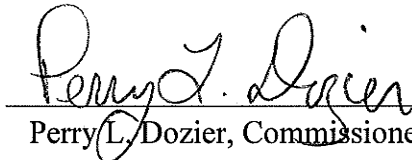
If any section, subsection, paragraph, sentence, clause or phase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

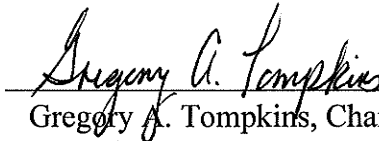
Section VI:

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, then signed by its membership and attested by its Clerk in authorization of such passage this 30th day of August, 2010.


Gregg C. Loney, Chairman, District 1


Perry L. Dozier, Commissioner, District 2


Gregory A. Tompkins, Chairman, District 3

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

Attest:


Connie R. Vinti, Clerk of the Board

Approved as to form


Jesse D. Nolte, Deputy Prosecuting Attorney

EXHIBIT A

1. Amend the list of Chapters in WWCC Title 17 Zoning as follows:

Title 17

ZONING

Chapters:

<u>17.04</u>	<u>General Provisions</u>
<u>17.06</u>	<u>Establishment of Zoning Maps</u>
<u>17.08</u>	<u>Definitions</u>
<u>17.12</u>	<u>Establishment of Districts</u>
<u>17.14</u>	<u>Development Regulations--Urban Planned Communities</u>
<u>17.16</u>	<u>Permitted Uses</u>
<u>17.17</u>	<u>Site Plan Development Permits and Review</u>
<u>17.18</u>	<u>Development Standards--Density and Dimensions</u>
<u>17.20</u>	<u>Development Standards--Off-Street Parking and Loading Areas</u>
<u>17.22</u>	<u>Development Standards--Wineries</u>
<u>17.23</u>	<u>Development Standards--Essential Public Facilities</u>
<u>17.24</u>	<u>Development Standards--Fences</u>
<u>17.25</u>	<u>Development Standards--Produce Market</u>
<u>17.26</u>	<u>Development Standards--Animals</u>
<u>17.28</u>	<u>Development Standards--Signs</u>
<u>17.30</u>	<u>Development Standards--Rural Farmworker Communities</u>
<u>17.31</u>	<u>Development Standards--Cluster Developments on Resource Lands</u>
<u>17.32</u>	<u>Development Standards--Recreational Vehicle Parks</u>
<u>17.33</u>	<u>Development Standards--Landscaping (Reserved)</u>
<u>17.34</u>	<u>Development Standards--Wireless Communication Facilities</u>
<u>17.36</u>	<u>General Provisions--Nonconforming Uses, Lots and Structures</u>
<u>17.37</u>	<u>General Provisions--Planned Unit Developments</u>
<u>17.38</u>	<u>General Provisions--Binding Site Plans</u>
<u>17.40</u>	<u>Conditional Uses</u>
<u>17.44</u>	<u>Variances</u>
<u>17.60</u>	<u>Enforcement and Penalty</u>

2. Amend Section 17.04.030 Interpretation and applicability as follows:

17.04.030 Interpretation and applicability.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or general welfare. Wherever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, the most restrictive or that imposing the higher standards, shall govern. (Ord. 269 (part), 2002)

When not inconsistent with the context, words used in the present tense shall include the

future; the singular shall include the plural, and the plural the singular. The word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision.

3. Adopt the following terms at the appropriate locations in the list of Sections at the beginning of Chapter 17.08 Definitions:

17.08.192 Director.

17.08.386 Planning Director.

4. Adopt the following definitions at the appropriate locations in chapter 17.08 Definitions:

17.08.192 Director.

"Director" means the director of the department of community development of the county of Walla Walla, Washington or his or her designee.

17.08.386 Planning Director.

"Planning Director" means the director of the department of community development of the county of Walla Walla, Washington or his or her designee.

5. Amend the name of the title of Chapter 17.17 Site Plan Permits and Review.

Chapter 17.17

SITE PLAN DEVELOPMENT PERMITS AND REVIEW

6. Amend the list of Sections in Chapter 17.17 Site Plan Permits and Review.

Sections:

17.17.010 Purpose.

17.17.020 Applications for permits.

~~17.17.030 Action.~~

17.17.040 Conditions of approval.

17.17.050 Compliance with permits.

17.17.060 ~~Term of permits~~ Vesting and expiration.

