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Ordinance No. 392 Adopting Zoning Code Amendment 2010-002

Auditor File Number(s) of document being assigned or released:

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

ORDINANCE NO. 392

ADOPTING ZONING CODE AMENDMENT 2010-002, A REQUEST BY THE PORT OF WALLA WALLA TO AMEND WALLA WALLA COUNTY CODE SECTION 17.16.040 BY ALLOWING COMMERCIAL GREENHOUSES IN THE INDUSTRIAL AGRICULTURE HEAVY ZONE AND DELETING WALLA WALLA COUNTY CODE SUBSECTIONS 17.16.014(B)(4)&(5), WHICH INCLUDE ADDITIONAL REGULATIONS ON RETAIL AND COMMERCIAL BUSINESSES.

WHEREAS, RCW 36.70A.470 requires that the County include a procedure that 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, in January 2010 Walla Walla County, through Resolution 10-013, established a docketing procedure for 2010 to consider non-county-sponsored development regulation amendments; and

WHEREAS, the Port of Walla Walla submitted an application for a development regulation amendment to be considered during the 2010 docket process; and

WHEREAS, it is desirable for the County to permit uses in zoning districts for which they are compatible; and

WHEREAS, it is desirable for the County to ensure that development regulations are not established in a manner that hinder prospective commercial and retail development;

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. Notices of a Planning Commission Workshop, open to the public, were published in the Waitsburg Times on April 1, 2010, the Walla Walla Union Bulletin on March 31, 2010 and the Tri-City Herald on April 3, 2010.
2. The Planning Commission held a workshop on April 14, 2010.
3. Notices of an Informational Public Meeting were published in the Waitsburg Times on April 8, 2010 and the Walla Walla Union Bulletin on April 8, 2010.



4. The Informational Public Meeting was held on April 21, 2010.
5. Notices of a Planning Commission Workshop, open to the public, were published in the Waitsburg Times on April 22, 2010, the Walla Walla Union Bulletin on April 22, 2010 and the Tri-City Herald on April 25, 2010.
6. The Planning Commission held a workshop on May 5, 2010.
7. Notices of a Planning Commission Public Hearing for the 2010 Preliminary Docket were published in the Waitsburg Times on May 20, 2010, the Walla Walla Union Bulletin on May 18, 2010 and the Tri-City Herald on May 20, 2010.
8. The Planning Commission held the 2010 Preliminary Docket Public hearing on June 2, 2010.
9. The Planning Commission recommended placing the Port of Walla-Walla's amendment on the 2010 Final Docket.
10. At a regularly scheduled meeting on June 16, 2010 the Board of County Commissioners established the Final Docket for the 2010 Walla Walla County Development Regulation Amendment Cycle.
11. Notices of an Informational Public meeting were published in the Waitsburg Times on July 22, 2010, the Walla Walla Union Bulletin on July 18, 2010 and the Tri-City Herald on July 19, 2010.
12. The Informational Public Meeting was held on August 4, 2010.
13. Notices of a Planning Commission Public Hearing for the 2010 Final Docket, open to the public, were published in the Waitsburg Times on August 19, 2010, the Walla Walla Union Bulletin on August 19, 2010 and the Tri-City Herald on August 19, 2010.
14. The Planning Commission held the 2010 Final Docket Public hearing on September 1, 2010.
15. Notices of the Board of County Commissioners Public Hearing for the 2010 Non-County sponsored Comprehensive Plan and Development Regulations Amendment Final Docket were published in the Waitsburg Times on October 21, 2010, the Walla Walla Union Bulletin on October 21, 2010 and the Tri-City Herald on October 21, 2010.
16. The Board of County Commissioners held the 2010 Non-County sponsored Comprehensive Plan and Development Regulations Amendment Final Docket hearing on November 1, 2010.

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

1. The proposed amendments are in compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code.
2. The proposal meets a definable public need.
3. The defined need conforms to policy directives of the comprehensive plan and countywide planning policies.



4. The proposed revisions are consistent with the County Comprehensive Plan and Growth Management Act.
5. The proposed revisions are in the long term interest of the County.

Section III. Adoption of Amended Sections 17.16.014 (Commercial Greenhouses), 17.16.014(B)(4) and 17.16.014(B)(5):

Based on its review of the requirements of RCW 36.70A, RCW 36.70B and the Washington Administrative Code, the proposed amendments prepared by the applicant, staff analysis and the recommendation proposed by the Planning Commission, the Board of County Commissioners hereby adopts the following proposed code amendments:

The amendments to Walla Walla County Code Sections 17.16.014 (Commercial Greenhouses, 17.16.014(B)(4) and 17.16.014(B)(5) as presented to the Board of County Commissioners on this date are adopted as shown in Exhibit A.

