

Walla Walla County Community Development Department

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

Date: November 21, 2017
To: Walla Walla County Board of County Commissioners
From: Tom Glover, Director
Lauren Prentice, Principal Planner

RE: Public Hearing to consider action on the 2017 Final Docket of amendments to the Walla Walla County Comprehensive Plan and Development Regulations.

Background

The following applications were placed on the 2017 Final Docket by the Board of County Commissioners on July 24, 2017, by Resolution 17-197. Please refer to Items 1, 2, and 3 in the notebook to review the materials submitted with these applications:

1. CPA17-001/REZ17-001 Cavalli

Site-specific application by Roberta Cavalli to change the land use designation from Agriculture Residential to Rural Residential 5 and rezone an 18.27-acre parcel at the intersection of Wallula Avenue and McKinney Road from AR-10 to RR-5 (APN 350727420010).

2. ZCA16-002 Brent Knowles

Application by Brent Knowles to amend WWCC Chapter 17.31, Development Standards – Cluster Developments on Resource Lands. The amendments would increase the allowed average lot size for residential lots in a cluster subdivision; increase the maximum allowed lot size of cluster lots; allow the creation of 20-acre lots in the AR-10 zone; and revise the code as it pertains to density transfers. The application by Mr. Knowles contains several different amendments to Chapter 17.31. The Planning Commission recommended that all of the proposed amendments be denied, but each of them could be considered separately.

Note: As presented to the Board at the workshop, on October 26 Jared Hawkins, the applicant's attorney, sent a letter proposing to modify the application to withdraw the proposed reduction in the amount of resource land that would have to be reserved in a cluster subdivision in the AR-10 zone. The code currently requires 85% of land within a cluster subdivision in the AR-10 zone be reserved for resource uses, the original application had proposed that requirement to be reduced to 70%. According to this section of the clustering code, "resource use shall include all permitted and conditional uses and buffer requirements in the Agriculture Residential-10 zone other than residential lots." See WWCC 17.31.060H. The October 26 letter withdraws that part of the application and instead proposes to add language to this section to allow an applicant to reserve resource land on residential parcels within a cluster subdivision. This modification to the proposal was not reviewed by the Planning Commission.

3. CPA17-002/REZ17-002 J. R. Simplot Company

Site-specific Comprehensive Plan amendment and rezone applications to add a 160-acre property (Parcel A) to the Attalia Industrial Urban Growth Area, change the land use and zoning designations from Primary Agriculture/PA-40 to Industrial Agriculture/IA-M, and remove the Unique Lands designation shown on Comprehensive Plan Map RL-10. This property is located north of the existing UGA boundary and north of Dodd Road. Secondly, the applications would remove a 160-acre property (Parcel B) on Dodd Road from the Attalia Urban Growth Area and change the land use and zoning from Industrial Agriculture/IA-M to Primary Agriculture/PA-40. (APN 310822110002, 310826410004).

On October 4, 2017 the Planning Commission held a public hearing for each item, and allowed input from the public before deliberation, and making a recommendation to be considered by the Board of County Commissioners.

On October 31, 2017 the staff of the Community Development Department presented the Planning Commission's recommendation for each of these applications in a workshop with the Board of County Commissioners.

On November 13, 2017 the Board of County Commissioners signed Resolution No. 17-292 setting the date and time for a public hearing on the applications comprising the 2017 final docket.

On November 16, 2017 a Notice of Public Hearing was published in the Walla Walla Union Bulletin, Waitsburg Times, and Tri-City Herald. This notice was also published on the Community Development Department website, posted on site, and mailed as documented in the affidavit included as Attachment 2.

Planning Commission Recommendation

At the public hearing held by the Planning Commission on October 4th, the Commission made the following recommendations:

1. CPA17-001/REZ17-001 Cavalli

After hearing testimony from the applicant's representative, Greg Flowers, and no other members of the public during the public hearing, the Planning Commission voted 4-3, to recommend that the Board of County Commissioners:

- **Deny** the Roberta Cavalli Comprehensive Plan amendment and rezone applications (CPA17-002, REZ17-002).

2. ZCA16-002 Brent Knowles

After hearing testimony from the applicant's representative, Jared Hawkins and two members of the public, one opposed and one neutral, the Planning Commission voted 5-2, to recommend that the Board of County Commissioners:

- **Deny** the Brent Knowles zoning code text amendment application (ZCA17-002).

3. CPA17-002/REZ17-002 J. R. Simplot Company

After hearing testimony from the applicant and their representative and the Port of Walla Walla in favor of the proposal, and hearing oral testimony from one member of the public who was opposed and considering two written comment letters from members of the public who were opposed, the Planning Commission voted 5-1, with one member abstaining, to recommend that the Board of County Commissioners:

- **Approve** the J.R. Simplot Company Comprehensive Plan amendment and rezone applications (CPA17-002, REZ17-002).

Review criteria

Review criteria for Comprehensive Plan and development regulations amendments is established in WWCC Chapters 14.10 and 14.15. These sections are listed in the October 4 staff reports to the Planning Commission, which are in the notebook.

Recommended Motions

1. CPA17-001/REZ17-001 Cavalli

- "I move that the Board of County Commissioners concur with the findings of fact and conclusions of law of the Planning Commission in dockets CPA17-001/REZ17-001 by Cavalli,

and deny the application, and request the Community Development Department and Prosecuting Attorney prepare an ordinance for approval.”

Or,

- “I move that the Board of County Commissioners not agree with the findings of fact and conclusions of law of the Planning Commission in dockets CPA17-001/REZ17-001 by Cavalli, and approve the application, and request the Community Development Department and Prosecuting Attorney prepare an ordinance for approval, with additional findings of fact and conclusions of law to be reviewed by the Board.”

2. ZCA16-002 Brent Knowles

- “I move that the Board of County Commissioners concur with the findings of fact and conclusions of law of the Planning Commission in docket ZCA16-002 by Brent Knowles, and deny the application, and request the Community Development Department and Prosecuting Attorney prepare an ordinance for approval.”

Or,

- “I move that the Board of County Commissioners not agree with the findings of fact and conclusions of law of the Planning Commission in docket ZCA16-002 by Brent Knowles, and [approve/partially approve/approve with modifications] the application, and request the Community Development Department and Prosecuting Attorney prepare an ordinance for approval, with additional findings of fact and conclusions of law to be reviewed by the Board.” [Note: some modifications may require an additional public hearing under the GMA]

3. CPA17-002/REZ17-002 J. R. Simplot Company

- “I move that the Board of County Commissioners concur with the findings of fact and conclusions of law of the Planning Commission in dockets CPA17-002/REZ17-002 by J. R. Simplot Company, and approve the application, and request the Community Development Department and Prosecuting Attorney prepare an ordinance for approval.”

Or,

- “I move that the Board of County Commissioners not agree with the findings of fact and conclusions of law of the Planning Commission in dockets CPA17-002/REZ17-002 by J. R. Simplot Company, and deny the application, and request the Community Development Department and Prosecuting Attorney prepare an ordinance for approval, with additional findings of fact and conclusions of law to be reviewed by the Board.”

Attachments and Additional Materials

The following attached documents were generated or received during or after the October 31 workshop.

1. Planning Commission Resolution No. 17-04
2. Board of County Commissioners Resolution No. 17-292
3. Notice of Public Hearing and affidavit of mailing, publishing, and posting
4. Letter from Greg Flowers, representative for Roberta Cavalli, dated October 30, 2017
5. Conceptual map presented by Jared Hawkins, representative for Brent Knowles, at the October 31 workshop
6. PowerPoint slides prepared by Jared Hawkins, representative for Brent Knowles
7. Email with five photographs submitted by Steve Morasch, attorney for Randy Buchanan

8. Letter (and attachments) from Michelle Green, attorney for J.R. Simplot Company, dated November 20, 2017

Documents that were presented at past meetings are included in the notebooks. This includes staff reports that were presented to the Planning Commission and the correspondence listed below. No written public comments have been submitted on the Cavalli or Knowles applications.

1. Letter from Jared Hawkins, representing applicant Brent Knowles, dated October 26, 2017
2. Letter from Steve Morasch, representing Randy Buchanan, dated October 11, 2017
3. Letter from William Simpson, Growth Management Services Senior Planner, dated October 9, 2017
4. Soil maps and table presented by J.R. Simplot Company to the Planning Commission on October 4, 2017
5. Letter from Stuart Turner received on October 3, 2017
6. Letter from Steve Morasch, representing Randy Buchanan, dated September 29, 2017
7. Letter from Jared Hawkins, representing applicant Brent Knowles, dated September 20, 2017

WALLA WALLA COUNTY PLANNING COMMISSION RESOLUTION NUMBER 17-04

Project: 2017 Final Docket items CPA17-001/REZ17-001, ZCA17-002, CPA17-002/REZ17-002

WHEREAS, the following applications were made to request amendments to the Walla Walla County Comprehensive Plan and Development Regulations during the 2017 amendment cycle:

- CPA17-001/REZ17-001 Cavalli
Site-specific application by Roberta Cavalli to change the land use designation from Agriculture Residential to Rural Residential 5 and rezone an 18.27-acre parcel at the intersection of Wallula Avenue and McKinney Road from AR-10 to RR-5. (APN 350727420010).
- ZCA16-002 Brent Knowles
Application by Brent Knowles to amend WWCC Chapter 17.31, Development Standards – Cluster Developments on Resource Lands. The amendments would increase the allowed average lot size for residential lots in a cluster subdivision; increase the maximum allowed lot size of cluster lots; allow the creation of 20-acre lots in the AR-10 zone; and revise the code as it pertains to density transfers.
- CPA17-002/REZ17-002 J. R. Simplot Company
Site-specific Comprehensive Plan amendment and rezone applications to add a 160-acre property (Parcel A) to the Attalia Industrial Urban Growth Area, change the land use and zoning designations from Primary Agriculture/PA-40 to Industrial Agriculture/IA-M, and remove the Unique Lands designation shown on Comprehensive Plan Map RL-10. This property is located north of the existing UGA boundary and north of Dodd Road. Secondly, the applications would remove a 160-acre property (Parcel B) on Dodd Road from the Attalia Urban Growth Area and change the land use and zoning from Industrial Agriculture/IA-M to Primary Agriculture/PA-40. (APN 310822110002, 310826410004)

WHEREAS, on July 24, 2017, the Board of County Commissioners set the 2017 Final Docket of Comprehensive Plan and development regulations via Resolution 17-197 to include applications CPA17-001/REZ17-001 (Cavalli), ZCA17-002 (Knowles), and CPA17-002/REZ17-002 (J.R. Simplot Company); and

WHEREAS, on August 2, 2017, the Planning Commission conducted a workshop meeting to discuss the proposed amendments; and

WHEREAS, on September 6, 2017, the Planning Commission conducted a workshop meeting to discuss the proposed J.R. Simplot Company amendments; and

WHEREAS, on October 4, 2017, the Planning Commission held a public hearing to consider the three amendment applications listed above; 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 Comprehensive Plan amendment application by Roberta Cavalli (CPA17-001) based on the applicable criteria listed in Title 14 of Walla Walla County Code:

Comprehensive Plan Amendment Review Criteria - WWCC 14.10.070B.3

- a. *The amendment meets a definable public need; and*
- b. *The public need was not recognized in the existing comprehensive plan due to:*
 - 1. *A change in circumstances in the community not anticipated or contemplated when the applicable section(s) of the comprehensive plan was last adopted; or*
 - 2. *An error in development of the comprehensive plan as it currently exists; and*
- c. *The defined need conforms to the policy directives of the comprehensive plan and countywide planning policies; and*
- d. *The proposed amendment does not require amendment of policies in other areas of the comprehensive plan except to resolve inconsistencies or unnecessary duplication among policies; and*
- e. *The proposed amendment is consistent with the Growth Management Act (Chapter 36.70A RCW), any other applicable inter-jurisdictional policies or agreements, and any other state or federal laws.*

Comprehensive Plan Amendment Review Criteria - WWCC 14.10.070B.4

- a. *The subject parcel(s) is suitable for development under the requested land use designation and the zoning standards of one or more potential implementing zoning district(s); and*
- b. *The proposed site-specific amendment will not create pressure to change the land use designation of other properties in the area and*
- c. *The proposed site-specific amendment does not adversely affect the adequacy of existing or planned public facilities and services in the immediate area or the applicable urban growth area.*

