

WALLA WALLA COUNTY, STATE OF WASHINGTON

ORDINANCE NO. 219

COPY

AN ORDINANCE FOR THE PURPOSE OF COORDINATING COUNTY, FEDERAL AND STATE GOVERNMENT ACTIONS AFFECTING LAND AND NATURAL RESOURCES USE IN WALLA WALLA COUNTY

WHEREAS, the County has an interest in securing and promoting the public peace, general welfare, health and safety of the citizens of Walla Walla County through preservation of their custom, culture, and economic stability, protection and use of their environment, and endorsement of their private property rights; and

WHEREAS, preservation of the custom, culture, and economic stability of the citizens, and the protection and use of their environment, are inseparably tied to their ability to be involved in determining any regulation of their rights to use and enjoy their unique lands and natural resources; and

WHEREAS, the County Commissioners have determined that the provisions of the Washington State Growth Management Act, regulations promulgated thereunder, the GMA Planning Policies under consideration for Walla Walla County, and the existing land use planning process followed by the County, collectively, have not sufficiently addressed the effects that actions by federal and state agencies may have on land and natural resources use in Walla Walla County, and which the County may address as finances dictate; and

WHEREAS, actions taken by federal and state agencies without consultation and coordination with the County and which conflict with the Comprehensive Plan and other County laws, could interfere with and defeat the purposes and goals of the Comprehensive Plan and such laws, could fail to preserve the custom, culture, economic stability and environmental quality of the citizens, and could otherwise work to the detriment of the livelihood and well-being of the citizens of Walla Walla County; now, therefore,

BE IT HEREBY ORDAINED, by the Board of County Commissioners of Walla Walla County:

1. That adoption of this Ordinance is required to secure and promote the public peace, general welfare, health and safety of the citizens of Walla Walla County through preservation of their custom, culture, and economic stability, protection and use of their environment, and endorsement of their constitutionally protected private property rights; and

2. That a new title be added to the Walla Walla County Code, entitled "Title 19 - Coordinating Government Regulation" and that the initial chapter of such title be entitled "Chapter 19.04 - Coordinating Government Regulation of Land and Natural Resources Use"; and

3. That such new title shall contain the following:

12/21/93

TITLE 19

COORDINATING GOVERNMENT REGULATION

Chapters:

19.04 Coordinating Government Regulation of Land and Natural Resources Use

Chapter 19.04

COORDINATING GOVERNMENT REGULATION OF LAND AND NATURAL RESOURCES USE

Sections:

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12/21/93

ARTICLE I. PRELIMINARY PROVISIONS

19.04.010 Purpose. The purpose of this Ordinance is to establish as County law the basis and process for determining how federal and state agencies are to coordinate and consult with Walla Walla County in actions affecting land and natural resources use, in order that the citizens of Walla Walla County may preserve their customs, culture, and economic stability, and protect and use their environment. This Ordinance addresses federal and state agency regulation of land and natural resources use directly and is intended to be used as a positive guide for federal and state agencies in their development and implementation of regulations affecting land and natural resources use in Walla Walla County.

19.04.020 Coordination With Growth Management Act, Comprehensive Plan and Existing County Law.

A. The provisions of this Ordinance shall be in addition to and, to the extent permitted by law, coordinated with the final Walla Walla County Comprehensive Plan adopted pursuant to the Washington State Growth Management Act. The effectiveness of this Ordinance, however, shall not depend upon adoption of the Comprehensive Plan or the authority of the County to adopt such a plan.

B. This Ordinance shall be supplemental to and coordinated with existing and future County ordinances, resolutions, policies and plans. It is intended as a set of provisions that shall provide a general framework as well as specific guidance and shall work in conjunction with other County ordinances, resolutions, policies and plans. In the event this Ordinance conflicts with such other ordinances, resolutions, policies and plans, the provisions of this Ordinance shall be given effect to the fullest extent possible.

