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Karen Martin County Auditor, Walla Walla County WA



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

ORDINANCE NO. 380

ADOPTING A TEXT AMENDMENT BY WALLA WALLA COUNTY TO THE WALLA WALLA COUNTY COMPREHENSIVE PLAN, REMOVING POLICIES RL-16, RL-17, RL-27, AND RL-29 FROM CHAPTER 6 – RURAL AND RESOURCE LANDS.

WHEREAS, the Growth Management Act requires that the County take legislative action to review and revise, if necessary, its comprehensive land use plan to ensure that it complies with the requirements of the Growth Management Act, as described in RCW 36.70A.130; and

WHEREAS, the Growth Management Act requires that updates, amendments, or revisions to the comprehensive plan may not be considered more frequently than once a year except for certain limited circumstances; and

WHEREAS, the County must establish a public participation program that identifies procedures and schedules for consideration of proposed updates, amendments, or revisions to the comprehensive plan; and

WHEREAS, RCW 36.70A.470 requires that the County include a procedure for any interested person (including staff of other agencies) to suggest amendments to the comprehensive plan or development regulations, and that the amendments must be docketed and considered on at least an annual basis.

NOW THEREFORE,

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

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

Procedural History and Public Information:

1. On March 17, 2009 the Board of County Commissioners signed County Proposal 2009 03-17-CDD, as recommended by the Community Development Director, beginning the 2009 Comprehensive Plan Amendment Cycle, and setting the deadline for receipt of non-County Comprehensive Plan Amendment Applications.

2. The Board of County Commissioners established the criteria for the 2009 Comprehensive Plan amendment process, and formalized the timeframe for the acceptance of non-County amendment application by the adoption of Resolution 09-078 on March 30, 2009.
3. The County issued a press release to local newspapers, and the Department website, on March 30, 2009 announcing the opening of the application period for non-county amendments to the Comprehensive Plan.
4. On March 31, 2009 the Union Bulletin newspaper printed an article summarizing the County's announcement of the beginning of the 2009 Comprehensive Plan Amendment Application cycle, including information to citizens about the procedure for applying.
5. On April 2, 2009 the Union Bulletin newspaper printed a second article summarizing the County's 2009 Comprehensive Plan Amendment Application cycle, including information to citizens about where to go for applications, and directions to the County's website where the application process is explained.
6. The application period for non-County amendments to the Comprehensive Plan closed at 5:00 p.m., June 1, 2009, and the County received five amendment applications.
7. A legal notice announcing a public hearing held by the Walla Walla County Planning Commission on August 5, 2009 was published in the Waitsburg Times, the Tri-City Herald, and the Union Bulletin newspapers on July 23, 2009.
8. A public hearing was held by the Walla Walla County Planning Commission on August 5, 2009 to review all Comprehensive Plan Amendment Applications received by the June 1, 2009 deadline date, and to receive input regarding those applications, and to make a recommendation to the Board of County Commissioners regarding the establishment of the 2009 Comprehensive Plan Amendments Preliminary Docket.
9. The Planning Commission received no public comments at the August 5, 2009 public hearing regarding this particular amendment application.
10. On August 17, 2009 the Board of County Commissioners received from the County Planning Commission Resolution No. 09-03 summarizing recommendations the Planning Commission made at the August 5, 2009 public hearing.
11. On August 17, 2009 the Board of County Commissioners signed Resolution No. 09-227 setting a public hearing for August 31, 2009.

12. A legal notice announcing a public hearing held by the County Commissioners on August 31, 2009 was published in the Waitsburg Times, the Tri-Cities Herald, and the Union Bulletin newspapers on August 20, 2009.
13. At the public hearing held on August 31, 2009 the Board of County Commissioners received input regarding to one of the proposed comprehensive plan amendment applications, CPA 2009-004, City of Walla Walla.
14. During an open, public work session of the Board of County Commissioners on September 1, 2009 a motion was approved to establish the Final Docket for the 2009 County Comprehensive Plan amendments cycle.
15. During an open, public work session on September 8, 2009 the Board of County Commissioners signed Resolution No. 09-257 establishing the Final Docket of the 2009 Comprehensive Plan Amendment Applications.
16. A threshold Determination of Non-Significance (DNS) was issued per requirements of the State Environmental Policy Act (SEPA) by the Community Development Director on September 14, 2009 [DNS (File Nos. EA2009-014, EA2009-013, EA2009-015, and EA2009-026. The City of Walla Walla SEPA Checklist had no file number assigned)].
17. The SEPA threshold determination was placed on the SEPA Registry on September 15, 2009.
18. Publication of the SEPA threshold determination was published in the Waitsburg Times on September 17, 2009, and in the Walla Walla Union Bulletin and the Tri-City Herald on September 15, 2009.
19. The comment period for the Determination of Non-Significance closed on September 28, 2009.
20. The County received no comments on the SEPA threshold determination issued September 14, 2009.
21. On September 1, 2009 the County sent notice to the Washington State Department of Commerce of the County's intent to adopt amendments to the Comprehensive Plan, and of the commencement of the 60-day review and comment period as required by RCW 36.70A.106.
22. The comment period for the 60-day review period closed November 1, 2009.
23. The County received no comments from the Department of Commerce, or any other agency, to the final docket.

