

A G E N D A

WALLA WALLA COUNTY BOARD OF COMMISSIONERS

MONDAY, MAY 1, 2017

9:30

COUNTY COMMISSIONERS

Chairman Duncan

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)
- e) Introduction of new county employees (this is scheduled for the first meeting of each month)

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.*

f) Action Agenda Items:

- 1) Review submitted Employee Payroll Action Forms

g) Consent Agenda Items:

- 1) Resolution _____ - Minutes of County Commissioners' proceedings for April 24 and 25, 2017
- 2) Resolution _____ - Approving a Government Entity User Agreement Between WA State Military Department and Walla Walla County
- 3) Resolution _____ - Appointment to the Walla Walla County Rural Library District Board of Trustees (Case)
- 4) Resolution _____ - Approving out of state travel for County Corrections Department employees
- 5) Resolution _____ - Setting a date of public hearing to consider amendments to the 2017 Walla Walla County Budget

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF APPROVING
A GOVERNMENT ENTITY USER
AGREEMENT BETWEEN
WASHINGTON STATE MILITARY
DEPARTMENT AND WALLA
WALLA COUNTY

RESOLUTION NO.

WHEREAS, RCW Chapter 39.34 authorizes local governmental units to enter into agreements;
and

WHEREAS, Washington Military Department maintains an information management system, commonly referred to as WebEOC, available for use by Washington state agencies, local governments, tribes, private entities, and federal entities ("Users") as a collaborative tool for managing and sharing emergency and public safety related information; and

WHEREAS, a WebEOC Government Entity User Agreement Between Washington State Military Department and Walla Walla County (Mil# EOC17-041) has been offered to the County; and

WHEREAS, the signing of the user agreement does not require obligation of any funds to the Washington Military Department; and

WHEREAS, WebEOC is an integral component to Walla Walla County's ability to response to, and recover from, a man-made or natural disaster; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that said user agreement be approved, and that Lizabeth Jessee, Walla Walla County Emergency Management Director, is authorized to sign same.

Passed this 1st day of May, 2017 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 L. Duncan, Chairman, District 3

James K. Johnson, Commissioner, District 1

Todd L. Kimball, Commissioner, District 2

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



Walla Walla County

Emergency Management Department

27 N. 2nd Avenue

Walla Walla, Washington 99362

Phone: (509) 524-2900 • Fax: (509) 524-2910

www.wwemd.info



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Memo

To: Board of Walla Walla County Commissioners
Cc: Jesse Nolte, Walla Walla County Prosecuting Attorney's Office
From: Liz Jessee
Date: April 25, 2017
Re: WebEOC User Agreement

I am requesting your authorization to sign contract EOC17-041 with Washington State Military Department for continued use of WebEOC.

Washington Military Department maintains an information management system, commonly referred to as WebEOC, available for use by Washington state agencies, local governments, tribes, private entities, and federal entities ("Users") as a collaborative tool for managing and sharing emergency and public safety related information.

While the user policy established by Washington Military Department is new, Walla Walla County Emergency Management is already an established user of the system. A signed user agreement is necessary for our continued use of the system, per Washington Military Department Emergency Management Division Policy No. EMD-16-12-06.

WebEOC is an integral component to Walla Walla County's ability to response to, and recover from, a man-made or natural disaster. There is no financial obligation required for this contract.

Sincerely,

/s/

LIZABETH JESSEE

Director, Emergency Management

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF AN
APPOINTMENT TO THE WALLA
WALLA COUNTY RURAL LIBRARY
DISTRICT BOARD OF TRUSTEES
(CASE)

RESOLUTION NO.

WHEREAS, pursuant to Walla Walla County Resolution 13 024, Thomas Garcia was appointed to a first term on the Walla Walla County Rural Library District Board of Trustees, said term to expire January 1, 2018; and

WHEREAS, on August 6, 2016, Mr. Garcia submitted a letter of resignation from said Board; and

WHEREAS, via letter dated March 31, 2017, the Walla Walla County Rural Library Board of Trustees requested that Doug Case be appointed to the library board of trustees to fill this unexpired term; and

WHEREAS, pursuant to RCW 27.12.190, the Board of County Commissioners appoint members to the library board of trustees, and

WHEREAS, pursuant to said statute, terms of appointment are for five years, with vacancies in unexpired terms to be filled in the manner in which members of the board are regularly chosen; and

WHEREAS, during an open, public meeting of the Board of County Commissioners on April 24, 2017 and subsequent to an interview, the Board of County Commissioners by consensus approved the appointment request; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they do hereby appoint Doug Case to fill Mr. Garcia's unexpired term on the Walla Walla County Library Board of Trustees, said appointment to be effective immediately and expire on January 1, 2018.

BE IT FURTHER RESOLVED that, pursuant to an Attorney General Opinion, AGO 59-60 No. 66, Mr. Case is eligible for appointment to serve for two full consecutive five year terms, which would be in addition to the months served as the appointee to the unexpired term, provided all parties concur.

"Passed this 1st day of May, 2017 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 L. Duncan, Chairman, District 3

James K. Johnson, Commissioner, District 1

Todd L. Kimball, Commissioner, District 2

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

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF APPROVING
OUT OF STATE TRAVEL FOR
COUNTY CORRECTIONS
DEPARTMENT EMPLOYEES

RESOLUTION NO.

WHEREAS, the Walla Walla County Department of Corrections Director, Michael Bates, is requesting approval of out of state travel for Keri Weber, Executive Assistant, and Patricia Kelley, Warrants Clerk, to travel to Dallas, Texas for training provided by Securus Technologies, May 17 – 19, 2017; and

WHEREAS, Walla Walla County Corrections Department currently contracts with Securus Technologies to provide inmate telephone services at the county; and

WHEREAS, Executive Assistant Keri Weber and Warrants Clerk Patricia Kelley, Corrections Department employees, have administrative oversight of technology-related services needed at the county jail facility and it would be beneficial for them to review available technology as installed and functioning at the Securus Tech Center located at their headquarters in Dallas, Texas, to best serve inmates and meet county needs; and

WHEREAS, travel expenses to and from Dallas, Texas, including airfare, ground transportation, and lodging, are being paid by Securus Technologies, with the only cost to Walla Walla County being per diem and regular salaries; and

WHEREAS, pursuant to County policy, an Employee Travel Authorization form has been submitted for review and consideration; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that out of state travel as outlined above be approved.

BE IT FURTHER RESOLVED that additional time required to travel to and from said training, if necessary, is also approved.

Passed this 1st day of May, 2017 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 L. Duncan, Chairman, District 3

James K. Johnson, Commissioner, District 1

Todd L. Kimball, Commissioner, District 2

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

**WALLA WALLA COUNTY
Employee Travel Authorization**

Date of Request _____

Employee Attending: Keri Weber, Patricia Kelley	Estimate of Cost (Includes all costs even prepaid)	
	Transportation	
	<input checked="" type="checkbox"/> Air <input type="checkbox"/> Bus/Train <input type="checkbox"/> County Vehicle	\$
	<input type="checkbox"/> Private Vehicle _____ miles @ _____	\$0.00
Meeting/Training: Start time/date: 05/17/2017AM End time/date: 05/19/2017 PM	<input type="checkbox"/> Rental Car <input type="checkbox"/> Cab/Bus	\$0.00
Location: City: Dallas State: TX	Lodging	0.00
Title of Meeting/Training: SECURUS campus tour and training (Attach agenda/training brochure)	_____ night(s) @ \$	\$
	Meals	
Departure Date: 05/17/2017 Time:	Breakfast(s) 2 @ \$ 13.00	\$26.00
Return Date: 05/19/2017 Time:	Lunch(s) 2 @ \$15.00	\$30.00
	Dinner(s) _____ @ \$	\$
Place of Lodging:	Registration/Tuition	
	Cancel Date:	\$
Phone Number:	Total Expenses	\$56.00

Credit Card Use: ☐ Yes ☒ No Date Needed: _____

I hereby acknowledge receipt of the department credit card/advance travel funds, and certify that I will return the credit card/unexpended advance travel funds, together with an expense voucher, and all required receipts within five (5) days of my return. I further agree that if credit card receipts show any amount in excess of authorized reimbursements, I will attach a check or money order for that amount owed or that amount shall be deducted by the County Auditor's Office from my next paycheck. I have read and reviewed the training reimbursement policy No. 40.06.0 and agree to its terms and conditions.

Signature of Employee

Date: _____

Recommended: ☐ Yes ☐ No

Supervisor Signature

Date : _____

Out-of-State Travel: ☐ Yes ☐ No
(Attach Resolution)

Approved: ☐ Yes ☐ No

Elected Official/Department Head

Date: _____

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF SETTING A
DATE OF PUBLIC HEARING TO
CONSIDER AMENDMENTS TO
THE 2017 WALLA WALLA
COUNTY BUDGET



RESOLUTION NO.

WHEREAS, subsequent to the establishment of the budgets and adoption of the 2017 Walla Walla County Budget, various offices and departments have provided information to County Auditor Karen Martin regarding proposed budget amendments; and

WHEREAS, it is necessary to hold a public hearing to consider these matters; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that a public hearing shall be set for Monday, May 15, 2017 at the hour of 9:30 a.m., in Commissioners' Chambers, County Public Health and Legislative Building, 314 West Main, Walla Walla, Washington to consider amending the 2016 budget as follows:

FUND 10800 – LAW & JUSTICE

Revenue	\$200,000.00
Expenditures	\$200,000.00

FUND 14800 – 911 ENHANCED/PUB COM BLDG

Revenue	\$5,389.00
Expenditures	\$5,389.00

FUND 15100 – COMMUNITY OUTREACH

Revenue	\$236,000.00
Expenditures	\$236,000.00

FUND 30100 – CE BUILDING

Revenue	\$400,000.00
Expenditures	\$400,000.00

FUND 30500 – PUBLIC COMMUNICATIONS BLDG

Revenue	\$5,000.00
Expenditures	\$5,000.00

FUND 50600 – TECHNOLOGY SERVICES CAP

Revenue	\$25,000.00
Expenditures	\$25,000.00

BE IT FURTHER RESOLVED that, upon further review of the 2017 Budget at the time of the above-referenced hearing, if other amendments are proposed and necessary for accounting purposes, those amendments will be made a part of the hearing without further advertising.

*"Passed this **1st day of May, 2017** 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 L. Duncan, Chairman, District 3

James K. Johnson, Commissioner, District 1

Todd L. Kimball, Commissioner, District 2

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

COUNTY COMMISSIONERS (continued)

- 6) County vouchers/warrants/electronic payments as follows: 4043163 through 4043175, totaling \$89,031.86 (payroll draws dated April 14, 2017); 4043297 through 4043334, totaling \$845,267.38 (April payroll); 4185797 through 4185820, totaling \$947,863.54 (benefits and deductions) and 4185795 through 4185796 totaling \$294,433.42 ER&R
- 7) Payroll action and other forms requiring Board approval
- h) Miscellaneous business to come before the Board
- i) Review reports and correspondence; hear committee and meeting reports
- j) Review of constituent concerns/possible updates re: past concerns

a) Consent Agenda Items:

- 1) Resolution _____ - Approving an eSolutions, Inc.(ClaimRemedi) Services Agreement for the Walla Walla County Department of Community Health

b) Action Agenda Items:

- 1) Proposal 2017 05-01 DCH - Opportunity for County sign a Community Statement of Support of SHB 1570, to extend authority to collect document recording fees for local homeless housing and assistance

c) Department update and miscellaneous

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF APPROVING
AN eSolutions, Inc. (ClaimRemedi)
SERVICES AGREEMENT FOR THE
WALLA WALLA COUNTY
DEPARTMENT OF COMMUNITY
HEALTH



RESOLUTION NO.

WHEREAS, eSolutions, Inc. (ClaimRemedi) has submitted a Services Agreement to provide complete claim lifecycle management services to the Walla Walla County Department of Community Health; and

WHEREAS, the agreement benefits the citizens of Walla Walla County; and

WHEREAS, the County Prosecuting Attorney and County Risk Manager have reviewed said agreement; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they do hereby approve said agreement, and authorize County Director of Community Health, Meghan DeBolt, to sign the same.

Passed this 1st day of May, 2017 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 L. Duncan, Chairman, District 3

James K. Johnson, Commissioner, District 1

Todd L. Kimball, Commissioner, District 2

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



WALLA WALLA COUNTY DEPARTMENT OF COMMUNITY HEALTH

314 West Main Street • Walla Walla, WA 99362

Main Telephone: (509) 524-2650 • Confidential Fax: (509) 524-2642 • Main Fax: (509) 524-2678

MEMORANDUM

To: The Walla Walla County Board of County Commissioners
From: Meghan DeBolt
Director, Community Health
Date: May 1, 2017
Subject: Agreement to Contract for complete Claim Lifecycle Management Service

The contract between eSolutions, Inc (ClaimRemedi) and Walla Walla County Department of Community Health is \$79 per month per provider (currently 1) to provide complete claim lifecycle management service to the Department of Community Health. This service will allow us to efficiently and accurately perform claims management from billing to reimbursement. This service will replace our previous claim service.