17.17.070 ~~Site plans development permits--~~ Generally.

7. Amend Section 17.17.010 Purpose.

17.17.010 Purpose.

This chapter establishes an optional and expeditious method for the administrative review and approval of various permitted land uses of a site development permit when approval of a site plan is desired independent of action on a building permit. It is

intended to promote the development of land in a manner, which is not detrimental to the public health, safety or welfare or to adjacent properties. (Ord. 310 (part), 2005)

8. Amend Section 17.17.020 Applications for permits.

17.17.020 Applications for permits.

~~A. Director Approval. All permits issued under this chapter are to the approval of the director.~~ Applications shall be submitted to the department on forms prescribed by the director.

~~B. Procedure.~~ Applications shall contain the information required in Subsection 17.17.070(B) and in WWCC Title 14.

~~1. All applications for land use permits must be made on forms supplied by the department. The owner or his representative must sign the application.~~

~~2. The application must be accompanied by the following, when required:~~

~~a. A site plan application in accord with Section 17.17.070 of this chapter;~~

~~b. An application fee in accord with the adopted fee schedules;~~

~~c. An environmental checklist.~~

~~3. Notification. Upon completing his review and in conjunction with applicable environmental reviews, the director, when applicable, will refer the application to appropriate agencies and notify the public in accord with the requirements of Chapter 18.04 of this code. (Ord. 310 (part), 2005)~~

C. Applications shall be processed in accordance with the applicable provisions of WWCC Title 14.

9. Repeal Section 17.17.030 Action.

~~17.17.030 Action.~~

~~The director will make appropriate findings and either approve, conditionally approve, or deny the application. Should an application be approved or conditionally approved, the permit will not become effective until after the time for appealing the permit has expired. (Ord. 310 (part), 2005)~~

10. Amend Section 17.17.040 Conditions of approval.

17.17.040 Conditions of approval.

A site development permit shall be approved, approved with conditions or denied based on a determination that the site development permit complies with the WWCC and state law. ~~A. Permits may be made subject to any condition, which the director finds necessary to protect the public health, safety and welfare or otherwise bring a proposed~~

~~development into compliance with the purpose and intent of this title. Such conditions may include, but are not limited to, special setbacks and buffers, including landscaping, fences and walls; lighting; surfacing of parking and driveways; the installation of drainage facilities; the construction of service roads and alleys; the regulation of the time and type of various activities, points of vehicular ingress or egress, noise, vibration, odors and similar conditions, signs, and obstructions to visibility; and such other conditions as will make possible the development of the county in an orderly and efficient manner in conformity with the purpose and intent of this title.~~

~~— B. The director may impose any condition he finds warranted in accord with the State Environmental Policy Act, RCW 43.21C. These conditions may be as the result of or in lieu of an environmental impact statement. (Ord. 310 (part), 2005)~~

11. Amend Section 17.17.050 Compliance with permits.

17.17.050 Compliance with permits.

All premises must be developed and maintained in accord with an approved land use site development permit. The failure of the property to be so developed or maintained is grounds for the revocation of that permit. The director may inspect any premises at reasonable times to determine that it is being so developed and maintained. A certificate of occupancy shall not be issued until all conditions of the permit have been complied with or adequate surety given that the conditions will be met. Surety can come in the form of a bond, a letter of credit, an escrow account, cash guarantee or other instrument acceptable to the director. (Ord. 310 (part), 2005)

12. Amend Section 17.17.060 Term of permits.

17.17.060 Term of permits Vesting and expiration.

A. Vesting. Site development permits shall become vested on the date a determination of completeness is made under WWCC Title 14.

B. Expiration. Site plan-development permits expire two years from the date of approval if a certificate of occupancy is not issued. Site plan-development permits can be extended for not more than two additional years by the director, provided that the applicant complies with any changes to the applicable development regulations that occur in the interim. (Ord. 310 (part), 2005)

13. Amend Section 17.17.070 Site plans -- Generally.

17.17.070 Site plans-development permits -- Generally.

~~— A. No building permit will be issued nor may any use or change in use be made of land without a site plan permit.~~

~~——— B. Exceptions. Site plans are not required for single-family residences and their accessory structures, the cultivation of land for farming, growing of crops, or staging of equipment.~~

AC. Consolidated review. ~~Site plans~~ development permit applications may be submitted with a building permit application, ~~change of use or other applications~~ and the ~~site plan~~ development permit review consolidated with the review of ~~other~~ the building permit applications.