WHEREAS, the Planning Commission considered the Comprehensive Plan amendment application by J.R. Simplot Company (CPA17-002) on the applicable criteria listed in Title 14 of Walla Walla County Code:

Comprehensive Plan Amendment Review Criteria - WWCC 14.10.070B.3

- f. *The amendment meets a definable public need; and*
- g. *The public need was not recognized in the existing comprehensive plan due to:*
 - 3. *A change in circumstances in the community not anticipated or contemplated when the applicable section(s) of the comprehensive plan was last adopted; or*
 - 4. *An error in development of the comprehensive plan as it currently exists; and*
- h. *The defined need conforms to the policy directives of the comprehensive plan and countywide planning policies; and*
- i. *The proposed amendment does not require amendment of policies in other areas of the comprehensive plan except to resolve inconsistencies or unnecessary duplication among policies; and*
- j. *The proposed amendment is consistent with the Growth Management Act (Chapter 36.70A RCW), any other applicable inter-jurisdictional policies or agreements, and any other state or federal laws.*

Comprehensive Plan Amendment Review Criteria - WWCC 14.10.070B.4

- d. *The subject parcel(s) is suitable for development under the requested land use designation and the zoning standards of one or more potential implementing zoning district(s); and*
- e. *The proposed site-specific amendment will not create pressure to change the land use designation of other properties in the area and*
- f. *The proposed site-specific amendment does not adversely affect the adequacy of existing or planned public facilities and services in the immediate area or the applicable urban growth area.*

Comprehensive Plan Amendment Review Criteria - WWCC 14.10.070B.5(a)

1. The 20-year population and/or employment projections for the county; and
2. The extent to which the urban growth occurring within the county has located within each city and the unincorporated urban growth areas; and
3. The allocation of projected county population and/or employment to the urban growth areas; and
4. The buildable lands analysis for each urban growth area; and
5. Existing urban growth area boundaries; and
6. Other proposed changes affecting urban growth areas.

Comprehensive Plan Amendment Review Criteria - WWCC 14.10.070B.5(b)

1. The proposed amendment necessitates:
 - a. Reallocation of population and/or employment within the county; and
 - b. Related map and/or boundary changes; or
2. The proposed amendment requires modification of the map and/or boundary of one or more urban growth areas.

WHEREAS, the Planning Commission considered each rezone application (REZ17-001, REZ17-002) 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.

Rezone Review Criteria – WWCC 14.09.010B

1. Is consistent with the goals and policies in the land use, rural and resource lands, and/or Burbank subarea plan elements of the comprehensive plan including the land use maps; and
2. Is consistent with WWCC Title 16 Subdivisions, Title 17 Zoning, Title 18 Environment, the Walla Walla County Shoreline Master Program and other applicable land use laws and policies of Walla Walla County; and
3. Is not materially detrimental to uses or property in the immediate vicinity of the proposed rezone and to the general public; and
4. Does not create excessive additional requirements at public cost for public facilities and services; and
5. Is warranted:
 - a. To achieve consistency with the comprehensive plan; or
 - b. To meet county population and/or employment projections because of a need for additional property in the proposed zoning district; or
 - c. Because there are changed conditions since the zoning in the area was adopted to warrant the proposed rezone. "Changed conditions" include public improvements, permitted private development or other conditions or circumstances affecting the subject property that have undergone substantial and material changes not anticipated or contemplated when the zoning and/or subarea plan was last adopted. "Changed conditions" do not include actions taken by the current or former property owners to facilitate a more intense development of the property.

WHEREAS, the Planning Commission considered the zoning code text amendment application (ZCA17-002) 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, after hearing testimony from the applicant's representative, Greg Flowers, and no other members of the public during the public hearing, the Planning Commission voted 4-3, to recommend that the Board of County Commissioners:

- Deny the Roberta Cavalli Comprehensive Plan amendment and rezone applications (CPA17-002, REZ17-002).

WHEREAS, after hearing testimony from the applicant's representative, Jared Hawkins and two members of the public, one opposed and one neutral, the Planning Commission voted 5-2, to recommend that the Board of County Commissioners:

- Deny the zoning code text amendment application (ZCA17-002) by Brent Knowles.

WHEREAS, after hearing testimony from the applicant and their representative and the Port of Walla Walla in favor of the proposal, and hearing oral testimony from one member of the public who was opposed and considering two written comment letters from members of the public who were opposed, the Planning Commission voted 5-1, with one member abstaining, to recommend that the Board of County Commissioners:

- Approve the J.R. Simplot Company Comprehensive Plan amendment and rezone applications (CPA17-002, REZ17-002).

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

1. The applications by Cavalli (CPA17-001/REZ17-001) should be denied because the proposed amendments do not meet a public need and the change may create pressure on other properties to change land use designations from agricultural designations. De-designating this agricultural land does not appear to be consistent with the Growth Management Act.
2. The application by Knowles (ZCA17-002) should be denied because of concerns that the proposed amendments would result in more pressure for development in the AR-10 zoning district and not adequately preserve agriculture land as required under the Growth Management Act.
3. The applications by J.R. Simplot Company (CPA17-002/REZ17-002) should be approved because it is consistent with the Comprehensive Plan and will result in no net difference of land in the UGA and agricultural lands designation, therefore not impacting population projections and not resulting in less land being preserved for agricultural uses.

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

- Denial of dockets no. CPA17-001 and REZ17-001 (Roberta Cavalli) based on the amendments' consistency with Walla Walla County Code 14.10.070B(3-4), 14.15.070D(3), and 14.090.010B.
- Denial of docket no. ZCA17-002 (Brent Knowles) based on the amendments' consistency with Walla Walla County Code 14.15.070B(3).
- Approval of dockets no. CPA17-002/REZ17-002 (J.R. Simplot Company) based on the amendments' consistency with Walla Walla County Code 14.10.070B(3-5), 14.15.070D(3), and 14.090.010B.



Bruce McCaw, Chairman
Walla Walla County Planning Commission

Dated: 10-30-2017

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF THE 2017
COUNTY COMPREHENSIVE PLAN
AND DEVELOPMENT
REGULATIONS FINAL DOCKET,
AND SETTING A DATE OF PUBLIC
HEARING TO CONSIDER THE
REQUESTS

RESOLUTION NO. **17 292**

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

WHEREAS, pursuant to Walla Walla County Resolution 17 197, the 2017 County Comprehensive Plan and Development Regulations docket was established; and

WHEREAS, Walla Walla County Planning Commission Resolution 17-04, adopted after public hearings held on October 4, 2017, recommended that two applications (CPA17-002 and REZ17-002 by J.R. Simplot Company) be approved and three applications be denied (CPA17-001 and REZ17-001 – Cavalli; ZCA17-002 – Knowles), and the Board of County Commissioners must hold a public hearing to consider the requests pursuant to Walla Walla County Code 14.10.070C(2) and 14.15.070C(2); now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that, pursuant to Walla Walla County Code, a public hearing shall be set for 1:30 p.m. on Monday, November 27, 2017 in County Commissioners' Chambers, Walla Walla County Public Health and Legislative Building, 314 West Main, Walla Walla, to receive testimony and consider the below-listed applications:

Comprehensive Plan Amendment:

CPA17-001 – land use designation change request by Roberta Cavalli

CPA17-002 – land use designation change request by J.R. Simplot Company

Development Regulations Amendments:

REZ17-001 – rezone request by Roberta Cavalli

REZ17-002 – rezone request by J.R. Simplot Company

ZCA17-002 – zoning code amendment request by Brent Knowles

BE IT FURTHER RESOLVED required notice of said hearing shall be done by the Walla Walla County Community Development Department.

"Passed this 13th day of November, 2017 by Board members as follows: 3 Present or 0 Participating via other means, and by the following vote: 3 Aye 0 Nay 0 Abstained 0 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 Community Development Department

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

Certificate of Notification

File Number: 2017 Final Docket

Site Address: Varied

Type of Notice: Notice of Public Hearing – BOCC 11/27/2017

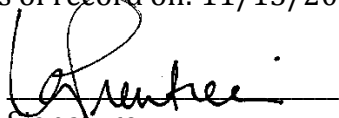
Review Level/Type: Level 5

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 Cavalli property (REZ17-001, CPA17-001) and Simplot properties (CPA17-002, REZ17-002) on the following date: 11/15/2017 (see attached lists)
- ☒ Mailed/e-mailed to applicant(s) or representative on: 11/15/2017
- ☒ Mailed/e-mailed to all parties of record on: 11/15/2017

Lauren Prentice
Printed Name


Signature

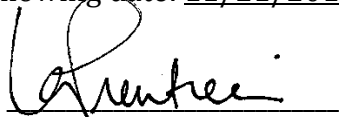
11/21/2017
Date

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 official gazette (Union Bulletin) and Waitsburg Times and Tri-City Herald (papers of general circulation) on: 11/16/2017
- ☒ Published in a paper(s) of general circulation (Waitsburg Times and Tri-City Herald) on: 9/21/2017
- ☒ on the CDD website on the following date: 11/21/2017

Lauren Prentice
Printed Name


Signature


11/21/2017
Date

Proof of Posting


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

- ☒ Posted on site for Cavalli property (REZ17-001, CPA17-001) and Simplot properties (CPA17-002, REZ17-002) on: 11/20/2017 by Don Sims

Lauren Prentice
Printed Name


Signature

11/21/2017
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 on Monday, November 27, 2017, in Commissioners' Chambers, 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 Chapters 14.10 and 14.15, action or decision on the following proposals which are on the 2017 Final Docket of Comprehensive Plan and Development Regulations Amendments.

- **CPA17-001/REZ17-001 –Cavalli**
Site-specific Comprehensive Plan and Zoning Map amendment applications by Roberta Cavalli for an 18.27-acre parcel. The proposal would change the land use designation from Agriculture Residential to Rural Residential 5 and similarly rezone the property from Agriculture Residential 10-acres (AR-10) to Rural Residential 5-acres (RR-5). The subject property is located at the southwest corner of the intersection of Wallula Avenue and McKinney Road (APN 350727420010).
- **ZCA17-002 – Brent Knowles**
Application by Brent Knowles to amend WWCC Chapter 17.31, Development Standards – Cluster Developments on Resource Lands. The amendments would increase the allowed average lot size for residential lots in a cluster subdivision; increase the maximum allowed lot size of cluster lots; allow for the creation of 20-acre lots in the Agriculture Residential 10-acre (AR-10) zone, which is currently prohibited; revise the code as it pertains to density transfers; and make other minor amendments.
- **CPA17-002/REZ17-002 – J. R. Simplot Company**
Site-specific Comprehensive Plan amendment and rezone applications to add a 160-acre property (Parcel A) to the Attalia Industrial Urban Growth Area, change the land use and zoning designations from Primary Agriculture/PA-40 to Industrial Agriculture/IA-M, and remove the Unique Lands designation shown on Comprehensive Plan Map RL-10. This property is located north of the existing UGA boundary and north of Dodd Road. Secondly, the applications would remove a 160-acre property (Parcel B) on Dodd Road from the Attalia Urban Growth Area and change the land use and zoning from Industrial Agriculture/IA-M to Primary Agriculture/PA-40. (APN 310822110002, 310826410004)

Written comments regarding these amendments may be submitted prior to and at the hearing on November 27. This is the final opportunity to comment; written comments cannot be accepted after the public hearing is closed on November 27. Send written comments to the following address:

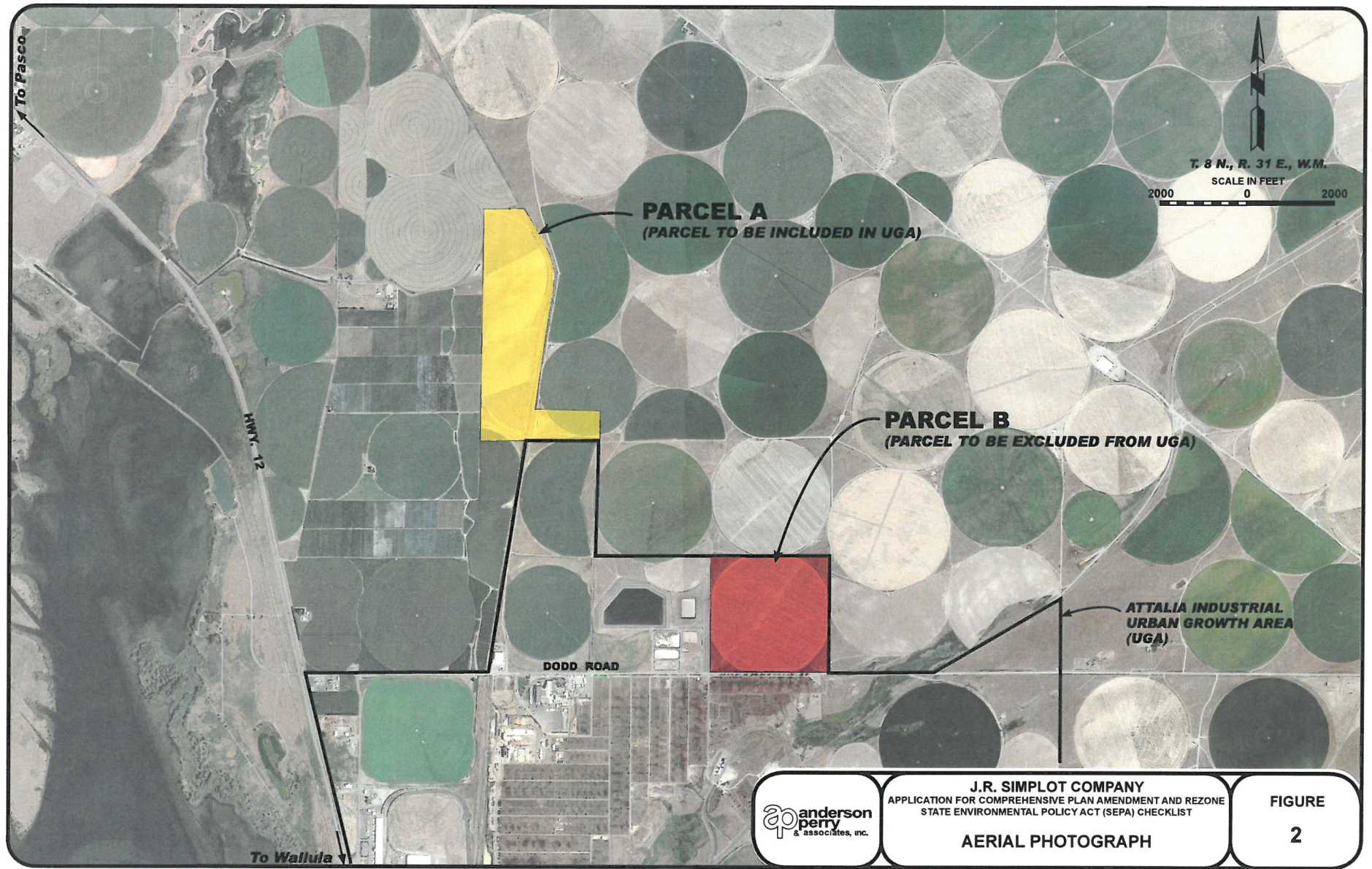
Board of County Commissioners
c/o Walla Walla County Community Development Department
310 W. Poplar Street, Suite 200; Walla Walla, WA 99362
commdev@co.walla-walla.wa.us

PUBLIC HEARING INFORMATION

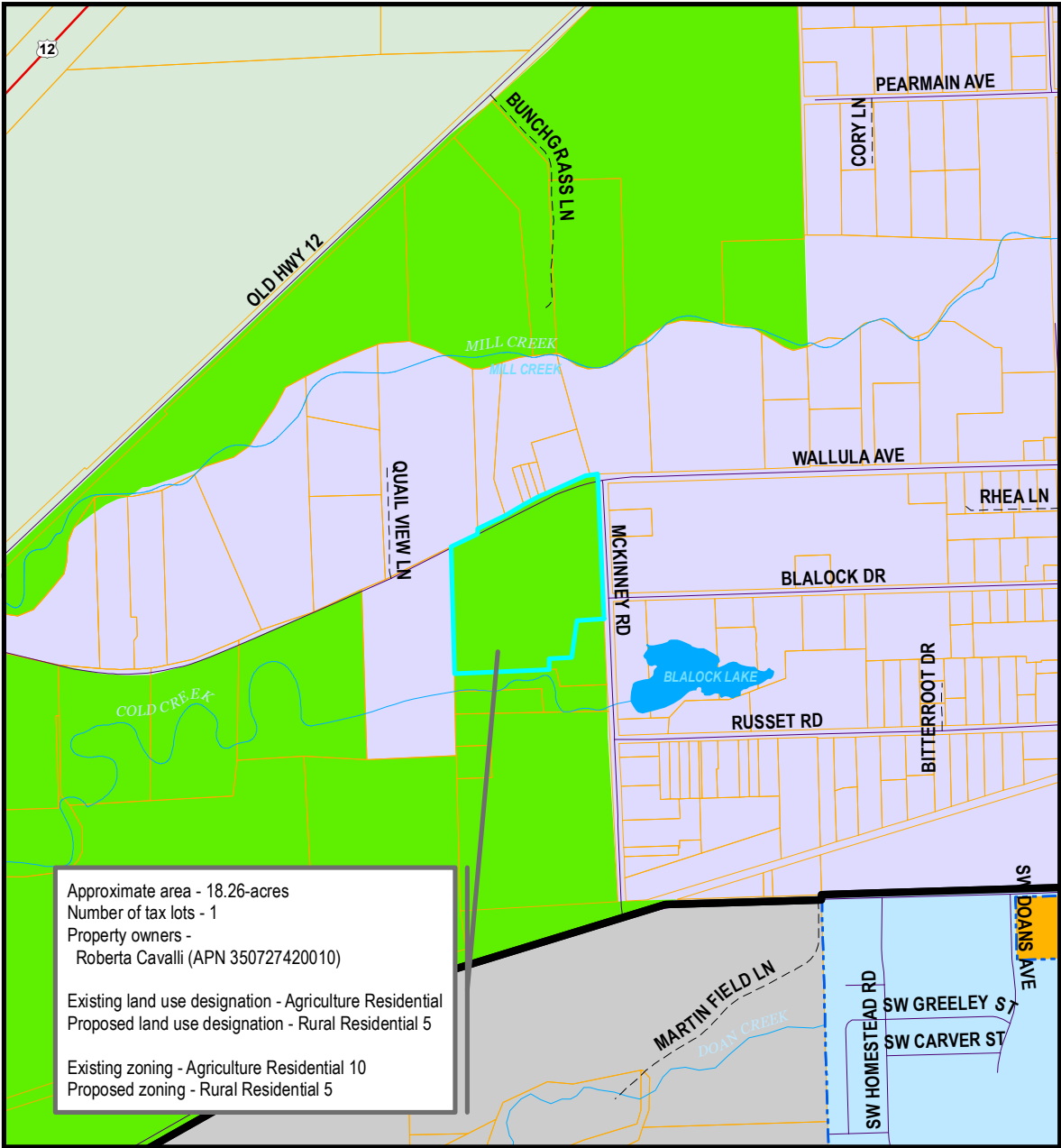
County Public Health and Legislative Building
2nd floor - Room 213
314 West Main Street; Walla Walla, WA
November 27, 2017 at 10:00 AM

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.



CPA17-001, REZ17-001
Roberta Cavalli



OWNER NAME	IN CARE OF	ADDRESS1	CITY	STATE	ZIPCODE
BILES ROBERT	CHOOJIT NAULPETCH	1982 WALLULA AVE	WALLA WALLA	WA	99362
BS FARMS LLC		PO BOX 686	WALLA WALLA	WA	99362
CUNEO GINO R & PAMELA A		1932 WALLULA AVE	WALLA WALLA	WA	99362
D & M YEEND FAMILY LLC		1603 SPRING VALLEY RD	WALLA WALLA	WA	99362
ENRIQUEZ FERNANDO & LOURDES		580 CREEKSIDE LN	WALLA WALLA	WA	99362
GRASSI LEONA G BUGHI		296 MCKINNEY RD	WALLA WALLA	WA	99362
HEADLEY EVERETT D & JANET	KENNETH LEROY HEADLEY	1223 BLALOCK DR	WALLA WALLA	WA	99362
MC CORMMACH TERRY L		PO BOX 2888	WALLA WALLA	WA	99362
MUNNS ANTHONY G		PO BOX 522	CONNELL	WA	99326
MURO ISAIAS J & SONIA E		2041 WALLULA AVE	WALLA WALLA	WA	99362
RAHN HAROLD D		530 RUSSET RD	WALLA WALLA	WA	99362
SCHMATT CREDIT TRUST	SHARON R SCHMATT TRUSTEE	1437 WALLULA AVE	WALLA WALLA	WA	99362
SCHNORR GREGORY S	DEWAYNE & KAREN SCHNORR LIVING T	1956 WALLULA AVE	WALLA WALLA	WA	99362
SHOLTIS ALBERT A		172 MC KINNEY RD	WALLA WALLA	WA	99362
TATARYN LONDA R		1906 WALLULA AVE	WALLA WALLA	WA	99362
WALL ROBERT F & KAREN		41 QUAIL VIEW LN	WALLA WALLA	WA	99362
WILLIAMS BRIAN & JENNY		PO BOX 125	COLLEGE PLACE	WA	99324
ZUGER ROBERT LEE & KATHLEEN MARIE		302 MCKINNEY RD	WALLA WALLA	WA	99362
FLOWERS GREG	PBS	5 N. COLVILLE	WALLA WALLA	WA	99362
CAVALLI ROBERTA		1278 WALLULA AVE	WALLA WALLA	WA	99362

OWNER NAME	CO	ADDRESS1	CITY	STATE	ZIPCODE
KNOWLES, BRENT		1010B VALLEY CHAPEL RD	WALLA WALLA	WA	99362
HAWKINS, JARED		2225 ISAACS AVE, SUITE B	WALLA WALLA	WA	99362
VANDIVER, ELAINE	OLD HOMESTEAD ALPACAS	5260 STATELINE RD	WALLA WALLA	WA	99362
FUTUREWISE	STATEWIDE HEADQUARTERS	816 SECOND AVE, SUITE 200	SEATTLE	WA	98104
FUTUREWISE	EASTERN WA	35 W MAIN STREET	SPOKANE	WA	99201
NANCY BALL		213 FULTON STREET	WALLA WALLA	WA	99362

OWNER NAME	IN CARE OF	ADDRESS1	CITY	STATE	ZIPCODE
ART MORTGAGE BORROWER PROPCO	% MARVIN F POER & CO	18818 TELLER AVE STE 277	IRVINE	CA	92612
BUCHANAN RANDY W		35032 W HIGHWAY 12	BURBANK	WA	99323
BUCHANAN VERNON W & ALPHA D	RANDY W BUCHANAN	35032 W HIGHWAY 12	BURBANK	WA	99323
BUCHANAN WAYNE V & DONNA		35032 W HIGHWAY 12	BURBANK	WA	99323
CFG VENTURES LLC		341 SUNNYBANK RD	PASCO	WA	99301
FLAT TOP RANCH LLC		2521 FISHOOK PK RD	PRESCOTT	WA	99348
I B P INC	C/O TYSON FOODS INC	PO BOX 2020 TAX DEPT	SPRINGDALE	AR	72765
J R SIMPLOT COMPANY		PO BOX 27	BOISE	ID	83707
LILLY & LUCY LOICHINGER FARM LLC	COMPARTMENT 44 SITE 16 RR 1	FORT SAINT JOHN BC V1J4M6 CANADA			
SIMPLOT FEEDERS LLC		PO BOX 27	BOISE	ID	83707
WALLA WALLA COUNTY OF		315 W MAIN ST	WALLA WALLA	WA	99362
WASHINGTON STATE OF	DEPT OF NATURAL RES	P O BOX 47041	OLYMPIA	WA	98504
WALLA WALLA PORT OF		310 A ST	WALLA WALLA	WA	99362
Anderson Perry & Associates, Inc.	c/o Dana Kurtz	PO Box 1107	La Grande	OR	97850
Turner, Stuart		5903 Kilawea Drive	West Richland	WA	99353
Steve C. Morasch	805 Broadway Street, Suite 1000	PO Box 1086	Vancouver	WA	98666



October 30, 2017

Walla Walla County Commissioners

Via email: tglover@co.walla-walla.wa.us; lprentice@co.walla-walla.wa.us

Regarding: CPA17-001 & REZ17-001

The Honorable Walla Walla County Commissioners;

In the matter of CPA17-001 and REZ17-001 which is a request by Roberta Cavalli to assign the Rural Residential 5 land use designation to 18.27-acres at the intersection of Wallula Avenue and McKinney Road (APN 50727420010), and change the zoning from Agriculture Residential 10 to Rural Residential 5.