RECOMMENDATION:

The Walla Walla County Board of County Commissioners approve the acceptance of this agreement to contract with eSolutions, Inc (ClaimRemedi) and authorize the Director, Community Health to sign.

a) Public Hearings:

- 1) To consider amendments to the City of Walla Walla service area boundaries in the Coordinated Water System Plan to accommodate a new water system proposed by Sunset Development, LLC to serve a proposed 18-lot subdivision
- 2) To consider amendments to Walla Walla County Code Chapter 17.36 - General Provisions – Nonconforming uses, lots and structures relating to nonconforming situations that result from right-of-way acquisition

- a) Discussion and possible action/direction from the Board of County Commissioners regarding the above items


b) Action Agenda Items:

- 1) Ordinance No. 463 – Amending Walla Walla County Code Chapter 17.08 and Section 17.16.014 to establish definitions and development standards for agritourism enterprises and small scale value-added agriculture processing and establish these as allowed uses in most of the county's rural, agriculture, and industrial agriculture zoning districts

c) Consent Agenda items:

- 1) Resolution _____ - Proclaiming May, 2017 as Building Safety Month

- d) Department update and miscellaneous



Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

Date: May 1, 2017
To: Board of County Commissioners
From: Tom Glover, Director
RE: **Public Hearing Agenda Item No. 1** – CWSP17-001, Amendment to the City of Walla Walla's water service area boundaries.

Background and Summary of Amendments

For several years, Walla Walla County has been working with Mr. Ben Case (Sunset Development, LLC) on the permitting process for the construction of several homes in a new residential development he has created near the intersection of 3rd Avenue and Langdon Road. By now there are approximately 10 to 12 homes constructed there. These homes are served by individual wells and septic systems (the County Health Department allows up to two homes may be served by a single well). Each of the lots are approximately one acre in size, and most of them by now have been sold to private parties.

Mr. Case would like to establish a new public water system to serve additional homes to be constructed on land he owns adjacent to the existing development, specifically a long subdivision that would consist of 18-lots (application SUB16-018). A preliminary plat application has been submitted for this development, which will be reviewed by the Walla Walla County Hearing Examiner following a separate public hearing. Prior to a public hearing and review by the Hearing Examiner, the subdivision application will also be reviewed under the State Environmental Policy Act (SEPA).

When Mr. Case approached the City of Walla Walla about connecting to the City's utilities for this new 18-lot subdivision, the City responded that *"...utilities will be provided whenever the property can be annexed, and utilities extended at the developer's cost per the City of Walla Walla standards."* Though the property is located within the City's urban growth area (UGA), we know that it is not feasible to annex the property now due to intervening properties not owned by Mr. Case. Additionally, the nearest city water line is approximately one mile away from the site. It is for these reasons that utilities from the City of Walla Walla cannot be reasonably and efficiently provided to serve the proposed subdivision.

The subject property is in the City's UGA, and it has been assigned urban zoning of R-96 (Suburban Residential, 9,600 square foot lot size). The R-96 zoning is the least dense urban zoning that could be applied to property within the UGA.

On February 22, 2017, I provided a formal, written interpretation of the County's Code to Mr. Case as it pertains to this matter (see Attachment 1). In that analysis, I concluded that County staff should recommend that the Board of County Commissioners amend the boundaries of the City of Walla Walla's water service area, as allowed by the Walla Walla/College Place Coordinated Water System Plan, to remove Mr. Case's property from the City's water service area. That action would allow Mr. Case to pursue the establishment of a public water system to serve the proposed development on the conditions that it be constructed to the City of Walla Walla engineering and design standards, and that it be owned and operated by a Satellite Management Agency approved by the Washington State Department of Health. However, the property will remain within the City's urban growth area.

Staff Recommendation

Staff recommends that the proposed map amendment shown in Attachment 2, docket number CWSP17-001, be approved by the Board of County Commissioners.

Recommended Motion

"I move that the Board of County Commissioners concur with the findings of fact and conclusion of law in docket number CWSP17-001 and approve the map amendment, and direct staff to prepare an ordinance on this matter for our review and consideration at a future date."

Attachments

1. Code Interpretation, February 22, 2017, from Tom Glover, Director, Walla Walla County Community Development Department.
2. Map of area to be removed from the City of Walla Walla's Water Service Area
3. Utility Availability Response from the City of Walla Walla dated February 27, 2017 and Certificate of Water Availability
4. Notice of Public Hearing and Affidavit of Notification
5. Email from Chris and Lisa Ponce, dated April 25, 2017

Local Legislative Authority

State law allows for the establishment of a public water system when an existing purveyor of water is unable to provide water service:

RCW 70.116.060 (3)(b) "No other purveyor shall establish a public water system within the area covered by the plan, unless the local legislative authority determines that existing purveyors are unable to provide the service in a timely and reasonable manner, pursuant to guidelines developed by the secretary. An existing purveyor is unable to provide the service in a timely manner if the water cannot be provided to an applicant for water within one hundred twenty days unless specified otherwise by the local legislative authority. If such a determination is made, the local legislative authority shall require the new public water system to be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan approved for the area. The service area boundaries in the coordinated plan for the affected utilities shall be revised to reflect the decision of the local legislative authority."

Findings of Fact

1. The subject property is located near the intersection of 3rd Avenue and Langdon Rd., in unincorporated Walla Walla County.
2. The subject property is currently within the City of Walla Walla's Urban Growth Area, and is zoned R-96 (Suburban Residential, 9,600 square foot lot size minimum).
3. The owner of the property, Mr. Ben Case of Sunset Development, LLC, has an interest in developing the property at the density allowed by the current zoning and has applied for preliminary plat approval of an 18-lot subdivision (SUB16-018).
4. The owner of the property, Mr. Ben Case, is requesting permission to establish a public [Class B] water system to serve the site.
5. The property is currently located within the City of Walla Walla's Water Service Area, the boundaries of which correspond with the boundaries of the City's urban growth area (UGA).
6. The City has indicated that it is unwilling to provide water service to the property unless the property can be annexed into city limits, and utilities extended to the property at the developer's expense.
7. The City has indicated that it has no objection for the County to allow Mr. Case to establish a public Class B water system for his proposed development, but that it will not provide management for it as a Satellite Management System.

8. The City has indicated that if at some point the property is annexed, and its utilities are to serve the property, then the new system shall be designed to the City's standards, and pass approval.
9. The City has stated that it is unwilling to relinquish the property from its water service area, and does not intend to modify the urban growth area until after the City's Comprehensive Plan has been updated, by June 2018.
10. If this property is removed from the UGA, then a rural zoning of RR-5 (Rural Residential five acre) is likely to be assigned to it, which would prevent the owner from being able to develop the property at greater than a five-acre minimum lot size.
11. State law does allow for the establishment of a new public water system when no other viable water purveyor can provide water.
12. The local legislative authority may amend the boundaries of the water service area.
13. The Walla Walla County Board of Commissioners is the local legislative authority.
14. A Notice of Public Hearing was published in the Waitsburg Times and Walla Walla Union Bulletin on April 20, 2017 and on the Community Development Department website on April 18, 2017. This notice was mailed to property owners within 500-feet of the subject property, the applicant, and the City of Walla Walla on April 19, 2017.

Conclusion of Law

1. The proposed map amendment has been reviewed pursuant to the requirements of the Walla Walla/College Place Coordinated Water System Plan, and is consistent with those requirements.
2. The proposed amendment is necessary to allow the property owner to establish a public water system to accommodate a new proposed residential development as allowed by the zoning designation for this property.
3. As proposed, the amendments should not have a significant adverse impact on public welfare and safety.
4. Whether to remove the property from the City of Walla Walla UGA is ultimately part of the County's Growth Management Act responsibilities, and may need to be addressed by the County in subsequent County Comprehensive Plan Updates.

ATTACHMENT 1

file

Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

February 22, 2017

Ben Case
Sunset Development, LLC
P.O. Box 91
Walla Walla, WA 99362

Re: Code Interpretation – Adequate Water Supply

Dear Mr. Case:

Introduction:

Over the past several years Walla Walla County has been working with you on the permitting process for the construction of several homes in a new residential development you have created near the intersection of 3rd Avenue and Langdon Road. I believe you have by now built approximately 10 to 12 homes there. As I understand it these homes are served by individual wells and septic systems (the Health Department allows up to two homes may be served by a single well). Each of the lots are approximately one acre in size, and most of them by now have been sold to private parties.

In recent discussions between you and staff from the County and City we understand that you would like to establish a public water system to serve additional homes you would like to construct adjacent to your existing development. Years ago, when we were first discussed the possibility of you installing a public "Class B" water system in that area we were understanding it was to be for the homes you've already constructed there, to address the high nitrate readings in the drinking water. In talking with you last summer, it is my understanding that you have abandoned that idea, and instead wish to proceed with creating a public water system for land that has not yet been developed.

When you approached the City of Walla Walla about connecting to their system they responded that *"...utilities will be provided whenever the property can be annexed, and utilities extended at the developer's cost per the City of Walla Walla standards"* (Letter from City, dated August 4, 2016). Though the property is located within the City's Urban Growth Area (UGA), we know that it is not feasible to annex the property now due to intervening properties not owned by you, and the great distance from the nearest city water line (approximately one mile). Because the subject property is located in the City's UGA it has been assigned urban zoning of R-96 (Suburban Residential, 9,600 square foot lot size). The R-96 zoning is the least dense urban zoning that could be applied to property within the UGA.

Recognizing the City's take on this situation, and to address your wish to create a new public water system to serve a new residential development, I offer the following interpretation of the county's code.

Walla Walla County Code Chapter 14.03.020 allows the director to provide an interpretation of the Code as determined necessary.

Analysis:

The document that directs on this matter is the Walla Walla/College Place Coordinated Water System Plan (CWSP). The CWSP is "not a generalized planning document, but rather a *...detailed local and State management program developed pursuant to Chapter 70.116 RCW and Chapter 246-293 WAC*" (Section 1.1, page I-1). The stated purpose of the CWSP is to provide "*...for the provision of public water supply in the Walla Walla County area*" (Section 1.2.A., page I-1). The CWSP was certified by the County, and the Department of Health, State of Washington, in October 1994. It has not been updated since, so the 1994 plan is the water service plan for unincorporated Walla Walla County, including all areas within any designated urban growth area.

The Coordinated Water System Plans are referenced in the Walla Walla Comprehensive Plan, and have been adopted by reference. (see Utilities Element, page 9.6)

Countywide Planning Policy 5.11 states that: "Cities should be purveyors of urban services. Existing water districts should not expand boundaries, nor should new ones be created except as stated in a Coordinated Water System Plan."

Policy UT-9 states that the County should continue to implement the Coordinated Water System plans.

The County is the administrator of the CWSP. The CWSP established a review process, the Utility Service Review Procedure (USRP) that is "*...applied to all proposed water use activities that require plat approval for a new development or the issuance of building permits by the County.*" It is the job of the County to "*...initiate the review procedure and ensure that the appropriate coordination is conducted between the applicant and all respective review agencies before the issuance of any building permits, short plats, or preliminary plat approvals.*" (Section VI-2.2, page VI-2). The CWSP directs that the review procedure is to follow the steps outlined in Exhibit VI-1 which begins with: "*Applicant files for plat or short plat approval or building permit with the County Planning Department.*"

Pertaining to your request to establish a new public water system, the CWSP states that that cannot happen unless there is no other purveyor of water available: "*Provisions of the Public Water System Coordination Act require that no new public water system be established within the Walla Walla/College Place Critical Water Supply Service Area (CWSSA) unless it is determined that existing purveyors are unable to provide the service in a timely and reasonable manner.*" So, all new requests for service are encouraged to first contact an existing purveyor of public water and request to hook up to an existing system.

The established order of service to be considered in the review process is: "*When service is to be provided by a public water system to a proposed development with more than one service, the preferred order of service is as follows:*

- *Immediate direct service by the designated utility.*
- *Remote system service by the designated utility.*
- *Interim service provided by an adjacent utility.*
- *Service provided by an adjacent utility, service areas adjusted.*
- *Service provided by Satellite System Management Agency (SMA), service areas adjusted.*

Within the USRP process, reference to 'service area(s)' means the specific geographical area described in the written agreement required by RCW 90.116.070(1) and WAC 246-293-250(1)." And "The

boundary will include the area within which direct/retail service connection to customer is currently available (existing service area) and the area for which water service is planned (future service area) by the designated utility.” (Section VI-2, page VI-2).

The property you wish to develop is inside the public water service area of the City of Walla Walla. The boundaries of the City’s service area were established at the time the CWSP was certified, in 1994, and follow the same boundaries as the City’s UGA. For review purposes, that means the City is the designated utility, hence the City’s review of your request to provide service.

However, the City has made it clear that it cannot provide service as the property cannot be annexed into the City limits, even though it is located in its UGA. The City has expressed that it does not wish to establish a remote system (second option listed above), or create and manage a Satellite System Management Agency (fifth option listed above). (Letters from Neal Chavre, dated November 23, 2015, and August 4, 2016, attached)

Additionally, it is my understanding that there is no viable adjacent utility able to provide service (second, third, and fourth options listed above).