BD. Drawing requirements. Each ~~site plan or amendment~~ development permit submitted for approval must be accompanied by a scale drawing showing lot lines and dimensions, the location of existing structures intended to remain, proposed buildings or improvements, the heights of all structures, parking lot design and location including access and drainage, street right-of-way lines, setbacks, exterior lighting, garbage facilities, signs, landscaping, fences, and any other information deemed necessary by the director to ensure compliance with the provisions of this title. If known, the ~~plan~~ materials must indicate the proposed or probable use of the development and a brief statement of the type of construction contemplated.

CE. Development consistency. The ~~site plan~~ development permit will be conditioned or amended so that the development is consistent in all respects to this title and other applicable laws and ordinances. (Ord. 310 (part), 2005)

14. Amend Section 17.18.020 Table of density and dimensional requirements and density and Density and Dimensional Requirements Development Condition #7.

17.18.020 Table of density and dimensional requirements.

	Minimum Lot Area Requirements^{7, 8, 22, 26}		Residential Density per Acre (16,17)	Minimum Setback Requirements (in feet) (22)			Maximum Lot Coverage (in percent)	Maximum Height (in feet)
Zone	Size	Width (feet)		Front	Side	Rear		
Exclusive Agriculture (18)	120 acres	330	0.0083	30(2)	10(2)	(2) (5)	--	35(1)
Primary Agriculture (19)(20)(21)	40 acres	330	0.025	30(2)	10(2)	(2) (5)	--	35(1)
General Agriculture (19) (20)	20 acres	330	0.05	30(2)	10(2)	(2) (5)	--	35(1)
Agriculture Residential(23)	10 acres	330	0.10	30(2)	10(2)	(2) (5)	--	35(1)
Rural Remote-20	20 acres	330	0.05	30(2)	10(2)	(2) (5)	--	35(1)
Rural Remote-40	40 acres	330	0.025	30(2)	10(2)	(2) (5)	--	35(1)
Rural Agriculture-5	5 acres	200	0.20	30(2)	10(2)	(2) (5)	--	35(1)

	Minimum Lot Area Requirements ^{7, 8, 22, 26}		Residential Density per Acre (16,17)	Minimum Setback Requirements (in feet) (22)			Maximum Lot Coverage (in percent)	Maximum Height (in feet)
Zone	Size	Width (feet)		Front	Side	Rear		
Rural Agriculture-10	10 acres	330	0.10	30(2)	10(2)	(2)(5)	--	35(1)
Rural Residential Mill Creek-5	5 acres	330	0.20	30	10(2)(7)	(2)(5)	--	35(1)
Rural Residential-2	2 acres	125	0.50	30	10(7)	(2)(5)	35	35(1)
Rural Residential-5	5 acres	200	0.20	30	10(7)	(2)(5)	--	35(1)
Suburban Residential R-96	9,600 square feet	75	3.0	20	10(7)	20(7)	35	35
Single Family Residential R-72	7,200 square feet	50	3.0	20	5	20(7)	40(11)	35
Single Family Residential R-60	6,000 square feet	50	3.0	15	5	20(7)	40(11)	35
Multiple Family Residential	--	50	3.0	15	5	20(7)	45	50

	Minimum Lot Area Requirements ^{7, 8, 22, 26}		Residential Density per Acre (16,17)	Minimum Setback Requirements (in feet) (22)			Maximum Lot Coverage (in percent)	Maximum Height (in feet)
Zone	Size	Width (feet)		Front	Side	Rear		
Burbank Residential	--	--	3.0(15)	20	5	25(7)	35	35
Rural Development (4)(13)(14)	--	--	--	20	10(7)	20(7)	35 (24) 60(3)	35
Rural Activity Center (4)	--	--	--	20	10(7)	20(7)	35 (24) 60(3)	35
Rural Farmworker Community (4)	--	--	--	20	10(7)	20(7)	35(24) 60(3)	35
Industrial Agriculture Mixed			--	(6)	(6)	(6)	75	--
Industrial Agriculture Heavy	--	--	--	(6)	(6)	(6)	75	--
Neighborhood Commercial	--	--	--	15	5	15	75	35
General Commercial	--	--	--	20	(9)	(10)	75	50

