

A G E N D A
WALLA WALLA COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 26, 2017

(PLEASE NOTE SLIGHTLY EARLIER START TIME THIS DATE)

9:15 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) Review warrant list

The county commissioners will take this time (at 9:15 a.m.) to review the list of warrants for approval under the consent agenda. This review time is open to the public. No other business will be transacted until the regular meeting start time of 9:30 a.m.

RECESS.

9:30 COUNTY COMMISSIONERS

- a) Declarations re: conflict of interest
- b) Pledge of Allegiance
- c) Public comment period (time limitations may be imposed)

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

- d) **Action Agenda Items:**
 - 1) Review submitted Employee Payroll Action Forms
- e) **Public Hearing:**
 - 1) To consider amendments to the 2017 County Budget
- f) **Action Agenda Items:**
 - 1) Resolution _____ - Amendments to the 2017 Walla Walla County Budget

COUNTY COMMISSIONERS (continued)

g) Public Meeting:

- 1) To consider leasing certain county property (request by Whitman College), followed by possible action

h) Consent Agenda Items:

- 1) Resolution _____ - Minutes of County Commissioners' sessions of December 18 and 19, 2017
- 2) Resolution _____ - Awarding certain contracts for indigent legal services for 2018
- 3) Resolution _____ - Salary adjustments for certain Walla Walla County non-represented personnel for year 2018
- 4) Resolution _____ - Approving an Agreement for Medical Program Director
- 5) Execute Small Works Contract First Amendment with 1st Choice Restoration of Walla Walla
- 6) County vouchers/warrants/electronic payments as follows: _____ through _____ totaling \$ _____
- 7) Payroll action and other forms requiring Board approval

- i) Miscellaneous business to come before the Board

- j) Review reports and correspondence; hear committee and meeting reports

- k) Review of constituent concerns/possible updates re: past concerns

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF
AWARDING CERTAIN
CONTRACTS FOR INDIGENT
LEGAL SERVICES FOR 2018



RESOLUTION NO.

WHEREAS, Walla Walla County is required to provide legal representation for indigent citizens when so determined by the Courts of Jurisdiction on all matters related to District Court criminal matters and Superior Court criminal matters, dependency hearings, mental health hearings, and other such matters before the Courts; and

WHEREAS, it is the opinion of this Board of Walla Walla County Commissioners that said legal services can best be provided for indigent persons by entering into individual contracts with certain attorneys who will accept a percentage of the appointments for felony and other cases pursuant to the conditions set forth in the contract; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they do hereby approve and shall sign the contracts between Walla Walla County and the following named attorneys to provide legal services as outlined in the contracts: Rachel Cortez, Jamie Lewellyn Harper, Bridie Monahan-Hood, Jesse Montagnino, Robin L. Olson, and Julie Carlson Straube.

BE IT FURTHER RESOLVED that the contract period shall be for year 2018.

*"Passed this **26th day of December, 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 SALARY
ADJUSTMENTS FOR CERTAIN
WALLA WALLA COUNTY NON-
REPRESENTED PERSONNEL FOR
YEAR 2018**

RESOLUTION NO.

WHEREAS, previous annual resolutions of the Board of County Commissioners have established salary adjustments for non-represented County personnel; and

WHEREAS, pursuant to previous discussions and a consensus, a determination was reached to establish the compensation level for non-represented employees to be consistent with provisions of the 2016 through 2018 Labor Agreement between Walla Walla County Board of Commissioners and the Washington State Council of County and City Employees, Local 1191-WC of the American Federation of State, County, and Municipal Employees, AFL-CIO, Current Expense Courthouse Employees; and

WHEREAS, said Agreement provides that covered employees receive compensation for the upcoming year based upon a scheduled increase equal to 80% (eighty percent) of the Consumer Price Index for All Urban Consumers (CPI-U) for Seattle-Bremerton for June of the current year, in this case 2017; and

WHEREAS, the CPI-U measure for June, 2017 is 3.0%, and 80% of that figure is 2.4%; and

WHEREAS, further, the Agreement provides that for 2018, an additional 1.0% general wage adjustment will be available if the following revenue milestone is reached: Sales and property tax receipts grow by 3% or more from the base period of July 2015 through June 2016, compared to July 2016 through June 2017; however, that milestone was not reached; and

WHEREAS, pursuant to Walla Walla County Resolution 17 227, Walla Walla County implemented a classification and compensation study, the results of which have been taken into consideration; and

WHEREAS, a separate salary schedule for deputy prosecutors was approved by consensus of the Board following a presentation by the County Prosecuting Attorney on December 11, 2017 of Memorandum dated December 5, 2017 "Proposed Revised Deputy Prosecutor Pay Scale for 2018"; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that, in accordance with above referenced, the 2018 compensation schedule for the above-named unit employees, certain below-named department heads, and other non-represented County employees shall be increased by two and four tenths percent (2.4%), as determined above and as based upon an employee's respective 2017 salary schedule in effect as of December 31, 2017.

BE IT FURTHER RESOLVED that, pursuant to the approved classification and compensation salary as implemented, chief deputies appointed by county elected officials pursuant to RCW 36.16.070 shall be compensated at an amount equal to eighty percent (80%) of the salary set for those respective elected officials.

BE IT FURTHER RESOLVED the "Proposed Revised Deputy Prosecutor Pay Scale for 2018", as referenced above and outlined, is approved and shall be implemented and utilized for 2018.

BE IT FURTHER RESOLVED that it is the intent of the Board of Walla Walla County Commissioners that, as outlined on the attached Exhibit A, which is by this reference made a part hereof, 2018 salaries for the following shall be set as provided above and/or pursuant to Employment Agreements with the County: the chief deputy prosecuting attorney; administrative, unclassified, exempt employees appointed by the county sheriff; and certain employees who have entered into separate Employment Agreements with the County, effective as of January 1, 2018.

*"Passed this **26th day of December, 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*

EXHIBIT A
December 26, 2017

2018 SALARIES FOR WALLA WALLA COUNTY EMPLOYEES WHO ARE REPRESENTED BY A COLLECTIVE BARGAINING UNIT (effective January 1, 2018)

- Under the Current Expense Courthouse agreement, the schedule for 2018 wages shall reflect an increase equal of 2.4%, pursuant to Article XIV of the Agreement 2016-2018 and the governing resolution.
- For employees covered by the Road Crew Local 1191, (the "Public Works Contract"), the schedule for 2018 wages shall reflect an increase equal of 2.4%, pursuant to Article XVII of the Agreement 2016-2018 and the governing resolution.
- For members of the Corrections and Professionals Association, the schedule for 2018 wages shall reflect an increase equal of 2.4%, pursuant to Article XIV of the Agreement 2016-2018 and the governing resolution
- For members of the Commissioned Deputy's Association, the schedule for 2018 wages shall reflect an increase equal of 2.5%, pursuant to Article XIV of the Agreement 2017-2019.

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2018 SALARIES FOR CERTAIN APPOINTED WALLA WALLA COUNTY EMPLOYEES WHO ARE NOT REPRESENTED BY A COLLECTIVE BARGAINING AGREEMENT (effective January 1, 2018)

Effective January 1, 2018 the compensation schedule for the following non-represented and/or named appointed positions shall be increased by two and four tenths percent (2.4%), consistent with the Current Expense Courthouse agreement now in place, and based on an employee's respective salary in effect as of December 31, 2017:

- All non-represented employees (those not covered by a collective bargaining agreement, to include those in the Public Works Department).
- administrative, exempt (unclassified under Civil Service) employees appointed by the county sheriff, pursuant to and authorized by RCW 41.14.070
- the chief deputy prosecuting attorney
- certain employees who have entered into separate Employment Agreements with Walla Walla County (Tom Byers, Tom Glover, Norris Gregoire, Kevin Gutierrez)

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Effective January 1, 2018 the compensation schedule for the following non-represented and/or named appointed positions shall be set as follows, consistent with the referenced classification and compensation study and as determined by the Board:

- chief deputies appointed by county elected officials (deputies appointed by the County Assessor, County Auditor, County Clerk, Board of County Commissioners, County Coroner, and County Treasurer, pursuant to RCW 36.16.070) shall be compensated at an amount equal to eighty percent (80%) of the salary set for those respective elected officials.

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Effective January 1, 2018 the compensation schedule for the following non-represented and/or named appointed positions shall be set as follows, consistent with the referenced classification and compensation study and as determined by the Board:

- Heather Lee, \$64,000
- Elizabeth "Liz" Jessee, \$64,000

#####

Effective January 1, 2018 the compensation schedule for the following non-represented and/or named appointed positions shall be increased by five percent, based on the employee's respective salary in effect as of December 31, 2017, pursuant to employment agreements in place:

- Meghan DeBolt, Randy Glaeser, Bill Ogg, and Shelly Peters

-end-

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF APPROVING
AN AGREEMENT FOR MEDICAL
PROGRAM DIRECTOR

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RESOLUTION NO.

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they do hereby approve an Agreement for Medical Program Director between Walla Walla County and G. Thomas Underhill, M. D.

BE IT FURTHER RESOLVED that the term of said Agreement shall be January 1, 2018 through December 31, 2018.

Passed this 26th day of December, 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,
STATE OF WASHINGTON
SMALL WORKS CONTRACT**

First Amendment

WHEREAS, Walla Walla County (County) and 1st Choice Restoration of Walla Walla, (Contractor) entered into a Small Works Contract on October 30, 2017. Contractor provided additional services in the amount of \$11,135.44 based on work performed on the observed Veteran's Day, November 10, and the weekend of November 11 and 12, 2017. The parties agreed to the timing of this work, as it resulted in less impact to the tenants of 1520 Kelly Place. The basis for increased costs are shown on the attached December 14, 2017 invoice.

The County and the Contractor agree to amend the Contract as follows: Clause 2, page 7 is modified as follows:

~~2. To pay the Contractor for the full, faithful and prompt performance of this general agreement, subject to all of the terms and conditions hereof, the sum of Seventy one thousand six hundred forty three and 17/100's Dollars (\$71,643.17), including state sales tax.~~

2. To pay the Contractor for the full, faithful and prompt performance of this general agreement, subject to all of the terms and conditions hereof, the sum of Eighty two thousand seven hundred seventy eight and 61/100's Dollars (\$82,778.61), including state sales tax.