“The USRP procedures are intended to identify an existing water purveyor willing and able to provide water supply facilities and to include the new development within its service area. In effect, the result of the USRP is to assign the proposed new development or land use to the service areas of a designated water utility. In the event a designated utility is unable or unwilling to provide service, the referral process referenced in subsequent paragraphs is to be followed.” (Section VI-2, page VI-2).

The CWSP directs that applications will need to be reviewed by the designated service provider. As stated above that is the City of Walla Walla: *“Where two or more service connections are proposed, the applicant must coordinate his/her supply needs with an existing utility, as assigned. These applications will be reviewed by the designated water utility to identify the engineering, financial, managerial, and other requirements contingent on the provision of service. The water utility will have operational and managerial responsibility for the proposed activity and may require more stringent utility standards than the minimum standards presented in Section V.” (Water Utility Design Standards). Section VI-2, paragraph C, page VI-3).*

The City has stated in writing that it cannot provide service until the property is annexed into the City. Because the City has stated that it will not provide and manage a SMA, and because there is no viable adjacent service provider, the referral process described above has been exhausted.

However, the CWSP allows that a new utility can be formed: *If neither an existing utility or the SMA is not legally created a new utility can be formed.” (Section VI-2, paragraph F, page VI-4).* However, that would require removing your property from the City’s water service area, and the City declined to support that in its letter to me dated April 15, 2016 (attached): *“Since the area in question is within the City of Walla Walla’s Urban Growth Area (UGA) as well as our Water Service Area we are not willing to relinquish the area at this time. What we are willing to commit to is an evaluation [of] the City’s Urban Growth Area as part of our Comprehensive Plan Update to be completed by June 2018.”*

Ultimately, state law allows for the establishment of a public water system when an existing purveyor of water is unable to provide water service: RCW 70.116.060 (3)(b) No other purveyor shall establish a public water system within the area covered by the plan, unless the local legislative authority determines that existing purveyors are unable to provide the service in a timely and reasonable manner, pursuant to guidelines developed by the secretary. An existing purveyor is unable

to provide the service in a timely manner if the water cannot be provided to an applicant for water within one hundred twenty days unless specified otherwise by the local legislative authority. If such a determination is made, the local legislative authority shall require the new public water system to be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan approved for the area. The service area boundaries in the coordinated plan for the affected utilities shall be revised to reflect the decision of the local legislative authority.

Findings of Fact:

- You own property located near the intersection of 3rd Avenue and Langdon Rd., in unincorporated Walla Walla County.
- Said property is currently within the City of Walla Walla's Urban Growth Area, and is zoned R-96 (Suburban Residential, 9,600 square foot lot size minimum).
- You have interest in developing the property at the density allowed by the current zoning.
- You are requesting permission to establish a public Class B water system to serve the site.
- The property is currently located within the City of Walla Walla's Water Service Area, the boundaries of which correspond with the boundaries of the City's urban growth area.
- The City has indicated that it is unwilling to provide water service to the property unless the property can be annexed into city limits, and utilities extended to the property at the developer's expense.
- The City has indicated that it has no objection for the County to allow you to establish a public Class B water system for your development, but that it will not provide management for it as a Satellite Management System.
- The City has indicated that if at some point the property is annexed, and its utilities are to serve the property, then the new system shall be designed to the City's standards, and pass approval.
- The City is unwilling to relinquish your property from its service area, and does not intend to modify the urban growth area until after the City's Comprehensive Plan has been updated, by June 2018.
- If your property is removed from the UGA, then a rural zoning of RR-5 (Rural Residential five acre) is likely to be assigned to it, which would prevent you from being able to develop your property at greater than a five-acre minimum lot size.
- State law does allow for the establishment of a new public water system when no other viable water purveyor can provide water.
- The local legislative authority may amend the boundaries of the water service area.
- The Walla Walla County Board of Commissioners is the local legislative authority.

Conclusion:

Based on this analysis, and the Findings of Fact listed above, we will recommend to the Board that you be allowed to establish a public Class B water system for your new development. We will recommend that the system be built to City of Walla Walla standards. You will need to show that the system will be owned or operated by a Satellite Management Agency approved by the State Department of Health. If the Board approves the new system, the service area boundaries shall be revised by the Board to exclude your property. I have also reviewed this interpretation with the County's Prosecuting Attorney Office, who concurs with its analysis and conclusion. We will bring this matter to the Board at a future date. We will provide you with notice of that meeting as soon as it is scheduled.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Glover". The signature is fluid and cursive, with the first name "Thomas" and last name "Glover" clearly distinguishable.

Thomas E. Glover, AICP
Director

cc: Lauren Prentice, Principal Planner

Attachments:

- Letter to Ben Case from Thomas E. Glover, AICP, dated October 18, 2016;
- Letter from Neal Chavre, P.E. to Tom Glover, dated August 4, 2016.
- Letter to Tom Glover from Elizabeth Chamberlain, AICP, dated April 15, 2016.
- Letter from Neal Chavre, P.E., to Tom Glover, dated November 23, 2015.



WALLA WALLA COUNTY

Community Development Department

310 W. Poplar, Suite 200 • Walla Walla, WA 99362-2865

October 18, 2016

Ben Case
Sunset Development, LLC
P.O. Box 91
Walla Walla, WA 99362

Re:

Dear Mr. Case:

This department is in receipt of your letter dated October 13, 2016 wherein you stated that you are "formally appealing the City of Walla Walla denial of an independent water system operating in their franchise areas and request definitive approval of gaining temporary service with and adjacent utility provider."

This department is also in receipt of your letter dated August 31, 2016 wherein you stated that you are "requesting confirmation that I have satisfied the conditions necessary to apply for service with an adjacent utility provider."

To respond, first, we have no application from you other than what you submitted for a building permit to construct one single family home in the vicinity of 3rd Avenue and Langdon Rd., dated July 31, 2016. Along with that application was a request made by you to connect to the City of Walla Walla's municipal water system. That request was forwarded to the City. In response to your request the City provided a letter to me, dated August 4, 2016, which provided the conditions under which your request to connect to the municipal water system could be met. I believe I had forwarded that letter to you, as an attachment to a letter I sent you dated August 5, 2016. In that letter I stated:

"Adequate proof of water availability must be confirmed prior to the approval of a building permit. In reviewing your building permit application I see that you have not answered the question concerning the source of water for the new home. You must answer that question before we can begin review of your application. Please contact the County Environmental Health Department for information regarding water and septic requirements.

I understand that you have submitted a request to the City of Walla Walla to provide municipal water to serve the proposed new home, via an extension of a water line from an existing service line in the vicinity of your site. Included with the attachments to this letter is a written response from the City of Walla Walla to your request. It appears that the City will not provide utilities to your site unless and until the site is annexed into the City."

This department has no other application from you, either for a building permit or a subdivision. Additionally, this department has not received from you a completed application for the building permit you applied for on July 31, 2016. We have been expecting you to provide adequate proof of water availability for that building site, but to date we have not received that information from you.

Therefore, as no decision has been made by this department, I am not clear what decision you are appealing.

Additionally, in your communications to me, both recent letters as well as past e-mail messages, you reference "...16+ existing or potential home sites ..." and "...considering there are 26 lots in my neighborhood" This department has no subdivision application from you. The very first step in the process for reviewing water utility service is: "Applicant files for plat or short plat approval or building permit with the County Planning Dept." Titles 14 and 16 of the Walla Walla County Code describe the permit application process and the general provisions for subdivision applications.

If you would like to meet to discuss this situation, please let me know and I'd be happy to arrange that.

Sincerely,

Thomas E. Glover, AICP
Director

cc: N. Chavre, City of Walla Walla Engineer
K. Tureman, Walla Walla County Environmental Health Officer



PUBLIC WORKS

August 4, 2016

Tom Glover
Director, Walla Walla County Community Development Department
314 West Main Street
Walla Walla, WA 99362

SERVICE CENTER – 55 E. Moore Street
Walla Walla, WA 99362-1172

ADMINISTRATION	509.527.4463
ENGINEERING	509.527.4537
SANITATION	509.527.4479
LANDFILL	509.527.4591
STREETS	509.527.4363
WATER	509.527.4380
FAX	509.524.7960

Subject: Utility Availability Response for Ben Case's Proposed 3rd Avenue Development

APPLICANT/OWNER INFORMATION:

Parcel Number or Available Address: 36-06-05-51-0006

Number of Proposed Lots: One

City or County application/file number: Single Family Residence

Applicant and Owner name and address: Ben Case

Mr. Glover,

This letter responds to a request from Mr. Case for a determination of municipal water availability associated with potential development of parcel 36-06-05-51-0006, located near South Third Avenue and Langdon Road. The stated purpose of this request is for provision of city water service for construction of a single family residence. The applicant could serve the residence with a new well, but his stated desire is to have city utility service available to serve additional development.

The applicant has been referred to the applicable utility (City of Walla Walla) because the development is within the designated service area of the City.

Adequate service for a single family residence is available from the existing water line located near the intersection of Whitney Road and South Third Avenue. It would be a development responsibility to pay for any necessary utility extensions. However, Walla Walla Municipal Code (WWMC) **Section 13.04 Water Utility – Regulations and Rates** addresses provision of city water service in the UGA.

13.04.040 Service – Provided where.

A. The council will furnish service to all that area within the boundaries of the city where facilities are available and to such other areas as, in its sole discretion, may be in the best interest of the city to serve.

B. Property within the UGA shall annex prior to connection to the city water system.

C. The city retains discretion, on a case by case basis, to review connection to single-family residences or other approved uses in the UGA in the event that property experiences a failed well, and connection to the city water system is necessary to maintain the existing use.

13.04.150 Service – Extension outside city limits – Furnished when.

A. Upon the application of any person to be furnished water outside the city limits, the city shall, at its discretion, determine whether the water applied for is available and whether it is in the best interests of

the city to furnish the water. Water from the city's system shall not be furnished to any property unless such property has been annexed, except as determined by council per Section 13.04.040(C), and it is developed in compliance with city development standards and its utilities are constructed in compliance with city standards.

B. If service is approved per Section 13.04.040(C), water from the city's system shall not be furnished to any property unless the property owner has first executed and recorded an irrevocable agreement in a form acceptable to the city consenting to annex the property to the city of Walla Walla which is binding upon successors and assigns.

City of Walla Walla utilities will be provided whenever the property can be annexed, and utilities extended at the developer's cost per the City of Walla Walla standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neal Chavre', with a stylized, flowing script.

Neal Chavre, PE
City Engineer

C.
Nabiel Shawa, City Manager
Ki Bealey, PE, Public Works Director
Elizabeth Chamberlain, Development Services Director
Preston Frederickson, Assistant City Attorney



DEVELOPMENT SERVICES

SERVICE CENTER – 55 E. Moore Street
Walla Walla, WA 99362-1172
509.524.4710
permits@wallawallawa.gov

April 15, 2016

VIA EMAIL

Mr. Tom Glover, AICP
Community Development Director
Community Development Department
Walla Walla County
310 West Poplar, Suite 200
Walla Walla, WA 99362

RE: Proposed Class B Water System, Ransom Clark Area

Dear Mr. Glover:

This letter is in response to your December 16, 2015 letter to Mr. Ben Case regarding his Class B Water System request and the City of Walla Walla's position on the proposal. As noted in your December 16, 2015 letter, pursuant to the Coordinated Water System Plan, if the City of Walla Walla relinquishes part of its service area, then the County would not object to the Class B Water System being established by Mr. Case. Since the area in question is within the City of Walla Walla's Urban Growth Area (UGA) as well as our Water Service Area we are not willing to relinquish the area at this time. What we are willing to commit to is an evaluation the City's Urban Growth Area as part of our Comprehensive Plan Update to be completed by June 2018. The City plans to review our UGA to determine if it's appropriately sized, re-evaluate utility service, and whether growth can be accommodated through other strategies. Depending on the outcome of our UGA analysis, the City of Walla Walla would coordinate with Walla Walla County on our UGA boundary.

As noted in City Engineer Neal Chavre's letter of November 23, 2015, Walla Walla does not object to Mr. Case constructing a Class B water system in this area. Mr. Case has verbally committed to constructing the Class B water system to City of Walla Walla standards. The City is willing to review the proposed water system for compliance with our standards and inspect the construction of the system. Mr. Case would submit for review and pay all applicable City fees. The City would not be a satellite management agency for this Class B Water system. Enclosed for reference is a draft Letter of Agreement that the City would require Mr. Case to enter into prior to moving forward on a Class B Water System.

In summary, the City will not relinquish its water service area at this time as the boundary coincides with our UGA within the area south of Yellowhawk Street. The City of Walla Walla intends to evaluate its UGA boundary as part of our major Comprehensive Plan Update. At the conclusion of the evaluation, the City will determine if the UGA boundary should be revised and in turn revise our water service area. Please note the City of Walla Walla has no intention of going beyond what is outlined in this letter or the draft Letter of Agreement. Also, this letter and draft Letter of Agreement involves only a Class B Water System not another option such as a Class A Water System.

→ Gives you option to expand.

Mr. Glover
April 15, 2016
Page 2 of 2

Please contact either Neal Chavre, City Engineer, at nchavre@wallawallawa.gov or 509-527-4511 or myself at echamberlain@wallawallawa.gov or 509-524-4735.

Sincerely,

A handwritten signature in black ink, reading "Elizabeth F. Chamberlain". The signature is written in a cursive, flowing style.

