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ORDINANCE NO. 445 AMENDING WALLA WALLA COUNTY CODE SECTIONS 17.08.074 AND 17.08.074B, CHANGING THE DEFINITION OF TYPE II BED AND BREAKFAST GUESTHOUSES AND AMENDING SECTION 17.16.014 TO ADD A NEW DEVELOPMENT CONDITION.

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. 445

AMENDING WALLA WALLA COUNTY CODE SECTIONS 17.08.074 AND 17.08.074B, CHANGING THE DEFINITION OF TYPE II BED AND BREAKFAST GUESTHOUSES AND AMENDING SECTION 17.16.014 TO ADD A NEW DEVELOPMENT CONDITION.

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

WHEREAS, the Board 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 residences in addition to tourists, while ensuring compatibility with the rural character of the County's agricultural lands; 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; and

WHEREAS, pursuant to Walla Walla County Code Section 14.50.030, the Board of County Commissioners may amend development regulations more often than once a year as determined by a majority vote of the Board of County Commissioners to be in the long term interests of the County.

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 Planning Commission discussed possible issues relating to Bed and Breakfasts and gave staff direction on what they would like to consider at their January 8, 2014 meeting.
2. The Planning Commission held a public workshop on February 5, 2014 to discuss possible amendments.
3. The Planning Commission held a public workshop on March 3, 2014 to discuss possible amendments. The Planning Commission voted 5-2 to forward proposed amendments to the Board of County Commissioners to request the Board consider the changes as a County-sponsored amendment.



4. At their July 29, 2014 meeting Board of County Commissioners reviewed the Planning Commission's request and agreed that that the proposed changes should be moved forward as a County-sponsored amendment.
5. The Planning Commission held a public workshop on August 5, 2015 to discuss possible amendments.
6. A SEPA Threshold Determination of Non-Significance was issued by the Community Development Department Director on November 17, 2015. No appeal of this decision was filed.
7. On November 18, 2015 a Notice of Informational Public Meeting and Public Hearing for meetings on December 2 was mailed to parties of record.
8. On November 19, 2015 a Notice of Informational Public Meeting and Public Hearing for meetings on December 2 was published on the Community Development Department website and in the Waitsburg Times, Walla Walla Union Bulletin and Tri-City Herald.
9. On November 24, 2015 notice of this amendment was sent to the Department of Commerce with an expedited review request. No comments were received from the Department of Commerce or any public agency and the expedited review request was granted on December 9.
10. On December 2, 2015 an Informational Public Meeting was held.
11. On December 2, 2015 the Planning Commission held a public hearing. There was no public testimony.
12. After the close of the public hearing on December 2, 2015, a motion was made and seconded to eliminate Item 7 in the December 2 staff report, which would, if included, prohibit all bed and breakfast guesthouses from being located on lots that do not conform to the County's minimum lot area. This motion failed with a vote of 2-3; with two members absent.
13. At the Planning Commission meeting on December 2, 2015 a second motion was made to recommend approval of the amendments as presented in Attachment 3 of the December 2 staff report. The Planning Commission 3-2 to recommend approval of the amendments by the Board of County Commissioners. On December 22, 2015, the Planning Commission Chairman issued Resolution 15-04, documenting this recommendation.
14. On December 21, 2015 the Board of County Commissioners adopted Resolution 15-330 setting a public hearing on this item for January 4, 2016.
15. A Notice of Public Hearing for the January 4 public hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin and the Tri-City Herald on December 24, 2015. This notice was also published on the Walla Walla County website and emailed to interested citizens.
16. The Board of County Commissioners held a public hearing on January 4, 2016. Staff presented the Planning Commission's recommendation and then presented

an alternative staff recommendation that the Board of County Commissioners approve the proposed amendments without the nonconforming lots restriction. Three members of the public commented during the public hearing.

17. On January 4, 2016, after closing the public hearing, the Board of County Commissioners voted unanimously to concur with staff's recommendation to approve the proposed amendments without Item E (the nonconforming lot restriction), and directed staff to prepare an ordinance for adoption.
18. After the hearing, County staff recommended that WWCC 17.08.074 (D) be revised to show that Type III bed and breakfasts may allow 50 guests at a time. This change is consistent with Ordinance 438, which was enacted on December 14, 2015. Ordinance 438 modified the provisions of WWCC 17.08.074C, and allowed Type III Bed and Breakfasts to serve 50 guests at a time. Modifying 17.08.074 (D) will correct the cross-reference to Type III Bed and Breakfasts enacted by Ordinance 438.