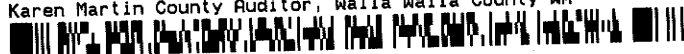
24. A legal notice announcing a public hearing held by the Walla Walla County Planning Commission on November 4, 2009 was published in the Waitsburg Times and the Union Bulletin newspapers on October 22, 2009, and in the Tri-City Herald newspaper on October 23, 2009.
25. An article appeared in the Union-Bulletin newspaper on November 3, 2009 describing the public hearing set for November 4, 2009, and summarizing each of the proposed Comprehensive Plan amendments.
26. A public hearing was held by the Walla Walla County Planning Commission on November 4, 2009 to consider staff's analysis and recommendations regarding the Final Docket, to receive testimony regarding the Final Docket, and to make a recommendation concerning each of the amendment applications to the Board of County Commissioners.
27. The Planning Commission allowed, but did not receive any public comments regarding this amendment request at the November 4, 2009 public hearing.
28. On November 16, 2009 the Board of County Commissioners received from the County Planning Commission Resolution No. 09-04 summarizing recommendations the Planning Commission made at the November 4, 2009 public hearing regarding the Final Docket.
29. On November 16, 2009 the Board of County Commissioners signed Resolution No. 09-330 setting a public hearing date for December 7, 2009.
30. A legal notice announcing a public workshop held by the County Commissioners on December 1, 2009 was published in the Waitsburg Times and Union Bulletin newspapers on November 19, 2009, and in the Tri-Cities Herald on November 20, 2009.
31. A legal notice announcing a public hearing held by the County Commissioners on December 7, 2009 was published in the Waitsburg Times on November 26, 2009, and in the Union Bulletin and Tri-Cities Herald on November 24, 2009.
32. The Walla Walla Board of County Commissioners held a public workshop for public information purposes only on December 1, 2009 to review all Comprehensive Plan Amendment Applications comprising the Final Docket and the Planning Commission recommendations.
33. The Board of County Commissioners held a public hearing on December 7, 2009 to review the Final Docket, to consider the Planning Commission recommendations, to receive testimony, and to provide direction to staff. No comments were received in favor or against the proposed amendment.

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

1. The amendment request meets a definable public need because it will provide greater accuracy and removal of duplication of policies in the Comprehensive Plan.
2. The public need was not recognized in the existing comprehensive plan due to the changes made to the Forest Practices Act, most recently in 2007. Counties are no longer required to develop Forest Practices Act ordinances.
3. RCW 76.09.240 establishes the criteria for local jurisdictions to adopt their own forest practices development regulations.
4. Requiring buildable areas is not implemented in the development regulations and it is not a policy listed in any of the other land use designations in the Comprehensive Plan. The policy is no longer needed because the minimum lot size in the Rural Remote-20 and Rural Remote-40 zones meet or exceed the buildable area requirement.
5. The policies for Rural Farm Worker Communities are no longer needed because the communities are now their own zoning district, transient labor camps are a specific use permitted via the conditional use permit process. Stating that only existing communities can be mapped does not need to be a policy in the Comprehensive Plan is consistent with other land use designations.
6. The amendment does not require amendment of current policies in other areas of the Comprehensive Plan. The defined need conforms to policy directives of the Comprehensive Plan and countywide planning policies; the removal of these particular policies does not adversely impact the policy directives of the Comprehensive Plan.

Section III. Adoption of the Walla Walla County amendment to the Walla Walla County Comprehensive Plan, Amendment CPA2009-005.

Based on its review of the requirements of RCW 36.70A, the analysis and proposed amendment prepared by County staff, the recommendation proposed by the Planning Commission, and the public comments received, the Board of County Commissioners hereby adopts the proposed amendment to the Comprehensive Plan, deleting the policies shown on Exhibit A. Staff is directed to delete references to the deleted policies in the Comprehensive Plan, renumber the remaining policies and correct references to the remaining policies in the Plan.



Section IV. Effective Date and Savings.

This Ordinance is effective upon signing.

Section V. Severability.

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

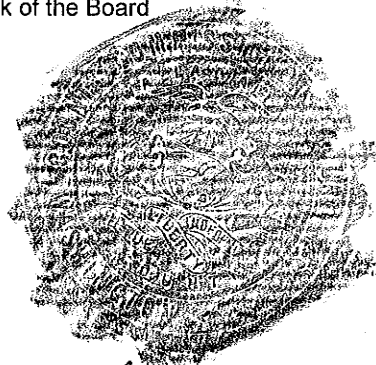
Section VI. Publication.

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

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 21st day of December, 2009.

Attest:

Connie R. Vinti
Connie R. Vinti, Clerk of the Board



Gregory A. Tompkins
Gregory A. Tompkins, Chairman, District 3
Gregg C. Loney
Gregg C. Loney, Commissioner, District 1
Perry A. Dozier
Perry A. Dozier, Commissioner, District 2

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

Approved as to form

Jesse D. Nolte
Jesse D. Nolte
Deputy Prosecuting Attorney

Comprehensive Plan Policy Amendments

Exhibit A

~~Policy RL 16 — Develop a “Forest Practices Act” ordinance to address the conflict between rural lifestyles and resource extraction activities.~~

~~Policy RL 17 — Require newly created parcels on Rural Remote lands to be at least twenty acres in size with a buildable area required.~~

~~Policy RL 27 — Allow new Rural Farm Worker communities by Conditional Use Permit. These developments may provide either temporary or permanent housing, as well as facilities needed to serve the residents such as child care, recreation, etc.~~

~~Policy RL 29 — Since new areas of need cannot be pre-determined, only existing Rural Farm Worker Communities shall be mapped.~~

