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ORDINANCE NO. 476 ADOPTING THE 2018 PERIODIC UPDATE OF THE WALLA WALLA COUNTY COMPREHENSIVE PLAN WITH LAND USE MAP AND TEXT AMENDMENTS AND ADOPTING DEVELOPMENT REGULATIONS AMENDMENTS TO TITLES 8, 14, 16, 17, AND 18, AND RELATED ZONING AND CRITICAL AREAS MAPS (DOCKET NO. CPA18-001/ZCA18-001).

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BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

ORDINANCE NO. 476

ADOPTING THE 2018 PERIODIC UPDATE OF THE WALLA WALLA COUNTY COMPREHENSIVE PLAN WITH LAND USE MAP AND TEXT AMENDMENTS AND ADOPTING DEVELOPMENT REGULATIONS AMENDMENTS TO TITLES 8, 14, 16, 17, AND 18, AND RELATED ZONING AND CRITICAL AREAS MAPS (DOCKET NO. CPA18-001/ZCA18-001).

WHEREAS, Walla Walla County (County) completed a Periodic Update of the Walla Walla County Comprehensive Plan on December 17, 2007, to comply with the requirements of the Growth Management Act (GMA), Revised Code of Washington (RCW) 36.70A, and then in 2009-2010 the County conducted development regulations updates; and

WHEREAS, RCW 36.70A.130 requires that the County review and, if needed, revise its Comprehensive Plan and development regulations to ensure the plan and regulations comply with its requirements; and

WHEREAS, in general, except under the specific circumstances articulated in RCW 36.70A.130(2), the County may consider amendments to the Comprehensive Plan not more than once per year; and

WHEREAS, pursuant to Walla Walla County Code (WWCC) 14.10.015, the County has committed to conduct review of Urban Growth Area (UGA) boundaries not more than once every five years in conjunction with review by affected cities, and no countywide UGA review has been conducted since the adoption of the 2007 Comprehensive Plan; and

WHEREAS, the County last reviewed the Urban Growth Area boundaries for the cities of College Place and Walla Walla in 2012-2013, when the three jurisdictions worked together to prepare a consensus methodology for conducting the County's Land Capacity Analysis (LCA), which is a critical requirement of UGA boundary review under the GMA; and

WHEREAS, RCW 36.70A.470 requires that the County include a procedure for any interested person to suggest amendments to the Comprehensive Plan or development regulations, and that the amendments must be docketed and considered on at least an annual basis; and

WHEREAS, WWCC Title 14 allows for applications to be accepted one time a year during a time period established by the Board of County Commissioners; and

WHEREAS, pursuant to Walla Walla County Resolution No. 18-068 the 2018 County's Comprehensive Plan and Development Regulations 2018 Final Docket was established; and

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WHEREAS, the Walla Walla County Planning Commission adopted Resolution No. 18-03 after a public hearing was held on December 5, 2018, which recommended that the Board of County Commissioners approve the proposed 2018 Periodic Update with three revisions, Docket No. CPA18-001/ZCA18-001; and

WHEREAS, the Board of County Commissioners adopted Resolution No. 18-303 setting a date of public hearing to consider the proposed 2018 Comprehensive Plan and Development Regulations Periodic Update, plus the four non-county UGA amendment proposals remaining on the 2018 Final Docket; and

WHEREAS, the Board of County Commissioners held a public hearing on December 18, 2018 to consider the proposed Periodic Update and to receive public comment pursuant to Walla Walla County Code 14.10.070(C) and 14.15.070(C); and

WHEREAS, the Board of County Commissioners continued the hearing to June 24, 2019.

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. In January 2017 Community Development Department (CDD) staff began the mandatory Periodic Update process in consultation with the County's on-call professional land use consultant, Bill Stalzer, who advised the County on numerous and diverse long-range and current planning projects beginning in 2004; he worked for the County longer than any current CDD employee. This included, among many other things, the UGA amendment cycle in 2005; the County's 2007 Periodic Update; the 2008 Critical Areas Ordinance Update; the 2012-2013 UGA amendment review and development of a consensus Land Capacity Analysis methodology with College Place and Walla Walla; the three-year Regional Shoreline Master Program Update; and development regulations amendments related to marijuana uses, subdivision standards, and cluster developments in resource lands.
- 2. On March 6, 2017 the Community Development Department Director issued a memorandum to the Board of County Commissioners describing the Periodic Update process.
- 3. On August 28, 2017 the Community Development Department Director issued a memorandum to the Board of County Commissioners describing the Periodic Update process and notifying the Commissioners that, among other things, Bill Stalzer was no longer able to assist with the update. Staff also provided the Commissioners with a summary of the work that had already been done on the update which included conducting a preliminary review of goals, policies and chapter text. This memorandum also included information on the preliminary scope and schedule for the mandatory update.

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- 4. On August 29, 2017 the County issued a Request for Qualifications and Proposal for professional land use planning services to assist with the mandatory update.
- 5. On October 2, 2017 the Board of County Commissioners executed an agreement with The Watershed Company to assist with the Periodic Update and UGA boundary review. Creative Community Solutions was identified in this agreement as a sub-contractor. This agreement was later amended to address schedule, scope, and budget changes.
- In addition to Community Development Department staff. The Watershed Company, and 6. Creative Community Solutions, representatives from the County's Public Works Department also provided substantial support in updating the Comprehensive Plan, particularly the Transportation Element (Chapter 8), as well as reviewing the non-County UGA boundary amendment proposals.
- 7. In October 2017 the County established a new webpage for the 2018 Periodic Update and non-County amendment applications. The website provided a central point of information, and a means for citizens to send their comments to County staff. It was maintained by staff to provide current information to the community on the 2018 Periodic Update and the annual amendment process.
- The Community Development Department publishes a quarterly newsletter to highlight 8. news and events in the County and department. Information about the update process was provided by the Director in the issues for Winter 2017, Fall 2017, Winter 2018, and Spring 2018.
- 9. On October 2, 2017 pursuant to WWCC Title 14 the Board of County Commissioners established the criteria and deadline (November 30, 2017) for applications to be included on the 2018 Preliminary Docket of Comprehensive Plan and development regulations amendment applications.
- 10. On October 2, 2017 the Walla Walla County Community Development Department issued a press release notifying the public of the 2018 application cycle for non-county sponsored Comprehensive Plan and development regulations amendment applications, including urban growth area boundary amendments.
- 11. On October 6, 2017 Community Development Department planning staff met with the new land use planning consultant, The Watershed Company, to identify and organize a workplan for completing the mandatory update.
- 12. On November 20, 2017 the Community Development Department issued a press release notifying the public of two public outreach meetings scheduled for December 4, 2017 in Burbank, and December 5, 2017 at the Walla Walla Regional Airport. Flyers for each meeting were prepared and posted at schools, libraries, the Courthouse, the Port of Walla Walla office, City of Walla Walla and College Place offices, and gas stations in the Burbank and Wallula/Attalia area.
- Throughout the 2018 Periodic Update and annual Comprehensive Plan and development 13. regulations amendment process, Community Development staff maintained an email list of citizens in order to provide meeting notification and updates on the process. Sign-in Sheets were provided at all meetings and hearings to collect contact information from interested parties.
- By the November 30, 2017 deadline, the County had received eight non-county 14. amendment applications: five were requests to amend the urban growth areas of the cities of Walla Walla and College Place; one proposed amendments to the Attalia Industrial

Page 3 of 83 Ordinance No. 476 UGA, which were duplicative of an approved J.R. Simplot Company application from 2017 that was under appeal; and the final two were requests to amend the County's development regulations (Title 17). On December 4 and December 5, 2017 public outreach meetings were held in Burbank at Columbia Middle School and at the Walla Walla Regional Airport respectively. Both meetings had the same format. Both open houses lasted approximately two hours. Thirty citizens attended the Burbank open house and 43 attended the Walla Walla open house. The first part of each open house focused on sharing information about why the County was conducting the Periodic Update, how it would happen, and how citizens could participate in the process. The second part of the open house involved a workshop activity which allowed citizens to share their ideas, opinions, and concerns about planning in the county. The County used the Workshop Method to facilitate and record community discussion. Participants also had the opportunity to submit written comments at the open houses.

- 15. Between December 7, 2017 and December 27, 2017 citizens were invited to participate in an online survey via a link on the County webpage. The survey was intended to collect public comment on the County's update, especially from individuals who were unable to attend the December open houses. The survey included an introduction and five questions. Nine people completed the survey and the results were summarized in a report in January 2018.
- 16. On December 8, 2017 a Public Participation Program for the 2018 Periodic Update was prepared outlining a phased approach to engaging the public in the amendment process in ways that would be consistent with Growth Management Act requirements (RCW 36.70A.140, WAC 365-196-600) and WWCC 14.10.050. A final summary of the public involvement process, which began in 2017 and concluded in 2019, is included in Appendix C of the 2018-2019 Comprehensive Plan.
- 17. On December 13, 2017 a report was prepared summarizing the results of the December open house meetings.
- 18. On January 3, 2018 the Walla Walla County Planning Commission reviewed the non-county amendment applications on the 2018 Preliminary Docket in an open public meeting.
- 19. On January 25, 2018 a Notice of Public Hearing for Planning Commission hearings was emailed to applicants and interested parties. On January 26, 2018 this notice was mailed to applicants and all property owners located within 500-feeet of the site-specific non-County amendment applications (Cox and Simplot).
- 20. On January 25, 2018 the Notice of Public Hearing was published in The Times (Waitsburg) and the Tri-City Herald, and on January 26, 2018 the same notice was published in the Walla Walla Union Bulletin.
- 21. On January 25, 2018 the Notice of Public Hearing was posted on the Community Development Department website.
- 22. On January 26, 2018 the Notice of Public Hearing was posted near the properties that would be affected by the site-specific non-County amendment applications (Cox and Simplot).
- 23. On January 31, 2018 The Watershed Company completed a Comprehensive Plan Gap Analysis.

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- 24. On February 7, 2018 the Planning Commission held public hearings to consider the eight non-County amendment proposals and whether they should be recommended for inclusion by the Board of County Commissioners on the 2018 Final Docket.
- 25. On February 7, 2018 the Planning Commission also held a public hearing regarding the County's proposed population projection and allocations in the 2018 Periodic Update, which included a presentation of a Technical Memorandum by The Watershed Company. This memorandum recommended that the existing Countywide population projection (71,724), which was adopted in 2005 and retained in 2013, could be retained for the 2018 update because it falls between the new 20-year medium and high estimates provided by the Washington State Office of Financial Management (OFM). This memo also recommended that the County could retain the existing population allocations to College Place, Prescott, Waitsburg and Walla Walla (from 2005 and 2013).
- 26. The College Place, Prescott and Waitsburg allocations were originally set in 2005 based on the proportion of the Countywide population within the city limits of each jurisdiction at the time. In 2005 the City of Walla Walla was given a proportionally higher allocation based on the population within the city limits plus the unincorporated UGA, but this was corrected in 2013 when a reduced allocation was assigned to the Walla Walla UGA based on the proportion of the Countywide population located within the Walla Walla city limits at the time of the 2005 Comprehensive Plan. The 2005 population data was used to allocate population to the other jurisdictions.
- 27. Prior to the February 7th public hearing, the TWC report was provided to all four cities. At the hearing the Planning Commission was presented with written documentation showing that none of the cities had objected to the retention of the existing population projection and allocations. Aside from the written comments provided by the cities, there were no other comments on the proposed population projection and allocations at this hearing.
- 28. On February 7, 2018 after conducting a public hearing the Planning Commission voted unanimously, with two members absent, to recommend to the Board of County Commissioners that the proposed population projection and allocations be included on the 2018 Final Docket for the 2018 Periodic Update. The Planning Commission also recommended that all of the non-County UGA applications be placed on the Final Docket.
- 29. On February 13, 2018 the Chairman of the Planning Commission signed Planning Commission Resolution 18-01, which documented the Planning Commission's recommendations from February 7, 2018.
- 30. On February 15, 2018 the Department of Commerce provided a letter with comments on some of the Preliminary Docket proposals: the proposed population projection and allocations, and the proposed Walla Walla and College Place UGA amendment applications. The letter states that "The County's population projection and allocation process appears well reasoned and defensible. While the OFM medium series is the Office of Financial Managements (OFM) most likely projection, your underlying analysis for selecting a countywide growth projection and allocating growth to municipalities is logical and appropriate based on local circumstances. This is a critical step in the periodic update and, as your staff report indicates, is important in assessing capacity for new growth and considering Urban Growth Area (UGA) amendments."

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- 31. On February 20, 2018 the Board of County Commissioners reviewed the Planning Commission's recommendations regarding the non-County Preliminary Docket amendment applications and the proposed population projection and allocations, in an open public meeting.
- 32. On February 26, 2018 the Board of County Commissioners signed Resolution No. 18-048 setting the date of a public hearing for March 12, 2018 to consider four of the non-County Preliminary Docket proposals prior to establishing the Final Docket for 2018.
- On March 12, 2018 the Board of County Commissioners held a public hearing to consider four of the non-County Preliminary Docket proposals, including the two City of Walla Walla applications, prior to establishing the Final Docket for 2018. The Board did not choose to have a public hearing on the Planning Commission's recommended population projection and allocations.
- 34. On March 19, 2018 the Board of County Commissioners unanimously approved a motion to include the proposed population projection and allocations on the 2018 Final Docket for the County's Periodic Update.
- 35. On March 20, 2018 the Board of County Commissioners signed Resolution No. 18-068 establishing the 2018 Final Docket containing five non-County UGA amendment applications in addition to the County's Periodic Update. One UGA expansion application by the City of Walla Walla (CPA17-007/REZ17-007) was not placed on the Final Docket. Two non-County zoning code text amendment applications were placed on the Final Docket, but the Board instructed that these applications should not be further processed and considered until after the County's update was complete.
- 36. On April 11, 2018 the Planning Commission reviewed six chapters of the County's draft Comprehensive Plan in a workshop meeting.
- 37. On April 18, 2018 the Planning Commission reviewed six additional chapters of the County's draft Comprehensive Plan in a workshop meeting.
- 38. On April 30, 2018 the Board of County Commissioners reviewed six chapters of the County's draft Comprehensive Plan in a workshop meeting.
- 39. On May 1, 2018 the Board of County Commissioners reviewed six additional chapters of the County's draft Comprehensive Plan in a workshop meeting.
- 40. On May 15, 2018 the County's planning consultant, The Watershed Company, completed a Development Regulations Gap Analysis.
- 41. On May 21, 2018 The Watershed Company completed a draft Land Capacity Analysis (LCA) and produced a Technical Memorandum summarizing the results. The Watershed Company used a consensus methodology developed by the County in 2012-2013 with the cities of Walla Walla and College Place. This analysis included a review of residential, commercial, and industrial lands within all UGAs in the County. In the Walla Walla UGA, the employment capacity analysis also considers land within the Airport Development zone; this zone allows for agricultural, aviation, public, commercial and industrial uses as permitted by the airport board. The LCA estimated population and employment capacity within existing unincorporated UGAs and within the city limits of Prescott and Waitsburg, and then the incorporated capacity estimates from the cities of College Place and Walla Walla were included for their incorporated areas.
- 42. The LCA summary report by The Watershed Company includes an eight-page attachment documenting in detail the methodology that was used. A few minor changes

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- were made to the previous consensus methodology for the County's 2018 LCA. Some different (newer) datasets were used. Different GIS tools were used. The Prescott and Waitsburg UGAs, which were not reviewed in 2012-2013, were included. The methodology was not substantively changed and for transparency, all methodology changes were tracked in the text of the document and in the endnotes.
- 43. On May 23, 2018 the Planning Commission held a public workshop to consider the County's draft Development Regulations amendments, the County's draft Land Capacity Analysis and the five non-County UGA applications on the 2018 Final Docket.
- 44. On June 1, 2018 the Community Development Department issued a press release notifying the public of a second set of public outreach meetings scheduled for June 19, 2018 at the Walla Walla Regional Airport and June 20, 2018 in Burbank at Columbia Middle School.
- 45. On June 4, 2018 the Board of County Commissioners held a workshop on the five non-County UGA applications on the Final Docket and various components of the 2018 Periodic Update, specifically the draft LCA and draft development regulations amendments.
- 46. On June 6, 2018 the Planning Commission reviewed the draft Periodic Update along with five non-County applications on the 2018 Final Docket in a workshop meeting.
- 47. On June 18, 2018 The Watershed Company delivered the final draft of the Walla Walla County Comprehensive Plan and Development Regulations 2018 Periodic Update.
- 48. Community Development Department staff along with Public Works staff and the County's consultant team from The Watershed Company and Creative Community Solutions held public outreach meetings on June 19 and June 20, 2018 in Walla Walla and Burbank respectively. According to the sign-in sheets, 20 citizens attended the Walla Walla open house and 60 citizens attended the Burbank open house. Both of these open houses followed the same general format. Each open house began with a presentation by County staff and the consultants. The presentation covered the draft Periodic Update as well as the non-County UGA amendment applications. Staff then answered questions from attendees as a group. After the group portion of the meeting, attendees were able to speak individually with County staff members and the consultants.
- 49. On June 19, 2018 copies of the draft Comprehensive Plan and Development Regulations Periodic Update and background documentation were sent to the Washington State Department of Commerce (Material ID# 25126) to begin the required 60-day review period. On June 19, 2018 the Department of Commerce sent a letter to the County acknowledging receipt of the draft Periodic Update documents; the Department of Commerce offered no comment in this letter.
- 50. On July 12, 2018 City of College Place Mayor Harvey Crowder submitted a letter with the following comments on the draft 2018 Periodic Update: recommended the addition of policies to the land use chapter regarding the future designation of industrial lands (related to the City of College Place UGA amendment proposals); explained that although the City had previously supported the proposed population allocations (February 7, 2018 letter), the City now recommended that the population projection should be reallocated based on the existing proportion of population within the cities; recommended future discussions and amendments related to UGA population allocations and development standards; opposed both UGA residential density waiver amendment

