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ORDINANCE NO. 480 RENEWING AN INTERIM ORDINANCE REGARDING THE MAXIMUM DENSITY OF MOBILE/MANUFACTURED HOME PARKS AND RESIDENTIAL USES IN THE BURBANK RESIDENTIAL ZONING DISTRICT

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. 480

RENEWING AN INTERIM ORDINANCE REGARDING THE MAXIMUM DENSITY OF MOBILE/MANUFACTURED HOME PARKS AND RESIDENTIAL USES IN THE BURBANK RESIDENTIAL ZONING DISTRICT.

WHEREAS, the Board of County Commissioners may adopt interim development regulations for a period of up to six months provided that the Board holds a public hearing on the proposed interim development regulations within sixty (60) days after adoption of the Ordinance (RCW 36.70A.390); and

WHEREAS, the Board of County Commissioners may adopt interim development regulations for up to one year if a work plan is developed for related studies providing for such a longer period; and

WHEREAS, interim development regulations may be renewed for one or more six month periods, so long as a public hearing is held and findings of facts are made; and

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, a public sewer system has recently been constructed by the Port of Walla Walla in the Burbank area; and

WHEREAS, interim zoning will provide the County with additional time to review and amend its Comprehensive Plan, zoning and land use regulations related to density and development in the Burbank area; and

WHEREAS, inquiries were made in 2018 regarding the placement of mobile/manufactured home parks in the Burbank area; and

WHEREAS, in 2018, the Commissioners and Community Development Department received numerous comments and concerns from residents of the Burbank area regarding a proposed mobile/manufactured home park in the Burbank area; and

WHEREAS, it appears that the County Comprehensive Plan and County Code do not currently accurately address the availability of the public utilities in the Burbank area; and

WHEREAS, the County has completed its Comprehensive Plan for the 2018 mandated update, and will continue its review of the Burbank subarea during the subsequent months,

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 and Conclusions of Law.

A. Findings of Fact.

1. The Burbank Subarea Plan has not been substantially modified for more than 10 years.
2. The Port's sewer system in the Burbank Urban Growth Area has been in place since late 2015.
3. The Port's infrastructure provides a needed service to the Burbank community, and the sewer system is a benefit to the area.
4. The sewer system will allow for an increased density of development than would have been allowed previously. Before, development density was limited primarily by on-site septic requirements set by State law and local health codes (Walla Walla County Code Chapter 8.16). Generally, absent special conditions, those codes require new development to be located on at least 12,500 square feet if a connection to a public water system was made. One acre or more was required if there was no public water system connection.
5. The County has received inquiries regarding placement of mobile/manufactured home parks in Burbank.
6. The County has received numerous letters and comments from residents of the Burbank area noting concerns about a proposed mobile/manufactured home park.
7. The County passed Ordinance 471 on August 7, 2018. The Ordinance enacted interim zoning that set the maximum density for residential uses at 4 dwelling units per acre.
8. A public hearing on Ordinance 471 was held on October 1, 2018.
9. On May 13, 2019, the Board of County Commissioners executed a contract amendment with The Watershed Company. The Contract amendment called for The Watershed Company to assist in community outreach and planning for the Burbank Subarea.
10. On June 29, 2019, the Community Development Department held an open house workshop to gather comments from the public in the Burbank area.
11. On July 29, 2019, the Board of County Commissioners held a public hearing to determine whether to extend Ordinance 471's interim regulations for another six months.
12. Four members of the public spoke at the public hearing. All of the speakers were supportive of capping the density in the Burbank area, although one speaker wished for a lower maximum density, in order to have larger lots.



13. The County and its planning consultants have been engaged in completing the 2018 mandatory comprehensive planning update. Additional time is needed to appropriately address the Burbank Subarea Plan and development regulations in the Burbank area.

B. Conclusions of Law:

1. Interim zoning enacted under RCW 36.70A.390 is a method by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development.

2. Interim zoning to preserve the status quo is necessary, until the Burbank Subarea Plan can be more thoroughly reviewed.

3. Walla Walla County is authorized by RCW 36.70A.390 to adopt interim zoning controls for a period of six months or for one year if a work plan is implemented.

4. The Comprehensive Plan notes that, in the Burbank area “The County Health Department requirements for water and domestic waste disposal will continue to dictate minimum lot size in the absence of full public utilities.” Page 12-5. This section of the County Comprehensive Plan reflects the previous limitation on density that existed prior to the availability of public sewer services. This statement in the Comprehensive Plan is no longer entirely accurate, since more public utilities are available in the Burbank Urban Growth Area.

5. County Code currently limits maximum density of multifamily housing and townhouses to four dwelling units per acre in the Burbank Residential Zone. WWCC 17.18.050(D).

6. County Code currently has a minimum density of three dwelling units per acre in the Burbank Residential Zone. WWCC 17.18.020. There is currently no maximum density.