Elizabeth F. Chamberlain, AICP
Development Services Director
Development Services Department

Enclosure

cc: Ki Bealey, Public Works Director
Neal Chavre, City Engineer
Preston Frederickson, Assistant City Attorney
Ben Case, Sunset Development LLC



PUBLIC WORKS

November 23, 2015

Tom Glover
Walla Walla County Community Development Director
310 West Poplar, Upper Level
Walla Walla, WA 99362

SERVICE CENTER – 55 E. Moore Street
Walla Walla, WA 99362-1172
ADMINISTRATION 509.527.4463
ENGINEERING 509.527.4537
SANITATION 509.527.4479
LANDFILL 509.527.4591
STREETS 509.527.4363
WATER 509.527.4380
FAX 509.524.7960

Subject: Water Availability for the Ransom-Clark development Area

Tom,

Mr. Case recently provided the City of Walla Walla with as-constructed plans for privately owned utilities constructed in the vicinity of Demarini Drive. The water lines have already been constructed using PVC pipe, and do not meet city standards.

The City understands Mr. Case desires to establish a class B water system, to provide private water service to the residents nearby the Demarini Drive area. According to the Coordinated Water System Plan (CWSP), Walla Walla County is the decision making authority for this process in the urban growth area. The City's April 18, 2014 letter to the Joint Community Development Agency documented several inconsistencies with the CWSP, Walla Walla County planning policies, and the City's Water System Master Plan (WSMP) that would result from the formation of a private system. These issues still exist. However, the Walla Walla City Council subsequently passed Ordinance 2014-20, which required annexation prior to receiving City utility services. As Mr. Case's property is not contiguous with the city boundary, annexation is not a realistic option until such time properties north of Mr. Case's are annexed. Therefore, while the City of Walla Walla does not approve of Mr. Case forming a class B water system in the urban growth area, it will not object.

It should be noted that the City of Walla Walla will not assume any responsibility for this system, and will not serve as a satellite management agency, either now or in the future. The City also makes no commitments whatsoever regarding the willingness to assume ownership of the private systems at a future date.

Please contact me at nchavre@wallawallawa.gov or 509-524-4511 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal Chavre".

Neal Chavre, PE

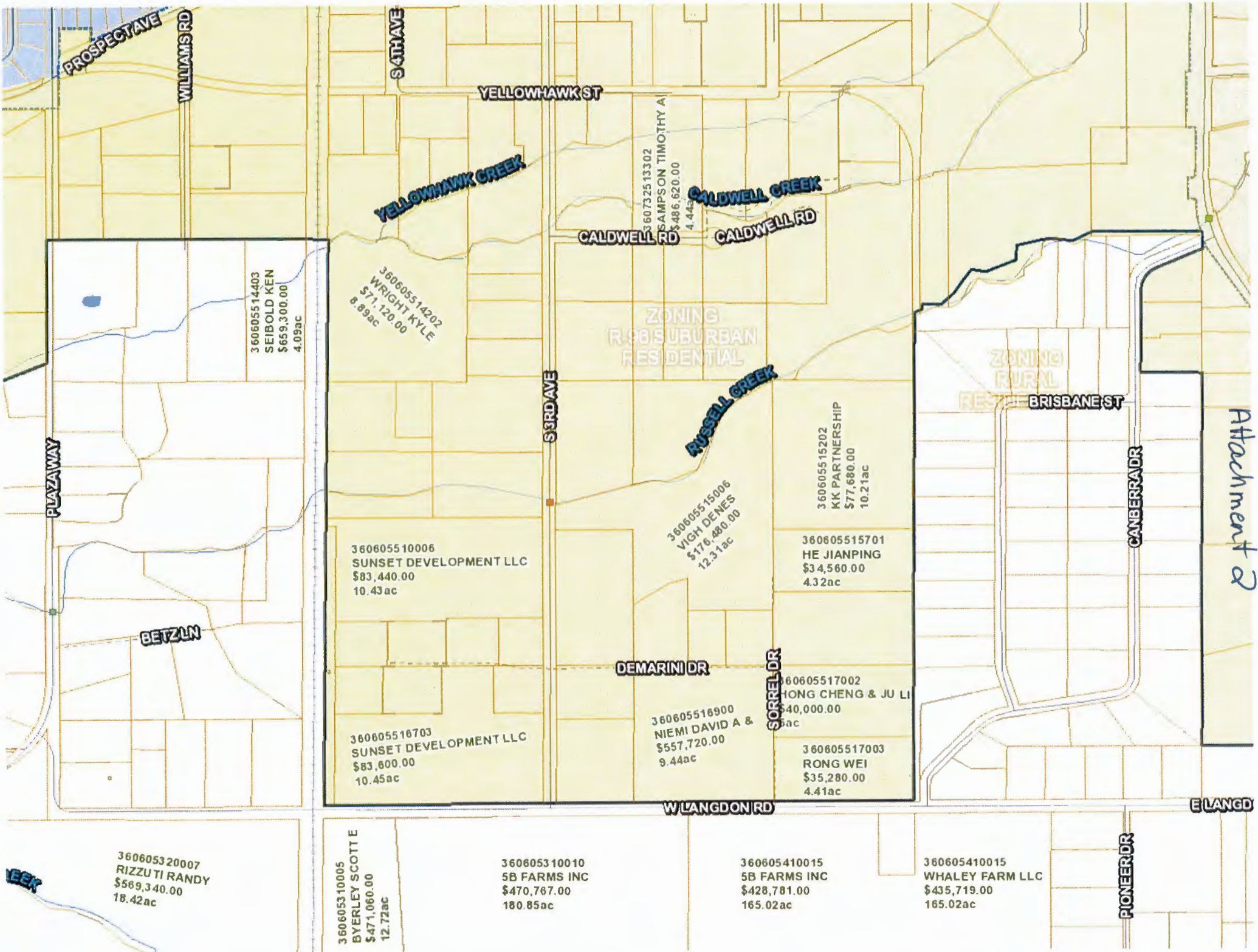
City Engineer

C. Ben Case

Elizabeth Chamberlain, Development Services Director

Ki Bealey, Public Works Director

Preston Frederickson, Assistant City Attorney



Attachment 2

360605320007
RIZZUTI RANDY
\$569,340.00
18.42ac

360605310005
BYERLEY SCOTTE
\$471,060.00
12.72ac

360605310010
5B FARMS INC
\$470,767.00
180.85ac

360605410015
5B FARMS INC
\$428,781.00
165.02ac

360605410015
WHALEY FARM LLC
\$435,719.00
165.02ac

360605514403
SEIBOLD KEN
\$659,300.00
4.09ac

360605514202
WRIGHT KYLE
\$71,120.00
8.89ac

360605510006
SUNSET DEVELOPMENT LLC
\$83,440.00
10.43ac

360605516703
SUNSET DEVELOPMENT LLC
\$83,600.00
10.45ac

360732513302
SAMPSON TIMOTHY A
\$486,620.00
4.44ac

360605515006
VIGH DENES
\$176,480.00
12.31ac

360605516900
NIEMI DAVID A &
\$557,720.00
9.44ac

360605515202
KK PARTNERSHIP
\$77,680.00
10.21ac

360605515701
HE JIANPING
\$34,560.00
4.32ac

360605517002
LONG CHENG & JU LI
\$40,000.00
5ac

360605517003
RONG WEI
\$35,280.00
4.41ac

RECEIVED

MAR 03 2017



PUBLIC WORKS

February 27, 2017

Tom Glover
 Director, Walla Walla County Community Development
 310 West Poplar Street, Suite 200
 Walla Walla, WA 99362

SERVICE CENTER – 55 E. Moore Street
 Walla Walla, WA 99362-1172

ADMINISTRATION	509.527.4463
ENGINEERING	509.527.4537
SANITATION	509.527.4479
LANDFILL	509.527.4591
STREETS	509.527.4363
WATER	509.527.4380
FAX	509.524.7960

Subject: Utility Availability Response for Sunset Development (Ben Case) Proposed 3rd Avenue Development

APPLICANT/OWNER INFORMATION:

Parcel Number or Available Address: 360605510006
 Number of Proposed Lots: 18
 City or County application/file number: Walla Walla County SUB16-018
 Applicant and Owner name and address: Sunset Development LLC, PO Box 91 Walla Walla, 99362

Mr. Glover,

This letter is the latest response to a request for a determination of municipal water availability (attached) associated with development at South Third Avenue and Langdon Road.

The applicant has once again been referred to the applicable utility (City of Walla Walla) because the development is within the designated service area of the City.

Mr. Case is proposing an additional 18 lots be developed on a property north of Demarini Drive, west of S. 3rd Avenue. It is the City's understanding that although Mr. Case has submitted a request for water availability, his actual intent is to create a separate, privately owned and operated water system for this development area within the City of Walla Walla Urban Growth Area (UGA).

As I have stated previously, the City is willing and capable of providing utility service to this entire portion of the UGA, following appropriate main extensions. City code requires an area to be annexed prior to providing City utility service. Mr. Case has not sought to extend City utility services to his property because of the excessive cost required, as well as the annexation policy.

We are in receipt of your February 22, 2017 letter to Mr. Case explaining that the County will support formation of a class B water system. The City questions the applicability of a class B system for the purpose of supplying domestic water for 18 new lots, and feels your decision is inconsistent with several County and City planning policies (which were referenced in my previous letters to you dated 4/18/2014, 8/4/2016). While we do not necessarily agree with the County's decision, we recognize the County's authority in this matter and will not support nor object. Please note that the City of Walla Walla will not act as the satellite management agency for this or any other proposed private systems in the UGA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neal Chavre', with a long horizontal flourish extending to the right.

Neal Chavre, PE
City of Walla Walla Engineer

C.
Nabiel Shawa, City Manager
Ki Bealey, PE, Public Works Director
Elizabeth Chamberlain, Development Services Director
Preston Frederickson, Assistant City Attorney

**CERTIFICATE OF WATER UTILITY SERVICE
FOR WALLA WALLA COUNTY**

310 W Poplar, Suite 200 Walla Walla, WA 99362
Phone 509-524-2610 FAX 509-524-2630

Owner: SUNSET DEVELOPMENT LLC Phone: 509-520-2945

Mailing address: PO Box 91

City: Walla Walla State: WA Zip: 99362

Proposed Project: WW County SUB 16-018 Water Utility: City of WW

A. To be filled out by Water Utility and Applicant

1. Indicate number of units of each category to be served:

Residential 18 Multi-family _____ Commercial _____ Industrial _____

2. Indicate estimated water supply needs of the proposed project:

	Source (Peak Demand)	Storage (Minimum Standby)
a. Estimated Domestic Water (Include irrigation when no separate system)	_____ gpm	_____ gallons
b. Estimated Commercial/Industrial	_____ gpm	_____ gallons
c. Required Fire Flow	_____ gpm	_____ gallons
d. Total Water Requirements	_____ gpm	_____ gallons

3. Number of fire hydrants required: _____

4. Indicate size of main required for hookup: 12 inches

5. Indicate distance from existing main to project: 4300 feet (Approx.)

6. The City of Walla Walla water utility does/does not desire to serve this development at this time/ever.

7. The proposed development is is not within our approved water services area.

8. Water service can be made available immediately by * see attached (date) to this development. Service will not be provided through system extension/satellite service by the above utility.

9. The water utility is not willing to assume interim satellite operation management responsibility for the proposed water system until a connection to our system is possible. If the water utility is not willing to provide satellite services, such services will be provided by _____ and a copy of the agreement for these services is attached.

10. Significant facilities improvements other than waterline extension would/would not be required. List improvements:

11. The required water system facilities capable of serving the ultimate development will/will not be installed initially. If staged development is proposed, specify by what date ultimate installation of water system facilities is anticipated and project schedule for completion:

12. Design and installation of the proposed water system will/will not be reviewed and inspected by the water utility.

13. Facilities to serve the applicant will/will not be installed by the water utility.

14. A satisfactory contract, which stipulates the conditions of service and operational responsibility, has/has not been made with the applicant.

B. To be filled out by the appropriate review agency

1. Walla Walla County Community Development Department

Walla Walla County Community Development Department has reviewed the proposed method of water supply and hereby offers conceptual approval/disapproval for the proposed supply.

Signed: _____ Date: _____

2. Walla Walla County Health Department (reviews individual well requests)

The County Health Department has reviewed the proposed method of water supply and hereby offers conceptual approval/disapproval for the proposal. Final approval will be reserved until a suitable well site is approved and until it is demonstrated that applicable separation distances and health regulations are attainable.

Comments _____

Signed: _____ Date: _____

I, the undersigned, certify that I, or my appointed representative, have discussed this proposed project and its impacts with the Water Utility identified above. I acknowledge that this proposed project may require improvements or additions to the water system which would incur my financial obligation. I have read and confirm the accuracy of the information contained in this Certificate of Water Utility Service.

