

A G E N D A
WALLA WALLA COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 17, 2014

9:30

COUNTY COMMISSIONERS

Chairman Johnson

All matters listed within the Consent Agenda have been distributed to each County Commissioner for review and are considered routine. The Consent Agenda will be approved by one motion of the Board of County Commissioners with no separate discussion. If separate discussion is desired on a certain item, that item may be removed from the Consent Agenda at the request of a Commissioner, for action later.

- a) Roll call and establish a quorum
- b) Declarations re: conflict of interest
- c) Pledge of Allegiance
- d) Public comment period (time limitations may be imposed)

PLEASE NOTE: *If you wish to address the Commission, please raise your hand to be recognized by the Chair. When you have been recognized, please step up to the microphone and give your name and address before your comments. The Walla Walla County Commissioners are committed to maintaining a meeting atmosphere of mutual respect and speakers are encouraged to honor this principle. (An individual may request to address the board at a later time on the agenda, if time permits, by contacting the Clerk of the Board at least 24 hours prior to the meeting.) Thank you.*

e) Action Agenda Items:

- 1) Review submitted Employee Payroll Action Forms

f) Public Hearings:

- 1) To consider amendments to the 2014 County Budget
- 2) To consider a levy of a special assessment for the reimbursement of the cost of removing and abating nuisances at 2344 Old Milton Highway and to defray the cost thereof, and action connected therewith

g) Action Agenda Items:

- 1) Resolution _____ - Amendments to the 2014 Walla Walla County Budget
- 2) Resolution _____ - Levy of a special assessment for reimbursement of the cost of removing and abating nuisances and to defray the cost thereof, and action connected therewith Pages 2-4
- 3) Proposal 2014 11-12 LTAC-1 (Lodging Tax Advisory Committee) - Recommendations to Board of County Commissioners for approval of 2015 tourism grant awards Pages 5-7

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

**A MATTER REGARDING LEVY
OF A SPECIAL ASSESSMENT
FOR REIMBURSEMENT OF THE
COST OF REMOVING AND
ABATING NUISANCES AND TO
DEFRAY THE COST THEREOF,
AND ACTION CONNECTED
THEREWITH**

RESOLUTION NO.

WHEREAS, Walla Walla County is organized under Title 36 of the Revised Code of Washington (RCW); and

WHEREAS, Article 11, section 11, of the Washington State Constitution provides that Walla Walla County "may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws;" and

WHEREAS, Walla Walla County is authorized by RCW 36.32.120(10) to prevent, remove and abate nuisances at the expense of the parties creating, causing or committing the nuisances and to levy special assessments on the land or premises on which nuisances are situated to defray the cost or reimburse for the cost of abating such nuisances; and

WHEREAS, the Walla Walla Joint Community Development Agency (WWJCDA) issued a Notice of Violation and Order on July 17, 2013 requiring that, due to habitability issues, including no running water, the residence at 2344 Old Milton Highway, Walla Walla WA must be vacated. No appeal of the Notice of Violation was filed, the property was posted, and the property was vacated; and

WHEREAS, on June 17, 2014 the WWJCDA issued a second Notice of Violation, regarding excess debris in violation of Walla Walla County Code Chapter 8.24, the house being unsecured in violation of the International Fire Code, and overgrown vegetation in violation of Walla Walla County Code Chapter 8.24; and

WHEREAS, on July 29, 2014, Mr. Ramon Zamora, whose club, Zap Boxing Club and Youth Center, was quitclaimed the property in 2009 and is listed as the owner in Walla Walla County's Tax Records, returned a signed form consenting to the County entering and abating any nuisance conditions, and consenting to the County levying a lien on the property; and

WHEREAS, Walla Walla County Code 8.24.030 B states that "With owner consent, and after approval by the board of county commissioners, the county may enter unsecured property and may remove, abate, or correct any condition that is a violation of this chapter" and that "In the event of any abatement proceedings, judicial or otherwise, in accord with RCW 36.32.120(10) the board of county commissioners may levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes;" and

WHEREAS, on August 8, 2014, Walla Walla County, after approval by the Board of County Commissioners, issued a call for bids utilizing the County Small Works Roster for a contractor to 1) secure all buildings on the property, 2) remove all garbage and debris on the property, and 3) abate all tall weeds and grass on the property; and

WHEREAS, on August 15, 2014, Harry Johnson Plumbing and Excavation submitted a bid for each of the three abatement projects; and

WHEREAS, on September 15, 2014, the County contracted with Harry Johnson Plumbing and Excavation to complete the three abatement projects, with a total project cost of \$13,544.02; and

WHEREAS, the nuisances at the site were removed and abated at public expense at a cost of \$13,544.02; and

WHEREAS, the Board of Commissioners of Walla Walla County met at an open public meeting on November 17, 2014 after giving proper notice and conducted a hearing upon this matter; and

WHEREAS, the Board of Walla Walla County Commissioners finds that good government and the best interests of the citizens of the County will be served by passage of this resolution levying a special assessment, now therefore,

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

Section 1: The Board of Walla Walla County Commissioners finds that nuisances were removed and abated that were situated on the following described land and/or premises at a public cost of thirteen thousand, five hundred and forty four dollars and two cents (\$13,544.02):

Beginning at a point in the South line of the Northeast Quarter of the Southeast Quarter of Section 2 in Township 6 North of Range 35, East of the Willamette Meridian, which point is 5.74 feet, measured along said South line from the center of Southeast Quarter of said Section and running thence East, along said South line 100.00 feet; thence North 668.22 feet, more or less, to the North line of the Southwest quarter of the Northeast quarter of the Southeast Quarter of said Section; thence West along said North line 100.00 feet; thence South 668.22 feet, more or less, to the point of beginning, Subject to the existing road on the South.

