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ORDINANCE NO. 441 ADOPTING A REQUEST BY DON JOHNSON TRAILER SALES (ZCA15-007) TO AMEND WALLA WALLA COUNTY CODE CHAPTER 17.08 TO ESTABLISH A NEW DEFINITION FOR "LIVESTOCK AND TRAILER SALES AND SERVICE" AND AMEND SECTION 17.16.014, PERMITTED USES, TO ALLOW THIS USE IN THE AGRICULTURE RESIDENTIAL 10 ZONING DISTRICT SUBJECT TO CONDITIONS

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

Additional parcel number is on page ____ of document.

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

ORDINANCE NO. 441

ADOPTING A REQUEST BY DON JOHNSON TRAILER SALES (ZCA15-007) TO AMEND WALLA WALLA COUNTY CODE CHAPTER 17.08 TO ESTABLISH A NEW DEFINITION FOR “LIVESTOCK AND TRAILER SALES AND SERVICE” AND AMEND SECTION 17.16.014, PERMITTED USES, TO ALLOW THIS USE IN THE AGRICULTURE RESIDENTIAL 10 ZONING DISTRICT SUBJECT TO CONDITIONS.

WHEREAS, it is desirable for the County to conserve and protect agricultural lands by allowing agricultural accessory uses to be located in agricultural zoning districts; 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 31, 2015 by Don Johnson Trailer Sales.
2. The amendment applications would amend Walla Walla County Code Chapter 17.08, Definitions, to establish a new definition for “livestock trailer sales and service” and amend Section 17.16.014, Table of Permitted Uses, to allow this use in the Agriculture Residential 10 zoning district subject to certain conditions contained in a new footnote.
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 included this application.
14. 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.
15. On October 7, 2015 at a public workshop, there was consensus by the Planning Commission that proposed criteria 3(b) not be required.
16. On October 20, 2015 the Walla Walla County Community Development Department issued a SEPA Determination of Non-Significance. No appeal was filed.
17. 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.
18. On November 4, 2015 an Informational Public Meeting was held.

19. On November 4, 2015 the Planning Commission held a public hearing on the application. Nicole Aichele, representing the Applicant, spoke in favor of the application.
20. After the close of the public hearing on November 4, 2015, the Planning Commission voted unanimously to recommend approval of the application by the Board of County Commissioners without condition 3(b). On November 9, 2015, the Planning Commission Chairman issued Resolution 15-02, documenting this recommendation.
21. 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.
22. 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.
23. A Notice of Public Hearing for the November 23 hearing was posted on the Community Development Department website on November 9, 2015.
24. A Notice of Public Hearing for the November 23 hearing was mailed to parties of record on November 9, 2015.
25. The Board of County Commissioners held the Final Docket Public Hearing on November 23, 2015.

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: 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 36.70.A.177 of the GMA.” The amendments would support agriculture in providing a product used primarily by agricultural property owners. The amendments are also consistent with the following Comprehensive Plan goals and policies:

Policy RL-44: Ensure that preferred land uses in agricultural areas are related to farming, ranching, and open space activities in areas designated as agricultural. Limited outdoor recreation uses are allowed, and mining is allowed with certain restrictions. Zoning standards shall limit non-agricultural accessory uses on designated agricultural lands.

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.

2. *The amendment meets a definable public need; and*
Discussion: The amendment meets a definable public need because it allows for agricultural producers to purchase service and equipment within an agricultural zoning district, thereby supporting agriculture.
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 support economic development and allow for commercial development in agricultural lands that supports agriculture.
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 Chapters 17.08 and 17.16:

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 Chapters 17.08 and 17.16:

The amendments to Walla Walla County Code Chapters 17.08 and 17.16 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
Connie R. Vinti, Clerk of the Board

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

James K. Johnson
James K. Johnson, Commissioner, District 1

James L. Duncan
James L. Duncan, Commissioner, District 3

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

Approved as to form

Jesse D. Nolte
Jesse D. Nolte, Deputy Prosecuting Attorney

Exhibit A

Section I. Add new definition in Chapter 17.08.

17.08.312 Livestock trailer sales and service

“Livestock trailer sales and service” means any establishments primarily engaged in selling new and used trailers for hauling livestock (see 17.08.310 for livestock definition); dealers selling new livestock trailer parts and accessories; and offering service and repair for trailers.

Section II. Amend Section 17.16.014 to allow “Livestock trailer sales and service” as a permitted use in the AR-10 zoning district subject to a new development condition (4).

Retail/Wholesale Land Uses

Key
P = Permitted use
C = Conditional use permit required
AC = Administrative conditional use permit required
* = Definition of this specific land use see Chapter 17.08
PA = Primary Agriculture
EA = Exclusive Agriculture
GA = General Agriculture
AR = Agriculture Residential
RR = Rural Remote
RA = Rural Agriculture
RRMC-5 = Rural Residential Mill Creek-5
RR = Rural Residential
R-96 = Suburban Residential
R-72 = Single Family Residential
R-60 = Single Family Residential
RM = Multiple Family Residential
RD-R = Rural Development-Residential
RD-CI = Rural Development-

Commercial/Industrial
RFC = Rural Farmworker Community
RAC = Rural Activity Center

	Zone																		
	Resource			Rural								Urban Residential				Misc.			
	P A- 40	E A- 12 0	G A- 20	A R- 10	R R- 40	R R- 20	R A- 10	R A- 5	RRM C- 5	R R- 2	R R- 5	R - 9 6	R - 7 2	R - 6 0	R M	R D- R	R D- CI	RF C	RA C
Specific Use																			
RETAIL																			
Horticultural Nurseries, Retail	P		P	P		P	P	P	P	P	P								P1
*Livestock Trailer Sales and Service				P4															
Irrigation Systems & Equipment, Sales Service & Storage																			P1

B. Retail/Wholesale Land Uses—Development Conditions.

- ...
4. Livestock trailer sales and service uses shall be subject to the following conditions:

a. The use shall be located, designed and operated so as not to interfere with the overall agricultural use of neighboring properties and of the site, if applicable, by these standards:

1. The footprint of the operation may not exceed 10 acres of land including buildings and parking.

2. Buildings or portions of buildings associated with the facility shall not exceed a maximum of twenty thousand square feet per building.

3. Limited to parcels that are less than ½ mile from highway 12.