According to the Comprehensive Plan, all lands located in agricultural land use designations are considered to be "agricultural lands of long-term commercial significance." The department of Commerce in their letter dated October 9, 2017 states:

"Application CPA 17-001 proposes to amend the County's land use map by de-designating 18.26 acres of agricultural lands of long-term commercial significance. Counties should not review natural resource lands designations in an isolated fashion. We recognize that this review is based upon a specific application received by the County; however, the request is inconsistent with the recommended process to review designated natural resource lands under the GMA.

In classifying and designating natural resource lands, counties must approach the effort as a county-wide or regional process. In accordance with WAC 365-190-040(10), counties and cities should not review natural resource lands designations solely on a parcel-by-parcel basis. The County has an opportunity to conduct a review of its natural resource lands designations as part of the periodic review required by the GMA."

However, this property is unique and should be considered as such. The properties to the North, East and West are currently zoned Rural Residential 5 and although the property to the South is zoned Agriculture Residential 10 there are three existing parcels immediately adjacent to the property on the South, which were created prior to current zoning and are 2.25-acres, 3.53-acres and 1.68-acres respectively, which separates the property from the adjacent agricultural production property. Therefore, this property is essentially surrounded on all four sides by residential properties.

RCW 36.07A.030 defines Long-term commercial significance as follows: "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land."

The soil composition of the adjacent properties is similar to the subject property, however, being surrounded by existing residential properties could have a significant impact on the commercial viability of the property. It is also noteworthy that in the past the property has been primarily used for sweet onion production, however, it is my understanding that the soil has been affected by *Sclerotium cepivorum* fungus which can survive in the soil for 20 to 30 years, making it very difficult to continue the use of the property for onion production for a long period of time. Since the property has an existing water right, unlike many of the Rural Residential 5 zoned properties which cannot support lawns, gardens, pastures or small acreage crops, the Cavalli property has an existing water right

which would allow for small rural homesites which will support livestock, family gardens and small acreage crops as well as a family home.

I am asking that the Commissioners add CPA17-001 and REZ17-001 to their docket and approve the request to reclassify and rezone the property.

Please feel free to contact me at 509.394.4073 or greg.flowers@pbsusa.com with any questions or comments.

Respectfully,

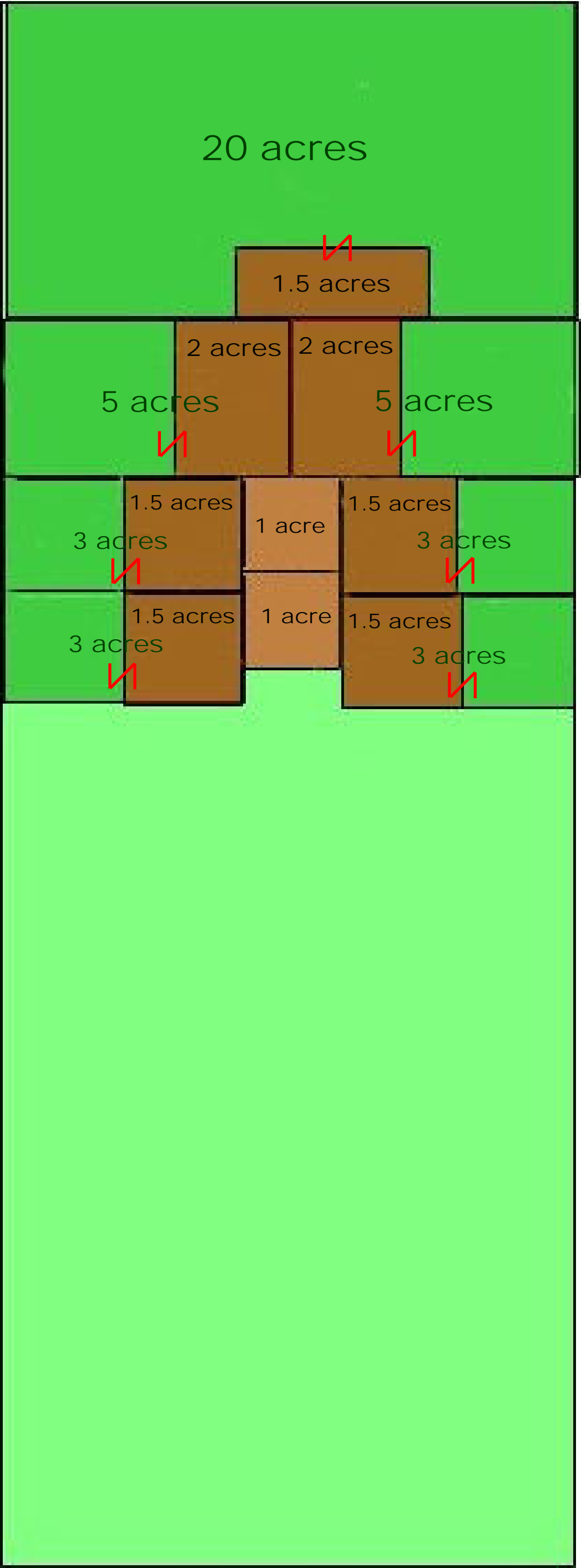


Greg Flowers
Survey Manager

GF

Allowable today by county code:

9 lot cluster division with an average of 1.5 acres each (all brown squares) leaving all the green area (dark and light) as the 85% residual parcel.



Our Request:

Maintain the same size residential lot with a portion of the residual parcel in the lot going towards the 85% residual parcel to allow for diversity in farming.

The numbers in the dark green represent the total lot size we are requesting, with the brown portion of the lot remaining as the residential portion, and the dark green representing the AG use only portion to be added as part of the 85% residual.

- 20 acre = small farm
- 5 acre = max allowable size for cluster
- 3 acre = max average size for cluster

N = Contiguous

- 100 ac. Total
- 85 ac. Light Green & Dark Green (Residual)
- 54.5 ac. Light Green (Residual)
- 30.5 ac. Dark Green (Residual)
- 13.5 ac. Brown (Residential)

Cluster Developments on Resource Lands

Chapter 17.31

Knowles Application

- Proposes Five (5) Amendments
- Purpose:
 - Creates options for smaller and more diverse farming operations
 - Allows for innovation in farming practices
 - Make efficient use of County resource land to improve County economic base

1. 20 Acre Lots or Larger in AR-10 ZONE

- **Section 17.31.020(F) of the Walla Walla County Code shall be amended as follows:**
- “F. Divisions of land into twenty-acre lots or larger in the General Agriculture 20 zone on lands included in the areas identified as being either "primary significance" or "unique land" as shown on maps of the county's comprehensive plan and on all lands in the Agriculture Residential-10 zone shall be allowed so long as a minimum of seventy percent of each lot (which may include transferred density as allowed in Section 17.31.060(X)) is maintained and preserved for a resource use through a notation on the face of any recorded plat or short plat.”

1. 20 Acre Lots or Larger in AR-10 ZONE

- **Currently:** You cannot divide parcels smaller than 160 acres in AR-10 zone without doing cluster development
- **Proposal:** Allow divisions 20 acres are larger
- **Purpose:** Diversity in farming (small 20 acre farms)
- **Result:**
 - Does **not** increase density; density is still 1 development right per 10 acres
 - Does allow for smaller farms:
 - Innovative farming practices (e.g., permaculture, organic farms, etc.)

2. Percentage Reserved for Resource Parcel

- **Section 17.31.060(H), (O), (P), and (X) of the Walla Walla County Code shall be amended as follows:**
- “H. ~~With the exception of developments within the Agriculture Residential 10 zone, a~~ At least seventy percent of the overall development site shall be maintained and preserved for a resource use through a recorded instrument approved by the director. ~~In the Agriculture Residential 10 zone, a~~ at least eighty five percent of the overall development site will be maintained and preserved for a resource use through a recorded instrument approved by the director. Resource use shall include all permitted and conditional uses and buffer requirements in the Agriculture Residential 10 applicable zone other than adding density to residential lots.”

2. Percentage Reserved for Resource Parcel

- **Section 17.31.060(H), (O), (P), and (X) of the Walla Walla County Code shall be amended as follows:**
- ~~“H. With the exception of developments within the Agriculture Residential 10 zone, a~~ At least seventy percent of the overall development site shall be maintained and preserved for a resource use through a recorded instrument approved by the director. ~~In the Agriculture Residential 10 zone, a~~ at least eighty five percent of the overall development site will be maintained and preserved for a resource use through a recorded instrument approved by the director. Resource use shall include all permitted and conditional uses and buffer requirements in the Agriculture Residential 10 applicable zone other than adding density to residential lots.”

2. Percentage Reserved for Resource Parcel

- H. With the exception of developments within the Agriculture Residential-10 zone, at least seventy percent of the overall development site shall be maintained and preserved for a resource use through a recorded instrument approved by the director. In the Agriculture Residential-10 zone, at least eighty-five percent of the overall development site will be maintained and preserved for a resource use through a recorded instrument approved by the director. In addition, a property owner may elect to impose conditions and restrictions (through a recorded instrument approved by the director) on residential parcels within a proposed cluster development in order to maintain and preserve a portion of such residential parcels for resource use. The percentage of the overall development site set aside for resource use shall be calculated to include any portion of the residential parcels maintained and preserved for resource use. Resource use shall include all permitted and conditional uses and buffer requirements in the Agriculture Residential-10 zone other than residential lots.

3. Maximum Residential Parcel Size

- O. No parcel in the cluster development, except a farm center parcel with existing building or a resource parcel, shall exceed three five acres in area.
- Purpose:
 - Allows the residential lots to be larger so they can also be used for agricultural use
 - Diversity in farming practices
 - Does not reduce the 85% reserved for agriculture

4. Average Residential Parcel Size

- P. The average lot size of the smaller parcels shall not exceed ~~two~~ three acres in size.
- Purpose:
 - Allows the residential lots to be larger so they can also be used for agricultural use
 - Diversity in farming practices
 - Does not reduce the 85% reserved for agriculture

5. Density Transfer

- X. Transfer of Cluster Lot Density:
- 1. Cluster lot density can be transferred from contiguous parcels in the same ownership where density is transferred between lands in the same zoning district or from lands in a lower density zoning district (e.g. from Primary Agriculture -40 to Primary Agriculture -40; from Primary Agriculture-40 to Agricultural Resource Residential-10). Two legal parcels separated by roads (all types) and/or railroads are considered to be contiguous.

5. Density Transfer

- Upon the division of a parcel allowed by the Code, the property owner may transfer from the separated parcel to the remaining parcel one or more developments rights for the purpose of increasing cluster lot density within the remaining parcel, provided that the separated parcel must retain at least one development right. Development rights, as used in this section, refers to the allowable number of units that can be developed within a parcel.

5. Density Transfer

- **Current:** Density can already be transferred between contiguous parcels in common ownership
- **Proposal:** Also allow density transfer upon division of a parcel / transfer to new owner
- **Purpose:**
 - Increase flexibility in creation of small farms
 - Diversity in farming

Conclusion

- Five (5) Amendments
 - Can all be approved, or approved in part
 - No need for all or nothing approach
- Results
 - Conserves Resource Land (no loss of resource land)
 - Encourages economic use of land
 - Catalyst for more diverse farming operations

Lauren Prentice

From: Steve C. Morasch <stevem@landerholm.com>
Sent: Thursday, November 16, 2017 12:38 PM
To: Lauren Prentice
Cc: Jacqueline S. Renny
Subject: RE: Notice of Public Hearing - Walla Walla County BOCC

Thanks for providing notice of the hearing. I will be forwarding you five photographs for the record in the Simplot matter. Since the photos are a large file size, I will send them individually. If you could please acknowledge when you have received all five photos, I would appreciate it. Thanks.