All situated in the State of Washington, Walla Walla County.

Assessor's Property Tax Parcel/Account number: 350602410017

Section 2: The Board of Walla Walla County Commissioners finds that the land and/or premises described in section 1 herein was specially benefitted by the removal and abatement of nuisances by an amount of at least thirteen thousand, five hundred and forty four dollars and two cents (\$13,544.02).

Section 3: The Board of Walla Walla County Commissioners finds that the thirteen thousand five hundred and forty four dollars and two cents (\$13,544.02) expended to remove and abate nuisances from the land and/or premises described in section 1 herein was expended in accord with Walla Walla County Code 8.24.030 B regarding prevention, removal and abatement of nuisances.

Section 4: The Board of Walla Walla County Commissioners hereby levies a special assessment in accordance with RCW 36.32.120(10) in the amount of thirteen thousand, five hundred and forty-four dollars and two cents (\$13,544.02) against the land and/or premises described in section 1 herein.

Section 5: The special assessment levied by section 4 herein shall be immediately due and payable, and shall be deemed delinquent if not paid in full before December 1, 2014. Interest shall accrue and become immediately due and payable upon the special assessment levied by section 4 herein commencing on December 1, 2014 at a rate of twelve percent (12%) per annum, simple interest, computed monthly on the full amount unpaid from December 1, 2014 until paid. Any payments shall be applied first to accrued interest.

Section 6: The Chairman of the Board of Walla Walla County Commissioners is hereby authorized to execute an instrument memorializing the special assessment hereby levied to be recorded in the land records of Walla Walla County.

Section 7: The Walla Walla County Prosecuting Attorney and all other County Officials are hereby authorized to take any and all action necessary to collect the special assessment levied by section 4 herein and interest thereon imposed by section 5 herein.

Section 8: If any portion of this resolution shall be determined to be invalid or ineffective by a court of competent jurisdiction, it shall be severable from the remainder, the validity and effectiveness of which shall be unaffected.

"Passed this **17th day of November, 2014** by Board members as follows: ☐ Present or ☐ Participating via other means, and by the following vote: ☐ Aye ☐ Nay ☐ Abstained ☐ Absent."

Attest:

Connie R. Vinti, Clerk of the Board

James K. Johnson, Chairman, District 1

Perry L. Dozier, Commissioner, District 2

Gregory A. Tompkins, Commissioner, District 3

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



MEMO

Date: 11/12/14

Proposal ID: 2014 11-17 LTAC-1

To: BOCC

From: Walla Walla County Lodging Tax Advisory Committee (LTAC)

Intent – Request Board of County Commissioners approval for funding from lodging tax proceeds for projects identified below.

Topic – Lodging Tax Advisory Committee

Summary

The Lodging Tax Advisory Committee (LTAC) met Tuesday, October 14, 2014 to review the nine applications received for 2015 grant funds. Subsequently on October 23 it was found that an application had been delivered to the former county commissioners' offices in the courthouse. The date of submission deemed it timely to meet the deadline. An email was sent to the LTAC. The members agreed to consider this application, and held a special meeting on November 12 to review.

The committee recommends the following awards: (see attached memo)

Recommendation for Tourism Fund Grant Program

Organization	Requested	Funding recommended
Walla Walla Valley Wine Alliance		\$12,500
Downtown Walla Walla Foundation		\$8,500
Chamber Business Summit		\$6,000
Walla Walla Chamber Music		\$5,000
City of Waitsburg		\$5,000
Waitsburg Commercial Club		\$3,500
Walla Walla Valley Quilt Festival		\$2,500
Friends of the Pioneer Park Aviary		\$875
Daily Market Cooperative		\$750
Kirkman House and Fort Walla Walla		\$5,000
		Total: \$49,625

Cost

See amount recommended above.

Funding

Lodging Tax Funds

Alternatives Considered

N/A

Acquisition Method

N/A

Security

N/A

Access

N/A

Risk

N/A

Benefits

Conclusion/Recommendation

Recommend BOCC approve recommendations presented by the Walla Walla County Lodging Tax Advisory Committee.

