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

ORDINANCE NO. 457 - ADOPTING AN INTERIM ORDINANCE REGARDING THE REGULATION OF NONCONFORMING USE PROVISIONS IN THE EVENT OF ACQUISITION OF RIGHT-OF-WAY BY EMINENT DOMAIN OR POTENTIAL EMINENT DOMAIN IN UNINCORPORATED WALLA WALLA COUNTY, TEMPORARILY MODIFYING WALLA WALLA COUNTY CODE CHAPTER 17.36.

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. 457

ADOPTING AN INTERIM ORDINANCE REGARDING THE REGULATION OF NONCONFORMING USE PROVISIONS IN THE EVENT OF ACQUISITION OF RIGHT-OF-WAY BY EMINENT DOMAIN OR POTENTIAL EMINENT DOMAIN IN UNINCORPORATED WALLA WALLA COUNTY, TEMPORARILY MODIFYING WALLA WALLA COUNTY CODE CHAPTER 17.36.

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, 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 activity 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 requirements of the Walla Walla County zoning code, Title 17, provide for the regulation of non-conforming buildings, structures, lands, and uses; and

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

WHEREAS, the right-of-way acquisition is underway now, and therefore necessitates an immediate, but temporary, change in the County's ordinances to address this issue.

Now Therefore; be it Ordained that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. The Walla Walla County Public Works Department is currently engaged in road construction activity as part of its transportation improvement plan.
2. Current Walla Walla County Code 17.36 impacts the ability of the County to plan for properties made non-conforming as a result of right-of-way acquisition.
3. The Board of County Commissioners have scheduled a public hearing for December 19, 2016 at 10:00 a.m. to consider the changes adopted by this interim ordinance.



Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. Walla Walla County is authorized by RCW 36.70A.390 to adopt interim zoning controls for a period of six months.
2. The proposed amendments are necessary to allow the County to accommodate properties made non-conforming as a result of right-of-way acquisition by a governmental entity.
3. Immediate, and temporary, action is necessary to minimize impacts from the County's road construction activity.

Section III. Duration and Termination:

The interim requirements imposed by this Ordinance shall commence on the date of adoption of this Ordinance. Provided that the County holds a public hearing on the interim requirements and adopts findings and conclusions in support of the requirements, the requirements shall terminate six months thereafter, unless extended by ordinance after public hearing. The County Community Development Department staff is directed to prepare possible permanent development regulations to be considered by the Planning Commission and Board of County Commissioners.

Section IV. Interim Nature of Ordinance.

This Ordinance shall be effective only through May 21, 2017.

Section V. Public Hearing:

The Commissioners shall hold a public hearing on December 19, 2016 at 10:00 a.m. If necessary, the Board may adopt additional Findings of Fact.

Section VI Severability:

If any section, subsection, paragraph, sentence, clause or phase 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:

This ordinance will be published by an approved summary consisting of the title.

Section VIII:

Walla County Code Chapter 17.36 is temporarily modified as follows:

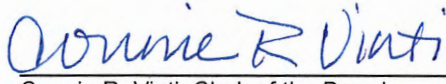
17.36.010 Intent.

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.



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 21st day of November, 2016.


Attest:



Connie R. Vinti, Clerk of the Board



James K. Johnson, Chairman, District 1



Perry L. Dozier, Commissioner, District 2

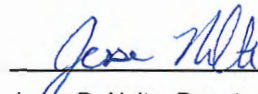


James L. Duncan, Commissioner, District 3

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



Approved as to form



Jesse D. Nolte, Deputy Prosecuting Attorney