19.04.030 Effectiveness: Validity Under Constitutional, Federal and State Law.

A. This Ordinance shall be effective upon adoption by the Board of County Commissioners.

B. The validity of this Ordinance is based upon the rights of citizens granted by the Constitutions of the United States and the State of Washington, the authority of the County to protect and uphold such rights, and existing federal and state laws mandating that federal and state agencies consult and coordinate with local governments in actions affecting use of land and natural resources. If any provision of this Ordinance shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected thereby, but shall remain in full force and effect, and to that extent the provisions of this Ordinance shall be severable.

19.04.040 Definitions.

A. For the purpose of this Ordinance, and any regulations promulgated hereunder, the following words shall be defined as follows:

"Action", when used with respect to any federal or state agency, shall have the broadest possible meaning in the context of any exercise of authority, and shall include, without limitation, any proposal, policy, regulation, rule, consideration, finding, study, or gathering or review of data, that may lead to any substantive rule, regulation or administrative action or determination.

"Federal agency," "state agency" or any combination thereof, shall mean each department, agency, commission or other instrumentality receiving its authority from the executive, legislative or judicial branch of the United States or the State of Washington, respectively, including without limitation independent regulatory agencies and public corporations, together with each officer, agent or employee thereof in the performance of official duties.

"Private property" shall mean all property protected by the Fifth and Fourteenth Amendments to the United States Constitution.

ARTICLE II. GENERAL GUIDANCE

19.04.050 General Guidance. To the fullest extent required or permitted by law, including this Ordinance, all federal and state agencies shall, in all actions considered, proposed or taken, that affect or have the potential of affecting the use of land or natural resources within Walla Walla County:

- A. consider the effects such actions have on (i) community stability; (ii) maintenance of custom, culture and economic stability; and (iii) conservation and use of the environment and natural resources, as part of the action taken;
- B. coordinate procedures to the fullest extent possible with the County, on an equal basis and not with the County as subordinate, prior to and during the taking of any federal or state action;
- C. meet with the County to establish, through a memorandum of understanding or otherwise, the process for such coordination, including joint planning, joint environmental research and data collection, joint hearings, and joint environmental assessments;

- D. submit a list and description of alternatives in light of possible conflicts with the County's laws, policies and plans, including the Comprehensive Plan; consider reconciling the proposed action with the County's laws, policies, and plans, including the Comprehensive Plan; and after such consideration, take all practical measures to resolve such conflict and display the results of such consideration in appropriate documentation;
- E. not, in any environmental impact statement or otherwise, assume that any proposed actions would be consistent with County conditions or would have a non-significant impact, without coordination and consultation with the County and review of data specific to the County;
- F. in absence of a direct constitutional conflict, coordinate with the County so as to comply with federal and state statutes and regulations, and County laws, policies and plans, including the Comprehensive Plan;
- G. take appropriate mitigation measures adopted with the concurrence of the County to mitigate adequately adverse impacts on culture, custom, economic stability or protection and use of the environment; and
- H. not violate through regulatory means or otherwise any private property rights of citizens of Walla Walla County.

ARTICLE III. SPECIFIC GUIDANCE

19.04.060 Agriculture and Livestock. The custom and culture associated with agricultural and livestock production in Walla Walla County is significant to the economic stability, livelihood and well-being of its citizens and protection and use of their environment. The purpose of this section is to provide clear guidance to federal and state agencies when actions taken by such entities affect or have the potential of affecting agricultural and livestock production in Walla Walla County.

A. In general, since the regulation of any aspect of agricultural and livestock production may impact the ability of County citizens to use land and use and conserve natural resources for agricultural and livestock purposes, all federal and state agencies shall (i) notify the County of proposed actions, (ii) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Walla Walla County, (iii) consider all alternatives to the taking of such actions, and (iv) to the extent permitted by law, take appropriate mitigation measures adopted with the concurrence of the County.