Submitted By

Disposition

WW County Lodging Tax Advisory Committee

___ Approved

Name Department Date

___ Approved with modifications

___ Needs follow up information

Signature

___ Denied

BOCC Chairman

Date

Additional Requirements to Proposal

___ Modification

___ Follow Up



WALLA WALLA COUNTY LODGING TAX ADVISORY COMMITTEE

(Members: Alan Fielding, Cameo Heights Mansion; Walt Gobel, City of Waitsburg; Cory Hewitt, County Fairgrounds Manager; County Commissioner Jim Johnson; Karen Yager, Park Place Guest House)

To: Walla Walla County Commissioners

From: County Lodging Tax Advisory Committee

Date: November 12, 2014

Re: Recommendations for 2015 Tourism Fund Grants

In keeping with a previously established schedule, the County Lodging Tax Advisory Committee (LTAC) met October 14, 2014 to review the seven applications received. Each member received the applications earlier, so they had reviewed them and prioritized each. Requests for 2015 totaled \$64,000 and \$45,000 was allocated to grants. A consensus recommendation from LTAC to the Board of County Commissioners was approved.

Subsequently on October 23 it was found that an application had been delivered to the former county commissioners' offices in the courthouse. The date of submission deemed it timely to meet the deadline. An email was sent to the LTAC. The members agreed to consider this application. At a special meeting, the LTAC recommended funding be granted to Kirkman House and Fort Walla Walla in the amount of \$5,000, from fund reserves set aside for special events.

Final consensus recommendations from LTAC to be made to the Board of County Commissioners:

Recommendations for Tourism Fund Grant Program for 2015 events

Organization	Requested	Funding recommended
Walla Walla Valley Wine Alliance		\$12,500
Downtown Walla Walla Foundation		\$8,500
Chamber Business Summit		\$6,000
Walla Walla Chamber Music		\$5,000
City of Waitsburg		\$5,000
Waitsburg Commercial Club		\$3,500
Walla Walla Valley Quilt Festival		\$2,500
Friends of the Pioneer Park Aviary		\$875
Daily Market Cooperative		\$750
Kirkman House and Fort Walla Walla		\$5,000
		Total: \$49,625

COUNTY COMMISSIONERS (continued)

g) Action Agenda Items (continued)

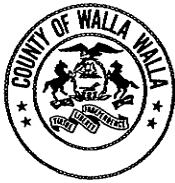
- 4) Proposal 2014 11-12 LTAC-2 - Recommendation to Board of County Commissioners for approval of payment of 2014 Fair out of area advertising expenses (from lodging tax proceeds set aside for tourism promotion) Pages 9-11

- 5) Ordinance No. 425 - Relating to recreational marijuana land uses; modifying Walla Walla County Code Chapter 17.16.010 to prohibit land uses relating to recreational marijuana, including, but not limited to, production, processing, storage and retail sale of recreational marijuana and recreational marijuana-derived products Pages 12-18

h) Consent Agenda Items:

- 1) Resolution _____ - Minutes of County Commissioners' sessions of November 3 and 4; special meetings of November 7 and November 13; and cancelled sessions of November 10 and 12, 2014
- 2) Resolution _____ - Proclaiming November 15-23, 2014 as National Hunger and Homelessness Awareness Week Page 19
- 3) County warrants as follows: 4157959 totaling \$20,751.90 (draw taxes)
- 4) Payroll action and other forms requiring Board approval

- i) Miscellaneous business to come before the Board
- j) Review reports and correspondence; hear committee and meeting reports
- k) Review of constituent concerns/possible updates re: past concerns



MEMO

Date: 11/12/14

Proposal ID: 2014 11-17 LTAC-2

To: BOCC

From: Walla Walla County Lodging Tax Advisory Committee (LTAC)

Intent – Request Board of County Commissioners approval for payment of 2014 Fair out of area advertising expenses for tourism promotion intended to encourage overnight lodging stays

Topic – Lodging Tax Advisory Committee recommendation

Summary

Walla Walla County has a Lodging Tax Advisory Committee in place pursuant to RCW 67.28. In 2006, that committee reached a series of decisions regarding the distribution of lodging tax (hotel-motel) proceeds to promote tourism activities in the county that encouraged overnight lodging stays. (Copy of the decisions document attached.) In addition and as part of those decisions, it was determined that the Walla Walla County Fairgrounds, which grounds are owned by the county (municipality), is a tourism-related facility eligible to receive an allocation of the lodging tax revenues/proceeds, pursuant to RCW 67.28.180 and 181 and Attorney General Opinions (AGO) AGO 2006 No. 4 and AGO 2000 No. 9.

The County Lodging Tax Advisory Committee (LTAC) met Wednesday, November 12, 2014 for a special meeting. The County Fairgrounds provided a request and backup regarding expenditures for out of area advertising expenses incurred to promote attendance at the Walla Walla Fair and Frontier Days, held annually on the fairgrounds and a major tourism attraction. The LTAC approved the expenditures from the Fairgrounds portion of funds in the amount of \$15,093.12, subject to final approval of the Board of County Commissioners.

Cost

\$15,093.12

Funding

Lodging Tax Funds (Fund 10500 Hotel/Motel Tax)

Alternatives Considered

N/A

Acquisition Method

N/A

Security

N/A

Access

N/A

Risk

N/A

Benefits

Conclusion/Recommendation

Recommend BOCC approve recommendations presented by the Walla Walla County Lodging Tax Advisory Committee.