7. County Code does not have a minimum lot size in the Burbank Residential Zone. WWCC 17.18.020.

8. Limiting mobile/manufactured home parks and all new residential uses to a maximum density of four dwelling units per acre on an interim basis is consistent with the purpose of the Burbank Residential zoning district, which allows for multifamily housing that is consistent with the scale of adjacent single-family development.

9. By limiting mobile/manufactured home parks and new residential uses to a maximum of four dwelling units per acre, the Code would be consistent for all uses. A landowner could still develop a manufactured home park, but the density would be capped. A landowner could also subdivide property and locate a similar number of manufactured homes or traditional homes on the new lots.

10. County Code allows for mobile/manufactured home parks in the Burbank area, by conditional use permit.



11. The County Code does not currently have development standards for high density mobile/manufactured home parks. Other urban zoning codes (such as the City of Walla Walla's) include such requirements as density, space size, fencing requirements and open space requirements.

12. County Code states that the purpose of the Burbank Residential zone is as follows: "This district is primarily a single-family residential district with provisions for multifamily dwelling units that are consistent with the height, bulk and scale of adjacent development." WWCC 17.12.040 (M).

13. Policy and planning questions, such as whether the County should have additional standards for manufactured home parks, what type of maximum density should be allowed in the Burbank Residential Zone, what lot sizes should be allowed in the zone, and whether additional zoning classifications are needed in the Burbank Urban Growth Area, are best addressed through a deliberative planning process with the Planning Commission.

14. A large, high-density mobile home park, or other high-density subdivision, could have a lasting effect on the Burbank Urban Growth Area, because such uses were not previously anticipated or possible in the area, and because the County does not currently have standards to address those high-density uses in the Burbank area.

15. Immediate, and temporary, action is necessary to preserve the status quo and allow for additional planning before higher density development is allowed.

16. The proposed interim zoning is consistent with the purposes of the Burbank Residential zone, allowing all residential development to be consistent in density and scale until such time as the County can more thoroughly update the Burbank Subarea Plan and review development regulations in the Burbank area.

Section II. Renewal of Ordinance 471. Ordinance 471 is renewed and will remain in effect for six months, until February 5, 2020, at 12:01 a.m.

Section III. Purpose. The purpose of this interim zoning Ordinance is to allow the County adequate time to study the Burbank Urban Growth Area and potential development regulations related to density, zoning, lot size and mobile and manufactured home parks in the Burbank Urban Growth Area. The County's goal is to ultimately draft zoning and other possible regulations to address such developments and uses, to hold public hearings on such draft regulations and to adopt such regulations.

Section IV. Duration of Interim zoning. This interim zoning Ordinance shall be in effect for six months, beginning on August 5, 2019 and ending on February 5, 2020 at 12:01 a.m., unless an ordinance is adopted rescinding or amending the interim zoning. This interim zoning may be extended by the Board of County Commissioners following a public hearing prior to such extension.

Section V. Work Plan. During the six-month period, the County will study the Burbank Subarea, the zoning in the Burbank Urban Growth Area, and development regulations within the Burbank Urban Growth Area.

Section VI. Declaration of Emergency. The Board of County Commissioners hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by the Board, and that the same is not subject to a referendum (RCW 36.70A.390).

Section VII. Effective Date. This Ordinance shall take effect and be in full force and effect immediately upon its adoption.

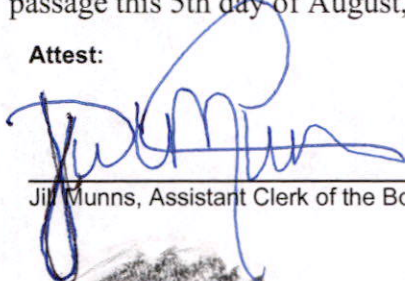
Section VIII. Conflict with other WWCC Provisions. If the provisions of this Ordinance are found to be inconsistent with other provisions of the Walla Walla County Code, this Ordinance shall control.

Section IX. 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.

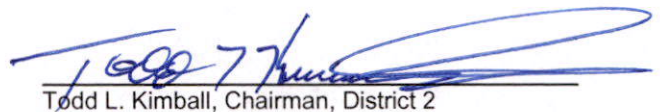
Section X. Publication. This Ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 5th day of August, 2019.

Attest:



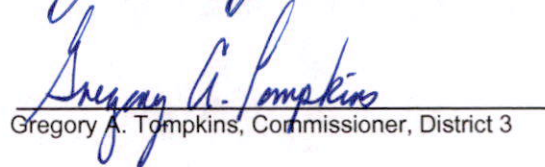
Jill Munns, Assistant Clerk of the Board



Todd L. Kimball, Chairman, District 2



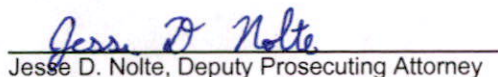
James K. Johnson, Commissioner, District 1



Gregory A. Tompkins, Commissioner, District 3

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

Approved as to form:



Jesse D. Nolte, Deputy Prosecuting Attorney