All other terms and conditions of the October 30, 2017 agreement remain in full force and effect.

IN WITNESS WHEREOF, the County and Contractor have set their hands on this 18 day of December 2017.

CONTRACTOR

By: 

John Hudson 1st Choice Restoration of Walla Wallla
Registration No. _____

12-18-17
Date of Signing

Address of Contractor:
220 ½ E. Alder Street
Walla Walla WA
99362

BOARD OF COUNTY COMMISSIONERS IN
AND FOR WALLA WALLA COUNTY

Chairman

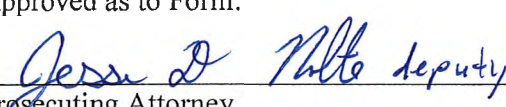
Commissioner

Commissioner

Date of Signing
Attest:

Clerk of the Board

Approved as to Form:


Prosecuting Attorney



Invoice

1st Choice Restoration of Walla Walla
220 1/2 E. Alder St.
Walla Walla, WA 99362
(509) 525-7734
(509) 525-7732 Fax

Invoice ID: SI-15475

Date: December-14-2017

Bill to Walla Walla Co
1520 Kelley Place
Walla Walla, WA 99362

Care of Walla Walla Co.
PO Box 1506
Walla Walla, WA 99362

Terms: Due Upon Receipt

Reference: 405537

PO Number: 405537

Description of Services

Product / Service Description	Qty	Price	Amount
Additional labor costs incurred due to holiday weekend- General labor	94.00	\$57.24	\$5,380.56
Additional labor costs incurred due to holiday weekend- Drywall	69.50	\$65.04	\$4,520.28
Additional labor costs incurred due to holiday weekend- Cleaning	6.00	\$54.09	\$324.54
	169.50		\$10,225.38
		Subtotal	\$10,225.38
	3604		\$910.06
		Amount due this Invoice:	\$11,135.44

9:45

COUNTY CORRECTIONS DEPARTMENT

Mike Bates

a) Consent Agenda Items:

- 1) Execute Small Works Contract
with Walla Walla Electric for
Jail Technology Upgrade Project

b) Department update and miscellaneous

a) Action Agenda Items:

- 1) Ordinance No. 468 – Approving a request by JR Simplot Company for site-specific Comprehensive Plan and Zoning Map Amendments to add a 160-acre property 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; and remove a 160-acre property 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 and 310826410004)
- 2) Ordinance No. 469 – Denying a request by Roberta Cavalli for site-specific applications to change the land designation from Agriculture Residential to Rural Residential 5 and rezone a 18.27 acre parcel at the intersection Wallula Avenue and McKinney Road from AR-10 to RR-5 (APN 350727420010)
- 3) Ordinance No. 470 – Denying a request by Brent Knowles to amend Walla Walla County Code Chapter 17.31, Development Standards – Cluster Developments on Resource Lands

b) Department update and miscellaneous

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

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ORDINANCE NO. 468

APPROVING A REQUEST BY JR SIMPLOT COMPANY FOR SITE-SPECIFIC COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS TO ADD A 160-ACRE PROPERTY 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; AND REMOVE A 160-ACRE PROPERTY 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 AND 310826410004).

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, the Growth Management Act requires that updates, amendments, or revisions to the comprehensive plan may not be considered more frequently than once a year except for certain limited circumstances.

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 December 19, 2016, pursuant to Walla Walla County Code (WWCC) Title 14, the Board of County Commissioners established the criteria and deadline (March 31, 2017) for applications to be included on the 2017 Preliminary Docket of Comprehensive Plan and development regulations amendments.
2. On May 25, 2017, the Walla Walla County Community Development Department received applications from JR Simplot Company (CPA17-002, REZ17-002) to amend the County's zoning map and the Comprehensive Plan land use map.
3. The proposed map amendments impact two parcels which are both owned by JR Simplot Company and 160-acres in area. The amendments add a 160-acre property (Parcel A – APN 310822110002) to the Attalia Industrial Urban Growth Area (UGA) and change the land use and zoning designations from Primary Agriculture/PA-40 to Industrial Agriculture/IA-M. The amendments also remove the Unique Lands designation shown on Comprehensive Plan Map RL-10 from Parcel A. This property is located north of the existing UGA boundary and north

of Dodd Road. Secondly, the amendments remove a 160-acre property (Parcel B - APN 310826410004) 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.

4. On June 26, 2017, the Board of County Commissioners reviewed the amendment applications in an open public meeting.
5. On June 26, 2017, the Board of County Commissioners passed Resolution 17-181 setting a public hearing for July 17, 2017 to receive public testimony and consider whether the applications by JR Simplot Company should be added to the 2017 Final Docket.
6. On June 27, 2017, a Notice of Public Hearing was published on the Community Development Department website.
7. On June 28, 2017, a Notice of Public Hearing was mailed to the applicant and property owners within 500 feet of the subject property.
8. On June 29, 2017, a Notice of Public Hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin, and the Tri-City Herald.
9. On July 11, 2017, the Board received a staff report from Community Development Department staff that noted that the Board has authority under WWCC 14.10.060E(1) and 14.15.060E(1) to add or subtract proposed amendments from the Planning Commission's recommended final docket after conducting a public hearing. The staff report noted that the Board also has authority under WWCC 14.10.060(E)(2) to initiate an amendment by majority vote, even after the final docket is set.
10. The County has not adjusted the Urban Growth Area boundary of the Attalia UGA in more than five years.
11. On July 24, 2017, the Board of County Commissioners concurred with the findings of fact and conclusions of law in the July 11, 2017 Staff report and set the 2017 Final Docket of Comprehensive Plan and development regulations via Resolution 17-197 to include the JR Simplot Company applications (CPA17-002, REZ17-002).
12. On August 2, 2017, the Planning Commission reviewed and discussed the amendment applications and background materials in a workshop meeting, which was open to the public.
13. On September 6, 2017, the Planning Commission reviewed and discussed the amendment applications and background materials in workshop meeting, which was open to the public.
14. On September 18, 2017, the Department of Commerce acknowledged receiving the proposed amendment. The Department of Commerce did not comment on the proposed amendment.
15. On September 19, 2017, SEPA Determination of Non-significance was issued by the Community Development Director.
16. On September 19, 2017, a Notice of Informational Public Meeting and Public Hearing was published on the Community Development Department website.

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17. On September 20, 2017 a Notice of Informational Public Meeting and Public Hearing was mailed to parties of record and property owners located within 500-feet of the property.
18. On September 21, 2017, a Notice of Informational Public Meeting and Public Hearing was published in the Waitsburg Times and Tri-City Herald.
19. On September 22, 2017, a Notice of Informational Public Meeting and Public Hearing was published in the Walla Walla Union Bulletin and Tri-City Herald.
20. On October 4, 2017 an Informational Public Meeting was held by Community Development Department staff.
21. On October 4, 2017 a public hearing was held by the Planning Commission.
22. On October 4, 2017, after closing the public hearing, the Planning Commission voted 5-1, with one member abstaining, to recommend approval of the applications by the Board of County Commissioners. This recommendation was documented in Planning Commission Resolution No. 17-04 which was signed by the Chairman of the Planning Commission on October 30, 2017. The resolution states that that "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."
23. On October 31, 2017, Community Development Department Staff presented the Planning Commission's recommendations to the Board of County Commissioners in a workshop meeting.
24. On November 7, 2016, the Board of County Commissioners adopted Resolution 17-292, setting a public hearing on this application for November 27, 2017.
25. A Notice of Public Hearing was issued by the Community Development Department. This notice was published, posted and mailed as required by WWCC Title 14, however, the notice listed the wrong time for the hearing.
26. On November 27, 2017, the Board of County Commissioners held a Public Hearing as required by WWCC 14.10.070C(2) and 14.15.070C(2). Staff presented the Planning Commission's recommendation that the Board of County Commissioners approve the applications by J.R. Simplot Company. One member of the public spoke against the application; there was no further testimony. Because of the public notice error, the Board continued the public hearing to allow for another hearing to be scheduled. The Board also considered submitted written public comments.
27. A continued public hearing was scheduled for December 12, 2017.
28. On November 29, 2017, a Notice of Public Hearing for the continued public hearing was mailed to parties of record and property owners of record within 500-feet of the property. This notice was emailed to the applicant on November 28, and published in the Walla Walla Union

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Bulletin and Waitsburg Times on November 30. The notice was published on the Community Development Department website on November 29 and in the Tri-City Herald on December 1. On November 29, the notice was published on the property.

29. On December 12, 2017, the Board of County Commissioners held the continued Public Hearing. There was testimony in support of the application from the several of the Applicant's representatives and the Port of Walla Walla. The same member of the public who spoke against the application at past hearings, also testified in opposition. There was no further testimony.
30. On December 12, 2017, after closing the public hearing, the Board of County Commissioners voted unanimously to concur with the Planning Commission's recommendation to approve the amendments and to direct staff to prepare an ordinance for adoption.

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

1. With regard to the Comprehensive Plan amendment criteria in WWCC 14.10.070(B)(3):
 - a. *The amendment meets a definable public need; and*
Discussion: The amendments meet a definable public need to encourage economic development in Walla Walla County, while still adequately conserving agricultural land. The proposed swap of two parcels of equal area will not result in a net reduction of agricultural land of long-term commercial significance being preserved. However, the swap will enable the applicant to develop Parcel A, which is a more appropriate location for industrial development, within the Attalia urban growth area (UGA). Parcel A has better access to rail, is more difficult to farm due to its shape, and is generally better suited for industrial development. Parcel B is better suited for agricultural uses due to its shape and less suited for industrial development due to its distance from rail and the challenges of being located next to the feedlot and animal processing facility that have created odor/air quality issues.

As the Attalia UGA has not been amended in more than five years, the Board concludes that there is a public need to amend the UGA at this time.