Submitted By

Disposition

WW County Lodging Tax Advisory Committee

☐ Approved

Name Department Date

☐ Approved with modifications

☐ Needs follow up information

Signature

☐ Denied

BOCC Chairman

Date

Additional Requirements to Proposal

☐ Modification

☐ Follow Up

Walla Walla County Lodging Tax Advisory Committee

Consensus decisions reached as of end of October 17, 2006 meeting

Decisions reached:

- Broad based approach
- Will cover government, non-profit, and not-for-profit organizations.
- Funding: Principal will be allotted for distribution, retaining a percentage for the Walla Walla County Fairgrounds, setting aside a percentage as a reserve (with this reserve to be supplemented until a certain dollar amount is achieved), then applications submitted will be considered for funding from the remaining monies.
- Consensus was that the county fairgrounds is the only thing that meets the AGO for funding of operations, as it is a municipality-owned tourism-related facility.
- Reserve - \$10,000 is the amount arrived at.
- How much should go to reserves from collections coming in - Consensus: 10% is good.
- What % to be retained for the fairgrounds – determined 40% of taxes collected as a starting point.
- Re: reserves and setting up format for usage for future collections: Consensus reached was look at up to December, 2006 = reserves, could be \$33,000-\$34,000. Future = 2007 on.
- Formula:

From 2006 Balance:

33% to Reserves
16% to Fairgrounds
50% for Grants

From future collections:

10% to Reserves
40% to Fairgrounds
50% to Grants

- Consensus on possible cap on reserves: Have flexibility to recommend expenditures from and review reserve amount and collections annually.
- If Tourism Walla Walla wants funds, they have to apply and present specifics as to a project. Also, there must be a plan for and report of expenditures from funds set aside for fairgrounds.
- Approve application/grant form.
- Establish timelines for application, review, recommendations to BOCC, etc.
- Report to BOCC in February.

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

ORDINANCE NO. 425

AN ORDINANCE RELATING TO RECREATIONAL MARIJUANA LAND USES; MODIFYING WALLA WALLA COUNTY CODE CHAPTER 17.16.010 TO PROHIBIT LAND USES RELATING TO RECREATIONAL MARIJUANA, INCLUDING, BUT NOT LIMITED TO, PRODUCTION, PROCESSING, STORAGE AND RETAIL SALE OF RECREATIONAL MARIJUANA AND RECREATIONAL MARIJUANA-DERIVED PRODUCTS.

WHEREAS, the Washington voters approved Initiative 502 (I-502) in 2012, which “authorizes the state liquor control board to regulate and tax marijuana for persons twenty-one years of age and older, and add a new threshold for driving under the influence of marijuana” (I-502, Sec. 1(3)); and

WHEREAS, marijuana is currently listed as a Schedule I Controlled Substance of the Controlled Substances Act, 21 USC 812; and

WHEREAS, I-502 allows the Washington State Liquor Control Board to license marijuana producers “to produce marijuana for sale at wholesale to marijuana processors and other marijuana producers” (I-502, Sec. 4(1)); and

WHEREAS, I-502 allows the Washington State Liquor Control Board to license marijuana processors to “process, package and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers” (I-502, Sec. 4(2)); and

WHEREAS, I-502 allows the Washington State Liquor Control Board to license marijuana retailers to “sell usable marijuana and marijuana-infused products at retail in retail outlets” (I-502, Sec. 4(3)); and

WHEREAS, under I-502, before the Washington State Liquor Control Board issues a new or renewed license to an applicant, it must give notice of the application to the county legislative authority, and a county has the right to file its written objections to such license within 20 days after transmittal of the notice of application, but the Liquor Control Board makes the final decision whether to issue a license (I-502, Sec. 6 (7)); and

WHEREAS, Walla Walla County enacted Ordinance 415 on September 16, 2013, which placed a moratorium on the acceptance or issuance of project permits for recreational marijuana producers, processors and retailers, (Section II, B, 1-3); and

WHEREAS, Ordinance 415 enacted interim zoning that stated that marijuana production, marijuana processing and marijuana retailing shall not be considered permitted or allowed uses in unincorporated Walla Walla County during the pendency of the Ordinance (Section II, B, 4); and

WHEREAS, Ordinance 415 was in effect for a period of one year; and

WHEREAS, Article XI, Section 11 of the Washington State Constitution provides that “[a]ny county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws,” which includes zoning regulations; and

WHEREAS, the Washington State Attorney General issued an opinion on January 16, 2014, that provided that a zoning regulation that prohibits recreational marijuana land uses and “promotes public safety, health, or welfare and bears a reasonable and substantial relation to accomplishing the purpose pursued,” would be a legitimate exercise of police power and would not be preempted by I-502; and

WHEREAS, pursuant to Walla Walla County Code 14.15.030, the Board of County Commissioners may amend development regulations more often than once a year, outside of the docketing process, as determined by a majority vote of the Board of County Commissioners to be in the long term interests of the County;

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 and Conclusions of Law.

