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

Ordinance No. 400 - ADOPTING A REQUEST BY SCOTT BYERLEY TO AMEND WALLA WALLA COUNTY CODE SECTION 17.31.060(X) BY ALLOWING CLUSTER LOT DENSITY TO BE TRANSFERRED FROM CONTIGUOUS LEGAL PARCELS IN THE SAME OWNERSHIP ACROSS ROADS AND/OR RAILROADS.

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)

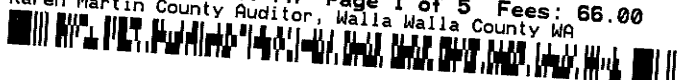
Additional legal is on page ____ of document.

Assessors Parcel Number

Additional parcel number is on page ____ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein. Please type or print the information. This page becomes part of document.

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11/16/2011 03:39:07 PM Page 1 of 5 Fees: 66.00
Karen Martin County Auditor, Walla Walla County WA



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

ORDINANCE NO. 400

ADOPTING A REQUEST BY SCOTT BYERLEY TO AMEND WALLA WALLA COUNTY CODE SECTION 17.31.060(X) BY ALLOWING CLUSTER LOT DENSITY TO BE TRANSFERRED FROM CONTIGUOUS LEGAL PARCELS IN THE SAME OWNERSHIP ACROSS ROADS AND/OR RAILROADS.

WHEREAS, it is desirable for the County to utilize innovative land use management techniques permitted by RCW 36.70A; and

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

WHEREAS, RCW 36.70A.470 requires that the County include a procedure 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.

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. On March 31, 2011 the application was submitted to the Walla Walla Joint Community Development Agency.
2. On May 4, 2011 the Planning Commission held a public workshop.
3. On May 16, 2011 the Board of County Commissioners held a public workshop.
4. On May 19, 2011 a Notice of Public Hearing was published in the Waitsburg Times, Walla Walla Union-Bulletin, and Tri-City Herald.
5. On June 1, 2011 the Planning Commission held a public hearing and recommended the proposed amendment be included on the County's 2011 final docket.
6. On June 6, 2011 the Board of County Commissioners concurred in the recommendation of the Planning Commission.
7. On June 8, 2011 the Department of Commerce acknowledged receiving the proposed amendment.
8. On July 28, 2011 a Notice of Informational Public Meeting was published in the Waitsburg Times, Walla Walla Union-Bulletin, and Tri-City Herald.
9. On August 10, 2011 an informational public meeting was held.



10. No comments were received from the Department of Commerce or any other public agency during the 60 day comment period.
11. On August 25, 2011 a Notice of Public Hearing was published in the Waitsburg Times, Walla Walla Union-Bulletin, and Tri-City Herald.
12. On September 7, 2011 the Planning Commission held a public hearing and recommended the proposed amendment be approved by the Board of County Commissioners.
13. On September 29, 2011 a Notice of Public Workshop was published in the Waitsburg Times, Walla Walla Union-Bulletin, and Tri-City Herald.
14. On October 3, 2011 the Board of County Commissioners held a public workshop.
15. On October 6, 2011 and Notice of Public Hearing was published in the Waitsburg Times, Walla Walla Union-Bulletin, and Tri-City Herald.
16. Notices of the Board of County Commissioners' Public Hearing for the 2011 Comprehensive Plan and Development Regulations Amendment Final Docket were published in the Waitsburg Times, the Walla Walla Union-Bulletin, and the Tri-City Herald on October 6, 2011.
17. The Board of County Commissioners held the 2011 Comprehensive Plan and Development Regulations Amendment Final Docket hearing on October 17, 2011.

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

1. The proposed amendment is in compliance with Walla Walla County Code Section 14.15.070(B)(3).
2. The proposed amendment is consistent with the Walla Walla County Comprehensive Plan.
3. As proposed, the amendment will not have a significant adverse impact on public welfare and safety.
4. The proposed amendments are in compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code.

Section III. Adoption of Amended Chapter 17.31 Development Standards – Cluster Developments on Resource Lands:

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 Section 17.31.060(X) – Design Requirements 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.

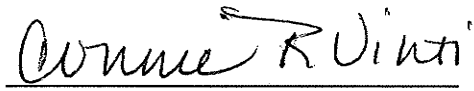
If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section VI. Publication.

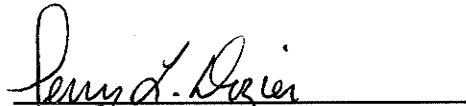
This Ordinance will be published by an approved summary consisting of the title.

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 15th day of November, 2011.

Attest:



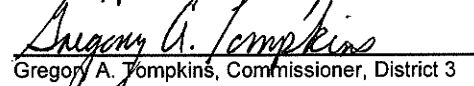
Connie R. Vinti, Clerk of the Board



Perry L. Dozier, Chairman, District 2

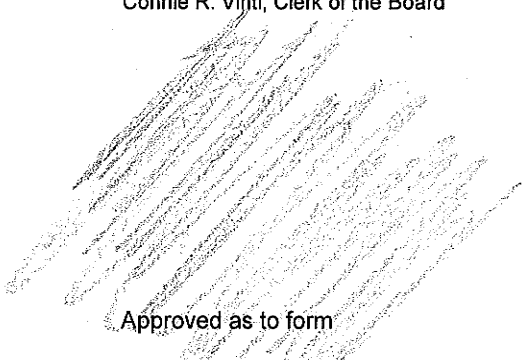


Gregg C. Loney, Commissioner, District 1

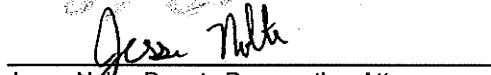


Gregory A. Tompkins, Commissioner, District 3

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



Approved as to form



Jesse Nolte, Deputy Prosecuting Attorney

Exhibit A

Walla Walla County Code Section 17.31.060(X):

Cluster lot density can be transferred from contiguous parcels in the same ownership where density is transferred between lands in the same zoning district or from lands is in a lower density but in different resource lands zoning districts (e.g. from Primary Agricultural Agriculture Resource-40 to Primary Agriculture -40; from Primary Agriculture-40 or Agricultural Resource-20 to Agricultural Resource-10). Two legal parcels separated by roads (all types) and/or railroads are considered to be contiguous.