- 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***Discussion:** The private development that has occurred in the Attalia UGA represents a changed condition and has resulted in odor/air quality issues. Also, the applicant presented information on soil characteristics, crop history and crop yields on both properties which indicate that the designation of Parcel A as "unique land" was likely in error and is no longer appropriate. The Unique Land designation was based on the 1991 Resource Lands Technical Advisory Committee Report, which was adopted by the County in 1992 with Resolution 92-028. That designation was based on the definitions contained in 7 CFR 657.5(b), which states that Unique Farmland includes land that is used for specific high

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value food and fiber crops, with examples being citrus, tree nuts, olives, cranberries, fruit and vegetables. The 1991 report indicated that orchard land and vineyard land were included as Unique Lands. The October 4, 2017 Staff Report to the Planning Commission stated that the County had previously removed “Unique Land” designations after reviewing crop histories of parcels. The Staff Report stated that it would be helpful if the Applicant provided a crop history. In response, the Applicant provided a crop history of Parcel A dating back to 1990. No vineyards or orchards were present on the site. With exception of asparagus being grown as a crop between 1996 through 2004 on Parcel A, the crop types on Parcel A and Parcel B are very similar. At the December 12, 2017 hearing, Simplot representative Vic Conrad stated that the asparagus had been grown when the crop was commercially processed in Dayton, which no longer has an asparagus processor. Parcel B’s crop yields for similar crops often outpaced the yields for Parcel A. The parcels were often planted in different crops each year, but, as an example in 2008, Shepody Potatoes were grown on both parcels. Field 12 of Parcel A yielded 26.67 tons per acre, while Parcel B yielded 28.12 tons per acre. Similarly, in 2015 when both parcels were planted in Sweet Corn, Parcel B had a higher yield. Parcel A has also had rotating hay and alfalfa crops, but the Board finds that those crops and other crops listed in the Parcel A’s crop history are not “unique” crops in Walla Walla County for the purposes of 7 CFR 675.5 (b). Therefore, it is appropriate to remove the Unique Lands designation for Parcel A.

- c. *The defined need conforms to the policy directives of the comprehensive plan and countywide planning policies; and*

Discussion: The Board concurs with the Planning Commission in finding that the application complies with the Comprehensive Plan and countywide planning policies. Specifically, the Board finds that the proposed amendments are consistent with Comprehensive Plan Policy LU-10 which directs the County to “designate areas for industrial development in the vicinity of existing industrial development” and Policy ED-10 to “encourage new and expanding business and industries that provide sufficient income for wage-earners to afford the cost of living in the county.” The Board also finds the amendments to be consistent with Countywide Planning Policy 1.16 which states that “in order to maintain a sufficient tax base to support essential government services, economic development efforts to diversify and expand basic manufacturing and service related jobs are available.” The Attalia site has proven to be an important economic asset for the County, providing a tax base for the County and jobs for County residents and residents in the nearby Tri-Cities. In regard to designation of Parcel B for agriculture, the Board finds this to be consistent with the goals and policies of Chapter 6.

- 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*

Discussion: The applications only impact two parcels owned by JR Simplot Company and would not require amendment of policies or other areas of the Comprehensive Plan.

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- 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.*

Discussion: The GMA allows for counties to amend the Comprehensive Plan annually. The Growth Management Act also requires the County to carefully review designations and de-designations of Agricultural land. Parcel A's inclusion in the Attalia UGA and removal of the PA-40 designation will result in Parcel A no longer being treated as agricultural land of long term commercial significance. Under WAC 365-190-050, the County first needs to review the County-wide and area-wide impact of de-designating agricultural land. In this case, there is no County-wide or area-wide impact of de-designating Parcel A. Parcel A will be de-designated as agricultural land of long term commercial significance, but Parcel B will be designated as Agricultural land of long term commercial significance. As noted above, Parcel B, which is currently not designated agricultural land, appears to have higher crop yields than Parcel A. The Board concludes that as Parcel B has equal or higher crop values as Parcel A, there will be no county-wide impact from the de-designation of Parcel A. Furthermore, Simplot's intent to build an agricultural processing facility on Parcel A will, if realized, strengthen the agricultural economy, allowing farmers in the area to more efficiently market their crops.

After finding that there is no county-wide impact of de-designating Parcel A, the Board also finds that Parcel A is well suited, as an individual parcel, for inclusion in the Attalia UGA. It is adjacent to the Attalia UGA and close to existing rail tracks, satisfying criteria in WAC 365-190-050 (3)(c)(iv) and (v). As noted by Applicant's representative Vic Conrad at the December 12, 2017 hearing, there is an adjacent rail system, and electric, natural gas and road systems are nearby, and there are nearby farm grounds to serve as wastewater land application sites. As detailed in the memorandum from November 16, 2017 supplied by the Applicant, the soil types on Parcel A are not markedly "better" than those on Parcel B: "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." November 16, 2017 Anderson Perry Memo, page 2. Conrad also stated that Parcel A, with two irrigation pivots, is less efficiently irrigated than Parcel B. The applicant's consulting engineer, John Wells, stated at the December 12, 2017 hearing that providing rail infrastructure to Parcel A would be more cost effective than providing rail lines to Parcel B. Connecting rail to Parcel B would take approximately three miles of new track, which would disrupt five irrigation circles and 25 acres of currently farmed land. The Board concurs that Parcel B is more commercially significant farm ground than Parcel A, particularly in light of the two irrigation circles on Parcel A.

The Board finds that the exchange of the two 160-acre parcels will result in an amount of agricultural lands sufficient to maintain and enhance the viability of the agricultural industry in the County. There will be no-net loss of farmland, and it appears that the more productive parcel will be protected as agricultural land by being designated as PA-40. Since the exchange of parcels will potentially result in the building of a food processing

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plant, the exchange will likely strengthen the agricultural economy in accordance with WAC 365-190-050(5).

2. With regard to the site-specific land use map amendment criteria in WWCC 14.10.070(B)(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
Discussion: The Board has found that Parcel A is generally suitable for development under the Industrial Agriculture – Mixed land use designation. The site has access to rail, is close to Highway 12, has access to utilities, and has other characteristics necessary for this type of development. At the time of project application, additional site-specific considerations will have to be evaluated. The Board has found that Parcel B is suitable for development and use under the Primary Agriculture land use designation. The site has a long history of being used to grow crops.
 - b. The proposed site-specific amendment will not create pressure to change the land use designation of other properties in the area and
Discussion: The Board finds that it is unlikely that the amendment will create pressure to change the land use designation of nearby or adjacent properties.
 - 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.
Discussion: The Board does not find that the proposed amendments would be likely to adversely affect the adequacy of existing or planned public facilities and services in the area. Future project applications for Parcel A will also have to be reviewed under the County's development regulations and the State Environmental Policy Act (SEPA).
3. With regard to the rezone criteria in WWCC 14.15.070(B)(3):
 - a. Criteria: The amendment is consistent with the comprehensive plan; and
Discussion: The Comprehensive Plan land use map amendments are approved as stated herein, based on the criteria in WWCC Chapter 14.10 stated above; therefore, the proposed rezone is consistent with the Comprehensive Plan. The proposed zoning designations for each parcel is appropriate based on the proposed land use designations in the Comprehensive Plan Amendment application.
 - b. Criteria: The amendment meets a definable public need; and
Discussion: As stated above under (1), the Board has found the amendments to meet a definable public need.
 - c. Criteria: The amendment is in the long term interest of the County.
Discussion: The zoning map amendments are in the long-term interest of the County. Allowing urban industrial development on Parcel A is in the economic interest of the County. Assigning Primary Agriculture zoning to Parcel B ensures that the County will conserve the same amount of land for agricultural uses in future. No evidence has been presented to indicate that Parcel B has been or will be any less productive resource land,

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so there is not expected to be an impact on the County's long term commercial agricultural economy. The swap of parcels, which are equal in size, will allow the property owner to potentially build a food processing plant, which will provide an outlet for agricultural production.

4. With regard to the rezone criteria in WWCC 14.09.010(B):

1. Criteria: 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

Discussion: The Board finds the proposal to be consistent with the goals and policies of the Comprehensive Plan.

2. Criteria: 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

Discussion: The Community Development Director has issued a SEPA Determination of Non-Significance on the proposal as required under Title 18. The property is not within jurisdiction of the Shoreline Master Program. The proposal is not inconsistent with Title 16, Title 17 or Title 18. The existing use of both properties, agriculture, is consistent with the proposed zoning. Per WWCC 17.16.014, the "growing of crops" is a permitted use in both the PA-40 and the IA-M districts.

3. Criteria: Is not materially detrimental to uses or property in the immediate vicinity of the proposed rezone and to the general public; and

Discussion: The Board does not find that the proposal would be materially detrimental to uses or property in the immediate vicinity although the rezone would make it possible for Parcel A to be developed with non-resource uses, which are likely be more intensive. Future project applications for Parcel A will also have to be reviewed under the County's development regulations and the State Environmental Policy Act (SEPA).

4. Criteria: Does not create excessive additional requirements at public cost for public facilities and services; and

Discussion: The Board does not find that the proposal would create any immediate requirements for public facilities or services although the rezone would make it possible for Parcel A to be developed with non-resource uses, which may be more intensive. Parcel B, however, would no longer be able to be developed for industrial development under IA-M zoning. As described above, the map amendments are a swap, which does not result in any increase in the amount of land reserved for agricultural uses or any increase in the amount of land planned for urban industrial development.

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5. Criteria: 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.

Discussion: The rezones are necessary to achieve consistency with the Comprehensive Plan amendments approved herein. As described above, the proposed amendments have been reviewed pursuant to Walla Walla County Code Sections 14.10.070(B)(3), 14.10.070(B)(4), 14.15.070(B)(3), and 14.090.010(B). The Board concludes that the proposed amendments are consistent with these criteria.

- 5. The proposed amendments are consistent with the Walla Walla County Comprehensive Plan, and will result in no net difference of land in the UGA, and no-net loss of lands in agricultural lands designation, therefore not impacting population projections, and not resulting in less land being preserved for agricultural uses.
- 6. As proposed, the amendments are not likely to have a significant adverse impact on public welfare and safety.

Section III. Adoption of the proposed zoning and land use map amendments.

Based on its review of the requirements of RCW 36.70A and the Walla Walla County Code, the proposed amendment prepared by the applicant, staff analysis, and the recommendation by the Planning Commission, the Board of County Commissioners hereby approves the following proposed Comprehensive Plan and Zoning Map amendments

Amendments to Walla Walla County Comprehensive Land Use Maps RL-10, LU-1 and LU-2 and applicable County Zoning maps, as presented to the Board of County Commissioners on this date, are adopted as shown on the attached maps. The Director of the Walla Walla County Community Development Department is directed to replace the existing maps with the amended maps.