Steve C. Morasch | Attorney at Law



805 Broadway Street, Suite 1000

P.O. Box 1086

Vancouver, WA 98666-1086

T: 360-558-5912 | T: 503-283-3393 | F: 360-558-5913

www.landerholm.com

From: Lauren Prentice [mailto:lprentice@co.walla-walla.wa.us]
Sent: Wednesday, November 15, 2017 4:50 PM
To: Elaine Vandiver (oldhomesteadalpacas@gmail.com); Brent Knowles; Julie Hallowell; Jared Hawkins; Greg E. Flowers; Paul Gerola; Patrick Reay; Conrad, Vic; Hendricks, Connie; John Wells; Dana Kurtz; Michelle A. Green (michelleg@jdsalaw.com); Steve C. Morasch; agforensic@aol.com
Cc: Tom Glover; Lauren Prentice
Subject: Notice of Public Hearing - Walla Walla County BOCC

See attached public notice related to applications on the County's 2017 Final Docket; a Board of County Commissioners Public Hearing has been scheduled for Monday, November 27, at 10:00AM.

Lauren Prentice | Principal Planner | Walla Walla County Community Development Department
310. W. Poplar, Suite 200, Walla Walla, WA 99362 | <http://www.co.walla-walla.wa.us/departments/comdev/> web
509-524-2620 direct | 509-524-2610 main | lprentice@co.walla-walla.wa.us email

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November 20, 2017

2016-0112-0002

U.S. MAIL and U.S. MAIL - wwcocommissioners@co.walla-walla.wa.us

Mr. James K. Johnson
Mr. Todd L. Kimball
Mr. James L. Duncan
Board of Commissioners of Walla Walla County
P.O. Box 1506
Walla Walla, WA 99362

Re: J.R. Simplot Company Applications: CPA17-002 Application and REZ17-002 Application (the "Applications")

Dear Commissioners:

I represent the applicant, J.R. Simplot Company ("Simplot"), regarding the above-referenced Applications. In simple terms, the Applications request that the zoning, land use, and UGA designations for Parcel A and Parcel B be "swapped," resulting in no increase or decrease in acreage designated as primary agriculture and no increase or decrease in acreage designated as industrial and within the UGA. The removal of the "Unique Lands" designation from Parcel A is also requested for the purpose of correcting a mapping error (and in any event, de-designation of Parcel A is appropriate under the applicable regulations).

Simplot specifically requests that the County take the following actions:

- (1) Remove the "Unique Lands" designation from Parcel A.
- (2) Add a 160-acre parcel located north of the existing Attalia Industrial UGA boundary and Dodd Road ("Parcel A") to the Attalia Industrial UGA;
- (3) Remove a 160-acre parcel on Dodd Road ("Parcel B") from the Attalia Industrial UGA;

- (4) Change the land use and zoning designations for Parcel A from PA/PA-40 to Industrial/IA-M; and
- (5) Change the land use and zoning designations for Parcel B from Industrial/IA-M to PA/PA-40.

The Board of Commissioners should grant the Applications pursuant to the Walla Walla County Code (the “WWCC”), the Washington Administrative Code (the “WAC”), and the Revised Code of Washington (the “RCW”).

Removal of “Unique Lands” Designation from Parcel A

- a. Parcel A was never intended to be designated as “Unique Lands” and de-designation is appropriate to correct the mapping error.

A substantial portion of Parcel A appears to be currently designated as “Unique Lands” under Walla Walla County Comprehensive Plan Map RL-10. Under the WWCC, the WAC, and the RCW, the County has authority and should exercise its authority to de-designate Parcel A and remove the “Unique Lands” designation.

A land designation such as a “Unique Lands” designation need not exist in perpetuity. WAC 365-190-040(10) emphasizes that “[l]and use planning is a dynamic process” and a jurisdiction’s procedures for designation “should provide a rational and predictable basis for accommodating change.” The RCW further recognizes that counties have a “broad range of discretion” and will be granted deference in how they plan for growth. RCW 36.70A.3201.

WAC 365-190-040(10)(b) provides that designation amendments (including a de-designation or designation removal) should be based on consistency with one or more specifically listed criteria. One such criterion is “[a]n error in designation” in the first instance. WAC 365-190-040(10)(b)(iii).

Parcel A is designated as “Unique Lands” in error and should now be de-designated under WAC 365-190-040(10)(b)(iii). Enclosed as *Exhibit A* is a memo dated November 16, 2017, from Simplot’s consultants, Anderson Perry & Associates, Inc. (the “Anderson Perry Memo”), which reviews the County’s designation history and the Natural Resource Conservation Service (“NRCS”) Soil Survey and soils type information for Parcel A, and directly responds to the public comments alleging that Parcel A contains “prime farmland” or “unique soils.” As specifically detailed in the Anderson Perry Memo, none of the soils on Parcel A were ever identified and mapped by the County as “Unique Land” or “Unique Soils” in the Agricultural Lands Resource Lands Technical Advisory Committee Report (the “Ag Land Resource Report”), which was ultimately adopted by the County Planning Commission and the Board of County Commissioners on January 22, 1992 (*see* Resolution 92-028). Enclosed as *Exhibit B* is a copy of the Ag Land Resource Report for ease of reference, which is also contained in the County Staff Report materials for CPA17-002 as Attachment 8. As detailed in the

Anderson Perry Memo and as detailed in the Ag Land Resource Report, the only areas within the County that were inventoried and intended to be designated as "Unique Lands" were planted in orchard and vineyard crops. This is further confirmed in the County's Comprehensive Plan at Section 6.3.3, which states that the County's designated Agricultural Lands of Unique Significance include orchards and vineyards. Enclosed as *Exhibit C* are historical aerial photographs from 1982, 1988, and 1991 of the area depicted as "Unique Lands" in the Ag Land Resource Report, which reflect the adjacent areas (exclusive of Parcel A) planted in orchard and appear to match the shape of the area ultimately designated as "Unique Lands". Parcel A was clearly not intended to be included within the area.

Enclosed as *Exhibit D* is a spreadsheet detailing the crop history for Parcel A (as well as for Parcel B) from 1990 to present. Parcel A was never planted in orchards or vineyards. Parcel A never contained any "unique" crops, and never had any notable crops or yields. In fact, as reflected in the spreadsheet, Parcel B generally has superior yields to Parcel A when the same crops are being grown. Parcel A was never intended to be designated as "Unique Lands," and to the extent it is currently designated as "Unique Lands," such designation was in error. Simplot respectfully requests that Parcel A be de-designated and the "Unique Lands" designation be removed to correct this mapping error.

- b. Even if there was not a mapping error on the original designation of Parcel A as "Unique Lands," de-designation is appropriate under the applicable criteria for agricultural resource land designation.

Regardless of whether or not there was a mapping error, the County nonetheless has the discretion and should exercise its discretion to de-designate Parcel A under the applicable criteria.

Under WAC 365-190-040(10)(b), de-designations or designation amendments should be based on consistency with one or more of the following criteria:

- (i) A change in circumstances pertaining to the comprehensive plan or public policy related to the designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (ii) A change in circumstances to the subject property, which is beyond the control of the landowner and is related to a designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (iii) An error in designation or failure to designate;
- (iv) New information on natural resource land or critical area status related to the designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3); or
- (v) A change in population growth rates, or consumption rates, especially of mineral resources.

As set forth above, the primary reason de-designation is appropriate is to remedy an error in the original designation. *See* WAC 365-190-040(10)(b)(iii).

De-designation is also appropriate under subsections (i), (ii), and (iv) above, all of which reference the designation criteria under WAC 365-190-050(3) (agricultural resource lands), 365-190-060(2) (forest resource lands), and 365-190-070(3) (mineral resource lands). In addition to adopting WAC Chapter 365-190, the County Comprehensive Plan states that the County's designated Agricultural Lands of Unique Significance include orchards and vineyards. *See* County Comprehensive Plan at Sections 6.3.2 and 6.3.3.

As a threshold matter, Parcel A is not currently planted and has not ever been planted in orchard or vineyard. Parcel A does not meet the County's specifically-adopted standards and practice for designation as "Unique Lands." Moreover, Parcel A does not currently meet the designation standards under WAC Chapter 365-190 as adopted by the County.

Under WAC 365-190-050(3) (agricultural resource lands), Parcel A fails to meet the third factor required: that the land has long-term commercial significance for agriculture. WAC 365-190-050(3)(c). A primary factor in determining whether land has long-term commercial significance for agriculture is: "The classification of prime and unique farmland soils as mapped by the [NRCS]." WAC 365-190-050(3)(c)(i). As detailed in the Anderson Perry Memo enclosed, the farmland classification for Parcel A shows about 40% of the soils are rated as "Farmland of statewide importance" and the remainder are "Not prime farmland." **Parcel A does not have a classification of prime or unique farmland soils as mapped by the NRCS.** This alone is a basis for de-designation. Other factors under WAC 365-190-050(3) that render Parcel A appropriate for de-designation include without limitation the following factors:

- "Relationship or proximity to urban growth areas" (WAC 365-190-050(3)(c)(v)) – Parcel A is adjacent to the UGA and appropriate for inclusion in the UGA;
- "The availability of public facilities" (WAC 365-190-050(3)(c)(ii)) – Parcel A is adjacent to the railroad and lends itself to industrial uses;
- "Predominant parcel size" (WAC 365-190-050(3)(c)(vi)) – Parcel A is not as conducive to mechanized irrigation. Instead of a single center pivot, two partial pivots are required for full coverage due to the odd shape of the property; and
- "Land values under alternative uses" (WAC 365-190-050(3)(c)(x)) – Parcel A's crop history and yields are not noteworthy. Parcel A is substantially more valuable as industrial land given its proximity to the railroad.

In addition, Parcel A is appropriate for de-designation under WAC 365-190-050(3)(a) because it is already characterized by urban growth and suitable for industrial use based upon its proximity to the railroad and ability to be served by a combination of existing public

facilities and services, together with additional public facilities and services to be provided by private sources. WAC 365-190-050(3)(a); WAC 365-196-310(2)(f).

Last, Parcel A is appropriate for de-designation under WAC 365-190-050(3)(b). While the land is currently being used for agricultural production, Parcel A is less well-suited to agricultural use than Parcel B based primarily on its “physical and geographic characteristics.” WAC 365-190-050(3)(b). Again, there is nothing significant about the crops or crop yields on Parcel A as reflected in the enclosed crop history and yield spreadsheet. As reflected in the spreadsheet, Parcel B generally has superior yields to Parcel A when the same crops are being grown. The Asparagus crop was grown on Parcel A when there was a processor (Birdseye) operating. This processor is no longer in operation. With the processor gone, asparagus is primarily grown for the fresh market (e.g., local grocery stores, vegetable market stands, etc.) and is very labor intensive to meet the demands of the fresh market. Simplot’s farm plan attempts to utilize mechanized equipment to the extent possible to achieve scale of production for processors who need supply. Consequently, asparagus no longer fits in Simplot’s farm plan. During the last three years of the asparagus crop, the yields were very poor (as asparagus is very hard on the soil). Asparagus is not a recognized “unique” crop under the Comprehensive Plan, and the County did not ever designate land planted in asparagus as “Unique Lands,” rather, as discussed above, the County designated orchard and vineyard lands. The physical and geographic characteristics of Parcel A are considerably less suited to agricultural use than Parcel B based on the shape of the property and the inability to use a single pivot for irrigation.

Based on the above factors under the County’s Comprehensive Plan and WAC Chapter 365-190, de-designation of Parcel A is appropriate. The “Unique Lands” designation from Parcel A should be removed.

Zoning, land use, and UGA designation “swap” for Parcel A and Parcel B

The public comments submitted to date pertain primarily to Simplot’s request to de-designate Parcel A as “Unique Lands,” as well as perceived impacts from a processing facility (which is not yet before the County for review and which will have its own review via the building permit process).

A thorough analysis of the WWCC and Comprehensive Plan factors and basis for the proposed zoning, land use, and UGA designation swaps for Parcel A and Parcel B is contained in the County’s Staff Report (as well as the Applications themselves). None of the public comments pertain directly to the applicable factors under the WWCC or the Comprehensive Plan with respect to the process for amendment of development regulations and the Comprehensive Plan. Comments pertaining to alleged impacts, environmental or otherwise, associated with a processing facility are not relevant to the Applications. The Applications propose a swap of the zoning, land use, and UGA designations of Parcel A and Parcel B, resulting in no increase or decrease in acreage designated as primary agriculture and no increase or decrease in acreage designated as industrial and within the UGA. Approval of the Applications is proper under the

applicable factors under the WWCC and the Comprehensive Plan, as set forth in the Staff Report and the Applications.