B. To the extent permitted by law, federal and state agencies shall avoid taking actions that are inconsistent with the Walla Walla County Right to Farm Resolution, No. 90 404, dated September 25, 1990, or any successor resolution, ordinance or like provision in the Comprehensive Plan, without the concurrence of the County.

C. To the extent permitted by law, federal and state agencies shall avoid taking actions that have the effect of obstructing, or making financially inefficient, agricultural and livestock production within Walla Walla County.

D. To the extent permitted by law, federal and state agencies shall give adequate consideration to the designation and use of lands as agricultural lands in the Comprehensive Plan and as otherwise consistent with the custom, culture, and economy of Walla Walla County.

19.04.070 Timber and Wood Products. The custom and culture associated with timber and wood products production in Walla Walla County is significant to the economic stability, livelihood and well-being of its citizens and protection and use of their environment. The purpose of this section is to provide clear guidance to federal and state agencies when actions taken by such entities may affect timber and wood products production in Walla Walla County.

A. All federal and state agencies shall prior to initiating, studying or taking any action affecting timber or wood products production in Walla Walla County (i) notify the County of proposed actions, (ii) provide a detailed statement assessing the specific effects on custom, culture, economy and environment of Walla Walla County, (iii) consider all alternatives to the taking of such actions, and (iv) to the extent permitted by law, take appropriate mitigation measures adopted with the concurrence of the County.

B. To the extent permitted by law, federal and state agencies shall avoid taking actions that reduce opportunities for a timber and wood products industry to be continued at levels consistent with the custom, culture and economy of Walla Walla County.

C. The production of timber from sources in Washington, Oregon and Idaho has been and continues to be an important part in the preservation of custom, culture and economic stability and protection and use of the environment of Walla Walla County. The provisions of this section shall therefore apply fully to actions taken by federal and state agencies with respect to sources of timber in such states.

19.04.080 Cultural Resources, Recreation, Wildlife and Wilderness. The custom and culture associated with cultural resources, recreation, wildlife and wilderness in Walla Walla County are significant to the livelihood and well-being of its citizens and protection and use of their environment. It is the continuing policy of Walla Walla County to (i) assure for all citizens safe, healthful, productive and aesthetically and culturally pleasing surroundings, (ii) preserve important historic, cultural and natural aspects of our County heritage, and (iii) maintain whenever possible an environment which supports diversity and variety of individual choice. The purpose of this section is to provide clear guidance to federal and state agencies when actions by such agencies may affect cultural resources, recreation, wildlife and wilderness in Walla Walla County.

A. Before any action is considered, proposed or taken affecting cultural resources, recreational, wildlife or wilderness uses in Walla Walla County, federal and state agencies shall (i) notify the County of any proposed action, (ii) provide a detailed statement assessing the specific effects on custom, culture, economy and environment of Walla Walla County, including, without limitation, public health and safety, (iii) consider all alternatives to the taking of such actions, and (iv) to the extent permitted by law, take appropriate mitigation measures adopted with the concurrence of the County.

B. Federal and state agencies shall avoid taking actions affecting recreational, cultural, wilderness, and wildlife opportunities within Walla Walla County that are incompatible with local custom, culture and economic stability or preservation and use of the environment, or that otherwise fail to protect private property rights and local determination.

C. In connection with any action related to sensitive, threatened or endangered plant or animal species, a federal or state agency shall:

- (i) At the earliest possible time, give actual notice to Walla Walla County of the intent to consider or propose a species for listing, or to change or propose critical habitat;
- (ii) Base the listing of a species on the best scientific and commercial data relating specifically to Walla Walla County and not generalized over a wider geographic area;
- (iii) List a species as threatened or endangered only after taking into account the efforts of Walla Walla County to conserve the species;
- (iv) Only implement a recovery plan if it will provide for conservation of a species;

