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**Walla Walla County Commissioners**  
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**Walla Walla, WA 99362**

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

**ORDINANCE NO. 466 AMENDING THE WALLA WALLA/COLLEGE PLACE COORDINATED WATER SYSTEM PLAN (CWSP) BY REMOVING PROPERTY FROM THE CITY OF WALLA WALLA'S WATER SERVICE AREA (WSA), IDENTIFIED BY PARCEL NUMBERS 360605514809 (1.23 acres) AND 360605510006 (10.43 acres), AND OWNED BY SUNSET DEVELOPMENT, LLC, AND REQUIRING THAT ANY NEW PUBLIC WATER SYSTEM BE CONSTRUCTED IN ACCORDANCE WITH THE CONSTRUCTION STANDARDS AND SPECIFICATIONS EMBODIED IN THE CWSP, AND THAT ANY SUCH NEW PUBLIC WATER SYSTEM SHALL BE OPERATED BY A STATE APPROVED SATELLITE MANAGEMENT AGENCY.**

Auditor File Number(s) of document being assigned or released:

Grantor

1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Legal description (i.e.: lot and block or section township and range)

n/a

Additional legal is on page \_\_\_\_ of document.

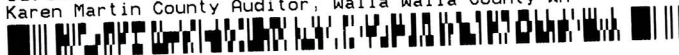
Assessors Parcel Numbers

**360605514809**

**360605510006**

Additional parcel number is on page \_\_\_\_ of document.

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



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

**ORDINANCE NO. 466**

**AMENDING THE WALLA WALLA/COLLEGE PLACE COORDINATED WATER SYSTEM PLAN (CWSP) BY REMOVING PROPERTY FROM THE CITY OF WALLA WALLA'S WATER SERVICE AREA (WSA), IDENTIFIED BY PARCEL NUMBERS 360605514809 (1.23 acres) AND 360605510006 (10.43 acres), AND OWNED BY SUNSET DEVELOPMENT, LLC, AND REQUIRING THAT ANY NEW PUBLIC WATER SYSTEM BE CONSTRUCTED IN ACCORDANCE WITH THE CONSTRUCTION STANDARDS AND SPECIFICATIONS EMBODIED IN THE CWSP, AND THAT ANY SUCH NEW PUBLIC WATER SYSTEM SHALL BE OPERATED BY A STATE APPROVED SATELLITE MANAGEMENT AGENCY.**

**WHEREAS**, the Public Water System Coordination Act of 1977, Chapter 70.116 RCW, provides guidance and requirements for the provision of adequate supply of potable water through public water supply systems; and

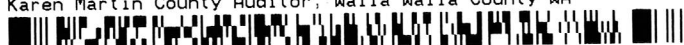
**WHEREAS**, RCW 70.116.060 requires that a coordinated water system plan be created and approved by the Secretary of the Department of Health, and the boundaries of a critical water supply service area be established, and that all purveyors covered by the plan shall comply with the plan; and

**WHEREAS**, in 1994 the Walla Walla/College Place Coordinated Water System Plan was created and approved by the Secretary of the Department of Health as directed by the Public Water System Coordination Act of 1977; and

**WHEREAS**, the policies and requirements of the Walla Walla/College Place Coordinated Water System Plan (CWSP) created and adopted in 1994 is based on state law, specifically RCW 70.116, and establishes the boundaries of water service areas for the area's various water purveyors, including the City of Walla Walla; and

**WHEREAS**, RCW 70.116.060(3)(b) allows the Board of County Commissioners, serving in its capacity as the local legislative authority, to amend the water service areas for the affected utilities; and

**WHEREAS**, RCW 70.116.060(3)(b) allows a purveyor of water service to establish a new public water system within the service area of any municipal water purveyor if the Board determines that the purveyor cannot provide service in a timely and reasonable manner; and



**WHEREAS**, RCW 70.116.060(3)(b) requires that the property affected by the determination be subsequently removed from the municipal water service area, and that any new public water system be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan; and

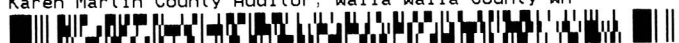
**WHEREAS**, the CWSP supports the requirement of RCW 70.116.060(3)(b) at Section V – Water Utility Design Standards, paragraph 4, Development of Urban Services.