Procedural Issues

Public comments submitted to date allege that these Applications are not properly before the Commissioners. Under WWCC 14.15.060(E)(1), the Board of Commissioners can, after public hearing, choose to add or subtract items from the Planning Commission's recommended Final Docket, which is exactly what occurred in this instance. The Board of Commissioners had such a public hearing on July 17, 2017 and set the 2017 Final Docket on July 24, 2017, which included Simplot's Applications. In addition, under WWCC 14.10.015(C)(2) and (7), the Board may consider proposed Comprehensive Plan amendments "to correct mapping errors" as well as "[o]ther amendments placed on the final docket by the board of county commissioners."

The Applications are properly before the Board pursuant to its earlier public hearing and resolution, along with the other items on the 2017 Final Docket.

Last, enclosed for the record as Exhibit E, is a Memo from Anderson Perry & Associates, Inc., dated October 18, 2017, which includes additional information with respect to the public comments pertaining to the SEPA review.

We appreciate and we thank you for your review of Simplot's Applications and the supporting materials, and we respectfully request that you grant the Applications as recommended by the Planning Commission.

Sincerely,



MICHELLE A. GREEN

MAG:cdl

Enclosures

cc: Ms. Lauren Prentice (w/encl. - via email)
Mr. Vic Conrad (w/encl. - via email)
Mr. John Wells (w/encl. - via email)

EXHIBIT A

INTEROFFICE MEMO

To: John Wells, P.E.
From: Bill Searles, Senior Planner
Subject: Additional Soils Information for CPA17-002 and REZ17-002
Date: November 16, 2017
Job/File No. 7008-570-020
cc: Dana Kurtz, Environmental Scientist

The intent of this memo is to address testimony in the record for the J.R. Simplot Comprehensive Plan Amendment and Rezone Applications CPA17-002 and REZ17-002. Written public comments and public testimony at the Planning Commission's public hearing on October 4, 2017, identified a portion of the soils on Parcel A as "prime farmland" or "unique soils" that should be protected from development. Information provided in this memo supports the applicant's position that none of the soils on Parcel A are Unique Land or Prime Farmland.

According to the Natural Resources Conservation Service (NRCS), the highest-value soil types for agriculture are rated as Prime Farmland; Farmland of Statewide Importance; Farmland of Local Importance; or Unique Farmland. All other agriculturally suited soils are rated by the NRCS as "Not Prime Farmland." Walla Walla County mapped areas of Prime Farmland as "Lands of Primary Significance" (Primary Significance) as shown on Map RL-10 for western Walla Walla County. For reasons discussed below, Walla Walla County does not have any areas mapped as Unique Farmland (Unique Lands) based on soil type. Rather, the designation of Unique Lands in Walla Walla County appears to have been based on crop types. Walla Walla County considers Farmland of Statewide Importance and Farmland of Local Importance to be "Agricultural Lands of Secondary Importance." Agricultural soils rated by the NRCS as "Not Prime Farmland" are considered by Walla Walla County to be "Other Agricultural Lands" (see Attachment 8 to the County staff report for CPA17-002).

Using the NRCS Soil Survey website for areas mapped by Walla Walla County as Unique Lands shows there are no soil types identified by the NRCS as Unique Farmland. However, the definition of Unique Farmland under both federal and state law provides examples of crops that distinguish certain Unique Farmlands that include "such crops as citrus, tree nuts, olives, cranberries, fruit, and vegetables." It appears the County relied on areas easily identifiable as orchards or vineyards to map and designate its Unique Lands, as shown on the original map, "Agriculture Lands of Significance (Western WW County)" adopted by the County circa 1991 to 1992 (see Exhibit B of Attachment 8). Aerial maps of the County's Unique Lands areas correspond to orchards or vineyards. The County's own findings from the Resource Lands Technical Advisory Committee Report (Attachment 8) provide additional evidence of the County's reliance on orchards and vineyards for identifying Unique Farmland. General Finding No. 7 states, "Walla Walla County contains approximately _____ acres of unique lands, _____ of which is orchard land and 2,400 of which is vineyards." No other distinguishing characteristics of Unique Lands

areas are identified by the County. The blank spaces left by the County in the preceding quotation concerning Unique Lands appears to demonstrate that Walla Walla County lacks any farmland with unique soils as classified by the NRCS Soil Survey.

The farmland classification for Parcel A shows approximately 40 percent of the soils are rated as "Farmland of Statewide Importance" and the remainder are "Not Prime Farmland." As discussed above, soils identified as "Farmland of Statewide Importance" are not the same as "Unique Farmland." At the Planning Commission's public hearing on October 4, 2017, the applicant submitted information on crops grown on Parcel A for every year since the applicant purchased the property in 1990 to the present. This information clearly indicates that Parcel A was growing alfalfa and was not in use for orchards or vineyards during any time when Walla Walla County was identifying and mapping its Unique Lands. An even closer look at the soils on Parcel A rated as Farmland of Statewide Importance shows these soils to have a Class VIe capability rating for agriculture, which is a lower (worse) rating than the Class IVe capability ratings for each of the other soils on the parcel or for those soils on Parcel B.

Because Parcel A does not include any soils identified by the NRCS as Unique Farmland and the property has never contained any orchards or vineyards, it was not included in the Unique Lands designation shown on Walla Walla County's original map identifying lands of Primary Significance and Unique Lands (Exhibit B of Attachment 8). This explains the "gap" that is the applicant's Parcel A between the railroad and the Unique Lands to the west, and why Parcel A should not now be considered Unique Farmland.

In 2007, Walla Walla County updated its Comprehensive Plan as required under Washington's Growth Management Act. Around that time, Parcel A was growing either corn or wheat. As part of the process to update its Comprehensive Plan, the County developed new maps of its Lands of Primary Significance and Unique Lands that were apparently intended to provide greater clarity from the original map (Exhibit B of Attachment 8), which is included in Appendix C of the Rural and Resource Lands Element and is still considered part of the County's Comprehensive Plan. One of the new maps adopted by the County was Map RL-10. However, it appears a mapping error occurred from the original map that expanded the Unique Lands boundary on Map RL-10 to include Parcel A. Map RL-10 is what Anderson Perry & Associates, Inc., relied on when the State Environmental Policy Act for the Comprehensive Plan Amendment and Rezone Applications were prepared. Since the original map and the new map are both technically part of the County's Comprehensive Plan, it appears there is a conflict between the two maps as they concern Parcel A. Because the original map did not include Parcel A, it stands to reason that the error lies with Map RL-10. The Comprehensive Plan Amendment Application seeks, in part, to remove Parcel A from the Unique Lands designation on Map RL-10.

After the County Planning Commission hearing, Attorney Steve Morasch, who represents nearby property owner Randy Buchanan, submitted a letter to Walla Walla County dated October 11, 2017. Mr. Morasch objected to the maps provided to the Planning Commission by the applicant at the October 4, 2017, hearing and accused the applicant of "misleading" the Planning Commission with "a map that appears to have been altered and does not accurately reflect the soils on Parcel A as mapped by the NRCS." In fact, the soils maps submitted to the Planning Commission at the hearing by the applicant were obtained from the NRCS' Soil Survey website and show the same soil types on Parcel A as the map provided by Mr. Morasch. The applicant's maps were not altered and cite their source as the NRCS with a copyright of 2017.

John Wells, P.E.
November 16, 2017
Page -3-

As shown above, the soils on Parcel A are rated as either "Not Prime Farmland" or as "Farmland of Statewide Importance," which is consistent with the information on the map submitted by Mr. Morasch. Mr. Morasch's use of the terms "Prime Farmland of Statewide Importance" and "Unique Soils of Statewide Importance" and similar terms is misleading. These terms are not used conjointly or interchangeably by the NRCS in classifying farmland and rating soil types. To qualify as Unique Farmland, a parcel must either have soils classified and rated by the NRCS as Unique Farmland, or be shown as growing specialty crops meeting the definition for Unique Farmland under state law, or both. Parcel A does not meet either of these standards.

For the record, it should be noted that there are currently areas within the Attalia urban growth area (UGA) with soils classified and rated by the NRCS as "Farmland of Statewide Importance" that are zoned by the County as Industrial-Agricultural Mixed. Most of these soils are located in the northeast corner of the UGA where approximately 175 to 200 acres are identified as such (which includes areas within Parcel B).

If you have any questions regarding the information provided above, please let me know.

BS/jg

AGRICULTURAL LANDS
RESOURCE LANDS TECHNICAL ADVISORY COMMITTEE REPORT

I. Definitions

A. Growth Management Act

"Agricultural land means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, animal products, or berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock that has long-term commercial significance for agricultural production."

B. Walla Walla County (recommended)

"Agricultural Lands of Primary Significance means contiguous lands under agricultural production or readily available for agricultural production, the majority of which is in parcels of 40 acres or larger, that are classified as prime or unique soils (USDA) having economic importance to Walla Walla County, low tolerance of incompatible uses and which merit substantial protection."

"Agricultural Lands of Secondary Significance are non-prime contiguous agricultural lands of parcels of 10 acres or more where soil productivity, agricultural infrastructure, current level of agricultural activity and economic importance to Walla Walla County which merit moderate to high protection".

"Other Agricultural Lands are lands primarily in agricultural use which may be contiguous or with intermittent residences, hobby farms or pasture and of varying lot sizes. These lands should remain in their current state unless there is a pressing need for alternative uses. These lands also serve as a buffer between active, large scale agricultural use and rural development".

II. Criteria

A. Growth Management Act (WAC 365-190)

WAC 365-190-030(a) "Prime farmland soil as defined in Part 603.05, National Soils Handbook, United States Department of Agriculture Soil Conservation Service."

WAC 365-190-030(b) "Unique farm soil as defined in Part 603.05, National Soils Handbook, United States Department of Agriculture Soil Conservation Service."

III. Findings

Inventory

1. Inventorying and designating of Walla Walla County's agricultural lands has for the most part been completed by the United States Soil Conservation Service in the identification of prime and unique soils and through their records concerning crop type and value, level of infrastructure and participation in government programs. Parcel size information is available through the Walla Walla County Assessor.

General

2. Agricultural use of land is the largest single use of land in Walla Walla County, with a total of 604,000 acres devoted to agricultural uses, with a value exceeding \$132,000,000.
3. Irrigated agriculture has expanded steadily, to 111,000 acres, this may however level off in the future due to competing water needs.
4. Irrigated crop land in the Walla Walla Valley and the Burbank-Burbank Heights is under the most severe pressure from urban expansion.
5. There are approximately 105,187 acres in the Conservation Reserve Program.
6. Walla Walla County contains approximately 66,000 acres of prime farmland, the majority of which is located in the Walla Walla area, along major stream corridors and the Eureka area.
7. Walla Walla County contains approximately acres of unique lands, of which is orchard land in western Walla Walla County and 2,400 of which is vineyards. The majority of the grape acres are concord and are in one farm, Snake River Vineyards, located northeast of Burbank Heights. The remainder are scattered wine grape vineyards in the Walla Walla Valley and the Burbank area.
8. Wheat continues to be the most predominant crop, however interest regarding alternative crops is increasing.
9. Traditional agricultural practices and associated land use activities have strong historical significance in Walla Walla County.
10. The intent of the lot sizes required in the Agricultural Open Space, and Agricultural General zoning districts (20 and 10 acres respectively), which was to preserve agricultural lands, is no longer effective due to changing economics and conditions.

It is no longer uncommon for a ten acre tract to be purchased as a primary residence, with no intent to "farm" the property.
11. The County Zoning Code allows many uses that are not compatible with agricultural uses.

12. The County has received a petition from approximately 50% of the landowners in the Russell Creek area, currently zoned Agricultural Open Space, 20 acre minimum lot size, requesting a 120 acre minimum lot size. This area is unique in that it is not only prime agricultural land capable of producing two crops per year, but also does not require irrigation.

Cities

13. Presently, none of the four incorporated cities in Walla Walla County have agricultural lands considered to be of long-term commercial significance within their boundaries (including the existing Urbanizable Areas of Walla Walla and College Place).
14. The comprehensive plans of both Walla Walla and College Place contain agricultural land use elements. Neither has an agricultural zoning district, although some agricultural uses are allowed within the cities.

