

ORDINANCE NO. 2017-33

AN ORDINANCE BANNING SHORT TERM RENTALS BY OWNERS WHO DO NOT RESIDE AT THE RENTAL LOCATION, AND OTHER MATTERS RELATED THERETO

WHEREAS, the City of Walla Walla passed City Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, the Walla Walla County Board of Commissioners passed County Resolution number 90-449 on October 30, 1990 opting into planning activities under the Washington Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the Walla Walla City Council passed City Ordinance 2008-25 on November 5, 2008 adopting an updated comprehensive plan for the City of Walla Walla; and

WHEREAS, RCW 36.70A.130 provides that development regulations shall be subject to continuing review and evaluation by the city that adopted them; and

WHEREAS, RCW 35A.63.100 authorizes the Walla Walla City Council, by ordinance or other action to the extent the Walla Walla City Council deems necessary or appropriate, to implement or give effect to the comprehensive plan or parts thereof in developing the City of Walla Walla and in regulating the use of land herein; and

WHEREAS, the Walla Walla Planning Commission reviewed proposed regulations for short term rentals at its October 3, 2016 meeting and took public input; and

WHEREAS, the City of Walla Walla's SEPA responsible official issued a determination of non-significance on December 6, 2016; and

WHEREAS, the Walla Walla Planning Commission conducted a public hearing on December 12, 2016 and made recommendations to the City Council; and

WHEREAS, the Walla Walla City Council passed City Ordinance 2017-23 at its August 9, 2017 meeting regulating short term rentals located in an owner's principal residence; and

WHEREAS, the City of Walla Walla published a notice of adoption of City Ordinance 2017-23 on August 15, 2017, and no timely appeal was filed; and

WHEREAS, the Walla Walla City Council considered this ordinance at its November 1, 2017 open public meeting and provided an opportunity for public review and comment prior to its passage; and

WHEREAS, the Walla Walla City Council has considered adoption of this ordinance during a duly called public meeting of said Council, has given careful review and consideration to said ordinance, finds said ordinance to be in the best interests of the City of Walla Walla, and this ordinance having been passed by at least a majority of the whole membership of the Walla Walla City Council;

NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:

Section 1: The City of Walla Walla hereby incorporates the Urban Area Comprehensive Plan & Environmental Impact Statement, November 14, 2016 SEPA checklist in this matter, and the December 6, 2016 determination of non-significance in this matter as the environmental

documents used to meet the City's responsibilities under SEPA pursuant to WAC 197-11-635. The Urban Area Comprehensive Plan & Environmental Impact Statement analyzes impacts associated with adoption of development regulations herein. The SEPA checklist and determination of non-significance analyze impacts specific to adoption of the development regulations herein. Such environmental documents are available for public review at the Walla Walla Development Services Department located at 55 E. Moore St., Walla Walla, Washington.

Section 2: The Walla Walla City Council finds that the amendments hereby adopted conform to the requirements of Chapter 36.70A RCW. The Walla Walla City Council finds that the amendments adopted herein are consistent with and implement the City of Walla Walla's comprehensive plan, as amended. The Walla Walla City Council finds that the amendments adopted herein advance state interests which are stated in RCW 36.70A.010 and in the policies, goals, and other provisions of the City of Walla Walla's comprehensive plan, as amended.

A. Objective 2 of goal 1 of paragraph 2.2.3 of the comprehensive plan states that it is a goal of Walla Walla "[t]o ensure compatibility among land uses."

B. Objective 5 of goal 3 of paragraph 2.2.3 of the comprehensive plan states that it is a goal of Walla Walla "[t]o promote, support and celebrate neighborhoods."

C. Objective 5 of goal 4 of paragraph 2.2.3 of the comprehensive plan states that it is a goal of Walla Walla "[t]o seek to address the causes of homelessness and substandard housing in the community."

D. Objective 6 of goal 4 of paragraph 2.2.3 of the comprehensive plan states that it is a goal of Walla Walla "[t]o encourage a broad range of housing options adequate to meet the needs of underserved middle to lower-income households."

E. Community character policy 2 in paragraph 2.3.5 of the comprehensive plan states that "[n]eighborhood development should reinforce and be guided by the character of existing land use patterns and architectural styles."

F. Community character policy 6 in paragraph 2.3.5 of the comprehensive plan states that "Walla Walla's neighborhood characters are distinct and unique and should be enhanced and celebrated."

G. Land use policy 1 in paragraph 2.3.8 of the comprehensive plan states that development should be reviewed to determine whether it supports the following objectives: "Maintains or improves the quality of life[,] . . . Establishes better organization of the community, . . . Contribut[es] to a pleasing community character. . . , and minimiz[es] land use conflicts."

H. Land use policy 1 in paragraph 2.3.8 of the comprehensive plan states that "[e]fforts should be taken to minimize and mitigate land use conflicts."

I. Population and Housing policy 2 of paragraph 2.3.9 of the comprehensive plan provides that “[d]evelopment of affordable and diverse housing types should be encouraged especially encouraging the use of present under-used housing stock. These include, but are not limited to, single-family homes, multi-family homes, townhouses, apartments, manufactured homes and condominiums.”

J. Population and Housing policy 12 of paragraph 2.3.9 of the comprehensive plan provides that “[t]he City will explore ways to provide incentives for more affordable housing.”

K. Population and Housing policy 16 of paragraph 2.3.9 of the comprehensive plan provides that the “City should cooperate in the preservation of neighborhoods.”

L. Population and Housing policy 17 of paragraph 2.3.9 of the comprehensive plan provides that the “City should coordinate and collaborate with private agencies in providing housing and housing assistance for special needs populations and low-income families and individuals.”

M. Population and Housing policy 18 of paragraph 2.3.9 of the comprehensive plan provides that the “City should address special housing needs, including those of persons with developmental limitations, victims of domestic violence and homeless individuals and families.”

N. Population and Housing policy 19 of paragraph 2.3.9 of the comprehensive plan provides that the “City will continue to monitor, research and consider additional incentives for development of low and moderate income housing units.”

O. Paragraph 8.7 of the comprehensive plan in part recognizes that “[t]he number of homeless individuals and the size of the Walla Walla Housing Authority’s waiting list for subsidized housing in the private market indicate that additional low-income housing units are needed.”

These goals, objectives, policies and elements of the City of Walla Walla's comprehensive plan were adopted after considering and balancing the planning goals stated in RCW 36.70A.020, and they manifest and advance the state interests stated in Chapter 36.70A RCW. Fulfillment of these goals, objectives, policies and elements depends upon the existence of adequate housing opportunities for low to moderate income persons throughout the City of Walla Walla.

Section 3: The Walla Walla City Council finds:

A. There is a need to preserve affordable housing throughout the City of Walla Walla for moderate and low income persons.

B. Walla Walla County was ranked last in the State of Washington in 2015 in long term rental housing availability.

C. The conversion of homes into short term rentals has exacerbated the shortage of long

term rental housing opportunities and impaired the ability of low income families to find housing in the City of Walla Walla.