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- options because of an overall opposition to a density waiver; and, lastly, proposed a policy intended to encourage the County to take action to eliminate the unincorporated pockets in the College Place UGA by requiring the County to improve infrastructure to "urban" standards, engage in revenue sharing with the City, and transfer stormwater management fees collected by the County from unincorporated areas to the City.
- On July 12, 2018 the City of Walla Walla submitted a letter with comments on the draft 2018 Periodic Update recommending approval of UGA residential density waiver Option 1, which would require a 5-acre minimum lot size for all lots created by the UGA density waiver authorized in WWCC 17.18.050(E).
- 52. On July 20, 2018 the County received a letter from the cities of College Place, Prescott, Waitsburg, and Walla Walla regarding the County's draft Rural and Resource Lands Element (Chapter 6). This letter requested that a policy be added to Chapter 6 to commit to a coordinated effort by the County and the four cities to update the County's 1991/1992 Resource Land Inventory within four years. The letter states that this would be beneficial because "all of the cities are constrained from future UGA expansion by zoning and/or designations directly adjacent to current boundaries which eliminate the possibility of development should higher population require it." The second paragraph of this letter provides an imperfect summary of the current land use designations adjacent to each of the UGAs. The letter correctly notes that the Prescott UGA is surrounded on all sides by resource lands (P-40 zoning), but a detailed and accurate description of the land use and zoning adjacent to the other UGAs is not provided. For example, west and east of the Waitsburg UGA there are rural lands along the SR-124 and SR-12 corridors. And while the Walla Walla and College Place UGAs are bordered on some sides by resource lands, there are also Rural Residential 5 and Rural Residential Mill Creek 5 lands adjacent to these UGAs. Regarding the process for considering new or expanded urban growth area boundaries, WAC 365-196-310(4)(c)(v) requires that "urban growth areas should not be expanded into designated agricultural, forest or resource lands unless no other option is available..." This means that expansion into rural lands (particularly rural areas that have more dense development) should be considered prior to resource lands. This section also requires that prior to expansion of a UGA into designated resource lands, "counties and cities must first review the natural resource lands designation and conclude the lands no longer meet the designation criteria for resource lands of long-term commercial significance." Also, in any UGA review, WAC 365-196-325(2)(e)(i) requires that "...if existing permitting data shows that the densities approved are lower than assumed densities established in the land use element, counties and cities should review their development regulations to determine if regulatory barriers are preventing development at the densities as envisioned..."
- 53. On August 7, 2018 the Board of County Commissioners adopted Ordinance No. 471, an interim ordinance regarding the maximum density of mobile/manufactured home parks and residential uses in the Burbank Residential zoning district. In part this was a result of public comments received during the 2018 Periodic Update about issues that were beyond the scope of the County's State-mandated Periodic Update. In Section V, the ordinance set a Work Plan for the County to study the Burbank Subarea, the zoning in the Burbank Urban Growth Area, and other development regulations applicable within the Burbank Urban Growth Area.

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- On August 10, 2018 the Walla Walla Valley Metropolitan Planning Organization (WWVMPO) provided notice to the County by email that the proposed 2018 Comprehensive Plan was certified by the WWVMPO Policy Board at their August meeting. The WWVMPO recommended minor revisions to Chapter 8, Transportation.
- 55. On August 29, 2018 the County received comments from the Washington State Department of Health (DOH) recommending revisions to the proposed Comprehensive Plan and Development Regulations Periodic Update related to the designation of critical aquifer recharge areas (CARA) for wellhead protection areas. DOH recommended that CARAs should not be included in all mitigation standards or the reasonable use standards in the updated Critical Areas Ordinance (WWCC Chapter 18.08) because "the notion of allowing even a limited degree of harm to a CARA could result in the water source becoming unusable, & mitigation would not be capable of restoring this type of resource or making up for its loss. Mitigation provisos should not imply that some degree of degradation is viable in all types of critical areas." The final development regulations attached to this Ordinance implement the DOH's request to remove any allowance for compensatory mitigation from the Critical Aquifer Recharge Area (CARA) regulations. However, one cross-reference in the new WWCC Section 18.08.212 to Section 18.08.135 was removed (pursuant to RCW 36.70A.035(2)(b)(iii)). Section 18.08.135 is the Critical Areas Chapter's enforcement provision related to unauthorized alterations. Retaining the cross-reference in the new code section, which as recommended by DOH would state that Section 18.08.135 does not apply to CARAs, could undermine enforcement actions for violations of the County's CARA standards. The intended effect of the Code change, that compensatory mitigation is not applicable to CARAs, remains the same, and is clearly stated.
- On September 13, 2018 the County received a letter from J.R. Simplot Company requesting to withdraw their applications (CPA17-003/REZ17-003) from consideration on the 2018 Final Docket; this left four non-County UGA amendment applications on the Final Docket.
- 57. On September 19, 2018 the Department of Commerce recommended the inclusion of policies in the final Comprehensive Plan regarding land use compatibility and notice for projects which may impact military training routes. This had also been recommended by the Department of the Navy in February 2018.
- 58. On September 20, 2018 the County received a map (and geographic data) from the Department of the Navy Northwest Training Range Complex showing the extent of military-utilized airspace in Walla Walla County.
- On September 25, 2018 the County received a comment letter from the Department of Commerce regarding the draft 2018 Periodic Update as well as the non-County UGA amendment applications on the 2018 Final Docket. This letter was supportive of the County's proposed 2018 Periodic Update, but it also provided recommendations for revisions.
- 60. On October 17, 2018 the County produced a Responsiveness Summary addressing received public comments (December 18, 2018 Staff Report, Attachment I).
- 61. On November 16, 2018 a Notice of Public Hearing for Planning Commission public hearings was published on the County website and sent by email to applicants and interested parties.

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- 62. On November 16, 2018 Walla Walla County completed a SEPA (State Environmental Policy Act) Environmental Checklist for the 2018 Comprehensive Plan and Development Regulations Periodic Update and the four non-County amendment applications remaining on the Final Docket.
- 63. On November 21, 2018 a SEPA Determination of Non-Significance (DNS) was issued by the County (File SEPA18-028, SEPA17-028, SEPA17-029, SEPA17-030, SEPA17-032) for the Periodic Update and the non-County UGA amendment applications. This threshold determination was filed with the Washington State Department of Ecology; emailed to consulting local and state agencies; mailed to parties of record and the applicants; emailed to interested parties; published in the Walla Walla Union Bulletin, The Times (Waitsburg), and Tri-City Herald; and posted on the Community Development Department website. The SEPA DNS was appealed by the Martin Airfield Coalition on December 5, 2018, but after the City of College Place withdrew Application #1, their request to remove Martin Airfield from the UGA, the parties reached an agreement which resulted in the Coalition's withdrawal of their appeal and, finally, dismissal by the Board of County Commissioners with a stipulation that until and unless conditions change materially, the County has no intention of pursuing the goal of removing the property from the UGA within the next five years. (Order Signed January 22, 2019).
- 64. On November 21, 2018 a Notice of Public Hearing for the Planning Commission hearings was mailed to applicants and other interested parties. This notice was also mailed to property owners of record within 500-feet adjacent to the property in the site-specific Cox application (CPA17-004/REZ17-004) and to property owners within the boundaries of the proposed City of College Place and City of Walla Walla UGA amendments.
- 65. On November 22, 2018 the Notice of Public Hearing for the Planning Commission hearings was published in the Official Gazette, the Walla Walla Union Bulletin, and one paper of general circulation, The Times (Waitsburg).
- 66. On November 23, 2018 the Notice of Public Hearing for the Planning Commission hearings was published in another paper of general circulation, the Tri-City Herald.
- 67. On December 3, 2018 the Board of County Commissioners adopted Resolution No. 18-303 setting a date of public hearings to consider the proposed Comprehensive Plan and Development Regulations Periodic Update, plus the four non-county amendments remaining on the 2018 Final Docket.
- 68. On December 4, 2018 the County received comments about the proposed Periodic Update from Richard L. McFarland.
- 69. On December 4, 2018 the County received a comment letter from the Department of the Navy supporting the staff recommendation to include amendments in the final Comprehensive Plan to facilitate an early notification process for projects with the potential to impact military operations.
- 70. On December 5, 2019 the County received a letter from the Washington State
 Department of Transportation (WSDOT) in support of the proposed Periodic Update and
 the SEPA DNS. In addition to their support, WSDOT recommended that the County
 reconsider its policy to not impose transportation impact fees within urban areas in order

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- to fund transportation improvements "in an equitable fashion to support the community and state transportation system as a whole."
- 71. On December 5, 2018 the City of Walla Walla presented a letter with supplemental information to the Planning Commission prior to the start of the public hearing. This letter supported the County's proposed Periodic Update and recommended approval of UGA residential Density Waiver Option 1.
- 72. On December 5, 2018 the Walla Walla County Planning Commission held a public hearing and recommended that the Board of County Commissioners approve the proposed 2018 Periodic Update, Docket No. CPA18-001/REZ18-001, with three changes:
 - a. Include amendments consistent with the recommendations of the Department of the Navy.
 - b. Include amendments consistent with the recommendations of the Washington State Department of Health.
 - c. Include Density Waiver Option #1 instead of Option #2, adopting a 5-acre minimum lot size for UGA density waivers granted under WWCC 17.18.050(E).
- 73. On December 6, 2018 a Notice of Public Hearing for the BOCC hearings was published in the Walla Union Bulletin, The Times (Waitsburg), and the Tri-City Herald.
- 74. On December 6, 2018 the Notice of Public Hearing for the BOCC hearings was mailed to the applicants, property owners, parties of record, adjacent property owners (to the site in CPA17-004/REZ17-004, Cox), and other interested parties.
- 75. On December 7, 2018 the Notice of Public Hearing was emailed to interested parties, including the applicants, and posted on the County website.
- On December 18, 2018 the Board of County Commissioners held a public hearing to consider the proposed 2018 Periodic Update, and the non-County UGA amendment applications, and to receive comments from the general public. The December 18th Staff Report included a new draft of the proposed Comprehensive Plan and development regulations (Attachments 10-14). The December 2018 Draft incorporated the recommendations from DOH, the Navy, and WWVMPO, as requested by the Planning Commission. Although written comments were received in advance of the hearing, no one spoke at the hearing regarding the proposed Periodic Update. The Board of County Commissioners voted 3-0 to continue the hearing to a later date.
- 77. At the December 18, 2018 meeting the City of College Place withdrew from consideration Application No. 1 (CPA17-005/REZ17-005/ZCA17-005) via a letter from Mayor Harvey Crowder.
- 78. On May 28, 2019 the Board of County Commissioners held a workshop meeting to discuss the proposed amendments on the 2018 Final Docket and the County's Periodic Update. Community Development Department staff and the County's consultants presented conclusions from a Revised County Land Capacity Analysis and summarized revised information and analyses provided by the City of College Place.
- 79. On May 28, 2019 the Board of County Commissioners adopted Resolution No. 19-141 setting a date of public hearing to consider the proposed Comprehensive Plan and Development Regulations Periodic Update, plus the four non-county amendment applications on the 2018 Final Docket.

- On May 31, 2019 a Notice of Public Hearing for the continued BOCC hearings was 80. published on the Community Development Department website.
- On June 6, 2019 the Notice of Public Hearing for the continued BOCC hearings was 81. published in the Walla Walla Union Bulletin, The Times (Waitsburg), and the Tri-City Herald.
- 82. On June 12, 2019 the Notice of Public Hearing for the continued BOCC hearings was mailed to the applicants, property owners, parties of record, adjacent property owners (to the site in CPA17-004/REZ17-004, Cox), and other interested parties.
- On June 14, 2019 the Notice of Public Hearing for the continued BOCC hearings was 83. emailed to the applicants and other interested parties.
- 84. On June 24, 2019 the Board of County Commissioners heard additional testimony on the proposed 2018 Periodic Update, as well as the four non-County UGA applications. A Staff Report was presented to the Board to supplement the materials presented at the December 18, 2018 public hearing. The June 24th Staff Report included the final Revised County Land Capacity Analysis (Attachment D) and employment data for College Place and Walla Walla (Attachments G-H).
- Although written testimony was received in advance of the June 24th hearing, only one 85. member of the public spoke at the hearing regarding the proposed Periodic Update; they recommended that the County should consider allowing multi-family residential development in the Burbank UGA. As a result of Ordinance No. 471, the County will be studying the Burbank Subarea, the zoning in the Burbank Urban Growth Area, and other development regulations applicable within the Burbank Urban Growth Area separately from this update.
- On July 8, 2019, the Board voted unanimously to concur with the recommendation of the 86. Planning Commission and approved the proposed 2018 Periodic Update as presented on December 18, 2018 and June 24, 2019 and directed staff to prepare an ordinance for approval.

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

- The proposed amendments included in the County's Periodic Update have been reviewed 1. pursuant to Walla Walla County Code Sections 14.10.070(C) and 14.15.070(C), as well as Titles 16 (Subdivisions), 17 (Zoning), 18 (Critical Area Protection), and the County's Shoreline Master Program. The Staff Reports presented to the Planning Commission at the December 5, 2018 public hearing and presented to the Board of County Commissioners at the public hearing on December 18, 2018, analyzed these code requirements. Additional information regarding the population projection and allocations and the Land Capacity Analysis was presented to the Board at the May 28, 2019 workshop and at the June 24, 2019 continued hearing.
- 2. As required by RCW 36.70A.130, the County has reviewed and revised its Comprehensive Plan and development regulations to ensure that the plan and development regulations comply with the requirements of the Growth Management Act. The changes made by this Ordinance and Ordinances 477, 478, and 479 accomplish the following:

- a. Retained existing population projection and allocations, which were found to be consistent with OFM projections for 2038.
- b. Reviewed and adjusted Urban Growth Areas to ensure that they do not encourage urban sprawl, encourage higher density development, and site development where it can be served with public infrastructure.
- c. Revised goals and policies to reflect current information, to improve consistency with County code and implementation practices, and to increase conciseness and clarity.
- d. Updated existing conditions information throughout all elements (chapters) to reflect new information, including population projections and distribution.
- e. Enacted development regulations to comply with the Hirst decision and RCW 19.27.097.
- f. Enacted revisions to the residential UGA density waiver (WWCC 17.18.050) and the buildable site area formula (WWCC 17.18.070) to limit urban sprawl.
- g. Added a goal and a policy to the Economic Development Element (Chapter 11) to support high-speed, open-access broadband internet projects to all areas of the county.
- h. Adopted a policy and text in the Critical Areas Element (Chapter 3) and WWCC Chapter 18.08 to reflect the County's participation in the Voluntary Stewardship Program, for the protection of critical areas on agricultural lands.
- i. Updated the Shorelines Element (Chapter 3) to reflect the Shoreline Master Program, including adding a goal and policy highlighting the relationship between the Comprehensive Plan and the Shoreline Master Program.
- j. Added information on the Blue Mountain Regional Trails Plan to the Parks and Recreation Element (Chapter 7).
- k. Adopted a new Transportation Element (Chapter 8) to reflect changes to the transportation network as well as changes within the transportation planning bodies that guide transportation policies and improvements.
- Included in the new Transportation Element (Chapter 8) goals and policies
 organized around the Washington Transportation Plan policy goals for clarity and
 consistency with other local and state-level plans. Also included information
 about non-motorized transportation facilities, traffic forecast data, funding of the
 County road system, concurrency, and the County's system for prioritizing
 transportation projects.
- m. In the Capital Facilities Element (Chapter 10), updated existing conditions information to reflect recent information and included the current six-year capital facilities plan.
- n. In the Burbank Subarea Plan (Chapter 12), added goals and policies related to public participation and access to County services as a result of comments received at public open houses.
- o. In Title 14, Development Code Administration, adopted new project noticing requirements and changed timing of the required comprehensive plan periodic update from once every seven years to once every eight years to be consistent with GMA requirements.

- p. In WWCC Chapter 17.08 and WWCC 17.16.014 updated definitions and permitted uses tables related to manufactured and mobile homes to reflect current usage of terms and to be consistent with Title 15. Also revised definitions for Variance and Produce Market to be consistent with other chapters in Title 17.
- q. In WWCC Title 17 (Chapters 17.08 and 17.16), enacted regulations allowing for electric vehicle battery charging stations in non-residential and non-resource zones consistent with the GMA requirements.
- r. In WWCC Chapter 17.31, Cluster Developments on Resource Lands, amended cluster development buffer and setback requirements to provide clarification.
- s. Enacted changes to WWCC Chapter 18.08, Critical Area Protection, for consistency with the Growth Management Act, the County's Shoreline Master Program, and the Voluntary Stewardship Program.
- t. Enacted new development regulations to restrict the degradation of Critical Aquifer Recharge Areas (CARA) as recommended by the Washington State Department of Health.
- u. Adopted new critical areas maps to include current and improved base map data as described below. Some new map numbers were assigned and minor improvements to formatting were also made.
 - i. New Map CA-1A (old Map 1) was updated to include new Wellhead Protection Area data from the Washington State Department of Health.
 - ii. New Map CA-2 (old Maps 2A and 2B): updated to classify wetlands by type using 2018 NWI data from USFWS.
 - iii. New Map CA-4C (old Map 4B): updated to include to reclassify sloped areas in intervals of 15% which will help in the identification of erosion hazard areas.
 - iv. Created a new map showing Seismic Design Site Class data from the Washington State Department of Natural Resources, one of the sources cited in WWCC 18.08.510 (new Map CA-4B).
 - v. New Map CA-4D, to replace old Maps 4C and 4D, showing potential soil erosion susceptibility from NRCS soil data. Severe and Very Severe classifications were designated geologically hazardous areas per WWCC 18.08.500(B)(1). Previous Maps 4C and 4D included information on potential wind and water erosion susceptibility, which did not correspond directly to critical areas designations.
 - vi. New Map CA-5A (old Map 5): updated to indicate required minimum riparian buffer width. No changes to buffer widths or designations were made but the identification of minimum buffer widths on the revised map will help with project review and the administration of Chapter 18.08.
 - vii. New Map CA-5B (old Map 6): updated to include updated Priority Habitat Species (PHS) data (May 2018) from Washington State Department of Fish and Wildlife and only show priority habitats and species designated by the County as fish and wildlife habitat conservation areas in Chapter 18.08. New map also shows three designated habitats of local importance. No changes were made to critical areas designations, but maps were

improved for better implementation and alignment with regulations in Chapter 18.08.

v. Adopted Comprehensive Plan amendments and a map to ensure a collaborative relationship with the Department of the Navy and a viable early notification and coordination process for projections with the potential to impact military operations.