Interim Protection (from 9/91 - 11/93)

15. Existing comprehensive plans, zoning codes and policies are adequate to protect Agricultural Lands of Primary Significance in the immediate future. However, some recommendations should be acted upon within the next year, while others may wait to be included in the formulation of new plans and regulatory documents in fulfillment of GMA requirements.
16. The county does not have a large lot division review process. There is a "gap" in the subdivision regulations that allows four lots over five acres in size to be created without any review and an unlimited number of lots over 20 acres may also be created without review.
17. The cities will be responsible for the adoption of their own interim and final protective measures. However, due to lack of lands that meet the recommended definitions lying within the cities or their current growth boundaries, interim protection measures do not appear necessary. This should be reviewed at the time of establishment of new growth boundaries under the GMA.

IV. Existing Policies

Walla Walla County

1. Establish zoning districts which restrict non-farm activities. Existing non-farm activities, such as lineal development and subdivisions substantially surrounded by agricultural lands, should be considered as anomalies. These areas should not be expanded, and should not represent the basis for the conversion or rezone of adjacent farm lands to non-farm uses until rural and urban lands are substantially developed (UA Comp. Plan)

2. Exclusive agricultural lands should remain agricultural (UA Comp. Plan)
3. Encourage review of the Open Space Taxation Act to encourage higher participation through legislative changes (UA Comp. Plan)
4. The proposed functional classification system for roads should recognize and support the rural character of roads in agricultural districts. Over classifying these roads and encouraging non-farm related traffic should be discouraged (UA Comp. Plan)
5. Adopt a "right-to-farm" attitude whereby the County recognizes that the agricultural lands enjoy historical or prescriptive rights to normal farm practices such as early and late hours of operation, noise, dust generation, crop dusting, odors, slow moving vehicles and livestock on rural roads (UA Comp. Plan)
6. In cases where agricultural land must be converted to non-farm uses, after other lands have been developed, the land should be marginal and should not possess prime or unique soils as identified by the SCS. Prime and unique soils should only be used where it can be demonstrated that alternative sites are inadequate (UA Comp Plan)
7. Create and maintain a distinct boundary between urban/rural and agricultural lands with the use of physical edges like roads, railroads, or creeks (UA Comp. Plan)
8. Encourage the development of non-traditional agricultural activities (vinifera grapes, wineries, herb farms, etc.) by considering the elimination of Conditional Use Permits for many non-traditional activities (UA Comp. Plan)
9. Support the existing economic base by discouraging the unnecessary or speculative rezoning of agricultural lands to non-farm use (UA Comp. Plan)
10. Soil type and agricultural suitability should be determined by the SCS. The findings and recommendations of the SCS in regard to questions of soil suitability should prevail (UA Comp Plan)
11. Walla Walla County should consider use of the SCS's Land Evaluation and Site Assessment (LESA) system (UA Comp. Plan)
12. Agricultural uses are recognized as the most appropriate uses adjacent to Environmentally Sensitive Areas. The sensitive areas do not require setbacks or topographic buffers from cultivated farmlands. Restrictions of farming use within these areas should be minimized and the intrusion of incompatible uses such as residential dwellings should be avoided to ensure the long term viability of these important agricultural buffers

(Bbk Comp Plan)

13. Designate for agricultural use those areas currently in productive agricultural use where such areas are outside Urban Service Areas and adopt effective implementing land use regulations (Bbk Comp. Plan)
14. Retain agricultural zoning and other land use controls in areas designated for future urban use until development consistent with the Comp Plan occurs (Bbk Comp. Plan)
15. Encourage higher density development when conversion of agricultural land takes place. The division of large parcels into low density hobby farms should be discouraged, whenever possible, in favor of more productive farm units (Bbk Comp. Plan)
16. Prevent haphazard growth into agricultural areas (Sun Harbor Comp Plan)
17. Promote the use of good agricultural and conservation practices on shorelines of the County in order to protect the soil, air, water, fish and wildlife of those shorelines (Shoreline Prog)
18. Erosion control measures such as crop rotation, mulching, strip cropping and contour cultivation are encouraged (Shore. Prog)

City of College Place

1. Priorities should be set consistent with best land use as researched with the Soil Conservation Service and State Extension Services and evaluated by the Planning Commission.
2. Maintain the importance of the local truck farming economy by coordinating the designation and future use of such lands with the County in the preparation of and implementation of zoning ordinances.
3. Plan and work with the City of Walla Walla, the County of Walla Walla and others to preserve as much agricultural land as possible outside the City's urbanizable area.
4. Create a distinct boundary between urban/rural lands and agricultural lands which may include use of physical edges like roads, railroads or creeks.

City of Walla Walla

1. Encourage efficient utilization of land within the urban growth boundaries of Walla Walla through development of an Urban Area Plan in cooperation with Walla Walla County. This plan will designate the areas of agricultural land which should be protected from encroachment by non-agricultural uses. It will, at the same time, designate those areas which have been sufficiently removed from agricultural production that they are

suitable for additional development and increased density

V. Recommendations

Require Prompt Action (no later than July 1, 1992)

1. Lands identified as prime or unique should be designated as Environmentally Sensitive under Walla Walla County Code, Title 18, Environmental Policy, with altered exemptions.
2. Walla Walla County should close the "gap" in the subdivision regulations and develop a large lot division review process.
3. Subdivisions should be prohibited in agricultural zoning districts.
4. The minimum lot sizes of the prime agricultural lands lying north and east of the City of Walla Walla, which meet the definition of "Agricultural Lands of Primary Significance", should not be reduced and this Committee strongly recommend increasing them (see attachment A).

To be Dealt with During the GMA Process

1. The County Zoning Code should be revised to remove the incompatible uses from the agricultural districts.
2. Walla Walla County should adopt a "right to farm" ordinance rather than the existing resolution.
3. Walla Walla County should implement the use of the Land Evaluation and Site Assessment (LESA) system in land use decision-making.
4. The County should increase the minimum lot size in the Agricultural Lands of Secondary Significance (suggested 20 acres) and the Agricultural Lands of Primary Significance. Lands of Primary Significance have been mapped. Lands of Secondary Significance will be mapped as a part of this process.
5. Existing County goals, objectives and policies should be reviewed for duplication and conflict.

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WALLA WALLA COUNTY REGIONAL PLANNING DEPARTMENT

EXHIBIT "B"

Agriculture Lands of Significance (Western WW County)

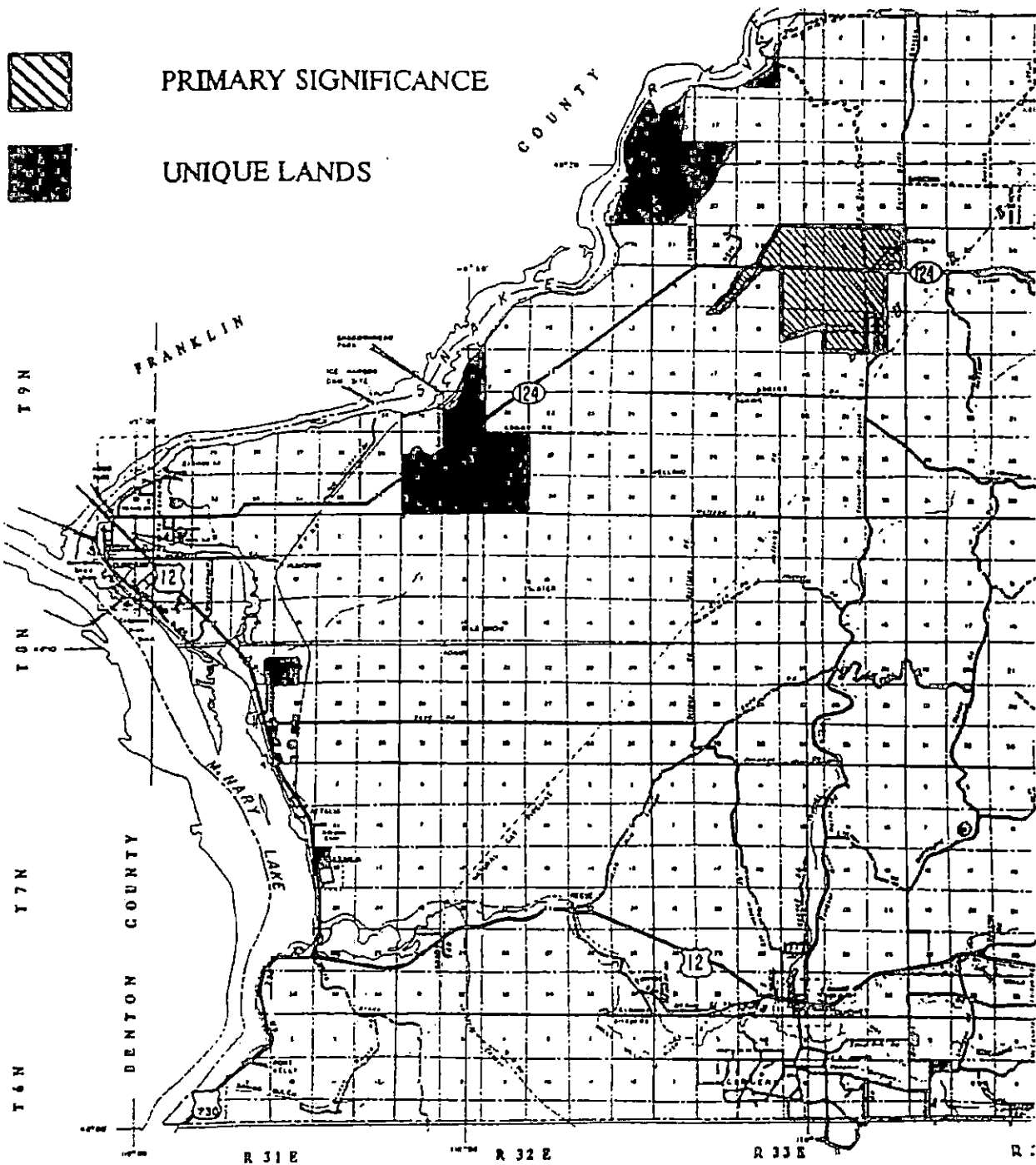
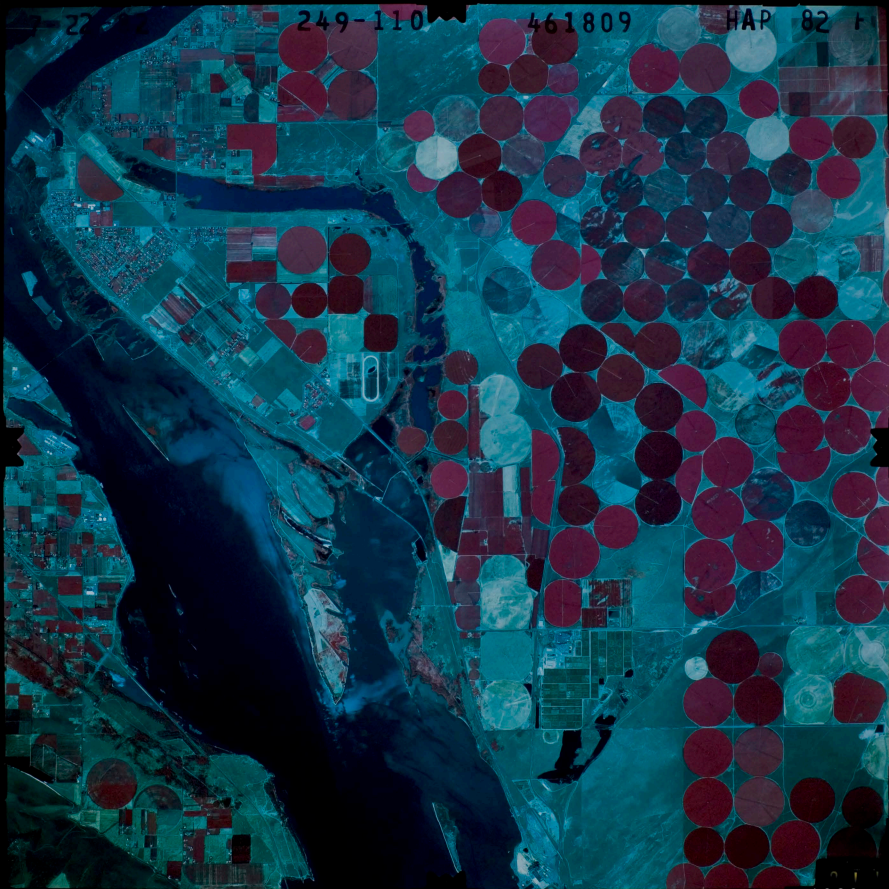