A. Findings of Fact.

1. I-502 decriminalizes, for purposes of state criminal law, the production, manufacture, processing, packaging, delivery, distribution, sale or possession of marijuana, as long as such activities are in compliance with I-502.
2. The Liquor Control Board’s June 3, 2013 SEPA environmental checklist stated: “[T]he odor of growing or ‘green’ marijuana may alert malefactors to the location where marijuana is grown and creating [sic] the risk of burglary and robbery at that location.” (SEPA Environmental Checklist, page 4).
3. The Liquor Control Board’s June 3, 2013 SEPA environmental checklist stated: “Due to the high monetary value placed upon marijuana, areas can experienced [sic] a number of home invasion robberies, thefts and murders related to marijuana cultivation, which impacts local law enforcement.” (SEPA Environmental Checklist, page 6).

4. The Liquor Control Board's SEPA environmental checklist stated: "The [Liquor Control Board] does not believe the proposal conflicts with local, state or federal law or requirements for the protection of the environment." (SEPA Environmental Checklist, page 6). The Board of County Commissioners does not agree with this analysis of federal law.

5. On August 29, 2013, the U.S. Department of Justice issued a memorandum to all United States Attorneys, regarding "Guidance Regarding Marijuana Enforcement." The document was intended to "provide guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA)." The memorandum noted that:

The Department's Guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice.

The memorandum further noted that:

As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances.

The memorandum also stated the following enforcement priorities were important to the federal government:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

6. In January of 2014, the County contracted with Stalzer and Associates to review recreational marijuana land uses.
7. In January of 2014, the Board of County Commissioners adopted a work plan and project principles for enacting recreational marijuana land use regulations.
8. The project principles adopted by the Board noted that the County Planning Commission was to review which zones recreational marijuana land uses should be permitted in, and whether additional regulations, such as Conditional Use Permits, were necessary.
9. The project principles adopted by the Board stated that, after receiving the County Planning Commission's recommendation, the Board would additionally consider whether an outright ban on recreational marijuana land uses, or a prohibition on recreational marijuana land uses until such uses are allowed by Federal Law, were a preferred option to the zoning options set forth above.
10. During the County Planning Commission review, County Sheriff John Turner submitted testimony regarding the potential adverse impacts to County law enforcement services.
11. Stalzer and Associates, on behalf of the County, prepared proposed code amendments that were reviewed by the County Planning Commission at workshop held on May 7, 2014.
12. A public hearing was held before the County Planning Commission on June 4, 2014, and that body adopted recommendations to be made to the Walla Walla County Board of Commissioners regarding possible code amendments.
13. The Board of County Commissioners reviewed the County Planning Commission's recommendations and other information regarding land use regulations/zoning for production, processing, and retail marketing of recreational marijuana relative to I-502 in a public workshop held July 29, 2014.
14. On August 6, 2014, the Department of Commerce acknowledged receipt of the proposed amendments recommended by the County Planning Commission.
15. On August 6, 2014, the Walla Walla Walla Joint Community Development Agency issued a SEPA Determination of Non-Significance for the proposed amendments to Chapter 17.16. No appeal was received.
16. On August 21, 2014, the Tri-City Herald, the Waitsburg Times and Walla Walla Union-Bulletin published a public hearing notice for the Board of County Commissioners' September 2, 2014 hearing. The notice of public hearing noted that among other options, the Commissioners would discuss a prohibition of recreational marijuana land uses as an option, and the extension of the moratorium and interim zoning under Ordinance 415 as an option.
17. The Board held a public hearing on September 2, 2014. After receiving public comment, the Board voted to enact a permanent prohibition of land uses engaged in the production, processing or retail sale of marijuana, and to extend Ordinance 415.

18. On September 8, 2014, the Board enacted Ordinance 424, which extended Ordinance 415's moratorium and interim zoning regulations for an additional 63 days, until November 18, 2014.

19. On October 15, 2014, Stalzer and Associates submitted a memo with proposed amendments to Walla Walla County Code Chapter 17.16 that would prohibit recreational marijuana land uses in unincorporated Walla Walla County.

20. On October 21, 2014, the Walla Walla Joint Community Development Agency issued a SEPA Determination of Non Significance for the proposed amendments to Chapter 17.16. No appeal was received.

21. On October 21, 2014, the Department of Commerce acknowledged receipt of the proposed amendments recommended by Stalzer and Associates. On November 5, 2014, the Department of Commerce granted expedited review.

22. On October 23, 2014, the Tri-City Herald, the Waitsburg Times and Walla Walla Union-Bulletin published a public hearing notice for the Board of County Commissioners' November 3, 2014 hearing.

23. The Board of County Commissioners held an additional public hearing on November 3, 2014, to consider enactment of amendments to Walla Walla County Code Chapter 17.16.

24. Testimony at the Board's public hearings was mixed in favor and against allowing recreational marijuana land uses. At the Board's hearing on November 3, 2014, most of the testimony supported prohibiting recreational marijuana land uses.

25. On November 3, 2014, the Board of County Commissioners approved, by motion, the enactment of amendments to Title 17.16 to prohibit land uses connected with the production, processing and sale of recreational marijuana.

B. Conclusions of Law:

1. Prior to 2013, the uses described in I-502 and the Liquor Control Board's Rules have never been allowed in any state or city in the United States, although some local governments have adopted ordinances allowing such uses in the past year. Legalized marijuana has not been allowed in Colorado or Washington long enough for a clear documented history of impacts.