- (v) In designating critical habitat, base the designation on the best scientific data available and, after taking into consideration economic impacts, exclude as critical habitat all impacted areas unless, based upon the best scientific and commercial data available, failure to designate would result in extinction of the species;
- (vi) Complete and forward to Walla Walla County in a timely manner all documentation required by law when designating critical habitat;
- (vii) Consider and directly respond to comments submitted by Walla Walla County;
- (viii) Not develop protective regulations or recovery plans if a Walla Walla County plan is in place to protect effectively the species within Walla Walla County;
- (ix) Protect the species through alternatives with the least impact on the custom, culture and economic stability and preservation and use of the environment of Walla Walla County; and
- (x) To the extent permitted by law, take appropriate mitigation measures adopted with the concurrence of the County to mitigate adequately any impact on custom, culture, economic stability, and protection and use of the environment, including any impact on public use and access and private property rights.

19.04.090 Land Acquisition and Disposition. Land is significant to the preservation of custom, culture and economy, and preservation and use of the environment and natural resources. In addition, land provides much of the tax base for vital public functions, such as funding of public schools and administration of county government. When land (including any interest in land) is acquired or held in trust by federal and state agencies, it may be removed from this tax base and the citizens of Walla Walla County may suffer as a result. For these reasons, it is the policy of Walla Walla County that the design and development of all federal and state land acquisitions, including by forfeiture, donation, purchase, eminent domain or trust, and disposals, including adjustments and exchanges, be carried out to the benefit of the citizens of Walla Walla County.

A. To the extent permitted by law, federal and state agencies shall prior to acquiring any lands or interest in lands within Walla Walla County (i) notify the County of proposed acquisitions, (ii) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Walla Walla County, (iii) consider all alternatives to the taking of such actions, and (iv) to the extent permitted by law, take appropriate mitigation measures, such as payments in lieu of taxes, adopted with the concurrence of the County.

B. Before any federal or state agency pursues any disposition, adjustment or exchange of land within Walla Walla County, the County shall be notified of, consulted about, and otherwise involved in all federal and state land dispositions, adjustments, and exchanges.

19.04.100 Water Resources. Walla Walla County recognizes that the conservation and development of water resources are essential to preservation of the custom, culture and economic stability of its citizens and protection and use of their environment. To the extent permitted by law, federal and state agencies shall avoid taking actions affecting water rights and water resources that are incompatible with local custom, culture and economic stability or preservation and use of the environment, or that otherwise fail to protect private property rights and local determination.

A. Any federal or state action that has or could have the effect of changing existing water rights or water uses within the County shall be critically considered in relationship to the historic and current use of water in the County by humans, vegetation, livestock and wildlife. It is the intent of the County to assist federal and state agencies in the planning and management of the County's natural, cultural, economic and environmental resources related to water use. Since the regulation of any aspect of water rights or water use may impact the ability of County citizens to use land and natural resources, all federal and state agencies shall, when taking any action related to restricting or limiting water use or water rights, (i) notify the County of proposed actions, (ii) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Walla Walla County, (iii) consider all alternatives to the taking of such actions, and (iv) to the extent permitted by law, take appropriate mitigation measures adopted with the concurrence of the County.

B. Any proposed definition of wetlands, any action affecting the management of river flows or the sources or uses of irrigation, and any other federal or state action that has any effect on water rights or water uses within the County (i) shall be coordinated with the County, (ii) to the extent permitted by law, shall comply with all County water use plans and (iii) shall not violate any water rights.

C. To the extent permitted by law, Walla Walla County shall have the authority to define and designate wetlands, and to the extent such authority is exercised, and otherwise in accordance with law, federal and state agencies shall act in compliance with acceptance and enforcement of such definitions and designations. In addition, the County may continue to develop, in coordination with private land owners and governmental agencies, water management plans that encompass water resources on both governmentally owned and privately owned lands.

D. To the extent permitted by law, Walla Walla County shall have the authority to establish development regulations for point source and non-point source water pollution. To the extent such authority is exercised, and otherwise in accordance with law, federal and state agencies shall be subject to, and shall comply with all administrative requirements, controls, processes, and sanctions of such development regulations.