Section IV. Effective Date and Savings.

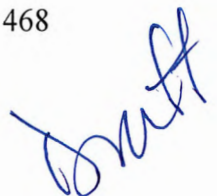
This Ordinance is effective upon signing.

Section V. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section VI. Publication.

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



PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 26th day of December 2017.

Attest:

Diane L. Harris, Acting 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*

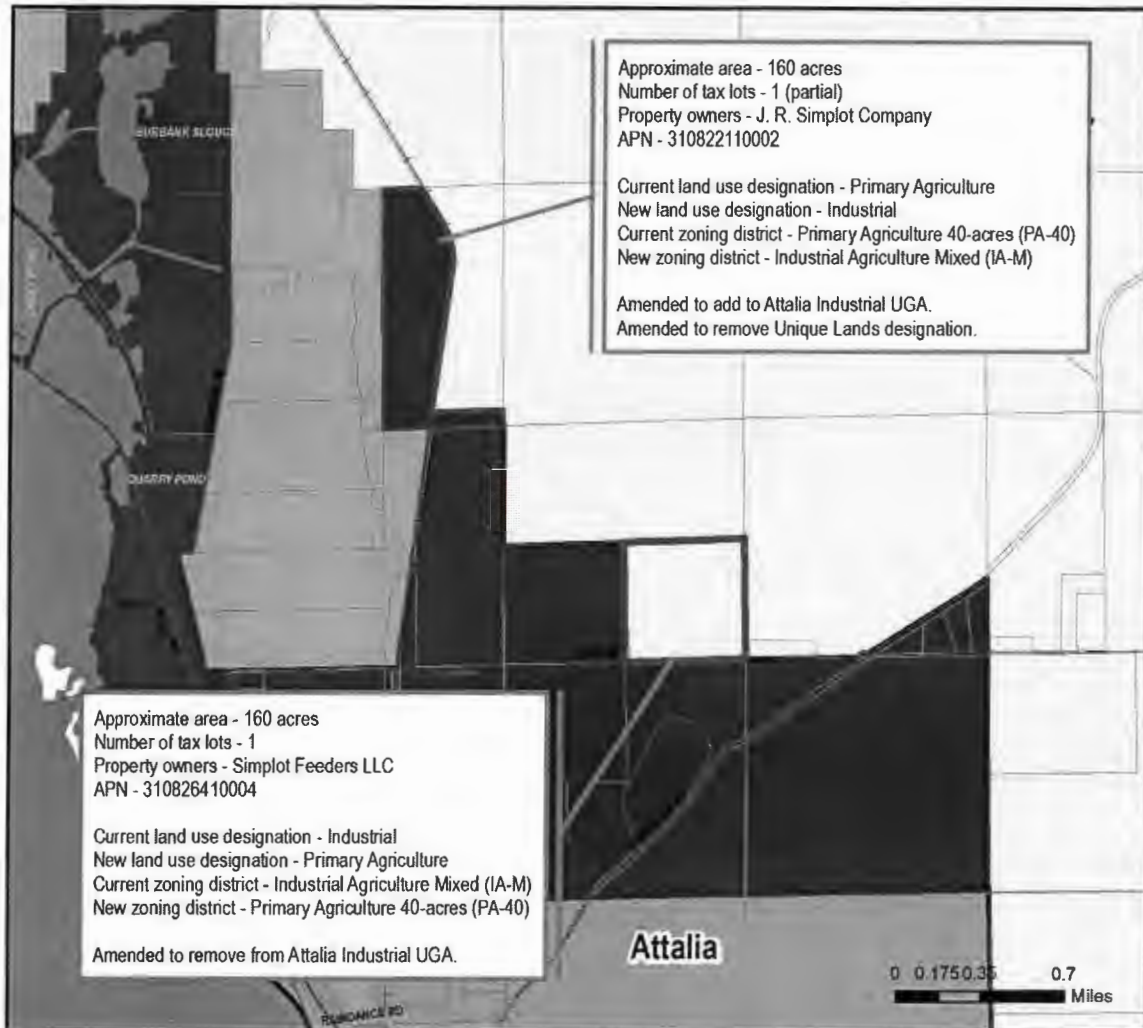
Approved as to form

Jesse D. Nolte, Deputy Prosecuting Attorney

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J.R. Simplot Company

Zoning Map Amendments (REZ17-002)



ROADS

— HIGHWAYS
 — PUBLIC ROADS
 - - - PRIVATE ROADS
 + RAILROADS
 ■ RIVERS/STREAMS

BOUNDARIES

■ URBAN GROWTH AREA
 ■ TAXLOTS
 ■ COUNTY BOUNDARY

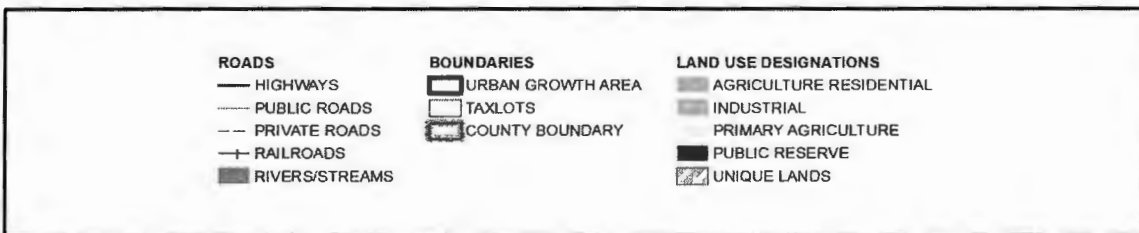
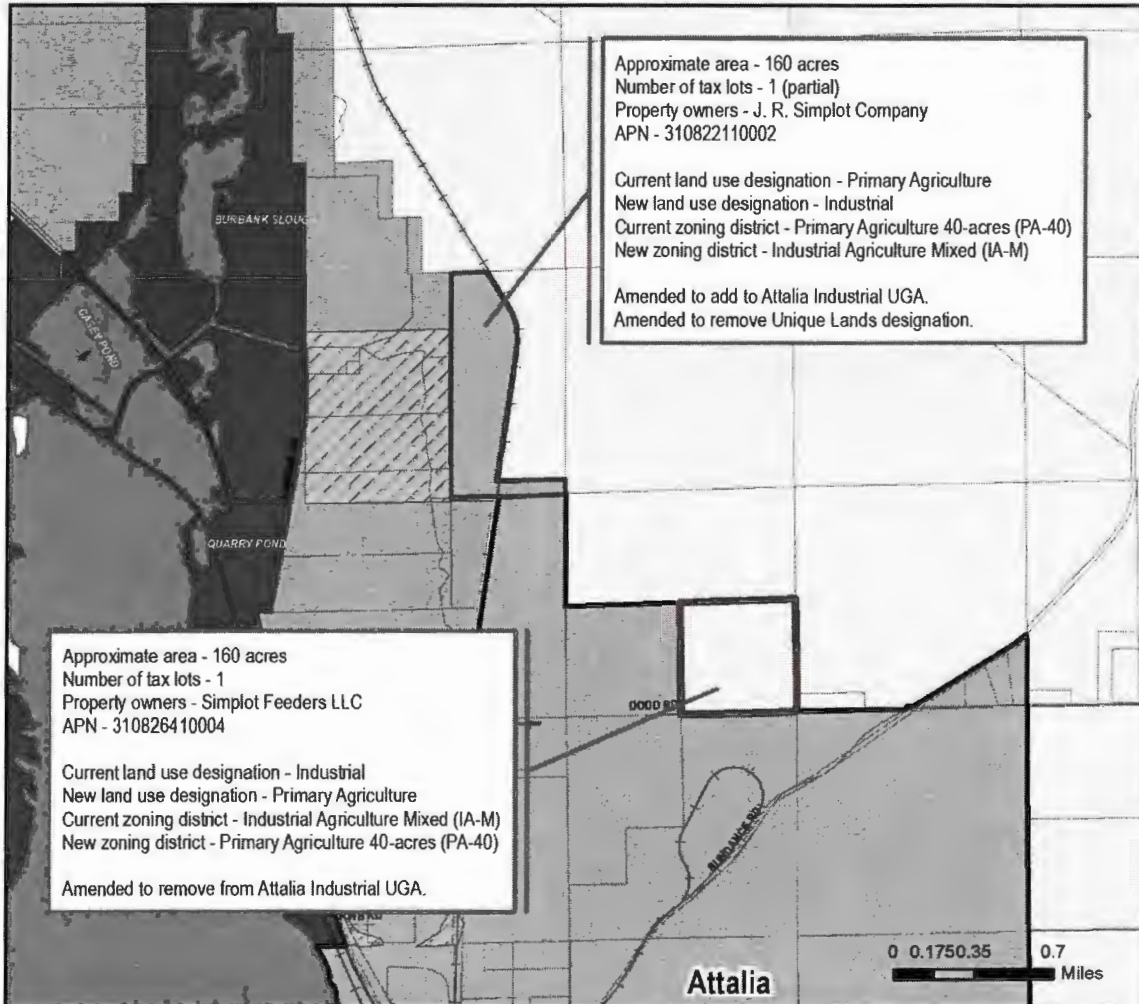
ZONING DISTRICTS

■ AGRICULTURE RESIDENTIAL 10
 ■ INDUSTRIAL AGRICULTURE HEAVY
 ■ INDUSTRIAL AGRICULTURE MIXED
 ■ PRIMARY AGRICULTURE 40
 ■ PUBLIC RESERVE