**NOW THEREFORE**,

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

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

1. The subject property is located near the intersection of 3<sup>rd</sup> Avenue and Langdon Rd., in unincorporated Walla Walla County.
2. The subject property is within the City of Walla Walla's Urban Growth Area, and has been since 1997 (letter from Commissioner Carey, dated February 25, 1997).
3. The subject property is zoned R-96, Suburban Residential, which allows for minimum lot sizes of 9,600 square feet.
4. The owner of the property, Mr. Ben Case of Sunset Development, LLC, has an interest in developing the property, and has applied to the County for preliminary plat approval of an 18-lot subdivision (SUB16-018).
5. Mr. Case first inquired with the County Health Department regarding the creation of a new water service district in 2013.
6. The County issued a formal, written code interpretation to Mr. Case on February 22, 2017 regarding adequate water supply for the property and the proposed residential development. No appeal of that interpretation was filed.
7. Mr. Case is requesting permission to establish a public water system to serve the new residential development.
8. The property is currently located within the City of Walla Walla's Water Service Area, the boundaries of which correspond with the boundaries of the City of Walla Walla's Urban Growth Area (UGA).
9. The City has indicated that it is unwilling to provide water service to the property unless the property can be annexed into city limits, and utilities extended to the property at the developer's expense.
10. There are intervening properties that make annexation not possible at this time.
11. The City has indicated on two separate occasions, in writing, that it has no objection for the County to allow Mr. Case to establish a public water system for his proposed development, but that the City will not provide management for it as a Satellite Management Agency.



12. The City has indicated that if at some point the property is annexed, and its utilities are to serve the property, then the new system shall be designed to the City's standards, and pass approval.
13. The City has stated that it is unwilling to relinquish the property from its water service area, and does not intend to modify the urban growth area until after the City's Comprehensive Plan has been updated, by June 2018.
14. If this property is removed from the UGA, then a rural zoning of RR-5 (Rural Residential five acre) is likely to be assigned to it, which would prevent the owner from being able to develop the property at any density greater than a five-acre minimum lot size.
15. State law does allow for the establishment of a new public water system when no other viable water purveyor can provide water.
16. To establish a new water system, the area to be served must first be removed by the affected utility provider's service area.
17. The local legislative authority may amend the boundaries of the water service area.
18. The Walla Walla County Board of Commissioners is the local legislative authority.
19. A Notice of Public Hearing was published in the Waitsburg Times and Walla Walla Union Bulletin on April 20, 2017 and on the Community Development Department website on April 18, 2017. This notice was mailed to property owners within 500-feet of the subject property, the applicant, and the City of Walla Walla on April 19, 2017.
20. On May 1, 2017 County staff presented a report and recommendation for approval (staff report CWSP17-001, dated May 1, 2017) to the Board of County Commissioners.
21. On May 1, 2017 the Board of County Commissioners held a public hearing to receive comments on this matter. Comments were received by the City, both verbally and in writing, and entered into the record (letter from City of Walla Walla, dated April 28, 2017 with attachments). After closing the public hearing, the Board of County Commissioners agreed to continue discussion of this matter at a later date.
22. On May 15, 2017, County staff presented additional information to the Board of County Commissioners addressing comments presented by the City of Walla Walla (staff report CWSP17-001, dated May 15, 2017), after which the Board directed staff to prepare an ordinance for consideration at a future date.
23. On May 17, 2017, a SEPA Addendum was issued by the Community Development Department Director.