E. The use of water that originates from sources outside Walla Walla County has been and continues to be an important part in the preservation of custom, culture and economic stability and the protection and use of the environment of Walla Walla County. The provisions of this section shall therefore apply fully to actions taken by federal and state agencies in any jurisdiction that affect water rights and water uses within Walla Walla County.

F. Before any federal or state agency acquires or agrees to acquire any interest in water rights in Walla Walla County, directly, indirectly or in trust, for any purpose (including for transfer to or use in any other jurisdiction), by donation, purchase, condemnation or otherwise, such agency shall fully comply with all provisions of this Ordinance. In addition, federal and state agencies shall not acquire for any public purpose any interest in water rights within Walla Walla County without (i) first coordinating and consulting with the County, and (ii) ensuring that private water rights are protected.

19.04.110 Clean Air. Walla Walla County recognizes that the conservation and use of clean air resources are significant to preservation of the custom, culture and economic stability of its citizens and protection and use of their environment.

A. All federal and state agencies shall prior to taking any action affecting air usage within Walla Walla County (i) notify the County of the proposed action, (ii) provide a detailed statement assessing the specific effects on the custom, culture, economy and environment of Walla Walla County, (iii) consider all alternatives to the taking of such action, and (iv) to the extent permitted by law, take appropriate mitigation measures adopted with the concurrence of the County.

B. Any federal or state action that has or could have the effect of changing existing use of air resources within the County shall be critically considered in relationship to the historic and current use of air resources in the County by humans, vegetation, livestock and wildlife. Any proposed designation of federal or state pollution non-attainment areas and any other federal or state action that has any effect on air resources within Walla Walla County shall be coordinated with the County and shall comply with all County air quality standards and use plans.

C. It is the intent of the County to assist federal and state agencies in the planning and management of the County's natural, cultural, economic and environmental resources related to air quality. Walla Walla County shall have the authority to establish development regulations regarding air pollution and develop air quality protections plans of its own design. To the extent such authority is exercised, federal and state agencies shall act in compliance with acceptance and enforcement of such regulations, to the extent permitted by law. In addition, the County shall have the authority to continue to develop, in coordination with private land holders and governmental agencies, air quality management plans that encompass clean air resources throughout Walla Walla County. To the extent such authority is exercised and otherwise as permitted by law, federal and state agencies shall be subject to, and shall comply with, all administrative requirements, controls, processes, and sanctions of such regulations and plans.

19.04.120 Mining and Minerals. Walla Walla County recognizes that the conservation and use of mining and mineral resources are significant to preservation of the custom, culture and economic stability of its citizens and protection and use of their environment.

A. Any federal or state action that has or could have the effect of changing existing use of mining or mineral resources within the County shall be critically considered in relationship to the historic and current use of such resources in the County.

B. It is the intent of the County to act within the existing legal framework concerning planning and management of the County's natural, cultural, economic and environmental resources related to mining and minerals.

19.04.130 Private Property Rights. Walla Walla County recognizes that the protection of private property rights is essential to preservation of the custom, culture and economic stability of its citizens and protection and use of their environment. Federal and state agencies shall fully comply with all caselaw, statutes, regulations, rules, and guidelines concerning protection of private property rights in Walla Walla County, including, without limitation, (i) United States Executive Order 12630, *Governmental Actions and Interferences With Constitutionally Protected Property Rights*, dated March 16, 1988, and (ii) Section 18 of the Washington Growth Management Act, *Protection of Private Property* (R.C.W. § 36.70A.370), and guidelines of the Attorney General of the State of Washington promulgated with respect thereto.

A. All private property and private property rights of Walla Walla County citizens shall be fully protected under the Fifth and Fourteenth Amendments of the United States Constitution and the United States Civil Rights Act, as amended, and this Ordinance.