Section III. Adoption of the 2018 Periodic Update:

Based on its review of the requirements of RCW 36.70A, the Washington Administrative Code, Walla Walla County Code, the proposed amendments included in the Periodic Update, staff analysis and recommendations, and the recommendations of the Planning Commission, the Board of County Commissioners hereby adopts the 2018 Walla Walla County Comprehensive Plan and Development Regulations Periodic Update.

The Development Regulations revisions are attached as Exhibit A.

New and updated maps adopted by this Ordinance are attached at Exhibit B.

The Community Development Department Director will finalize and print the 2018-19 Comprehensive Plan, which will be signed by the Chair of the Board of County Commissioners.

Pursuant to WWCC 17.06.010(B), a final Countywide official zoning map reflecting these changes will be signed by the Chair of the Board of County Commissioners.

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 5th day of August, 2019.

Attest:

Jill Munns, Assistant Clerk of the Board

Approved as to form:

Jesse D. Nolte, Deputy Prosecuting Attorney

Todd L. Kimball, Chairman, District 2

ames K Johnson, Commissioner, District 1

Gregory A. Tompkins, Commissioner, District 3

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

ORDINANCE NO. 476 EXHIBIT A

Walla Walla County 2018 Periodic Update Amendments to WWCC Chapter 8.40

8.40.040 Developments near land zoned agricultural—Notice required.

All plats, short plats, development permits and building permits issued for development activities on or within one-fourth mile of <u>agricultural or resource zones</u> lands zoned as agricultural general, AG; agricultural open space, AO; or exclusive agriculture, AE, or designated as agricultural general, agriculture, or exclusive agriculture in the comprehensive plan shall contain a notice that the subject property is within or near designated agricultural lands on which a variety of activities may occur that are not compatible with residential development. (Ord. 232 § 5, 1995)

Walla Walla County 2018 Periodic Update Amendments to WWCC Title 14

14.07.080(C)

C. The notice of application shall be published once in the official gazette of the county, and once in a newspaper of general circulation in the general area where the proposal is located (if different from the official gazette).-and in the official gazette of the county. Notices issued for projects located in Ranges 31 and 32 East shall be published in the Tri-City Herald or its successors. Notices for projects-located elsewhere in the county-shall be published in the Walla Walla Union Bulletin or its successors.

14.09.065(A)(1)

Notice of a public hearing shall be given as follows:

- A. Time of Notices. Except as otherwise required, public notification of public hearings under this title shall be made by:
 - Publication in a newspaper of general-circulation and in the official gazette, if any, of the county, and in a newspaper of general circulation in the general area where the proposal is located (if different from the official gazette), at least ten days before the date of a public hearing. Notices issued for project permits located in Ranges 31 and 32 East shall be published in the Tri-City Herald or its successors. Notices for project permits located elsewhere in the county shall be published in the Walla Walla Union-Bulletin or its successors; and

14.10.015(F)

Mandatory Update. Once every seven eight years the comprehensive plan shall be updated in F. accordance with the requirements of the Growth Management Act.

Walla Walla County 2018 Periodic Update Amendments to WWCC Title 16

16.04.075 Limitations due to flood.

The county may approve, approve with conditions, or deny a preliminary subdivision, preliminary short subdivision, large lot subdivision, binding site plan, or boundary line adjustment because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No preliminary subdivision, preliminary short subdivision, large lot subdivision, binding site plan, or boundary line adjustment shall be approved by the county covering any land situated in the one hundred year flood plain as provided in Chapter 86.16 RCW without the prior written approval of the Department of Ecology of the State of Washington. (Res. 02118, Attach. A (part), 2002

Walla Walla County 2018 Periodic Update Amendments to WWCC Title 17

17.04.060 Water restrictions.

Subdivision applications and building permit applications requiring potable water, and relying on permit exempt wells, shall comply with the following in order to demonstrate evidence of an adequate water supply prior to approval by Walla Walla County:

- A. Subdivision applications and building permit applications within WRIA 32 that utilize a permit exempt well withdrawing from the gravel aquifer (as defined in WAC 173-532) must be consistent with 90.44.050 and the provisions of WAC 173-532.
- B. Subdivision applications and building permit applications within WRIA 32 utilizing an exempt well withdrawing from outside of the gravel aquifer (as defined in WAC 173-532), shall comply with RCW 90.44.050, and shall submit a well report meeting the criteria of RCW Chapter 18.104.
- C. Subdivision applications and building permits outside of WRIA 32 utilizing a permit exempt well shall comply with RCW 90.44.050, and shall submit a well report meeting the criteria of RCW Chapter 18.104.

CHAPTER 17.08 DEFINITIONS

17.08.212A Electric vehicle battery charging station.

17.08.335 Mobile home, double-wide.

17.08.340 Mobile home lot,

17.08.345 Mobile/Manufactured home park.

17.08.348 Mobile home, single-wide.

17.08.349 Mobile-home subdivision.

17.08.212A Electric vehicle battery charging station.

"Electric vehicle battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

17.08.258 Home furniture, furnishings and equipment stores.

"Home furniture, furnishings and equipments stores" means retail stores selling goods used for furnishing the home such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electric and gas appliances. Establishments selling electric and gas appliances are included in this if the major part of their sales consists of articles for home use. These stores also may perform repair work on household appliances, radios, televisions, and stereo equipment as an accessory use. (Ord. 269 (part), 2002)

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17.08.332 Manufactured home.

"Manufactured home" means a residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 which became effective June 15, 1976. single-family dwelling built according to the Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, Code 3280. A manufactured home includes plumbing, heating, air conditioning and electrical systems. It is constructed on a permanent chassis and can be transported in one or more sections. Manufactured homes must comprise a minimum of three hundred twenty square feet in size after installation.

17.08.335 Mobile-home, double-wide.

"Double-wide mobile home" means a one-family dwelling thirty two feet or more in length and more than fourteen body feet in width as measured along the total body length when assembled, constructed in accordance with state of Washington or federal standards as evidenced by the attachment of an insignia, designed for transportation after fabrication in two or more sections on public streets and highways on its own chassis and wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundation, and connection to utilities. (Ord. 269 (part), 2002)

17.08.340 Mobile/manufactured home lot.

"Mobile/manufactured home lot" means a plot of ground within a mobile/manufactured home park designated to accommodate one mobile or manufactured home. (Ord. 269 (part), 2002)

17.08.345 Mobile/manufactured home park.

"Mobile/manufactured home park" means a tract of land under single ownership or control upon which two or more mobile homes or manufactured homes occupied as dwellings may be located. (Ord. 269 (part), 2002)

17.08.348 Mobile home, single-wide.

"Mobile home" means a factory-built dwelling built prior to June 15, 1976, to other than the HUD construction and safety standards. "Single wide mobile home" means a structure thirty two body feet or more in length and eight body feet but not more than fourteen body feet in width, constructed in accordance with state of Washington or federal standards as evidenced by the attachment of an insignia, designed for transportation after fabrication on public streets and highways on its own chassis and wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundation, and connection to utilities. (Ord. 269 (part), 2002)

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17.08.349 Mobile home subdivision.

"Mobile home subdivision" means a subdivision designed and intended for residential use where residence is in mobile homes exclusively, and where the lot is generally sold but may be rented to the occupant. (Ord. 269 (part), 2002)

17.08.393 **Produce market.**

See the definition in Section 17.25.020."Produce market" means a market specifically for the display and sale of fresh fruits and vegetables where at least fifty percent of the produce for sale is produced on site. (Ord. 269 (part), 2002)

17.08.505 Variance.

"Variance" means a departure from the provisions of a zoning ordinance relating to <u>lot width or</u> setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. (Ord. 269 (part), 2002)

CHAPTER 17.16 PERMITTED USES

17.16.014 Permitted uses table.

Residential Land Uses

		Zone																		
	2	Resource				Rural							Urban Residential				Misc.			
	P A- 40	E A- 12 0	G A- 20	A R- 10	R R- 40	R R- 20	R A- 10	R A- 5	RR MC- 5	R R- 2	R R- 5	R- 96	R- 72	R- 60	R M	R D- R	R D- CI	R F C	R A C	
				•			Sp	ecif	ic Use										/	
Dwelling Units																				
* Mobile Home , single wide	P	P	P	P	P	P	P	P	P	P	P	Р	P	P	:	P		P	P	
Mobile/Manu factured Home <u></u> <u>medical</u> <u>hardship</u>	A C1	A C1	A C1	A C1	A C1	A C1	A CI	A C1	AC1	A C1	A C1	A C1	A C1	A C1		A C1.		A C1	A C1	

					Zor	ne		_			
	Industrial and Commercial Misc.										
	IA- M	IA- H	ні	LI	I/BP	NC	CG	вс	BR	PR	
SPEC	CIFIC U	JSE									
DWELLING UNITS											
* Mobile Home , single wide	AC								P		
Mobile/Manufactured Home - medical hardship	AC1								AC1		

Government/General Services Land Uses

		Zone																		
		Resource				Rural							Urban Residential				Misc.			
	P A- 40	E A- 12 0	G A- 20	A R- 10	R R- 40	R R- 20	R A- 10	R A- 5	RRM C- 5	R R- 2	R R- 5	R - 9 6	R - 7 2	R - 6 0	R M	R D- R	R D- CI	RF C	RA C	
							S	peci	fic Use											
ACCESS ORY USE																				
Electric vehicle battery charging station															,		<u>P</u>		<u>P</u>	

					Zone	•		·				
	Industrial and Commercial Misc.											
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR		
SP	ECIFIC	USE							-			
ACCESSORY USE												
Electric vehicle battery charging station	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		

Recreational/Cultural Land Uses

		Zone																		
		Resource				Rural							Urban Residential				Misc.			
	P A- 40	E A- 12 0	G A- 20	A R- 10	R R- 40	R R- 20	R A- 10	R A- 5	RRM C- 5		R R- 5	R - 9 6	R - 7 2	R - 6 0	R M	R D- R	R D- CI	RF C	RA C	
						S	Spec	ific \	Use				٠	`						
PARKS/RECRE ATION					•															
* Marina	A C													_			C 1			
CULTURAL																				
* Assembly Halls	P1 2 P1 0	+	P1 1 P1 0	P1 1 P1 0	A Ç	A C	A C	A C	AC	A C	A C					A C		A C	P3	

					Zone	;		_					
,	Industrial and Commercial Misc.												
	IA-M IA-H HI LI I/BP NC CG BC BR I												
	S	PECIFIC	CUS	E									
PARKS/RECREATION							-						
*_Marina			}										

- E. Recreational/Cultural Land Uses—Development Conditions.
 - 1. See Chapter 17.32 WWCC for RV park and campground development regulations.
 - 2. An accessory use, structure or activity clearly incidental to a permitted use and which will not create a nuisance or hazard is permitted.
 - a. Buildings associated with accessory uses must be in or adjacent to a farm center if one is present.
 - b. Buildings associated with accessory uses shall not exceed fifty thousand square feet in area.
 - 3. Up to twenty thousand square feet per establishment.
 - 4. See Chapter 17.26 WWCC for animal standards.

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5. This land use type shall not be permitted on lands identified as primary significance or unique farmlands per the adopted maps of the agricultural lands advisory committee.

- 6. The primary building not to exceed twelve thousand square feet per establishment.
- 7. Gun/Archery Ranges (Outdoor).
 - a. Permitted only as a private use not open commercial to the public.
 - b. Club-type ranges are allowed as part of this permitted use.
- 8. Hunting/Fishing Lodges.
 - a. Must be accessory to an existing farm.
 - b. May include a shooting range for lodge guests.
 - c. Lodging is permitted as an accessory use to a hunting club and the lodging is limited to twelve persons at one time.
 - d. Each guest will be allowed to stay a maximum of thirty days per year.
 - e. Ten recreational vehicle spaces are allowed in conjunction with a lodge.
 - f. Must be sited on a parcel that conforms to the minimum lot size in the zoning district assigned to the property.
 - g. May be sited on unfarmed lands or on poorer soils.
- 9. All-Terrain Vehicle Park.
 - a. No more than five ATV parks are permitted at any one time in the Primary Agricultural-40 zoning district.
 - b. ATV parks are prohibited on lands in current crop production. ATV parks can be established on rangelands and/or on fallow lands and/or during post-harvest conditions such as stubble during crop rotation cycles.
 - c. May include mountain bicycles.
 - d. Shall not include grandstands or any other temporary or permanent structures.
 - e. Shall not include any permanent vendors or concession stands, temporary or permanent.
 - f. ATV parks cannot be sited in critical areas.
 - g. All sanitary facilities must satisfy health department regulations.
- 10. All existing assembly halls established be-fore May 15, 2001 will remain as nonconforming uses.
- 11. Equestrian parks and riding facilities are limited in size and scale as follows:
 - a. A maximum of one hundred visitors may be on the site for an event at any one time.
 - b. The footprint of the operation may not exceed five acres of land including but not limited to arenas, buildings, parking. This limitation does not include trails.
 - c. Buildings or portions of buildings associated with a facility shall not exceed a cumulative maximum of thirty thousand square feet per establishment.
- 12. See the definition of Marina in ch. 17.08.

CHAPTER 17.18 DEVELOPMENT STANDARDS—DENSITY AND DIMENSIONS

17.18.020 Table of density and dimensional requirements.

	Lo Requ	nimum ot Area uirements	Residential Density per Acre ^{16,17}		num Se iiremen feet) ²²		Maximum Coverage (in percent)	Maximum Height (in feet)
Zone	Size	Width (feet)		Front	Side	Rear		
Rural Development (4)(13)(14)		_	_	20	10(7)	20(7)	35 (24) 60(3)	35 <u>(24)</u>
Rural Activity Centers (4)		_		20	10(7)	20(7)	35 (24) 60(3)	35 <u>(24)</u>
Rural Farmworker Community (4)			_	20	10(7)	20(7)	35 (24) 60(3)	35 <u>(24)</u>

17.18.050(E)

- E. The minimum density requirement for a property may be waived one time by the county if:
 - 1. The applicant proposes the creation of no more than two lots or parcels; and
 - 2. One or bBoth lots or parcels can be less than are at least five acres in size; and
 - 3. The size and configuration of the lots or parcels shall not preclude future division of all lots or parcels into lots that comply with the provisions of this chapter and Title 16; and
 - 4. The placement of all structures, improvements, and infrastructure shall not preclude the future division of all lots or parcels into lots that comply with the provisions of this chapter and Title 16.

17.18.070 Gross site area, net site area and buildable site area.

- A. Gross site area is the total horizontal area of a site.
- B. Net site area is the gross site area less existing public rights-of-way.
- C. Buildable site area is the gross site area less:
 - 1. Existing public rights-of-way or areas to be dedicated for rights-of-way;
 - 2. Tracts or easements to be established for public or private streets and alleys;
 - 3. Areas in the following critical areas excluding critical area protection zones (buffers):
 - a. frequently flooded areas;
 - b. wetlands;

- c. erosion hazard areas, landslide hazard areas, and other areas determined by the Director to be subject to severe risk of damage as a result of other geologically events under WWCC 18.08.500(E); and
- d. fish and wildlife habitat conservation areas.
- 4. Lands with slopes greater than fifteen percent, unbuildable geologically unstable slopes and lands which lie within the one hundred year floodplain

CHAPTER 17.31 DEVELOPMENT STANDARDS—CLUSTER DEVELOPMENTS ON RESOURCE LANDS

17.31.060 Design requirements.

- L. Wellhead protection zones shall be overlapped to the extent pos;ol0;sible.
- Q. The buffer space shall be a minimum of fifty feet from the adjacent—resource parcel created by the cluster development to any dwelling in the cluster development. All required buffers between the resource parcel and the smaller development parcels shall be provided within the new lots, and shall not encumber the resource parcel.

R. Setbacks.

- I. For all nonfarm-related development within agricultural resource areas or on lands adjacent to or abutting agricultural resource lands that are not part of the cluster subdivision: all structures shall maintain a minimum setback of fifty feet from land designated for agricultural purposes; provided, however, the appropriate authority may reduce the setback through a variance where:
 - a. The owner requesting the administrative variance records an agricultural easement for the benefit of the abutting commercial farmlands of significance, granting a right to all normal and customary agricultural primary or accessory practices in accordance with recommended best management practices in Walla Walla County.

Walla Walla County 2018 Periodic Update Amendments to WWCC Chapter 18.08

CHAPTER 18.08 - CRITICAL AREA PROTECTION²

FOOTNOTE(S):

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References: See Walla Walla County Critical Areas Ordinance Best Available Science Review (August 2008) document.