2. The Board is of the opinion that allowing recreational marijuana land uses will have a negative impact on the unincorporated areas of Walla Walla County and the agencies of Walla Walla County.

3. Due to Walla Walla County's proximity to the States of Oregon (immediately to the south) and Idaho (approximately 80 miles to the west of the County), the possibility of marijuana purchased at retail outlets in Walla Walla County crossing state lines is likely. It is unclear whether Oregon's legalization of marijuana will allow marijuana grown in the State of Washington to be transported to Oregon, although federal laws and the Department of Justice's priorities would certainly be implicated by such interstate transit.
4. There are numerous uncertainties about recreational marijuana's impacts on the public health, safety and welfare. Preventing drugged driving and the prevention of the exacerbation of other adverse public health consequences are federal priorities.
5. An increased availability of marijuana, and resulting substance abuse, will likely have a negative impact on County mental health and drug treatment services. In 2011, the County raised sales taxes to help fund these services, which are currently strained.
6. An increased availability of marijuana will likely lead to its increased availability to minors, especially through marijuana-infused products. Preventing the distribution of marijuana to minors is a federal priority.
7. Land uses related to marijuana will likely have a negative impact on County law enforcement services. Public spending priorities for County services within rural areas are to maintain or upgrade services at rural level standards to existing, not new, development (Comprehensive Plan Policy RL-13).
8. Because the impacts of recreational marijuana land uses appear to be negative, it is not possible locate those uses in areas where environmental impacts and other hazards can be controlled and separated from other incompatible land uses (County Comprehensive Plan Land Use Policy 25, Land Use Policy 27).
9. Because the impacts of recreational marijuana land uses appear to be negative, such uses cannot be sited in rural or agricultural zones, as the uses are inconsistent with a rural or agrarian atmosphere (County Wide Planning Policy 10.7).
10. Because the impacts of recreational marijuana land uses appear to be negative, such uses cannot be sited on agriculturally-designated land, as they will likely conflict with productive farmland (Policy RL-43).
11. It is unlikely that the County will have any means to ensure that any proposed production, processing or retail establishment for recreational marijuana does not violate the guidelines and priorities established by the Department of Justice. The County has no ability to ensure that "strong and effective" regulatory and enforcement systems are in place. The Board must note that the uses still remain illegal under federal law, and the current priorities of the Department of Justice do not constitute a defense against future prosecution. Because the County has no ability to create such an enforcement system that will protect "public safety, public health, and other law enforcement interests," (as stated in the Department of Justice Memorandum) the County cannot allow recreational marijuana land uses.

Section II. The following amendment to Walla Walla County Code Chapter 17.16.010 is enacted:

17.16.010 Establishment of uses.

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained. All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in unincorporated Walla Walla County. Any recreational marijuana land use including, but not limited to, production, processing, storage, and retail sale of recreational marijuana and recreational marijuana-derived products are prohibited land uses in unincorporated Walla Walla County.
(Ord. 269 (part), 2002; Ord. 312 (part), 2005; Ord. 343 §§ 1, 2, 2007)

Section III. 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 IV. Publication. This Ordinance will be published by an approved summary consisting of the title.

Section V. Effective Date and Savings. This Ordinance is effective upon signing.

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 17th day of November, 2014.

Approved this 17th day of November, 2014

Attest:

Connie R. Vinti, Clerk of the Board

James K. Johnson, Chairman, District 1

Perry L. Dozier, Commissioner, District 2

Gregory A. Tompkins, Commissioner, District 3

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

Approved as to form

Jesse D. Nolte, Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF
PROCLAIMING NOVEMBER
15-23, 2014 AS HUNGER
AND HOMELESSNESS
AWARENESS WEEK

RESOLUTION NO.

WHEREAS, for the past several years the National Coalition for the Homeless and National Student Campaign Against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week; and

WHEREAS, people from all walks of life, including families with children, employed and unemployed workers, elderly residents, veterans, disabled individuals, youth, and individuals are impacted by hunger and homelessness; and

WHEREAS, the theme of National Hunger and Homelessness Awareness Week 2014 is "Youth Homelessness", to call special attention to youth homelessness, hunger and poverty, as youth of all ages in our society and our community suffer from these needs along with adults; and

WHEREAS, the Walla Walla County Commissioners recognize that hunger and homelessness continues to be a serious problem for many youth, adults, and families in Walla Walla County; and

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they shall proclaim November 15–23, 2014 as National Hunger and Homelessness Awareness Week in Walla Walla County, and that they urge the citizens of the county to support local efforts to assist in alleviating these issues.