B. The violation of the private property rights of any Walla Walla County citizen by any federal or state agency shall be deemed to be a violation of this Ordinance, and liability for such violation shall be on the federal or state agency as well as on the federal or state official or employee responsible for making any decision or implementing any action which results in such violation.

ARTICLE V. MONITORING AND ENFORCEMENT

19.04.140 General Authorization. Walla Walla County shall have the authority to develop and maintain monitoring and compliance standards to evaluate and enforce compliance by federal and state agencies with the provisions of this Ordinance, the Comprehensive Plan, and other ordinances, resolutions, policies and plans of Walla Walla County. Any actions that may be taken or authority that may be exercised by Walla Walla County pursuant to this Ordinance or otherwise in accordance with law, may be taken or exercised by action of the Walla Walla County Board of Commissioners. The County may by resolution of the Board of Commissioners exempt any action or area of action by a federal or state agency from compliance with this Ordinance.

19.04.150 Coordinating Committee and Subcommittees. A basic premise of this Ordinance is that involvement by citizens is crucial to the preservation of their custom, culture and economic stability and protection and use of their environment. This is particularly true with respect to coordinating government regulation of land and natural resources use.

A. In order to involve citizens in the monitoring and enforcement of compliance with the provisions of this Ordinance, there shall hereby be established the Walla Walla County Coordinating Committee for Federal and State Actions Affecting Land and Natural Resources Use (the "Coordinating Committee"), and the subcommittees thereof named below. The basic function of the Coordinating Committee and the subcommittees shall be to monitor federal and state actions and advise the County Commissioners regarding compliance by such agencies with this Ordinance. The Coordinating Committee and the subcommittees shall be advisory only and shall in no way bind the County Commissioners, who shall have final authority regarding interpretation and enforcement of this Ordinance.

B. The members of the Coordinating Committee shall be the chair and vice chair of the following subcommittees, each of which shall have the chair, vice-chair, members, and specific duties designated by the Board of County Commissioners from time to time in furtherance of this Ordinance: (i) Agriculture and Livestock, (ii) Timber and Wood Products, (iii) Cultural Resources, Recreation, Wildlife and Wilderness, (iv) Land Acquisition and Disposition/ Mining and Minerals, (v) Water Resources, (vi) Clean Air, and (vii) Research and Data Collection. In furtherance of this Ordinance, the Board of County Commissioners may by resolution (i) expand or contract the number of members of the Coordinating Committee and any subcommittee, or (ii) change the subcommittees or establish other subcommittees.

C. The Board of County Commissioners shall appoint on the first Monday of each year, or as soon thereafter as practical, the chair, vice chair and other members of each subcommittee. Members of the Coordinating Committee and each subcommittee must be citizens of Walla Walla County over the age of 18 years, with terms of appointment as follows: Initially, members shall be appointed for one, two or three year terms; thereafter, terms shall be for a period of three years, staggered so that the terms of one-third of the members expire each year. Any person may be re-appointed at the pleasure of the County Commissioners. The County Commissioners may remove any person from a chair, vice chair or membership position for cause and may fill vacancies as needed from time to time.

D. At its initial meeting, the Coordinating Committee shall adopt operational procedures for itself and the subcommittees, which, along with any later amendments thereto, shall be subject to the approval of the County Commissioners. To the extent required by law, the Coordinating Committee and subcommittees shall be subject to the Open Public Meetings Act (R.C.W. Chp. 42.30) and the Public Disclosure Act (R.C.W. Chp. 42.17).

E. When determining which citizens shall be appointed, the County Commissioners shall consider the purpose of this Ordinance and the functions each subcommittee and the Coordinating Committee shall perform. While no specific criteria must be met, appointments should collectively reflect an expertise and involvement in the primary subject matter, and the broad diversity of the many aspects of the culture, custom, economy and environment of Walla Walla County.

19.04.160 Research and Data Collection. In furtherance of the purposes of this Ordinance, it is the intent of the County to develop and maintain a research data base of information regarding the custom, culture, economy and environment of Walla Walla County.

