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**ORDINANCE NO. 438 - ADOPTING A REQUEST BY J. ALAN AND DEANNE
FIELDING TO AMEND WALLA WALLA COUNTY CODE 17.08.074C,
CHANGING THE DEFINITION OF TYPE III BED AND BREAKFAST
GUESTHOUSES**

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)

n/a

Additional legal is on page ____ of document.

Assessors Parcel Numbers

n/a

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

ORDINANCE NO. 438

**ADOPTING A REQUEST BY J. ALAN AND DEANNE FIELDING TO AMEND
WALLA WALLA COUNTY CODE 17.08.074C, CHANGING THE DEFINITION
OF TYPE III BED AND BREAKFAST GUESTHOUSES.**

WHEREAS, it is desirable for the County to utilize innovative land use management techniques permitted by RCW 36.70A; and

WHEREAS, the Board of County Commissioners finds that the proposal would provide a unique agricultural experience, help support agricultural activities, and allow for further use of Bed and Breakfast Guesthouses to serve local residents in addition to tourists; 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 application was submitted to the Community Development Department on March 24, 2015 by J. Alan and Deanne Fielding DBA Cameo Heights Mansion.
2. The amendment applications would amend Walla Walla County Code 17.08.074C to allow dining service at Type III Bed and Breakfast Guesthouses for 50 guests and to allow the hosting of private events with up to 50 guests.
3. The Planning Commission held a public workshop on May 6, 2015.
4. The Board of County Commissioners held a public workshop on May 26, 2015.
5. A Notice of Public Hearing for a July 1 Preliminary Docket Planning Commission hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin and the Tri-City Herald on June 18, 2015.
6. A Notice of Public Hearing for a July 1 Preliminary Docket Planning Commission hearing was posted on the Community Development Department website on June 17, 2015.

7. On July 1, 2015 the Planning Commission held a public hearing and did not recommend that the proposed zoning code text amendments be included on the County's 2015 final docket. The recommendation was documented in Planning Commission Resolution No. 15-01, which was signed by the Chairman on July 15, 2015.
8. On July 20, 2015 the Board of County Commissioners reviewed the Planning Commission's recommendation on these applications and decided to schedule a public hearing to consider adding this item to the final docket.
9. On August 3, 2015 the Board of County Commissioners adopted Resolution 15-291 which set a public hearing for August 18 to consider adding this item to the final docket.
10. A Notice of Public Hearing for the August 18 Board of County Commissioners hearing on this item was mailed to parties of record on August 4, 2015.
11. A Notice of Public Hearing for the August 18 Board of County Commissioners hearing on this item was published on the County website on August 4, 2015.
12. A Notice of Public Hearing for the August 18 Board of County Commissioners hearing on this item was published in the Waitsburg Times, Walla Union Bulletin and Tri-City Herald on August 6, 2015.
13. On August 18, 2015 the Board of County Commissioners held a public hearing and voted to add this item to the final docket. On November 2, 2015 the Board signed Resolution No. 15-274 setting the 2015 final docket, which includes this application.
14. On October 20, 2015 the Walla Walla County Community Development Department issued a SEPA Determination of Non-Significance. No appeal was filed.
15. On September 3, 2015 notice of this amendment was sent to the Department of Commerce. No comments were received from the Department of Commerce or any public agency during the 60-day comment period, which ended on November 2, 2015.
16. On October 22, 2015 a Notice of Informational Public Meeting and Public Hearing for meetings on November 4 was published in the Waitsburg Times, Walla Walla Union Bulletin and Tri-City Herald.
17. On November 4, 2015 an Informational Public Meeting was held.
18. On November 4, 2015 the Planning Commission held a public hearing on the application. There was no public testimony.
19. After the close of the public hearing on November 4, 2015, the Planning Commission voted 4-2 to recommend approval of the application by the Board of County Commissioners. On November 9, 2015, the Planning Commission Chairman issued Resolution 15-02, documenting this recommendation.