*"Passed this **17th day of November, 2014** by Board members as follows: ☐ Present or ☐ Participating via other means, and by the following vote: ☐ Aye ☐ Nay ☐ Abstained ☐ Absent."*

Attest:

Connie R. Vinti, Clerk of the Board

James K. Johnson, Chairman, District 1

Perry L. Dozier, Commissioner, District 2

Gregory A. Tompkins, Commissioner, District 3

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

9:45

DEPARTMENT OF COMMUNITY HEALTH

Harvey Crowder

a) Department update and miscellaneous

a) **Action Agenda Items:**

- 1) Resolution _____ - Signing
an Interlocal Cooperative Agreement
with Stevens County
- 2) Proposal 2014 11-17 TSD -
Approval to spend funds for
technology items needed for
the operation of the returning
Community Development
Department

Page 22

Pages 23-25

b) Department update and miscellaneous

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

**IN THE MATTER OF SIGNING AN
INTERLOCAL COOPERATIVE
AGREEMENT WITH STEVENS
COUNTY**

RESOLUTION NO.

WHEREAS, pursuant to RCW 39.34, local governmental units are permitted to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis on mutual advantage; and

WHEREAS, it is in the best interest of Walla Walla County to work cooperatively with other governmental agencies; now therefore

BE IT HEREBY RESOLVED, by this Board of Walla Walla County Commissioners, they do hereby enter into an Interlocal Cooperative Agreement with Stevens County for purchasing, sales, general equipment and/or services through the Department of Technology Services.

*Passed this 17th day of **November, 2014** by Board members as follows: Present or Participating via other means, and by the following vote: Aye Nay Abstained Absent.*

Attest:

Connie R. Vinti, Clerk of the Board

James K. Johnson, Chairman, District 1

Perry L. Dozier, Commissioner, District 2

Gregory A. Tompkins, Commissioner, District 3

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



MEMO

Date: November 17, 2014

Proposal ID. 2014 11-17 TSD

To: BOCC

From: Kevin Gutierrez

Intent – Decision

Topic – Permission to spend funds for return of Planning Department – CRW TrackIt Database – Computer Equipment – Server upgrade.

Summary

The planning department is due to open for business on January 2, 2015. Before that time Technology Services needs to complete a few activities that will allow for the technology portion of the business needs to succeed. We need to be ready to begin moving by December 15, 2014 to meet the deadline.

I have a proposal from CRW to complete certain tasks related to the movement of the Trackit Database, including the removal of City records.

We also have a need to purchase certain computing devices (PC's, Laptops and printers) as well as upgrading servers to house the application and the database.

This proposal seeks permission to spend certain moneys as determined by the BoCC so that we can move ahead in preparation of the move.

Cost

1 - CRW Trackit migration - \$24,502 (est, includes tax) – approval of this item will trigger the pursuit of a formal statement of work and agreement with CRW which would come before the BoCC for final approval

2 – Equipment - PC's, Laptops, at least 1 scanner (\$18,000) – Approval of this item will trigger the purchase of machines and printer as identified by Tom Glover. Includes All-In-One printer purchase

3 - Server Upgrades - \$4,000 (Max) this upgrades memory and storage as needed to move the CRW Trackit application and data to our local servers.

Total - \$46,502.00 if all are approved

Funding

Source to be determined by BoCC

Alternatives Considered

1 -CRW Trackit migration - We don't have much of a choice. This is proprietary. So if we are going to move the application over and clean the records out, we will need their help

2 - Equipment - We could wait to see what we get from the dissolved WWJCDA, in terms of PC's, but unless that is solve soon, we will be under the gun to get things set up before the holidays.

3 - Server Upgrades - City needs access to the servers until the last day of December. This does not give us any time to be ready to go by first week in January. If we upgrade a few servers we have here, we can copy the application over and be working on our local tasks ahead of the move.

Acquisition Method

1 - CRW Trackit migration – by contract or agreement of statement of work

2 - Equipment – standard acquisition from state contracts

3 - Server upgrades – P.O's to vendors for parts

Security

Standard county security

Access

Access as needed by users

Benefits

Approval allows us to start moving ahead

***Authority to Execute Related Agreements Sought

Not at this time

Conclusion/Recommendation

Recommend approval so that we can move ahead with preparations

Submitted By



Kevin Gutierrez Technology Services 11/17/14

Name Department Date

Disposition

☐ Approved

☐ Approved with modifications

☐ Needs follow up information

☐ Denied

***Authority to Execute Related Agreements

☐ Approved

☐ Denied

BOCC Chairman

Date

Additional Requirements to Proposal

___ Modification

___ Follow Up

From Tom Glover
9/30/14 Email

Estimated Positions 8

		Cost	SubTtl	Tax	Total
PC's	6	925.13	5550.78	\$494.02	\$6,044.80
LapTops	2	1044.76	2089.52	\$185.97	\$2,275.49
Dept Laptop (Shared)	1	1044.76	1044.76	\$92.98	\$1,137.74
Monitors	12	229	2748	\$244.57	\$2,992.57
HP M750DN - AIO	1	4,500	4500	\$400.50	\$4,900.50
			0	\$0.00	\$0.00
Desk Scanner	1	500	500	\$44.50	\$544.50
				Total	\$17,895.60

a) Consent Agenda Items:

- 1) Resolution _____ - Approval
of a contract with Washington State
Military Department for Homeland
Security Funding

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b) Action Agenda Items:

- 1) Execute Columbia Basin Operation
Area Emergency Alert System Plan

c) Department update and miscellaneous

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF APPROVAL
OF A CONTRACT WITH
WASHINGTON STATE MILITARY
DEPARTMENT FOR HOMELAND
SECURITY FUNDING

RESOLUTION NO.