APPLICANT Sg Case Manager DATE 2/23/17

WATER UTILITY REPRESENTATIVE [Signature] DATE 2-27-17

APPLICATION RECEIVED BY _____ DATE _____

Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

Certificate of Notification

File Number: CWSP17-001

Site Location: S. 3rd Avenue (subdivision application SUB16-018)

Type of Notice: Notice of Public Hearing – BOCC hearing on 05/01/17

Review Level/Type: CWSP Amendment

Proof of Publishing

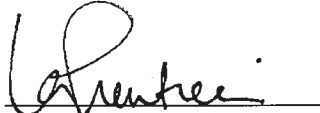
I certify under penalty of perjury under the laws of the State of Washington that the content of the above form of notice was published

☒ in the Waitsburg Times and Walla Walla Union Bulletin on the following date: 4/20/2017

☒ on the CDD website on the following date: 4/18/2017

Lauren Prentice

Printed Name


Signature

4/19/2017

Date

Proof of Mailing

I certify under penalty of perjury under the laws of the State of Washington that the content of the above form of notice was

☒ Mailed to the property owners of record 500' adjacent to the subject property and other parties identified in the attached list on the following date: 4/19/2017

☒ E-mailed to applicant or applicant's representative on: 4/19/2017

Lauren Prentice

Printed Name


Signature

4/19/2017

Date



Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

NOTICE OF PUBLIC HEARING BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WA

Notice is hereby given that the Board of County Commissioners will hold a public hearing at 10:00 AM, or as close thereto as possible, on Monday, May 1, 2017 in Commissioners' Chambers (2nd Floor – Room 213), Walla Walla County Public Health and Legislative Building, 314 West Main, Walla Walla, Washington to receive public testimony and consider, pursuant to the Walla Walla County Coordinated Water System Plan (CWSP), action or decision on the following proposal.

- **CWSP17-001** – Proposed amendments to the City of Walla Walla service area boundaries in the Walla Walla County Coordinated Water System Plan to accommodate a new public water system proposed by Sunset Development, LLC that would serve a proposed 18-lot subdivision (SUB16-018). The site is located on the west side of S. 3rd Avenue, north of Demarini Drive (APN 360605510006, 360605514809), in blocks 48, 60, and 61 of the Ransom Clark Donation Claim. The zoning is R-96, Single Family Residential, and the site lies within the Walla Walla Urban Growth Area (UGA).

Written comments regarding these amendments may be submitted prior to and at the hearing on May 1. This is the final opportunity to comment; written comments cannot be accepted after the public hearing is closed on May 1.

Send written comments to the following address:

**Board of County Commissioners
c/o Walla Walla County Community Development Department
310 W. Poplar Street, Suite 200
Walla Walla, WA 99362
commdev@co.walla-walla.wa.us**

PUBLIC HEARING INFORMATION

County Public Health and Legislative Building
314 West Main Street
2nd floor - Room 213
Walla Walla, WA
May 1, 2017 at 10:00 AM

FOR MORE INFORMATION: For more information regarding this meeting, please contact Lauren Prentice, Principal Planner at 509-524-2620 or commdev@co.walla-walla.wa.us.

Walla Walla County complies with ADA; reasonable accommodation provided with 3 days notice.

OWNER NAME	IN CARE OF	ADDRESS1	CITY	STATE	ZIPCODE
BERGLIN JOHN D & KJERSTIN J		3033 PLAZA WAY	WALLA WALLA	WA	99362
BETZ ROBERT D & MARY E		801 BETZ LN	WALLA WALLA	WA	99362
BILLINGSLEY ANDY & LAURA		558 CRAIG ST	WALLA WALLA	WA	99362
CASE BENJAMIN J & JULIE B	LESTER RUSSELL L & SHARON L	532 DEMARINI DR	WALLA WALLA	WA	99362
HARROLD CHARLES R & JANE E		645 DE MARINI DR	WALLA WALLA	WA	99362
HART KENNETH Y & KAREN A		3131 S 3RD ST	WALLA WALLA	WA	99362
JONES GERWYN JR & DIANE		411 CALDWELL RD	WALLA WALLA	WA	99362
JONES MARK & CHRISTINE MILAM		4400 POWER LINE RD	WALLA WALLA	WA	99362
KIMBALL STEPHEN G		543 DEMARINI DR	WALLA WALLA	WA	99362
KONEN CHARLES S & CATHERINE		186 BRICKWOOD DR	WALLA WALLA	WA	99362
LEONETTI VERL LIFE EST ETAL	J LEONETTI LIFE EST	218 W CHESTNUT	WALLA WALLA	WA	99362
LIBERATO JOHN M & R ANN		18330 SE 195TH PL	RENTON	WA	98058
LOYA MANUEL & KELLY HUDKINS-LOYA		820 BETZ LN	WALLA WALLA	WA	99362
NESS LUTHER O & CLAUDIA L		851 BETZ LN	WALLA WALLA	WA	99362
NIEMI DAVID A &	PATRICIA GALLAGHER NIEMI	PO BOX 1956	WALLA WALLA	WA	99362
ORE-WASH R R NAVIGATION CO		1400 DOUGLAS STOP 1640	OMAHA	NE	68179
PETERSON JAMES R		712 W LANGDON RD	WALLA WALLA	WA	99362
REA H TREMAYNE		84896 HOOD RD	MILTON FREEWATER	OR	97862
ROSSELLE ROBERT & CYNTHIA		631 DE MARINI DR	WALLA WALLA	WA	99362
RUSHTON KEITH C & LESLIE A		20711 SE 291ST PL	KENT	WA	98042
SANDVEN TOR H & LEAH M		217 COYOTE RIDGE DR	WALLA WALLA	WA	99362
SIRMON THADDEUS & TAMARA		805 BETZ LN	WALLA WALLA	WA	99362
SPALDING MICHAEL S & MARIE G		PO BOX 782	WAITSBURG	WA	99361
SUNSET DEVELOPMENT LLC		PO BOX 91	WALLA WALLA	WA	99362
THOMPSON DONALD E & CYNTHIA K		2946 S 3RD AVE	WALLA WALLA	WA	99362
VIGH DENES	SHARON FLEMING	1263 SOPRISE DR	HOUSTON	TX	77077
WOOD RYAN & ERIN		402 DEMARINI DR	WALLA WALLA	WA	99362
CITY OF WALLA WALLA	C/O NEAL CHAVRE	55 E. MOORE STREET	WALLA WALLA	WA	99362
CITY OF WALLA WALLA	C/O ELIZABETH CHAMBERLAIN	55 E. MOORE STREET	WALLA WALLA	WA	99362

Diane Harris

From: Lauren Prentice
Sent: Tuesday, April 25, 2017 9:33 AM
To: Tom Glover
Subject: FW: CWSP17-001 hearing May 1st 10 a.m.

From: Chris Ponce [<mailto:cbp04747@yahoo.com>]
Sent: Tuesday, April 25, 2017 9:11 AM
To: Community Development <commdev@co.walla-walla.wa.us>
Cc: Chris Ponce <cbp04747@yahoo.com>; Lisa Ponce <lamp730@gmail.com>
Subject: CWSP17-001 hearing May 1st 10 a.m.

We have lived at 330 DeMarini Drive since January of 2014 and did not receive the (undated) notice of public hearing. We got it from a neighbor, then later had an email from Ben Case. Why were left out?

We object in the strongest possible terms to having the land in question being turned into 18 lots. That home density would destroy the nature of the 100 acres that Ben owns, and which we bought into. If part of this proposition would require those 18 lots to use septic tanks, then serious issues related to the adjacent creek are a concern.

A water plan is one thing. Neighborhood development is another.

Chris and Lisa Ponce
330 DeMarini Dr.
Walla Walla, WA 99362
909-731-8477
909-973-9277



Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

Date: May 1, 2017
To: Walla Walla County Board of County Commissioners
From: Tom Glover, Director
Lauren Prentice, Principal Planner
RE: ZCA16-013, Amendments to WWCC Chapter 17.36, General Provisions –
Nonconforming Uses, Lots and Structures

Background

On November 21, 2016, the Board of County Commissioners adopted interim zoning regulations via Ordinance No. 457 that are in effect until May 21, 2017. The Board of County Commissioners intended these interim amendments to give the County time to develop and consider possible permanent amendments. The interim ordinance amended Chapter 17.36, which is the chapter in the code that provides general provisions for regulating nonconforming lots, uses and structures. These regulations currently only apply to nonconforming lots, structures, and uses that have become nonconforming as a result of a change in zoning.

The interim zoning regulations amended Section 17.36.010A to apply these same standards to lots and structures that become nonconforming as a result of right-of-way acquisition by eminent domain or threat of eminent domain by any governmental entity.

Planning Commission Recommendation

At the public hearing held by the Planning Commission on April 5 the Commission concluded that application ZCA16-013 meets the review criteria in WWCC 14.15.070 and voted unanimously to recommend approval by the Board of County Commissioners.

Planning Commission Resolution 17-02, which is included as Attachment 1, documents this recommendation.

Recommended Motion

"I move that the Board of County Commissioners concur with the findings of fact and conclusions of law in docket ZCA16-013 and approve the amendments as presented, and request the Community Development Department and Prosecuting Attorney prepare an ordinance for approval."

Attachments

1. Planning Commission Resolution No. 17-02
2. Notice of Public Hearing and Affidavit of Notification
3. April 5, 2017 Staff Report to the Planning Commission

Analysis

The April 5, 2017 Staff Report to the Planning Commission provides staff's analysis to the below decision criteria, as well as draft findings of fact and conclusions of law. WWCC14.15.070(B)(3) lists the criteria the Board of County Commissioners shall base its decision on:

- a. The amendment is consistent with the comprehensive plan; and
- b. The amendment meets a definable public need; and
- c. The amendment is in the long term interest of the county.

WALLA WALLA COUNTY PLANNING COMMISSION RESOLUTION NUMBER 17-02

Project: Zoning Code Text Amendment proposal ZCA16-013

WHEREAS, on November 21, 2016 the Board of County Commissioners adopted interim zoning regulations via Ordinance No. 457 regarding the regulation of nonconforming situations resulting from right-of-way acquisition; and

WHEREAS, on March 1, 2017 the Planning Commission conducted a workshop meeting to discuss the adopting the interim zoning regulations as permanent amendments to Walla Walla County Code Chapter 17.36 under request ZCA16-013; and

WHEREAS, on April 5, 2017 the Planning Commission held a public hearing to consider the proposed permanent amendments (ZCA16-013) and no members of the public were present or submitted written testimony; and

WHEREAS, members of the general public were notified of the public hearing and had the opportunity to submit testimony; and

WHEREAS, the Planning Commission considered the application based on the applicable criteria listed in Title 14 of Walla Walla County Code:

Development Regulations Amendment Review Criteria - WWCC 14.15.070B.3

- a. *Whether or not the amendment application is consistent with the comprehensive plan;*
- b. *Whether or not the amendment meets a definable public need, and*
- c. *Whether or not the amendment is in the long term interest of the county.*

WHEREAS, on April 5, 2017 the Planning Commission voted unanimously to recommend that the Board of County Commissioners approve the proposed amendments presented in the April 5 staff report (ZCA16-013).

BE IT RESOLVED, by the Walla Walla County Planning Commission that it makes the following conclusions:

1. The amendments proposed by Walla Walla County (ZCA16-013) should be approved as presented in the April 5 staff report, as they are (1) consistent with the comprehensive plan; (2) meet a definable public need by addressing uses that are not currently addressed in the County code; and (3) are in the long-term interest of the County because they will allow the County to better accommodate property owners who have nonconforming situations resulting from right-of-way acquisition by a governmental entity. (WWCC 14.15.070B.3).

BE IT FURTHER RESOLVED, by the Walla Walla County Planning Commission that the Commission recommends to the Board of County Commissioners the following:

- Approval of docket no. ZCA16-013, based on the amendments' consistency with Walla Walla County Code 14.15.070B.3.



Bruce McCaw, Chairman
Walla Walla County Planning Commission

04-29-2017
Date

Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

Certificate of Notification

File Number: ZCA16-013

Site Location: Nonproject – applies to nonconforming situations

Type of Notice: Notice of Public Hearing – BOCC hearing on 05/01/17

Review Level/Type: Zoning Code Amendment – Level 5

Proof of Publishing


I certify under penalty of perjury under the laws of the State of Washington that the content of the above form of notice was published

- ☒ in the Waitsburg Times and Walla Walla Union Bulletin on the following date: 4/20/2017
- ☒ in the Tri-City Herald on the following date: 4/21/2017
- ☒ on the CDD website on the following date: 4/18/2017

Lauren Prentice
Printed Name


Signature

4/25/2017
Date



Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

NOTICE OF PUBLIC HEARING BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WA

Notice is hereby given that the Board of County Commissioners will hold a public hearing at 10:00 AM, or as close thereto as possible, on Monday, May 1, 2017 in Commissioners' Chambers (2nd Floor – Room 213), Walla Walla County Public Health and Legislative Building, 314 West Main, Walla Walla, Washington to receive public testimony and consider, pursuant to Walla Walla County Code Chapter 14.15, action or decision on the following proposal.

- **ZCA16-013** – Amend Walla Walla County Code (WWCC) Chapter 17.36 to apply nonconforming lot/use/structure provisions to nonconforming situations resulting from right-of-way acquisition.

Written comments regarding these amendments may be submitted prior to and at the hearing on May 1. This is the final opportunity to comment; written comments cannot be accepted after the public hearing is closed on May 1.