20. On November 9, 2015 the Board of County Commissioners adopted Resolution No. 15-282 setting a public hearing on this item for November 23, 2015.
21. A Notice of Public Hearing for the November 23 hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin and the Tri-City Herald on November 12, 2015.
22. A Notice of Public Hearing for the November 23 hearing was posted on the Community Development Department website on November 9, 2015.
23. A Notice of Public Hearing for the November 23 hearing was mailed to parties of record on November 9, 2015.
24. The Board of County Commissioners held the Final Docket Public Hearing on November 23, 2015. Two members of the public spoke in opposition to the proposed amendment.

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

1. With regard to Walla Walla County Code Section 14.15.070D(3):
 1. *The amendment is consistent with the comprehensive plan; and*
Discussion: Approval of the proposed text amendment would affect all land zoned Primary Agriculture 40, the County's largest resource zoning district, which includes about 665,500 acres of land and 82.8% of the County. The Comprehensive Plan states that all lands designated Primary Agriculture are 'lands of long-term commercial significance' and are to be characterized by agricultural land uses. The Comprehensive Plan states the following:
"Agricultural accessory uses and non-agricultural accessory uses and activities that support, promote or sustain agricultural operations and production are permitted consistent with the provisions of Chapter 36.70A.177 of the GMA." As it already states in 17.08.074C, Type III B&Bs are considered to be non-agricultural accessory uses, and are required to be reviewed under the standards of WAC 365-196-815(3)(c)(iii)(B).

Policy RL44 of the Comprehensive Plan states in part that "zoning standards shall limit non-agricultural accessory uses on designated agricultural lands." Under the current code, Type III Bed and Breakfasts are required to comply with the provisions of WAC 365-196-815(3)(c)(iii)(B). This WAC implements RCW 36.70A.177, and states that non-agricultural accessory uses are allowed if:

(B) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already

developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses;

This requirement will not change with the adoption of these amendments. Although a small change or increase in operations will occur, there will still be an overall limit on the size of these facilities so that conservation of agricultural land is achieved. Allowing the hosting of events at facilities where there will already be dining service for the same number of guests, and therefore sufficient parking and other infrastructure, should not result in significant negative impacts to neighboring properties and uses. Additionally, these Type III B&Bs must go through the conditional use permit review process, which provides an opportunity for public review and comment and consideration of site and proposal specific issues.

The proposal is additionally consistent with the following Comprehensive Plan policies and goals:

Goal RL-22: Maintain the current quality of life for County residents, while maximizing on the opportunity to make efficient use of resource land and improve the economic base of the County.

Policy RL-56: Certain limited recreational and community-oriented cultural land uses should be allowed in three of the zones comprising the designated agricultural resource lands: Agricultural Residential-10, General Agriculture-20, and Primary Agriculture-40.

2. *The amendment meets a definable public need; and*

Discussion: The amendment meets a definable public need because it provides additional opportunities for Type III B&Bs to generate additional income.

3. *The amendment is in the long term interest of the County.*

Discussion: The amendment is in the long term interest of the County in that it will provide a small expansion of Type III Bed and Breakfasts, while not expanding these uses in such a way as would convert any more agricultural land.

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

Section III. Adoption of the amendments to Chapter 17.08:

Based on its review of the requirements of RCW 36.70A 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 amendments to Walla Walla County Code Chapter 17.08:

The amendments to Walla Walla County Code Section 17.08.074C as shown in attached Exhibit A.

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 14th day of December, 2015.

Attest:



Connie R. Vinti, Clerk of the Board



Perry L. Dozier, Chairman, District 2



James K. Johnson, Commissioner, District 1



James L. Duncan, Commissioner, District 3

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

Approved as to form



Jesse D. Nolte, Deputy Prosecuting Attorney

Exhibit A

17.08.074C - Bed and breakfast guesthouse type III.

Bed and breakfast guesthouse type III means a bed and breakfast guesthouse located in a primary dwelling unit. This type III designation includes, as an approved nonagricultural accessory use, the option of dining service for up to ~~25~~ 50 guests at a time and the hosting of wedding, corporate, or other events that do not exceed 50 persons. Bed and Breakfast type III guesthouses must: (1) meet all the applicable health and safety requirements of any required food service permit; (2) have no adverse effect upon the continued and compatible use of agricultural land either within or adjacent to the proposed property; and (3) meet the various requirements of WAC 365-196-815(3)(c)(iii)(B).