19.04.170 Enforcement.

A. The County Commissioners shall have the authority to request the Prosecuting Attorney to bring an action to enforce this Ordinance in any court or administrative tribunal of competent jurisdiction and to seek cumulative remedies, including any criminal or civil penalties allowed by law, equitable relief, and monetary compensation when the County tax base or the general welfare or health and safety of the citizens of the County is at issue.

B. Nothing in this Ordinance shall be construed to limit any remedy that any person may have under the laws of the State of Washington or of the United States. Every person, who under color of any law, statute, ordinance, regulation, custom or usage, of the United States or of the State of Washington, subjects, or causes to be subjected, any person within Walla Walla County to the deprivation of any property rights secured by this Ordinance shall be liable to the person injured in an action at law, suit in equity or other proper proceeding for redress.

C. Any person alleging a violation of the private property rights protected by this Ordinance may, after exhausting all other state and federal remedies, submit a written complaint to the Prosecuting Attorney, who may in his or her discretion determine whether any criminal action may be brought.

D. Every person, who under color of law, statute, ordinance, regulation, or custom, willfully subjects any person within Walla Walla County to the deprivation of any property rights secured or protected by this Ordinance shall be guilty of a misdemeanor punishable by not more than 30 days in jail, a fine of not more than \$500, or both.

DATED this 28th day of December, 1993.

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

Charles A. Maiden
Chairman

David S. Carey
Commissioner

Lewis L. Jacky
Commissioner

ATTEST

Connie R. Jinti
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF INTERPRETING
AND ENFORCING WALLA WALLA
COUNTY ORDINANCE NO. 219 TO
BE CONSISTENT WITH THE
CONSTITUTIONS OF THE UNITED
STATES AND THE STATE OF
WASHINGTON AND EXISTING
FEDERAL AND STATE STATUTES

RESOLUTION NO. **94 170**

WHEREAS, Walla Walla County Ordinance No. 219 provides a basis and process for determining how federal and state agencies are to coordinate and consult with Walla Walla County in actions affecting land and natural resources, in order that the citizens of Walla Walla County may preserve their customs, culture, and economic stability, and protect and use their land and natural resources; and

WHEREAS, the validity of the Ordinance is based upon the rights of citizens granted by the Constitutions of the United States and the State of Washington, the authority of the County to protect and uphold such rights, and existing federal and state laws mandating that federal and state agencies consult and coordinate with local governments in actions affecting the use of land and natural resources; and

WHEREAS, it is the desire and intent of the Board of Walla Walla County Commissioners to interpret and enforce the Ordinance in such a manner that is consistent with the Constitutions of the United States and the State of Washington, and existing federal and state statutes; and

WHEREAS, Section 19.04.140 of the Ordinance provides that any action that may be taken or authority that may be exercised by Walla Walla County pursuant to the Ordinance or otherwise in accordance with law may be taken or exercised by the action of the Board of Walla Walla County Commissioners; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that:

1. Walla Walla County Ordinance No. 219 is hereby interpreted as providing no greater authority than the authority provided by the Constitutions of the United States and the State of Washington, existing federal and state statutes affecting use of land and natural resources, and laws of the State of Washington authorizing the actions of county governments.
2. Compliance with any provision of the Ordinance by any federal or state agency shall be required only after specific notice by the Board of Walla Walla County Commissioners to such agency that its actions are not in compliance with the Ordinance.
3. Enforcement of the Ordinance against any federal or state agency or its employees in any particular instance shall be taken by resolution of the Board of Walla Walla County Commissioners only if such enforcement is based upon both the Ordinance and an existing federal or state statute applying to the actions of such agency.
4. If any provision of this Resolution shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected thereby, but shall remain in full force and effect, and to that extent the provisions of this Resolution shall be severable.