Send written comments to the following address:

Board of County Commissioners
c/o Walla Walla County Community Development Department
310 W. Poplar Street, Suite 200
Walla Walla, WA 99362
commdev@co.walla-walla.wa.us

PUBLIC HEARING INFORMATION

County Public Health and Legislative Building
314 West Main Street
2nd floor - Room 213
Walla Walla, WA
May 1, 2017 at 10:00 AM

FOR MORE INFORMATION: For more information regarding this meeting, please contact Lauren Prentice, Principal Planner at 509-524-2620 or commdev@co.walla-walla.wa.us.

Walla Walla County complies with ADA; reasonable accommodation provided with 3 days notice.

Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

Date: April 5, 2017
To: Walla Walla County Planning Commission
From: Tom Glover, Director
Lauren Prentice, Principal Planner
RE: **Public Hearing Agenda Item No. 1** – ZCA16-013, Amendments to WWCC Chapter 17.36, Walla Walla County

Background and Summary of Amendments

On November 21, 2016, the Board of County Commissioners adopted interim zoning regulations via Ordinance No. 457 (Attachment 2) that are in effect until May 21, 2017. The Board of County Commissioners intended these interim amendments to give the County time to develop and consider possible permanent amendments. The interim ordinance amended Chapter 17.36, which is the chapter in the code that provides general provisions for regulating nonconforming lots, uses and structures.

For example, if an undeveloped 5-acre lot were rezoned by the County and assigned RA-10 zoning, requiring a minimum lot size of 10-acres, it becomes a nonconforming lot because it does not meet the minimum lot area requirements of Title 17 under the new zoning classification. Chapter 17.36 provides the property owner with some protection from this action by allowing a single-family residence and other allowed uses to be constructed, rebuilt, and enlarged on this lot, provided all other applicable regulations (e.g. height, setbacks, health standards, building and fire code) are met. Similarly, if a lawfully built nonconforming structure that does not meet current setback requirements is destroyed or damaged, it may be rebuilt or repaired under Section 17.36.040.

However, these regulations only apply to nonconforming lots, structures, and uses that have become nonconforming as a result of a change in zoning.

The interim zoning regulations amended Section 17.36.010A to apply these same standards to lots and structures that become nonconforming as a result of right-of-way acquisition by eminent domain or threat of eminent domain.

Attachment 1 shows the proposed permanent amendments to Chapter 17.36; these are the same as the interim amendments adopted by Ordinance No. 457 and reviewed at the February 1 Planning Commission workshop.

Staff Recommendation

Staff recommends that the proposed amendments shown in Attachment 1, docket number ZCA16-013, be recommended for approval by the Board of County Commissioners.

Recommended Motion

"I move that the Planning Commission concur with the findings of fact and conclusion of law in docket number ZCA16-013 and recommend to the Board of County Commissioners that the proposed amendments be approved."

Attachments

1. Proposed amendments to WWCC Chapter 17.36
2. Ordinance No. 457, adopted and effective on November 21, 2016
3. Email from Washington State Department of Commerce granting Expedited Review Request, dated March 20, 2017
4. Notice of Informational Public Meeting and Public Hearing
5. SEPA Determination of Nonsignificance

Zoning Code Text Amendment Review Criteria

Below are the three criteria from WWCC 14.15.70B.3 on which the Community Development Department and Planning Commission shall base their recommendations.

- **Criteria:** The amendment is consistent with the comprehensive plan.
Staff Discussion: The Comprehensive Plan does not contain any specific goals or policies relating to nonconforming situations so there is no conflict. The proposed amendments will simply apply the same standards to nonconforming situations resulting from road projects as other nonconforming situations.
- **Criteria:** The amendment meets a definable public need.
Staff Discussion: This change will help to ensure that the same development regulations are applied consistently across all properties within a given zoning district and land use designation and that the County is able to accommodate properties made nonconforming as a result of right-of-way acquisition.
- **Criteria:** The amendment is in the long term interest of the County.
Staff Discussion: The proposed amendments will allow the County to accommodate properties made nonconforming as a result of right-of-way acquisition in the same way it accommodates nonconforming situations resulting from zoning changes. Any development or redevelopment of these lots or structures will still have to comply with applicable development regulations and other standards (e.g. fire code, building code, environmental health standards) so these amendments aren't expected to result in any risk to public health or safety.

Findings of Fact

1. Current Walla Walla County Code Chapter 17.36 impacts the ability of the County to plan for properties made nonconforming as a result of right-of-way acquisition.
2. On November 21, 2016 the Board of County Commissioners adopted interim zoning regulations via Ordinance No. 457 regarding the regulation of nonconforming situations resulting from right-of-way acquisition.
3. On March 1, 2017 the Planning Commission discussed the proposed amendments in a workshop meeting.
4. The County has completed required state agency review per RCW 36.70A.106. A copy of the proposed amendments was sent to the Washington State Department of Commerce on March 3, 2017. On March 20, 2017 the County was notified that the Department of Commerce granted expedited review for these amendments. No comments from State agencies were submitted.
5. On March 29, 2017 a SEPA Determination of Non-Significance was issued for this proposal.
6. A Notice of Informational Public Meeting and Public Hearing was published in the Waitsburg Times and Walla Walla Union Bulletin on March 16, 2017 and in the Tri-City

Herald on March 17, 2017. This notice was also published on the Community Development Department website on March 14, 2017.

7. On April 5, 2017 an informational public meeting was held.
8. On April 5, 2017 a public hearing was held by the Planning Commission.

Conclusion of Law

1. The proposed amendments have been reviewed pursuant to Walla Walla County Code Sections 14.15.070B.3.
2. The proposed amendments are consistent with the Walla Walla County Comprehensive Plan.
3. The proposed amendments are necessary to allow the County to accommodate properties made nonconforming as a result of right-of-way acquisition by a governmental entity.
4. As proposed, the amendments should not have a significant adverse impact on public welfare and safety.

ATTACHMENT 1
Proposed Amendments to WWCC 17.36.010A

CHAPTER 17.36 - GENERAL PROVISIONS—NONCONFORMING USES, LOTS AND STRUCTURES

17.36.010 - Intent.

- A. The provisions of this chapter shall apply to buildings, structures, lands and uses which become nonconforming as a result of the application of this title to them, or from classification or reclassification of the property under this title or any subsequent amendments thereto, or as a result of acquisition of right-of-way by the exercise of eminent domain or threat of eminent domain for a governmental entity.
- B. If a use originally authorized by a variance, conditional use permit or other valid use permit prior to the effective date of the ordinance codified in this title is located within a district in which such use is not permitted by the terms of this title, such use shall be a nonconforming use. (Ord. 269 (part), 2002)

17.36.020 - Nonconforming lots of record.

- A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory buildings may be erected, rebuilt or enlarged on any single lot of record at the effective date of adoption or amendment of the ordinance codified in this title. Such lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained as required in Chapter 17.44 and Title 14 of this code.
- B. If two or more vacant lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this title, and if all or part of the lots do not meet the requirements for lot width and area as established by this title, the lands involved shall be considered to be an undivided parcel for the purpose of this title, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this title nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this title. Provided, however, that no vested subdivision or short subdivision will be subject to this subsection during the five year period following its approval unless the county commissioners find that a change in conditions creates a serious threat to public health or safety. (Ord. 269 (part), 2002; Ord. 287, Part B, §6, 2003)

17.36.030 - Nonconforming uses of land.

Where, at the effective date of adoption or amendment of the ordinance codified in this title, lawful use of land exists that is made no longer permissible under the terms of this title as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this title.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.
- C. When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for one year, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. (Ord. 269 (part), 2002)

17.36.040 - Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may continue so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, unless an enlargement or structural alteration makes the building more conforming or is required by law.
- B. Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at time of destruction, it may be reconstructed or replaced if a building permit is obtained within one year of destruction.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Structural alterations may be permitted if necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in such building. Any enlargement necessary to adapt to new technologies shall be authorized only by a variance. (Ord. 269 (part), 2002; Ord. 304, 2004)

17.36.060 - Repairs and maintenance.

Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official. (Ord. 269 (part), 2002)

Return Address
Walla Walla County Commissioners
PO BOX 1506
Walla Walla, WA 99362

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

ORDINANCE NO. 457 - ADOPTING AN INTERIM ORDINANCE REGARDING THE REGULATION OF NONCONFORMING USE PROVISIONS IN THE EVENT OF ACQUISITION OF RIGHT-OF-WAY BY EMINENT DOMAIN OR POTENTIAL EMINENT DOMAIN IN UNINCORPORATED WALLA WALLA COUNTY, TEMPORARILY MODIFYING WALLA WALLA COUNTY CODE CHAPTER 17.36.

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

Grantor

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

Additional names on page ____ of document.

Grantee

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

Additional names on page ____ of document.

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

n/a

Additional legal is on page ____ of document.

Assessors Parcel Numbers

n/a

Additional parcel number is on page ____ of document.

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

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

ORDINANCE NO. 457

ADOPTING AN INTERIM ORDINANCE REGARDING THE REGULATION OF NONCONFORMING USE PROVISIONS IN THE EVENT OF ACQUISITION OF RIGHT-OF-WAY BY EMINENT DOMAIN OR POTENTIAL EMINENT DOMAIN IN UNINCORPORATED WALLA WALLA COUNTY, TEMPORARILY MODIFYING WALLA WALLA COUNTY CODE CHAPTER 17.36.

WHEREAS, the Board of County Commissioners may adopt interim development regulations for a period of up to six months provided that the Board holds a public hearing on the proposed interim development regulations within sixty (60) days after adoption of the Ordinance (RCW 36.70A.390); and

WHEREAS, Walla Walla County Code Section 14.15.030 allows the Board of County Commissioners to amend the County development regulations more than once per year by majority vote of the Board; and

WHEREAS, recent road construction activity in the unincorporated areas of Walla Walla County have triggered the need by the County to acquire right-of-way by the potential exercise of eminent domain; and

WHEREAS, current requirements of the Walla Walla County zoning code, Title 17, provide for the regulation of non-conforming buildings, structures, lands, and uses; and

WHEREAS, these regulations do not address buildings, structures, lands, and uses made non-conforming as a result of right-of-way acquisition by the exercise of eminent domain or potential exercise of eminent domain; and

WHEREAS, the right-of-way acquisition is underway now, and therefore necessitates an immediate, but temporary, change in the County's ordinances to address this issue.

Now Therefore; be it Ordained that:

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

1. The Walla Walla County Public Works Department is currently engaged in road construction activity as part of its transportation improvement plan.
2. Current Walla Walla County Code 17.36 impacts the ability of the County to plan for properties made non-conforming as a result of right-of-way acquisition.
3. The Board of County Commissioners have scheduled a public hearing for December 19, 2016 at 10:00 a.m. to consider the changes adopted by this interim ordinance.



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

1. Walla Walla County is authorized by RCW 36.70A.390 to adopt interim zoning controls for a period of six months.
2. The proposed amendments are necessary to allow the County to accommodate properties made non-conforming as a result of right-of-way acquisition by a governmental entity.
3. Immediate, and temporary, action is necessary to minimize impacts from the County's road construction activity.

Section III. Duration and Termination:

The interim requirements imposed by this Ordinance shall commence on the date of adoption of this Ordinance. Provided that the County holds a public hearing on the interim requirements and adopts findings and conclusions in support of the requirements, the requirements shall terminate six months thereafter, unless extended by ordinance after public hearing. The County Community Development Department staff is directed to prepare possible permanent development regulations to be considered by the Planning Commission and Board of County Commissioners.

Section IV. Interim Nature of Ordinance.

This Ordinance shall be effective only through May 21, 2017.

Section V. Public Hearing:

The Commissioners shall hold a public hearing on December 19, 2016 at 10:00 a.m. If necessary, the Board may adopt additional Findings of Fact.

Section VI Severability:

If any section, subsection, paragraph, sentence, clause or phase 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 VII:

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

Section VIII:

Walla County Code Chapter 17.36 is temporarily modified as follows:

17.36.010 Intent.

A. The provisions of this chapter shall apply to buildings, structures, lands and uses which become nonconforming as a result of the application of this title to them, or from classification or reclassification of the property under this title or any subsequent amendments thereto, or as a result of acquisition of right-of-way by the exercise of eminent domain or threat of eminent domain by a governmental entity.

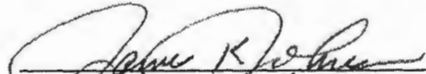


PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 21st day of November, 2016.

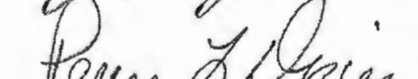
Attest:



Connie R. Vinti, Clerk of the Board



James K. Johnson, Chairman, District 1



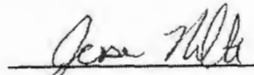
Perry L. Dozier, Commissioner, District 2



James L. Duncan, Commissioner, District 3

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

Approved as to form



Jesse D. Nolte, Deputy Prosecuting Attorney



Lauren Prentice

From: COM GMU Review Team <reviewteam@commerce.wa.gov>
Sent: Monday, March 20, 2017 8:27 AM
To: Lauren Prentice
Cc: Andersen, Dave (COM)
Subject: 23437, Walla Walla County, Expedited Review Granted, DevRegs

Dear Ms. Prentice:

Walla Walla County has been granted expedited review for the: Proposed amendment to Walla Walla County Code Chapter 17.36 to apply nonconforming lot provisions to lots made nonconforming as a result of right-of-way acquisition (ZCA16-013). This proposal was submitted for the required state agency review under RCW 36.70A.106.