	Minimum Lot Area Requirements ^{7, 8, 22, 26}		Residential Density per Acre (16,17)	Minimum Setback Requirements (in feet) (22)			Maximum Lot Coverage (in percent)	Maximum Height (in feet)
Zone	Size	Width (feet)		Front	Side	Rear		
Burbank Commercial	--	--	--	15	5	15(7)	75	35
Heavy Industrial	--	--	--	(6)	(6)	(6)	75	--
Light Industrial	--	--	--	(6)	(6)	(6)	75	--
Industrial Business Park	--	--	--	(6)	(6)	(6)	75	--
Airport Development	--	--	--	(12)	(12)	(12)	75	(25)
Public Reserve	--	--	--	20	(9)	(10)	75	35
Urban Planned Community	--	--	3.0	--	--	--	--	--

Density and Dimensional Requirements Development Conditions:

1. No limit for barns or other agricultural structures.
2. Buildings housing domestic animals or any use that produces offensive noise, vibration, smoke, dust, odors, heat or glare shall maintain a seventy-five feet front yard setback and fifty feet side and rear yard setbacks.
3. Applies only to townhouse, multi-family and non-residential uses. An additional fifteen percent may be covered if at least twenty percent of the lot is landscaped.
4. The dimensional standards in this zone may be administratively modified during site plan review.
5. Rear yard setbacks shall be in compliance with the Building Code.

6. No restrictions, except fifty feet yard setbacks are required where abutting a residential district.
7. See ch.17.18.060 for the definition of minimum lot area. A side and/or rear yard setback may be reduced to five feet for a detached garage or similarly sized accessory building upon a determination by the director that:
 - A. The detached garage or similarly sized accessory building will be located entirely within the rear one third of the lot; and.
 - B. Such detached garage or similarly sized accessory building will not be unduly detrimental to adjacent and surrounding property, nor to the zone in which approval is requested.
8. The minimum parcel size requirement shall not apply to the creation of parcels for use as publicly owned quarries, material stockpiling, rock crushing, road construction, road maintenance and mining equipment storage within the Exclusive Agriculture, Primary Agriculture, General Agriculture, Rural Remote forty acre, Rural Remote twenty acre, Rural Agriculture ten acre and Rural Agriculture five zoning districts. A note will be placed on the face of the recorded land division instrument (e.g., short plat, subdivision, etc.) stating that the site is not a buildable parcel for residential or commercial purposes.
9. No restrictions except where abutting a Residential district, then 10 feet.
10. No restrictions except where abutting a Residential district, then 15 feet.
11. 45% allowed with a two-family dwelling unit.
12. No restrictions, except where abutting a Residential district, then fifty feet from centerline of road.
13. Newly created lots must be connected to a public water system.
14. In terms of building size, scale, use, or intensity, development or redevelopment of existing uses shall be consistent with the character of the area. Visual compatibility is not required and changes in use from vacant land are permitted.
15. See ch.17.18.050(D) for the maximum allowed density.
16. In urban growth areas the residential density per acre is the minimum density required for residential uses. See ch.17.18.050 and 17.18.070.
17. Outside of urban growth areas the residential density per acre is the maximum density allowed for residential uses. See ch.17.18.060.
18. The number of lots that can be created through the land division process is limited to four within a five year period.
19. The number of lots that can be created through the land division process on agriculture lands not designated as lands of primary significance or unique lands is limited to four within a five year period unless provided otherwise in ch.17.31.
20. The provisions of ch.17.31 shall apply when creating more than four lots on lands not designated as agriculture lands of primary significance or unique lands.
21. The provisions of ch.17.31 shall apply to all lands designated as agriculture lands of primary significance or unique lands.
22. The provisions of ch.17.31 shall supersede the minimum lot area requirements and the minimum setback requirements.

23. The provisions of ch.17.31 shall apply to all lands in this district.
24. This height limit shall apply to one-family dwelling units, duplexes, mobile homes, and manufactured homes.
25. Height limits shall be governed by Federal Aviation Administration (FAA) regulations.
26. Public rights-of-way shall not be calculated into meeting the minimum required lot size of the respected zone.