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 proposed amendments are consistent with the following goals and policies of the Comprehensive Plan. Most of the proposed amendments are intended to provide clearer standards, not significantly change what is allowed. The proposed footnote in Section 17.16.014 would provide a significant limitation on how Type II Bed and Breakfasts are designed in the County's agricultural lands. Currently Type II Bed and Breakfasts can have up to 10 lodging units in an unlimited number of buildings. Under current code, a Type II Bed and Breakfast operator could develop a Type II facility with a primary dwelling unit in one building and ten detached buildings containing the ten lodging units. The proposed amendments will limit these facilities to no more than three total buildings which will ensure that these facilities are more similar in character to other residential uses in these zones, consistent with the resource lands policies described below.

Economic Development Goals and Policies, Chapter 11

Goal ED-1. Support sustainable business and industrial development that:

- *Strengthens and diversifies the economic base and associated tax base to support essential government services;*
- *Operates in a manner that maintains a high quality of life and environment.*

Resource Lands Goals and Policies, Chapter 6

Goal RL-47. Allow residential uses near agricultural lands and designated mineral resource lands to be developed only in a manner that



minimizes conflicts and discourages the unnecessary conversion of resource land.

Goal RL-48. Promote the arrangement of agricultural lands that provide landowners and their employees a means of residing on their property, while at the same time providing protection to resource land from encroachment of more intensive residential activity.

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 County Planning Commission initiated these amendments because its members determined that there needed to be additional clarity in the development standards for Bed and Breakfasts, and that the County needed to consider whether additional limitations were necessary to keep these operations compatible with other land uses in agricultural zones.

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

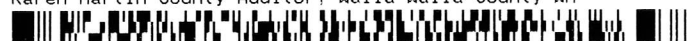
Discussion: These amendments are in the long term interest of the County because they will clarify existing provisions to be more clear and consistent with the ongoing interpretation of staff and the Hearing Examiner. The amendments will also include a limitation that restricts Type II Bed and Breakfasts in agricultural lands from being located in more than three buildings, which will help ensure that these operations are consistent with the scale and character of other residential uses in these areas.

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, staff analysis and recommendations, and the recommendation submitted 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 17.08.074 and 17.08.074B as shown in attached Exhibit A.



Section IV. Adoption of the amendments to Section 17.16.014:

Based on its review of the requirements of RCW 36.70A and the Washington Administrative Code, the proposed amendments, staff analysis and recommendations, and the recommendation submitted by the Planning Commission, the Board of County Commissioners hereby adopts the following proposed amendments to Walla Walla County Code Section 17.16.014:

The amendments to Walla Walla County Code Section 17.16.014 as shown in attached Exhibit B.

Section V. Effective Date and Savings.

This Ordinance is effective upon signing.

Section VI. 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 VII. 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 27th day of June, 2016.

Attest:

Connie R Vinti

Connie R. Vinti, Clerk of the Board

absent

James K. Johnson, Chairman, District 1

Perry L Dozier

Perry L. Dozier, Commissioner, District 2

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

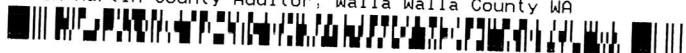


Exhibit A

17.08.074 - Bed and breakfast guesthouse.

"Bed and breakfast guesthouse" means an establishment ~~providing overnight accommodations and food services~~ located in a primary dwelling unit or accessory building ~~provided providing overnight accommodations and food services~~ to transients for compensation or utilized by the owner or operator as short-term lodging for travelers and transient guests. A bed and breakfast guesthouse establishment is subject to the following conditions:

- A. Number of ~~Guest Rooms Lodging Units~~. A bed and breakfast guesthouse establishment shall not ~~Not have~~ more than ten guest rooms, lodging units will be present in any dwelling unit; travelers or transient guests may not stay longer than thirty consecutive days;
- B. Occupancy. Property owner or operator occupied;
- C. Parking. One off-street parking space must be provided for each guest room lodging unit in addition to ~~the any other~~ parking requirements ~~for the use of the structure as a dwelling unit~~;
- D. Food Service. Except in the case of Type III bed and breakfasts, ~~Only~~ limited food service as permitted under Washington Administrative Code (WAC) Chapter 246-215, Food Service, may be provided. Food service is limited to overnight guests, or, in the case of Type III bed and breakfast guesthouses, ~~25~~ 50 guests at a time;
- E. Signs. Signs associated with this use shall be limited to four square feet in size, except bed and breakfast establishments in a zone which allows signs larger than four square feet may have a larger sign, provided it is in compliance with the size standards for that district. Signs shall meet all setback requirements for the zone in which the bed and breakfast establishment is located.

17.08.074B - Bed and breakfast guesthouse type II.

"Bed and breakfast guesthouse type II" means a bed and breakfast guesthouse located in or utilizing one or more an accessory building(s).

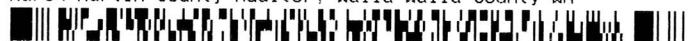


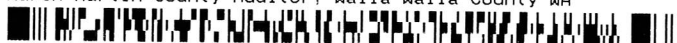
Exhibit B

17.16.014 - Permitted uses table.

Residential 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
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	Resource				Rural							Urban Residential				Misc.			
	P A- 4 0	E A- 1 2 0	G A- 2 0	A R- 1 0	R R- 4 0	R R- 2 0	R A- 1 0	R A- 5	RR MC- 5	R R- 2	R R- 5	R- 9 6	R- 7 2	R- 6 0	R M	R D- R	R D - CI	R F C	R A C
Specific Use																			
Dwelling Units																			
* One Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P
* Two Family (duplex)												P 6	P 6	P 6		P 6		P 6	P 6
* Multi Family															P			C	P
* Townhouse												P 6	P 6	P 6	P			P	P
* Mobile Home, single wide	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P
* Mobile Home, double wide	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P
* Manufactured Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P
* MOBILE/MANUFACTURED HOME PARK							A C	C	C	C	C				C				C
GROUP RESIDENCES																			
* Adult Family Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
* Long Term Care Facility								C	C	C	C				P				C
* Senior Citizen Asst. Housing								A C	AC	A C	A C				P				A C
TEMPORARY LODGING																			

	Zone																		
	Resource				Rural							Urban Residential				Misc.			
	P A- 4 0	E A- 1 2 0	G A- 2 0	A R- 1 0	R R- 4 0	R R- 2 0	R A- 1 0	R A- 5	RR MC- 5	R R- 2	R R- 5	R- 9 6	R- 7 2	R- 6 0	R M	R D- R	R D - CI	R F C	R A C
* Bed & Breakfast Type I	P		P	P	P	P	P	P	P	P	P	P	P	P	P				P
* Bed & Breakfast Type II	C 8		C 8	C 8	C	C	C	C	C	C	C	C	C	C	C				C
* Bed & Breakfast Type III	C																		
* Hotels/motels																			P
Mobile/Manufactured Home	A C 1	A C 1	A C 1	A C 1	A C 1	A C 1	A C 1	A C 1	AC 1	A C 1	A C 1	A C 1	A C 1	A C 1		A C 1		A C 1	A C 1
* Transient Labor Camps	C 7		C 7	C 7	C 7	C 7	C 7	C 7	C7	C 7	C 7								C 7
ACCESSORY USES																			
* Accessory Dwelling Units	P 2	P 2	P 2	P 2	P 2	P 2	P 2	P 2	P2	P 2	P 2	P 2	P 2	P 2		P 2		P 2	P 2
* Accessory Use	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P3	P 3	P 3	P 3	P 3	P 3	P 3	P 3		P 3	P 3
* Home Occupation Type I	P 4	P 4	P 4	P 4	P 4	P 4	P 4	P 4	P4	P 4	P 4	P 4	P 4	P 4	P 4	P 4			P 4
* Home Occupation Type II	A C 4	A C 4	A C 4	A C 4	A C 4	A C 4	A C 4	A C 4	AC 4	A C 4	A C 4								A C 4
* Caretakers Quarters																			