18.08.015 - Applicability.

- A. This chapter shall not apply to lands within the jurisdiction of the Walla Walla County Shoreline Master Program. Critical areas in shoreline jurisdiction shall be subject to the regulations found in the Shoreline Master Program Appendix A, Critical Areas in Shoreline Jurisdiction, once approved by the Washington State Department of Ecology, Until such time as the provisions of this chapter are reviewed under the Shoreline Management-Act, RCW 90.58, this chapter shall not apply to shorelines or associated wetlands designated in the Walla Walla County Shoreline Master Plan. Until such time as such review has occurred, the county's critical areas regulations enacted by Resolution 95-219 shall continue to apply to shorelines designated in the shoreline master plan-
- B. The provisions of this chapter shall apply to all lands, all land uses and development activity, and all structures and facilities in the county, outside of shoreline jurisdiction, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the county. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the purposes and requirements of this chapter. Except for where specifically set forth, this chapter does not apply to lawful uses or legal non-conforming uses existing at the time of adoption. Agricultural uses or changes from one agricultural use to another activities, including all agricultural uses and practices as defined in RCW 90.58,065 and WWCC 18.08.020, are exempt from this ordinance. Rather, where agricultural activities intersect with the critical areas defined in WWCC 18.08.030, protection of critical areas is attained through the county's Voluntary Stewardship Program (VSP) as established under RCW 36.70A.705. The provisions of this chapter shall not imping upon water rights.

18.08.020 - Definitions.

"Agricultural activities" – Agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing

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agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under protection or cultivation.

"Critical aquifer recharge area" — Areas designated <u>underby</u> WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(32).

"Fish and wildlife habitat conservation areas" — Areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas are guided by the State's Priority Habitats and Species list and include the following:

- A. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
- B. Habitats of local importance, including but not limited to areas designated as priority habitat by the Department of Fish and Wildlife, areas that provide important habitat for neotropical migratory songbirds, areas that provide important habitat for wintering birds of prey, and areas that provide unique habitats within the county;
- C. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
- D. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington;
- E. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- F. State natural area preserves and natural resource conservation areas designated by the Department of Natural Resources; and
- G. Land essential for preserving connections between habitat blocks and open spaces.

Fish and wildlife habitat conservation areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

"Generators, medium quantity" — When referring to critical aquifer recharge areas, means those businesses that generate more than two hundred twenty pounds, but less than two thousand two hundred pounds of dangerous waste per month. They are limited to the accumulation of less than two thousand two hundred_pounds of dangerous waste at any time. They are limited to the generation of, and accumulation of, less than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.

"Mitigation" — Avoiding, minimizing or compensating for adverse critical areas impacts. Mitigation, in the following order of preference, is:

A. Avoiding the impact altogether by not taking a certain action or parts of an action;

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- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- C. Rectifying the impact to wetlands, critical—aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project;
- D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
- E. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- F. Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat or critical areas by replacing, enhancing, or providing substitute resources or environments; and
- G. Monitoring the hazard or other required mitigation and taking remedial action when necessary. Mitigation for individual actions may include a combination of the above measures.

"Seismic hazard areas" — Seismic hazard areas are those areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, soil liquefaction or surface faulting including:

- 1. Areas subject to surface faulting during a seismic event;
- Areas with underlying deposits indicative of a risk of liquefaction during a seismic event, including those areas mapped as "moderate", "moderate to high" and "high" by the Washington State Department of Natural Resources;
- 3. Areas subject to slope failure during a seismic event;
- 4. Areas that are at risk of mass wasting due to seismic forces.

"Wetlands" — Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the approved federal wetland delineation manual and applicable regional supplements the Washington State Wetland Identification and Delineation Manual, as amended.

"Wetland category" — Wetlands that are categorized into Category I, II, III or IV based upon the categorization procedures in the Washington State Wetland Rating System for Eastern Washington, as amended (Hruby T. 20042014).

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18.08.035 - Critical area maps.

- A. The approximate location and extent of critical areas will be displayed on various inventory maps available at the county community development department. These maps will be updated as inventories are completed in compliance with the requirements of the Growth Management Act, and additional maps may be added as appropriate. These maps include:
 - Walla Walla County Critical Area Maps +CA-1A, CA-1B, and CA-1C.: Critical Aquifer Recharge Areas: Wellhead Protection Areas 10 Year Time to Travel Zones; Walla Walla River Shallow Gravel Aquifer CARA; and Walla Walla River Shallow Gravel Aquifer Vulnerability;
 - Walla Walla County Critical Area Map CA-2Maps 2a and 2b: Wetlands;
 - Walla Walla County Critical Area Map CA-3: Frequently Flooded Areas;
 - Walla Walla County Critical Area Maps Maps-4a, 4b, 4c and 4d CA-4A, CA-4B, CA-4C and CA-4D, Geologically Hazardous Areas: Geologic Hazard Areas — Seismic Hazard Areas - Potential Liquefaction Susceptibility; Seismic Hazard Areas - Seismic Design Site Class; Steep Slopes; and Erosion Hazard Areas - Potential Erosion Susceptibility/Landslide-Hazards, Potential Water Erosion-Susceptibility, and Potential Wind Erosion Susceptibility;
 - 5. Walla Walla County Critical Area Maps 5CA-5A and CA-5B, Fish and Wildlife Habitat Conservation Areas: Waters of the State; and Priority Habitats and Species. Riparian Buffers:
 - 6. Walla-Walla County Critical Area Map 6: Terrestrial Habitat;
 - 7. Map 7: Walla Walla River Shallow Gravel Aguifer Critical Aguifer Recharge Area Map (December, 2011);
 - 8. Map 7A: Walla Walla-River Shallow Gravel Aquifer Critical Aquifer Recharge Area Map Walla-Walla Valley (December, 2011).

18.08.085 - Allowed activities.

- R. The installation of individual service lines for agricultural purposes and to existing uses.
- T. Agricultural activities including farming, horticulture, normal maintenance and repair of irrigation delivery systems and drainage systems, ranching and grazing of animals and pest and weed control. This includes land-lying idle under a government program, agricultural set aside land and changes between agricultural activities, all agricultural uses and practices as defined in RCW 90.58.065 and WWCC 18.08.020. Where agricultural activities intersect with critical areas, protection of critical areas is attained through the county's Voluntary Stewardship Program (VSP) as established under RCW 36.70A.705.
- U. Normal and routine maintenance of agricultural ponds, livestock watering ponds and fish ponds.

X. Normal dredging required to maintain ongoing water navigational facilities including boat and barge slips, docking facilities, <u>and</u> entrance channels and agricultural irrigation facilities, provided that other applicable permits are obtained.

18.08.090 - Reasonable use.

- A. If the application of this chapter would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this section.
 - 1. In no case shall an exception pursuant to this section be approved if the exception would result in adverse impacts to a critical aquifer recharge area. Compensatory mitigation is not applicable to critical aquifer recharge areas.

18.08.105 - Mitigation requirements.

D(2). The mitigation bank shall be established in accordance with the Washington State Draft wetland mMitigation bBanksing rRule, Chapter 173-700 WAC or as revised, and Chapter 90.84 RCW and the federal mitigation banking guidelines as outlined in the Federal Register, Volume 60, No. 228, November 28, 1995. These guidelines establish the procedural and technical criteria that banks must meet to obtain state and federal certification.

18.08.120 - Bonds to ensure mitigation, maintenance and monitoring.

D. Bonds or other security authorized by this section shall remain in effect until the county determines, in writing, that the standards bonded for have been met. Bonds or other security shall be held by the mCounty for a minimum of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.

18.08.200 - Critical aquifer recharge areas—Designation.

Critical aquifer recharge areas (CARA) are areas with a critical recharging effect on aquifers used for potable water supply that are vulnerable to contamination that would affect water quality. Critical aquifer recharge areas function to protect human health from contaminated drinking water (anti-degradation of ground water). Federal and state laws established—;b0; three regulatory measures to account for susceptibility and value of groundwater resources: Wellhead Protection Areas, Sole Source Aquifer, and Susceptible Ground Water Management Areas and Special Protection Areas. The following areas are identified as CARA:

Wellhead Protection Areas. Group A water-supply purveyors using ground water must develop and implement wellhead protection programs that include delineation of protection areas around each well, inventorying of contamination sources within wellhead protection areas, and development and implementation of water supply contingency and spill response plans to address contamination incidents that could cause loss of a well. The State of Washington wellhead protection regulations exclude individual domestic wells and well systems that do not meet the definition of public water supplies.

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Walla Walla County maintains a database of wellhead protection areas submitted by Group A community water systems required to prepare wellhead protection plans and periodically updates its database with DOH provided information from systems. Wellhead protection areas are defined by the boundaries of the ten year time of travel of ground water travel to the wellhead, or boundaries established using alternate criteria approved by the Washington State Department of Health, in accordance with WAC 246-290-135. The Wellhead protection areas designated as CARA delineated by the ten-year capture zones are shown on Walla Walla County Critical Areas Map CA-1A: Walla Walla County Critical Area Map Critical Aquifer Recharge Areas: Wellhead Protection Areas 10 Year Time to Travel Zones Map 1.

Areas of the Walla Walla River shallow gravel aquifer recharge area designated as CARA <u>are shown</u> on Map <u>CA-1B7</u>: Walla Walla River Shallow Gravel Aquifer <u>Critical Aquifer Recharge Area CARA and Map 7A</u>: Walla Walla River Shallow Gravel Aquifer Critical Aquifer Recharge Area, Walla Walla Valley. These areas have been designated as CARA based on the criteria in the Washington Department of Ecology "Critical Aquifer Recharge Area Guidance Document" (Publication 05-10-028) ("Ecology CARA document").

In order to protect the public health and safety, prevent degradation of ground water, and for potentially usable potable water, and to provide for regulations that prevent and control risks to the degradation of ground water quality, development in critical aquifer recharge areas shall be subject to the standards described in Sections 18.08.220 through 18.08.270. ⁴-H

Footnotes:

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See WWCC 18.08.015(A).

18.08.210 - Mapping of critical aquifer recharge areas.

A. The approximate location and extent of critical aquifer recharge areas are shown on the following adopted critical areas maps: Walla Walla County Critical Area Maps 1CA-1A, CA-1B, and CA-1C, Critical Aquifer Recharge Areas: Wellhead Protection Areas; Walla Walla River Shallow Gravel Aquifer CARA; and Walla Walla River Shallow Gravel Aquifer Vulnerability. Critical Aquifer Recharge Areas: 10 Year Time to Travel Zones; Walla Walla County-Critical Aquifer Recharge Area; and Map 7: Walla Walla River Shallow Gravel Aquifer Critical Aquifer Recharge Area; and Map 7A: Walla Walla River Shallow Gravel Aquifer Critical Aquifer Recharge Area, Walla Walla Valley.

18.08.212 - General critical areas regulations not applicable to critical aquifer recharge areas.

- A. The general critical areas regulations contained in the following sections shall not be applicable to critical aquifer recharge areas. Compensatory mitigation is not applicable to critical aquifer recharge areas.
 - 1. 18.08.105 Mitigation requirements.
 - 2. 18.08.110 Mitigation sequencing.
 - 3. 18.08.115 Mitigation plan requirements.
 - 4. 18.08.120 Bonds to ensure mitigation, maintenance and monitoring.

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18.08.220 - Activities allowed in critical aquifer recharge areas.

I. Normal and routine maintenance of agricultural ponds, livestock-watering-ponds and fish ponds.

18.08.255 - Performance standards—Specific uses in a Walla Walla River shallow gravel aquifer area of moderate vulnerability.

A. The uses listed in this Section could pose a potential risk to the Walla Walla River shallow gravel aquifer and therefore require special consideration when located in a Walla Walla River shallow gravel aquifer area of moderate vulnerability (Zone II) as delineated on Walla Walla County Critical Area Map CA-1C:8 Walla Walla River Shallow Gravel Aquifer Vulnerability Map or on Map-8A Walla Walla River Shallow Gravel Aquifer Vulnerability Map Walla Walla Valley.

18.08.270 - Uses prohibited in a Walla Walla River shallow gravel aquifer area of moderate vulnerability.

The following uses are prohibited in a Walla Walla River area of moderate vulnerability (Zone II) in the shallow gravel aquifer as delineated on Map <u>CA-1C:8</u> Walla Walla River Shallow Gravel Aquifer Vulnerability Map or on Map 8A Walla Walla River Shallow Gravel Aquifer Recharge Area Vulnerability Map, Walla Walla Valley:

18.08.300 - Wetlands critical areas—Designation.

- A. Designating Wetlands. Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements Washington-State Wetland Identification and Delineation Manual, as amended that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within Walla Walla County meeting the wetland designation criteria in the approved federal wetland delineation manual and applicable regional supplements Identification and Delineation Manual, as amended, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Title.

 Identification

 **Identifi
- B. Wetland Ratings. Wetlands Types I to IV shall be rated according to the Washington State Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System for Eastern Washington (Ecology Publication #14-06-030, or as revised and approved by Ecology) found in the Washington State Wetland Rating for Eastern Washington, as amended (Ecology Publication #04-06-015). These categories are generally defined as follows (Hruby 2004) which contains the definitions and methods for determining whether the criteria below are met:
 - 1. Category 1 Wetlands. Wetlands which are: alkali wetlands, wetlands that have been identified through the Washington Natural Heritage Program (DNR) as wetlands with high conservation value, high quality wetlands, bogs, mature old-growth forested

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wetlands over one-fourth acre with slow-growing trees, forests with stands of aspen, and wetlands that perform many functions very well function at a very high level (scores of 22-27 points-seventy points or more). These are wetlands which meet at least one of the following criteria: 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; 4) provide a high level of functions-(scores of seventy points or more using the Eastside Rating System); or 5) are documented wetlands of local significance.

- 2. Category II Wetlands. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions (scores between 1951 and 2169 points). These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection.
- 3. Category III wetlands. Category III wetlands are 1) <u>undisturbed</u> vernal pools that are isolated, and 2) wetlands with a moderate level of functions (scores between <u>1630</u> and <u>1850</u> points). Wetlands scoring between 30 and 50 points The wetlands generally have been disturbed in some ways, and are often smaller, less diverse and/or more isolated from other natural resources in the landscape than Category II wetlands.
- 4. Category IV Wetlands. Category IV wetlands have the lowest levels of functions (scores less fewer than 1630 points) and are often heavily disturbed.

Footnotes:

--() -- WWCC 18.08.015(A).

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18.08.310 - Mapping of wetland areas.

- A. The approximate location and extent of known wetlands are shown on the adopted <u>Walla Walla County Ceritical Aarea Mmap CA-2: Wetlands (Exhibit 2</u>, or the latest revision of this map). This information is to be used as a guide for the County, project applicants and/or property owners, and may be updated as new information becomes available. In some instances (uncertified boundaries), it is a reference and does not provide a final critical area designation.
- B. The exact location of a wetland's boundary shall be determined through the performance of a field investigation by a qualified professional applying the <u>approved federal wetland delineation manual and application regional supplements Washington State Wetlands Identification and Delineation Manual, as amended, as required by WAC 173-22-035RCW 36.70A.175 (Ecology Publication #96-94).</u>

18.08.320 - Critical area report—Additional requirements for wetland areas requirements.

C. Wetland Analysis. In addition to the minimum required contents of critical area reports in Section 18.08.095 a critical area report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information at a minimum:

18.08.340 - Performance standards—General requirements.

Table 31

Land Use Intensity Table: Types of Proposed Land Use that can result in High, Moderate, and Low Levels of Impacts to Adjacent Wetlands

Table 42
Required Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection	
Category IV Wetlands (For wetla functions)	nds scoring <u>fewer than 16 less than</u>	nan 30-points or more for all	
Score for all 3 basic functions is less than 16 30 points	Low—25 ft. Moderate—40 ft. High—50 ft.	No recommendations at this time	
Category III Wetlands (For wetla isolated vernal pools)	nds scoring <u>16-18</u> 30-50 points e	or more for all functions, or	
Moderate level of function for habitat (score for habitat 5-7 20 28 points)*	Low—75 ft. Moderate—110 ft. High—150 ft.	No recommendations at this time	

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*If wetland scores 8-9 habitat points, use row below for Category II buffers.			
Score for habitat 3-4 points Not meeting above characteristic	Low—40 ft. Moderate—60 ft. High—80 ft.	No recommendations at this time	
Category II Wetlands (For wetlan having the "Special Characteristic	ds that score 19-21 51 69 points s' identified in the rating system)	•	
High level of function for habitat (score for habitat 29 – 36 8-9 points)	Low—100 ft. Moderate—150 ft. High—200 ft.	Maintain connections to other habitat areas.	
Moderate level of function for habitat (score for habitat 5-720-28-points)	Low—75 ft. Moderate—110 ft. High—150 ft.	No recommendations at this time	
High level of function for water quality improvement and low for habitat (score for water quality 8-9 24 32 points; habitat less than 20-5 points)	Low—50 ft. Moderate—75 ft. High—100 ft.	No additional surface discharges of untreated runoff	
Vernal pool	Low—100 ft. Moderate—150 ft. High—200 ft. OR Develop a regional plan to protect the most important vernal pool complexes—buffers of vernal pools outside protection zones can then be reduced to: Low—40 ft. Moderate—60 ft. High—80 ft.	No intensive grazing or tilling of wetland	
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale Other protection based on needs to protect habitat and/or water quality functions	

Not meeting above characteristic	Low—50 ft. Moderate—75 ft. High—100 ft	No recommendations at this time ¹
Category I Wetlands (For wetland "Special Characteristics" identifies	ds that score 70 points or more for ed in the rating system)	all functions or having the
Natural Heritage Wetlands of high conservation value	Low—125 ft. Moderate—190 ft. High—250 ft.	No additional surface discharges to wetland or its tributaries. No septic systems within 300 ft of wetland. Restore degraded parts of buffer.
Bogs	Low—125 ft. Moderate—190 ft. High—250 ft.	No additional surface discharges to wetland or its tributaries. Restore degraded parts of buffer.
Alkali	Low—100 ft. Moderate—150 ft. High—200 ft.	No additional surface water discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer width based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connections to other habitat areas
High level of function for habitat (score for habitat 8-9 29-36 points)	Low—100 ft. Moderate—150 ft. High—200 ft.	Restore degraded parts of buffer. Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5-7 20 28 points)	Low—75 ft. Moderate—110 ft. High—150 ft.	No recommendations at this time
High level of function for water quality improvement (8-9 24 32-points) and low for habitat (less than 5 20 points)	Low—50 ft. Moderate—75 ft. High—100 ft.	No additional surface discharges of untreated runoff
Not meeting above characteristics	Low — 50 ft Moderate — 75 ft High — 100 ft	No recommendations at this time

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18.08.346 - Performance standards—Mitigation requirements.