Done this 25th day of April, 19 94

Attest:

Connie R. Vint
Clerk of the Board

David J. Cory
Chairman

Lewis L. Jocky
Commissioner

Charles A. Maiden
Commissioner

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

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

IN THE MATTER OF INTERPRETING
AND ENFORCING WALLA WALLA
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WHEREAS, the validity of the Ordinance is based upon the rights of citizens granted by the Constitutions of the United States and the State of Washington, the authority of the County to protect and uphold such rights, and existing federal and state laws mandating that federal and state agencies consult and coordinate with local governments in actions affecting the use of land and natural resources; and

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WHEREAS, Section 19.04.140 of the Ordinance provides that any action that may be taken or authority that may be exercised by Walla Walla County pursuant to the Ordinance or otherwise in accordance with law may be taken or exercised by the action of the Board of Walla Walla County Commissioners; now therefore

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1. Walla Walla County Ordinance No. 219 is hereby interpreted as providing no greater authority than the authority provided by the Constitutions of the United States and the State of Washington, existing federal and state statutes affecting use of land and natural resources, and laws of the State of Washington authorizing the actions of county governments.
2. Compliance with any provision of the Ordinance by any federal or state agency shall be required only after specific notice by the Board of Walla Walla County Commissioners to such agency that its actions are not in compliance with the Ordinance.
3. Enforcement of the Ordinance against any federal or state agency or its employees in any particular instance shall be taken by resolution of the Board of Walla Walla County Commissioners only if such enforcement is based upon both the Ordinance and an existing federal or state statute applying to the actions of such agency.
4. If any provision of this Resolution shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected thereby, but shall remain in full force and effect, and to that extent the provisions of this Resolution shall be severable.

Done this 25th day of April, 19 94

Attest:

Gonnie R. Venti
Clerk of the Board

David J. Carey
Chairman

Leona L. Jocky
Commissioner

Charles A. Maiden
Commissioner

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

COPY

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF A
DETERMINATION OF NON-
SIGNIFICANCE FOR AN
ORDINANCE REQUESTED
BY BOGGESS/JOINT POWER
OF COUNTY GOVERNMENT
STUDY GROUP

RESOLUTION NO. 93 538

WHEREAS, the request by Boggess/Joint Power of County Government Study Group, EA-93-28, for an ordinance to establish a process for determining how federal and state agencies shall coordinate and consult with Walla Walla County in all actions affecting land and natural resources use, in order that the residents of Walla Walla County may preserve their customs, culture, and economic stability, and protect and use their environment. This ordinance requires an environmental determination under the State Environmental Policy Act and Walla Walla County Title 18, and

WHEREAS, the County has an obligation under SEPA and Title 18 to protect and enhance both the human and the natural environments, and

WHEREAS, the Walla Walla County Environmental Review Committee recommends the issuance of a Determination of Non-Significance, based on the following:

1. This is not a GMA ordinance - it is independent and references to this ordinance being supplemental and a refinement of the GMA should be removed.
2. This ordinance appears to duplicate efforts already in place and those occurring through GMA.
3. The ordinance may impact other agencies and therefore should be circulated for comment.
4. Administration and enforcement of this ordinance may create liability and economic impact on the County in terms of staffing of the committees and maintaining a database.
5. The premise of coordination and cooperation is excellent, but there is a possibility that this ordinance may be misused and may increase permit processing timelines.
6. Use of this ordinance may delay appropriate, beneficial and/or necessary environmental protection.
- ~~7. The County appears to be liable for settling disputes between private landowners and other agencies.~~ DJS
- 7.8. A broad based committee is necessary to be effective, D.C.C.
Cm

now, therefore,

BE IT RESOLVED by the Walla Walla County Board of Commissioners that the proposal, EA-93-28, will have a non-significant impact upon the environment and that they concur with the Determination of Non-Significance.

Done this 28th day of December, 1993

Attest: Donnie R. Juntti
Clerk of the Board.

Charles A. McInden
Chairman
David J. Long
Commissioner
Lewis L. Jacky
Commissioner

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