D. The conversion of homes into short term rentals has been detrimental to low and moderate income families by making it difficult for them to compete in the housing market and purchase homes.

E. The conversion of homes into short term rentals has been detrimental to low income children by making it difficult for their families to move from high poverty areas to middle-income neighborhoods.

F. The conversion of homes into short term rentals has reduced the supply of housing for families with children and created barriers that lead to housing discrimination.

Section 4: The Walla Walla City Council finds:

A. Non-owner occupied short term rentals have been the source of noise and other impacts that have adversely affected Walla Walla's residential neighborhoods.

B. Non-owner occupied short term rentals damage the quality of Walla Walla neighborhoods and the family friendly atmosphere that they seek to promote.

C. Non-owner occupied short term rentals frustrate the effectiveness of block watch programs and the reduce community safety provided by strong neighborhoods.

D. Non-owner occupied short term rentals burden public safety response by impairing the ability of responders to contact and personally address crises and concerns while they are ongoing.

E. Streets in Walla Walla's residential neighborhoods cannot adequately absorb the additional traffic congestion and parking needs created by short term rentals.

F. Non-owner occupied short term rentals adversely impact the City of Walla Walla's ability to analyze its capacity to absorb population increases and negatively affects the reliability of its GMA required buildable lands analysis.

Section 5: Section 20.139.010 of the Walla Walla Municipal Code is amended as follows (added terms are bolded and italicized and removed terms are stricken):

20.139.010 Purpose.

A. The purpose of this chapter is to establish regulations for the operation of short term rentals within the city. It does not apply to hotels, motels, and bed and breakfasts. This chapter also establishes a short term rental ***permit and*** license.

B. The provisions of this subsection are necessary *to provide adequate housing opportunities to low and moderate income persons and* to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by short term rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses *and that they won't unreasonably reduce community housing opportunities.* Maintenance of the City's existing residential neighborhoods is essential to its continued *social and* economic strength. It is the intent of this chapter to *protect housing availability and to* minimize the impact of short term rentals on adjacent residences, and to minimize the impact of the commercial character of short term rentals.

Section 6: Section 20.139.020 of the Walla Walla Municipal Code is amended as follows (added terms are bolded and italicized and removed terms are stricken):

20.139.020 Definitions.

The definitions set forth in this section shall apply to short term rental properties. Definitions *contained* ~~outlined~~ in Chapter 20.06 ~~may also apply to short term rentals.~~

A. "Authorized agent" is a property management company or other entity or person who has been designated by the Owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.

B. "Event" means wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity.

C. "Local Contact" means a person identified by the owner who is available to respond 24 hours a day, 7 days a week, to any complaint involving the short term rental.

D. "Owner" means the ~~natural person or legal entity~~ that owns and holds legal and/or equitable title to the property. ~~Owner does not include management companies, limited liability corporations, or other similar real estate interests.~~

E. "Principal residence" means the residence where the owner *personally* resides 275 or more days *each calendar* ~~in any one year.~~

F. *"Short term rental" means temporary lodging for charge or fee at a dwelling for a rental period of less than one month, or less than 30 continuous days if the rental period does not begin on the first day of the month.*

G. "Short term rental ~~type 1~~" means *short term rental at a dwelling that is the it is* owner's principal residence *and where either (1) no more than* ~~and rents up to two (2) rooms are rented and the owner is personally present at the dwelling during the rental period, or (2) if remaining in the home or the entire dwelling is rented home to overnight guests for periods of no more than 29 consecutive calendar~~ *90 total days in a calendar year.* Portions of calendar days shall be counted as full days. The room(s) for rent may be located within a detached or attached accessory dwelling unit.

H. *"Short term rental type 2" means short term rental at a dwelling that is not the owner's principal residence.*

Section 7: Section 20.139.030 of the Walla Walla Municipal Code is amended as follows (added terms are bolded and italicized and removed terms are stricken):

20.139.030 General requirements.

A. No ~~Owner~~ or property within the Walla Walla city limits may offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short term rental without a short term rental ~~permit/license~~ **permit and license**. Offer includes through any media, whether written, electronic, web-based, digital, mobile, or otherwise.

B. Only type 1 short term rentals are allowed within Walla Walla city limits, and no other short term rentals are permitted.

Section 8: Section 20.139.040 of the Walla Walla Municipal Code is amended as follows (added terms are bolded and italicized and removed terms are stricken):

20.139.040 Application requirements.

In addition to the general application requirements of the designated review level, applicants for a short term rental **permit and license** must **pay the fees stated herein and** provide the following additional information as required on the forms provided by the city:

A. Verification that the required lodging taxes have been remitted to the Washington State Department of Revenue for an existing short term rental. If applying for a new short term rental, then verification of lodging taxes will be done at the annual renewal of the license.

B. The Application fee for a Short Term Rental Type 1 permit is \$150. There shall also be an additional license fee.

C. The Annual renewal fee for either a Short Term Rental type permit is \$150. There shall also be an additional license fee.

D. Statement that required parking spaces are available on the subject property. A parking layout shall be shown on the submitted site plan of the subject property.

E. **Acknowledgement of** receipt and review of a copy of the good neighbor guidelines. In addition, evidence that the good neighbor guidelines have been effectively relayed to short term rental tenants through the rental contract or posting online or providing in a conspicuous place in the dwelling unit, or other similar method. This will be verified at the inspection.

F. Provide listing number information identifying of all websites and other locations where availability of the short term rental is posted (such as VRBO/Air BNB/etc.) or advertised and any listing number(s). (The city issued permit and license number(s) must be part of any posting or advertisement of the short term rental.)

G. Such other information the Development Services Director or designee deems reasonably necessary to administer this chapter.

~~H. The city issued business license number must be part of any advertisement of the short term rental.~~

Section 9: Section 20.139.050 of the Walla Walla Municipal Code is amended as follows (added terms are bolded and italicized and removed terms are stricken):

20.139.050 Development Standards.

- A. In addition to the requirements of WWMC Chapter 20.127, one additional off-street parking space is required of short term rentals. The parking spaces must be provided on the property being rented.
- B. Recreational vehicles and other similar vehicles, machines, or recreational devices are not permitted to be parked on-site or within the public right-of-way related to short term rentals.
- C. Owner must have property insurance and liability coverage for the short term rental.
- D. Short term rentals are prohibited to be utilized as event space.
- E. If the unit is not an owner occupied short term rental, then a local contact must be provided who is able to respond 24 hours a day, 7 days a week to any complaints. The local contact must be within 25 miles of the Walla Walla city limits.
- F. A short term rental *permit and* license will not be issued if the owner is not current on lodging tax payments to the Washington State Department of Revenue for an existing short term rental. If applying for a new short term rental then verification of lodging taxes paid will be done at the annual renewal.
- G. Owner or authorized agent is responsible for providing in a conspicuous location within the short term rental the good neighbor guidelines.
- H. Functioning carbon monoxide detectors and smoke detectors shall be kept in operating order and installed as required by the International Residential Code (IRC).
- I. Functioning fire extinguisher(s) shall be installed within the short term rental. Number and location will be determined based on the size of the structure during the inspection process.
- J. If the short term rental property has a pool then the pool must be fenced meeting the requirements of the IRC.

