

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

**IN THE MATTER OF ESTABLISHING
THE TIME FRAME AND CRITERIA
FOR ACCEPTANCE OF
APPLICATIONS FOR AMENDMENTS
TO THE WALLA WALLA COUNTY
CODE PERTAINING TO
DEVELOPMENT REGULATIONS**

RESOLUTION NO. 17 259

WHEREAS, pursuant to the Growth Management Act, RCW 36.70A.130(1), development regulations shall be subject to continuing review and evaluation by the county or city that adopted them; and

WHEREAS, the Growth Management Act RCW 36.70A.470 requires that the County include a procedure for any interested person to suggest amendments to the development regulations, and that the amendments must be docketed and considered at least once per year; and

WHEREAS, Walla Walla County Code Title 14 allows for applications to amend the County's development regulations be accepted one time a year at a date established by the Board of County Commissioners; and

WHEREAS, exceptions to the once a year limitation are allowed by Title 14:

1. To resolve an emergency condition or situation that involves the public health, safety or welfare and when adherence to the amendment process set forth in the Code would be detrimental to the public health, safety or welfare; or
2. As determined by a majority vote of the Board of County Commissioners to be in the long term interests of the County; and

WHEREAS, development regulations are the controls placed on development or land use activities, including, but not limited to, Walla Walla County Code Title 16 Subdivisions, Title 17 Zoning, Title 18 Environment, the Walla Walla County Shoreline Master Program, and any other official controls required to implement the comprehensive plan; and

WHEREAS, amendments to development regulations are the means by which the County ensures that development regulations are consistent with the comprehensive plan and circumstances within the County; and

WHEREAS, there may be additional amendments that may be considered by the County outside the regular docketing process; and

WHEREAS, the Board wishes to establish the time period and criteria for accepting applications for amendments to the County's development regulations for the year 2018; and

WHEREAS, upon recommendation from Walla Walla County Community Development Department Director Tom Glover, and pursuant to attached Exhibit A, memo dated October 2, 2017 from Tom Glover, Director, Walla Walla County Community Development Department, which is by this reference made a part hereof, the Board of County Commissioners approved the establishment of the time period and criteria; and

WHEREAS, this amendment process is designed to solicit from the public and outside agencies suggested amendments to the Walla Walla County development regulations for consideration; and

WHEREAS, proposals for amendments may also originate internally, from County staff, County Departments, and/or the Board of County Commissioners; and

WHEREAS, applications may also be submitted by any interested person including applicants, citizens, hearing examiners, and staff of other agencies; and

WHEREAS, only a property owner or an authorized agent of the property owner may submit a site-specific amendment application unless such amendment is necessary for consistency between the comprehensive plan and development regulations; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that, pursuant to Exhibit A, the criteria for the 2018 development regulations amendment process is established as outlined above, and that the time period for acceptance of development regulations amendment applications for consideration shall begin with official publication notice, and shall be open until 4:00 p.m. November 30, 2017. Applications shall be made to the Walla Walla Walla County Community Development Department.

"Passed this 2nd day of October, 2017 by Board members as follows: 3 Present or 0 Participating via other means, and by the following vote: 3 Aye 0 Nay 0 Abstained 0 Absent."

Attest:




Connie R. Vinti, Clerk of the Board



James L. Duncan, Chairman, District 3

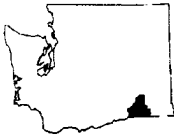


James K. Johnson, Commissioner, District 1



Todd L. Kimball, Commissioner, District 2

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



Walla Walla County Community Development Department



To: Board of County Commissioners
From: Tom Glover, Director *TG*
Date: October 2, 2017
Subj: 2018 County Amendment Cycle – Development Regulations

Intent

To open the annual amendment cycle for 2018.

Background/Summary

The Growth Management Act, at RCW 36.70A.130 (1), directs that: “Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them.”

RCW 36.70A.470 requires that the County include a procedure for any interested person (including staff of other agencies) 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.

