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Document Titles (i.e.: type of document)

**Ordinance No. 405 - ADOPTING A REQUEST BY WALLA WALLA COUNTY TO AMEND WALLA WALLA COUNTY CODE SECTIONS 16.08.010, 17.08.260(I), 17.08.261(I), AND CHAPTER 18.12 TO ENSURE THE CODE CONSISTS OF THE PROPER DEFINITIONS, CROSS REFERENCES AND CITATIONS.**

Auditor File Number(s) of document being assigned or released:

Grantor

1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Legal description (i.e.: lot and block or section township and range)

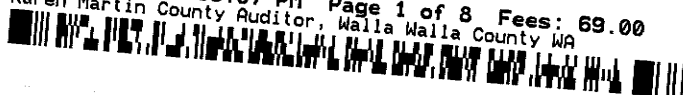
Additional legal is on page \_\_\_\_ of document.

Assessors Parcel Number

Additional parcel number is on page \_\_\_\_ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein. Please type or print the information. This page becomes part of document.

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11/16/2011 03:39:07 PM Page 1 of 8 Fees: 69.00  
Karen Martin County Auditor, Walla Walla County WA



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

**ORDINANCE NO. 405**

**ADOPTING A REQUEST BY WALLA WALLA COUNTY TO AMEND WALLA WALLA COUNTY CODE SECTIONS 16.08.010, 17.08.260(I), 17.08.261(I), AND CHAPTER 18.12 TO ENSURE THE CODE CONSISTS OF THE PROPER DEFINITIONS, CROSS REFERENCES AND CITATIONS.**

**WHEREAS**, it is desirable for the County to ensure that development regulations are not established in a manner that hinder uses of property; and

**WHEREAS**, it is important that the Walla Walla County Code be reviewed for accuracy; and

**WHEREAS**, staff from the Walla Walla Joint Community Development Agency (WWJCDA) reviewed the County Code, and noted several deficiencies and incorrect citations; and

**WHEREAS**, the Walla Walla Joint Community Development Agency was directed, with the consent of the City of Walla Walla, to prepare and process code amendments to correct the deficiencies; and

**WHEREAS**, RCW 36.70A.470 requires that the County include a procedure for any interested person to suggest amendments to the comprehensive plan or development regulations, and that the amendments must be docketed and considered on at least an annual basis.

**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. The WWJCDA, on behalf of Walla Walla County, requested the proposed amendments by the March 31, 2011 application deadline.
2. On May 4, 2011 the Planning Commission held a public workshop.
3. On May 16, 2011 the Board of County Commissioners held a public workshop.
4. On May 19, 2011 a Notice of Public Hearing was published in the Waitsburg Times, Walla Walla Union-Bulletin, and Tri-City Herald.
5. On June 1, 2011 the Planning Commission held a public hearing and recommended the proposed amendment be included on the County's 2011 final docket.
6. On June 6, 2011 the Board of County Commissioners concurred in the recommendation of the Planning Commission.



7. On June 8, 2011 the Department of Commerce acknowledged receiving the proposed amendment.
8. On July 28, 2011 a Notice of Informational Public Meeting was published in the Waitsburg Times, Walla Walla Union-Bulletin, and Tri-City Herald.
9. On August 10, 2011 an informational public meeting was held.
10. No comments were received from the Department of Commerce or any other public agency during the 60 day comment period.
11. On August 25, 2011 a Notice of Public Hearing was published in the Waitsburg Times, Walla Walla Union-Bulletin, and Tri-City Herald.
12. On September 7, 2011 the Planning Commission held a public hearing and recommended the proposed amendment be approved by the Board of County Commissioners.
13. On September 29, 2011 a Notice of Public Workshop was published in the Waitsburg Times, Walla Walla Union-Bulletin, and Tri-City Herald.
14. On October 3, 2011 the Board of County Commissioners held a public workshop.
15. Notices of the Board of County Commissioners' Public Hearing for the 2011 Comprehensive Plan and Development Regulations Amendment Final Docket were published in the Waitsburg Times, the Walla Walla Union-Bulletin, and the Tri-City Herald on October 6, 2011.
16. The Board of County Commissioners held the 2011 Comprehensive Plan and Development Regulations Amendment Final Docket hearing on October 17, 2011.

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

1. The proposed amendment is in compliance with Walla Walla County Code Section 14.15.070(B)(3).
2. The proposed amendment is consistent with the Walla Walla County Comprehensive Plan.
3. As proposed, the amendment will not have a significant adverse impact on public welfare and safety.
4. The proposed amendments are in compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code.

