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

**ORDINANCE NO. 464 AMENDING WALLA WALLA COUNTY CODE SECTION 17.36.010 REGARDING THE REGULATION OF NONCONFORMING USE, STRUCTURE, AND LOT PROVISIONS IN THE EVENT OF ACQUISITION OF RIGHT-OF-WAY BY EMINENT DOMAIN OR POTENTIAL EMINENT DOMAIN IN UNINCORPORATED WALLA WALLA COUNTY.**

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. 464**

**AMENDING WALLA WALLA COUNTY CODE SECTION 17.36.010 REGARDING THE REGULATION OF NONCONFORMING USE, STRUCTURE, AND LOT PROVISIONS IN THE EVENT OF ACQUISITION OF RIGHT-OF-WAY BY EMINENT DOMAIN OR POTENTIAL EMINENT DOMAIN IN UNINCORPORATED WALLA WALLA COUNTY.**

**WHEREAS**, Walla Walla County Code Section 14.15.030 allows the Board of County Commissioners to amend the County development regulations more than once per year by majority vote of the Board; and

**WHEREAS**, recent road construction activities in the unincorporated areas of Walla Walla County have triggered the need by the County to acquire right-of-way by the potential exercise of eminent domain; and

**WHEREAS**, current standards of the Walla Walla County zoning code, Title 17, Chapter 17.36, provide for the regulation of nonconforming buildings, structures, and uses; and

**WHEREAS**, these regulations do not address buildings, structures, lands, and uses made nonconforming as a result of right-of-way acquisition by the exercise of eminent domain or potential exercise of eminent domain; and

**WHEREAS**, the Board adopted interim zoning standards via Ordinance No. 457, which expires on May 21, 2017, to temporarily modify Chapter 17.36 to extend these regulations to apply to nonconforming situations that result from right-of-way acquisition or potential right-of-way acquisition by a governmental entity.

**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. On November 21, 2016, the Board of County Commissioners adopted interim zoning regulations via Ordinance No. 457 relating to the regulation of nonconforming situations resulting from right-of-way acquisition by a governmental entity. Ordinance No. 457 directed staff to prepare possible permanent development regulations for consideration by the Planning Commission and Board of County Commissions.



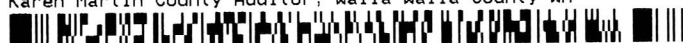
2. On March 1, 2017, the Planning Commission discussed the proposed permanent code amendments in a workshop meeting.
3. On March 3, 2017, as required by RCW 36.70A.106, a copy of the proposed amendments was sent to the Washington State Department of Commerce for processing under Material ID #23437. On March 20, 2017, the County was notified that the Department of Commerce granted expedited review for these amendments. No comments from State agencies were submitted during this review period.
4. On March 14, 2017, a Notice of Public Hearing and Informational Public Meeting was posted on the Community Development Department website for meetings on April 5, 2017. On March 16, 2017, this notice was published in the Waitsburg Times and Walla Walla Union Bulletin, and on March 17, 2017, the notice was published in the Tri-City Herald.
5. On April 5, 2017, an Informational Public Meeting was held by Community Development Staff as required by Walla Walla County Code (WWCC) 14.15.050B.2. No members of the public attended this meeting.
6. On April 5, 2017, a public hearing was held by the Planning Commission. There was no public testimony provided at the public hearing.
7. On April 5, 2017, after the close of the public hearing the Planning Commission voted unanimously to recommend that the Board of County Commissioners approve the proposed permanent code amendments presented in the April 5 staff report (ZCA16-013). On April 24, 2017, the Planning Commission Chairman issued Resolution 17-02 documenting this recommendation.
8. On March 29, 2017 a SEPA threshold determination of non-significance (DNS) was issued by the Community Development Department Director for the proposed amendments (ZCA16-013). The DNS was filed with the Department of Ecology SEPA Register and distributed to consulting agencies. No public or agency comments were submitted on the SEPA DNS and no appeals were filed.
9. On April 17, 2017, the Board of County Commissioners adopted Resolution 17-108 setting a public hearing on the proposed amendments for May 1, 2017.
10. On April 20, 2017, a Notice of Public Hearing for the May 1 public hearing was published in the Waitsburg Times and the Walla Walla Union Bulletin; on April 21, 2017, the same notice was published in the Tri-City Herald. On April 18, 2017, this notice was published on the Walla Walla County website.
11. On May 1, 2017, the Board of County Commissioners held a public hearing. Staff presented the Planning Commission's recommendation for approval. There was no public testimony.
12. On May 1, 2017, after closing the public hearing, the Board of County Commissioners voted unanimously to approve the permanent amendments (ZCA16-013) as presented, and direct staff to prepare an ordinance for adoption.



The approved permanent amendments are the same as those enacted temporarily via Ordinance No. 457. The motion passed unanimously.

**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 Sections 14.15.070B(3) as outlined below.
  1. *The amendment is consistent with the comprehensive plan; and*  
Discussion: The Comprehensive Plan does not contain any specific goals or policies relating to nonconforming situations so there is no conflict between the Comprehensive Plan and the amendments. The amendments will simply apply the same standards to nonconforming situations resulting from road and right-of-way projects as other nonconforming situations.
  2. *The amendment meets a definable public need; and*  
Discussion: The amendments would address nonconforming situations arising from projects that result from right-of-way acquisition, which are currently not given any special consideration in application of the zoning code. This change will help to ensure that the same development regulations are applied consistently across all properties within a given zoning district and land use designation and that the County is able to accommodate properties made nonconforming as a result of right-of-way acquisition by any governmental entity.
  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 allow the County to better accommodate property owners who have nonconforming situations resulting from right-of-way acquisition by a governmental entity. The proposed amendments will allow the County to accommodate properties made nonconforming as a result of right-of-way acquisition in the same way it accommodates nonconforming situations resulting from zoning changes. Any development or redevelopment of these lots or structures will still have to comply with applicable development regulations and other standards (e.g. fire code, building code, environmental health standards), so these amendments are not expected to result in any risk to public health or safety.
2. Members of the general public were notified of the April 5 and May 1, 2017 public hearings and had the opportunity to submit testimony. No testimony was submitted.
3. As proposed, the amendments 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 the amendment to Chapter 17.36:**

Walla Walla County Code Section 17.36.010A is amended as follows:

A. The provisions of this chapter shall apply to buildings, structures, lands and uses which become nonconforming as a result of the application of this title to them, or from classification or reclassification of the property under this title or any subsequent amendments thereto, or as a result of acquisition of right-of-way by the exercise of eminent domain or threat of eminent domain by a governmental entity.

**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.

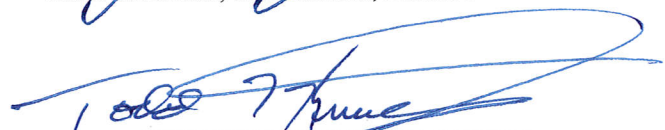
PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 15<sup>th</sup> day of May, 2017.

Attest:

  
Connie R. Vinti, Clerk of the Board


  
James L. Duncan, Chairman, District 3

  
James K. Johnson, Commissioner, District 1

  
Todd L. Kimball, Commissioner, District 2

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

Approved as to form

  
Jesse D. Nolte, Deputy Prosecuting Attorney