Section 10: Section 20.139.060 of the Walla Walla Municipal Code is amended as follows (added terms are bolded and italicized and removed terms are stricken):

20.139.060 Term of annual *permit and* license.

- A. ~~The term of a s~~ Short term rental *permits and* licenses shall be issued for a period of one year, with its effective date running from the date of issuance. The *permit and* license must be renewed annually. ~~by the Owner or Authorized Agent provided all a~~Applicable standards of this chapter ~~are~~ ***must be*** met and the following renewal requirements ~~are~~ ***must also be*** met:
 - 1. Verification that all lodging taxes for year have been paid to the Washington State Department of Revenue.
 - 2. Owner or Authorized Agent is responsible for scheduling the annual inspection.
- B. The short term rental *permit and* license will be issued in the name of the Owner. If the property is sold, and the new owner or authorized agent continues the property as a short term rental then the new owner or authorized agent is required to obtain a short term rental *permit and* license and comply with the regulations outlined in this chapter.

Section 11: Section 20.139.070 of the Walla Walla Municipal Code is amended as follows (added terms are bolded and italicized and removed terms are stricken):

20.139.070 Violation and Repeat Offenses.

- A. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property within the city ~~by the owner of the property~~ as a short term rental without a permit and license authorizing such use that has been approved and issued in the manner required by this chapter.
- B. Failure of the owner or the authorized agent or local contact of a short term rental to respond to a nuisance complaint to the Walla Walla Police Department arising out of the occupancy and use of the short term rental by a tenant, or the tenant's visitors or guests is a violation and will be fined as follows:
1. First call and violation received no charge;
 2. Second call and violation received \$750.00; and
 3. Third call and violation received \$1,000.00; and
 4. Fourth call and violation received *permit and* license revoked.
- C. In addition to any other remedy provided by this chapter, a short term rental permit and license issued pursuant to this chapter may be suspended, modified, or revoked for violations of this chapter, for violation of any other law on the premises of the short term rental, or for the maintenance of such other conditions as may be shown to be injurious to the public health and safety.
- D. A violation of WWMC Chapter 10.13 Stopping, Standing and Parking, as well as WWMC Title 8, Health and Safety.
- E. Violation of this chapter shall be processed as outlined in WWMC Chapter 20.42.
1. ***The Development Services Director shall determine whether a short term rental permit and license should be suspended, modified, or revoked, and notify the applicant of that determination in writing.***
 2. ***The Development Services Director's determination under subsection E(1) herein shall be appealable to the Walla Walla Hearing Examiner as provided in Walla Walla Municipal Code chapter 20.38.***
- F. Violation of this chapter is additionally declared to be a nuisance.

Section 12: Section 20.139.100 of the Walla Walla Municipal Code is added as follows:

20.139.100 Elimination of type 2 short term rentals.

- A. Short term rental type 2 is not a permitted use in the City of Walla Walla.
- B. Only those type 2 short term rentals that were lawfully established and existing as of November 9, 2017 will be allowed as non-conforming uses. Such uses may not be significantly changed, altered, extended, or enlarged and must cease as provided herein. A use shall not be considered lawfully established and existing unless, the owner proves all of the following:
1. That a location was used for short term rental use during 2017 prior to November 9;

2. That the use was continuing as of November 9, 2017 and not merely intermittent or occasional;

3. That the owner registered the short term rental use and obtained a business registration card from the City of Walla Walla in accordance with Walla Walla Municipal Code chapter 20.142 before November 9, 2017; and

4. That all applicable taxes were fully and timely paid for all short term rental use that occurred prior to November 9, 2017.

C. Type 2 short term rentals established and existing as of November 9, 2017 must obtain a short term rental permit and license, and must apply for such permit and license by no later than February 1, 2018. In addition to the information required by chapter 20.14 and section 20.139.040, the applicant must provide proof of a lawfully established and existing short term type 2 rental use predating November 9, 2017 as provided in subsection B herein and the scope and extent of such use. Failure to timely apply for a short term rental permit and license or to provide proof of lawful use shall be conclusive evidence that such use was not lawfully established or existing as of November 9, 2017, and neither a permit nor a license shall be issued for such locations.

1. The Development Services Director shall determine whether a type 2 short term rental use was lawfully established and existing as of November 9, 2017, and notify the applicant of that determination in writing.

2. The Development Services Director's determination under subsection C(1) herein shall be appealable to the Walla Walla Hearing Examiner as provided in Walla Walla Municipal Code chapter 20.38.

D. Type 2 short term rentals must meet the requirements of section 20.139.040 and subsections 20.139.050(B)-(J). Failure to satisfy such requirements shall be grounds for imposition of penalties and suspension, modification or revocation of permits and licenses as provided in section 20.139.070. Revocation of a short term rental permit or license for non-compliance shall terminate any right to continue type 2 short term rental use, such use must immediately cease upon permit or license revocation, and type 2 short term rental uses may not be reestablished at such locations.

E. Permits and licenses for short term rentals must be timely renewed each year. Renewal applications must provide proof that type 2 short term rental use continued throughout the preceding year. Type 2 short term rental use must cease if such use has been discontinued or abandoned. Intent to discontinue and abandon a type 2 short term rental use shall be presumed if a location was not rented at least a total of 29 days during the preceding year. An owner may rebut such presumption by presenting proof that the failure to sufficiently rent a location was due to conditions over which the owner had no control. Discontinued and abandoned uses may not be reestablished, and no permit or license for a discontinued or abandoned type 2 short term rental use shall be renewed.

1. The Development Services Director shall determine whether a type 2 short term rental use has been discontinued or abandoned, and notify the applicant of that determination in writing.

2. The Development Services Director’s determination under subsection E(1) herein shall be appealable to the Walla Walla Hearing Examiner as provided in Walla Walla Municipal Code chapter 20.38.

F. Type 2 short term rental use must cease if a location is not rented for short term use for 6 consecutive months or more. When a location is not rented for type 2 short term use for 6 consecutive months or more, the use shall be deemed vacated even if the use has been unintentionally vacated.

1. The Development Services Director shall determine whether a type 2 short term rental use has been vacated, and notify the applicant of that determination in writing.

2. The Development Services Director’s determination under subsection F(1) herein shall be appealable to the Walla Walla Hearing Examiner as provided in Walla Walla Municipal Code chapter 20.38.

G. Taxes and fees for type 2 short term rental uses must be timely and fully paid. Failure to timely and fully pay any applicable taxes or fees shall be deemed discontinuance of type 2 short term rental use, and such use must immediately cease. Type 2 short term rental uses may not be reestablished at such locations until delinquent taxes and fees are fully paid.