WHEREAS, the U.S. Department of Homeland Security and the Washington State Military Department Emergency Management Division have offered to provide funding to Walla Walla County Emergency Management Department in the amount of \$25,650; and

WHEREAS, the funding is pass-through dollars (FFY14) for the county's emergency management program; and

WHEREAS, the reimbursement contract is authorized to be used for salaries; and

WHEREAS, Jim Duncan, Walla Walla County Emergency Management Director, is authorized to sign contracts with said entities, and Jim Duncan and Lizabeth Jessee are authorized to request reimbursements from these entities, on behalf of Walla Walla County; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that said contract and reimbursement authority be approved.

Passed this 17th day of **November, 2014** by Board members as follows: Present or Participating via other means, and by the following vote: Aye Nay Abstained Absent.

Attest:

Connie R. Vinti, Clerk of the Board

James K. Johnson, Chairman, District 1

Perry L. Dozier, Commissioner, District 2

Gregory A. Tompkins, Commissioner, District 3

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of Walla Walla County, Washington*

a) Bid Openings:

- 1) 2015 Class 8, Dump Truck Chassis
- 2) 2015 Motor Grader Attachment,
Compactors

b) Consent Agenda Item:

- 1) Resolution _____ - Adopting
the 2015 Business Plan for the Public
Works Department
- 2) Resolution _____ - Setting a
hearing date for the 2015 Mill Creek
Flood Control Zone District Assessment

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Page 30

c) Department update and miscellaneous

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

**THE MATTER OF ADOPTING THE
2015 BUSINESS PLAN FOR THE
PUBLIC WORKS DEPARTMENT**

}

RESOLUTION NO.

WHEREAS, the Public Works Department has deemed it important to outline its major objectives and associated programs in written form for the calendar year 2015; and

WHEREAS, a written form of said goals and programs will enable the Department to accomplish all work in a more efficient and effective manner; and

WHEREAS, the Public Works Department has created a Business Plan for calendar year 2015 which outlines work plans, schedules, other activities and an updated organizational chart for the Department for the upcoming year, now therefore,

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that the Business Plan for the Public Works Department be adopted for calendar year 2015.

*Passed this 17th day of **November, 2014** by Board members as follows: Present or Participating via other means, and by the following vote: Aye Nay Abstained Absent.*

Attest:

Connie R. Vinti, Clerk of the Board

James K. Johnson, Chairman, District 1

Perry L. Dozier, Commissioner, District 2

Gregory A. Tompkins, Commissioner, District 3

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

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF SETTING A
HEARING DATE FOR THE 2015
MILL CREEK FLOOD CONTROL
ZONE DISTRICT ASSESSMENT

RESOLUTION NO.

WHEREAS, the Mill Creek Flood Control Zone District was created to control flooding within its established limits; and

WHEREAS, there is a continuing need to maintain and repair the levees and flood control structures within the district, now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners, acting as the Supervisors of the Mill Creek Flood Control Zone District, that a public hearing be held in the Walla Walla County Commissioner Chambers, County Public Health and Legislative Building, located at 314 W. Main, Walla Walla, Washington at 10:30 A.M., on Monday, December 8, 2014 to consider the 2015 Assessment for the Mill Creek Flood Control Zone District.

Passed this 17th day of **November, 2014** by Board members as follows: Present or Participating via other means, and by the following vote: Aye Nay Abstained Absent.

Attest:

Connie R. Vinti, Clerk of the Board

James K. Johnson, Chairman, District 1

Perry L. Dozier, Commissioner, District 2

Gregory A. Tompkins, Commissioner, District 3

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

10:45

PROSECUTING ATTORNEY

Jim Nagle/Jesse Nolte

- a)** Miscellaneous business for the Board
- b)** Possible executive session re:
litigation or pending or potential
litigation (pursuant to RCW 42.30.110(i))

- a) Department update and miscellaneous
- b) **Active Agenda Items:**
 - 1) Possible discussion/decision re: any pending claims against the County
- c) **Action Agenda Items:**
 - 1) Position Approval Form for part-time WSU Extension Office support
- d) Possible executive session re: personnel (pursuant to RCW 42.30.110(g)), collective bargaining negotiations (pursuant to RCW 42.30.140(4)(b)), and/or litigation or pending or potential litigation (pursuant to RCW 42.30.110(i))

a) **Action Agenda Items:**

- 1) Resolution _____ - Vendor's
bid award for two (2) used 8-10 yard
tandem axle dump trailers

11:30

COUNTY COMMISSIONERS

- a) Miscellaneous or unfinished business
to come before the Board

12:00

RECESS

1:30

COUNTY COMMISSIONERS

- b) Miscellaneous or unfinished business
to come before the Board

- A D J O U R N -

Walla Walla County is ADA compliant. Please contact TTY: (800) 833-6384 or 7-1-1 or the Commissioners' Office at 509/524-2505 three (3) days in advance if you need any language, hearing, or physical accommodation.

Please note that the agenda is tentative only. The Board may add, delete, or postpone items and may take action on an item not on the agenda.