As of receipt of this email, Walla Walla County has met the Growth Management Act notice to state agency requirements in RCW 36.70A.106 for this submittal. For the purpose of documentation, please keep this email as confirmation.

If you have any questions, please contact reviewteam@commerce.wa.gov

Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

NOTICE OF INFORMATIONAL PUBLIC MEETING AND WALLA WALLA COUNTY PLANNING COMMISSION PUBLIC HEARING

Informational Public Meeting

Walla Walla County will be holding an informational open house public meeting for the following development regulation amendment proposal.

- **ZCA16-013** – Amend Walla Walla County Code (WWCC) Chapter 17.36 to apply nonconforming lot/use/structure provisions to nonconforming situations resulting from right-of-way acquisition.

This meeting is open to the public and is a question and answer session; it is not a public hearing. No oral testimony will be taken, and no decisions will be made at this meeting. Staff will be available to answer questions; this is for public informational purposes only.

INFORMATIONAL MEETING INFORMATION

County Public Health and Legislative Building
314 West Main Street
2nd floor - Room 213; Walla Walla, WA
April 5, 2017 from 6:15 – 6:45 PM

Public Hearing

The Planning Commission will be conducting a public hearing on the following development regulation amendments (same item as listed above for informational public meeting): **ZCA16-013.**

The Planning Commission, following the public hearing, will make a recommendation on these proposed amendments to the Board of County Commissioners (BOCC) at the same meeting or a date not yet determined. The Planning Commission will be asked to recommend that the proposed amendment be approved, approved with modifications, or denied. The BOCC will then review the recommendation at a public hearing, on a date not yet determined.

Any interested person may comment on these items, receive notice, and participate in any hearings. Persons submitting testimony may participate in the public hearing, request a copy of the final decision, and have rights to appeal the final decision. You can obtain a copy of the staff report from the Community Development Department by contacting the person listed below.

Written comments regarding the above applications may be submitted prior to and at the hearing. Send written comments to the following address:

Walla Walla County Community Development Department
c/o Lauren Prentice, Principal Planner
310 W. Poplar Street, Suite 200; Walla Walla, WA 99362
commdev@co.walla-walla.wa.us

PUBLIC HEARING INFORMATION

County Public Health and Legislative Building
314 West Main Street; 2nd floor - Room 213
Walla Walla, WA
April 5, 2017 at 7:00 PM

FOR MORE INFORMATION: For more information regarding this meeting, please contact Lauren Prentice, Principal Planner at 509-524-2620 or commdev@co.walla-walla.wa.us.

Walla Walla County complies with ADA; reasonable accommodation provided with 3 days notice.

Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

File No. SEPA17-007

DETERMINATION OF NON-SIGNIFICANCE (DNS)

Description of Proposal: Amend Walla Walla County Code Chapter 17.36 to apply nonconforming lot, structure, and use provisions to nonconforming situations resulting from right-of-way acquisition.

Proponent(s): Walla Walla County
c/o Community Development Department
310 W. Poplar, Suite 200
Walla Walla, WA 99362

Location of Proposal: This is a non-project proposal that will apply to all nonconforming situations in unincorporated Walla Walla County.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The Determination of Non-Significance (DNS) is based on the project as proposed and reflected in the following:

- Environmental Checklist (SEPA17-007), dated 3/29/2017
- Proposed amendments to WWCC Chapter 17.36 (ZCA16-013)

This DNS is issued under WAC 197-11-340(2)(a); the lead agency will not act on this proposal for fourteen days from the date below. **Comments must be submitted by April 13, 2017.**

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); if there is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or if the DNS was procured by misrepresentation or lack of material disclosure.

Lead Agency: Walla Walla County Community Development Department (CDD)

Responsible official: Thomas Glover, AICP; Director

Address: 310 W Poplar St., Suite 200
Walla Walla, WA 99362
Phone: 509-524-2610
Email: commdev@co.walla-walla.wa.us

Issue Date: 3/31/2017

Signature:  **Date:** 3-29-17

Staff Contact: Lauren Prentice, Principal Planner, 509-524-2620

You may appeal this determination, in writing, to the CDD no later than fourteen days from the end of the comment period. You should be prepared to make specific factual objections. Contact the CDD to read or ask about the procedures for SEPA appeals and obtain details regarding submittals for appeals (including application forms and fees). Walla Walla County Code (WWCC) Chapter 14.11 outlines the County's appeal procedure.

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

Draft

ORDINANCE NO. 463

AMENDING WALLA WALLA COUNTY CODE CHAPTER 17.08 AND SECTION 17.16.014 TO ESTABLISH DEFINITIONS AND DEVELOPMENT STANDARDS FOR AGRITOURISM ENTERPRISES AND SMALL SCALE VALUE-ADDED AGRICULTURE PROCESSING AND ESTABLISH THESE AS ALLOWED USES IN MOST OF THE COUNTY'S RURAL, AGRICULTURE, AND INDUSTRIAL AGRICULTURE ZONING DISTRICTS.

WHEREAS, it is desirable for Walla Walla County to utilize innovative land use management techniques permitted by RCW 36.70A; 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.

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. On March 31, 2016, the County received a zoning code text amendment application (ZCA16-004) from Susan Buchanan that proposed to add new definitions for 'agritourism' and 'value-added agriculture' to Walla Walla County Code (WWCC) Chapter 17.08 and to make these uses permitted outright in the Agriculture Residential 10 (AR-10) zoning district.
2. On May 1, 2016, the Planning Commission held a workshop meeting to discuss the application submitted by Buchanan (ZCA16-004).
3. On May 19, 2016, a Notice of Public Hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin and the Tri-City Herald for a June 1, 2016 Planning Commission preliminary docket public hearing. This notice was also published on the Community Development Department website on May 19, 2016.
4. On June 1, 2016, the Planning Commission held a public hearing and recommended that the proposed amendment application by Buchanan (ZCA16-004) be included on the County's 2016 Final Docket. This recommendation is documented in Planning Commission Resolution 16-03 in which the Commission raised concerns that the definitions proposed in the Buchanan application were too general. The Planning Commission's recommendation stated that if placed on the final docket, consideration should be given to whether development standards for the new use categories should be developed or the proposed definitions should be modified.

Draft

5. On September 6, 2016, the Board of County Commissioners (BOCC) placed the Buchanan application on the 2016 Final Docket by Resolution 16-246.
6. On September 7, 2016, the Planning Commission discussed the proposed amendments in a workshop meeting.
7. On September 9, 2016, a copy of the amendments proposed by Buchanan (ZCA16-004) was sent to the Washington State Department of Commerce as required by RCW 36.70A.106. The 60-day review period ended on November 8 (Material ID 22837). No comments from state agencies were submitted during this review period.
8. On October 5, 2016, the Planning Commission discussed the amendments proposed by Buchanan (ZCA16-004) and alternative amendments in a workshop meeting.
9. On November 2, 2016, the Planning Commission discussed the amendments proposed by Buchanan (ZCA16-004) and alternative amendments in a workshop meeting. At this meeting the Planning Commission was presented with a letter from Seth Small, a Walla Walla County farmer, who expressed support for the Buchanan application but recommended that the proposed amendments be extended to allow these uses in the General Agriculture 20 (GA-20) and Primary Agriculture 40 (PA-40) districts.
10. On December 7, 2016, the Planning Commission discussed the amendments proposed by Buchanan (ZCA16-004) and alternative amendments in a workshop meeting.
11. On January 4, 2017, the Planning Commission discussed the amendments proposed by Buchanan (ZCA16-004) and alternative amendments in a workshop meeting.
12. On January 18, 2017 A copy of the proposed County-drafted alternative amendments (ZCA17-001) was sent to the Washington State Department of Commerce as required by RCW 36.70A.106 with an expedited review request. Expedited review (Material ID 23315) was granted and the review period ended on February 2, 2017. No comments from state agencies were submitted on the alternative amendments during this review period.
13. On January 18, 2017, a Notice of Public Hearing and Informational Public Meeting was posted on the Community Development Department website for meetings on February 1, 2017. This notice was published in the Waitsburg Times, Walla Walla Union Bulletin and Tri-City Herald on January 19, 2017. The notice was mailed to the applicant and other parties on January 20, 2017.
14. On February 1, 2017, an Informational Public Meeting was held by Community Development Staff as required by WWCC 14.15.050B.2.
15. On February 1, 2017, a public hearing was held by the Planning Commission. Three members of the public spoke in favor of the proposed alternative amendments (ZCA17-001) at the public hearing. One member of the public said that while he supported the proposed amendments, he recommended that value-added agriculture processing facilities should be allowed to be larger than 12,000 square feet. The Planning Commission was also provided with written comments submitted prior to the hearing which included three public comment letters expressing concerns about locating these uses in the Exclusive Agriculture 120 district (EA-120).

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17.08.475 – Small scale value-added agriculture processing.

“Small scale value-added agriculture processing” means the production, storage, marketing, and distribution of regional agricultural products from one or more producers, including support services that facilitate these activities. Value-added agricultural products may be defined as any agricultural commodity that meets at least one of the following categories:

- a. Has undergone a change in physical state;
- b. Was produced in a manner that enhances the value of the agricultural commodity; or
- c. Is aggregated and marketed as a locally-produced agricultural food product.

The processing facility shall meet the following conditions:

- a. The facility is not a slaughterhouse or mushroom substrate production facility.
- b. The facility is not a source of farm- or ranch-based renewable energy, including E-85 fuel (except for own use).
- c. The facility is supplemental and related to the primary permitted use;
- d. The facility processes at least 50 percent agricultural goods produced in Walla Walla County.
- e. The facility may conduct on-site retail sales of value-added products produced by the processing facility, or farm or ranch, in a market area that is not larger than 400 square feet.
- f. Ancillary retail sales of products not grown or produced by the processing facility, or farm or ranch, must be confined to fifteen percent of the total gross floor space of the retail area (maximum of 60 square feet), and must be clearly accessory to retail sales and marketing of the processing facility.
- g. The total gross floor area of the facility shall not exceed 12,000 square feet.
- h. A permit is required for all small scale value-added agriculture processing facilities. Permit review shall be limited to determining that the proposed facility meets the conditions listed above, provides adequate parking, and is compliant with other applicable development regulations. A permit may be revisited by the Walla Walla County Community Development Department if any of the activities are determined to be outside of the scope, purpose, and/or use of the processing facility.

Exhibit B
Amendments to Section 17.16.014

Draft

17.16.014 - Permitted uses table.

Resource Land Uses

	Zone																		
	Resource				Rural								Urban Residential				Misc.		
	PA - 40	EA - 12 0	GA - 20	AR - 10	RR - 40	RR - 20	RA - 10	RA - 5	RRM C- 5	RR - 2	RR - 5	R - 9 6	R - 7 2	R - 6 0	R M	RD - R	RD - CI	RF C	RA C
Specific Use																			
AGRICULTURE																			
<u>*Agritourism enterprise</u>	<u>P2</u>		<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>AC2</u>	<u>AC 2</u>	<u>AC 2</u>								<u>P2</u>
<u>*Small scale value-added agriculture processing</u>	<u>P2</u>		<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>	<u>AC2</u>	<u>AC 2</u>	<u>AC 2</u>								<u>P2</u>

	Zone										
	Industrial and Commercial									Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR	
SPECIFIC USE											
AGRICULTURE											
<u>*Agritourism enterprise</u>	P2	P2									
<u>*Small scale value-added agriculture processing</u>	P2	P2									

F. Resource Land Uses—Development Conditions.

1. An accessory use, structure or activity clearly incidental to a permitted use and which will not create a nuisance or hazard is permitted.
2. A permit is required for all agritourism enterprises and small scale value-added agriculture processing facilities.

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16. On February 1, 2017, after the close of the public hearing the Planning Commission voted unanimously, with one member absent, to recommend that the Board of County Commissioners replace the application submitted by Buchanan (ZCA16-004) with the proposed code amendments prepared by the County and presented in the February 1 staff report (ZCA17-001). On March 1, 2017, the Planning Commission Chairman issued Resolution 17-01 documenting this recommendation.
17. On February 2, 2017, a SEPA threshold determination of non-significance (DNS) was issued by the Community Development Department Director for the proposed County-drafted alternative amendments (file SEPA17-001). The DNS was mailed to parties who had previously submitted comments, filed with the Department of Ecology SEPA Register and distributed to consulting agencies. No public or agency comments were submitted on the SEPA DNS and no appeals were filed.
18. On February 21, 2017, the Board of County Commissioners discussed the amendments proposed by Buchanan (ZCA16-004) and County-drafted alternative amendments in a workshop meeting. At this meeting, staff provided the Board with the Planning Commission's recommendation and a copy of received written public comments. The Board indicated that they would like to consider modifying the County-drafted amendment proposal (ZCA17-001) to exclude the EA-120 district and directed staff to schedule a public hearing to hear public testimony on the Planning Commission's recommendation and this alternative.
19. On March 6, 2017, the Board of County Commissioners adopted Resolution 17-054 setting a public hearing on these proposed amendments for March 27, 2017.
20. On March 9, 2017, a Notice of Public Hearing for the March 27 public hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin and the Tri-City Herald. This notice was also published on the Walla Walla County website and distributed to members of the public who provided written or oral testimony on the amendment proposals.
21. On March 27, 2017, the Board of County Commissioners held a public hearing. Staff presented the Planning Commission's recommendation that the Board of County Commissioners approve the proposed alternative amendments (ZCA17-001). Eleven members of the public spoke during the public hearing including three who had previously submitted written comments. Eight of them expressed concerns about allowing these uses being allowed in the Exclusive Agriculture 120 district. Aside from concerns about the EA-120 zone, no one else spoke in opposition to the amendments.
22. On March 27, 2017, after closing the public hearing, the Board of County Commissioners voted unanimously to substitute and replace the application submitted by Susan Buchanan (ZCA16-004) with the proposed amendments (ZCA17-001) set forth in Attachment 1 to the March 27 staff report and modified to exclude the Exclusive Agriculture 120 zoning district, and direct staff to prepare an ordinance for adoption. The motion passed unanimously.
23. The proposed amendments are supported by the Walla Walla County Comprehensive Plan as identified in the Conclusions of Law in Section II.