Section 13: Section 20.100.040 of the Walla Walla Municipal Code is amended as follows (added terms are bolded and italicized and removed terms are stricken):

20.100.040 Table of permitted land uses.

The uses described in the following table are permitted, conditionally permitted, or not permitted in zoning districts of the city as identified therein subject to concurrency requirements, the provisions of this title, and title 21 of this code.

1. Level I (Ch. 20.18) (See Note 1)										
2. Level II (Ch. 20.22) (See Note 1)										
3. Level III (Ch. 20.26 & Ch. 20.216)										
4. Level IV (Ch. 20.27)										
5. Level V (Ch. 20.28)										
6. Level VI (Ch. 20.30)	ZONING DISTRICTS									
x Not Permitted	R-60	R-72	R-96	RM	PR	CC	CH	IL/ C	IH	AD
LAND USES										
AGRICULTURAL (COMMERCIAL)										

Agriculture, Horticulture, Gen. Farming (Not feedlots & stockyards)	1	1	1	1	1	x	1	1	1	1
Agricultural Stand (*)	1	1	1	1	x	1	1	1	x	x
Agriculturally Related Industries (*) (Also see Wineries, Distilleries, and Breweries under Manufacturing)	x	x	x	x	x	x	x	1	1	1
Animal Husbandry (*) (3)	See Chapter 20.130, Animals									
Aquaculture	x	x	x	x	x	x	x	1	1	3
Concentrated Animal Feeding Operation (*)	x	x	x	x	x	x	x	x	x	x
Marijuana Production Facilities	x	x	x	x	x	x	See chap. 20.173			See chap. 20.173
Marijuana cooperatives	x	x	x	x	x	x	x	x	x	x
Floriculture	1	1	1	1	1	1	1	1	x	1
AMUSEMENT AND RECREATION										
Amateur radio towers	3	3	3	3	3	1	1	1	1	1
Amusement Park (Permanent)	x	x	x	x	x	2	2	3	x	2
Bowling Alleys	x	x	x	x	x	1	1	x	x	x
NOTES:										
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.										
2. (*) refers to definition in Chapter 20.06.										
3. No closer than 300' from any residential dwelling units.										

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS									
LAND USES - AMUSEMENT AND RECREATION (Continued)	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD
Campground (*)	x	x	x	x	1	x	1	1	x	3
Drive-In Theaters	x	x	x	x	x	x	1	1	x	x
Fairgrounds	x	x	x	x	2	x	x	x	x	2
Game Rooms, Card Rooms, Electronic Game Rooms	x	x	x	x	x	2	2	x	x	3
Golf Courses, Clubhouses, Golf Driving Ranges	3	3	3	3	1	x	1	1	x	2
Gymnasiums, Exercise Facilities	x	x	x	3	1	1	1	1	x	1
Horse Racing Tracks	x	x	x	x	x	x	x	3	x	3
Miniature Golf Courses	x	x	x	x	x	1	1	3	x	x
Movie Theaters, Auditoriums, Exhibition Halls	x	x	x	x	2	1	1	3	x	3
Outdoor Swimming Pools, Public	3	3	3	3	1	1	1	1	x	3
Public Parks & Playgrounds	3	3	3	3	1	1	1	x	x	2
Roller Skating Rink	x	x	x	x	3	1	1	1	x	2
Special Event (*)	x	x	x	x	2	2	2	2	x	2
COMMUNITY SERVICES										
Cemetery	x	x	x	x	1	x	x	x	x	x
Churches, Synagogues, Temples	3	3	3	3	1	1	1	3	x	3
Colleges (other than state education facilities)	3	3	3	3	1	1	1	2	x	3
Community Animal Shelters	x	x	x	x	x	x	3	1	1	3
Community Center, Services Clubs, Fraternal Lodges	3	3	3	2	1	1	1	2	x	2

NOTES:
 1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.
 2. (*) refers to definition in Chapter 20.06.

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS										
LAND USES - COMMUNITY SERVICES (Continued)	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD	
Day Care Centers: Mini (1-6 children) (*)	1	1	1	1	1	1	1	1	x	1	
Day Care Centers: Mini (7-12 children) (*)	1	1	1	1	1	1	1	1	x	1	
Day Care Centers: Family (13 or more children) (*)	3	3	3	3	3	3	3	3	x	1	
Essential Public Facilities★	3	3	3	3	3	3	3	3	3	3	
Fire Stations, Police Stations & Ambulance Service	3	3	3	3	1	1	1	1	x	1	
Funeral Homes, Crematories, Mausoleums & Columbariums	x	x	x	3	1	1	1	3	x	x	
Government Offices, quasi-government offices, community services agencies offices	x	x	x	3	1	1	1	1	1	1	
Hospitals	3	3	3	3	1	x	3	3	x	x	
Libraries	3	3	3	3	1	1	1	3	x	x	
Museums, Art Galleries	3	3	3	3	1	1	1	3	x	x	
Schools, Public/Private Schools	3	3	3	3	1	2	2	x	x	x	
Schools, Vocational Schools	3	3	3	3	2	2	2	2	x	2	
Shelters, Temporary Housing - Emergency	3	3	3	1	1	1	1	x	x	x	
Storage of Gravel & Equipment for Street Construction (Permanent)	x	x	x	x	x	x	x	3	1	3	
<i>Designated camping area</i> □	x	x	x	x	I	x	x	x	x	x	
Zoo	x	x	x	x	1	x	x	x	x	x	
MANUFACTURING											
Apparel & Accessories	x	x	x	x	x	x	1	1	1	1	

NOTES:
 1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.
 2. (*) refers to definition in Chapter 20.06.
 3. (★) The facility must be sited in accordance with Chapter 20.176, or, in the case of preemption, such other applicable process established by law, before proceeding with Level III conditional use review.
 4. (□) refers to an area designated in accordance with Chapter 9.18.

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS										
LAND USES - MANUFACTURING (Continued)	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD	
Bakery Products (Wholesale)	x	x	x	x	x	1	1	1	1	1	
Beverage Industry											
Beverage Industry: Non-alcoholic	x	x	x	x	x	1	1	1	1	1	
Beverage Industry: Breweries	x	x	x	x	x	See Chap. 20.172					

Beverage Industry: Craft Distilleries	x	x	x	x	x	See Chap. 20.172				
Beverage Industry: Distilleries	x	x	x	x	x	x	x	See Ch. 20.172		x
Beverage Industry: Wineries	x	x	x	x	x	See Chap. 20.172				
Canning, Preserving & Packaging Fruits, Vegetables & Other Foods	x	x	x	x	x	x	x	3	1	1
Cement and Concrete Plants	x	x	x	x	x	x	x	x	1	x
Chemicals (Industrial, Agricultural, Wood, etc.)	x	x	x	x	x	x	x	3	1	1
Concrete, Gypsum and Plaster Products (Wholesale)	x	x	x	x	x	x	x	x	1	x
Confectionery and Related Products (Wholesale)	x	x	x	x	x	1	1	1	1	x
Cutlery, Hand Tools and General Hardware	x	x	x	x	x	x	1	1	1	x
Electrical Transmission and Distribution Equipment	x	x	x	x	x	x	x	1	1	x
Electronic Components and Accessories	x	x	x	x	x	x	x	1	1	1
Engineering, Medical, Optical, Dental & Scientific Instruments	x	x	x	x	x	3	x	1	1	x
Fabricated Structural Metal Products	x	x	x	x	x	x	x	x	1	x
Food Processing	x	x	x	x	x	x	x	3	1	x
Furniture and Custom Cabinet Shops	x	x	x	x	x	3	3	1	1	x
Glass, Pottery and Related Products	x	x	x	x	x	3	3	1	1	x
Grain Mill Products	x	x	x	x	x	x	x	1	1	x
Heating Apparatus Wood Stoves	x	x	x	x	x	x	x	1	1	1
Leather Products	x	x	x	x	x	x	x	1	3	1
NOTES:										
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.										
2. (*) refers to definition in Chapter 20.06.										