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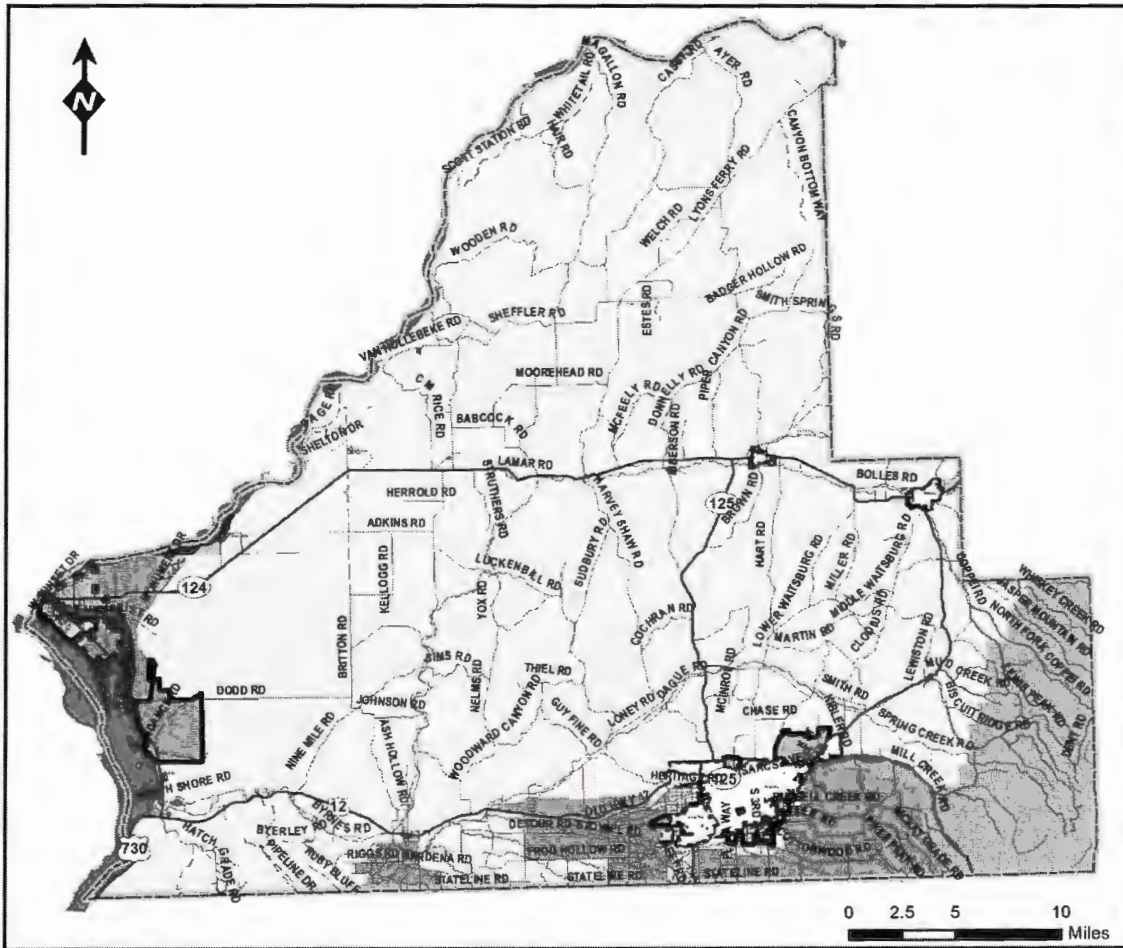
J.R. Simplot Company

Land Use Map Amendments (CPA17-002)



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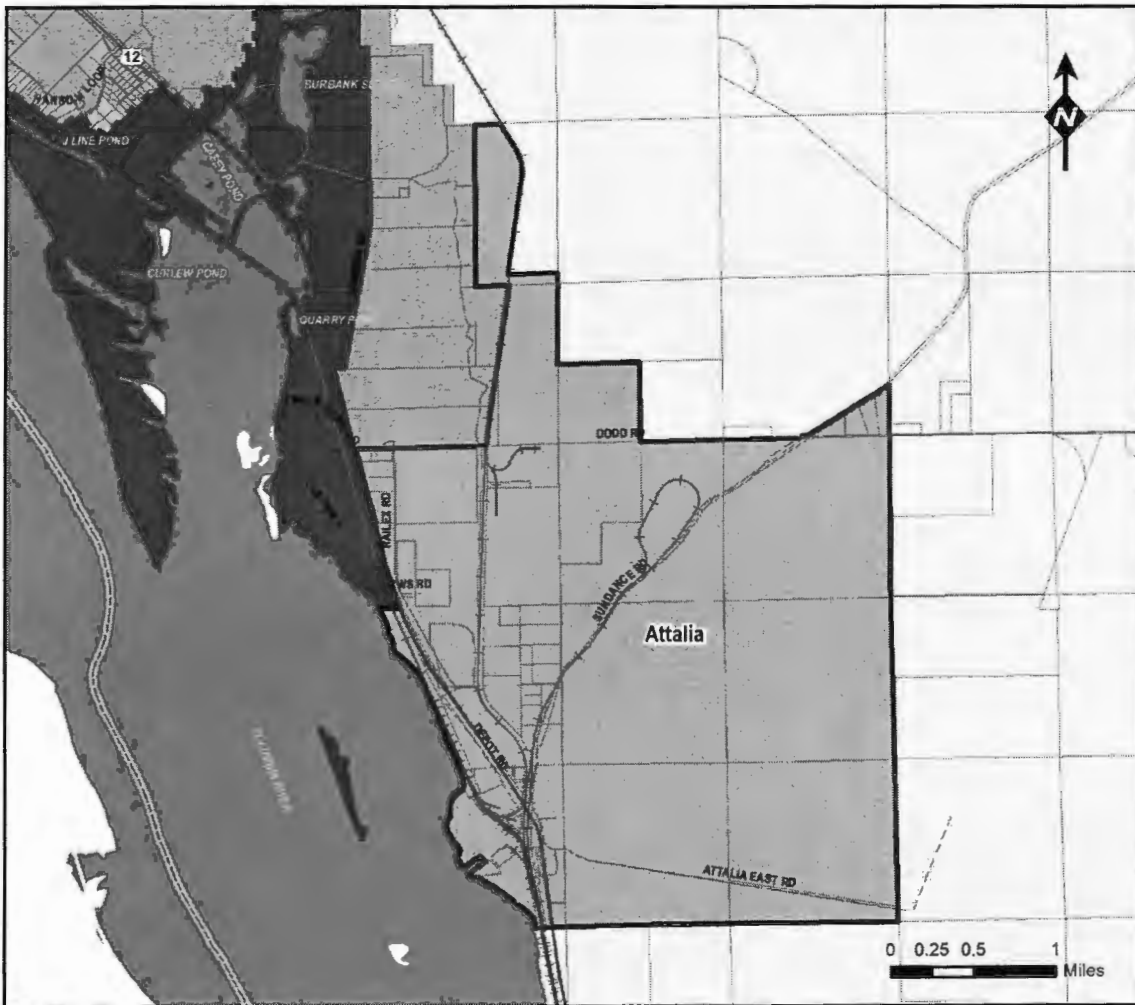
County Land Use



ROADS		BOUNDARIES		Urban		Rural	
	HIGHWAYS		URBAN GROWTH AREA		PUBLIC RESERVE		PUBLIC RESERVE
	PUBLIC ROADS		BURBANK RURAL ACTIVITY CENTER		AIRPORT		LAMIRO
	PRIVATE ROADS		CITY LIMITS		COMMERCIAL		RURAL RESIDENTIAL 5
	RAILROADS		COUNTY BOUNDARY		INDUSTRIAL		RURAL RESIDENTIAL 2-5 (BURBANK RAC)
	RIVERS/STREAMS	LAND USE DESIGNATIONS			RESIDENTIAL SINGLE FAMILY		RURAL RESIDENTIAL MILL CREEK
Resource					LOW DENSITY RESIDENTIAL		RURAL ACTIVITY CENTER
	EXCLUSIVE AGRICULTURE		PRIMARY AGRICULTURE		MEDIUM DENSITY RESIDENTIAL		RURAL FARM WORKER COMMUNITY
	GENERAL AGRICULTURE		AGRICULTURE RESIDENTIAL		MULTIPLE FAMILY RESIDENTIAL		RURAL REMOTE
					MASTER PLANNED COMMUNITY		RURAL AGRICULTURE