Draft

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

1. The proposed amendment is in compliance with Walla Walla County Code Sections 14.15.070B(3) as outlined below.

- 1. The amendment is consistent with the comprehensive plan; and*

Discussion: The proposed amendments relate to lands in the County's rural, industrial agriculture, and resource zoning districts. The proposed amendments will provide an additional business opportunity for rural property owners who are agriculture producers. The proposed amendments are consistent with the following goals and policies of the Comprehensive Plan: Economic Development Goals ED-4 and ED-6; Rural Lands Goals RL-2 and RL-5 and Policy RL-1; and Resource Lands Goals RL-21 and RL-22 and Policies RL-44, RL-47, and RL-55.

These amendments will provide an opportunity for additional agritourism and small-scale value-added agriculture processing uses to be allowed in resource zones and promote commercially viable agricultural uses. RCW 36.70.177(3) states in subsection (a) that "accessory uses shall be located, designed, and operated so as to not interfere with, and support, the continuation of, the overall agricultural use of the property and neighboring properties." This section defines agricultural accessory uses as uses and activities related to the 'storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing or distribution of value-added agricultural products, including support services that facility these activities." This section also grants counties and cities the authority to limit or exclude any accessory uses. The two proposed categories of uses clearly meet the definition of 'agricultural accessory uses' which should be priority uses in agricultural zones because they help conserve agricultural lands and encourage the agricultural economy.

- 2. The amendment meets a definable public need; and*

Discussion: Specific agritourism and value-added agriculture processing uses have been included in the code (e.g. wineries, crop mazes, produce markets, event centers), but the code does not address other uses. The County-drafted amendments would add new definitions that would expand the types of agritourism and value-added agriculture processing that are permitted in Walla Walla County. This will provide an opportunity for agriculture producers to diversify their business and expand the accessory uses on their farms.

- 3. The amendment is in the long term interest of the County.*

Discussion: These amendments are in the long term interest of the County because they will support the agricultural economy.

2. Members of the general public were notified of the June 1, 2016, February 1, 2017, and March 27, 2017 public hearings and had the opportunity to submit testimony.
3. As proposed, the amendments will not have a significant adverse impact on public welfare and safety.

Draft

4. The proposed amendments are in compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code.

Section III. Adoption of the amendment to Chapter 17.08:

Based on its review of the requirements of RCW 36.70A and the Washington Administrative Code, the proposed amendments, staff analysis and recommendations, and the recommendation submitted by the Planning Commission, the Board of County Commissioners hereby adopts the following proposed amendments to Walla Walla County Code Chapter 17.08:

The amendments to Walla Walla County Code Chapter 17.08, Definitions, shown in attached Exhibit A. These amendments will result in the establishment of new definitions for 'small scale value-added agriculture processing' and 'agritourism enterprise.'

Section IV. Adoption of the amendments to Section 17.16.014:

Based on its review of the requirements of RCW 36.70A and the Washington Administrative Code, the proposed amendments, staff analysis and recommendations, and the recommendation submitted by the Planning Commission, the Board of County Commissioners hereby adopts the following proposed amendments to Walla Walla County Code Section 17.16.014:

The amendments to Walla Walla County Code Section 17.16.014 shown in attached Exhibit B. These amendments will modify the Resource Land Uses tables to add 'small scale value-added agriculture processing' and 'agritourism' to the table; amend the table to include a new footnote; and make these two uses allowed uses in three of the County's agriculture zoning districts, most of the rural districts, and both of the industrial agriculture districts.

Section V. Effective Date and Savings.

This Ordinance is effective upon signing.

Section VI. 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 VII. 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 1st day of May, 2017.

Draft

Attest:

Connie R. Vinti, Clerk of the Board

James L. Duncan, Chairman, District 3

James K. Johnson, Commissioner, District 1

Todd L. Kimball, Commissioner, District 2

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

Approved as to form

Jesse D. Nolte, Deputy Prosecuting Attorney

Exhibit A

Amendments to Chapter 17.08

17.08.020 – Agritourism enterprise.

“Agritourism enterprise” refers to agriculturally related experiences provided on a working farm or ranch for the enjoyment, entertainment, or education of the public or invited groups. The agritourism enterprise shall support, promote, or sustain agricultural operations and production. The following activities marketed to the general public or invited groups constitute agritourism enterprises: farm or ranch tours, hayrides, u-pick operations, classes, on-site retail sales, or picnic facilities. An agritourism enterprise does not include produce stands or produce markets as defined in Chapter 17.08. The enterprise shall meet the following conditions:

- a. An agritourism enterprise shall not provide any lodging for guests or employees, or include a restaurant or event facilities, unless otherwise allowed in the code.
- b. The agritourism enterprise may conduct on-site retail sales of products grown by the farm or ranch in a market area that is not larger than 400 square feet.
- c. Ancillary retail sales of products not grown or produced by the farm or ranch must be confined to fifteen percent of the total gross floor space of the retail market area (maximum of 60 square feet), and must be clearly accessory to retail sales and marketing of the farm or ranch.
- d. A permit is required for all agritourism enterprises except as listed under (e). Permit review shall be limited to determining that the proposed enterprise meets the conditions listed above, provides adequate parking, and is compliant with other applicable development regulations. A permit may be revisited by the Walla Walla County Community Development Department if any of the activities are determined to be outside of the scope, purpose, and/or use of the agritourism enterprise.
- e. The following activities are exempt from the agritourism enterprise permit because they are considered to be part of the regular operation of a farm or ranch, provided that adequate off-street parking is available and specific ingresses and egresses are designated and permitted.
 1. Farm or ranch tours offered no more than four times per year.
 2. Stand-alone u-pick operations not conducted on the same farm or ranch that offers other agritourism experiences.

17.08.02022 - Airport.

"Airport" means a place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF
PROCLAIMING MAY, 2017 AS
BUILDING SAFETY MONTH

RESOLUTION NO.

WHEREAS, local efforts undertaken by the director and staff of the Walla Walla County Community Development Department guard the health, safety, and welfare of citizens; and

WHEREAS, protecting the County's buildings is the responsibility of building safety professionals who work to ensure our buildings are affordable and safe to occupy; and

WHEREAS, building safety professionals create and influence our built environment through the consensus development and implementation of the highest quality codes; and

WHEREAS, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and it is recognized that countless lives have been saved due to the implementation of safety codes by local and state agencies; and

WHEREAS, the theme for Building Safety Month 2017 is ***"Code Officials - Partners in Community Safety and Economic Growth"***, to encourage all Americans to raise awareness of the importance of building safe and resilient construction; and

WHEREAS, Code officials, the vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings should be recognized and acknowledged; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they shall sign a proclamation declaring May, 2017 as Building Safety Month in Walla Walla County.

*"Passed this **1st day of May, 2017** 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 L. Duncan, Chairman, District 3

James K. Johnson, Commissioner, District 1

Todd L. Kimball, Commissioner, District 2

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

PROCLAMATION

WHEREAS, our county's Community Development Department is continuing its efforts to address the critical issues of safety, energy efficiency and sustainability of the built environment that affect our citizens, both in everyday life and in times of natural disaster, and gives us confidence that our structures are safe and sound; and

WHEREAS, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

WHEREAS, these guardians develop and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, and play; and

WHEREAS, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires and earthquakes; and

WHEREAS, Building Safety Month is to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings; and

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential services provided to all of us by local and state building departments and federal agencies in protecting lives and property; and

WHEREAS, it is fitting to recognize the dedication of those building safety and fire prevention officials and those in the related fields of the construction industry who diligently work to ensure the safety of buildings now and in the future; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they do hereby proclaim

MAY, 2017, as BUILDING SAFETY MONTH

in Walla Walla County and encourage all citizens of the county to observe this week appropriately.

Dated this 1st day of May, 2017, at Walla Walla County, Washington.

BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

James L. Duncan, Chairman

Attest:

James K. Johnson, Commissioner

Connie R. Vinti, Clerk of the Board

Todd L. Kimball, Commissioner

a) Consent Agenda Items:

- 1) Resolution _____ - Request for reimbursable work from the City of College Place to chip seal certain City streets
- 2) Resolution _____ - Use of Mill Creek for the Exchange Club Annual Ducky Derby
- 3) Execute Contract for Second Avenue - Burbank Project with Wm Winkler Company

b) Department update and miscellaneous

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF A REQUEST
FOR REIMBURSABLE WORK
FROM THE CITY OF COLLEGE
PLACE TO CHIP SEAL CERTAIN
CITY STREETS



RESOLUTION NO.

WHEREAS, the City of College Place has submitted a Request for Reimbursable Work to chip seal certain streets; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that said Request for Reimbursable Work for the City of College Place be signed authorizing the County Public Works Department to perform the following work:

Chip Seal - Birch Avenue
Chip Seal - 3rd Street
Chip Seal - 8th Street
Chip Seal - SE Elm Avenue

*Passed this 1st day of **May, 2017** 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 L. Duncan, Chairman, District 3

James K. Johnson, Commissioner, District 1

Todd L. Kimball, Commissioner, District 2

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

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF USE OF MILL
CREEK FOR THE EXCHANGE
CLUB ANNUAL DUCKY DERBY



RESOLUTION NO.

WHEREAS, the Exchange Club of Walla Walla is sponsoring their Annual Ducky Derby on Mill Creek on Saturday, May 20, 2017, from 11:00 am to 4:00 pm; and

WHEREAS, the Exchange Club has requested permission to conduct the race on Mill Creek between the Yellowhawk/Garrison Creek diversion structure and the Tausick Way Bridge; and

WHEREAS, the event organizers have agreed to notify emergency services prior to the event for the necessary safety and emergency services information; and

WHEREAS, the Mill Creek Flood Control Zone District has been named as an Additional Insured on the liability coverage for this event; and

WHEREAS, the event organizers shall provide a news release to the local newspapers announcing the event date; now therefore

BE IT HEREBY RESOLVED, by this Board of Walla Walla County Commissioners, acting as Supervisors of the Mill Creek Flood Control Zone District, that the Exchange Club be granted permission to conduct their annual race on Saturday, May 20, 2017.

*Passed this 1st day of **May, 2017** 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 L. Duncan, Chairman, District 3

James K. Johnson, Commissioner, District 1

Todd L. Kimball, Commissioner, District 2

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

**Walla Walla County Public Works
PO Box 813
Walla Walla, WA 99362**



To: Board of County Commissioners

From: Randy Glaeser, Public Works Director

Date: 26 April 2017

Re: Director's Report for the Week of 24 April 2017

Board Action: 1 May 2017

Resolutions:

In the Matter of the Exchange Club Annual Duck Derby

In the Matter of a Request for Reimbursable Work from the City of College Place to Chip Seal Certain Roads

Miscellaneous:

In the Matter of Signing a Contract for Second Avenue Burbank Road Project

ENGINEERING:

- Mill Creek FH: Hoping to advertise late May or early June.
- Blue Creek Bridge: Right-of-way is certified. Working on specifications and with utilities for relocations.
- Dodd Road: Work is complete.
- Pflugrad Bridge: Drafting and working on environmental permits.
- Second Avenue (Burbank): Work begins May 1.
- Mill Creek Road MP 1.1 to MP 3.96: Acquisition will begin when time allows.
- Miscellaneous: Initiating CRP for Mud Creek, Wallula Bridge and S. Fork Coppei bank protection.

FLEET MGT/DEVELOPMENT:

- Working on 2018 budget

MAINTENANCE:

- Crews preparing roads for chip seal.

ADMINISTRATION:

- Conducted monthly leadership meeting.
- Conducted monthly crew meetings.

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))

11:00

HUMAN RESOURCES/RISK MANAGER

Shelly Peters

- 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) New position approval form - Accounting Technician II – Public Works Department
 - 2) Revised position approval form - Associate Planner, Community Development Department
- 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))

11:15 COUNTY COMMISSIONERS

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

12:00 RECESS

1:30 COUNTY COMMISSIONERS

- a) Workshop re reclassification study
- 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.