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS									
LAND USES - MANUFACTURING (Continued)	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD
Leather Tanning and Finishing	x	x	x	x	x	x	x	x	1	x
Machinery and Equipment	x	x	x	x	x	x	x	1	1	x
Marijuana Processing Facilities	x	x	x	x	x	x	x	See chap. 20.173		
Meat, Poultry and Dairy Products	x	x	x	x	x	x	x	3	1	x
Mechanical Parts	x	x	x	x	x	x	x	2	1	1
Metal Cans	x	x	x	x	x	x	x	1	1	x
Paints, Varnishes, Lacquers, Enamels & Allied Products	x	x	x	x	x	x	x	3	3	x
Paperboard Containers & Boxes	x	x	x	x	x	x	x	1	1	x
Pharmaceuticals	x	x	x	x	x	x	x	1	1	1

Plastic Products, Product Assembly	x	x	x	x	x	x	x	x	1	1	1
Prefabricated Structural Wood Products & Containers	x	x	x	x	x	x	x	x	1	1	x
Printing, Publishing and Binding	x	x	x	x	x	3	1	1	1	1	1
Printing Trade (Service Industries)	x	x	x	x	x	1	1	1	x	x	x
Rendering Plants, Slaughter Houses	x	x	x	x	x	x	x	x	x	x	x
Sawmills and Planing Mills	x	x	x	x	x	x	x	3	1	x	x
Sheet Metal and Welding Shops	x	x	x	x	x	x	x	1	1	1	1
Stone Products (Such as Finishing of Monuments for Retail Sale)	x	x	x	x	x	x	1	1	1	1	x
Transportation Equipment, Including Trailers & Campers	x	x	x	x	x	x	x	1	1	1	1

NOTES:
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition in Chapter 20.06.

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS										
LAND USES	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD	
MINING/REFINING/HAZARDOUS WASTE STORAGE & TREATMENT											
Asphalt Paving & Roofing Materials	x	x	x	x	x	x	x	x	3	x	
Excavation or Stockpiling of Earthen Materials Not Associated with an Approved Use	x	x	x	x	3	x	3	3	1	2	
Offsite Hazardous Waste Treatment and Storage Facilities	x	x	x	x	x	x	x	x	3	x	
Onsite Hazardous Waste Treatment and Storage Facilities	Permitted at same level as Permitted Use Generator										
Sand & Gravel Pits (*)	x	x	x	x	3	x	x	x	3	x	
RESIDENTIAL											
Accessory Dwelling Unit, Attached	1	1	1	1	x	x	x	x	x	x	
Accessory Dwelling Unit, Detached	2	2	2	2	x	x	x	x	x	x	
Adult Family Home	1	1	1	1	1	x	x	x	x	x	
Animals	See Chapter 20.130										
Boarding House (*)	3	3	3	1	x	x	x	x	x	x	
Congregate Care Facility (*)	3	3	3	3	3	1	1	x	x	x	
Conversion of Historic Structures to Non-Residential Use	See Chapter 20.146										
Detached Single Family Dwelling	1	1	1	1	x	x	x	x	x	x	
Dwelling Unit, Security Personnel	x	x	x	x	x	x	1	1	1	1	
Garage Sales (*) (4)	1	1	1	1	1	1	1	x	x	x	

Notes:
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition in Chapter 20.06.
3. Subject to specific development standards. See Chapter 20.170.
4. No residential premises shall have more than 4 per year for a total of 12 days a year. See Section 20.118.060.

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS										
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LAND USES - RESIDENTIAL (Continued)	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD
Group Housing for Handicapped Persons (6 or fewer clients)	1	1	1	1	1	x	x	x	x	x
Group Housing for Handicapped Persons (More than 6 clients)	3	3	3	1	1	x	x	x	x	x
Home Occupations	See Chapter 20.122									
Manufactured Home Parks (*)	3	3	3	3	x	x	1	x	x	x
Single-family, including Manufactured Home Subdivision (*)	4	4	4	x	x	x	x	x	x	x
Mobile Home (*) or Manufactured Homes (*) ⁽³⁾	2	2	2	2	2	x	x	x	x	x
Multi-Family Dwelling	x	x	x	1	3	x	3	x	x	x
Nursing Care, Home (9 or fewer clients)	3	3	3	2	2	2	2	x	x	x
Nursing Care Facility (10 or more clients)	3	3	3	3	3	3	3	x	x	x
Planned Residential Development (Level 4 Review)	See Title 19, Subdivision Code									
Residential Use, Commercial Districts (4)	x	x	x	x	x	1	1	1	x	x
Satellite Dishes, Receive Only Earth Station, Residential Use (5)	1	1	1	1	x	x	x	x	x	x
Short Term Rental Type 1 (principal residence)	1	1	1	1	x	1	1	x	x	x
<i>Short Term Rental Type 2 (not owner occupied)</i>	x	x	x	x	x	x	x	x	x	x
Temporary Hardship Units (Mobile Home) ⁽³⁾	2	2	2	2	2	x	x	x	x	x
Two Family Dwelling (Duplex) ^(*)	1	x	x	1	x	x	x	x	x	x
NOTES:										
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.										
2. (*) refers to definition in Chapter 20.06.										
3. Subject to specific development standards. See Division V.										
4. Second story and above.										
5. Subject to specific development standards. See Chapter 20.170.										