County Land Use

Attalia Industrial Area



ROADS

- HIGHWAYS
- PUBLIC ROADS
- PRIVATE ROADS
- RAILROADS
- RIVERS/STREAMS

BOUNDARIES

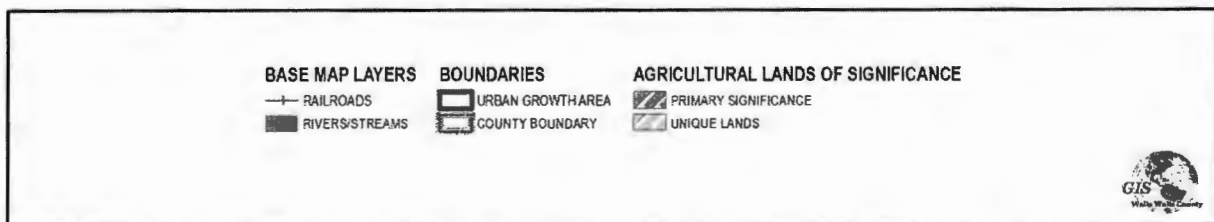
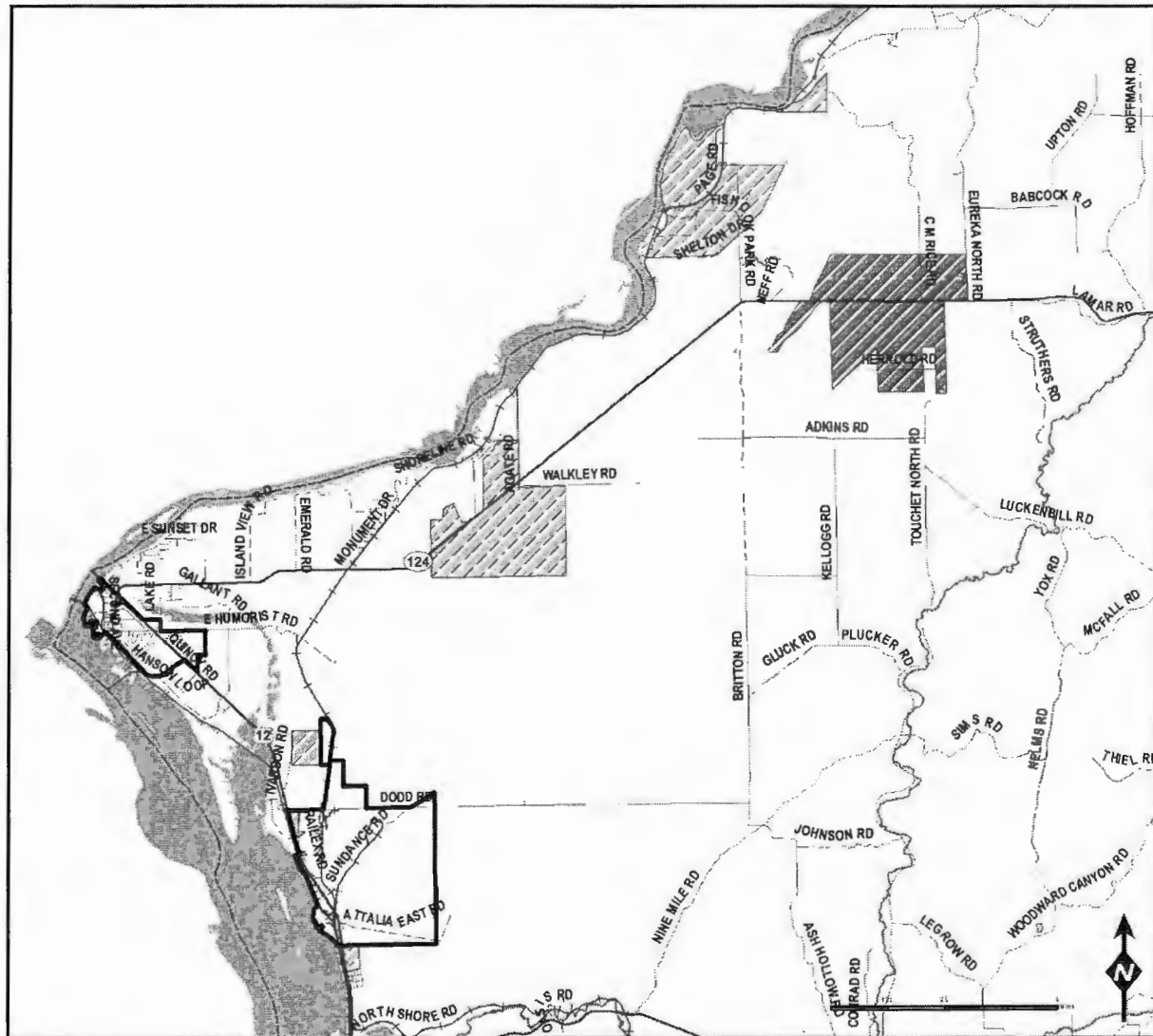
- URBAN GROWTH AREA
- BURBANK RURAL ACTIVITY CENTER
- TAXLOTS
- COUNTY BOUNDARY

LAND USE DESIGNATIONS

- AGRICULTURE RESIDENTIAL
- INDUSTRIAL
- PRIMARY AGRICULTURE
- PUBLIC RESERVE
- RURAL AGRICULTURE
- RURAL RESIDENTIAL 2-5 (BURBANK RAC)

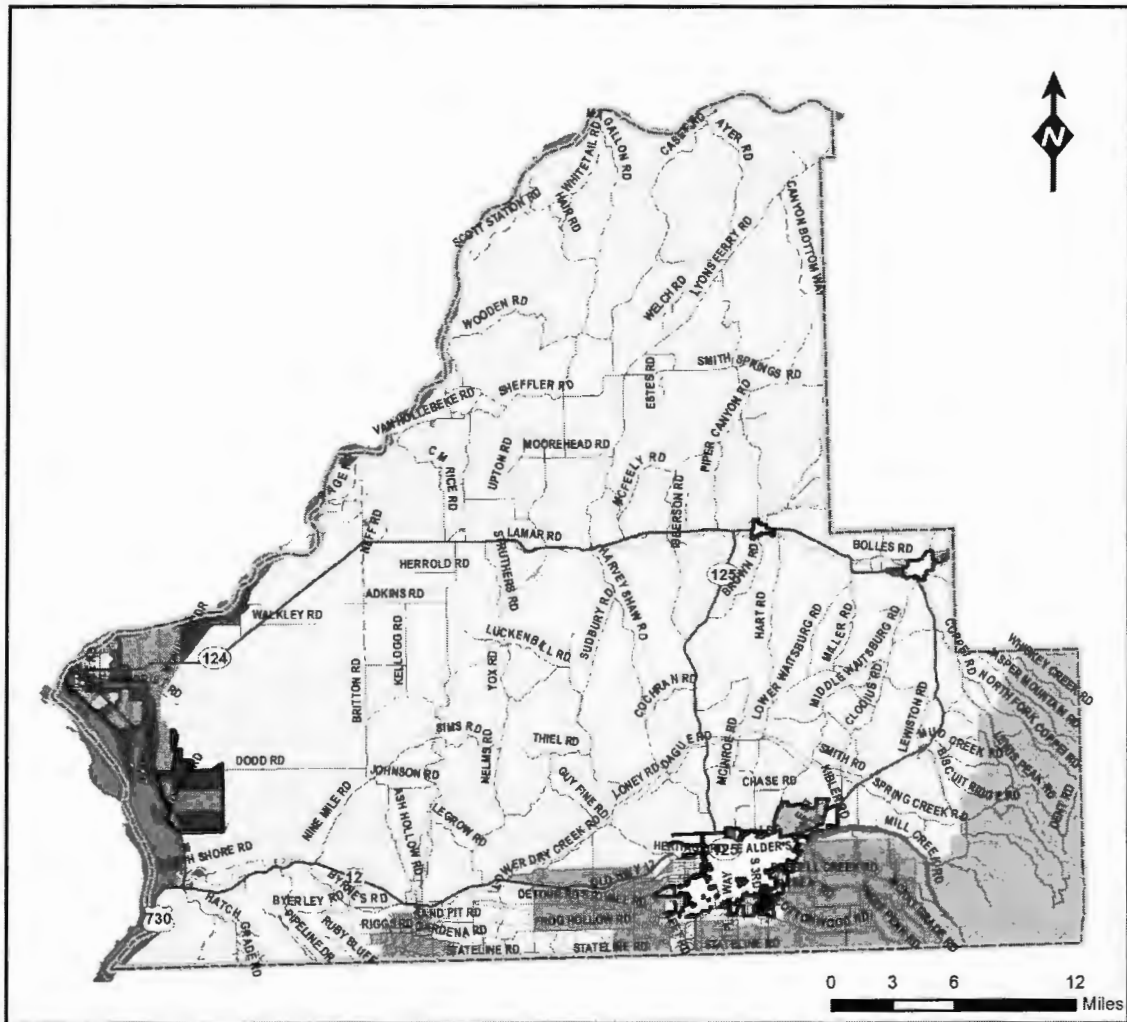
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Lands of Primary Significance and Unique Lands, Western County



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County Zoning



BASE MAP LAYERS

- RAILROADS
- HIGHWAYS
- PUBLIC ROADS
- PRIVATE ROADS
- RIVERS/STREAMS
- URBAN GROWTH AREA
- BURBANK RURAL ACTIVITY CENTER
- COUNTY BOUNDARY

ZONING DISTRICTS

- AGRICULTURE RESIDENTIAL 10
- AIRPORT DEVELOPMENT
- BURBANK COMMERCIAL
- BURBANK RESIDENTIAL
- EXCLUSIVE AGRICULTURE 120
- GENERAL AGRICULTURE 20
- GENERAL COMMERCIAL
- HEAVY INDUSTRIAL
- INDUSTRIAL AGRICULTURE HEAVY
- INDUSTRIAL AGRICULTURE MIXED
- INDUSTRIAL/BUSINESS PARK
- LIGHT INDUSTRIAL
- MULTIPLE FAMILY RESIDENTIAL
- NEIGHBORHOOD COMMERCIAL
- PRIMARY AGRICULTURE 40

PUBLIC RESERVE

- R-60 SINGLE-FAMILY RESIDENTIAL
- R-72 SINGLE-FAMILY RESIDENTIAL
- R-96 SUBURBAN RESIDENTIAL
- RURAL ACTIVITY CENTER
- RURAL AGRICULTURE 10
- RURAL AGRICULTURE 5
- RURAL DEVELOPMENT - COMMERCIAL/INDUSTRIAL
- RURAL DEVELOPMENT - RESIDENTIAL
- RURAL FARMWORKER COMMUNITY
- RURAL REMOTE 20
- RURAL REMOTE 40
- RURAL RESIDENTIAL 2
- RURAL RESIDENTIAL 5
- RURAL RESIDENTIAL MILL CREEK 5
- URBAN PLANNED COMMUNITY

Print Date: 12/21/2017

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

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

ORDINANCE NO. 469

DENYING A REQUEST BY ROBERTA CAVALLI FOR SITE-SPECIFIC APPLICATIONS TO CHANGE THE LAND USE DESIGNATION FROM AGRICULTURE RESIDENTIAL TO RURAL RESIDENTIAL 5, AND REZONE A 18.27-ACRE PARCEL AT THE INTERSECTION OF WALLULA AVENUE AND MCKINNEY ROAD FROM AR-10 TO RR-5 (APN 350727420010)

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, the Growth Management Act requires that updates, amendments, or revisions to the comprehensive plan may not be considered more frequently than once a year except for certain limited circumstances.

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 December 19, 2016, pursuant to Walla Walla County Code (WWCC) Title 14, the Board of County Commissioners established the criteria and deadline (March 31, 2017) for applications to be included on the 2017 Preliminary Docket of Comprehensive Plan and development regulations amendments.
2. On March 30, 2017, the Walla Walla County Community Development Department received applications from Roberta Cavalli to amend the County's zoning map and the Comprehensive Plan land use map.
3. The subject property currently has a land use designation of Agriculture Residential and is zoned Agriculture Residential 10-acres (AR-10). The applicant proposed to change the land use and zoning to Rural Residential 5. The property is about 18.27-acres and is located at the southwest corner of the intersection of Wallula Avenue and McKinney Road (APN 350727420010).
4. On May 3, 2017, the Planning Commission reviewed the amendment applications and background materials in an open public meeting.