Table 37

Wetland Mitigation Ratios for Projects in Eastern Washington that do not alter the Type or HGM setting of a Compensation Site

(Source: Ecology 2006)

		(Bource, Let	1 23 /	T	
Category and Type of Wetland Impacts	Re- establishment or Creation	Rehabilitation Only	Re- establishment or Creation (R/C) and Rehabilitation (RH)	1:1 Re- establishment or Creation (R/C) and Enhancement (E)	Enhancement Only
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal pool	2:1 Compensation must be seasonally ponded wetland	4:1 Compensation must be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case by Case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I (Forested)	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I (based on score for functions)	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I (Wetland of high conservation valueNatural Heritage site)	Not considered possible	6:1 rehabilitation of a Natural Heritage site	R/C Not Considered possible	R/C Not considered possible	Case by Case
Category I Alkali	Not considered possible	6:1 rehabilitation	R/C Not Considered possible	R/C Not considered possible	Case by Case

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		of a Natural Heritage site		ı	
Category I (Bog)	Not considered possible	rehabilitation	Considered	R/C Not considered possible	Case by Case

- B. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance "Wetland Mitigation in Washington State Parts I and II" (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006) references in Table 3, the administrator may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report" (Ecology Publication #11-06-015, August 2012, or as revised).
- <u>CB</u>. Buffers. Replacement wetlands established pursuant to these mitigation provisions shall have adequate buffers to ensure their protection and sustainability. The buffer shall be based on the category and land-use intensity in Section 18.08.340C; provided, that the Director shall have the authority to approve a smaller buffer when existing site constraints (such as a road) prohibit attainment of the standard buffer.
- <u>DC</u>. Mitigation Maintenance and Monitoring. Mitigation areas will be maintained and monitored for a minimum of five years or a period necessary to establish that performance standards have been met after the mitigation has been completed. Annual maintenance and monitoring reports will be submitted to the county and, where applicable, the Department of Ecology, and shall include:
 - 1. Descriptive data for vegetation, soils, and hydrology.
 - 2. Itemized list of dead, dying, and replaced vegetation.
 - 3. Quantitative assessment of invasive species.
 - 4. Descriptive photographs.
 - 5. Statement of overall success of mitigation.
 - 6. Schedule of activities for the next year of maintenance and monitoring.

The county may extend maintenance and monitoring for mitigation projects that fail to achieve performance standards outlined in the mitigation plan.

18.08.400 - Frequently flooded areas—Designation.

A. All areas within the county meeting the frequently flooded <u>definition</u>, <u>designation criteria in the Identification and Delineation Manual</u>, <u>as amended</u>, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Chapter. The flood areas are classified as either one of two types:

18.08.410 - Mapping of frequently flooded areas.

A. The approximate location and extent of frequently flooded areas are shown on the following adopted critical areas map: Walla Walla County Critical Area Map CA-3: Frequently Flooded Page 41 of 83

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Areas. This map is based on data obtained from the Federal Emergency Management Agency Flood Insurance FRate Maps, December 1983, or as later revised.

18.08.500 - Geologically hazardous areas—Designation.

- A. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. 4_H The following regulations, in combination with the performance standards for development, will guide development in these critical areas. The purpose of these regulations is to maintain the natural integrity of hazardous areas and their buffers in order to protect adjacent lands from the impacts of landslides, mudslides, subsidence, excessive erosion and seismic events, and to safeguard the public from these threats to life or property. Geologically hazardous areas: are designated as those areas that are susceptible to one or more of the following types of hazards:
 - Erosion hazard:
 - 2. Landslide hazard:
 - Seismic hazard;
 - Other geological events including, mass wasting, debris flows, rock falls, and differential settlement.
- B. Erosion Hazard Areas. Erosion hazard areas are those areas of Walla Walla County which:
 - Contain soils or soils complexes identified by the U.S. Department of Agriculture's Natural Resource Conservation Service or the Soil Survey for Walla Walla County as having "moderate to severe," severe" or "very severe" erosion hazard potential; or
 - Are impacted by shore land and/or stream bank erosion; or
 - Areas with a slope greater than fifteen percent.
- D. Seismic hazard areas shall be as identified in Washington State Department of Natural Resources seismic hazard and liquefaction susceptibility maps for Eastern Washington as having a "moderate to high" or "high" potential liquefaction susceptibility, and other geologic resources.

Footnotes: ---

See WWCC 18.08.015(A).

18.08.510 - Mapping of geologically hazardous areas.

A. The approximate location and extent of geologically hazardous areas containing known or suspected risk are shown on the following adopted Critical Areas Maps CA-4A, CA-4B, CA-4C, and CA-4D, Geologically Hazardous Areas: Seismic Hazard Areas - Potential Liquefaction Susceptibility; Seismic Hazard Areas - Seismic Design Site Class; Steep Slopes; and Erosion Hazard Areas - Potential Erosion Susceptibility Walla Walla County Critical Area Map 4: Geologic Hazard Areas: Landslide, Liquefaction and Seismic; and Walla Walla County Critical Area Map 5: Geologic Hazard Areas: Erosion and Steep Slopes. The hazard areas outlined on these maps are based on the following data:

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- 1. USGS ten meter Digital Elevation Model (slope);
- 2. USDA Soil Survey of Walla Walla County Area, Washington (erosion);
- 3. Washington State Department of Natural Resources Liquefaction Susceptibility Map of Walla Walla County, Washington;
- 4. Washington State Department of Natural Resources Site Class Map of Walla Walla County, Washington; and
- 5. Walla Walla County Landslide Hazards.

18.08.540 - Critical area report—Additional requirements for specific hazards.

B(3). Where liquefaction risks of high, <u>or moderate</u> to high or moderate exist, the report shall address soil and structural mitigation measures.

18.08.600 - Fish and wildlife habitat conservation areas—Designation.

- A. Fish and wildlife habitat conservation areas include:
 - 1. Areas where state or federal designated endangered, threatened, and sensitive species have a primary association.
 - a. Federal designated endangered and threatened species are those fish, wildlife, and plant species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.
 - b. State designated endangered, threatened, and sensitive species are those fish, wildlife and plant species native to the state of Washington identified by the state Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The state Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status.

A combined list of federal and state identified species having the potential to be within Walla Walla County area is included in Appendix A (under development).

2. State priority habitats and areas associated with state priority species. Priority habitats and species are considered priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife. A state list of priority habitats is included in Appendix A.

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- 3. Habitats and species of local importance. Habitats and species of local importance are those identified by the County, including those that possess unusual or unique habitat warranting protection because of species diversity or habitat system health indicators. The following habitats and species of local importance, shown on Map CA-5B, have been designated: High Density of Wintering Birds of Prey Habitat, Raptor Ferruginous Hawk Habitat, and Neotropical Migrant Songbird Habitat (see Exhibits 5 and 6, or the latest revision of these maps and Appendix A).
- 4. Naturally occurring ponds under twenty (20) acres. Naturally occurring ponds are those ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.
- 5. Waters of the state. Waters of the state includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-031.
- 6. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.
- 7. State natural area preserves and natural resources conservation areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the state Department of Natural Resources.
- 8. Streams shall be designated in accordance with the Washington State Department of Natural Resources (DNR) stream type as provided in WAC 222-16-030. Streams are further categorized according to Ecosystem Diagnosis and Treatment (EDT)/Walla Walla Subbasin Plan priority protection reaches.
- 9. Areas of rare plant species and high quality ecosystems that are identified by the Washington State Department of Natural Resources through the Natural Heritage Program.
- B. All areas within the county meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.
- C. The following area of local importance: Hawk habitat identified on Critical Area Map 7.

18.08.610 - Fish and wildlife habitat conservation areas—Mapping.

The approximate location and extent of conservation areas are shown on the critical area maps adopted by the county (Walla Walla County Critical Area Maps 5CA-5A and CA-5B, Fish and Wildlife Habitat Conservation Areas: Waters of the State; and Priority Habitats and Species; Fish Habitat Conservation Areas and Critical Area Map 6: Terrestrial Wildlife Habitat Conservation Areas 6: or the latest versions of these maps), and as most recently updated and the following critical area maps hereby adopted:

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18.08.620 - Fish and wildlife habitat conservation areas—Water bodies—Allowed uses.

In addition to those activities allowed in Section 18.08.085, the following are allowed in fish and wildlife habitat conservation areas that occur outside of shoreline jurisdiction (for activities allowed within fish and wildlife habitat conservation areas within shoreline jurisdiction, see the Shoreline Master Program), and do not require approval or submission of a critical area report:

18.08.640 - Performance standards—General requirements.

J. In areas designated as <u>Raptor</u> Ferruginous Hawk Habitat, tree removal connected with a development permit will be restricted to the non-nesting season August through January, and limited to hazard tree removal unless otherwise approved by the department after review of a critical area report.

18.08.650 - Performance standards—Specific habitats.

B(2). Buffer Widths. Recommended buffer widths are identified in the critical areas designation map. A riparian habitat shall have at least the buffer width recommended in Table 48 below, unless a greater width is required pursuant to 18.08.674, or a lesser width is allowed pursuant to 18.08.675. Widths shall be measured outward, on the horizontal plane, from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified.

Table 48

Recommended Minimum Riparian Streamside-Buffer Widths for Six Categories of Waterways within Walla Walla County

(Modifications to footnotes below table 4)

1. In stream segments where CREP buffers are established, and are larger than the minimum buffer listed in Table 52.7-1, then CREP buffers become the minimum streamside buffer width.

In stream segments where CREP-buffers are established, and are larger than the minimum buffer listed in Table 2.7-1, then CREP-buffers become the minimum streamside buffer width.

- 2. Buffer width is measured for the ordinary high water mark.
- 3. 1 SPTH = 100 ft. Based on NRCS program in Walla Walla County (personal comm. with Larry Hooker, July 2008)
- 4. Source: Table 5-8 from Sheldon et al. 2005
- 5. As a higher gradient stream with steeper upland slopes in many areas and in a higher precipitation area, additional performance measures are recommended to ensure sediment is controlled during and post-construction.
- A. See WWCC 18.08.015(A).

C. Anadromous Fish.

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3. Fills, when authorized by the [locally adopted shoreline management program], shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts and shall only be allowed for a water-dependent use.

18.08.675 - Fish and wildlife habitat conservation areas—Water bodies—Buffer decrease.

C. The buffer shall not be reduced to less than seventy-five percent of the standard buffer as defined in Section 18.08.650. A thirty-five-foot buffer cannot be decreased. Table <u>59</u> identifies potential buffer reductions with accompanying riparian habitat enhancement.

Table 59

Modified Buffer Widths with Approved Habitat Enhancement/Water Quality Treatment

D. Habitat enhancement plans prepared by a qualified professional must be provided to the county identifying existing conditions, and how the enhancement plan will improve riparian functions over existing conditions. A five year monitoring plan must be included. The plan must also address how land outside a reduced buffer would protect surface water quality. Habitat enhancement plans must be consistent with riparian native vegetation planting guides developed by the Walla Walla County Conservation District, as provided in Table 610.

Table <u>6</u>**10**

Walla Walla County Conservation District
Suggested Native Plants by Precipitation and Riparian Zone

Table <u>610</u>

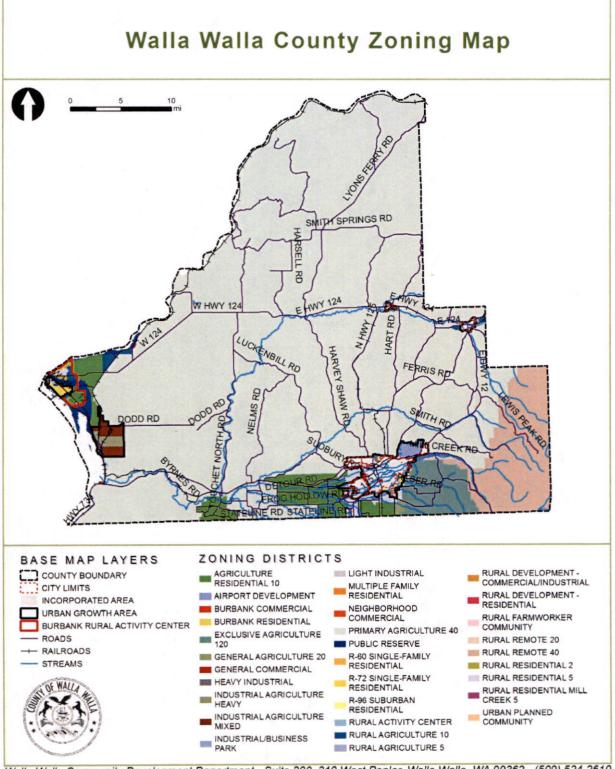
Walla Walla County Conservation District Suggested Native Plants by Precipitation and Riparian Zone

Table 610

Walla Walla County Conservation District Suggested Native Plants by Precipitation and Riparian Zone