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS									
LAND USES	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD
RETAIL TRADE AND SERVICE										
Addressing, Mailing & Stenographic Services	x	x	x	x	x	1	1	1	x	x
Advertising Agencies	x	x	x	x	x	1	1	x	x	x
Animal Clinic/Hospital	x	x	x	x	x	1	1	1	x	x
Antique Stores	x	x	x	x	x	1	1	1	x	x
Artist's Supplies	x	x	x	x	x	1	1	1	x	x
Automobile, Truck, Manufactured Home & Travel Trailer Sales	x	x	x	x	x	x	1	1	x	1
Automotive:										
Automotive: Car Wash	x	x	x	x	x	1	1	1	x	x
Automotive: Commercial Parking Lots & Garages	x	x	x	x	x	1	1	1	1	x
Automotive: Maintenance & Service Shops	x	x	x	x	x	1	1	1	1	x
Automotive: Paint & Body Repair Shops	x	x	x	x	x	x	1	1	1	x
Automotive: Paint & Accessories (Tires, Batteries, etc.)	x	x	x	x	x	1	1	1	1	x

Automotive: Service Station	x	x	x	x	x	1	1	1	1	x
Automotive: Specialized Repair Shops (Radiator, Engine, etc.)	x	x	x	x	x	x	1	1	1	x
Automotive: Towing Services	x	x	x	x	x	x	1	1	x	x
Automotive: Wrecking & Dismantling Yard	x	x	x	x	x	x	x	x	1	x
Bakery	x	x	x	3	x	1	1	1	x	x

NOTES:
1. Level I & II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition in Chapter 20.06.

TABLES OF PERMITTED LAND USES	ZONING DISTRICTS									
LAND USES - RETAIL TRADE AND SERVICE (Continued)	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD
Beauty & Barber Shops	x	x	x	x	x	1	1	1	x	x
Bed & Breakfast (3)	1	1	1	1	x	1	1	x	x	x
Boats & Marine Accessories	x	x	x	x	x	x	1	1	x	x
Books, Stationery, Office Supplies	x	x	x	x	x	1	1	1	x	x
Building & Trade (e.g. Plumbing, Heating, Electrical)	x	x	x	x	x	1	1	1	1	x
Butcher Shop	x	x	x	x	x	1	1	1	x	x
Camera Stores & Photographic Studios	x	x	x	x	x	1	1	1	x	x
Candy Store	x	x	x	x	x	1	1	1	x	x
Christmas Tree Sales Lot	2	2	2	2	x	1	1	1	x	x
Clothing & Accessories	x	x	x	x	x	1	1	1	x	x
Coin & Stamp Shops	x	x	x	x	x	1	1	1	x	x
Convenience Store (*) (4)	3	3	3	3	x	1	1	1	x	x
Delicatessen	x	x	x	3	x	1	1	1	x	x
Department, Discount, Variety Stores	x	x	x	x	x	1	1	1	x	x
Drug Stores (Optical Goods, Orthopedic Supplies)	x	x	x	x	x	1	1	1	x	x
Dry Cleaning Plants	x	x	x	x	x	1	1	1	x	x
Employment Agencies (Private)	x	x	x	x	x	1	1	1	x	x
Fabric Store	x	x	x	x	x	1	1	1	x	x

NOTES:
1. Level I & II uses may require a higher level of review if the use or development is in an overlay zone.
2. (*) refers to definition in Chapter 20.06.
3. Subject to specific development standards. See Chapter 20.138.
4. Subject to specific development standards. See Chapter 20.166.

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS									
LAND USES - RETAIL TRADE AND SERVICE (Continued)	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD
Farm Implements, Tools & Heavy Construction Equipment	x	x	x	x	x	x	1	1	1	x
Farm Supplies	x	x	x	x	x	1	1	1	1	x
Financial Institutions	x	x	x	x	x	1	1	1	x	x
Florist Shop	x	x	x	x	x	1	1	1	x	x
Food Store, Specialty or Super Market	x	x	x	x	x	1	1	1	x	x
Fuel, Oil & Coal Distributors	x	x	x	x	x	x	1	1	1	x
Furniture, Home Furnishings, Appliances	x	x	x	x	x	1	1	1	x	x

General Hardware, Garden Equipment & Supplies	x	x	x	x	x	1	1	1	x	x
Heating & Plumbing Equipment Stores	x	x	x	x	x	1	1	1	x	x
Horse & Pony Boarding, Riding Stables, Schools (Commercial)	x	x	x	x	x	x	3	1	x	2
Insurance Agents, Brokers & Service Agencies	x	x	x	3	x	1	1	1	x	x
Jewelry, Watches, Silverware Sales & Repair	x	x	x	x	x	1	1	1	x	x
Kennels (*)	x	x	x	x	x	x	1	1	x	3
Laundries	x	x	x	x	x	1	1	1	x	x
Laundromats	x	x	x	3	x	1	1	1	x	1
Liquor Stores	x	x	x	x	x	1	1	x	x	x
Lumber Yards	x	x	x	x	x	x	1	1	1	x
Malls, Multi-Tenant, Retail Complex	x	x	x	x	x	1	1	x	x	x
NOTES:										
1. Level I & II uses may require a higher level of review if the use or development is in an overlay zone.										
2. (*) refers to definition in Chapter 20.06.										

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS									
LAND USES - RETAIL TRADE AND SERVICE (Continued)	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD
Marijuana Retail Outlets	x	x	x	x	x	x	See chap. 20.173	x	x	x
Medical & Dental Facilities (3)	x	x	x	3	1	1	1	1	x	x
Motels & Hotels	x	x	x	x	x	1	1	1	x	x
Motorcycle Sales & Repairs (Including Maintenance & Parts)	x	x	x	x	x	1	1	1	x	x
Music Stores	x	x	x	x	x	1	1	1	x	x
Nursery (*)	x	x	x	x	x	1	1	1	x	1
Outside Advertising (Billboards)	See Chapter 20.204									
Paint, Glass & Wallpaper Stores	x	x	x	x	x	1	1	1	x	x
Pet Stores, Pet Supplies, & Dog Grooming	x	x	x	x	x	1	1	1	x	x
Printing, Photocopy Service	x	x	x	x	x	1	1	1	x	x
Professional Office Buildings (3)	x	x	x	3	x	1	1	1	x	x
Real Estate Offices	x	x	x	x	x	1	1	1	x	x
Recycling Center (*)	x	x	x	x	x	x	1	1	1	1
Rental: Auto, Truck and/or Trailer, Fleet Leasing Services	x	x	x	x	x	x	1	1	1	1
Rental: Heavy Equipment (Except Automotive)	x	x	x	x	x	x	x	1	1	x
Rental: Small Tools, Lawn/Garden Equipment, etc.	x	x	x	x	x	x	1	1	1	x
Rental: Small Tools, Lawn/Garden Equipment, Sporting Goods, etc.	x	x	x	x	x	1	1	1	x	x
NOTES:										
1. Level I & Level II uses may require a higher level of review if the use or development is in an overlay zone.										
2. (*) refers to definition in Chapter 20.06.										
3. In an RM Zone, subject to specific development standards. See Chapter 20.168.										