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

1. The proposed map amendment has been reviewed pursuant to the requirements of the Public Water System Coordination Act of 1977, Chapter 70.116 RCW Walla Walla/College Place Coordinated Water System Plan, and the Walla Walla County Comprehensive Plan, and is consistent with those requirements.
2. The proposed map amendment is necessary to allow the property owner to establish a public water system to accommodate a new proposed residential development.



3. As proposed, the amendments should not have a significant adverse impact on public welfare and safety.
4. The Growth Management Act, at RCW 36.70A.110 (4) states that “In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.” While provision of urban services by cities is preferred, it is not mandated by the Growth Management Act.
5. The Walla Walla Coordinated Water System Plan is incorporated by reference into the Comprehensive Plan (Walla Walla County Comprehensive Plan at 9-6.)
6. Countywide Planning Policy 3.10 states that “within urban growth areas (UGAs), cities are the preferred providers of urban services...” This Policy recognizes that Cities should be the provider of urban services, but it also recognizes that other entities may need to provide those services. This policy also states, as a general proposition, that “Urban Services shall not be extended through the use of special purpose districts except on an interim basis, or as applies to the Port of Walla Walla.” While Policy 3.10 seems to indicate that no urban services can be extended except by a City, Countywide Planning Policy 5.11 specifically addresses the issue of water districts. It states that “Cities should be purveyors of urban services. Existing water districts should not expand boundaries, nor should new ones be created except as stated in a Coordinated Water System Plan...” Again, it is clear that the City should be the purveyor, but this specific policy, which governs water districts, recognizes that the CWSP provides a procedure that allows for other water purveyors in urban areas.
7. Whether to remove the property from the City of Walla Walla UGA is ultimately part of the County’s Growth Management Act responsibilities, and may need to be addressed by the County in subsequent County Comprehensive Plan Updates. The County must plan for a 20-year horizon under the Growth Management Act. There will be areas that are within the Urban Growth Area that are not within City limits, and areas that are not immediately adjacent to those limits. The Urban Growth Areas and population projections were last reviewed in 2013 and 2014, and review of the County’s Urban Growth Area is not appropriate at this time.
8. The CWSP provides a process to follow when an applicant is pursuing water service for a new development within a purveyor’s service area, Exhibit VI-I. The Applicant and the County have followed that process.
9. The Board of County Commissioners adopts the findings and conclusions of the May 1, 2017 and May 15, 2017 staff reports by reference as though set forth herein.
10. The Board finds that, because of intervening properties, which preclude annexation of the subject property to the City of Walla Walla, the City is unable to provide the service in a timely and reasonable manner as set forth by RCW 70.116.060(3)(b). The Board notes that discussions of water service to the area has been ongoing since December 2013 with the properties’ current owner.

### Section III. Authorization for a new water system.

Pursuant to RCW 70.116.060 and the Walla Walla/College Place Coordinated Water System Plan the Board of County Commissioners approve the request to remove property identified by parcel numbers: 360605514809 (1.23 acres) and 3606055100006 (10.43 acres), both owned by Sunset Development, from the City of Walla Walla's Water Service Area, as shown on the attached map. Furthermore, any new public water system created pursuant to this Ordinance shall be constructed in accordance with the construction standards and specifications embodied in the CWSP, and any new public water system must be operated by a state approved Satellite Management Agency.

### 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 30<sup>th</sup> day of May, 2017.

Attest:

  
Connie R. Vinti, Clerk of the Board


  
James L. Duncan, Chairman, District 3

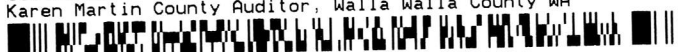
  
James K. Johnson, Commissioner, District 1

  
Todd L. Kimball, Commissioner, District 2

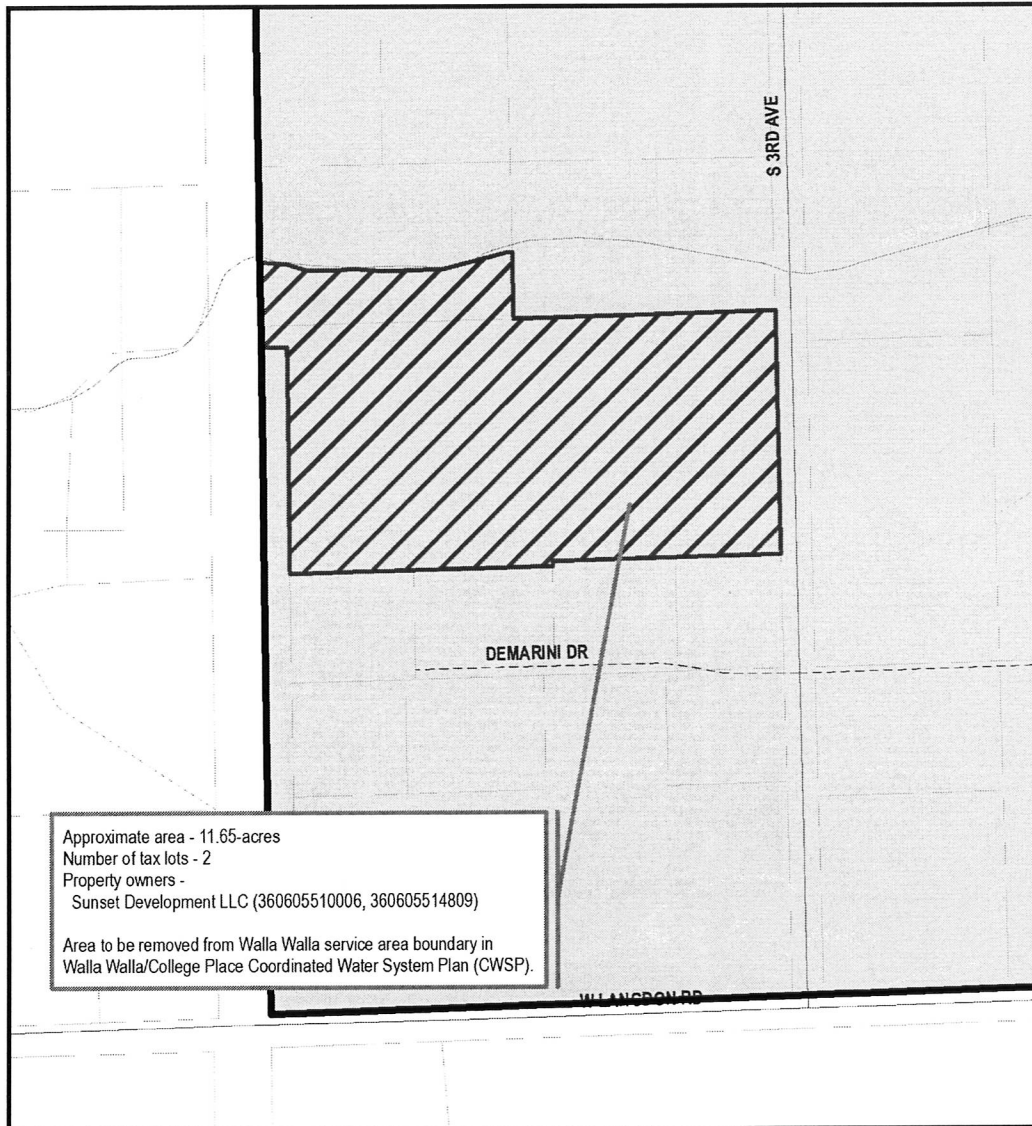
*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

Approved as to form

  
Jesse D. Nolte, Deputy Prosecuting Attorney



# CWSP17-001 Sunset Development, LLC



AREA TO BE REMOVED FROM WALLA WALLA SERVICE AREA BOUNDARY  
TAX LOTS  
URBAN GROWTH AREA

0 0.0225 0.045 0.09 Miles

Print Date: 05/24/2017

Walla Walla County Community Development Dept. - 310 W. Poplar Street, Suite 200, Walla Walla WA 99362 - (509) 524-2610