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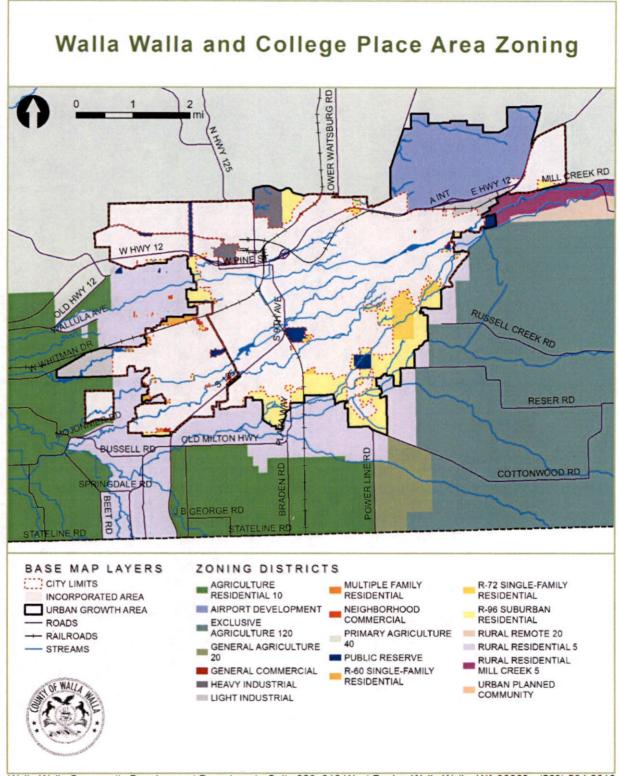
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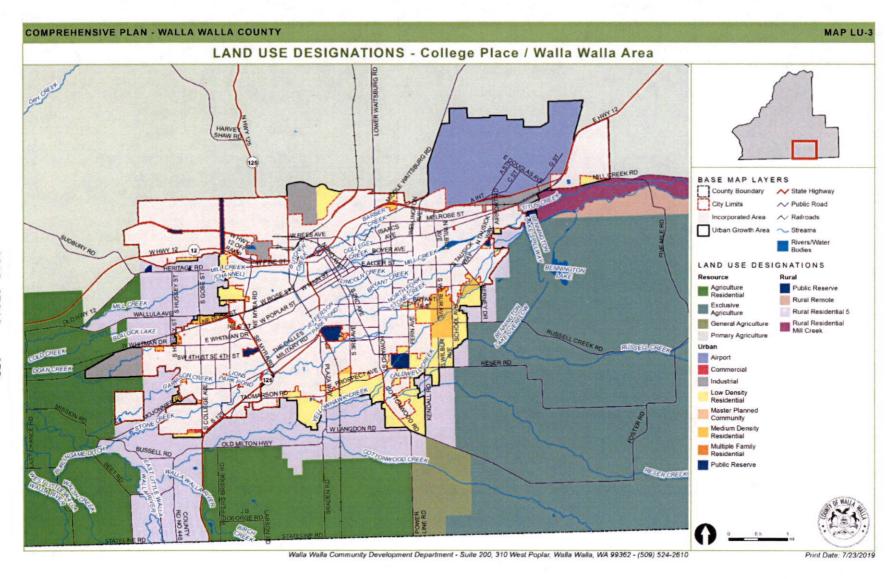
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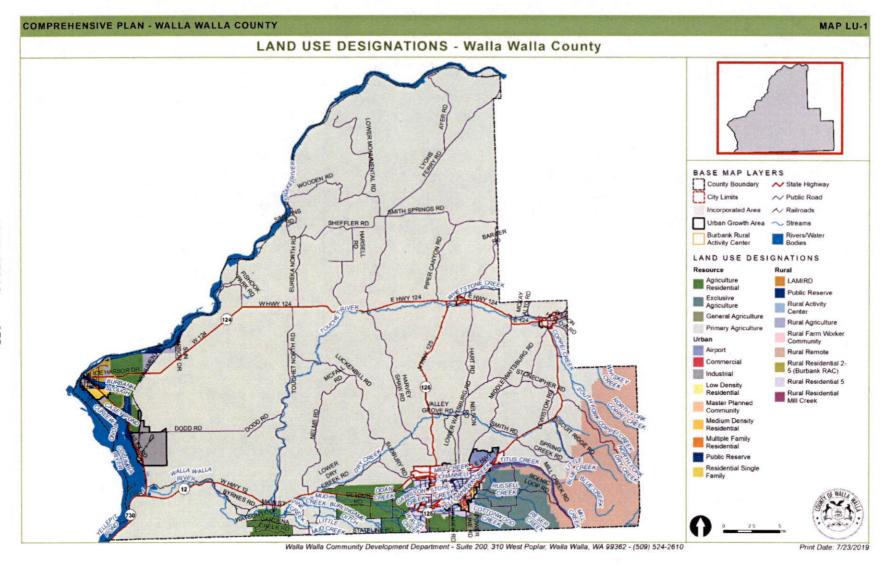
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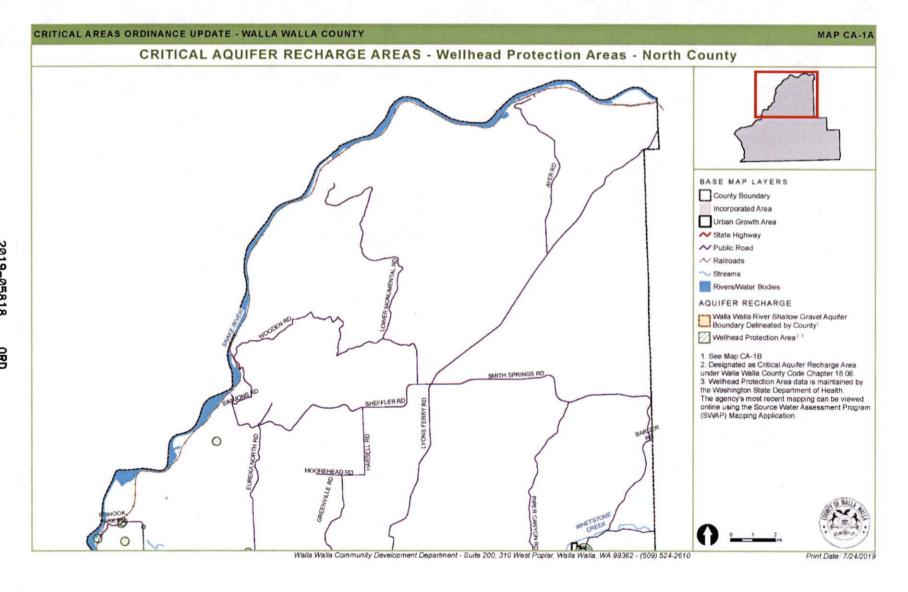
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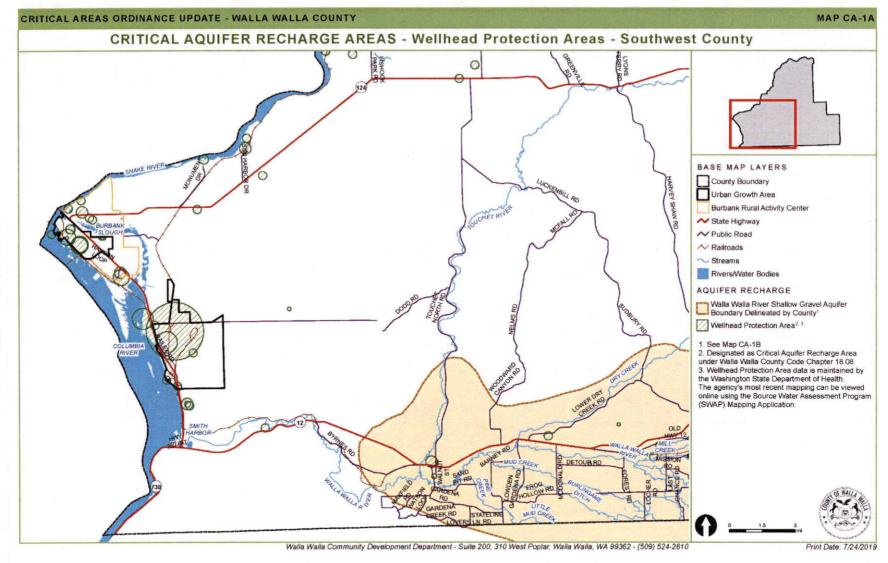




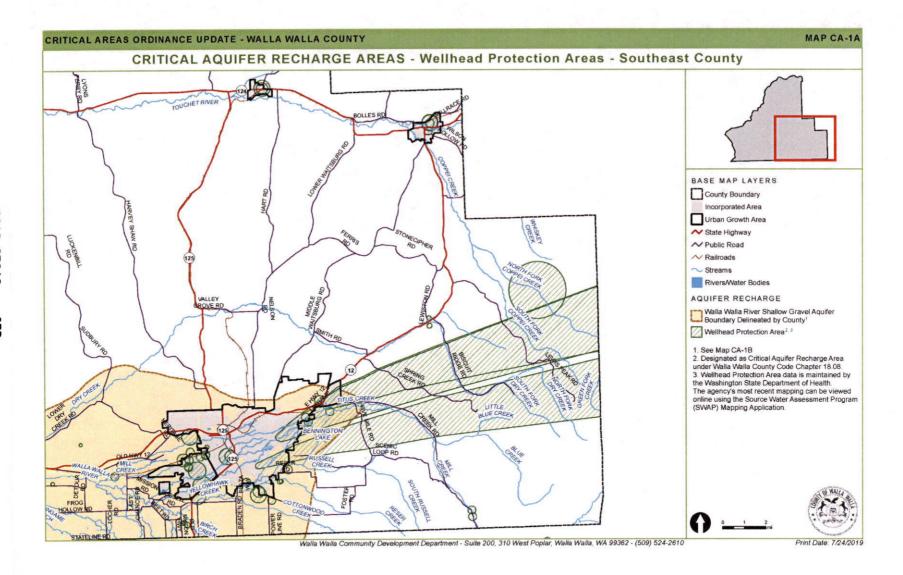
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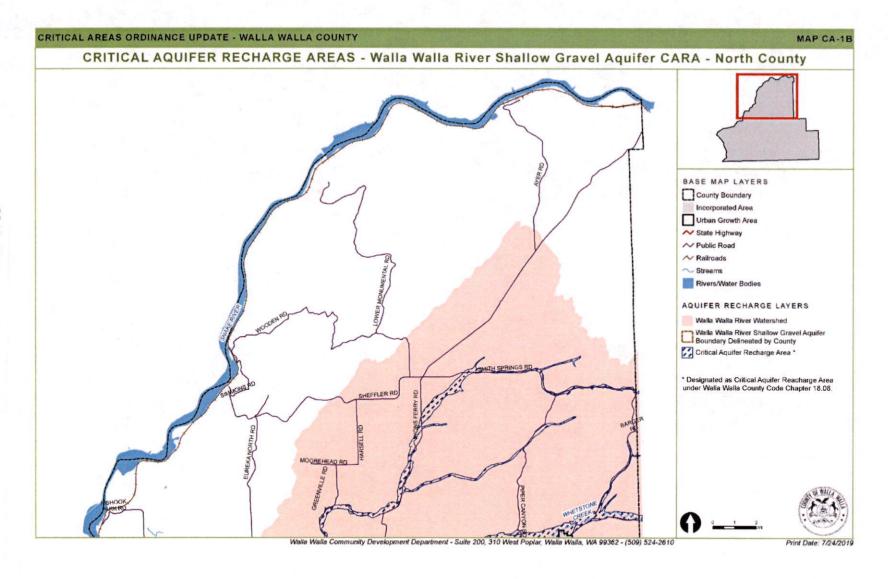


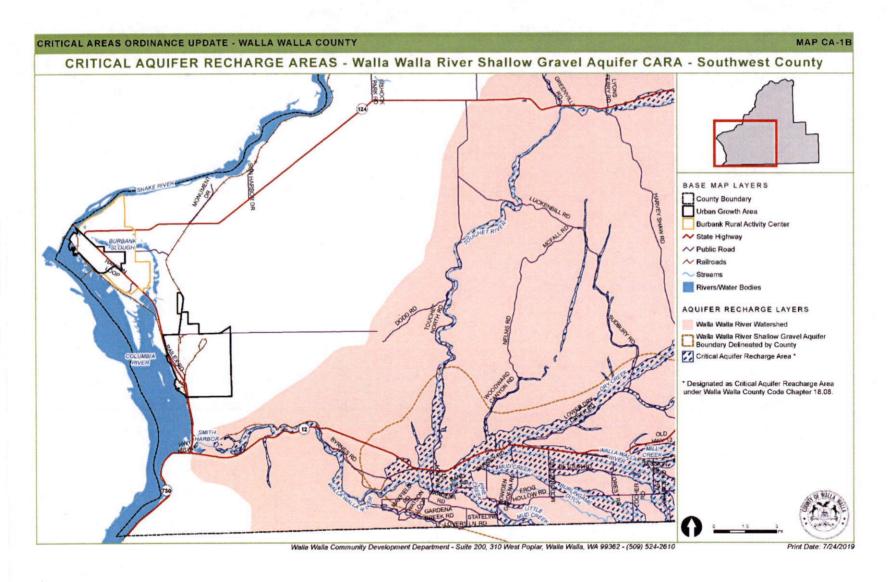
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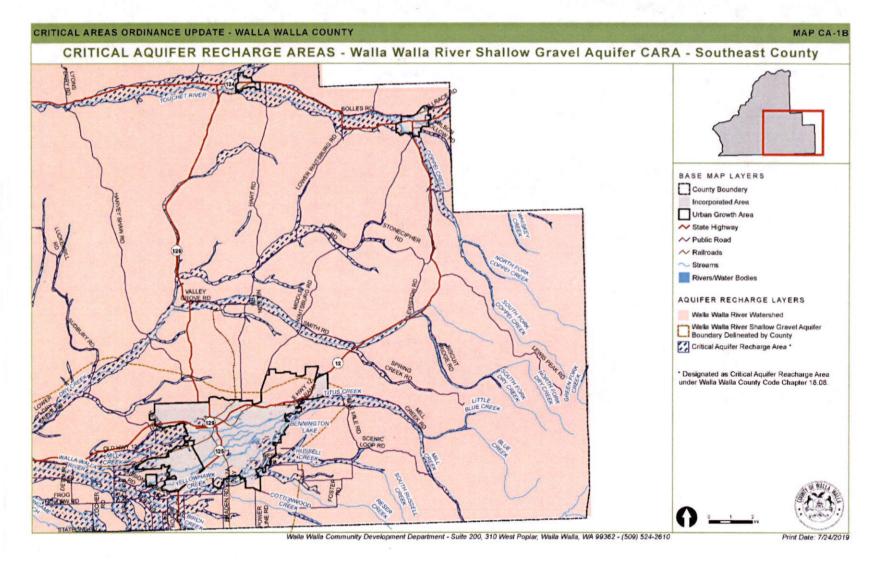


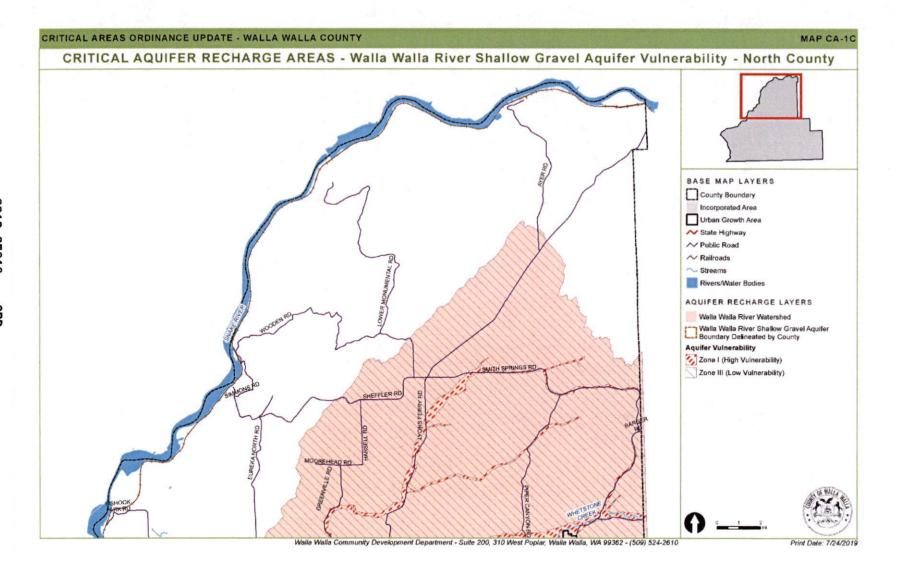
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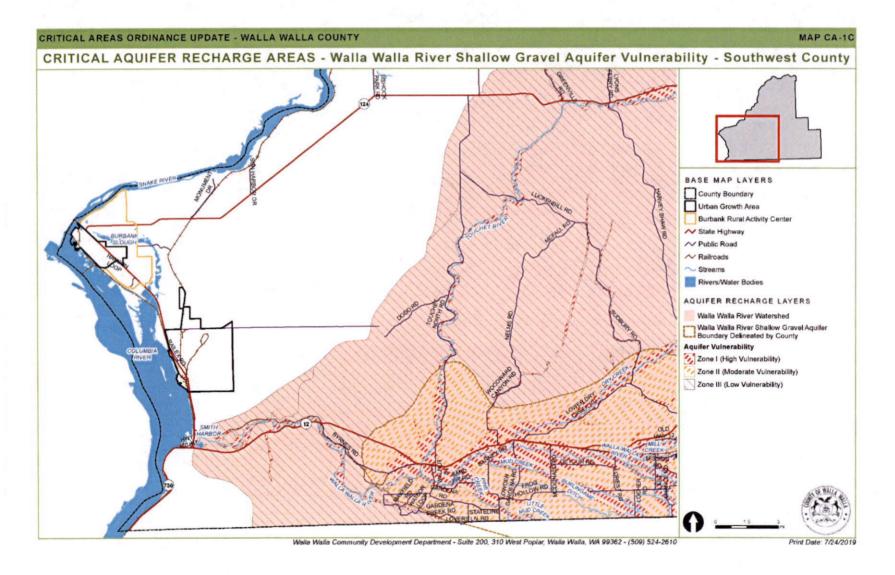