Section IV. Effective Date and Savings.

This Ordinance is effective upon signing.

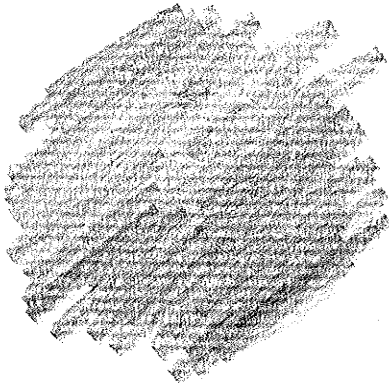
Section V. Severability.

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.

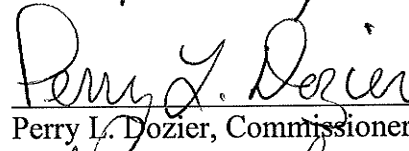
This Ordinance will be published by an approved summary consisting of the title.

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 20th day of December, 2010.

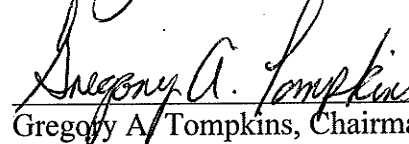




Gregg C. Loney, Chairman, District 1



Perry L. Dozier, Commissioner, District 2



Gregory A. Tompkins, Chairman, District 3

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

Attest:

Connie R Vinti

Connie R. Vinti, Clerk of the Board

Approved as to form

Jesse D Nolte

Jesse D. Nolte, Deputy Prosecuting Attorney

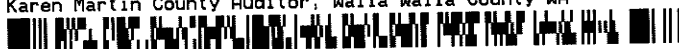
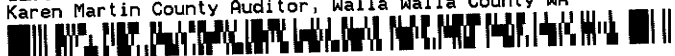


EXHIBIT A

Retail/Wholesale 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										Misc.	
Industrial and Commercial										BR	PR
IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR		
SPECIFIC USE											
RETAIL											
* Apparel and Accessory Stores					P1	P	P				
Auction Houses, except livestock					P1	P	P				
Auction Houses/Yards, Livestock	P										
* Automobile Service Station and Convenience Market			P	P		P1	P2	P2			
* Automotive Dealers			P	P1	P4	P1	P	P			
Automobile Leasing/Rental			P	P1	P4	P1		P			
* Building Material, Hardware, and Garden Supply			P	P1	P4	P1	P	P			
* Eating and Drinking Establishments					P5	P1	P	P			
* Food Stores					P5	P1	P	P			
* General Merchandise Stores					P5	P1	P	P			
Heavy Equipment Sales and Rental			P	P1	P						
* Home Furniture, Furnishings, and Equipment Stores					P	P1	P	P			



Horticultural Nurseries, Retail			P	P1	P	P1	P	P		
Irrigation Systems/Equipment, Sales Service & Storage	P	P	P	P1	P		P	P		
* Produce Stand					P4	P				
* Produce Market					P4	P1	P	P		
* Retail, Miscellaneous					P4		P	P		
WHOLESALE										
* Durable Goods	P	P	P	P1	P					
* Non Durable Goods	P	P	P	P1	P					
Commercial Greenhouses	P	P	P	P1	P	P1	P	P		
ACCESSORY USES										
* Accessory Use	P3	P3	P3	P3	P3	P3	P3	P3		

- B. Retail/Wholesale Land Uses—Development Conditions.
1. The primary building cannot exceed twenty thousand square feet per establishment.
 2. No gasoline or oil pump or appliance may be located within twelve feet of any street or property line unless within a building.
 3. Any accessory use, structure or activity clearly incidental to a permitted use and which will not create a nuisance or hazard is permitted.
 4. ~~Permitted only within the Burbank UGA. The total area dedicated to retail land uses subject to this condition shall not exceed thirty contiguous acres.~~
 5. ~~Permitted only if located in a building that is also occupied by a permitted noncommercial use. Alternatively, in the Burbank UGA, retail uses subject to this condition are also permitted as stand-alone establishments, subject to geographic and acreage limitation in subsection (B)(4) of this section.~~