(Ord. 269 (part), 2002; Ord. 293, 2003; Ord. 299, 2004; Ord. 338 § 1, 2007; Ord. 348 § 1, 2007; Ord. 357 § 4, 2007)

(Ord. No. 371, § III(Exh. A, Pt. F), 8-3-2009)

15. Repeal 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 — Redivision 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. (Ord. 309 (part), 2005)

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 of this chapter. 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 or 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 legible paper copies of the proposed binding site plan which meet the requirements of Section 17.38.030 of this chapter. (Ord. 309 (part), 2005)~~

~~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(B)(2) of this chapter 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 lines 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 one hundred 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. (Ord. 309 (part), 2005)~~

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. (Ord. 309 (part), 2005)~~

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 of this code.~~

~~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 of this code.~~

~~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. (Ord. 309 (part), 2005)~~

17.38.060 — ~~Recording of binding site plans.~~

~~Recording of the binding site plan with the county auditor requires that two legible copies of the binding site plan drawn on stable base mylar, polyester film or similar durable material and two legible paper copies which meet the requirements of Section 17.38.030 of this chapter. (Ord. 309 (part), 2005)~~

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. (Ord. 309 (part), 2005)~~

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 of this code. (Ord. 309 (part), 2005)~~

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. (Ord. 309 (part), 2005)~~

~~17.38.100 — Redivision by binding site plan.~~

~~—— A. A binding site plan approved by the director under the authority of this chapter may not be redivided by binding site plan within one year of the dated recording.~~

~~—— B. A binding site plan approved by the planning commission shall be redivided by binding site plan at any time. (Ord. 309 (part), 2005)~~

~~17.38.110 — Concurrent applications.~~

~~—— Applicants may elect to have the county consolidate its application and review processes in accordance with Chapter 14.07 (Application Process) of this code. (Ord. 309 (part), 2005)~~

~~17.38.120 — Application fee.~~

~~—— Application fees shall be assessed in accordance with Chapter 14.13 of this code. (Ord. 309 (part), 2005)~~

~~17.38.130 — Expiration and extension.~~

~~—— Binding site plan approval shall lapse unless submitted for recording within five years of the date of binding site plan approval. (Ord. 309 (part), 2005)~~

16. Amend the list of Sections in chapter 17.40 Conditional Uses.

Chapter 17.40
Conditional Uses

Sections:

17.40.010 Purpose.

17.40.020 Conditional use permit decision criteria.

17.40.025 Expiration.

17.40.030 ~~List of conditional uses.~~

17.40.040 ~~Permit exemption shoreline management permit.~~

17. Amend Section 17.40.010 Purpose.

17.40.010 Purpose.

It is the purpose of this chapter to establish decision criteria for those uses listed as conditional in the table of permitted uses (Section 17.16.014) and to specify the expiration date for approval of such uses. It is recognized that these uses which, because of their unique characteristics, cannot be properly addressed without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. (Ord. 269 (part), 2002)

18. Amend Section 17.40.020 Conditional use permit decision criteria.

17.40.020 Conditional use permit decision criteria.

~~A. A conditional use shall be granted by the county only if the applicant demonstrates~~approved, approved with conditions, or denied based on a determination:

~~1A.~~ That the use will not endanger the public health or safety; and

~~B. that~~That the use will not generate significant nuisance conditions such as noise, dust, glare, vibration; and

~~2C.~~ That the use meets all required conditions and standards set forth in the district where it proposes to locate; and

~~3D.~~ That the location and character of the use is compatible and consistent with the character of the area in which it is to be located; and

~~5E.~~ That the use is and in conformance with the comprehensive plan; and

~~4F.~~ That the use will be supported by adequate public facilities or services.

~~B. To ensure the above conditions, the county may require and approve specific plans to increase requirements of this title. Any decrease in the dimensional standards of this title shall only be granted by a variance (Chapter 17.44).~~

~~C. The action for which the conditional use permit is required shall begin within one year of approval unless extended by the county. Failure to begin such action within the time limit set shall void the conditional use permit.~~

19. Adopt a new Section 17.40.025 Expiration.

17.40.025 Expiration.

The action for which the conditional use is required shall begin within one year of approval unless extended for up to one year by the director. Failure to begin such action within the time limit specified shall void approval of the conditional use.

