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ORDINANCE NO. 484 RENEWING AN INTERIM ORDINANCE REGARDING THE MAXIMUM DENSITY OF MOBILE/MANUFACTURED HOME PARKS AND OTHER RESIDENTIAL USES IN THE BURBANK RESIDENTIAL ZONING DISTRICT.

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1. **Walla Walla County Commissioners**
- 2.
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Grantee

1. **The Public**
- 2.
- 3.

Additional names on page ____ of document.

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n/a

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Assessors Parcel Numbers

n/a

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

ORDINANCE NO. 484

**RENEWING AN INTERIM ORDINANCE REGARDING THE MAXIMUM DENSITY OF
MOBILE/MANUFACTURED HOME PARKS AND OTHER 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 any 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, on July 27, 2020, the Board of County Commissioners held a public hearing to consider renewing the interim zoning regulations initially enacted by Ordinance 471.

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, this was identified as 'Phase 1' of the Burbank residential density review.
10. On June 29, 2019, the Community Development Department and The Watershed Company 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. 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.
12. On August 5, 2019, the Board of County Commissioners passed Ordinance 480, renewing the interim zoning regulations adopted by Ordinance 471 for a period of six-months, ending on February 5, 2020.
13. On September 4, 2019, the Planning Commission held a workshop meeting to review the interim regulations, the existing development regulations for the Burbank UGA and other UGAs, the Burbank Subarea Plan, and the public comments that had been received at the June 29, 2019 outreach meeting in Burbank. The Planning Commission asked staff to look into a few issues prior to further review by the Commission.
14. On November 18, 2019, the Board of County Commissioners entered into an agreement with LDC, Inc. for On-Call Professional Planning Services through December 31, 2020.
15. On November 26, 2019, the Board of County Commissioners held a workshop meeting to discuss possible long-range planning projects and issues and provide direction regarding priorities for 2020. Four projects were identified as priorities for early 2020; one of these was the Burbank residential density review.
16. From April 2019 through May 2020 the Community Development Department had significant senior-level staff vacancies. The Senior Planner position was filled in March 2020 and the Building Official/Fire Marshal position was filled in June 2020. The Department still has one vacant position (Code Compliance Officer); both building and planning division staff are assisting with code enforcement work to cover this vacancy.
17. On January 8, 2020, Community Development Department and Public Works Department staff met with representatives of the Port of Walla Walla to discuss the availability of utilities in the Burbank UGA and residential uses and density.

18. On February 3, 2020, after holding a public hearing, the Board of County Commissioners extended Ordinance 471's interim regulations for another six months via Ordinance 483; this ordinance expires at 12:01 a.m. on Monday, August 3, 2020.
19. On February 6-7, 2020, the County experienced a major flooding event that occupied significant County resources.
20. On February 17-19, 2020 LDC staff visited the county to assist CDD staff with flood-related matters and background work for the Burbank residential project.
21. On February 26, 2020, LDC completed a final draft of a scoping document for the Burbank Residential Density Review project which included a tentative plan for informational public meeting to be scheduled in April followed by public hearings by the Planning Commission and Board of County Commissioners.
22. On February 29, 2020, Governor Jay Inslee declared a statewide emergency related to the COVID-19 pandemic. The COVID-19 pandemic and Statewide emergency, Governor's stay at home orders, and phased reopening has presented challenges with regard to enacting zoning regulations, including inability to schedule open houses, Planning Commission meetings and public hearings, and other public gatherings to ensure public participation as required by the Washington State Growth Management Act (GMA).
23. On March 10, 2020, LDC provided CDD staff with a proposed Change Order which included work on the Burbank Residential Density Review based on the February 26 scoping document.
24. On March 20, 2020, the Community Development Department implemented modified operations under the direction of the Board of County Commissioners acting as the Walla Walla County Board of Health as a result of the COVID-19 pandemic. The CDD office closed to the general public at this time and has not yet re-opened. In limited situations, in-person appointments are scheduled, but only if deemed necessary and strict adherence to social distancing requirements can be met.
25. Community Development Department staff and LDC have prepared a revised scoping document which updates the schedule and project summary for this project due to the unexpected delays encountered in 2020. The July 6, 2020 draft document outlines the remaining steps in the amendment process. Of these twelve steps, the final six must be delayed until additional re-opening occurs.
26. On July 13, 2020, the Board of County Commissioners adopted Resolution 20-142, setting a public hearing for July 27, 2020 for the purpose of considering renewal of the interim development regulations.

27. On July 15, 2020, a Notice of Public Hearing was mailed to parties who had previously commented on the interim development regulations and provided their mailing address.
28. On July 17, 2020, a Notice of Public Hearing was published in the official gazette, the Walla Walla Union Bulletin, and the Tri-City Herald.
29. On July 23, 2020, a Notice of Public Hearing was published in The Times (Waitsburg).
30. On July 27, 2020, the Board of County Commissioners held a public hearing to determine whether to extend Ordinance 471's interim regulations for another six months. The hearing was held remotely, with participation allowed via video conferencing and telephone. Persons who were unable to participate by video conference or phone were asked to call the Clerk of the Board to arrange to participate at a remote location.

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 interim zoning which would be renewed 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 complete the work on this project.

Section II. Renewal of Ordinance 471. Ordinance 471 is renewed and will remain in effect for six months, until January 27, 2021, at 12:01 a.m.



Section III. Purpose. The purpose of this renewed 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 but much of this work may not occur due to the restrictions of the ongoing COVID-19 pandemic. Given the uncertainty of whether the County will be able to hold public meetings and hearings during the COVID-19 pandemic and phased reopening, the full six-month term renewal is needed.

Section IV. Duration of Interim zoning. This interim zoning Ordinance shall be in effect for six months, beginning on July 27, 2020, and ending on January 27, 2021 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 further 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 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 July 2020.

Attest:

Diane L. Harris

Diane L. Harris, Clerk of the Board

Gregory A. Tompkins

Gregory A. Tompkins Chairman, District 3

Absent

James K. Johnson, Commissioner, District 1

Todd L. Kimball

Todd L. Kimball, Commissioner, District 2

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



Approved as to form:

Jesse Nolte

Jesse D. Nolte, Chief Civil Deputy Prosecuting Attorney