This is supported in Walla Walla County Code, Title 14, Development Code Administration, Section 14.15.015: “The board of county commissioners shall consider amendments to the Walla Walla County development regulations once a year pursuant to the provisions of this chapter.”

Development Regulations are defined by the Growth Management Act at RCW 36.70A.030 (7) as: “Development regulations” or “regulation” means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.”

Walla Walla County Code (WWCC), Title 14, Section 14.15.010 states: “Development regulations are the controls placed on development or land use activities, including, but not limited to, Title 16 Subdivisions, Title 17 Zoning, Title 18 Environment, the Walla Walla County Shoreline Master Program, and any other official controls required to implement the comprehensive plan.”

“Official Controls” are defined by RCW 36.70.20(11) as: “Official controls means legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of a county or any part thereof or any detail thereof, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.”

Procedural regulations, such as amendments to the County’s Title 14 or Chapter 18.04 (SEPA), are not development regulations governed by RCW 36.70A, nor official controls as defined by RCW 36.70. Amendments to Title 14 and Chapter 18.04 do not have to follow the procedural requirements for the amendment of development regulations, although they are subject to a public hearing before adoption. Chapter 18.04 is, of course, included in Title 18, but it is adopted pursuant to RCW 42.21C, the State Environmental Policy Act. Other chapters within Title 18, such as the County Critical Areas Chapter, 18.08, are development regulations adopted pursuant to the Growth Management Act.

Purpose

Compliance with the requirements of the Growth Management Act as noted above. The County’s development regulations change as circumstances in the community change. WWCC 14.15.010 states: “Amendments to development regulations are the means by which the county ensures that development regulations are consistent with the comprehensive plan and circumstances within the county.”

Review schedule and types of annual review

WWCC 14.15.020 requires that all proposals for development regulations amendments be considered concurrently so that the cumulative effect of all items on the final docket will be ascertained.

WWCC 14.15.040 states that: “All applications may be submitted by any interested person, including applicants, citizens, hearing examiners, staff of other agencies, county staff, and the board of county commissioners.” And that “Only a property owner or an authorized agent of the property owner may submit a site-specific amendment application unless such amendment is necessary for consistency between the comprehensive plan and development regulations.”

There is no limit on the types of development regulations amendment requests that can be submitted, other than those pertaining to the chapters, and portions of chapters, of the Walla Walla County Code, including but not limited to, Titles 16, 17 and 18 (excluding, as noted above, Chapter 18.04).

Exception to the once per year policy:

WWCC 14.15.030 gives discretion to the Board to amend development regulations more often than once a year as determined by a majority vote of the board of county commissioners to be in the long term interests of the county.

Schedule:

WWCC Title 14 directs that all applications for amendment of development regulations shall be submitted on or before March 31st of each year. However, because the State has established a mandatory deadline for the County's Comprehensive Plan update, and the implementing development regulations, for June 30, 2018, it is necessary to start the annual amendment cycle early.

The 2018 cycle must *open* with a resolution signed by the Board of County Commissioners.

Recommendation

Staff recommends the Board approve a Resolution similar to the attached draft, and direct staff to proceed with the placement of official notice of the 2018 development regulations amendment application process.

Policy Impact

Approval would be in compliance with the Growth Management Act and Title 14 of the Walla Walla County Code.

Cost

Cost will match or exceed revenue, depending on the number and type of applications received.

Funding

Expected revenue from application fees is estimated to be approximately \$4,500.

Alternatives Considered

No annual process this year. This would be inconsistent with County code and State law.

Acquisition Method

Public notice in local newspapers (press release), and on the Walla Walla County Community Development Department website.

Access

All applications for proposed amendments are public records.

Benefits

Compliance with State requirements.

Submitted by:

Tom Glover, Director
Walla Walla County Community Development Dept.
Date prepared: December 8, 2015

Disposition:

- Approved
- Approved with modifications
- Needs follow up information
- Denied

Jim J. Orson 10-2-2017
BoCC Chairman Date