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5. On May 22, 2017, a Notice of Public Hearing was posted on the Community Development Department website.
6. On May 24, 2017, a Notice of Public Hearing was mailed to the applicant.
7. On May 25, 2017, a Notice of Public Hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin and the Tri-City Herald.
8. On June 1, 2017, the Planning Commission held a public hearing to consider the proposed amendments and whether they should be included on the 2017 Final Docket; the only member of the public who provided testimony was the applicant's representative.
9. On June 1, 2017, after conducting a public hearing, the Planning Commission voted 3-2, with two members absent, to recommend to the Board of County Commissioners that the application be placed on the 2017 Final Docket.
10. On June 20, 2017, the Chairman of the Planning Commission signed Planning Commission Resolution 17-03, which documented the Planning Commission's recommendation from June 1, 2017.
11. On June 26, 2017, the Board of County Commissioners reviewed the amendment application and the Planning Commission's recommendation in an open public meeting.
12. 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 the Roberta Cavalli applications (CPA17-001 and REZ17-001).
13. On August 2, 2017, the Planning Commission reviewed and discussed the amendment applications and background materials in workshop meeting, which was open to the public.
14. On August 31, 2017, the Department of Commerce acknowledged receiving the proposed amendment.
15. On September 19, 2017, a SEPA Determination of Non-significance was issued by the Community Development Director. No appeal was filed.
16. On September 19, 2017, a Notice of Informational Public Meeting and Public Hearing was published on the Community Development Department website.
17. On September 20, 2017 a Notice of Informational Public Meeting and Public Hearing was mailed to parties of record and to property owners of record located within 500-feet of the property.

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18. On September 21, 2017, a Notice of Informational Public Meeting and Public Hearing was published in the Waitsburg Times and Tri-City Herald.
19. On September 22, 2017, a Notice of Informational Public Meeting and Public Hearing was published in the Walla Walla Union Bulletin and Tri-City Herald.
20. On October 4, 2017, an Informational Public Meeting was held by Community Development Department staff.
21. On October 4, 2017, a public hearing was held by the Planning Commission. The only testimony at the public hearing was from the Applicant's representative, Mr. Greg Flowers.
22. On October 4, 2017, after closing the public hearing, the Planning Commission voted 4-3 to recommend denial of the application by the Board of County Commissioners. This recommendation was documented in Planning Commission Resolution No. 17-04 which was signed by the Chairman of the Planning Commission on October 30, 2017. The resolution states that that "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."
23. On October 9, 2017, the Growth Management Services division of the Washington State Department of Commerce submitted a comment letter to the County. The letter states that "counties should not review natural resource lands designations in an isolated fashion... the request is inconsistent with the recommended process to review designated natural resource lands under the GMA... 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."
24. On October 31, 2017, Community Development Department Staff presented the Planning Commission's recommendations to the Board of County Commissioners in a workshop meeting.
25. On November 7, 2016, the Board of County Commissioners adopted Resolution 17-292, setting a public hearing on this application for November 27, 2017.
26. A Notice of Public Hearing was issued by the Community Development Department. This notice was published, posted and mailed as required by WWCC Title 14, however, the notice listed the wrong time for the hearing.
27. On November 27, 2017, the Board of County Commissioners held a Public Hearing as required by WWCC 14.10.070C(2) and 14.15.070C(2). Staff presented the Planning Commission's recommendation that the Board of County Commissioners deny the applications by Roberta Cavalli. There was testimony in support of the application from the Applicant's representative. One written public comment letter opposing the applications was also provided to the Board.

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Because of the public notice error, the Board continued the public hearing to allow for another hearing to be scheduled.

28. A continued public hearing was scheduled for December 12, 2017.
29. On November 29, 2017, a Notice of Public Hearing for the continued public hearing was mailed to parties of record and property owners of record within 500-feet of the property. This notice was emailed to the applicant on November 28, and published in the Walla Walla Union Bulletin and Waitsburg Times on November 30. The notice was published on the Community Development Department website on November 29 and in the Tri-City Herald on December 1. On November 29, the notice was published on the property.
30. On December 12, 2017, the Board of County Commissioners held the continued Public Hearing. There was testimony in support of the application from the Applicant's representative; no other members of the public spoke at the hearing.
31. On December 12, 2017, after closing the public hearing, the Board of County Commissioners voted unanimously to concur with the Planning Commission's recommendation to deny the amendments and to direct staff to prepare an ordinance for adoption.

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

1. With regard to the Comprehensive Plan amendment criteria in WCCC 14.10.070(B)(3):
 - a. *The amendment meets a definable public need; and*
Discussion: In its recommendation, the Planning Commission was unable to identify a clear public need for changing the land use and zoning on this property. The Board concurs. The applicant presented that the proposal will provide an opportunity to create small 5-acre farms and that allowing the creation of 5-acre rural lots will provide a buffer between rural and resource lands; the applicant presented that this meets a public need. There is already zoning and land use designations in place elsewhere in the County that provides such buffers and opportunities for 5-acres rural lots to be created.
 - 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***Discussion:** As stated above, the Board has not found there to be an identifiable public need to support approval of the application. No error in development of the Comprehensive Plan has been identified. The Board concurs with the Planning Commission's recommendation.
 - c. *The defined need conforms to the policy directives of the comprehensive plan and countywide planning policies; and*
Discussion: As stated above, the Board has not found there to be an identifiable public need to support approval of the application. The Board concurs with the Planning Commission's recommendation.

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- 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*

Discussion: The applications would not require amendment of policies or other areas of the Comprehensive Plan.

- 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.*

Discussion: The Growth Management Services division of the Washington State Department of Commerce stated in their letter that "... the request is inconsistent with the recommended process to review designated natural resource lands under the GMA... 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 Board concurs with the recommendation of the Planning Commission and the Department of Commerce and concludes that the applications are not consistent with the Growth Management Act.

2. With regard to the site-specific land use map amendment criteria in WWCC 14.10.070(B)(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*

Discussion: The subject property was not found to be unsuitable for development under the proposed rural designation.

- b. *The proposed site-specific amendment will not create pressure to change the land use designation of other properties in the area and*

Discussion: It is unknown whether the proposed amendments would create pressure to change the land use designation of nearby or adjacent properties; however, the Board finds that there is a possibility that it would happen. The Planning Commission expressed concerns that it is likely that the application would result in such pressure. The applicant presented that one reason this proposal should be approved is that the adjacent Muro property was rezoned in 2009 to Rural Residential 5. If the rezone of the adjacent property created pressure to rezone the subject property, it is possible the current rezone proposal could result in the same type of pressure on other properties.

- 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.*

Discussion: The Board does not find that the proposed amendments would be likely to adversely affect the adequacy of existing or planned public facilities and services in the area.

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3. With regard to the rezone criteria in WWCC 14.15.070(B)(3):
- a. Criteria: The amendment is consistent with the comprehensive plan; and
Discussion: As the proposed Comprehensive Plan land use map amendments are denied, based on the criteria in WWCC Chapter 14.10 stated above, then the proposed rezone is inconsistent with the Comprehensive Plan.
 - b. Criteria: The amendment meets a definable public need; and
Discussion: As stated above, Board has not found the amendments to meet a definable public need.
 - c. Criteria: The amendment is in the long term interest of the County.
Discussion: The amendment does not appear to be in the long-term interest of the County at this time. The property has been used for onion production in the past, with other crops during rotation years. The property has a surface water irrigation right for 17.2-acres. The property is currently designated as agricultural land of long-term commercial significance and the Board has not found it to be in the long-term interest of the County to de-designate it. If these amendments were approved, it could result in transferring viable agricultural resource land to a higher density, rural type development.
4. With regard to the rezone criteria in WWCC 14.09.010(B):
1. Criteria: 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
Discussion: The Board did not find the proposal to be consistent with the goals and policies of the Comprehensive Plan.
 2. Criteria: 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
Discussion: The Community Development Director has issued a SEPA Determination of Non-Significance on the proposal as required until Title 18. The property is not within jurisdiction of the Shoreline Master Program. The proposal is not inconsistent with Title 16 or Title 18. However, the Board has found the proposal to be inconsistent with the Growth Management Act and the County's Comprehensive Plan.
 3. Criteria: Is not materially detrimental to uses or property in the immediate vicinity of the proposed rezone and to the general public; and
Discussion: The Board did not find that the proposal would be materially detrimental to uses or property in the immediate vicinity although the rezone would make it possible for the property to be developed with non-resource uses, which may be more intensive.

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4. Criteria: Does not create excessive additional requirements at public cost for public facilities and services; and

Discussion: The Board did not find that the proposal would create any immediate requirements for public facilities or services although the rezone would make it possible for the property to be developed with non-resource uses, which may be more intensive.

5. Criteria: 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.

Discussion: The proposal is not necessary to achieve consistency with the Comprehensive Plan and it is not necessary to meet employment or population projections. Lastly, the Board has not found there to be "substantial or material changes not anticipated or contemplated when the zoning and/or subarea plan was last adopted." The Board concurs with the Planning Commission; these criteria have not been met.

- 5. As described above, the proposed amendments have been reviewed pursuant to Walla Walla County Code Sections 14.10.070B(3), 14.10.070(B)(4), 14.15.070B(3), and 14.090.010(B). The Board concludes that the proposed amendments are not consistent with these criteria.
- 6. The proposed amendments are not consistent with Walla Walla County's Comprehensive Plan at this time.
- 7. As proposed, the amendments are not likely to have a significant adverse impact on public welfare and safety.
- 8. The proposed amendment is not in compliance with RCW 36.70A at this time.

Section III. Denial of the proposed zoning and land use map amendments.

Based on its review of the requirements of RCW 36.70A and the Walla Walla County Code, the proposed amendment prepared by the applicant, staff analysis, and the recommendation by the Planning Commission, the Board of County Commissioners hereby denies Comprehensive Plan amendment application CPA17-001 and rezone application REZ17-001.

Section IV. Effective Date and Savings.

This Ordinance is effective upon signing.

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Section V. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section VI. Publication.

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

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 26th day of December 2017.

Attest:

Diane L. Harris, Acting 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

Draft

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

ORDINANCE NO. 470

DENYING A REQUEST BY BRENT KNOWLES TO AMEND WALLA WALLA COUNTY CODE CHAPTER 17.31, DEVELOPMENT STANDARDS – CLUSTER DEVELOPMENTS ON RESOURCE LANDS.