EXHIBIT C

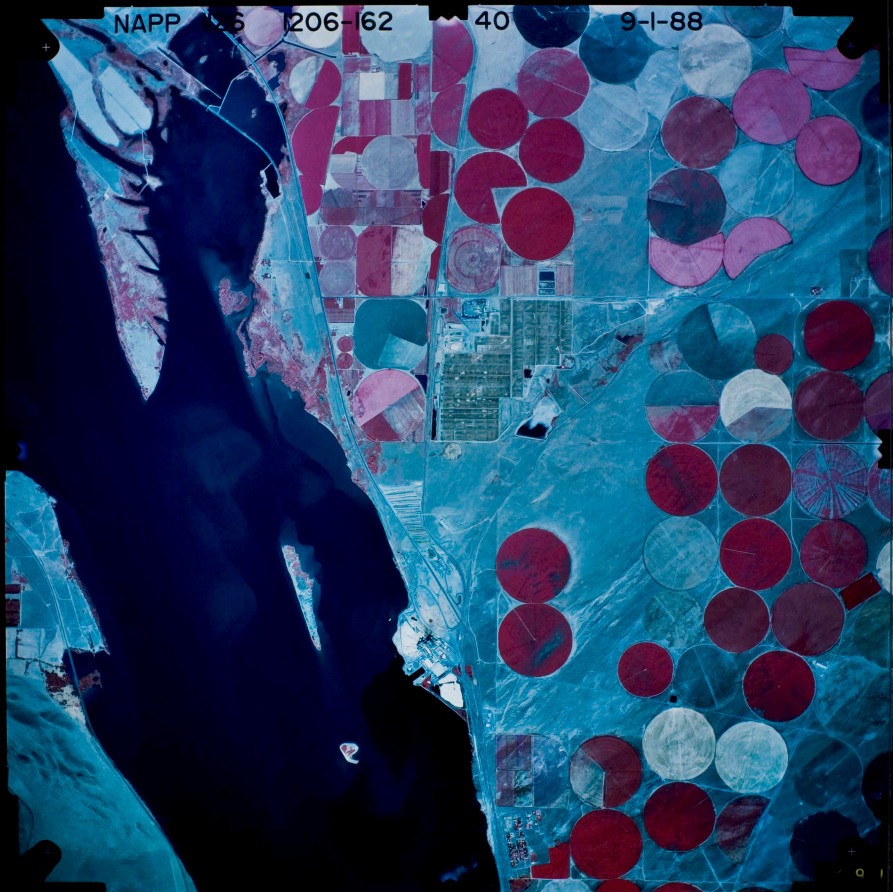


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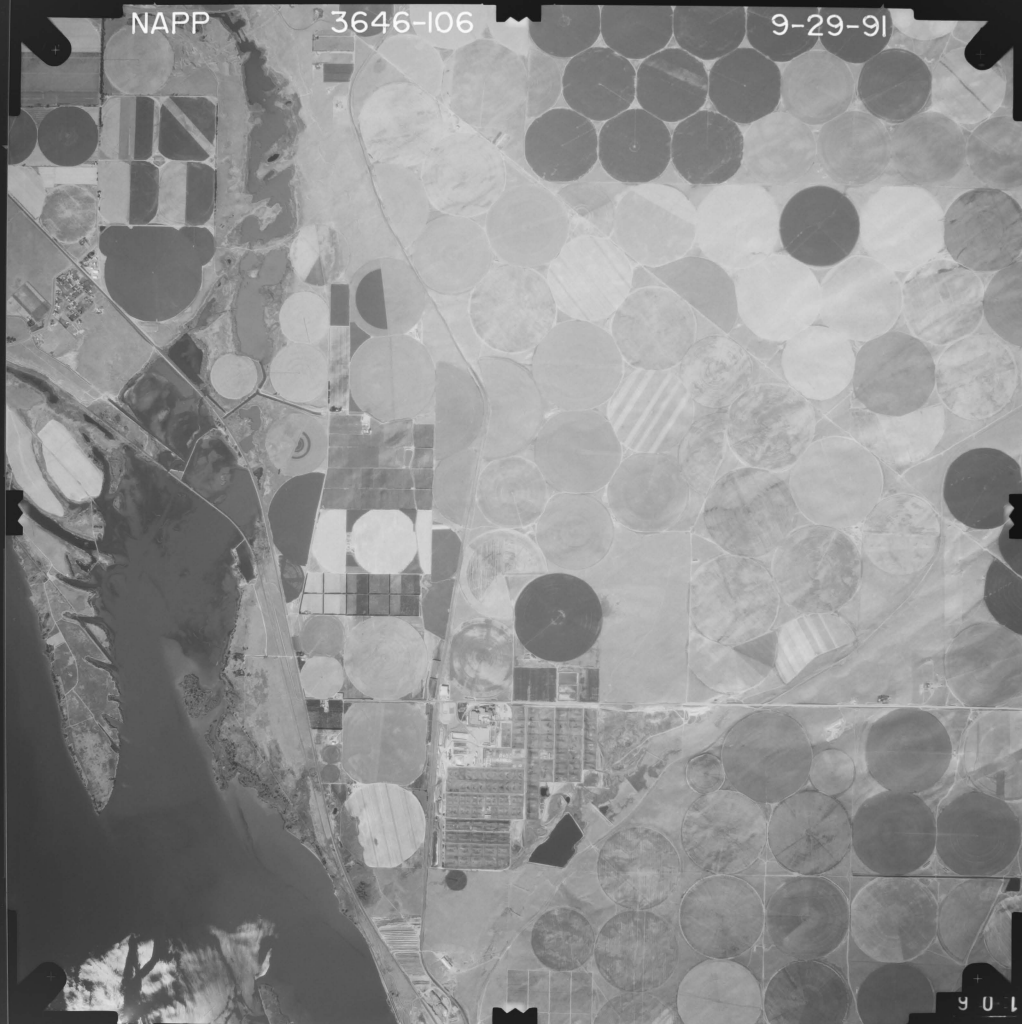


1988

NAPP

3646-106

9-29-91



2003 Aerial Image

Simplot Dodd Road Area



Google earth

Image USDA Farm Service Agency

12

Ivarson Rd

2003



3000 ft

2003 Aerial Image

Simplot Dodd Road Area



Google earth

Image USDA Farm Service Agency



2003

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EXHIBIT D

Parcel A and Parcel B Crop History

Abbreviations: SWC = Sweet Corn; DNS = Dark Northern Spring Wheat; HRW
= Hard Red Winter Wheat; SWW = Soft White Winter Wheat


Date Prepared: November 7, 2017

Year	Parcel A		Yield Parcel A		Parcel B	Yield Parcel B
	Field 11	Field 12	Field 11	Field 12	Field 28	Field 28
1990	Alfalfa	Alfalfa	NA	NA	NA	NA
1991	Alfalfa	Alfalfa	NA	NA	NA	NA
1992	Alfalfa	Alfalfa	NA	NA	NA	NA
1993	Alfalfa	Alfalfa	NA	NA	NA	NA
1994	Potato	Potato	NA	NA	Wheat	NA
1995	Sweet Corn	Sweet Corn	NA	NA	Shepody	NA
1996	Asparagus	Asparagus	NA	NA	SWC	NA
1997	Asparagus	Asparagus	NA	NA	SWC	NA
1998	Asparagus	Asparagus	NA	NA	SWC	NA
1999	Asparagus	Asparagus	NA	NA	SWC	NA
2000	Asparagus	Asparagus	NA	NA	Shepody	NA
2001	Asparagus	Asparagus	NA	NA	SWC	NA
2002	Asparagus	Asparagus	NA	NA	SWC	NA
2003	Asparagus	Asparagus	NA	NA	Shepody	NA
2004	Asparagus	Shepody	NA	NA	Wheat - SWW	NA
2005	Timothy	Wheat - DNS	NA	NA	SWC	NA
2006	Sweet Corn	Peas/SWC	NA	NA	SWC	NA
2007	Shepody	Wheat - HRW	25.04 Ton/Acre	124.35 Bu/Ac	SWC	10.01 Tn/Ac
2008	Wheat - HRW	Shepody	100.58 Bu/Ac	26.67 Tn/Acre	Shepody	28.12 Tn/Ac
2009	New Hay	New Hay	4.24 Tn/Ac	4.22 Tn/Ac	SWC	9.69 Tn/Ac
2010	Alfalfa	Alfalfa	6.89 Tn/Ac	7.31 Tn/Ac	SWC	10.29 Tn/Ac
2011	Alfalfa	Alfalfa	9.76 Tn/Ac	9.44 Tn/Ac	Shepody	26.61 Tn/Ac
2012	Timothy/ SWC	Wheat	4.89/11.78 Tn/Ac	142 Bu/Ac	SWC	11.5 Tn/Ac
2013	Shepody	Shepody	25.28 Tn/Ac	27.31 Tn/Ac	SWC	10.25 Tn/Ac
2014	Timothy/ SWC	Timothy/ SWC	4.41/9.59 Tn/Ac	3.76/9.2 Tn/Ac	SWC	10.25 Tn/Ac
2015	Peas/ SWC	Peas/ SWC	3.99/8.45 Tn/Ac	2.99/9.00 Tn/Ac	SWC	9.83 Tn/Ac
2016	Shepody	Shepody	24.41 Tn/Ac	27.36 Tn/Ac	SWC	10.65 Tn/Ac
2017	Timothy/ SWC	Timothy/ SWC	NA	NA	Shepody	25.92 Tn/Ac

EXHIBIT E

MEMO

To: Lauren Prentice, Principal Planner, Walla Walla County Community Development Department

From: Bill Searles, Senior Planner 

Subject: State Environmental Policy Act Checklist for CPA17-002 and REZ17-002

Date: October 18, 2017

Job/File No. 7008-570-020

cc: John Wells, Anderson Perry & Associates, Inc. (AP); Dana Kurtz, AP; Vic Conrad, J. R. Simplot Company

The intent of this memo is to provide additional documentation to the file for the State Environmental Policy Act (SEPA) checklist for the J. R. Simplot Comprehensive Plan Amendment and Rezone Applications CPA17-002 and REZ17-002. Written public comments and public testimony ending with the Planning Commission's public hearing on October 4, 2017, identified perceived errors in the SEPA checklist. The SEPA checklist checkboxes/circles did not identify all of the types of vegetation found at the site, nor all types of birds or other wildlife known to be on or near the parcel proposed to be included or excluded from the Attalia urban growth area. However, the text within the SEPA checklist and the Applications provided greater information regarding specific impacts to listed species and appears to be correct for species and land descriptions outlined in the Applications.

Historically, Parcels A and B have been used for a variety of crops, including forage crops (i.e., alfalfa and Timothy-grass hay crops) and common grain crops (such as corn) and tuber crops (such as potatoes). The types of crops grown on the site are not specialty crops and, in our professional judgment, do not justify any reason to alter the determination of non-significance (DNS) for the SEPA checklist.

In addition to songbirds and deer being observed, hawks and occasionally herons or elk, have likely been observed on or near the site. White pelicans, while known to use nearby habitat such as Badger Island and other island and shoreline habitat in McNary wildlife refuge, are not known to use the site. According to the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) on the website, the closest habitat is approximately 3.5 miles to the west of the site. The WDFW has no recorded use of the site by white pelicans. We find no substantial evidence to support the claim made by public comment regarding white pelicans. The impacts from existing agricultural activities associated with growing and harvesting crops make this site less attractive to native types of birds and wildlife noted in the testimony. Any perceived errors in not identifying the types of birds or wildlife on the SEPA checklist do not warrant altering the DNS made by the Walla Walla County Community Development Director.

Lauren Prentice
October 18, 2017
Page -2-

There was no intention to mislead your Department or the Planning Commission by not including the types of vegetation, birds, or wildlife noted in the testimony. The additional information should not alter the SEPA determination or require re-opening the SEPA to include the additional information.

Please include this information in the file, and do not hesitate to contact us if you have questions regarding the SEPA checklist.

BS/ct

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