20. Repeal Section 17.40.030 List of conditional uses.

~~17.40.030 List of conditional uses.~~

~~—The conditional uses identified in the table of permitted uses (Section 17.16.014), will be considered by the county. (Ord. 269 (part), 2002)~~

21. Repeal Section 17.40.040 Permit exemption shoreline management permit.

~~17.40.040 — Permit exemption shoreline management permit.~~

~~— Shoreline and land use conditional use permits for the same action may be combined into one conditional use application and processed under the shoreline management procedures set forth in Title 14. (Ord. 269 (part), 2002)~~

22. Amend the list of sections in Chapter 17.44 Variances.

Sections:

17.44.010 Purpose.

17.44.015 Decision criteria.

~~17.44.017 Conditions on variances.~~

17.44.018 Minor variance.

~~17.44.020 Side and rear yard adjustments.~~

17.44.022 Expiration.

23. Amend Section 17.44.010 Purpose.

17.44.010 Purpose.

The purpose of this chapter is to provide a means of altering the dimensional standards for lot width and setbacks in the table of density and dimensional standards in Section 17.18.020 in specific cases. ~~of this title in specific cases where it is found that the variance if granted will not be contrary to the public interest and where, because of special existing conditions with respect to the lot shape or topography, a literal enforcement of the provisions of this title would result in unnecessary hardship.~~ (Ord. 269 (part), 2002)

24. Amend Section 17.44.015 Decision criteria as follows:

17.44.015 Decision criteria.

~~Before any variance is granted by the county it shall be shown~~ A variance shall be approved, approved with conditions, or denied based on a determination:

A. That special conditions and circumstances exist which are peculiar to the land, the location, topography, size or the shape of the lot or some such thing inherent in the land that causes the hardship, and which are not applicable to other lands in the same district;

B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;

C. That the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands in the same district;

D. That the granting of the variance will not authorize a use not allowed in the zone in which the property is located;

E. That the granting of the variance will not create health and safety hazards, is not materially detrimental to the public welfare and is not unduly injurious to property or improvements in the vicinity and land use district in which the subject property is located; and

F. That the variance will not conflict with the purpose and intent of this title and the comprehensive plan. (Ord. 269 (part), 2002)

25. Repeal Section 17.44.017 Conditions on variances.

~~17.44.017 Conditions on variances:~~

~~——— A. In any variance, the county may prescribe appropriate conditions and safeguards in conformity with this title.~~

~~——— B. The action for which the variance is required shall be begun or completed, or both, within one year of approval, unless extended by the planning director or his or her designee. Failure to begin or complete, or both, such action within one year shall void the variance.~~

~~——— C. Under no circumstances shall the planning commission consider a variance request to allow a use not permissible under the terms of this title in the district involved or any use expressly or by implication prohibited by the terms of this title in said district. (Ord. 269 (part), 2002)~~

26. Adopt a new Section 17.44.018 Minor variance.

17.44.018 Minor variance

A reduction of twenty percent or less in lot width or setback shall be considered a minor variance except that a reduction of more than twenty percent in a side and/or rear yard for a detached garage or similarly sized accessory building as provided in Section 17.18.020 also shall be considered a minor variance.

27. Repeal Section 17.44.020 Side and rear yard adjustments.

~~17.44.020 Side and rear yard adjustments:~~

~~——— Recognizing that the strict interpretation of the title with regards to the location of a detached garage or similar sized accessory building could be contrary to the public interest, the planning director may upon the joint request of the owners of adjoining properties permit the erection of a private garage within twelve inches of a side or rear property line provided the following are complied with:~~

~~——— A. The garage will be located to front on the rear one-third of the lot or seventy-five feet, whichever is less.~~

~~—— B. Such garage will not be unduly detrimental to adjacent and surrounding property, nor to the zone in which approval is requested.~~

~~—— C. All other provisions of the zoning ordinance are complied with. (Ord. 269 (part), 2002)~~

28. Adopt a new Section 17.44.022 Expiration.

17.44.020 Expiration.

The action for which the variance is required shall begin within one year of approval unless extended for up to one year by the director. Failure to begin such action within the time limit specified shall void the variance.