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS										
LAND USES - RETAIL TRADE AND SERVICE (Continued)	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD	
Repairs: Small Appliances, T.V.'s, Business Machines, etc.	x	x	x	x	x	1	1	1	x	x	
Repairs: Locksmiths & Gunsmiths	x	x	x	x	x	1	1	1	x	x	
Repairs: Re-Upholstery & Furniture	x	x	x	x	x	1	1	1	x	1	
Repairs: Small Engine & Garden Equipment	x	x	x	x	x	1	1	1	x	x	
Restaurants, Cafes & Drive-In Eating Facilities	x	x	x	x	x	1	1	1	x	1	
Second Hand Store	x	x	x	x	x	1	1	1	x	x	
Shoe Repair & Shoe Shine Shops	x	x	x	x	x	1	1	1	x	x	
Sporting Goods, Bicycle Shops	x	x	x	x	x	1	1	1	x	x	
Taverns & Bars, Dine, Drink & Dance Establishments	x	x	x	x	x	1	1	3	x	x	
Taxidermy	x	x	x	x	x	x	x	1	1	1	
Toy & Hobby Stores	x	x	x	x	x	1	1	1	x	x	
Truck Service Stations & Shops	x	x	x	x	x	x	1	1	1	x	
Waste Material Processing & Junk Handling (*)	x	x	x	x	x	x	x	3	1	x	
TRANSPORTATION											
Electric Vehicle- Level 1 & 2 Charging Stations(3)	1(2)	1(2)	1(2)	1(2)	1(2)	1	1	1	1	1	
Electric Vehicle- Level 3 Charging Station(4)	x	x	x	x	1(2)	1	1	1	1	1	
Electric Vehicle- Battery Exchange Station(5)	x	x	x	x	x	1	1	1	1	1	
Bus Terminals	x	x	x	x	1	1	1	1	x	1	
Transportation Brokerage Offices: Without Truck Parking	x	x	x	x	x	1	1	1	x	1	
Transportation Brokerage Offices: With Truck Parking	x	x	x	x	x	x	1	1	1	1	
NOTES:											
1. Level I & II uses may require a higher level of review if the use or development is in an overlay zone.											
2. (*) refers to definition in Chapter 20.06.											
3. See Chapter 20.156. Level 1 and 2 charging permitted in aquifer recharge areas and in other critical areas when serving an existing use.											
4. See Chapter 20.156. Allowed only as accessory to a principal outright permitted use or permitted conditional use.											
5. See Chapter 20.156. The term "rapid" is used interchangeably with Level 3 and fast charging. Only "electric vehicle charging stations-restricted" as defined in Chapter 20.156.											

TABLE OF PERMITTED LAND USES	ZONING DISTRICTS										
LAND USES - TRANSPORTATION (Continued)	R-60	R-72	R-96	RM	PR	CC	CH	IL/C	IH	AD	
Air, Rail, Truck Terminals (Short Term Storage, Office, etc.) (other than regional transportation facilities)	x	x	x	x	x	x	1	1	1	1	
Railroad Switch Yards, Maintenance & Repair Facilities, etc. (other than regional transportation facilities)	x	x	x	x	x	x	x	x	1	x	
Taxicab Terminals, Maintenance & Dispatching Centers, etc.	x	x	x	x	x	1	1	1	x	1	
UTILITIES											

Power Generating Facilities	x	x	x	x	x	x	x	x	5	5
Local Utility Service Systems	3	3	3	3	1	1	1	1	1	1
Regional Transmission Storage/Collection Systems	3	3	3	3	3	3	3	3	3	3
Wireless Communication Facilities and related structures (3)	x	x	x	x	3	1	1	1	1	1
Large Satellite Dish Antennas (3)	2	2	2	2	1	1	1	1	1	1
WHOLESALE TRADE-/STORAGE										
Warehouses (*)	x	x	x	x	x	1	1	1	1	1
Wholesale Trade	x	x	x	x	x	1	1	1	1	1
Storage Facilities, Bulk (*)	x	x	x	x	x	x	x	1	1	1
Commercial (*)	x	x	x	x	x	x	1	1	2	x
Residential Mini-Storage (*) (4)	x	x	x	x	x	1	1	1	1	1
NOTES:										
1. Level I & II uses may require a higher level of review if the use or development is in an overlay zone.										
2. (*) refers to definition 20.06.										
3. Subject to specific regulations provided in Chapter 20.170.										
4. No sales, storage of commercial goods, repair facilities, offices light manufacturing or other uses shall be permitted in residential mini-storage facilities.										

Section 14: The City Clerk is authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 15: If any part of this ordinance is for any reason declared or held to be invalid, unenforceable, or unconstitutional by any court or tribunal of competent jurisdiction, such part shall be deemed a separate and distinct and independent provision and such holding shall not affect the validity or enforceability of the remaining parts hereof.

Section 16: The amendments adopted herein are permanent (subject to future amendment or repeal). The Walla Walla City Council recognizes however that someone aggrieved by this ordinance might challenge it on some procedural ground(s) to prevent or delay its implementation in an attempt to establish a non-conforming use before the ordinance becomes effective. The Walla Walla City Council finds that any such effort would only further exacerbate Walla Walla's lack of adequate affordable housing opportunities for moderate to low income persons. Both RCW 35A.63.220 and RCW 36.70A.390 authorize the Walla Walla City Council to adopt interim zoning ordinances and interim controls. Therefore, if any part of this ordinance is declared or held to be invalid or unenforceable by any court or tribunal of competent jurisdiction for a procedural reason, or any other similar reason related to its method of adoption, this ordinance would alternatively be considered an interim zoning ordinance and/or interim control that became effective despite any procedural type of defect and remained in uninterrupted effect for at least one year to allow such procedural type of defect to be remedied or cured; and, in such event, the Walla Walla City Council conditionally and alternatively initiates its permanent adoption pursuant to Walla Walla Municipal Code section 20.48.020(A)(1) in accordance with the following work plan: (1) studies, applications, proposals, and other materials

that might be required to process permanent amendments should be completed by no later than sixty (60) days after issuance of a decision or order declaring or holding this ordinance to be invalid or unenforceable, (2) a status report should be made to the Walla Walla City Council by no later than ninety (90) days after issuance of a decision or order declaring or holding this ordinance to be invalid or unenforceable; and (3) remedial and curative action should be completed by no later than one hundred eighty (180) days after issuance of a decision or order declaring or holding this ordinance to be invalid or unenforceable.

Section 17: The Walla Walla City Council finds that this matter was duly considered at the City Council's regular meeting for November 1, 2017 in accordance with section 2.05.040 of the Walla Walla Municipal Code and notice regarding the Council agenda was made publicly available in advance of the meeting. The City Council further finds that proper notice was given and an opportunity for appropriate public participation was provided prior to adoption of this ordinance.

Section 18: The City Manager is authorized to adopt policies, regulations, and forms which implement and are consistent with this ordinance.

Section 19: This ordinance shall take effect on November 9, 2017.

Section 20: The Walla Walla City Clerk is directed to publish a copy of a summary and notice of adoption of this ordinance as permitted by section 35A.12.160 of the Revised Code of Washington.

Section 21: Notice is hereby given that any petition requesting Growth Board review of this interim zoning ordinance must be filed with the Eastern Washington Growth Management Hearings Board within sixty (60) days after publication of this summary and notice of adoption in accordance with Chapter 36.70A of the Revised Code of Washington.