	Zone																		
	Resource				Rural								Urban Residential				Misc.		
	P A- 4 0	E A- 1 2 0	G A- 2 0	A R- 1 0	R R- 4 0	R R- 2 0	R A- 1 0	R A- 5	RR MC- 5	R R- 2	R R- 5	R- 9 6	R- 7 2	R- 6 0	R M	R D- R	R D - CI	R F C	R A C
* Farmworker Dwellings	A C 5	A C 5	A C 5	A C 5	A C 5	A C 5	A C 5	A C 5	AC 5	A C 5	A C 5							A C 5	A C 5

Residential 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
IA-M = Industrial Agriculture Mixed
IA-H = Industrial Agriculture Heavy
HI = Heavy Industrial
LI = Light Industrial
I/BP = Industrial/Business Park
NC = Neighborhood Commercial
CG = General Commercial
BC = Burbank Commercial
BR = Burbank Residential
PR = Public Reserve

	Zone	
	Industrial and Commercial	Misc.



	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
SPECIFIC USE										
DWELLING UNITS										
* One Family	AC								P	
* Two Family (duplex)									P6	
* Multi Family									P6	
* Townhouse									P6	
* Mobile Home, single wide	AC								P	
* Mobile Home, double wide	AC								P	
* Manufactured Home	AC								P	
* Mobile/Manufactured Home Park									C	
GROUP RESIDENCES										
* Adult Family Home									P	
* Long Term Care Facility							P	P	C	
* Senior Citizen Asst. Housing							P	P	AC	
TEMPORARY LODGING										
* Bed and Breakfast Type I									P	
* Bed and Breakfast Type II									C	
* Bed and Breakfast Type III										
* Hotels/Motels					P		P	P		
* Mobile/Manufactured Home	AC1								AC1	
* Transient Labor Camps										
ACCESSORY USES										
* Accessory Dwelling Units	P2								P2	
* Accessory Use	P3						P3	P3	P3	
* Home Occupation Type I	P4								P4	
* Home Occupation Type II	AC4								AC4	
* Caretakers Quarters	P	P	P				P	P		
* Farmworker Dwellings	AC5	AC5	AC5	AC5	AC5	AC5	AC5	AC5	AC5	

A. Residential Land Uses—Development Conditions.

1. The temporary placement of mobile/manufactured homes only applies to situations where there exists a personal hardship related to the aged, infirm or to persons incapable of maintaining a separate residence, whereby it is necessary to have someone living on the same premises. The following provisions are also required:
 - a. A signed doctor's statement indicating the need for care shall be submitted with the application;
 - b. The permit shall be issued for a specific person(s) and for a period of one year, requiring annual review and renewal. No change in occupancy shall take place without review of the planning commission. The mobile/manufactured home shall be removed within ninety days after the original need has ceased;
 - c. The county health department shall approve the provisions of water and sewer service to the temporary dwelling unit;
 - d. Each granting does not constitute an approval to divide land. The location of a temporary dwelling unit on a parcel of land shall not be considered the creation of a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply.
2. See the definition of accessory dwelling unit in ch. 17.08
3. An accessory use, structure or activity clearly incidental to the permitted use and which will not create a nuisance or hazard if permitted.
4. Proposed home occupations shall be subject to the review process and requirements described in sections 17.08.260 and 17.08.261
5. Farmworker dwellings to accommodate agriculture employees and their families employed by the owner of the premises are permitted, provided that only three accessory farmworker dwelling units are permitted on a lot in addition to the owner's single-family residence and that each lot has a minimum of twenty acres and; provided further that such housing facilities shall be considered accessory to the main dwelling and shall conform to the provisions of the district pertaining to required yards and open spaces for dwellings. Verification of half time or greater employment is required before issuance of building permit.
6. Only permitted within an approved Planned Unit Development. Increased density for two-family dwellings (duplex) and townhouses is a recognized public benefit in the R-96, R-72, R-60, RD-R, RFC, RAC, and BR zoning districts.
7. Transient labor camps are permitted provided they meet the state's minimum health and safety requirements for temporary worker housing (246-3 58 WAC Temporary Housing Rules).
8. Any lot with a Type II bed and breakfast shall be limited to a total of three residential buildings, including the primary dwelling unit and any accessory building containing guest rooms or farmworker dwellings.