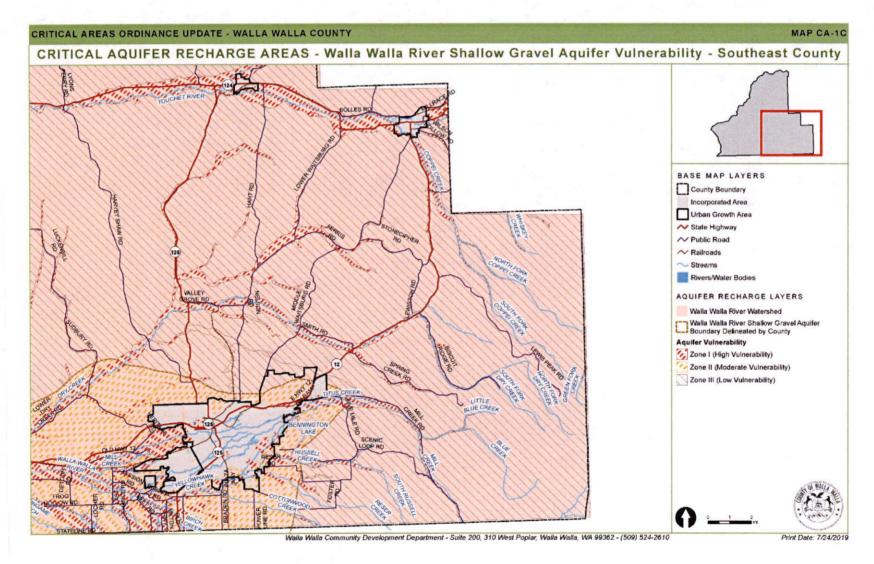


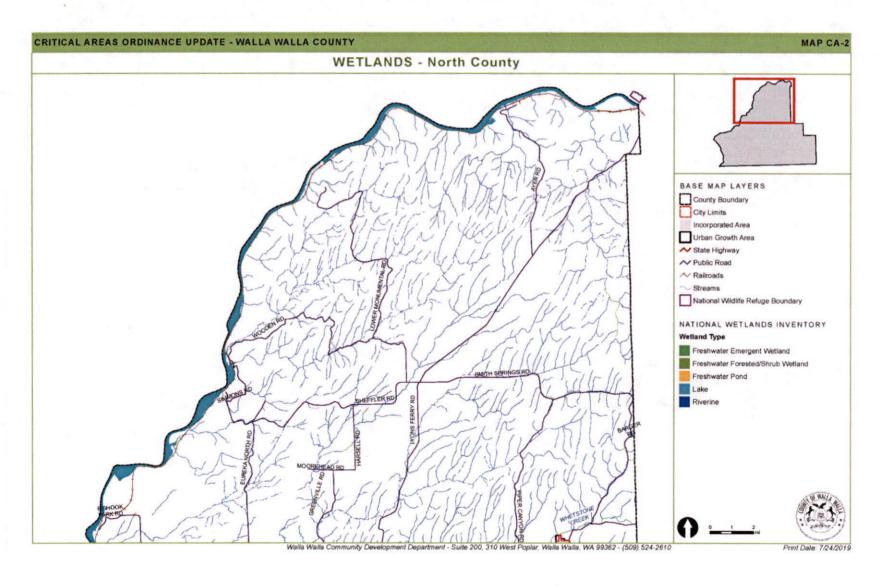




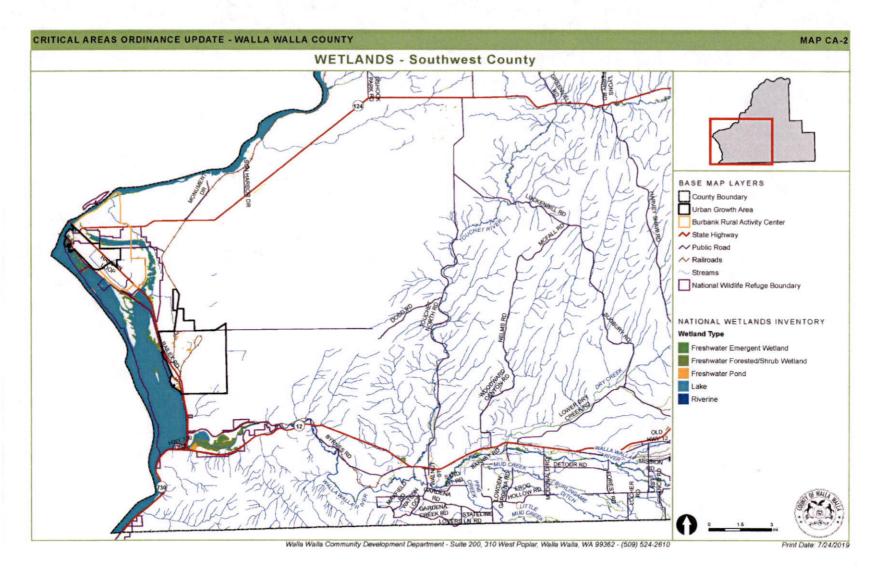


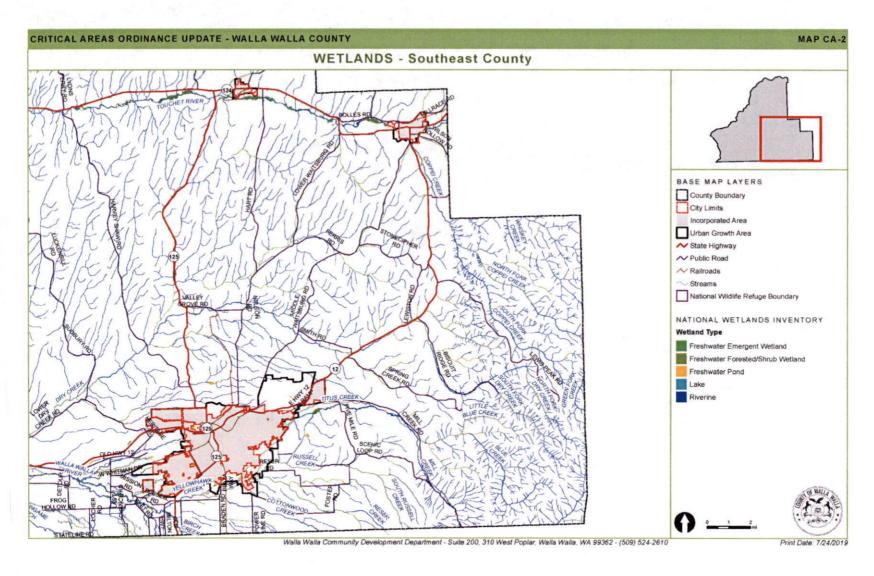


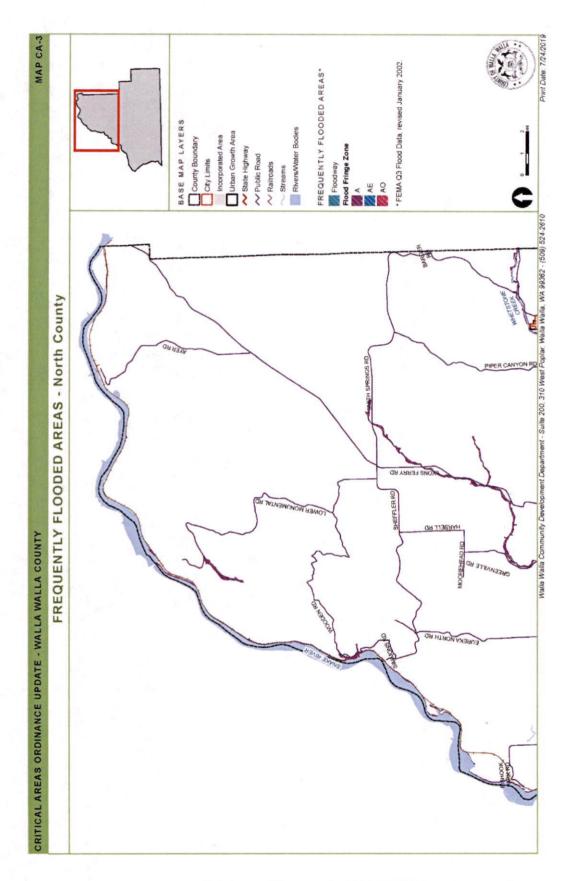




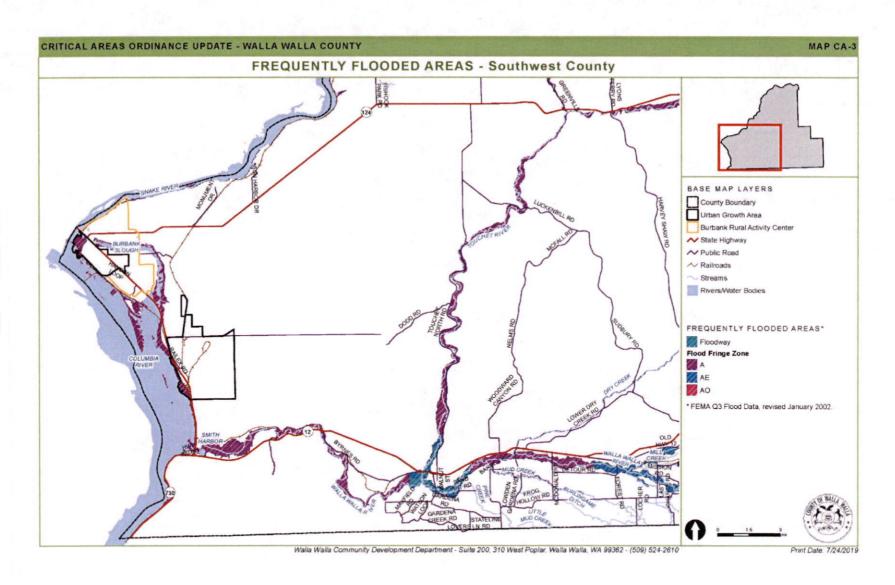
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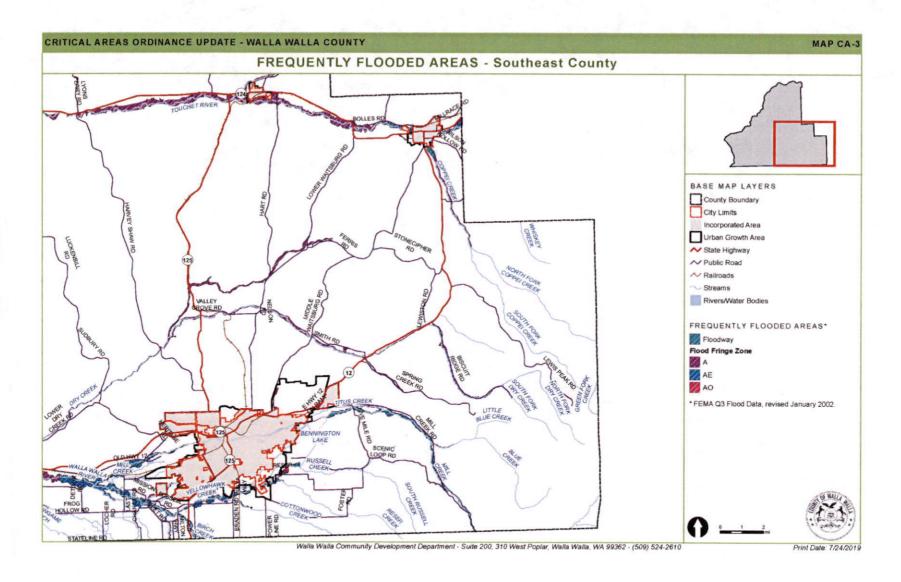


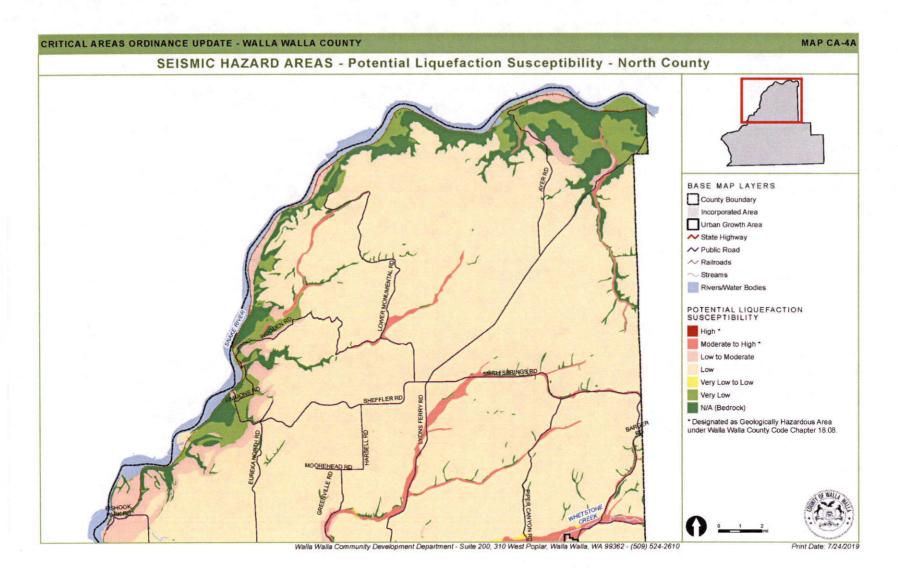


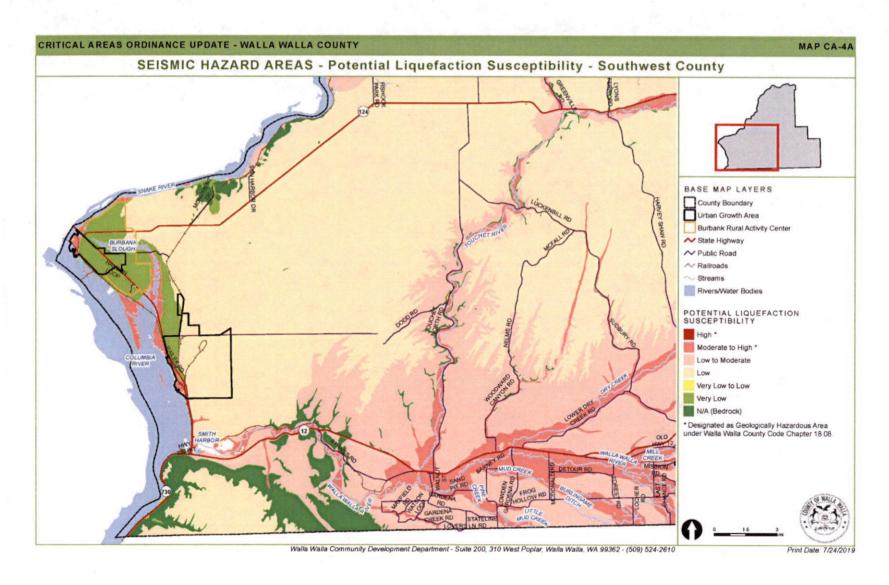


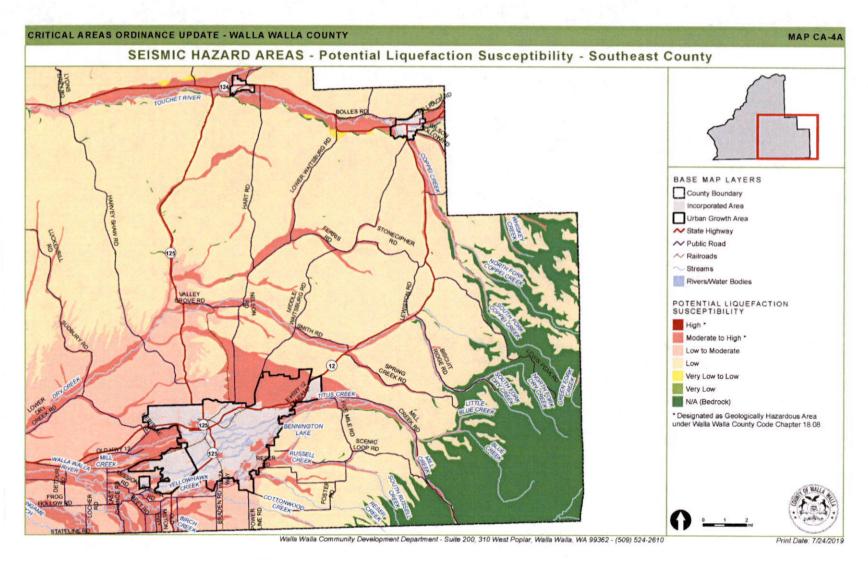
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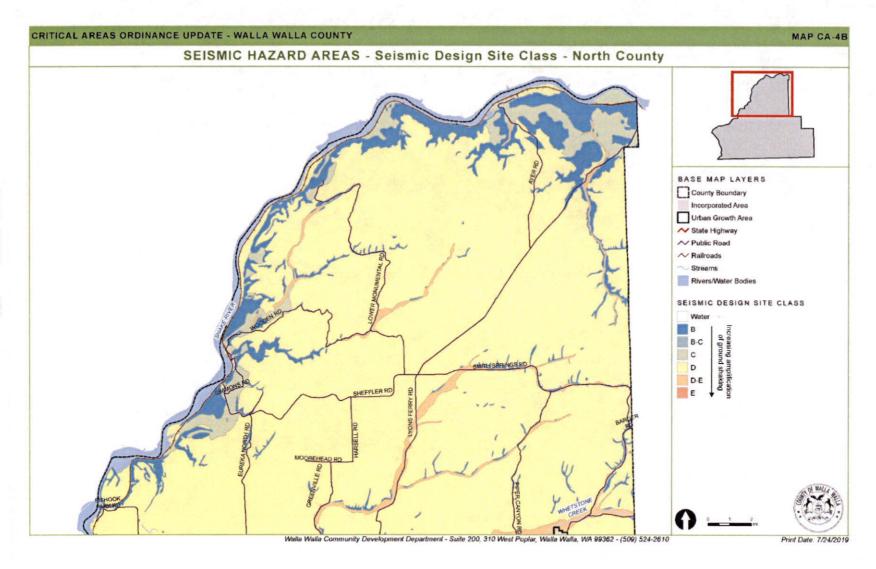