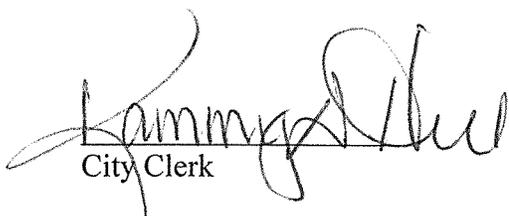
PASSED by the City Council of the City of Walla Walla, Washington, this 1st day of November, 2017.

Attest:

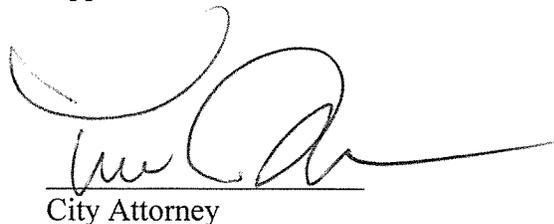


Mayor

Approved as to form:



City Clerk



City Attorney

SUMMARY AND NOTICE OF ADOPTION OF ORDINANCE 2017-33

AN ORDINANCE BANNING SHORT TERM RENTALS BY OWNERS WHO DO NOT RESIDE AT THE RENTAL LOCATION, AND OTHER MATTERS RELATED THERETO

The Walla Walla City Council passed an ordinance at its November 1, 2017 open public meeting which in summary provides:

- Short term rentals for periods of less than a month are not allowed in buildings designed for residential purposes in the City of Walla Walla unless they are owner-occupied.
- Only those non-owner occupied short term rentals lawfully established and existing prior to November 9, 2017 will be allowed in the City of Walla Walla as non-conforming uses, and such uses may not be significantly changed, altered, extended, or enlarged. Owners of such short term rentals must prove lawful establishment and continuing existence of such use.
- Qualifying non-owner occupied short term rentals allowed as non-conforming uses must timely obtain a short term rental permit and license and satisfy health and safety requirements applicable to owner occupied short term rentals.
- Non-owner occupied short term rentals are phased out.
- Opportunities for low and moderate income housing are advanced and protected.

The full text of the ordinance will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. Third Ave., Walla Walla, WA 99362.

Notice is hereby given that any petition requesting Growth Board review of the ordinance must be filed with the Eastern Washington Growth Management Hearings Board within sixty (60) days after publication of this summary and notice of adoption in accordance with Chapter 36.70A of the Revised Code of Washington.

Summary approved as to form



City Attorney



ar-2454

Pgs. 2-47

City Council - Regular Meeting

Meeting Date: 11/01/2017

Item Title: Ordinance Adopting Zoning and Land Use Regulations Regarding Short Term Rentals

Submitted For: Elizabeth Chamberlain, Development Services Department

Financial Comments:

Proposed application fee recommended by the Planning Commission of \$150.00 and annual renewal fee of \$150.00.

Federal Funds?: No **If yes, contractor verification completed?:** Not Applicable

Brief Summary of Requested Action:

Two options are presented for City Council's consideration: (1) Permit and regulate non-owner occupied short term rentals within certain zones or (2) Prohibit non-owner occupied short term rentals within city.

Information

HISTORY:

Planning Commission recommendation from the December 12, 2016 public hearing:

- Concurred with the staff recommendation (4-3 vote) with the exception of modifying the application fee to \$150.00. Staff originally proposed two different application fees; STR Type 1 at \$400 and STR Type 2 at \$650. (staff report exhibit has the analysis)
- At the public hearing 8 testified in favor of regulating STRs as recommended by staff; 11 testified in favor of either prohibiting STRs or the Planning Commission alternative which would limit STRs to the principal residence of the owner. (see Planning Commission meeting minutes)

Since the Planning Commission recommendation was presented to the City Council on March 13, 2017, two additional City Council work sessions on short term rentals were discussed (April 10, 2017 and July 10, 2017). At the July 10, 2017 work session, City Council consensus was to separate the two short term rental types and bring forward an ordinance addressing type 1 rentals or owner occupied short term rentals. Staff brought forward an ordinance to the August 9, 2017 City Council meeting that was adopted. Ordinance 2017-23 adopted a new chapter to Title 20, permitting Type 1 Short Term Rentals (owner occupied) and regulations such as defining principal residence (utilizing the HUD definition), parking regulations, application requirements, and violations.

Two additional work sessions were held to further discuss the non-owner occupied short term rentals on August 14, 2017 and September 11, 2017. The City Attorney's office assisted in the September 11, 2017 discussion answering questions by City Council regarding a density

approach versus permitting non-owner occupied short term rentals versus a prohibition on non-owner occupied short term rentals and the legalities of each option. City Council direction to staff at the conclusion of the work session was to bring back two ordinances for consideration to the November 1, 2017 regular City Council meeting; a prohibition of non-owner occupied short term rentals or an allowance with regulations. Throughout this process, staff has notified an interested party list of the council work session dates as well as the city council meetings including were to access meeting agendas providing opportunities for public input and comments. A public meeting notice for the November 1, 2017 City Council meeting was also published in the Union Bulletin on October 25, 2017, posted at city hall and the city's website on October 23, 2017 as well as emailed to the compiled interested party list.

POLICY ISSUES:

The two ordinances before City Council are summarized as follows:

1. Permit non-owner occupied short term rentals (type 2):
 - As a Level II review in the residential zones and a Level 1 review in the Central Commercial and Highway Commercial zones.
 - Modifies the definitions to provide clarity
 - Regulations and application process remain the same as adopted under Ordinance 2017-23 with clarification that a permit and license is required
 - The comprehensive plan policy analysis and findings support short term rentals from a economic and tourism perspective with regulations identified in the ordinance (and Ordinance 2017-23) to mitigate parking and noise impacts.
2. Prohibit non-owner occupied short term rentals (type 2):
 - Prohibit non-owner occupied short term rentals in all zones
 - Add a new section to Chapter 20.139 - elimination of type 2 short term rentals: permits existing type 2 short term rentals as of November 9, 2017 (see attached ordinance) to continue operation as a non-conforming use. Requires that a permit and license be applied for no later than February 1, 2018. Non-conforming status does not transfer with sale of the property.
 - The comprehensive plan policy analysis and findings support a ban on short term rentals from a neighborhood and housing perspective.

The supplemental/background/record information for this agenda item can be found: <https://www.dropbox.com/sh/7affw39k7rnkcl0/AAC-zEDYhUZwFm1krCrz77jla?dl=0>

PLAN COMPLIANCE:

Comprehensive Plan:

The ordinances before City Council include the comprehensive plan policy analysis.

ALTERNATIVES:

Two options are before the City Council for consideration:

1. One ordinance will permit and regulate non-owner occupied (e.g. STR Type 2) short term rentals within the residential zones as a Level II review and within the Central Commercial and High Commercial zones as a Level I review.
2. A second ordinance would prohibit/ban non-owner occupied short term rentals within the city.

STAFF RECOMMENDATION:

Planning Commission (4-3 vote) provided a recommendation to the City Council that would permit and regulate short term rentals.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Ord 33.Allow STR

Ord 33.Banning STR