**Section III. Adoption of Various Amended Sections of the Walla Walla County Code:**

Based on its review of the requirements of RCW 36.70A, RCW 36.70B and the Washington Administrative Code, the proposed amendments prepared by the applicant, staff analysis and the recommendation proposed by the Planning Commission, the Board of County Commissioners hereby adopts the following proposed code amendments:

The amendments to Walla Walla County Code Section 16.08.010 – Subdivision as presented to the Board of County Commissioners on this date are adopted as shown in Exhibit A.

The amendments to Walla Walla County Code Sections 17.08.260(I) – Home Occupation, Type I and 17.08.261(I) – Home Occupation, Type II as presented to the Board of County Commissioners on this date are adopted as shown in Exhibit B.

The amendments to Walla Walla County Code Chapter 18.12 – Flood Damage Prevention as presented to the Board of County Commissioners on this date are adopted as shown in Exhibit C.

**Section IV. Effective Date and Savings.**

This Ordinance is effective upon signing.

**Section V. 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 VI. Publication.**

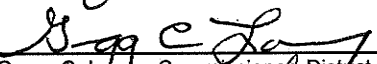
This Ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 15<sup>th</sup> day of November, 2011.

Attest:

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

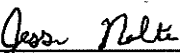
  
\_\_\_\_\_  
Perry L. Dozier, Chairman, District 2

  
\_\_\_\_\_  
Gregg C. Loney, Commissioner, District 1

  
\_\_\_\_\_  
Gregory A. Tompkins, Commissioner, District 3

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

Approved as to form

  
\_\_\_\_\_  
Jesse Nolte, Deputy Prosecuting Attorney



## Exhibit A

16.08.010 – Subdivision.

"Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions outside of an urban growth area boundary, or ~~nine~~ ten or ~~fewer~~ more lots, tracts, parcels, sites or divisions inside of an urban growth area boundary for the purpose of sale or lease and includes all resubdivision of land. (Res. 02118 Attach. A (part), 2002; Ord. 294 (part), 2004)



## Exhibit B

17.08.260(I):

Home occupation, type I proposals shall be subject to type I administrative review described in Walla Walla County Code Section ~~14.09.030~~ 14.09.045.

17.08.261(I):

Home occupation, type II proposals shall be subject to type II administrative review described in Walla Walla County Code Section ~~14.09.040~~ 14.09.045.



## Exhibit C

18.12.050

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render that structure in violation of the applicable nonelevation design requirements of this chapter found at Section ~~17.38.250~~ 18.12.250.

18.12.120(A)

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section ~~17.38.070~~ 18.12.070.

18.12.120(B)(3)

Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section ~~17.38.260~~ 18.12.260;

18.12.140(A)(3)

Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway assure that the encroachment provisions of Section ~~17.28.290(A)~~ 18.12.290(A) are met;

18.12.140(B)

Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section ~~17.38.070~~ 18.12.070, the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections ~~17.38.250~~ 18.12.250 and ~~17.38.290~~ 18.12.260;

18.12.140(C)(2)(b)

Maintain the floodproofing certifications required in Section ~~17.38.120(C)~~ 18.12.120(B),

18.12.140(E)

Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections ~~17.38.150~~ 18.12.150 and ~~17.38.160~~ 18.12.160. (Ord. 269 (part), 2002)

18.12.160(D)(3)

A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section ~~17.38.150(B)~~ 18.12.150(B), or conflict with existing local laws or ordinances.

18.12.180

In all areas of special flood hazards the standards set out in Sections ~~17.38.190~~ 18.12.190 through ~~18.12.230~~ 18.12.230 are required. (Ord. 269 (part), 2002)

18.12.240

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections ~~17.38.070~~ 18.12.070 or ~~17.38.140(B)~~ 18.12.140(B), the provisions set out in Sections ~~17.38.250~~ 18.12.250 through ~~17.38.300~~ 18.12.300 are required. (Ord. 269 (part), 2002)

18.12.260(C)

Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section ~~17.38.140(C)(2)~~ 18.12.140(C)(2).

18.12.260(D)

Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section ~~17.38.250(B)~~ 18.12.250(B).

18.12.270(A)

Mobile homes shall be anchored in accordance with Section ~~17.38.190~~ 18.12.190.

18.12.280

All manufactured homes to be placed or substantially improved within zones AI-30, AH and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section ~~17.38.190~~ 18.12.190. This section applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This section does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced. (Ord. 269 (part), 2002)

18.12.290

Located within areas of special flood hazard established in Section ~~17.38.070~~ 18.12.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

18.12.290(B)

If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections ~~17.28.180~~ 18.12.180 through ~~17.28.300~~ 18.12.300.