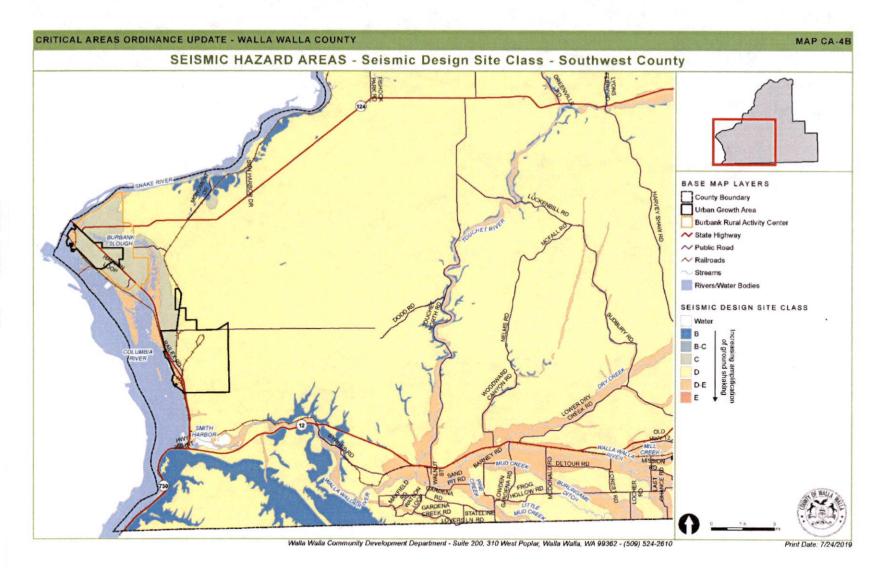


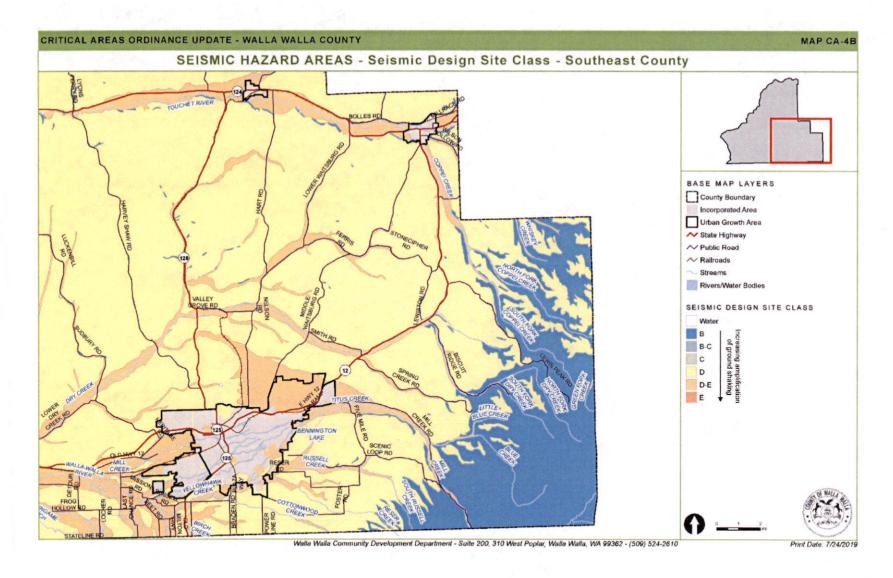


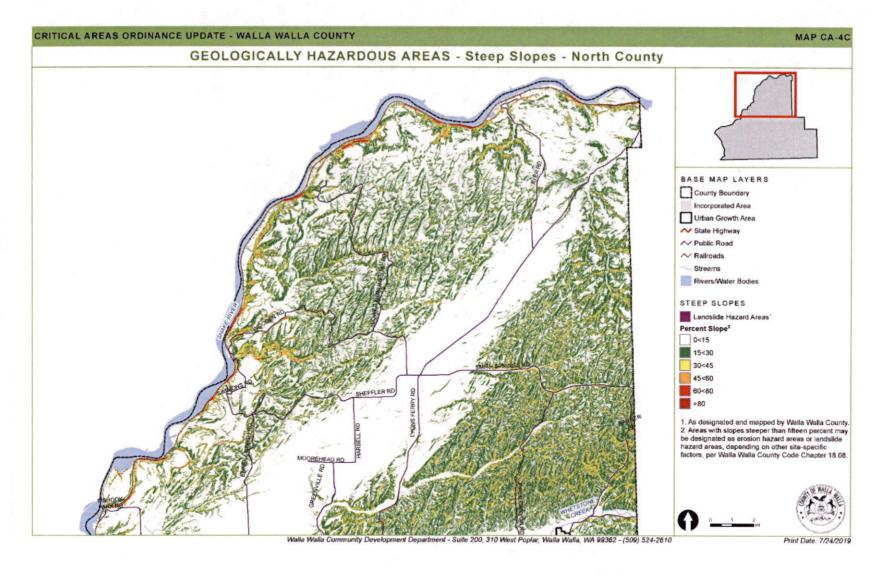




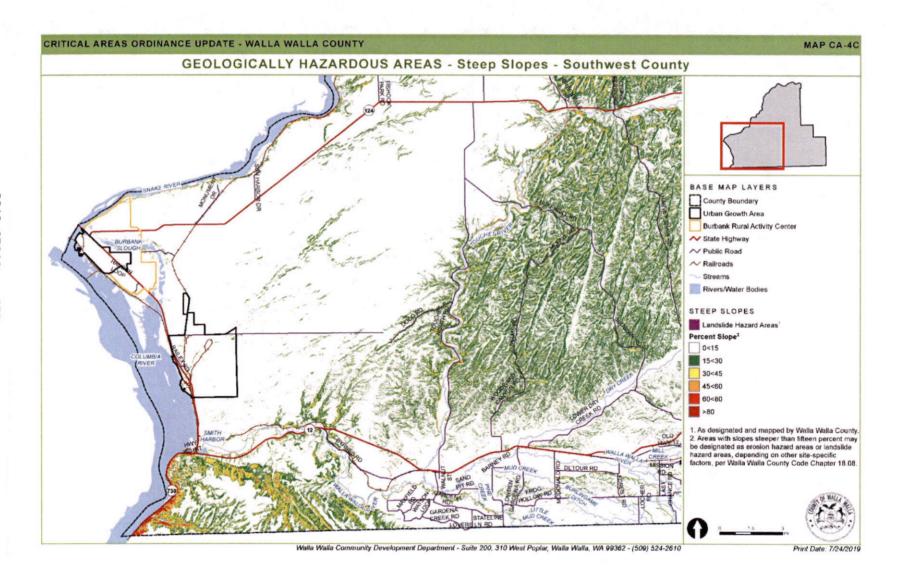


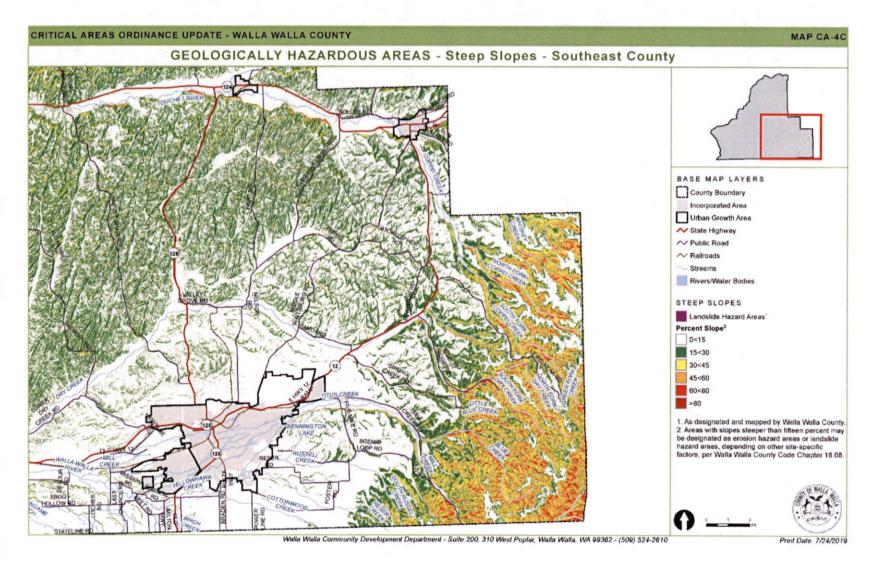


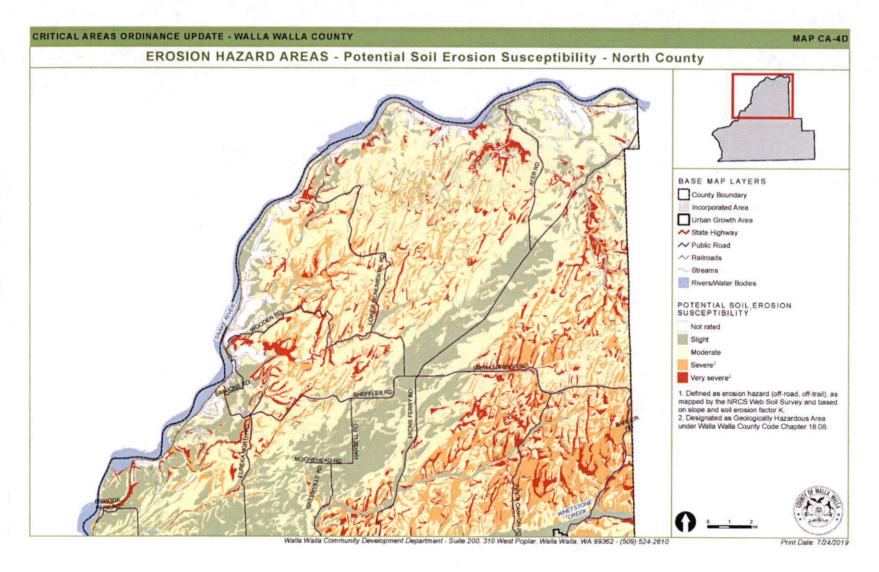


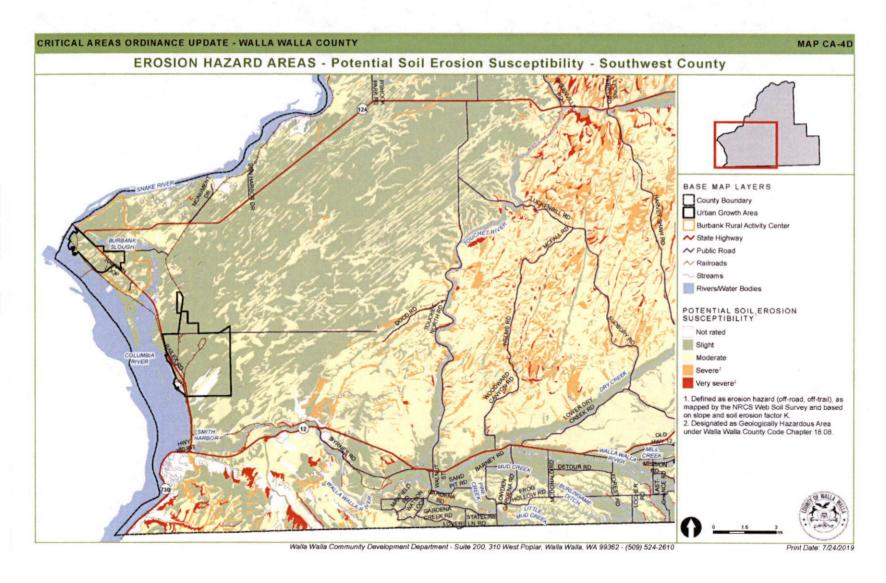


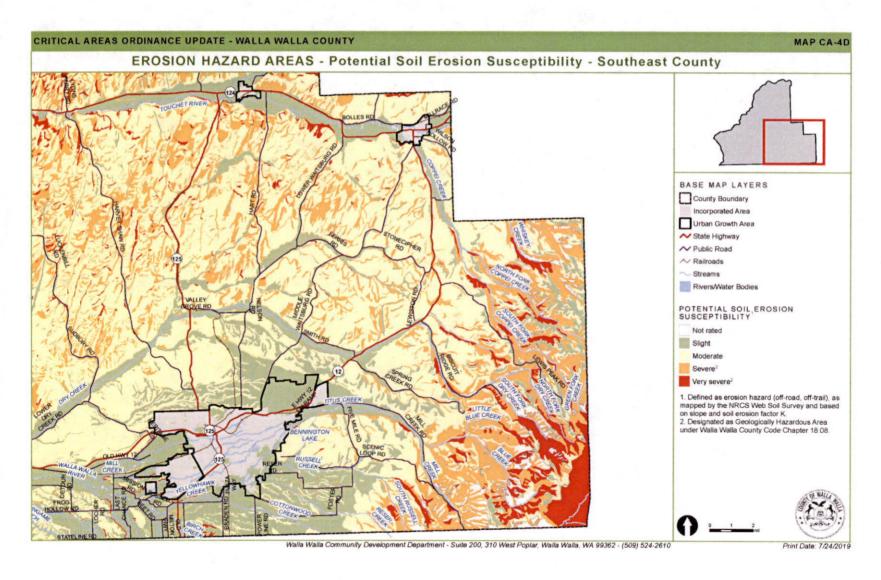
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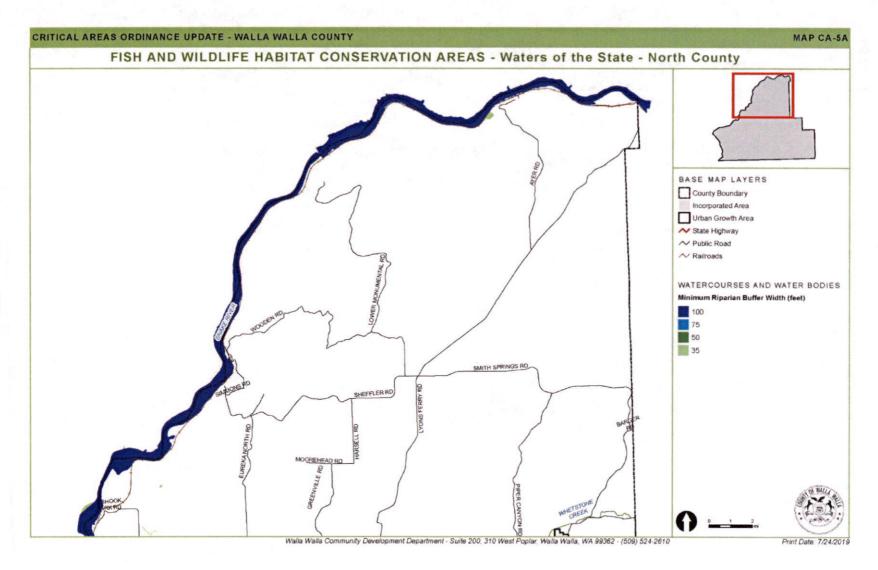




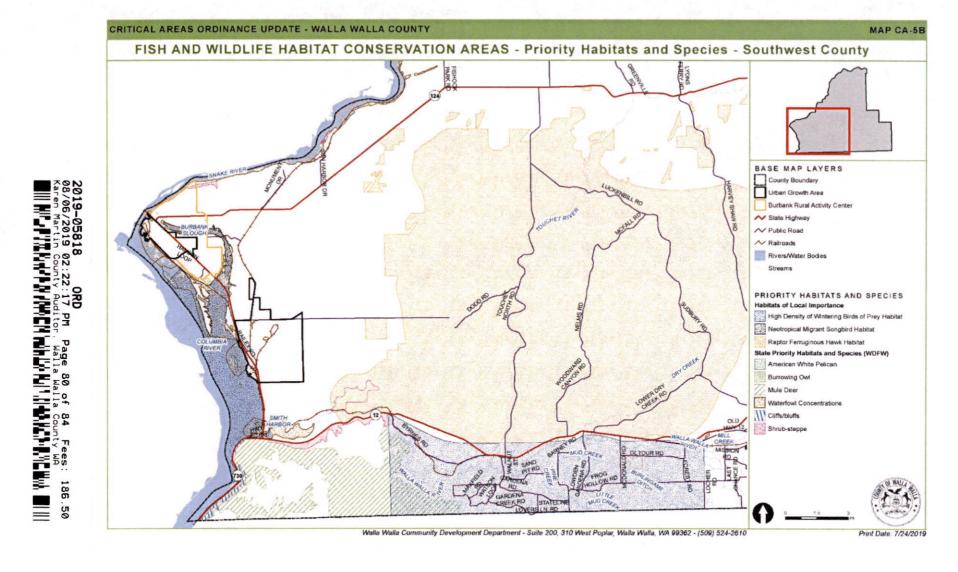




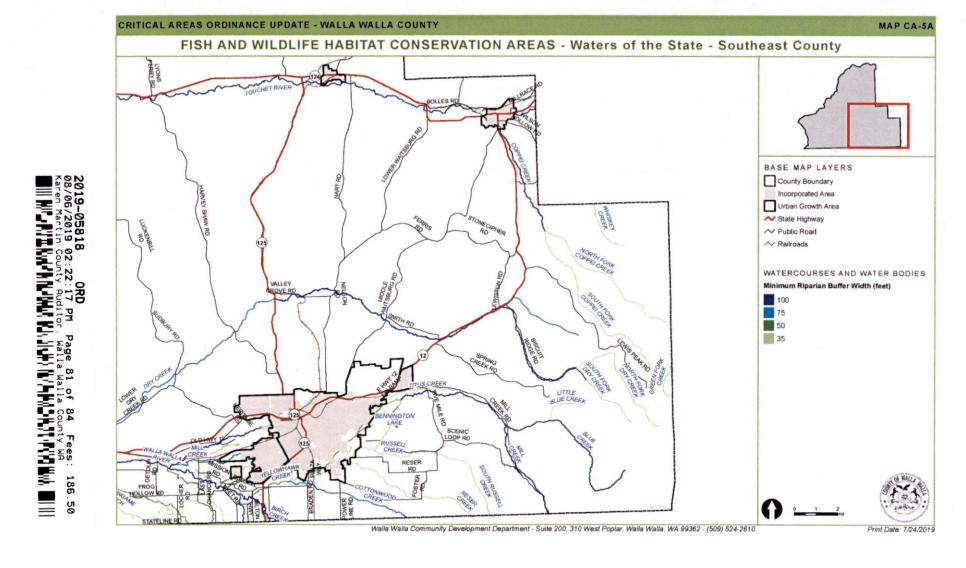




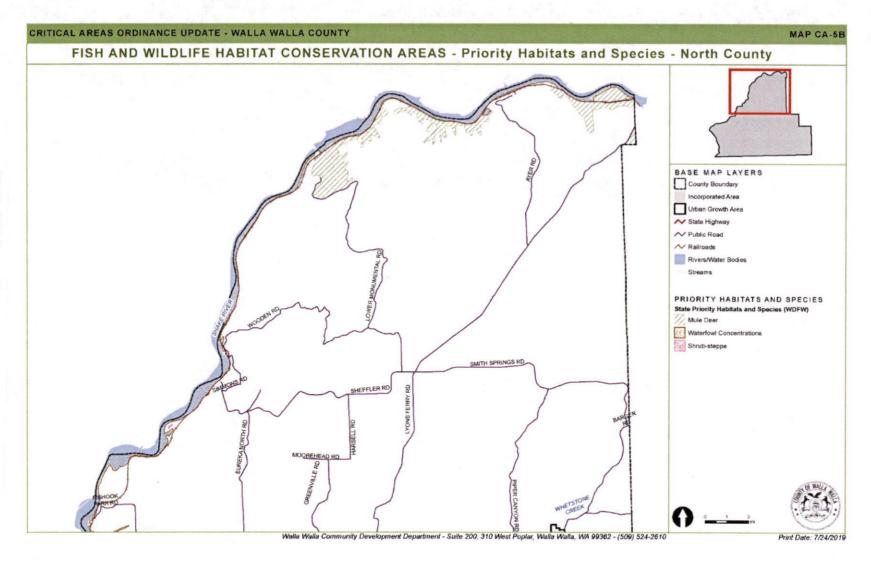
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