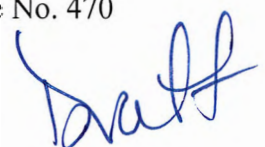
WHEREAS, RCW 36.70A.470 requires that the County include a procedure for any interested person to suggest amendments to the comprehensive plan or development regulations, and that the amendments must be docketed and considered on at least an annual basis.

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 December 19, 2016, pursuant to Walla Walla County Code (WWCC) Title 14, the Board of County Commissioners established the criteria and deadline (March 31, 2017) for applications to be included on the 2017 Preliminary Docket of Comprehensive Plan and development regulations amendments.
2. On March 31, 2017, the Walla Walla County Community Development Department received an application from Brent Knowles to amend Walla Walla County Code Chapter 17. 31 – Cluster Developments on Resource Lands.
3. The application included several different amendments to Chapter 17.31, including:
 - a. Amend Section 17.31.020(F) to allow for the creation of 20-acre lots in the AR-10 district. Currently, with an exception for the creation of 160-acre lots, all subdivisions in the AR-10 zone must be cluster developments.
 - b. Amend Section 17.31.060(H) to reduce the amount of land in a cluster subdivision in the AR-10 zone that must be reserved for resource uses from 85% to 70%.
 - c. Amend Section 17.31.060(O) to increase maximum allowable size of cluster/residential lots in a cluster subdivision from 3-acres to 5-acres.
 - d. Amend Section 17.31.060(P) to increase the maximum allowable average of cluster/residential lots in a cluster subdivision from 2-acres to 3-acres.
 - e. Amend Section 17.31.060(X) to correct a scrivener's error in the name of the AR-10 zone and add new provisions for the transfer of cluster lot density and resource land reservations. Secondly, this section already contains provisions for the transfer of



cluster lot density between contiguous parcels in common ownership. The proposed amendments would clarify the existing provisions for transferring density and add provisions to allow for reservations of resource land in a cluster subdivision that includes a density transfer that could count toward a cluster development on the receiving (separated) parcel.

4. On May 3, 2017, the Planning Commission reviewed the amendment application and background materials in an open public meeting.
5. On May 22, 2017, a Notice of Public Hearing was posted on the Community Development Department website.
6. On May 24, 2017, a Notice of Public Hearing was mailed to the applicant.
7. On May 25, 2017, a Notice of Public Hearing was published in the Waitsburg Times, the Walla Walla Union Bulletin and the Tri-City Herald.
8. On June 1, 2017, the Planning Commission held a public hearing to consider the proposed amendments and whether they should be included on the 2017 Final Docket; the only members of the public who provided testimony was the applicant and his representative.
9. On June 1, 2017, after conducting a public hearing, the Planning Commission voted unanimously to recommend to the Board of County Commissioners that the application be placed on the 2017 Final Docket.
10. On June 20, 2017, the Chairman of the Planning Commission signed Planning Commission Resolution 17-03, which documented the Planning Commission's recommendation from June 1, 2017.
11. On June 26, 2017, the Board of County Commissioners reviewed the amendment application and the Planning Commission's recommendation in an open public meeting.
12. 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 the Brent Knowles application (ZCA17-002).
13. On August 2, 2017, the Planning Commission reviewed and discussed the amendment applications and background materials in workshop meeting, which was open to the public.
14. On August 31, 2017, the Department of Commerce acknowledged receiving the proposed amendment.
15. On September 6, 2017, the Planning Commission reviewed and discussed the amendment applications and background materials in workshop meeting, which was open to the public.

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16. On September 19, 2017, SEPA Determination of Non-significance was issued by the Community Development Director. No appeal was filed.
17. On September 19, 2017, a Notice of Informational Public Meeting and Public Hearing was published on the Community Development Department website.
18. On September 20, 2017 a Notice of Informational Public Meeting and Public Hearing was mailed to parties of record.
19. On September 21, 2017, a Notice of Informational Public Meeting and Public Hearing was published in the Waitsburg Times and Tri-City Herald.
20. On September 22, 2017, a Notice of Informational Public Meeting and Public Hearing was published in the Walla Walla Union Bulletin and Tri-City Herald.
21. On October 4, 2017 an Informational Public Meeting was held by Community Development Department staff.
22. On October 4, 2017 a public hearing was held by the Planning Commission. The Planning Commission heard testimony from the Applicant's representative and two other members of the public, one opposed and one neutral.
23. On October 4, 2017, after closing the public hearing, the Planning Commission voted 5-2 to recommend denial of the application by the Board of County Commissioners. This recommendation was documented in Planning Commission Resolution No. 17-04 which was signed by the Chairman of the Planning Commission on October 30, 2017. The resolution states that that "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."
24. On October 9, 2017, the Growth Management Services division of the Washington State Department of Commerce submitted a comment letter to the County. The letter states that "the proposed amendments... do not appear to comply with the requirements for conserving natural resource lands outlined in WAC 365-196-815." The letter also stated that the net impact of the proposed changes to increase the size of residential lots in a cluster subdivision would be to reduce the land available for agriculture in large parcels.
25. On October 26, 2017, the applicant submitted a letter to the County which proposed to amend the application to modify the proposed amendments to WWCC 17.31.060(H). The proposed modification withdrew the applicant's proposal to reduce the amount of land in the AR-10 zone required to be reserved for resource uses and added a provision that would allow the County to include portions of residential lots within a cluster subdivision in calculating the

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amount of land reserved for resource use, provided that the owner imposed conditions and restrictions on the development through a recorded instrument.

26. On October 31, 2017, Community Development Department Staff presented the Planning Commission's recommendations to the Board of County Commissioners in a workshop meeting.
27. On November 7, 2016, the Board of County Commissioners adopted Resolution 17-292, setting a public hearing on this application for November 27, 2017.
28. A Notice of Public Hearing was issued by the Community Development Department. This notice was published and mailed as required by WWCC Title 14, however, the notice listed the wrong time for the hearing.
29. On November 27, 2017, the Board of County Commissioners held a Public Hearing as required by 14.15.070C(2). Staff presented the Planning Commission's recommendation that the Board of County Commissioners deny the application by Brent Knowles. There was testimony in support of the application from the Applicant's representative. Because of the public notice error, the Board continued the public hearing to allow for another hearing to be scheduled.
30. A continued public hearing was scheduled for December 12, 2017.
31. On November 29, 2017, a Notice of Public Hearing for the continued public hearing was mailed to parties of record. This notice was emailed to the applicant on November 28, and published in the Walla Walla Union Bulletin and Waitsburg Times on November 30. The notice was published on the Community Development Department website on November 29 and in the Tri-City Herald on December 1.
32. On December 12, 2017, the Board of County Commissioners held the continued Public Hearing. There was testimony in support of the application from the Applicant's representative and one member of the public spoke in opposition to the proposal. The Board also considered written comments opposing the application.
33. On December 12, 2017, after closing the public hearing, the Board of County Commissioners voted unanimously to concur with the Planning Commission's recommendation to deny the amendments and to direct staff to prepare an ordinance for adoption.

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

1. With regard to the criteria in WWCC 14.15.070(B)(3):
 - a. Criteria: The amendment is consistent with the comprehensive plan; and
Discussion: Cluster developments are a type of innovative zoning technique supported by the Comprehensive Plan and Growth Management Act to allow for efficient development and use of agricultural land which provides flexibility to land owners and supports the agricultural economy. According to the Comprehensive Plan (Page 6-27), "cluster

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developments will be strictly managed and designed to conserve agricultural lands and to encourage the agricultural economy.” The proposed amendments would increase the allowed size of residential lots within a cluster subdivision; this is not necessary to conserve agricultural land and is inconsistent with the Comprehensive Plan. Although the applicant proposed that agricultural uses may occur on the residential lots, and that restrictions could be imposed through the development review process, the Board does not find that these changes are consistent with Comprehensive Plan. The Board concurs with the Planning Commission and Department of Commerce and finds that the existing regulations better implement the Comprehensive Plan.

b. Criteria: The amendment meets a definable public need; and

Discussion: The Board of County Commissioners concurs with the Planning Commission and has not found that the application meets a definable public need. At this time, the Board finds that the existing cluster development regulations in Chapter 17.31 adequately meet the public need to conserve and protect agricultural lands of long-term commercial significance and the County’s agricultural economy.

c. Criteria: The amendment is in the long term interest of the County.

Discussion: The applicant presented that the proposal is in the long-term interest of the County in that it will increase opportunities for County farmers to implement diverse farming operations and enhance the agricultural economy. The Board concurs with the Planning Commission that the proposal is not in the long-term interest of the County. The proposal will increase the allowed sizes of residential lots within a cluster subdivision, and thereby reduce the amount of commercially significant agricultural land reserved in larger tracts. Residential lots, ranging in size from 1 to 5 acres and containing a home, are not likely to be *commercially* viable farms. The Board also finds that these changes are likely to be difficult to enforce. The Board also concurs with the recommendations of the Department of Commerce who stated in their October 26, 2017 letter that “the proposed amendments seem to focus on further encouraging the rural development patterns on or adjacent to resource lands, rather than conserving agricultural resource lands as required under the Growth Management Act (GMA).” It is in the long-term interest of the County to retain, and not modify, the existing cluster development standards, which do serve the long-term interest of the County by conserving agricultural lands and encouraging the agricultural economy.

2. The proposed amendments have been reviewed pursuant to Walla Walla County Code Sections 14.15.070(B)(3). The Board concludes that the proposed amendments are not consistent with these criteria.
3. The proposed amendments are not consistent with Walla Walla County’s Comprehensive Plan at this time.
4. The proposed amendment is not in compliance with RCW 36.70A at this time, as it appears that it will negatively impact agricultural land of long-term commercial significance.

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Section III. Denial of the proposed zoning code text amendments.

Based on its review of the requirements of RCW 36.70A and the Walla Walla County Code, the proposed amendments prepared by the applicant, staff analysis, and the recommendation by the Planning Commission, the Board of County Commissioners hereby denies zoning code text amendment application ZCA17-002.

Section IV. Effective Date and Savings.

This Ordinance is effective upon signing.

Section V. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section VI. Publication.

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

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 26th day of December 2017.

Attest:

Diane L. Harris, Acting 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

Draft

10:15

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) 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))

10:30

COUNTY COMMISSIONERS

- a) 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.